

**As Reported by the Committee of Conference**

**127th General Assembly**

**Regular Session**

**2007-2008**

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

**Representative Dolan**

**Cosponsors: Representatives Peterson, McGregor, R., Hottinger, Bacon, Evans, Hite, Budish, Strahorn, Yates, Chandler, Stewart, D., Boyd, Hagan, R., Skindell, Brown, Bolon, Adams, Aslanides, Barrett, Beatty, Blessing, Bulp, Celeste, Collier, Combs, DeBose, DeGeeter, Domenick, Fende, Flowers, Gibbs, Goodwin, Goyal, Hagan, J., Harwood, Healy, Heard, Jones, Koziura, 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, Austria, Boccieri, Cates, Goodman, Harris, Jacobson, Miller, R., Spada, Stivers, Mumper, Faber, Wilson, Mason, Fedor, Smith, Sawyer, Schaffer, Cafaro, Amstutz, Grendell, Gardner**

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necessary; and to terminate operation of section 206  
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repealing the section on that date. 208  
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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 101.01.** That sections 9.821, 9.822, 9.823, 9.83, 213  
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5751.21, 5751.23, 5907.15, 6109.21, 6111.04, 6111.44, 6119.06,	291
6121.04, and 6131.23 be amended; sections 1521.20 (1506.38),	292
1521.21 (1506.39), 1521.22 (1506.40), 1521.23 (1506.41), 1521.24	293
(1506.42), 1521.25 (1506.43), 1521.26 (1506.44), 1521.27	294
(1506.45), 1521.28 (1506.46), 1521.29 (1506.47), 1521.30	295
(1506.48), 3323.011 (3323.013), 3702.63 (3702.591), 3702.68	296
(3702.59), 5101.521 (9.15), 5111.95 (5111.033), 5111.96	297
(5111.034), and 5126.057 (5126.0511) be amended for the purpose of	298
adopting new section numbers as indicated in parentheses; and new	299
sections 3318.47, 3323.01, 3323.011, 3323.06, 3323.08, 3323.11,	300
3704.14, 5101.521, and 5123.16 and sections 5.2235, 109.521,	301
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5126.0510, 5126.0512, 5302.221, 5309.082, 5533.531, 5533.632, 332  
5533.91, 5703.058, 5705.219, 5733.48, 5739.029, 5739.124, 333  
5739.213, 5740.10, 5741.122, 5747.77, 5748.022, 5907.16, and 334  
6111.0381 of the Revised Code be enacted to read as follows: 335  
336

Sec. 5.2235. The month of May is designated as "Nutrition and 337

Physical Fitness Month" to increase public awareness of the 338  
paramount roles that nutrition and physical fitness play in 339  
promoting a healthy lifestyle for all of the citizens of this 340  
state. 341

**Sec. ~~5101.521~~ 9.15.** When the body of a dead person is found 342  
in a township or municipal corporation, and such person was not an 343  
inmate of a correctional, benevolent, or charitable institution of 344  
this state, and the body is not claimed by any person for private 345  
interment or cremation at the person's own expense, or delivered 346  
for the purpose of medical or surgical study or dissection in 347  
accordance with section 1713.34 of the Revised Code, it shall be 348  
disposed of as follows: 349

(A) If the person was a legal resident of the county, the 350  
proper officers of the township or municipal corporation in which 351  
the person's body was found shall cause it to be buried or 352  
cremated at the expense of the township or municipal corporation 353  
in which the person had a legal residence at the time of death. 354

(B) If the person had a legal residence in any other county 355  
of the state at the time of death, the superintendent of the 356  
county home of the county in which such body was found shall cause 357  
it to be buried or cremated at the expense of the township or 358  
municipal corporation in which the person had a legal residence at 359  
the time of death. 360

(C) If the person was an inmate of a correctional institution 361  
of the county or a patient or resident of a benevolent institution 362  
of the county, the person had no legal residence in the state, or 363  
the person's legal residence is unknown, the superintendent shall 364  
cause the person to be buried or cremated at the expense of the 365  
county. 366

Such officials shall provide, at the grave of the person or, 367  
if the person's cremated remains are buried, at the grave of the 368

person's cremated remains, a stone or concrete marker on which the 369  
person's name and age, if known, and date of death shall be 370  
inscribed. 371

A political subdivision is not relieved of its duty to bury 372  
or cremate a person at its expense under this section when the 373  
body is claimed by an indigent person. 374

**Sec. 9.821.** (A) The department of administrative services 375  
shall direct and manage for state agencies all risk management and 376  
insurance programs authorized under section 9.822 of the Revised 377  
Code. 378

(B) The office of risk management is hereby established 379  
within the department of administrative services. The director of 380  
administrative services, or a deputy director appointed by the 381  
director, shall control and supervise the office. 382

(C) The office may take any of the following actions that it 383  
determines to be in the best interests of the state: 384

(1) Provide all insurance coverages for the state, including, 385  
but not limited to, automobile liability, casualty, property, 386  
public liability, and, ~~except as provided in division (C)(6) of~~ 387  
~~this section,~~ fidelity bond insurance bonding. The cost of 388  
insurance coverage shall be paid from appropriations made to the 389  
state agencies that the office has designated to receive the 390  
coverage. 391

(2) Provide coverage of legal expenses that are necessary and 392  
related to the legal defense of claims against the state; 393

(3) Purchase insurance policies consistent with sections 394  
125.01 to 125.111 of the Revised Code, develop and administer 395  
self-insurance programs, or do both; 396

(4) Consolidate and combine state insurance coverages; 397

(5) Provide technical services in risk management and 398

insurance to state agencies; 399

~~(6)(a) Establish and administer a self-insured fidelity bond 400  
program for a particular class or subclass of state officer, 401  
employee, or agent, if, prior to the establishment and 402  
administration of this program, the director does both of the 403  
following: 404~~

~~(i) Holds a hearing in accordance with Chapter 119. of the 405  
Revised Code to determine whether fidelity bond insurance for that 406  
particular class or subclass of state officer, employee, or agent 407  
is available in the voluntary market; 408~~

~~(ii) If, as a result of that hearing, the director determines 409  
that fidelity bond insurance for a particular class or subclass of 410  
state officer, employee, or agent is unavailable in the voluntary 411  
market and that the absence of this insurance threatens the 412  
operation of state government and will be detrimental to the 413  
general welfare of the citizens of this state, adopts rules in 414  
accordance with Chapter 119. of the Revised Code to establish 415  
standards and procedures governing the establishment, 416  
administration, and termination of the fidelity bond program for 417  
that particular class or subclass of state officer, employee, or 418  
agent. 419~~

~~(b) Division (C)(6)(a) of this section does not apply to any 420  
self-insured blanket fidelity bond program that, on September 20, 421  
1993, has been established pursuant to section 9.831 of the 422  
Revised Code. 423~~

~~(7) Except as provided in division (C)(6) of this section, 424  
adopt Adopt and publish, in accordance with section 111.15 of the 425  
Revised Code, necessary rules and procedures governing the 426  
administration of the state's insurance and risk management 427  
activities. 428~~

(D) No state agency, except a state agency exempted under 429

section 125.02 or 125.04 of the Revised Code from the department's 430  
purchasing authority, shall purchase any insurance described in 431  
this section except as authorized by the department, when the 432  
office of risk management determines that the purchase is in the 433  
best interest of the state pursuant to division (C)(1) of this 434  
section, and in accordance with terms, conditions, and procurement 435  
methods established by the department. 436

(E) With respect to any civil action, demand, or claim 437  
against the state that could be filed in the court of claims, 438  
nothing in sections 9.82 to 9.823 of the Revised Code shall be 439  
interpreted to permit the settlement or compromise of those civil 440  
actions, demands, or claims, except in the manner provided in 441  
Chapter 2743. of the Revised Code. 442

**Sec. 9.822.** (A) The department of administrative services 443  
through the office of risk management shall establish an insurance 444  
plan or plans that may provide for self-insurance or the purchase 445  
of insurance, or both, for ~~any~~ either of the following purposes: 446

(1) Insuring state real and personal property against losses 447  
occasioned by fire, windstorm, or other accidents and perils; 448

(2) Insuring the state and its officers and employees against 449  
liability resulting from any civil action, demand, or claim 450  
against the state or its officers and employees arising out of any 451  
act or omission of an officer or employee in the performance of 452  
official duties, except acts and omissions for which 453  
indemnification is prohibited under section 9.87 of the Revised 454  
Code. 455

~~(3) Insuring~~ (B) The department of administrative services 456  
through the office of risk management shall establish one or more 457  
insurance plans that provide for the purchase of insurance for the 458  
purpose of insuring the state through the fidelity bonding of 459  
state officers, employees, and agents who are required by law to 460

provide a fidelity bond. Nothing in this section shall be 461  
construed to allow the department of administrative services 462  
through the office of risk management to administer the state's 463  
fidelity bonding program through a program of self-insurance. 464

~~(B)(1) Prior to the establishment of any self insured~~ 465  
~~fidelity bond program for a particular class or subclass of state~~ 466  
~~officer, employee, or agent authorized pursuant to division (A)(3)~~ 467  
~~of this section, the director of administrative services shall~~ 468  
~~follow the procedures for holding a hearing and adopting rules set~~ 469  
~~forth in division (C)(6)(a) of section 9.821 of the Revised Code.~~ 470

~~(2) Division (B)(1) of this section does not apply to any~~ 471  
~~self-insured blanket fidelity bond program that, on September 20,~~ 472  
~~1993, has been established pursuant to section 9.831 of the~~ 473  
~~Revised Code.~~ 474

~~(3) The director shall prepare annually a written report~~ 475  
~~detailing any self insured fidelity bond program established~~ 476  
~~pursuant to division (A)(3) of this section. The report shall~~ 477  
~~include, but is not limited to, information relating to premiums~~ 478  
~~collected, income from recovery, loss experience, and~~ 479  
~~administrative costs of the program. A copy of the report,~~ 480  
~~together with a copy of those portions of the most recent reports~~ 481  
~~submitted under division (D) of section 9.823 of the Revised Code~~ 482  
~~that pertain to any such self insured fidelity bond program, shall~~ 483  
~~be submitted to the speaker of the house of representatives and~~ 484  
~~the president of the senate by the last day of March of each year.~~ 485

**Sec. 9.823.** (A) All contributions collected by the director 486  
of administrative services under division (E) of this section 487  
shall be deposited into the state treasury to the credit of the 488  
risk management reserve fund, which is hereby created. The fund 489  
shall be used to provide insurance and self-insurance for the 490  
state under ~~section~~ sections 9.822 and 9.83 of the Revised Code. 491

All investment earnings of the fund shall be credited to it. 492

(B) The director, through the office of risk management, 493  
shall operate the risk management reserve fund on an actuarially 494  
sound basis. 495

(C) Reserves shall be maintained in the risk management 496  
reserve fund in any amount that is necessary and adequate, in the 497  
exercise of sound and prudent actuarial judgment, to cover 498  
potential liability claims, expenses, fees, or damages. Money in 499  
the fund may be applied to the payment of liability claims that 500  
are filed against the state in the court of claims and determined 501  
in the manner provided for under Chapter 2743. of the Revised 502  
Code. The director may procure the services of a qualified 503  
actuarial firm for the purpose of recommending the specific amount 504  
of money that would be required to maintain adequate reserves for 505  
a given period of time. 506

(D) A report of the amounts reserved and disbursements made 507  
from the reserves, together with a written report of a competent 508  
property and casualty actuary, shall be submitted, on or before 509  
the last day of March for the preceding calendar year, to the 510  
speaker of the house of representatives and the president of the 511  
senate. The actuary shall certify the adequacy of the rates of 512  
contributions, the sufficiency of excess insurance, and whether 513  
the amounts reserved conform to the requirements of this section, 514  
are computed in accordance with accepted loss reserving standards, 515  
and are fairly stated in accordance with sound loss reserving 516  
principles. The report shall include disbursements made for the 517  
administration of the fund, including claims paid, cost of legal 518  
representation of state agencies and employees, and fees paid to 519  
consultants. 520

(E) The director shall collect from each state agency or any 521  
participating state body its contribution to the risk management 522  
reserve fund for the purpose of purchasing insurance or 523

administering self-insurance programs for coverages authorized 524  
under ~~section~~ sections 9.822 and 9.83 of the Revised Code. The 525  
contribution shall be determined by the director, with the 526  
approval of the director of budget and management, and shall be 527  
based upon actuarial assumptions and the relative risk and loss 528  
experience of each state agency or participating state body. The 529  
contribution shall further include a reasonable sum to cover the 530  
department's administrative costs. 531

**Sec. 9.83.** (A) The state and any political subdivision may 532  
procure a policy or policies of insurance insuring its officers 533  
and employees against liability for injury, death, or loss to 534  
person or property that arises out of the operation of an 535  
automobile, truck, motor vehicle with auxiliary equipment, 536  
self-propelling equipment or trailer, aircraft, or watercraft by 537  
the officers or employees while engaged in the course of their 538  
employment or official responsibilities for the state or the 539  
political subdivision. The state is authorized to expend funds to 540  
pay judgments that are rendered in any court against its officers 541  
or employees and that result from such operation, and is 542  
authorized to expend funds to compromise claims for liability 543  
against its officers or employees that result from such operation. 544  
No insurer shall deny coverage under such a policy, and the state 545  
shall not refuse to pay judgments or compromise claims, on the 546  
ground that an automobile, truck, motor vehicle with auxiliary 547  
equipment, self-propelling equipment or trailer, aircraft, or 548  
watercraft was not being used in the course of an officer's or 549  
employee's employment or official responsibilities for the state 550  
or a political subdivision unless the officer or employee who was 551  
operating an automobile, truck, motor vehicle with auxiliary 552  
equipment, or self-propelling equipment or trailer is convicted of 553  
a violation of section 124.71 of the Revised Code as a result of 554  
the same events. 555

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

(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)~~ (H) 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 588  
Revised Code to the credit of the vehicle liability program. 589

~~(G) The director of administrative services, through the~~ 590  
~~office of risk management, shall operate the vehicle liability~~ 591  
~~fund on an actuarially sound basis.~~ 592

~~(H)~~ Reserves shall be maintained in the ~~vehicle liability~~ 593  
risk management reserve fund to the credit of the vehicle 594  
liability program in any amount that is necessary and adequate, in 595  
the exercise of sound and prudent actuarial judgment, to cover 596  
potential liability claims, expenses, fees, or damages. Money in 597  
the fund may be applied to the payment of liability claims that 598  
are filed against the state in the court of claims and determined 599  
in the manner provided in Chapter 2743. of the Revised Code. The 600  
director of administrative services may procure the services of a 601  
qualified actuarial firm for the purpose of recommending the 602  
specific amount of money that is required to maintain adequate 603  
reserves for a specified period of time. 604

~~(I)~~(H) The director of administrative services shall collect 605  
from each state agency or any participating state body its 606  
contribution to the vehicle liability ~~fund~~ program for the purpose 607  
of purchasing insurance or administering self-insurance programs 608  
for coverage authorized under this section. The amount of the 609  
contribution shall be determined by the director, with the 610  
approval of the director of budget and management. It shall be 611  
based upon actuarial assumptions and the relative risk and loss 612  
experience of each state agency or participating state body. The 613  
amount of the contribution also shall include a reasonable sum to 614  
cover administrative costs of the department of administrative 615  
services. The amounts collected pursuant to this division shall be 616  
deposited in the risk management reserve fund to the credit of the 617  
vehicle liability program. 618

**Sec. 107.12.** (A) As used in this section, "organization" 619  
means a faith-based or other organization that is exempt from 620  
federal income taxation under section 501(c)(3) of the Internal 621  
Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended, and 622  
provides charitable services to needy residents of this state. 623

(B) There is hereby established within the office of the 624  
governor the governor's office of faith-based and community 625  
initiatives. The office shall: 626

(1) Serve as a clearinghouse of information on federal, 627  
state, and local funding for charitable services performed by 628  
organizations; 629

(2) Encourage organizations to seek public funding for their 630  
charitable services; 631

(3) Act as a liaison between state agencies and 632  
organizations; 633

(4) Advise the governor, general assembly, and the advisory 634  
board of the governor's office of faith-based community 635  
initiatives on the barriers that exist to collaboration between 636  
organizations and governmental entities and on ways to remove the 637  
barriers. 638

(C) The governor shall appoint an executive assistant to 639  
manage the office and perform or oversee the performance of the 640  
duties of the office. 641

(D)(1) There is hereby created the advisory board of the 642  
governor's office of faith-based and community initiatives. The 643  
board shall consist of members appointed as follows: 644

(a) The directors of aging, alcohol and drug addiction 645  
services, rehabilitation and correction, health, job and family 646  
services, mental health, and youth services shall each appoint to 647  
the board one employee of that director's department. 648

(b) The speaker of the house of representatives shall appoint 649  
to the board two members of the house of representatives, not more 650  
than one of whom shall be from the same political party and at 651  
least one of whom shall be from the legislative black caucus. ~~The~~ 652  
~~speaker of the house of representatives shall consult with the~~ 653  
~~president of the legislative black caucus in making the~~ 654  
~~legislative black caucus member appointment.~~ The president of the 655  
senate shall appoint to the board two members of the senate, not 656  
more than one of whom shall be from the same political party. 657

(c) The governor, speaker of the house of representatives, 658  
and president of the senate shall each appoint to the board three 659  
representatives of the nonprofit, faith-based and other nonprofit 660  
community. 661

~~(2) The appointments to the board shall be made within thirty~~ 662  
~~days after the effective date of this section.~~ Terms of the office 663  
shall be one year. Any vacancy that occurs on the board shall be 664  
filled in the same manner as the original appointment. The members 665  
of the board shall serve without compensation. 666

(3) At its initial meeting, the board shall elect a 667  
chairperson. The chairperson shall be a member of the board who is 668  
a member of the house of representatives. 669

(E) The board shall do both of the following: 670

(1) Provide direction, guidance, and oversight to the office; 671

(2) Publish a report of its activities on or before the first 672  
day of August of each year, and deliver copies of the report to 673  
the governor, the speaker and minority leader of the house of 674  
representatives, and the president and minority leader of the 675  
senate. 676

(F) No member of the board or organization that the member is 677  
affiliated or involved with is eligible to receive any grant that 678  
the office administers or assists in administering. 679

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

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

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

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

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

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

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

(c) To serve as an educational garden that demonstrates the artistic, industrial, political, horticultural, and geologic

history of the state through the use of plants; 710

(d) To serve as a reservoir of rare species of plants from 711  
the physiographic regions of the state. 712

These duties shall not affect the obligation of the 713  
department of administrative services to provide for ~~the~~ and adopt 714  
policies and procedures regarding the use, general maintenance, 715  
and operating expenses of the governor's residence. 716

(C) The commission shall consist of eleven members. One 717  
member shall be the director of administrative services or the 718  
director's designee, who shall serve during the director's term of 719  
office and shall serve as chairperson. One member shall be the 720  
director of the Ohio historical society or the director's 721  
designee, who shall serve during the director's term of office and 722  
shall serve as vice-chairperson. One member shall represent the 723  
Columbus landmarks foundation. One member shall represent the 724  
Bexley historical society. One member shall be the mayor of the 725  
city of Bexley, who shall serve during the mayor's term of office. 726  
One member shall be the chief executive officer of the Franklin 727  
park conservatory joint recreation district, who shall serve 728  
during the term of employment as chief executive officer. The 729  
remaining five members shall be appointed by the governor with the 730  
advice and consent of the senate. The five members appointed by 731  
the governor shall be persons with knowledge of Ohio history, 732  
architecture, decorative arts, or historic preservation, and one 733  
of those members shall have knowledge of landscape architecture, 734  
garden design, horticulture, and plants native to this state. 735

(D) Of the initial appointees, the representative of the 736  
Columbus landmarks foundation shall serve for a term expiring 737  
December 31, 1996, and the representative of the Bexley historical 738  
society shall serve for a term expiring December 31, 1997. Of the 739  
five members appointed by the governor, three shall serve for 740  
terms ending December 31, 1998, and two shall serve for terms 741

ending December 31, 1999. Thereafter, each term shall be for four 742  
years, commencing on the first day of January and ending on the 743  
last day of December. The member having knowledge of landscape 744  
architecture, garden design, horticulture, and plants native to 745  
this state initially shall be appointed upon the first vacancy on 746  
the commission occurring on or after June 30, 2006. 747

Each member shall hold office from the date of the member's 748  
appointment until the end of the term for which the member was 749  
appointed. Any member appointed to fill a vacancy occurring prior 750  
to the end of the term for which the member's predecessor was 751  
appointed shall hold office for the remainder of the term. Any 752  
member shall continue in office subsequent to the expiration of 753  
the term until the member's successor takes office. 754

(E) Six members of the commission constitute a quorum, and 755  
the affirmative vote of six members is required for approval of 756  
any action by the commission. 757

(F) After each initial member of the commission has been 758  
appointed, the commission shall meet and select one member as 759  
secretary and another as treasurer. Organizational meetings of the 760  
commission shall be held at the time and place designated by call 761  
of the chairperson. Meetings of the commission may be held 762  
anywhere in the state and shall be in compliance with Chapters 763  
121. and 149. of the Revised Code. The commission may adopt, 764  
pursuant to section 111.15 of the Revised Code, rules necessary to 765  
carry out the purposes of this section. 766

(G) Members of the commission shall serve without 767  
remuneration, but shall be compensated for actual and necessary 768  
expenses incurred in the performance of their official duties. 769

(H) All expenses incurred in carrying out this section are 770  
payable solely from money accrued under this section or 771  
appropriated for these purposes by the general assembly, and the 772

commission shall incur no liability or obligation beyond such 773  
money. 774

(I) The Except as otherwise provided in this division, the 775  
commission may accept any payment for the use of the governor's 776  
residence or may accept any donation, gift, bequest, or devise for 777  
the governor's residence or as an endowment for the maintenance 778  
and care of the garden on the grounds of the governor's residence 779  
in furtherance of its duties. The commission shall not accept any 780  
donation, gift, bequest, or devise from a person, individual, or 781  
member of an individual's immediate family if the person or 782  
individual is receiving payments under a contract with the state 783  
or a state agency for the purchase of supplies, services, or 784  
equipment or for the construction, reconstruction, improvement, 785  
enlargement, alteration, repair, painting, or decoration of a 786  
public improvement, except for payments received under an 787  
employment contract or a collective bargaining agreement. Any 788  
revenue received by the commission shall be deposited into the 789  
governor's residence fund, which is hereby established in the 790  
state treasury, for use by the commission in accordance with the 791  
performance of its duties. All investment earnings of the fund 792  
shall be credited to the fund. Title to all property acquired by 793  
the commission shall be taken in the name of the state and shall 794  
be held for the use and benefit of the commission. 795

(J) Nothing in this section limits the ability of a person or 796  
other entity to purchase decorations, objects of art, chandeliers, 797  
china, silver, statues, paintings, furnishings, accouterments, 798  
plants, or other aesthetic materials for placement in the 799  
governor's residence or on the grounds of the governor's residence 800  
or donation to the commission. No such object or plant, however, 801  
shall be placed on the grounds or public areas of the first story 802  
of the governor's residence without the consent of the commission. 803

(K) The heritage garden established under this section shall 804

be officially known as "the heritage garden at the Ohio governor's residence."  
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(L) As used in this section, "heritage garden" means the botanical garden of native plants established at the governor's residence.  
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Sec. 109.521. There is hereby created in the state treasury the bureau of criminal identification and investigation asset forfeiture and cost reimbursement fund. All amounts awarded to the bureau of criminal identification and investigation as a result of shared federal asset forfeiture and state and local moneys designated as restitution for reimbursement of the costs of investigations shall be deposited into this fund. The moneys in this fund shall be used in accordance with federal asset forfeiture rules, regulations, and laws. Interest earned on the money in this fund shall be credited to the fund.  
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**Sec. 109.57.** (A)(1) The superintendent of the bureau of criminal identification and investigation shall procure from wherever procurable and file for record photographs, pictures, descriptions, fingerprints, measurements, and other information that may be pertinent of all persons who have been convicted of committing within this state a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised Code, of all children under eighteen years of age who have been adjudicated delinquent children for committing within this state an act that would be a felony or an offense of violence if committed by an adult or who have been convicted of or pleaded guilty to committing within this state a felony or an offense of violence, and of all well-known and habitual criminals. The person in charge of any county, multicounty, municipal, municipal-county, or multicounty-municipal  
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jail or workhouse, community-based correctional facility, halfway 836  
house, alternative residential facility, or state correctional 837  
institution and the person in charge of any state institution 838  
having custody of a person suspected of having committed a felony, 839  
any crime constituting a misdemeanor on the first offense and a 840  
felony on subsequent offenses, or any misdemeanor described in 841  
division (A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised 842  
Code or having custody of a child under eighteen years of age with 843  
respect to whom there is probable cause to believe that the child 844  
may have committed an act that would be a felony or an offense of 845  
violence if committed by an adult shall furnish such material to 846  
the superintendent of the bureau. Fingerprints, photographs, or 847  
other descriptive information of a child who is under eighteen 848  
years of age, has not been arrested or otherwise taken into 849  
custody for committing an act that would be a felony or an offense 850  
of violence if committed by an adult, has not been adjudicated a 851  
delinquent child for committing an act that would be a felony or 852  
an offense of violence if committed by an adult, has not been 853  
convicted of or pleaded guilty to committing a felony or an 854  
offense of violence, and is not a child with respect to whom there 855  
is probable cause to believe that the child may have committed an 856  
act that would be a felony or an offense of violence if committed 857  
by an adult shall not be procured by the superintendent or 858  
furnished by any person in charge of any county, multicounty, 859  
municipal, municipal-county, or multicounty-municipal jail or 860  
workhouse, community-based correctional facility, halfway house, 861  
alternative residential facility, or state correctional 862  
institution, except as authorized in section 2151.313 of the 863  
Revised Code. 864

(2) Every clerk of a court of record in this state, other 865  
than the supreme court or a court of appeals, shall send to the 866  
superintendent of the bureau a weekly report containing a summary 867  
of each case involving a felony, involving any crime constituting 868

a misdemeanor on the first offense and a felony on subsequent 869  
offenses, involving a misdemeanor described in division (A)(1)(a) 870  
or (A)(10)(a) of section 109.572 of the Revised Code, or involving 871  
an adjudication in a case in which a child under eighteen years of 872  
age was alleged to be a delinquent child for committing an act 873  
that would be a felony or an offense of violence if committed by 874  
an adult. The clerk of the court of common pleas shall include in 875  
the report and summary the clerk sends under this division all 876  
information described in divisions (A)(2)(a) to (f) of this 877  
section regarding a case before the court of appeals that is 878  
served by that clerk. The summary shall be written on the standard 879  
forms furnished by the superintendent pursuant to division (B) of 880  
this section and shall include the following information: 881

(a) The incident tracking number contained on the standard 882  
forms furnished by the superintendent pursuant to division (B) of 883  
this section; 884

(b) The style and number of the case; 885

(c) The date of arrest; 886

(d) The date that the person was convicted of or pleaded 887  
guilty to the offense, adjudicated a delinquent child for 888  
committing the act that would be a felony or an offense of 889  
violence if committed by an adult, found not guilty of the 890  
offense, or found not to be a delinquent child for committing an 891  
act that would be a felony or an offense of violence if committed 892  
by an adult, the date of an entry dismissing the charge, an entry 893  
declaring a mistrial of the offense in which the person is 894  
discharged, an entry finding that the person or child is not 895  
competent to stand trial, or an entry of a nolle prosequi, or the 896  
date of any other determination that constitutes final resolution 897  
of the case; 898

(e) A statement of the original charge with the section of 899

the Revised Code that was alleged to be violated; 900

(f) If the person or child was convicted, pleaded guilty, or 901  
was adjudicated a delinquent child, the sentence or terms of 902  
probation imposed or any other disposition of the offender or the 903  
delinquent child. 904

If the offense involved the disarming of a law enforcement 905  
officer or an attempt to disarm a law enforcement officer, the 906  
clerk shall clearly state that fact in the summary, and the 907  
superintendent shall ensure that a clear statement of that fact is 908  
placed in the bureau's records. 909

(3) The superintendent shall cooperate with and assist 910  
sheriffs, chiefs of police, and other law enforcement officers in 911  
the establishment of a complete system of criminal identification 912  
and in obtaining fingerprints and other means of identification of 913  
all persons arrested on a charge of a felony, any crime 914  
constituting a misdemeanor on the first offense and a felony on 915  
subsequent offenses, or a misdemeanor described in division 916  
(A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised Code and 917  
of all children under eighteen years of age arrested or otherwise 918  
taken into custody for committing an act that would be a felony or 919  
an offense of violence if committed by an adult. The 920  
superintendent also shall file for record the fingerprint 921  
impressions of all persons confined in a county, multicounty, 922  
municipal, municipal-county, or multicounty-municipal jail or 923  
workhouse, community-based correctional facility, halfway house, 924  
alternative residential facility, or state correctional 925  
institution for the violation of state laws and of all children 926  
under eighteen years of age who are confined in a county, 927  
multicounty, municipal, municipal-county, or multicounty-municipal 928  
jail or workhouse, community-based correctional facility, halfway 929  
house, alternative residential facility, or state correctional 930  
institution or in any facility for delinquent children for 931

committing an act that would be a felony or an offense of violence 932  
if committed by an adult, and any other information that the 933  
superintendent may receive from law enforcement officials of the 934  
state and its political subdivisions. 935

(4) The superintendent shall carry out Chapter 2950. of the 936  
Revised Code with respect to the registration of persons who are 937  
convicted of or plead guilty to either a sexually oriented offense 938  
that is not a registration-exempt sexually oriented offense or a 939  
child-victim oriented offense and with respect to all other duties 940  
imposed on the bureau under that chapter. 941

(5) The bureau shall perform centralized recordkeeping 942  
functions for criminal history records and services in this state 943  
for purposes of the national crime prevention and privacy compact 944  
set forth in section 109.571 of the Revised Code and is the 945  
criminal history record repository as defined in that section for 946  
purposes of that compact. The superintendent or the 947  
superintendent's designee is the compact officer for purposes of 948  
that compact and shall carry out the responsibilities of the 949  
compact officer specified in that compact. 950

(B) The superintendent shall prepare and furnish to every 951  
county, multicounty, municipal, municipal-county, or 952  
multicounty-municipal jail or workhouse, community-based 953  
correctional facility, halfway house, alternative residential 954  
facility, or state correctional institution and to every clerk of 955  
a court in this state specified in division (A)(2) of this section 956  
standard forms for reporting the information required under 957  
division (A) of this section. The standard forms that the 958  
superintendent prepares pursuant to this division may be in a 959  
tangible format, in an electronic format, or in both tangible 960  
formats and electronic formats. 961

(C) The superintendent may operate a center for electronic, 962  
automated, or other data processing for the storage and retrieval 963

of information, data, and statistics pertaining to criminals and 964  
to children under eighteen years of age who are adjudicated 965  
delinquent children for committing an act that would be a felony 966  
or an offense of violence if committed by an adult, criminal 967  
activity, crime prevention, law enforcement, and criminal justice, 968  
and may establish and operate a statewide communications network 969  
to gather and disseminate information, data, and statistics for 970  
the use of law enforcement agencies. The superintendent may 971  
gather, store, retrieve, and disseminate information, data, and 972  
statistics that pertain to children who are under eighteen years 973  
of age and that are gathered pursuant to sections 109.57 to 109.61 974  
of the Revised Code together with information, data, and 975  
statistics that pertain to adults and that are gathered pursuant 976  
to those sections. In addition to any other authorized use of 977  
information, data, and statistics of that nature, the 978  
superintendent or the superintendent's designee may provide and 979  
exchange the information, data, and statistics pursuant to the 980  
national crime prevention and privacy compact as described in 981  
division (A)(5) of this section. 982

(D) The information and materials furnished to the 983  
superintendent pursuant to division (A) of this section and 984  
information and materials furnished to any board or person under 985  
division (F) or (G) of this section are not public records under 986  
section 149.43 of the Revised Code. 987

(E) The attorney general shall adopt rules, in accordance 988  
with Chapter 119. of the Revised Code, setting forth the procedure 989  
by which a person may receive or release information gathered by 990  
the superintendent pursuant to division (A) of this section. A 991  
reasonable fee may be charged for this service. If a temporary 992  
employment service submits a request for a determination of 993  
whether a person the service plans to refer to an employment 994  
position has been convicted of or pleaded guilty to an offense 995

listed in division (A)(1), (3), (4), (5), or (6) of section 996  
109.572 of the Revised Code, the request shall be treated as a 997  
single request and only one fee shall be charged. 998

(F)(1) As used in division (F)(2) of this section, "head 999  
start agency" means an entity in this state that has been approved 1000  
to be an agency for purposes of subchapter II of the "Community 1001  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 1002  
as amended. 1003

(2)(a) In addition to or in conjunction with any request that 1004  
is required to be made under section 109.572, 2151.86, 3301.32, or 1005  
3301.541, division (C) of section 3310.58, or section 3319.39, 1006  
3701.881, 5104.012, 5104.013, 5123.081, 5126.28, 5126.281, or 1007  
5153.111 of the Revised Code, the board of education of any school 1008  
district; the director of mental retardation and developmental 1009  
disabilities; any county board of mental retardation and 1010  
developmental disabilities; any entity under contract with a 1011  
county board of mental retardation and developmental disabilities; 1012  
the chief administrator of any chartered nonpublic school; the 1013  
chief administrator of a registered private provider that is not 1014  
also a chartered nonpublic school; the chief administrator of any 1015  
home health agency; the chief administrator of or person operating 1016  
any child day-care center, type A family day-care home, or type B 1017  
family day-care home licensed or certified under Chapter 5104. of 1018  
the Revised Code; the administrator of any type C family day-care 1019  
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 1020  
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 1021  
general assembly; the chief administrator of any head start 1022  
agency; or the executive director of a public children services 1023  
agency may request that the superintendent of the bureau 1024  
investigate and determine, with respect to any individual who has 1025  
applied for employment in any position after October 2, 1989, or 1026  
any individual wishing to apply for employment with a board of 1027

education may request, with regard to the individual, whether the 1028  
bureau has any information gathered under division (A) of this 1029  
section that pertains to that individual. On receipt of the 1030  
request, the superintendent shall determine whether that 1031  
information exists and, upon request of the person, board, or 1032  
entity requesting information, also shall request from the federal 1033  
bureau of investigation any criminal records it has pertaining to 1034  
that individual. The superintendent or the superintendent's 1035  
designee also may request criminal history records from other 1036  
states or the federal government pursuant to the national crime 1037  
prevention and privacy compact set forth in section 109.571 of the 1038  
Revised Code. Within thirty days of the date that the 1039  
superintendent receives a request, the superintendent shall send 1040  
to the board, entity, or person a report of any information that 1041  
the superintendent determines exists, including information 1042  
contained in records that have been sealed under section 2953.32 1043  
of the Revised Code, and, within thirty days of its receipt, shall 1044  
send the board, entity, or person a report of any information 1045  
received from the federal bureau of investigation, other than 1046  
information the dissemination of which is prohibited by federal 1047  
law. 1048

(b) When a board of education or a registered private 1049  
provider is required to receive information under this section as 1050  
a prerequisite to employment of an individual pursuant to division 1051  
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 1052  
may accept a certified copy of records that were issued by the 1053  
bureau of criminal identification and investigation and that are 1054  
presented by an individual applying for employment with the 1055  
district in lieu of requesting that information itself. In such a 1056  
case, the board or provider shall accept the certified copy issued 1057  
by the bureau in order to make a photocopy of it for that 1058  
individual's employment application documents and shall return the 1059  
certified copy to the individual. In a case of that nature, a 1060

district or provider only shall accept a certified copy of records 1061  
of that nature within one year after the date of their issuance by 1062  
the bureau. 1063

(3) The state board of education may request, with respect to 1064  
any individual who has applied for employment after October 2, 1065  
1989, in any position with the state board or the department of 1066  
education, any information that a school district board of 1067  
education is authorized to request under division (F)(2) of this 1068  
section, and the superintendent of the bureau shall proceed as if 1069  
the request has been received from a school district board of 1070  
education under division (F)(2) of this section. 1071

(4) When the superintendent of the bureau receives a request 1072  
for information under section 3319.291 of the Revised Code, the 1073  
superintendent shall proceed as if the request has been received 1074  
from a school district board of education under division (F)(2) of 1075  
this section. 1076

(5) When a recipient of a classroom reading improvement grant 1077  
paid under section 3301.86 of the Revised Code requests, with 1078  
respect to any individual who applies to participate in providing 1079  
any program or service funded in whole or in part by the grant, 1080  
the information that a school district board of education is 1081  
authorized to request under division (F)(2)(a) of this section, 1082  
the superintendent of the bureau shall proceed as if the request 1083  
has been received from a school district board of education under 1084  
division (F)(2)(a) of this section. 1085

(G) In addition to or in conjunction with any request that is 1086  
required to be made under section 3701.881, 3712.09, 3721.121, or 1087  
3722.151 of the Revised Code with respect to an individual who has 1088  
applied for employment in a position that involves providing 1089  
direct care to an older adult, the chief administrator of a home 1090  
health agency, hospice care program, home licensed under Chapter 1091  
3721. of the Revised Code, adult day-care program operated 1092

pursuant to rules adopted under section 3721.04 of the Revised Code, or adult care facility may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied after January 27, 1997, for employment in a position that does not involve providing direct care to an older adult, whether the bureau has any information gathered under division (A) of this section that pertains to that individual.

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

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

On receipt of a request under this division, the superintendent shall determine whether that information exists and, on request of the individual requesting information, shall

also request from the federal bureau of investigation any criminal 1125  
records it has pertaining to the applicant. The superintendent or 1126  
the superintendent's designee also may request criminal history 1127  
records from other states or the federal government pursuant to 1128  
the national crime prevention and privacy compact set forth in 1129  
section 109.571 of the Revised Code. Within thirty days of the 1130  
date a request is received, the superintendent shall send to the 1131  
requester a report of any information determined to exist, 1132  
including information contained in records that have been sealed 1133  
under section 2953.32 of the Revised Code, and, within thirty days 1134  
of its receipt, shall send the requester a report of any 1135  
information received from the federal bureau of investigation, 1136  
other than information the dissemination of which is prohibited by 1137  
federal law. 1138

(H) Information obtained by a government entity or person 1139  
under this section is confidential and shall not be released or 1140  
disseminated. 1141

(I) The superintendent may charge a reasonable fee for 1142  
providing information or criminal records under division (F)(2) or 1143  
(G) of this section. 1144

(J) As used in this section, "registered private provider" 1145  
means a nonpublic school or entity registered with the 1146  
superintendent of public instruction under section 3310.41 of the 1147  
Revised Code to participate in the autism scholarship program or 1148  
section 3310.58 of the Revised Code to participate in the special 1149  
education scholarship pilot program. 1150

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 1151  
section 121.08, 3301.32, 3301.541, 3319.39, 5104.012, or 5104.013 1152  
of the Revised Code, a completed form prescribed pursuant to 1153  
division (C)(1) of this section, and a set of fingerprint 1154  
impressions obtained in the manner described in division (C)(2) of 1155

this section, the superintendent of the bureau of criminal 1156  
identification and investigation shall conduct a criminal records 1157  
check 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 previously has been 1160  
convicted of or 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  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1164  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1165  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1166  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1167  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1168  
2925.06, or 3716.11 of the Revised Code, felonious sexual 1169  
penetration in violation of former section 2907.12 of the Revised 1170  
Code, a violation of section 2905.04 of the Revised Code as it 1171  
existed prior to July 1, 1996, a violation of section 2919.23 of 1172  
the Revised Code that would have been a violation of section 1173  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1174  
had the violation been committed prior to that date, or a 1175  
violation of section 2925.11 of the Revised Code that is not a 1176  
minor drug possession offense; 1177

(b) A violation of an existing or former law of this state, 1178  
any other state, or the United States that is substantially 1179  
equivalent to any of the offenses listed in division (A)(1)(a) of 1180  
this section. 1181

(2) On receipt of a request pursuant to section 5123.081 of 1182  
the Revised Code with respect to an applicant for employment in 1183  
any position with the department of mental retardation and 1184  
developmental disabilities, pursuant to section 5126.28 of the 1185  
Revised Code with respect to an applicant for employment in any 1186  
position with a county board of mental retardation and 1187

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

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

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

(3) On receipt of a request pursuant to section 173.27, 173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect

to any person who has applied for employment in a position for 1220  
which a criminal records check is required by those sections. The 1221  
superintendent shall conduct the criminal records check in the 1222  
manner described in division (B) of this section to determine 1223  
whether any information exists that indicates that the person who 1224  
is the subject of the request previously has been convicted of or 1225  
pleaded guilty to any of the following: 1226

(a) A violation of section 2903.01, 2903.02, 2903.03, 1227  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1228  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1229  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1230  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1231  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1232  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1233  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1234  
2925.22, 2925.23, or 3716.11 of the Revised Code; 1235

(b) An existing or former law of this state, any other state, 1236  
or the United States that is substantially equivalent to any of 1237  
the offenses listed in division (A)(3)(a) of this section. 1238

(4) On receipt of a request pursuant to section 3701.881 of 1239  
the Revised Code with respect to an applicant for employment with 1240  
a home health agency as a person responsible for the care, 1241  
custody, or control of a child, a completed form prescribed 1242  
pursuant to division (C)(1) of this section, and a set of 1243  
fingerprint impressions obtained in the manner described in 1244  
division (C)(2) of this section, the superintendent of the bureau 1245  
of criminal identification and investigation shall conduct a 1246  
criminal records check. The superintendent shall conduct the 1247  
criminal records check in the manner described in division (B) of 1248  
this section to determine whether any information exists that 1249  
indicates that the person who is the subject of the request 1250  
previously has been convicted of or pleaded guilty to any of the 1251

following: 1252

(a) A violation of section 2903.01, 2903.02, 2903.03, 1253  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1254  
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1255  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1256  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1257  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1258  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1259  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 1260  
violation of section 2925.11 of the Revised Code that is not a 1261  
minor drug possession offense; 1262

(b) An existing or former law of this state, any other state, 1263  
or the United States that is substantially equivalent to any of 1264  
the offenses listed in division (A)(4)(a) of this section. 1265

(5) On receipt of a request pursuant to section ~~5111.95 or~~ 1266  
~~5111.96~~ 5111.032, 5111.033, or 5111.034 of the Revised Code with 1267  
~~respect to an applicant for employment with a waiver agency~~ 1268  
~~participating in a department of job and family services~~ 1269  
~~administered home and community based waiver program or an~~ 1270  
~~independent provider participating in a department administered~~ 1271  
~~home and community based waiver program in a position that~~ 1272  
~~involves providing home and community based waiver services to~~ 1273  
~~consumers with disabilities~~, a completed form prescribed pursuant 1274  
to division (C)(1) of this section, and a set of fingerprint 1275  
impressions obtained in the manner described in division (C)(2) of 1276  
this section, the superintendent of the bureau of criminal 1277  
identification and investigation shall conduct a criminal records 1278  
check. The superintendent shall conduct the criminal records check 1279  
in the manner described in division (B) of this section to 1280  
determine whether any information exists that indicates that the 1281  
person who is the subject of the request previously has been 1282  
convicted of ~~or~~, has pleaded guilty to, or has been found eligible 1283

for intervention in lieu of conviction for any of the following: 1284

(a) A violation of section 2903.01, 2903.02, 2903.03, 1285  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1286  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 1287  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1288  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 1289  
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 1290  
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 1291  
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 1292  
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 1293  
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 1294  
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 1295  
3716.11 of the Revised Code, felonious sexual penetration in 1296  
violation of former section 2907.12 of the Revised Code, a 1297  
violation of section 2905.04 of the Revised Code as it existed 1298  
prior to July 1, 1996, a violation of section 2919.23 of the 1299  
Revised Code that would have been a violation of section 2905.04 1300  
of the Revised Code as it existed prior to July 1, 1996, had the 1301  
violation been committed prior to that date; 1302

(b) An existing or former law of this state, any other state, 1303  
or the United States that is substantially equivalent to any of 1304  
the offenses listed in division (A)(5)(a) of this section. 1305

(6) On receipt of a request pursuant to section 3701.881 of 1306  
the Revised Code with respect to an applicant for employment with 1307  
a home health agency in a position that involves providing direct 1308  
care to an older adult, a completed form prescribed pursuant to 1309  
division (C)(1) of this section, and a set of fingerprint 1310  
impressions obtained in the manner described in division (C)(2) of 1311  
this section, the superintendent of the bureau of criminal 1312  
identification and investigation shall conduct a criminal records 1313  
check. The superintendent shall conduct the criminal records check 1314  
in the manner described in division (B) of this section to 1315

determine whether any information exists that indicates that the 1316  
person who is the subject of the request previously has been 1317  
convicted of or pleaded guilty to any of the following: 1318

(a) A violation of section 2903.01, 2903.02, 2903.03, 1319  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1320  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1321  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1322  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1323  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1324  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1325  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1326  
2925.22, 2925.23, or 3716.11 of the Revised Code; 1327

(b) An existing or former law of this state, any other state, 1328  
or the United States that is substantially equivalent to any of 1329  
the offenses listed in division (A)(6)(a) of this section. 1330

(7) When conducting a criminal records check upon a request 1331  
pursuant to section 3319.39 of the Revised Code for an applicant 1332  
who is a teacher, in addition to the determination made under 1333  
division (A)(1) of this section, the superintendent shall 1334  
determine whether any information exists that indicates that the 1335  
person who is the subject of the request previously has been 1336  
convicted of or pleaded guilty to any offense specified in section 1337  
3319.31 of the Revised Code. 1338

(8) On a request pursuant to section 2151.86 of the Revised 1339  
Code, a completed form prescribed pursuant to division (C)(1) of 1340  
this section, and a set of fingerprint impressions obtained in the 1341  
manner described in division (C)(2) of this section, the 1342  
superintendent of the bureau of criminal identification and 1343  
investigation shall conduct a criminal records check in the manner 1344  
described in division (B) of this section to determine whether any 1345  
information exists that indicates that the person who is the 1346  
subject of the request previously has been convicted of or pleaded 1347

guilty to any of the following: 1348

(a) A violation of section 2903.01, 2903.02, 2903.03, 1349  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1350  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1351  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1352  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1353  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1354  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1355  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 1356  
violation of section 2905.04 of the Revised Code as it existed 1357  
prior to July 1, 1996, a violation of section 2919.23 of the 1358  
Revised Code that would have been a violation of section 2905.04 1359  
of the Revised Code as it existed prior to July 1, 1996, had the 1360  
violation been committed prior to that date, a violation of 1361  
section 2925.11 of the Revised Code that is not a minor drug 1362  
possession offense, or felonious sexual penetration in violation 1363  
of former section 2907.12 of the Revised Code; 1364

(b) A violation of an existing or former law of this state, 1365  
any other state, or the United States that is substantially 1366  
equivalent to any of the offenses listed in division (A)(8)(a) of 1367  
this section. 1368

(9) When conducting a criminal records check on a request 1369  
pursuant to section 5104.013 of the Revised Code for a person who 1370  
is an owner, licensee, or administrator of a child day-care center 1371  
or type A family day-care home, an authorized provider of a 1372  
certified type B family day-care home, or an adult residing in a 1373  
type A or certified type B home, or when conducting a criminal 1374  
records check or a request pursuant to section 5104.012 of the 1375  
Revised Code for a person who is an applicant for employment in a 1376  
center, type A home, or certified type B home, the superintendent, 1377  
in addition to the determination made under division (A)(1) of 1378  
this section, shall determine whether any information exists that 1379

indicates that the person has been convicted of or pleaded guilty 1380  
to any of the following: 1381

(a) A violation of section 2913.02, 2913.03, 2913.04, 1382  
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 1383  
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 1384  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 1385  
2921.13, or 2923.01 of the Revised Code, a violation of section 1386  
2923.02 or 2923.03 of the Revised Code that relates to a crime 1387  
specified in this division or division (A)(1)(a) of this section, 1388  
or a second violation of section 4511.19 of the Revised Code 1389  
within five years of the date of application for licensure or 1390  
certification. 1391

(b) A violation of an existing or former law of this state, 1392  
any other state, or the United States that is substantially 1393  
equivalent to any of the offenses or violations described in 1394  
division (A)(9)(a) of this section. 1395

(10) Upon receipt of a request pursuant to section 5153.111 1396  
of the Revised Code, a completed form prescribed pursuant to 1397  
division (C)(1) of this section, and a set of fingerprint 1398  
impressions obtained in the manner described in division (C)(2) of 1399  
this section, the superintendent of the bureau of criminal 1400  
identification and investigation shall conduct a criminal records 1401  
check in the manner described in division (B) of this section to 1402  
determine whether any information exists that indicates that the 1403  
person who is the subject of the request previously has been 1404  
convicted of or pleaded guilty to any of the following: 1405

(a) A violation of section 2903.01, 2903.02, 2903.03, 1406  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1407  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1408  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1409  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1410  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1411

2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1412  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1413  
felonious sexual penetration in violation of former section 1414  
2907.12 of the Revised Code, a violation of section 2905.04 of the 1415  
Revised Code as it existed prior to July 1, 1996, a violation of 1416  
section 2919.23 of the Revised Code that would have been a 1417  
violation of section 2905.04 of the Revised Code as it existed 1418  
prior to July 1, 1996, had the violation been committed prior to 1419  
that date, or a violation of section 2925.11 of the Revised Code 1420  
that is not a minor drug possession offense; 1421

(b) A violation of an existing or former law of this state, 1422  
any other state, or the United States that is substantially 1423  
equivalent to any of the offenses listed in division (A)(10)(a) of 1424  
this section. 1425

(11) On receipt of a request for a criminal records check 1426  
from an individual pursuant to section 4749.03 or 4749.06 of the 1427  
Revised Code, accompanied by a completed copy of the form 1428  
prescribed in division (C)(1) of this section and a set of 1429  
fingerprint impressions obtained in a manner described in division 1430  
(C)(2) of this section, the superintendent of the bureau of 1431  
criminal identification and investigation shall conduct a criminal 1432  
records check in the manner described in division (B) of this 1433  
section to determine whether any information exists indicating 1434  
that the person who is the subject of the request has been 1435  
convicted of or pleaded guilty to a felony in this state or in any 1436  
other state. If the individual indicates that a firearm will be 1437  
carried in the course of business, the superintendent shall 1438  
require information from the federal bureau of investigation as 1439  
described in division (B)(2) of this section. The superintendent 1440  
shall report the findings of the criminal records check and any 1441  
information the federal bureau of investigation provides to the 1442  
director of public safety. 1443

(12) On receipt of a request pursuant to section 1322.03, 1444  
1322.031, or 4763.05 of the Revised Code, a completed form 1445  
prescribed pursuant to division (C)(1) of this section, and a set 1446  
of fingerprint impressions obtained in the manner described in 1447  
division (C)(2) of this section, the superintendent of the bureau 1448  
of criminal identification and investigation shall conduct a 1449  
criminal records check with respect to any person who has applied 1450  
for a license, permit, or certification from the department of 1451  
commerce or a division in the department. The superintendent shall 1452  
conduct the criminal records check in the manner described in 1453  
division (B) of this section to determine whether any information 1454  
exists that indicates that the person who is the subject of the 1455  
request previously has been convicted of or pleaded guilty to any 1456  
of the following: a violation of section 2913.02, 2913.11, 1457  
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 1458  
criminal offense involving theft, receiving stolen property, 1459  
embezzlement, forgery, fraud, passing bad checks, money 1460  
laundering, or drug trafficking, or any criminal offense involving 1461  
money or securities, as set forth in Chapters 2909., 2911., 2913., 1462  
2915., 2921., 2923., and 2925. of the Revised Code; or any 1463  
existing or former law of this state, any other state, or the 1464  
United States that is substantially equivalent to those offenses. 1465

(13) Not later than thirty days after the date the 1466  
superintendent receives the request, completed form, and 1467  
fingerprint impressions, the superintendent shall send the person, 1468  
board, or entity that made the request any information, other than 1469  
information the dissemination of which is prohibited by federal 1470  
law, the superintendent determines exists with respect to the 1471  
person who is the subject of the request that indicates that the 1472  
person previously has been convicted of or pleaded guilty to any 1473  
offense listed or described in division (A)(1), (2), (3), (4), 1474  
(5), (6), (7), (8), (9), (10), (11), or (12) of this section, as 1475  
appropriate. The superintendent shall send the person, board, or 1476

entity that made the request a copy of the list of offenses 1477  
specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 1478  
(9), (10), (11), or (12) of this section, as appropriate. If the 1479  
request was made under section 3701.881 of the Revised Code with 1480  
regard to an applicant who may be both responsible for the care, 1481  
custody, or control of a child and involved in providing direct 1482  
care to an older adult, the superintendent shall provide a list of 1483  
the offenses specified in divisions (A)(4) and (6) of this 1484  
section. 1485

(B) The superintendent shall conduct any criminal records 1486  
check requested under section 121.08, 173.27, 173.394, 1322.03, 1487  
1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 1488  
3721.121, 3722.151, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 1489  
~~5111.95, 5111.96~~ 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1490  
5126.281, or 5153.111 of the Revised Code as follows: 1491

(1) The superintendent shall review or cause to be reviewed 1492  
any relevant information gathered and compiled by the bureau under 1493  
division (A) of section 109.57 of the Revised Code that relates to 1494  
the person who is the subject of the request, including any 1495  
relevant information contained in records that have been sealed 1496  
under section 2953.32 of the Revised Code; 1497

(2) If the request received by the superintendent asks for 1498  
information from the federal bureau of investigation, the 1499  
superintendent shall request from the federal bureau of 1500  
investigation any information it has with respect to the person 1501  
who is the subject of the request and shall review or cause to be 1502  
reviewed any information the superintendent receives from that 1503  
bureau. 1504

(3) The superintendent or the superintendent's designee may 1505  
request criminal history records from other states or the federal 1506  
government pursuant to the national crime prevention and privacy 1507  
compact set forth in section 109.571 of the Revised Code. 1508

(C)(1) The superintendent shall prescribe a form to obtain 1509  
the information necessary to conduct a criminal records check from 1510  
any person for whom a criminal records check is required by 1511  
section 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 1512  
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 1513  
4749.03, 4749.06, 4763.05, 5104.012, 5104.013, ~~5111.95, 5111.96~~ 1514  
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 1515  
5153.111 of the Revised Code. The form that the superintendent 1516  
prescribes pursuant to this division may be in a tangible format, 1517  
in an electronic format, or in both tangible and electronic 1518  
formats. 1519

(2) The superintendent shall prescribe standard impression 1520  
sheets to obtain the fingerprint impressions of any person for 1521  
whom a criminal records check is required by section 121.08, 1522  
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 1523  
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 1524  
4763.05, 5104.012, 5104.013, ~~5111.95, 5111.96~~ 5111.032, 5111.033, 1525  
5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 1526  
Code. Any person for whom a records check is required by any of 1527  
those sections shall obtain the fingerprint impressions at a 1528  
county sheriff's office, municipal police department, or any other 1529  
entity with the ability to make fingerprint impressions on the 1530  
standard impression sheets prescribed by the superintendent. The 1531  
office, department, or entity may charge the person a reasonable 1532  
fee for making the impressions. The standard impression sheets the 1533  
superintendent prescribes pursuant to this division may be in a 1534  
tangible format, in an electronic format, or in both tangible and 1535  
electronic formats. 1536

(3) Subject to division (D) of this section, the 1537  
superintendent shall prescribe and charge a reasonable fee for 1538  
providing a criminal records check requested under section 121.08, 1539  
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 1540

3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 1541  
4763.05, 5104.012, 5104.013, ~~5111.95, 5111.96~~ 5111.032, 5111.033, 1542  
5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 1543  
Code. The person making a criminal records request under section 1544  
121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 1545  
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 1546  
4749.06, 4763.05, 5104.012, 5104.013, ~~5111.95, 5111.96~~, 5111.033, 1547  
5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 1548  
Code shall pay the fee prescribed pursuant to this division. A 1549  
person making a request under section 3701.881 of the Revised Code 1550  
for a criminal records check for an applicant who may be both 1551  
responsible for the care, custody, or control of a child and 1552  
involved in providing direct care to an older adult shall pay one 1553  
fee for the request. In the case of a request under section 1554  
5111.032 of the Revised Code, the fee shall be paid in the manner 1555  
specified in that section. 1556

(4) The superintendent of the bureau of criminal 1557  
identification and investigation may prescribe methods of 1558  
forwarding fingerprint impressions and information necessary to 1559  
conduct a criminal records check, which methods shall include, but 1560  
not be limited to, an electronic method. 1561

(D) A determination whether any information exists that 1562  
indicates that a person previously has been convicted of or 1563  
pleaded guilty to any offense listed or described in division 1564  
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 1565  
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 1566  
(A)(9)(a) or (b), (A)(10)(a) or (b), or (A)(12) of this section 1567  
that is made by the superintendent with respect to information 1568  
considered in a criminal records check in accordance with this 1569  
section is valid for the person who is the subject of the criminal 1570  
records check for a period of one year from the date upon which 1571  
the superintendent makes the determination. During the period in 1572

which the determination in regard to a person is valid, if another 1573  
request under this section is made for a criminal records check 1574  
for that person, the superintendent shall provide the information 1575  
that is the basis for the superintendent's initial determination 1576  
at a lower fee than the fee prescribed for the initial criminal 1577  
records check. 1578

(E) When the superintendent receives a request for 1579  
information from a registered private provider, the superintendent 1580  
shall proceed as if the request has been received from a school 1581  
district board of education under section 3319.39 of the Revised 1582  
Code. The superintendent shall apply division (A)(7) of this 1583  
section to any such request for an applicant who is a teacher. 1584

(F) As used in this section: 1585

(1) "Criminal records check" means any criminal records check 1586  
conducted by the superintendent of the bureau of criminal 1587  
identification and investigation in accordance with division (B) 1588  
of this section. 1589

~~(2) "Home and community based waiver services" and "waiver 1590~~  
~~agency" have the same meanings as in section 5111.95 of the 1591~~  
~~Revised Code. 1592~~

~~(3) "Independent provider" has the same meaning as in section 1593~~  
~~5111.96 of the Revised Code. 1594~~

~~(4) "Minor drug possession offense" has the same meaning as 1595~~  
~~in section 2925.01 of the Revised Code. 1596~~

~~(5)(3) "Older adult" means a person age sixty or older. 1597~~

(4) "Registered private provider" means a nonpublic school or 1598  
entity registered with the superintendent of public instruction 1599  
under section 3310.41 of the Revised Code to participate in the 1600  
autism scholarship program or section 3310.58 of the Revised Code 1601  
to participate in the special education scholarship pilot program. 1602

**Sec. 109.93.** The attorney general education fund is hereby 1603  
created in the ~~custody of the treasurer of state~~ treasury. The 1604  
fund shall consist of gifts and grants received by the attorney 1605  
general for the purposes of the fund. The fund shall be 1606  
administered by the attorney general and shall be used to support 1607  
various educational programs. These educational programs may 1608  
include programs for consumer protection, victims of crime, 1609  
environmental protection, drug abuse, child abuse, peace officer 1610  
training, crime prevention, and law. The fund may also be used to 1611  
pay costs associated with the solicitation of gifts and grants for 1612  
the purposes of the fund, and the costs of administering the fund. 1613  
The fund shall not be used to replace money spent by local 1614  
programs for similar purposes. 1615

**Sec. 111.18.** (A) The secretary of state shall keep a record 1616  
of all fees collected by the secretary of state and, subject to 1617  
division (B) of section 1309.528 of the Revised Code and except as 1618  
otherwise provided in the Revised Code, shall pay them into the 1619  
state treasury to the credit of the corporate and uniform 1620  
commercial code filing fund created by section 1309.528 of the 1621  
Revised Code. 1622

(B) The secretary of state may implement alternative payment 1623  
programs that permit payment of any fee charged by the secretary 1624  
of state by means other than cash, check, money order, or credit 1625  
card; an alternative payment program may include, but is not 1626  
limited to, one that permits a fee to be paid by electronic means 1627  
of transmission. Fees paid under an alternative payment program 1628  
shall be deposited to the credit of the secretary of state 1629  
alternative payment program fund, which is hereby created. ~~The~~ 1630  
~~secretary of state alternative payment program fund shall be in~~ 1631  
~~the custody of the treasurer of state but shall not be part of the~~ 1632  
state treasury. Any investment income of the secretary of state 1633

alternative payment program fund shall be credited to that fund 1634  
and used to operate the alternative payment program. Within two 1635  
working days following the deposit of funds to the credit of the 1636  
secretary of state alternative payment program fund, the secretary 1637  
of state shall pay those funds ~~into the state treasury~~ to the 1638  
credit of the corporate and uniform commercial code filing fund, 1639  
subject to division (B) of section 1309.401 of the Revised Code 1640  
and except as otherwise provided in the Revised Code. 1641

The secretary of state shall adopt rules necessary to carry 1642  
out the purposes of this division. 1643

**Sec. 117.11.** (A) Except as otherwise provided in this 1644  
division and in sections 117.112 and 117.113 of the Revised Code, 1645  
the auditor of state shall audit each public office at least once 1646  
every two fiscal years. The auditor of state shall audit a public 1647  
office each fiscal year if that public office is required to be 1648  
audited on an annual basis pursuant to "The Single Audit Act of 1649  
1984," 98 Stat. 2327, 31 U.S.C.A. 7501 et seq., as amended. In the 1650  
annual or biennial audit, inquiry shall be made into the methods, 1651  
accuracy, and legality of the accounts, financial reports, 1652  
records, files, and reports of the office, whether the laws, 1653  
rules, ordinances, and orders pertaining to the office have been 1654  
observed, and whether the requirements and rules of the auditor of 1655  
state have been complied with. Except as otherwise provided in 1656  
this division or where auditing standards or procedures dictate 1657  
otherwise, each audit shall cover at least one fiscal year. If a 1658  
public office is audited only once every two fiscal years, the 1659  
audit shall cover both fiscal years. 1660

(B) In addition to the annual or biennial audit provided for 1661  
in division (A) of this section, the auditor of state may conduct 1662  
an audit of a public office at any time when so requested by the 1663  
public office or upon the auditor of state's own initiative if the 1664

auditor of state has reasonable cause to believe that an 1665  
additional audit is in the public interest. 1666

(C)(1) The auditor of state shall identify any public office 1667  
in which the auditor of state will be unable to conduct an audit 1668  
at least once every two fiscal years as required by division (A) 1669  
of this section and shall provide immediate written notice to the 1670  
clerk of the legislative authority or governing board of the 1671  
public office so identified. Within six months of the receipt of 1672  
such notice, the legislative authority or governing board may 1673  
engage an independent certified public accountant to conduct an 1674  
audit pursuant to section 117.12 of the Revised Code. 1675

(2) When the chief fiscal officer of a public office notifies 1676  
the auditor of state that an audit is required at a time prior to 1677  
the next regularly scheduled audit by the auditor of state, the 1678  
auditor of state shall either cause an earlier audit to be made by 1679  
the auditor of state or authorize the legislative authority or 1680  
governing board of the public office to engage an independent 1681  
certified public accountant to conduct the required audit. The 1682  
scope of the audit shall be as authorized by the auditor of state. 1683

(3) The auditor of state shall approve the scope of an audit 1684  
under division (C)(1) or (2) of this section as set forth in the 1685  
contract for the proposed audit before the contract is executed on 1686  
behalf of the public office that is to be audited. The independent 1687  
accountant conducting an audit under division (C)(1) or (2) of 1688  
this section shall be paid by the public office. 1689

(D) If a uniform accounting network is established under 1690  
section 117.101 of the Revised Code, the auditor of state or a 1691  
certified public accountant employed pursuant to this section or 1692  
section 115.56 or 117.112 of the Revised Code shall, to the extent 1693  
practicable, utilize services offered by the network in order to 1694  
conduct efficient and economical audits of public offices. 1695

(E) The auditor of state shall, in accordance with division 1696  
(A)(3) of section 9.65 of the Revised Code and this section, audit 1697  
an annuity program for volunteer fire fighters established by a 1698  
political subdivision under section 9.65 of the Revised Code. As 1699  
used in this section, "volunteer fire fighters" and "political 1700  
subdivision" have the same meanings as in division (C) of section 1701  
9.65 of the Revised Code. 1702

Sec. 117.112. The auditor of state shall audit the buckeye 1703  
tobacco settlement financing authority each fiscal year in 1704  
accordance with this chapter. The auditor may engage an 1705  
independent certified public accountant to conduct the audit. 1706

Sec. 117.113. The auditor of state shall audit each science, 1707  
technology, engineering, and mathematics school established under 1708  
Chapter 3326. of the Revised Code in accordance with this chapter 1709  
each fiscal year. 1710

Sec. 119.07. Except when a statute prescribes a notice and 1711  
the persons to whom it shall be given, in all cases in which 1712  
section 119.06 of the Revised Code requires an agency to afford an 1713  
opportunity for a hearing prior to the issuance of an order, the 1714  
agency shall give notice to the party informing ~~him~~ the party of 1715  
~~his~~ the party's right to a hearing. Notice shall be given by 1716  
registered mail, return receipt requested, and shall include the 1717  
charges or other reasons for the proposed action, the law or rule 1718  
directly involved, and a statement informing the party that ~~he~~ the 1719  
party is entitled to a hearing if ~~he~~ the party requests it within 1720  
thirty days of the time of mailing the notice. The notice shall 1721  
also inform the party that at the hearing ~~he~~ the party may appear 1722  
in person, by ~~his~~ the party's attorney, or by such other 1723  
representative as is permitted to practice before the agency, or 1724  
may present ~~his~~ the party's position, arguments, or contentions in 1725

writing and that at the hearing ~~he~~ the party may present evidence 1726  
and examine witnesses appearing for and against ~~him~~ the party. A 1727  
copy of the notice shall be mailed to attorneys or other 1728  
representatives of record representing the party. This paragraph 1729  
does not apply to situations in which such section provides for a 1730  
hearing only when it is requested by the party. 1731

When a statute specifically permits the suspension of a 1732  
license without a prior hearing, notice of the agency's order 1733  
shall be sent to the party by registered mail, return receipt 1734  
requested, not later than the business day next succeeding such 1735  
order. The notice shall state the reasons for the agency's action, 1736  
cite the law or rule directly involved, and state that the party 1737  
will be afforded a hearing if ~~he~~ the party requests it within 1738  
thirty days of the time of mailing the notice. A copy of the 1739  
notice shall be mailed to attorneys or other representatives of 1740  
record representing the party. 1741

Whenever a party requests a hearing in accordance with this 1742  
section and section 119.06 of the Revised Code, the agency shall 1743  
immediately set the date, time, and place for the hearing and 1744  
forthwith notify the party thereof. The date set for the hearing 1745  
shall be within fifteen days, but not earlier than seven days, 1746  
after the party has requested a hearing, unless otherwise agreed 1747  
to by both the agency and the party. 1748

When any notice sent by registered mail, as required by 1749  
sections 119.01 to 119.13 of the Revised Code, is returned because 1750  
of failure of delivery the party fails to claim the notice, the 1751  
agency shall send the notice by ordinary mail to the party at the 1752  
party's last known address and shall obtain a certificate of 1753  
mailing. Service by ordinary mail is complete when the certificate 1754  
of mailing is obtained unless the notice is returned showing 1755  
failure of delivery. 1756

If any notice sent by registered or ordinary mail is returned 1757

for failure of delivery, the agency either shall make personal 1758  
delivery of the notice by an employee or agent of the agency or 1759  
shall cause a summary of the substantive provisions of the notice 1760  
to be published once a week for three consecutive weeks in a 1761  
newspaper of general circulation in the county where the last 1762  
known ~~place of residence or business~~ address of the party is 1763  
located. When notice is given by publication, a ~~copy of the~~ 1764  
~~newspaper~~ proof of publication affidavit, with the first 1765  
publication of the notice ~~marked~~ set forth in the affidavit, shall 1766  
be mailed by ordinary mail to the party at the party's last known 1767  
address and the notice shall be deemed received as of the date of 1768  
the last publication. An employee or agent of the agency may make 1769  
personal delivery of the notice upon a party at any time. 1770

Refusal of delivery by personal service or by mail is not 1771  
failure of delivery and service is deemed to be complete. Failure 1772  
of delivery occurs only when a mailed notice is returned by the 1773  
postal authorities marked undeliverable, address or addressee 1774  
unknown, or forwarding address unknown or expired. A party's last 1775  
known address is the mailing address of the party appearing in the 1776  
records of the agency. 1777

The failure of an agency to give the notices for any hearing 1778  
required by sections 119.01 to 119.13 of the Revised Code in the 1779  
manner provided in this section shall invalidate any order entered 1780  
pursuant to the hearing. 1781

**Sec. 120.33.** (A) In lieu of using a county public defender or 1782  
joint county public defender to represent indigent persons in the 1783  
proceedings set forth in division (A) of section 120.16 of the 1784  
Revised Code, the board of county commissioners of any county may 1785  
adopt a resolution to pay counsel who are either personally 1786  
selected by the indigent person or appointed by the court. The 1787  
resolution shall include those provisions the board of county 1788

commissioners considers necessary to provide effective 1789  
representation of indigent persons in any proceeding for which 1790  
counsel is provided under this section. The resolution shall 1791  
include provisions for contracts with any municipal corporation 1792  
under which the municipal corporation shall reimburse the county 1793  
for counsel appointed to represent indigent persons charged with 1794  
violations of the ordinances of the municipal corporation. 1795

(1) In a county that adopts a resolution to pay counsel, an 1796  
indigent person shall have the right to do either of the 1797  
following: 1798

(a) To select the person's own personal counsel to represent 1799  
the person in any proceeding included within the provisions of the 1800  
resolution; 1801

(b) To request the court to appoint counsel to represent the 1802  
person in such a proceeding. 1803

(2) The court having jurisdiction over the proceeding in a 1804  
county that adopts a resolution to pay counsel shall, after 1805  
determining that the person is indigent and entitled to legal 1806  
representation under this section, do either of the following: 1807

(a) By signed journal entry recorded on its docket, enter the 1808  
name of the lawyer selected by the indigent person as counsel of 1809  
record; 1810

(b) Appoint counsel for the indigent person if the person has 1811  
requested the court to appoint counsel and, by signed journal 1812  
entry recorded on its dockets, enter the name of the lawyer 1813  
appointed for the indigent person as counsel of record. 1814

(3) The board of county commissioners shall establish a 1815  
schedule of fees by case or on an hourly basis to be paid to 1816  
counsel for legal services provided pursuant to a resolution 1817  
adopted under this section. Prior to establishing the schedule, 1818  
the board of county commissioners shall request the bar 1819

association or associations of the county to submit a proposed 1820  
schedule. The schedule submitted shall be subject to the review, 1821  
amendment, and approval of the board of county commissioners. 1822

(4) Counsel selected by the indigent person or appointed by 1823  
the court at the request of an indigent person in a county that 1824  
adopts a resolution to pay counsel, except for counsel appointed 1825  
to represent a person charged with any violation of an ordinance 1826  
of a municipal corporation that has not contracted with the county 1827  
commissioners for the payment of appointed counsel, shall be paid 1828  
by the county and shall receive the compensation and expenses the 1829  
court approves. Each request for payment shall be accompanied by a 1830  
financial disclosure form and an affidavit of indigency that are 1831  
completed by the indigent person on forms prescribed by the state 1832  
public defender. Compensation and expenses shall not exceed the 1833  
amounts fixed by the board of county commissioners in the schedule 1834  
adopted pursuant to division (A)(3) of this section. No court 1835  
shall approve compensation and expenses that exceed the amount 1836  
fixed pursuant to division (A)(3) of this section. 1837

The fees and expenses approved by the court shall not be 1838  
taxed as part of the costs and shall be paid by the county. 1839  
However, if the person represented has, or may reasonably be 1840  
expected to have, the means to meet some part of the cost of the 1841  
services rendered to the person, the person shall pay the county 1842  
an amount that the person reasonably can be expected to pay. 1843  
Pursuant to section 120.04 of the Revised Code, the county shall 1844  
pay to the state public defender a percentage of the payment 1845  
received from the person in an amount proportionate to the 1846  
percentage of the costs of the person's case that were paid to the 1847  
county by the state public defender pursuant to this section. The 1848  
money paid to the state public defender shall be credited to the 1849  
client payment fund created pursuant to division (B)(5) of section 1850  
120.04 of the Revised Code. 1851

The county auditor shall draw a warrant on the county treasurer for the payment of counsel in the amount fixed by the court, plus the expenses the court fixes and certifies to the auditor. The county auditor shall report periodically, but not less than annually, to the board of county commissioners and to the ~~Ohio state~~ state public defender ~~commission~~ the amounts paid out pursuant to the approval of the court. The board of county commissioners, after review and approval of the auditor's report, or the county auditor, with permission from and notice to the board of county commissioners, may then certify it to the state public defender for reimbursement. ~~If a~~ The state public defender may pay a requested reimbursement only if the request for reimbursement is ~~not~~ accompanied by a financial disclosure form and an affidavit of indigency completed by the indigent person on forms prescribed by the state public defender, ~~the state public defender shall not pay the requested reimbursement or if the court certifies by electronic signature as prescribed by the state public defender that a financial disclosure form and affidavit of indigency have been completed by the indigent person and are available for inspection.~~ If a request for the reimbursement of the cost of counsel in any case is not received by the state public defender within ninety days after the end of the calendar month in which the case is finally disposed of by the court, unless the county has requested and the state public defender has granted an extension of the ninety-day limit, the state public defender shall not pay the requested reimbursement. The state public defender shall also review the report and, in accordance with the standards, guidelines, and maximums established pursuant to divisions (B)(7) and (8) of section 120.04 of the Revised Code, prepare a voucher for fifty per cent of the total cost of each county appointed counsel system in the period of time covered by the certified report and a voucher for fifty per cent of the costs and expenses that are reimbursable under section 120.35 of the

Revised Code, if any, or, if the amount of money appropriated by 1885  
the general assembly to reimburse counties for the operation of 1886  
county public defender offices, joint county public defender 1887  
offices, and county appointed counsel systems is not sufficient to 1888  
pay fifty per cent of the total cost of all of the offices and 1889  
systems other than costs and expenses that are reimbursable under 1890  
section 120.35 of the Revised Code, for the lesser amount required 1891  
by section 120.34 of the Revised Code. 1892

(5) If any county appointed counsel system fails to maintain 1893  
the standards for the conduct of the system established by the 1894  
rules of the Ohio public defender commission pursuant to divisions 1895  
(B) and (C) of section 120.03 or the standards established by the 1896  
state public defender pursuant to division (B)(7) of section 1897  
120.04 of the Revised Code, the Ohio public defender commission 1898  
shall notify the board of county commissioners of the county that 1899  
the county appointed counsel system has failed to comply with its 1900  
rules or the standards of the state public defender. Unless the 1901  
board of county commissioners corrects the conduct of its 1902  
appointed counsel system to comply with the rules and standards 1903  
within ninety days after the date of the notice, the state public 1904  
defender may deny all or part of the county's reimbursement from 1905  
the state provided for in division (A)(4) of this section. 1906

(B) In lieu of using a county public defender or joint county 1907  
public defender to represent indigent persons in the proceedings 1908  
set forth in division (A) of section 120.16 of the Revised Code, 1909  
and in lieu of adopting the resolution and following the procedure 1910  
described in division (A) of this section, the board of county 1911  
commissioners of any county may contract with the state public 1912  
defender for the state public defender's legal representation of 1913  
indigent persons. A contract entered into pursuant to this 1914  
division may provide for payment for the services provided on a 1915  
per case, hourly, or fixed contract basis. 1916

(C) If a court appoints an attorney pursuant to this section 1917  
to represent a petitioner in a postconviction relief proceeding 1918  
under section 2953.21 of the Revised Code, the petitioner has 1919  
received a sentence of death, and the proceeding relates to that 1920  
sentence, the attorney who represents the petitioner in the 1921  
proceeding pursuant to the appointment shall be certified under 1922  
Rule 20 of the Rules of Superintendence for the Courts of Ohio to 1923  
represent indigent defendants charged with or convicted of an 1924  
offense for which the death penalty can be or has been imposed. 1925

**Sec. 121.48.** There is hereby created the office of the 1926  
inspector general, to be headed by the inspector general. 1927

The governor shall appoint the inspector general, subject to 1928  
section 121.49 of the Revised Code and the advice and consent of 1929  
the senate. The inspector general shall hold office for a term 1930  
coinciding with the term of the appointing governor. The governor 1931  
may remove the inspector general from office only after delivering 1932  
written notice to the inspector general of the reasons for which 1933  
the governor intends to remove the inspector general from office 1934  
and providing the inspector general with an opportunity to appear 1935  
and show cause why the inspector general should not be removed. 1936

In addition to the duties imposed by section 121.42 of the 1937  
Revised Code, the inspector general shall manage the office of the 1938  
inspector general. The inspector general shall establish and 1939  
maintain offices in Columbus. 1940

The inspector general may ~~appoint~~ employ and fix the 1941  
compensation of one or more deputy inspectors general. Each deputy 1942  
inspector general shall serve for a term coinciding with the term 1943  
of the appointing inspector general, and shall perform the duties, 1944  
including the performance of investigations, that are assigned by 1945  
the inspector general. All deputy inspectors general are in the 1946  
unclassified service and serve at the pleasure of the inspector 1947

general. 1948

In addition to deputy inspectors general, the inspector 1949  
general may ~~appoint~~ employ and fix the compensation of 1950  
professional, technical, and clerical employees that are necessary 1951  
for the effective and efficient operation of the office of the 1952  
inspector general. All professional, technical, and clerical 1953  
employees of the office of the inspector general are in the 1954  
unclassified service and serve at the pleasure of the appointing 1955  
inspector general. 1956

The inspector general may enter into any contracts that are 1957  
necessary to the operation of the office of the inspector general. 1958  
The contracts may include, but are not limited to, contracts for 1959  
the services of persons who are experts in a particular field and 1960  
whose expertise is necessary to the successful completion of an 1961  
investigation. 1962

Not later than the first day of March in each year, the 1963  
inspector general shall publish an annual report summarizing the 1964  
activities of the inspector general's office during the previous 1965  
calendar year. The annual report shall not disclose the results of 1966  
any investigation insofar as the results are designated as 1967  
confidential under section 121.44 of the Revised Code. 1968

The inspector general shall provide copies of the inspector 1969  
general's annual report to the governor and the general assembly. 1970  
The inspector general also shall provide a copy of the annual 1971  
report to any other person who requests the copy and pays a fee 1972  
prescribed by the inspector general. The fee shall not exceed the 1973  
cost of reproducing and delivering the annual report. 1974

**Sec. 121.51.** There is hereby created in the office of the 1975  
inspector general the position of deputy inspector general for the 1976  
department of transportation. The inspector general shall appoint 1977  
the deputy inspector general, and the deputy inspector general 1978

shall serve at the pleasure of the inspector general. A person 1979  
employed as the deputy inspector general shall have the same 1980  
qualifications as those specified in section 121.49 of the Revised 1981  
Code for the inspector general. The inspector general shall 1982  
provide technical, professional, and clerical assistance to the 1983  
deputy inspector general. The inspector general shall certify to 1984  
the director of budget and management the costs ~~incurred by the~~ 1985  
~~deputy inspector general~~, including the salaries of the deputy 1986  
inspector general and the employees assisting the deputy inspector 1987  
general, that the inspector general expects the deputy inspector 1988  
general to incur during the fiscal year or such lesser period for 1989  
which the certification is made. The director of budget and 1990  
management shall transfer the ~~amount~~ amounts certified to the 1991  
deputy inspector general for ODOT fund, which is hereby created in 1992  
the state treasury, from the appropriation made to the department 1993  
of transportation from which expenditures for general 1994  
administrative purposes, as distinguished from specific 1995  
infrastructure projects, are made. The transfers shall be made in 1996  
accordance with a schedule that the inspector general considers to 1997  
be appropriate but shall not be in amounts that would create a 1998  
balance in the fund in excess of need or that would exceed the 1999  
amount appropriated from the fund. The inspector general shall use 2000  
the deputy inspector general for ODOT fund to pay costs incurred 2001  
by the deputy inspector general. 2002

The deputy inspector general shall investigate all wrongful 2003  
acts or omissions that have been committed or are being committed 2004  
by employees of the department. In addition, the deputy inspector 2005  
general shall conduct a program of random review of the processing 2006  
of contracts associated with building and maintaining the state's 2007  
infrastructure. The random review program shall be designed by the 2008  
inspector general. The program shall be confidential and may be 2009  
altered by the inspector general at any time. The deputy inspector 2010  
general has the same powers and duties regarding matters 2011

concerning the department as those specified in sections 121.42, 2012  
121.43, and 121.45 of the Revised Code for the inspector general. 2013  
Complaints may be filed with the deputy inspector general in the 2014  
same manner as prescribed for complaints filed with the inspector 2015  
general under section 121.46 of the Revised Code. All 2016  
investigations conducted and reports issued by the deputy 2017  
inspector general are subject to section 121.44 of the Revised 2018  
Code. 2019

All officers and employees of the department shall cooperate 2020  
with and provide assistance to the deputy inspector general in the 2021  
performance of any investigation conducted by the deputy inspector 2022  
general. In particular, those persons shall make their premises, 2023  
equipment, personnel, books, records, and papers readily available 2024  
to the deputy inspector general. In the course of an 2025  
investigation, the deputy inspector general may question any 2026  
officers or employees of the department and any person transacting 2027  
business with the department and may inspect and copy any books, 2028  
records, or papers in the possession of the department, taking 2029  
care to preserve the confidentiality of information contained in 2030  
responses to questions or the books, records, or papers that are 2031  
made confidential by law. In performing any investigation, the 2032  
deputy inspector general shall avoid interfering with the ongoing 2033  
operations of the department, except insofar as is reasonably 2034  
necessary to complete the investigation successfully. 2035

At the conclusion of an investigation by the deputy inspector 2036  
general, the deputy inspector general shall deliver to the 2037  
director of transportation and the governor any case for which 2038  
remedial action is necessary. The deputy inspector general shall 2039  
maintain a public record of the activities of the deputy inspector 2040  
general to the extent permitted under this section, ensuring that 2041  
the rights of the parties involved in each case are protected. The 2042  
inspector general shall include in the annual report required by 2043

section 121.48 of the Revised Code a summary of the deputy 2044  
inspector general's activities during the previous year. 2045

No person shall disclose any information that is designated 2046  
as confidential in accordance with section 121.44 of the Revised 2047  
Code or any confidential information that is acquired in the 2048  
course of an investigation conducted under this section to any 2049  
person who is not legally entitled to disclosure of that 2050  
information. 2051

Sec. 122.051. There is hereby created in the state treasury 2052  
the international trade cooperative projects fund. The fund shall 2053  
consist of moneys received from private and nonprofit 2054  
organizations involved in cooperative agreements related to 2055  
import/export and direct foreign investment activities and cash 2056  
transfers from other state agencies or any state or local 2057  
government to encourage, promote, and assist trade and commerce 2058  
between this state and foreign nations, pursuant to section 122.05 2059  
and division (E) of section 122.04 of the Revised Code. 2060

Sec. 122.071. There is hereby created in the state treasury 2061  
the travel and tourism cooperative projects fund consisting of all 2062  
grants, gifts, and contributions made to the director of 2063  
development for marketing and promotion of travel and tourism 2064  
within this state pursuant to division (F) of section 122.04 and 2065  
section 122.07 of the Revised Code. 2066

Sec. 122.076. There is hereby created in the state treasury 2067  
the energy projects fund consisting of nonfederal revenue that is 2068  
remitted to the director of development for the purpose of energy 2069  
projects. Money in the fund shall be used by the department of 2070  
development for energy projects and to pay the costs incurred in 2071  
administering the energy projects. 2072

Sec. 122.17. (A) As used in this section: 2073

(1) "Full-time employee" means an individual who is employed 2074  
for consideration for at least an average of thirty-five hours a 2075  
week ~~or~~, who renders any other standard of service generally 2076  
accepted by custom or specified by contract as full-time 2077  
employment, or who is employed for consideration for such time or 2078  
renders such service but is on family or medical leave under the 2079  
federal Family and Medical Leave Act of 1993, Pub. L. No. 103-3, 2080  
107 Stat. 6, as amended, or on active duty reserve or Ohio 2081  
national guard service. 2082

(2) "New employee" means one of the following: 2083

(a) A full-time employee first employed by a taxpayer in the 2084  
project that is the subject of the agreement after the taxpayer 2085  
enters into a tax credit agreement with the tax credit authority 2086  
under this section; 2087

(b) A full-time employee first employed by a taxpayer in the 2088  
project that is the subject of the tax credit after the tax credit 2089  
authority approves a project for a tax credit under this section 2090  
in a public meeting, as long as the taxpayer enters into the tax 2091  
credit agreement prepared by the department of development after 2092  
such meeting within sixty days after receiving the agreement from 2093  
the department. If the taxpayer fails to enter into the agreement 2094  
within sixty days, "new employee" has the same meaning as under 2095  
division (A)(2)(a) of this section. A full-time employee may be 2096  
considered a "new employee" of a taxpayer, despite previously 2097  
having been employed by a related member of the taxpayer, if all 2098  
of the following apply: 2099

(i) The related member is a party to the tax credit agreement 2100  
at the time the employee is first employed with the taxpayer; 2101

(ii) The related member will remain subject to the tax 2102

imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 2103  
under Chapter 5751. of the Revised Code for the remainder of the 2104  
term of the tax credit, and the tax credit is taken against 2105  
liability for that same tax through the remainder of the term of 2106  
the tax credit; and 2107

(iii) The employee was considered a new employee of the 2108  
related member prior to employment with the taxpayer. 2109

Under division (A)(2)(a) or (b) of this section, if the tax 2110  
credit authority determines it appropriate, "new employee" also 2111  
may include an employee re-hired or called back from lay-off to 2112  
work in a new facility or on a new product or service established 2113  
or produced by the taxpayer after entering into the agreement 2114  
under this section or after the tax credit authority approves the 2115  
tax credit in a public meeting. Except as otherwise provided in 2116  
this paragraph, "new employee" does not include any employee of 2117  
the taxpayer who was previously employed in this state by a 2118  
related member of the taxpayer and whose employment was shifted to 2119  
the taxpayer after the taxpayer entered into the tax credit 2120  
agreement or after the tax credit authority approved the credit in 2121  
a public meeting, or any employee of the taxpayer for which the 2122  
taxpayer has been granted a certificate under division (B) of 2123  
section 5709.66 of the Revised Code. However, if the taxpayer is 2124  
engaged in the enrichment and commercialization of uranium or 2125  
uranium products or is engaged in research and development 2126  
activities related thereto and if the tax credit authority 2127  
determines it appropriate, "new employee" may include an employee 2128  
of the taxpayer who was previously employed in this state by a 2129  
related member of the taxpayer and whose employment was shifted to 2130  
the taxpayer after the taxpayer entered into the tax credit 2131  
agreement or after the tax credit authority approved the credit in 2132  
a public meeting. "New employee" does not include an employee of 2133  
the taxpayer who is employed in an employment position that was 2134

relocated to a project from other operations of the taxpayer in 2135  
this state or from operations of a related member of the taxpayer 2136  
in this state. In addition, "new employee" does not include a 2137  
child, grandchild, parent, or spouse, other than a spouse who is 2138  
legally separated from the individual, of any individual who is an 2139  
employee of the taxpayer and who has a direct or indirect 2140  
ownership interest of at least five per cent in the profits, 2141  
capital, or value of the taxpayer. Such ownership interest shall 2142  
be determined in accordance with section 1563 of the Internal 2143  
Revenue Code and regulations prescribed thereunder. 2144

(3) "New income tax revenue" means the total amount withheld 2145  
under section 5747.06 of the Revised Code by the taxpayer during 2146  
the taxable year, or during the calendar year that includes the 2147  
tax period, from the compensation of new employees for the tax 2148  
levied under Chapter 5747. of the Revised Code. 2149

(4) "Related member" has the same meaning as under division 2150  
(A)(6) of section 5733.042 of the Revised Code without regard to 2151  
division (B) of that section. 2152

(B) The tax credit authority may make grants under this 2153  
section to foster job creation in this state. Such a grant shall 2154  
take the form of a refundable credit allowed against the tax 2155  
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 2156  
under Chapter 5751. of the Revised Code. The credit shall be 2157  
claimed for the taxable years or tax periods specified in the 2158  
taxpayer's agreement with the tax credit authority under division 2159  
(D) of this section. With respect to taxes imposed under section 2160  
5733.06 or 5747.02 or Chapter 5751. of the Revised Code, the 2161  
credit shall be claimed in the order required under section 2162  
5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of 2163  
the credit available for a taxable year or for a calendar year 2164  
that includes a tax period equals the new income tax revenue for 2165  
that year multiplied by the percentage specified in the agreement 2166

with the tax credit authority. Any credit granted under this 2167  
section against the tax imposed by section 5733.06 or 5747.02 of 2168  
the Revised Code, to the extent not fully utilized against such 2169  
tax for taxable years ending prior to 2008, shall automatically be 2170  
converted without any action taken by the tax credit authority to 2171  
a credit against the tax levied under Chapter 5751. of the Revised 2172  
Code for tax periods beginning on or after July 1, 2008, provided 2173  
that the person to whom the credit was granted is subject to such 2174  
tax. The converted credit shall apply to those calendar years in 2175  
which the remaining taxable years specified in the agreement end. 2176

(C) A taxpayer or potential taxpayer who proposes a project 2177  
to create new jobs in this state may apply to the tax credit 2178  
authority to enter into an agreement for a tax credit under this 2179  
section. The director of development shall prescribe the form of 2180  
the application. After receipt of an application, the authority 2181  
may enter into an agreement with the taxpayer for a credit under 2182  
this section if it determines all of the following: 2183

(1) The taxpayer's project will create new jobs in this 2184  
state; 2185

(2) The taxpayer's project is economically sound and will 2186  
benefit the people of this state by increasing opportunities for 2187  
employment and strengthening the economy of this state; 2188

(3) Receiving the tax credit is a major factor in the 2189  
taxpayer's decision to go forward with the project. 2190

(D) An agreement under this section shall include all of the 2191  
following: 2192

(1) A detailed description of the project that is the subject 2193  
of the agreement; 2194

(2) The term of the tax credit, which shall not exceed 2195  
fifteen years, and the first taxable year, or first calendar year 2196  
that includes a tax period, for which the credit may be claimed; 2197

(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;	2198 2199 2200
(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;	2201 2202 2203 2204
(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;	2205 2206 2207
(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;	2208 2209 2210 2211 2212
(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;	2213 2214 2215 2216
(8)(a) A provision requiring that the taxpayer, except as otherwise provided in division (D)(8)(b) of this section, shall not relocate employment positions from elsewhere in this state to the project site that is the subject of the agreement for the lesser of five years from the date the agreement is entered into or the number of years the taxpayer is entitled to claim the tax credit.	2217 2218 2219 2220 2221 2222 2223
(b) The taxpayer may relocate employment positions from elsewhere in this state to the project site that is the subject of the agreement if the director of development determines both of the following:	2224 2225 2226 2227
(i) That the site from which the employment positions would	2228

be relocated is inadequate to meet market and industry conditions, 2229  
expansion plans, consolidation plans, or other business 2230  
considerations affecting the taxpayer; 2231

(ii) That the legislative authority of the county, township, 2232  
or municipal corporation from which the employment positions would 2233  
be relocated has been notified of the relocation. 2234

For purposes of this section, the movement of an employment 2235  
position from one political subdivision to another political 2236  
subdivision shall be considered a relocation of an employment 2237  
position, but the transfer of an individual employee from one 2238  
political subdivision to another political subdivision shall not 2239  
be considered a relocation of an employment position as long as 2240  
the individual's employment position in the first political 2241  
subdivision is refilled. 2242

(E) If a taxpayer fails to meet or comply with any condition 2243  
or requirement set forth in a tax credit agreement, the tax credit 2244  
authority may amend the agreement to reduce the percentage or term 2245  
of the tax credit. The reduction of the percentage or term shall 2246  
take effect (1) in the taxable year immediately following the 2247  
taxable year in which the authority amends the agreement or the 2248  
director of development notifies the taxpayer in writing of such 2249  
failure, or (2) in the first tax period beginning in the calendar 2250  
year immediately following the calendar year in which the 2251  
authority amends the agreement or the director notifies the 2252  
taxpayer in writing of such failure. If the taxpayer fails to 2253  
annually report any of the information required by division (D)(6) 2254  
of this section within the time required by the director, the 2255  
reduction of the percentage or term may take effect in the current 2256  
taxable year. If the taxpayer relocates employment positions in 2257  
violation of the provision required under division (D)(8)(a) of 2258  
this section, the taxpayer shall not claim the tax credit under 2259  
section 5733.0610 of the Revised Code for any tax years following 2260

the calendar year in which the relocation occurs, or shall not 2261  
claim the tax credit under section 5725.32, 5729.032, or 5747.058 2262  
of the Revised Code for the taxable year in which the relocation 2263  
occurs and any subsequent taxable years, and shall not claim the 2264  
tax credit under division (A) of section 5751.50 of the Revised 2265  
Code for any tax period in the calendar year in which the 2266  
relocation occurs and any subsequent tax periods. 2267

(F) Projects that consist solely of point-of-final-purchase 2268  
retail facilities are not eligible for a tax credit under this 2269  
section. If a project consists of both point-of-final-purchase 2270  
retail facilities and nonretail facilities, only the portion of 2271  
the project consisting of the nonretail facilities is eligible for 2272  
a tax credit and only the new income tax revenue from new 2273  
employees of the nonretail facilities shall be considered when 2274  
computing the amount of the tax credit. If a warehouse facility is 2275  
part of a point-of-final-purchase retail facility and supplies 2276  
only that facility, the warehouse facility is not eligible for a 2277  
tax credit. Catalog distribution centers are not considered 2278  
point-of-final-purchase retail facilities for the purposes of this 2279  
division, and are eligible for tax credits under this section. 2280

(G) Financial statements and other information submitted to 2281  
the department of development or the tax credit authority by an 2282  
applicant or recipient of a tax credit under this section, and any 2283  
information taken for any purpose from such statements or 2284  
information, are not public records subject to section 149.43 of 2285  
the Revised Code. However, the chairperson of the authority may 2286  
make use of the statements and other information for purposes of 2287  
issuing public reports or in connection with court proceedings 2288  
concerning tax credit agreements under this section. Upon the 2289  
request of the tax commissioner or, if the applicant or recipient 2290  
is an insurance company, upon the request of the superintendent of 2291  
insurance, the chairperson of the authority shall provide to the 2292

commissioner or superintendent any statement or information 2293  
submitted by an applicant or recipient of a tax credit in 2294  
connection with the credit. The commissioner or superintendent 2295  
shall preserve the confidentiality of the statement or 2296  
information. 2297

(H) A taxpayer claiming a credit under this section shall 2298  
submit to the tax commissioner or, if the taxpayer is an insurance 2299  
company, to the superintendent of insurance, a copy of the 2300  
director of development's certificate of verification under 2301  
division (D)(7) of this section with the taxpayer's tax report or 2302  
return for the taxable year or for the calendar year that includes 2303  
the tax period. Failure to submit a copy of the certificate with 2304  
the report or return does not invalidate a claim for a credit if 2305  
the taxpayer submits a copy of the certificate to the commissioner 2306  
or superintendent within sixty days after the commissioner or 2307  
superintendent requests it. 2308

(I) The director of development, after consultation with the 2309  
tax commissioner and the superintendent of insurance and in 2310  
accordance with Chapter 119. of the Revised Code, shall adopt 2311  
rules necessary to implement this section. The rules may provide 2312  
for recipients of tax credits under this section to be charged 2313  
fees to cover administrative costs of the tax credit program. The 2314  
fees collected shall be credited to the tax incentive programs 2315  
operating fund created in section 122.174 of the Revised Code. At 2316  
the time the director gives public notice under division (A) of 2317  
section 119.03 of the Revised Code of the adoption of the rules, 2318  
the director shall submit copies of the proposed rules to the 2319  
chairpersons of the standing committees on economic development in 2320  
the senate and the house of representatives. 2321

(J) For the purposes of this section, a taxpayer may include 2322  
a partnership, a corporation that has made an election under 2323  
subchapter S of chapter one of subtitle A of the Internal Revenue 2324

Code, or any other business entity through which income flows as a 2325  
distributive share to its owners. A ~~credit received under this~~ 2326  
~~section by a~~ partnership, S-corporation, or other such business 2327  
entity ~~shall be apportioned among~~ may elect to pass the credit 2328  
received under this section through to the persons to whom the 2329  
income or profit of the partnership, S-corporation, or other 2330  
entity is distributed<sup>7</sup>. The election shall be made on the annual 2331  
report required under division (D)(6) of this section. The 2332  
election applies to and is irrevocable for the credit for which 2333  
the report is submitted. If the election is made, the credit shall 2334  
be apportioned among those persons in the same proportions as 2335  
those in which the income or profit is distributed. 2336

(K) If the director of development determines that a taxpayer 2337  
who has received a credit under this section is not complying with 2338  
the requirement under division (D)(3) of this section, the 2339  
director shall notify the tax credit authority of the 2340  
noncompliance. After receiving such a notice, and after giving the 2341  
taxpayer an opportunity to explain the noncompliance, the tax 2342  
credit authority may require the taxpayer to refund to this state 2343  
a portion of the credit in accordance with the following: 2344

(1) If the taxpayer maintained operations at the project 2345  
location for at least one and one-half times the number of years 2346  
of the term of the tax credit, an amount not exceeding twenty-five 2347  
per cent of the sum of any previously allowed credits under this 2348  
section; 2349

(2) If the taxpayer maintained operations at the project 2350  
location for at least the number of years of the term of the tax 2351  
credit, an amount not exceeding fifty per cent of the sum of any 2352  
previously allowed credits under this section; 2353

(3) If the taxpayer maintained operations at the project 2354  
location for less than the number of years of the term of the tax 2355  
credit, an amount not exceeding one hundred per cent of the sum of 2356

any previously allowed credits under this section. 2357

In determining the portion of the tax credit to be refunded 2358  
to this state, the tax credit authority shall consider the effect 2359  
of market conditions on the taxpayer's project and whether the 2360  
taxpayer continues to maintain other operations in this state. 2361  
After making the determination, the authority shall certify the 2362  
amount to be refunded to the tax commissioner or superintendent of 2363  
insurance, as appropriate. If the amount is certified to the 2364  
commissioner, the commissioner shall make an assessment for that 2365  
amount against the taxpayer under Chapter 5733., 5747., or 5751. 2366  
of the Revised Code. If the amount is certified to the 2367  
superintendent, the superintendent shall make an assessment for 2368  
that amount against the taxpayer under Chapter 5725. or 5729. of 2369  
the Revised Code. The time limitations on assessments under those 2370  
chapters do not apply to an assessment under this division, but 2371  
the commissioner or superintendent, as appropriate, shall make the 2372  
assessment within one year after the date the authority certifies 2373  
to the commissioner or superintendent the amount to be refunded. 2374

(L) On or before the thirty-first day of March each year, the 2375  
director of development shall submit a report to the governor, the 2376  
president of the senate, and the speaker of the house of 2377  
representatives on the tax credit program under this section. The 2378  
report shall include information on the number of agreements that 2379  
were entered into under this section during the preceding calendar 2380  
year, a description of the project that is the subject of each 2381  
such agreement, and an update on the status of projects under 2382  
agreements entered into before the preceding calendar year. 2383

(M) There is hereby created the tax credit authority, which 2384  
consists of the director of development and four other members 2385  
appointed as follows: the governor, the president of the senate, 2386  
and the speaker of the house of representatives each shall appoint 2387  
one member who shall be a specialist in economic development; the 2388

governor also shall appoint a member who is a specialist in 2389  
taxation. Of the initial appointees, the members appointed by the 2390  
governor shall serve a term of two years; the members appointed by 2391  
the president of the senate and the speaker of the house of 2392  
representatives shall serve a term of four years. Thereafter, 2393  
terms of office shall be for four years. Initial appointments to 2394  
the authority shall be made within thirty days after January 13, 2395  
1993. Each member shall serve on the authority until the end of 2396  
the term for which the member was appointed. Vacancies shall be 2397  
filled in the same manner provided for original appointments. Any 2398  
member appointed to fill a vacancy occurring prior to the 2399  
expiration of the term for which the member's predecessor was 2400  
appointed shall hold office for the remainder of that term. 2401  
Members may be reappointed to the authority. Members of the 2402  
authority shall receive their necessary and actual expenses while 2403  
engaged in the business of the authority. The director of 2404  
development shall serve as chairperson of the authority, and the 2405  
members annually shall elect a vice-chairperson from among 2406  
themselves. Three members of the authority constitute a quorum to 2407  
transact and vote on the business of the authority. The majority 2408  
vote of the membership of the authority is necessary to approve 2409  
any such business, including the election of the vice-chairperson. 2410

The director of development may appoint a professional 2411  
employee of the department of development to serve as the 2412  
director's substitute at a meeting of the authority. The director 2413  
shall make the appointment in writing. In the absence of the 2414  
director from a meeting of the authority, the appointed substitute 2415  
shall serve as chairperson. In the absence of both the director 2416  
and the director's substitute from a meeting, the vice-chairperson 2417  
shall serve as chairperson. 2418

(N) For purposes of the credits granted by this section 2419  
against the taxes imposed under sections 5725.18 and 5729.03 of 2420

the Revised Code, "taxable year" means the period covered by the 2421  
taxpayer's annual statement to the superintendent of insurance. 2422

**Sec. 122.171.** (A) As used in this section: 2423

(1) "Capital investment project" means a plan of investment 2424  
at a project site for the acquisition, construction, renovation, 2425  
or repair of buildings, machinery, or equipment, or for 2426  
capitalized costs of basic research and new product development 2427  
determined in accordance with generally accepted accounting 2428  
principles, but does not include any of the following: 2429

(a) Payments made for the acquisition of personal property 2430  
through operating leases; 2431

(b) Project costs paid before January 1, 2002; 2432

(c) Payments made to a related member as defined in section 2433  
5733.042 of the Revised Code or to an elected consolidated 2434  
taxpayer or a combined taxpayer as defined in section 5751.01 of 2435  
the Revised Code. 2436

(2) "Eligible business" means a business with Ohio operations 2437  
satisfying all of the following: 2438

(a) Employed an average of at least one thousand employees in 2439  
full-time employment positions at a project site during each of 2440  
the twelve months preceding the application for a tax credit under 2441  
this section; and 2442

(b) On or after January 1, 2002, has made or has caused to be 2443  
made payments for the capital investment project, including 2444  
payments made by an unrelated third party entity as a result of a 2445  
lease of not less than twenty years in term, of either of the 2446  
following: 2447

(i) At least two hundred million dollars in the aggregate at 2448  
the project site during a period of three consecutive calendar 2449  
years including the calendar year that includes a day of the 2450

taxpayer's taxable year or tax period with respect to which the  
credit is granted;

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

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

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

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

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

(5) "Project site" means an integrated complex of facilities 2482  
in this state, as specified by the tax credit authority under this 2483  
section, within a fifteen-mile radius where a taxpayer is 2484  
primarily operating as an eligible business. 2485

(6) "Applicable corporation" means a corporation satisfying 2486  
all of the following: 2487

(a)(i) For the entire taxable year immediately preceding the 2488  
tax year, the corporation develops software applications primarily 2489  
to provide telecommunication billing and information services 2490  
through outsourcing or licensing to domestic or international 2491  
customers. 2492

(ii) Sales and licensing of software generated at least six 2493  
hundred million dollars in revenue during the taxable year 2494  
immediately preceding the tax year the corporation is first 2495  
entitled to claim the credit provided under division (B) of this 2496  
section. 2497

(b) For the entire taxable year immediately preceding the tax 2498  
year, the corporation or one or more of its related members 2499  
provides customer or employee care and technical support for 2500  
clients through one or more contact centers within this state, and 2501  
the corporation and its related members together have a daily 2502  
average, based on a three-hundred-sixty-five-day year, of at least 2503  
five hundred thousand successful customer contacts through one or 2504  
more of their contact centers, wherever located. 2505

(c) The corporation is eligible for the credit under division 2506  
(B) of this section for the tax year. 2507

(7) "Related member" has the same meaning as in section 2508  
5733.042 of the Revised Code as that section existed on the 2509  
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 2510  
general assembly, September 29, 1997. 2511

(8) "Successful customer contact" means a contact with an end 2512

user via telephone, including interactive voice recognition or 2513  
similar means, where the contact culminates in a conversation or 2514  
connection other than a busy signal or equipment busy. 2515

(9) "Telecommunications" means all forms of 2516  
telecommunications service as defined in section 5739.01 of the 2517  
Revised Code, and includes services in wireless, wireline, cable, 2518  
broadband, internet protocol, and satellite. 2519

(10)(a) "Applicable difference" means the difference between 2520  
the tax for the tax year under Chapter 5733. of the Revised Code 2521  
applying the law in effect for that tax year, and the tax for that 2522  
tax year if section 5733.042 of the Revised Code applied as that 2523  
section existed on the effective date of its amendment by Am. Sub. 2524  
H.B. 215 of the 122nd general assembly, September 29, 1997, 2525  
subject to division (A)(10)(b) of this section. 2526

(b) If the tax rate set forth in division (B) of section 2527  
5733.06 of the Revised Code for the tax year is less than eight 2528  
and one-half per cent, the tax calculated under division 2529  
(A)(10)(a) of this section shall be computed by substituting a tax 2530  
rate of eight and one-half per cent for the rate set forth in 2531  
division (B) of section 5733.06 of the Revised Code for the tax 2532  
year. 2533

(c) If the resulting difference is negative, the applicable 2534  
tax difference for the tax year shall be zero. 2535

(B) The tax credit authority created under section 122.17 of 2536  
the Revised Code may grant tax credits under this section for the 2537  
purpose of fostering job retention in this state. Upon application 2538  
by an eligible business and upon consideration of the 2539  
recommendation of the director of budget and management, tax 2540  
commissioner, and director of development under division (C) of 2541  
this section, the tax credit authority may grant to an eligible 2542  
business a nonrefundable credit against the tax imposed by section 2543

5733.06 or 5747.02 of the Revised Code for a period up to fifteen 2544  
taxable years and against the tax levied by Chapter 5751. of the 2545  
Revised Code for a period of up to fifteen calendar years 2546  
provided, however, that if the project site is leased, the term of 2547  
the tax credit cannot exceed the lesser of fifteen years or 2548  
one-half the term of the lease, including any permitted renewal 2549  
periods. The credit shall be in an amount not exceeding 2550  
seventy-five per cent of the Ohio income tax withheld from the 2551  
employees of the eligible business occupying full-time employment 2552  
positions at the project site during the calendar year that 2553  
includes the last day of such business' taxable year or tax period 2554  
with respect to which the credit is granted. The amount of the 2555  
credit shall not be based on the Ohio income tax withheld from 2556  
full-time employees for a calendar year prior to the calendar year 2557  
in which the minimum investment requirement referred to in 2558  
division (A)(2)(b) of this section is completed. The credit shall 2559  
be claimed only for the taxable years or tax periods specified in 2560  
the eligible business' agreement with the tax credit authority 2561  
under division (E) of this section, but in no event shall the 2562  
credit be claimed for a taxable year or tax period terminating 2563  
before the date specified in the agreement. Any credit granted 2564  
under this section against the tax imposed by section 5733.06 or 2565  
5747.02 of the Revised Code, to the extent not fully utilized 2566  
against such tax for taxable years ending prior to 2008, shall 2567  
automatically be converted without any action taken by the tax 2568  
credit authority to a credit against the tax levied under Chapter 2569  
5751. of the Revised Code for tax periods beginning on or after 2570  
July 1, 2008, provided that the person to whom the credit was 2571  
granted is subject to such tax. The converted credit shall apply 2572  
to those calendar years in which the remaining taxable years 2573  
specified in the agreement end. 2574

The credit computed under this division is in addition to any 2575  
credit allowed under division (M) of this section which the tax 2576

credit authority may also include in the agreement. 2577

Any unused portion of a tax credit may be carried forward for 2578  
not more than three additional years after the year for which the 2579  
credit is granted. 2580

(C) A taxpayer that proposes a capital investment project to 2581  
retain jobs in this state may apply to the tax credit authority to 2582  
enter into an agreement for a tax credit under this section. The 2583  
director of development shall prescribe the form of the 2584  
application. After receipt of an application, the authority shall 2585  
forward copies of the application to the director of budget and 2586  
management, the tax commissioner, and the director of development, 2587  
each of whom shall review the application to determine the 2588  
economic impact the proposed project would have on the state and 2589  
the affected political subdivisions and shall submit a summary of 2590  
their determinations and recommendations to the authority. 2591

(D) Upon review of the determinations and recommendations 2592  
described in division (C) of this section, the tax credit 2593  
authority may enter into an agreement with the taxpayer for a 2594  
credit under this section if the authority determines all of the 2595  
following: 2596

(1) The taxpayer's capital investment project will result in 2597  
the retention of full-time employment positions in this state. 2598

(2) The taxpayer is economically sound and has the ability to 2599  
complete the proposed capital investment project. 2600

(3) The taxpayer intends to and has the ability to maintain 2601  
operations at the project site for at least twice the term of the 2602  
credit. 2603

(4) Receiving the credit is a major factor in the taxpayer's 2604  
decision to begin, continue with, or complete the project. 2605

(5) The political subdivisions in which the project is 2606

located have agreed to provide substantial financial support to 2607  
the project. 2608

(E) An agreement under this section shall include all of the 2609  
following: 2610

(1) A detailed description of the project that is the subject 2611  
of the agreement, including the amount of the investment, the 2612  
period over which the investment has been or is being made, and 2613  
the number of full-time employment positions at the project site. 2614

(2) The method of calculating the number of full-time 2615  
employment positions as specified in division (A)(3) of this 2616  
section. 2617

(3) The term and percentage of the tax credit, and the first 2618  
year for which the credit may be claimed. 2619

(4) A requirement that the taxpayer maintain operations at 2620  
the project site for at least twice the number of years as the 2621  
term of the credit. 2622

(5) A requirement that the taxpayer retain a specified number 2623  
of full-time employment positions at the project site and within 2624  
this state for the term of the credit, including a requirement 2625  
that the taxpayer continue to employ at least one thousand 2626  
employees in full-time employment positions at the project site 2627  
during the entire term of any agreement, subject to division 2628  
(E)(7) of this section. 2629

(6) A requirement that the taxpayer annually report to the 2630  
director of development the number of full-time employment 2631  
positions subject to the credit, the amount of tax withheld from 2632  
employees in those positions, the amount of the payments made for 2633  
the capital investment project, and any other information the 2634  
director needs to perform the director's duties under this 2635  
section. 2636

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

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

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

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

(ii) That the legislative authority of the county, township, 2669  
or municipal corporation from which the employment positions would 2670  
be relocated has been notified of the relocation. 2671

For purposes of this section, the movement of an employment 2672  
position from one political subdivision to another political 2673  
subdivision shall be considered a relocation of an employment 2674  
position unless the movement is confined to the project site. The 2675  
transfer of an individual employee from one political subdivision 2676  
to another political subdivision shall not be considered a 2677  
relocation of an employment position as long as the individual's 2678  
employment position in the first political subdivision is 2679  
refilled. 2680

(9) A waiver by the taxpayer of any limitations periods 2681  
relating to assessments or adjustments resulting from the 2682  
taxpayer's failure to comply with the agreement. 2683

(F) If a taxpayer fails to meet or comply with any condition 2684  
or requirement set forth in a tax credit agreement, the tax credit 2685  
authority may amend the agreement to reduce the percentage or term 2686  
of the credit. The reduction of the percentage or term shall take 2687  
effect (1) in the taxable year immediately following the taxable 2688  
year in which the authority amends the agreement or the director 2689  
of development notifies the taxpayer in writing of such failure, 2690  
or (2) in the first tax period beginning in the calendar year 2691  
immediately following the calendar year in which the authority 2692  
amends the agreement or the director notifies the taxpayer in 2693  
writing of such failure. If the taxpayer fails to annually report 2694  
any of the information required by division (E)(6) of this section 2695  
within the time required by the director, the reduction of the 2696  
percentage or term may take effect in the current taxable year. If 2697  
the taxpayer relocates employment positions in violation of the 2698  
provision required under division (D)(8)(a) of this section, the 2699  
taxpayer shall not claim the tax credit under section 5733.0610 of 2700

the Revised Code for any tax years following the calendar year in 2701  
which the relocation occurs, shall not claim the tax credit under 2702  
section 5747.058 of the Revised Code for the taxable year in which 2703  
the relocation occurs and any subsequent taxable years, and shall 2704  
not claim the tax credit under division (A) of section 5751.50 of 2705  
the Revised Code for the tax period in which the relocation occurs 2706  
and any subsequent tax periods. 2707

(G) Financial statements and other information submitted to 2708  
the department of development or the tax credit authority by an 2709  
applicant for or recipient of a tax credit under this section, and 2710  
any information taken for any purpose from such statements or 2711  
information, are not public records subject to section 149.43 of 2712  
the Revised Code. However, the chairperson of the authority may 2713  
make use of the statements and other information for purposes of 2714  
issuing public reports or in connection with court proceedings 2715  
concerning tax credit agreements under this section. Upon the 2716  
request of the tax commissioner, the chairperson of the authority 2717  
shall provide to the commissioner any statement or other 2718  
information submitted by an applicant for or recipient of a tax 2719  
credit in connection with the credit. The commissioner shall 2720  
preserve the confidentiality of the statement or other 2721  
information. 2722

(H) A taxpayer claiming a tax credit under this section shall 2723  
submit to the tax commissioner a copy of the director of 2724  
development's certificate of verification under division (E)(7) of 2725  
this section with the taxpayer's tax report or return for the 2726  
taxable year or for the calendar year that includes the tax 2727  
period. Failure to submit a copy of the certificate with the 2728  
report or return does not invalidate a claim for a credit if the 2729  
taxpayer submits a copy of the certificate to the commissioner 2730  
within sixty days after the commissioner requests it. 2731

(I) For the purposes of this section, a taxpayer may include 2732

a partnership, a corporation that has made an election under 2733  
subchapter S of chapter one of subtitle A of the Internal Revenue 2734  
Code, or any other business entity through which income flows as a 2735  
distributive share to its owners. A ~~tax credit received under this~~ 2736  
~~section by a~~ partnership, S-corporation, or other such business 2737  
entity ~~shall be apportioned among~~ may elect to pass the credit 2738  
received under this section through to the persons to whom the 2739  
income or profit of the partnership, S-corporation, or other 2740  
entity is distributed<sup>7</sup>. The election shall be made on the annual 2741  
report required under division (E)(6) of this section. The 2742  
election applies to and is irrevocable for the credit for which 2743  
the report is submitted. If the election is made, the credit shall 2744  
be apportioned among those persons in the same proportions as 2745  
those in which the income or profit is distributed. 2746

(J) If the director of development determines that a taxpayer 2747  
that received a tax credit under this section is not complying 2748  
with the requirement under division (E)(4) of this section, the 2749  
director shall notify the tax credit authority of the 2750  
noncompliance. After receiving such a notice, and after giving the 2751  
taxpayer an opportunity to explain the noncompliance, the 2752  
authority may terminate the agreement and require the taxpayer to 2753  
refund to the state all or a portion of the credit claimed in 2754  
previous years, as follows: 2755

(1) If the taxpayer maintained operations at the project site 2756  
for less than the term of the credit, the amount required to be 2757  
refunded shall not exceed the amount of any tax credits previously 2758  
allowed and received under this section. 2759

(2) If the taxpayer maintained operations at the project site 2760  
longer than the term of the credit but less than one and one-half 2761  
times the term of the credit, the amount required to be refunded 2762  
shall not exceed fifty per cent of the sum of any tax credits 2763  
previously allowed and received under this section. 2764

(3) If the taxpayer maintained operations at the project site 2765  
for at least one and one-half times the term of the credit but 2766  
less than twice the term of the credit, the amount required to be 2767  
refunded shall not exceed twenty-five per cent of the sum of any 2768  
tax credits previously allowed and received under this section. 2769

In determining the portion of the credit to be refunded to 2770  
this state, the authority shall consider the effect of market 2771  
conditions on the taxpayer's project and whether the taxpayer 2772  
continues to maintain other operations in this state. After making 2773  
the determination, the authority shall certify the amount to be 2774  
refunded to the tax commissioner. The commissioner shall make an 2775  
assessment for that amount against the taxpayer under Chapter 2776  
5733., 5747., or 5751. of the Revised Code. The time limitations 2777  
on assessments under those chapters do not apply to an assessment 2778  
under this division, but the commissioner shall make the 2779  
assessment within one year after the date the authority certifies 2780  
to the commissioner the amount to be refunded. 2781

If the director of development determines that a taxpayer 2782  
that received a tax credit under this section has reduced the 2783  
number of employees agreed to under division (E)(5) of this 2784  
section by more than ten per cent, the director shall notify the 2785  
tax credit authority of the noncompliance. After receiving such 2786  
notice, and after providing the taxpayer an opportunity to explain 2787  
the noncompliance, the authority may amend the agreement to reduce 2788  
the percentage or term of the tax credit. The reduction in the 2789  
percentage or term shall take effect in the taxable year, or in 2790  
the calendar year that includes the tax period, in which the 2791  
authority amends the agreement. 2792

(K) The director of development, after consultation with the 2793  
tax commissioner and in accordance with Chapter 119. of the 2794  
Revised Code, shall adopt rules necessary to implement this 2795  
section. The rules may provide for recipients of tax credits under 2796

this section to be charged fees to cover administrative costs of 2797  
the tax credit program. The fees collected shall be credited to 2798  
the tax incentive programs operating fund created in section 2799  
122.174 of the Revised Code. At the time the director gives public 2800  
notice under division (A) of section 119.03 of the Revised Code of 2801  
the adoption of the rules, the director shall submit copies of the 2802  
proposed rules to the chairpersons of the standing committees on 2803  
economic development in the senate and the house of 2804  
representatives. 2805

(L) On or before the thirty-first day of March of each year, 2806  
the director of development shall submit a report to the governor, 2807  
the president of the senate, and the speaker of the house of 2808  
representatives on the tax credit program under this section. The 2809  
report shall include information on the number of agreements that 2810  
were entered into under this section during the preceding calendar 2811  
year, a description of the project that is the subject of each 2812  
such agreement, and an update on the status of projects under 2813  
agreements entered into before the preceding calendar year. 2814

(M)(1) A nonrefundable credit shall be allowed to an 2815  
applicable corporation and its related members in an amount equal 2816  
to the applicable difference. The credit is in addition to the 2817  
credit granted to the corporation or related members under 2818  
division (B) of this section. The credit is subject to divisions 2819  
(B) to (E) and division (J) of this section. 2820

(2) A person qualifying as an applicable corporation under 2821  
this section for a tax year does not necessarily qualify as an 2822  
applicable corporation for any other tax year. No person is 2823  
entitled to the credit allowed under division (M) of this section 2824  
for the tax year immediately following the taxable year during 2825  
which the person fails to meet the requirements in divisions 2826  
(A)(6)(a)(i) and (A)(6)(b) of this section. No person is entitled 2827  
to the credit allowed under division (M) of this section for any 2828

tax year for which the person is not eligible for the credit 2829  
provided under division (B) of this section. 2830

Sec. 122.174. There is hereby created in the state treasury 2831  
the tax incentive programs operating fund. Money collected 2832  
pursuant to division (I) of section 121.17, division (K) of 2833  
section 122.171, division (C) of section 3735.672, and division 2834  
(C) of section 5709.68 of the Revised Code shall be credited to 2835  
the fund. The director of development shall use money in the fund 2836  
to pay expenses related to the administration of the tax credit 2837  
programs authorized by sections 122.17, 122.171, 3735.672, and 2838  
5709.68 of the Revised Code. 2839

**Sec. 122.602.** (A) There is hereby created in the department 2840  
of development the capital access loan program to assist 2841  
participating financial institutions in making program loans to 2842  
eligible businesses that face barriers in accessing working 2843  
capital and obtaining fixed asset financing. In administering the 2844  
program, the director of development may do any of the following: 2845

(1) Receive and accept grants, gifts, and contributions of 2846  
money, property, labor, and other things of value to be held, 2847  
used, and applied only for the purpose for which the grants, 2848  
gifts, and contributions are made, from individuals, private and 2849  
public corporations, the United States or any agency of the United 2850  
States, the state or any agency of the state, or any political 2851  
subdivision of the state; 2852

(2) Agree to repay any contribution of money or return any 2853  
property contributed or the value of that property at the times, 2854  
in the amounts, and on the terms and conditions, excluding the 2855  
payment of interest, that the director consents to at the time a 2856  
contribution is made; and evidence obligations by notes, bonds, or 2857  
other written instruments; 2858

(3) Adopt rules under Chapter 119. of the Revised Code to 2859  
carry out the purposes of the program specified in sections 122.60 2860  
to 122.605 of the Revised Code; 2861

(4) Engage in all other acts, and enter into contracts and 2862  
execute all instruments, necessary or appropriate to carry out the 2863  
purposes specified in sections 122.60 to 122.605 of the Revised 2864  
Code. 2865

(B) The director shall determine the eligibility of a 2866  
financial institution to participate in the program and may set a 2867  
limit on the number of financial institutions that may participate 2868  
in the program. 2869

(C) To be considered eligible by the director to participate 2870  
in the program, a financial institution shall enter into a 2871  
participation agreement with the department that sets out the 2872  
terms and conditions under which the department will deposit 2873  
moneys from the fund into the financial institution's program 2874  
reserve account, specifies the criteria for loan qualification 2875  
under the program, and contains any additional terms the director 2876  
considers necessary. 2877

(D) After receiving the certification required under division 2878  
(C) of section 122.603 of the Revised Code, the director may 2879  
disburse moneys from the fund to a participating financial 2880  
institution for deposit in its program reserve account if the 2881  
director determines that the capital access loan involved meets 2882  
all of the following criteria: 2883

(1) It will be made to an eligible business. 2884

(2) It will be used by the eligible business for a project, 2885  
activity, or enterprise that fosters economic development. 2886

(3) It will not be made in order to enroll in the program 2887  
prior debt that is not covered under the program and that is owed 2888  
or was previously owed by an eligible business to the financial 2889

institution.	2890
(4) It will not be utilized for a project or development related to the on-site construction or purchase of residential housing.	2891 2892 2893
(5) It will not be used to finance passive real estate ownership.	2894 2895
(6) It conforms to the requirements of divisions (E), (F), (G), (H), and (I) of this section, and to the rules adopted by the director under division (A)(3) of this section.	2896 2897 2898
(E) The director shall not approve a capital access loan to an eligible business that exceeds two hundred fifty thousand dollars for working capital or five hundred thousand dollars for the purchase of fixed assets. An eligible business may apply for the maximum amount of both working capital and the purchase of fixed assets in the same capital access loan.	2899 2900 2901 2902 2903 2904
(F) A financial institution may apply to the director for the approval of a capital access loan to any business that is owned or operated by a person that has previously defaulted under any state financial assistance program.	2905 2906 2907 2908
(G) Eligible businesses that apply for a capital access loan shall comply with section 9.66 of the Revised Code.	2909 2910
(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.	2911 2912 2913
(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.	2914 2915 2916 2917 2918
<del>(J) The director shall not approve any capital access loan</del>	2919

~~made after June 30, 2007, or enter into a participation agreement~~ 2920  
~~with any financial institution after that date.~~ 2921

**Sec. 122.652.** (A)(1) An applicant seeking a grant or loan for 2922  
a brownfield cleanup or remediation project from the clean Ohio 2923  
revitalization fund created in section 122.658 of the Revised Code 2924  
shall request an application form from the appropriate integrating 2925  
committee with geographical jurisdiction over the project for 2926  
which a grant or loan is sought. The applicant shall complete the 2927  
application and include all of the information required by 2928  
sections 122.65 to 122.658 of the Revised Code and policies and 2929  
requirements established under section 122.657 of the Revised 2930  
Code. 2931

(2) In addition to the information that is required to be 2932  
included in the application under division (A)(1) of this section, 2933  
an applicant shall include an affidavit signed by the authorized 2934  
representative of the applicant certifying that the applicant did 2935  
not cause or contribute to the release of hazardous substances or 2936  
petroleum at the brownfield that is the subject of the 2937  
application. 2938

No person shall submit a false affidavit under division 2939  
(A)(2) of this section. 2940

(3) After completion of the application, but prior to the 2941  
submission of the application to the integrating committee under 2942  
division (B) of this section, the applicant shall conduct a public 2943  
meeting concerning the application and the proposed cleanup or 2944  
remediation. Not later than forty-five days prior to conducting 2945  
the public meeting, the applicant shall provide notice of the 2946  
date, time, and location of the public meeting in a newspaper of 2947  
general circulation in the county in which the property that is 2948  
the subject of the application is located. In addition, not later 2949  
than forty-five days prior to the hearing, the applicant shall 2950

post notice of the date, time, and location of the public meeting 2951  
at the property on a sign that measures not less than four feet by 2952  
four feet or, if the political subdivision in which the sign is to 2953  
be posted prohibits a sign of that size, the maximum size of sign 2954  
permitted by that political subdivision. 2955

In addition, not later than forty-five days prior to the 2956  
public meeting, the applicant shall provide a copy of the 2957  
application to a public library in the vicinity of the property 2958  
for public review. The submission of the application and the 2959  
location of the public library shall be included in the notice 2960  
required under this division. The general public may submit 2961  
comments to the applicant concerning the application prior to and 2962  
at the public meeting. 2963

(B) An applicant shall submit a completed application, all 2964  
required information, and an application summary to the 2965  
appropriate integrating committee. Based on a review of the 2966  
application summaries submitted to it, an integrating committee 2967  
or, if required under division (C) of this section, the executive 2968  
committee of the integrating committee shall prioritize all 2969  
applications in accordance with criteria and procedures 2970  
established pursuant to section 122.657 of the Revised Code. The 2971  
integrating committee shall choose not more than six applications 2972  
annually that it determines merit funding and shall forward those 2973  
applications and all accompanying information to the clean Ohio 2974  
council. In prioritizing and choosing applications under this 2975  
division, an integrating committee or, if required under division 2976  
(C) of this section, the executive committee of the integrating 2977  
committee shall consult with local and regional economic 2978  
development agencies or resources, community development agencies 2979  
or organizations, local business organizations, and other 2980  
appropriate entities located or operating in the geographic 2981  
jurisdiction of the integrating committee. 2982

Notwithstanding this division or division (C) of this 2983  
section, if an integrating committee receives only one application 2984  
in any given year, the chair of the integrating committee or, if 2985  
required under division (C) of this section, the chair of the 2986  
executive committee of the integrating committee may forward that 2987  
application to the clean Ohio council as the district's top 2988  
priority project for that year without a vote of the full 2989  
integrating committee or executive committee, as applicable. 2990  
However, the chair of the integrating committee or chair of the 2991  
executive committee, as applicable, shall provide written notice 2992  
of the chair's intent to forward the application to each member of 2993  
the integrating committee or executive committee, as applicable, 2994  
not later than fifteen days prior to forwarding the application. 2995

(C) For purposes of division (B) of this section, all 2996  
decisions of an integrating committee that is required to be 2997  
organized in accordance with division (A)(5) or (6) of section 2998  
164.04 of the Revised Code shall be approved by its executive 2999  
committee that is required to be established under division (A)(7) 3000  
or (8) of that section. The affirmative vote of at least seven 3001  
members of an executive committee established under division 3002  
(A)(7) of section 164.04 of the Revised Code, or of at least nine 3003  
members of an executive committee established under division 3004  
(A)(8) of that section, is required for any action taken by an 3005  
executive committee for purposes of division (B) of this section. 3006  
A decision of an executive committee may be rejected by a vote of 3007  
at least two-thirds of the full membership of the applicable 3008  
integrating committee not later than thirty days after the 3009  
executive committee action. If an executive committee is required 3010  
under this division to prioritize applications under division (B) 3011  
of this section, only applications that are approved by the 3012  
executive committee may be submitted to the clean Ohio council for 3013  
purposes of sections 122.65 to 122.659 of the Revised Code. 3014

(D) The clean Ohio council shall supply application forms to 3015  
each integrating committee. 3016

**Sec. 124.152.** (A)(1) Except as provided in divisions (A)(2) 3017  
and (3) of this section, each exempt employee shall be paid a 3018  
salary or wage in accordance with schedule E-1 or schedule E-2 of 3019  
division (B), (C), or (D) of this section, as applicable. 3020

(2) Each exempt employee who holds a position in the 3021  
unclassified civil service pursuant to division (A)(26) or (30) of 3022  
section 124.11 of the Revised Code may be paid a salary or wage in 3023  
accordance with schedule E-1, schedule E-1 for step seven only, or 3024  
schedule E-2 of division (B) ~~or~~, (C), (D), (E), (F), or (G) of 3025  
this section, as applicable. 3026

(3)(a) Except as provided in division (A)(3)(b) of this 3027  
section, each exempt employee who was paid a salary or wage at 3028  
step 7 in the employee's pay range on June 28, 2003, in accordance 3029  
with the applicable schedule E-1 of former section 124.152 of the 3030  
Revised Code and who continued to be so paid on June 29, 2003, 3031  
shall be paid a salary or wage in the corresponding pay range in 3032  
schedule E-1 for step seven only of division ~~(C)~~(E), (F), or (G) 3033  
of this section, as applicable, for as long as the employee 3034  
remains in the position the employee held as of July 1, 2003. 3035

(b) Except as provided in division (A)(3)(c) of this section, 3036  
if an exempt employee who is being paid a salary or wage in 3037  
accordance with schedule E-1 for step seven only of division 3038  
~~(C)~~(E), (F), or (G) of this section, as applicable, moves to 3039  
another position, the employee shall not receive a salary or wage 3040  
for that position or any other position in the future in 3041  
accordance with that schedule. 3042

(c) If an exempt employee who is being paid a salary or wage 3043  
in accordance with schedule E-1 for step seven only of division 3044  
~~(C)~~(E), (F), or (G) of this section, as applicable, moves to 3045

another position assigned to pay range 12 or above, the appointing authority ~~has the discretion to~~ may assign the employee to be paid a salary or wage in the appropriate pay range for that position in accordance with the applicable schedule E-1 for step seven only, provided that the appointing authority so notifies the director of administrative services in writing at the time the employee is appointed to that position.

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

Schedule E-1

		Pay Ranges and Step Values						
		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	
Range		1	2	3	4	5	6	
1	Hourly	9.40	9.82	10.24	10.68			
	Annually	19552	20426	21299	22214			
2	Hourly	11.40	11.88	12.40	12.94			
	Annually	23712	24710	25792	26915			
3	Hourly	11.94	12.48	13.03	13.60			
	Annually	24835	25958	27102	28288			
4	Hourly	12.54	13.10	13.72	14.34			
	Annually	26083	27248	28538	29827			
5	Hourly	13.15	13.75	14.34	14.97			
	Annually	27352	28600	29827	31138			
6	Hourly	13.86	14.43	15.07	15.69			
	Annually	28829	30014	31346	32635			
7	Hourly	14.72	15.27	15.88	16.44	17.08		
	Annually	30618	31762	33030	34195	35526		
8	Hourly	15.56	16.24	16.95	17.71	18.46		
	Annually	32365	33779	35256	36837	38397		

9	Hourly	16.60	17.46	18.32	19.23	20.21		3078
	Annually	34528	36317	38106	39998	42037		3079
10	Hourly	17.91	18.89	19.90	21.05	22.18		3080
	Annually	37253	39291	41392	43784	46134		3081
11	Hourly	19.50	20.64	21.84	23.06	24.38		3082
	Annually	40560	42931	45427	47965	50710		3083
12	Hourly	21.51	22.72	23.94	25.27	26.68	28.13	3084
	Annually	44741	47258	49795	52562	55494	58510	3085
13	Hourly	23.71	25.01	26.39	27.80	29.36	30.96	3086
	Annually	49317	52021	54891	57824	61069	64397	3087
14	Hourly	26.08	27.55	29.03	30.62	32.35	34.15	3088
	Annually	54246	57304	60382	63690	67288	71032	3089
15	Hourly	28.64	30.25	31.96	33.72	35.59	37.55	3090
	Annually	59571	62920	66477	70138	74027	78104	3091
16	Hourly	31.58	33.33	35.17	37.14	39.19	41.43	3092
	Annually	65686	69326	73154	77251	81515	86174	3093
17	Hourly	34.80	36.72	38.78	40.92	43.20	45.61	3094
	Annually	72384	76378	80662	85114	89856	94869	3095
18	Hourly	38.35	40.47	42.75	45.10	47.60	50.26	3096
	Annually	79768	84178	88920	93808	99008	104541	3097
Schedule E-2								3098
	Range			Minimum			Maximum	3099
41	Hourly			16.23			34.77	3100
	Annually			33758			72322	3101
42	Hourly			17.89			38.41	3102
	Annually			37211			79893	3103
43	Hourly			19.70			42.30	3104
	Annually			40976			87984	3105
44	Hourly			21.73			46.21	3106
	Annually			45198			96117	3107
45	Hourly			24.01			50.44	3108
	Annually			49941			104915	3109
46	Hourly			26.43			55.13	3110

	Annually	54974	114670	3111
47	Hourly	29.14	60.16	3112
	Annually	60611	125133	3113
48	Hourly	32.14	65.65	3114
	Annually	66851	136552	3115
49	Hourly	35.44	70.89	3116
	Annually	73715	147451	3117

(C) Beginning on the first day of the pay period that 3118  
includes July 1, 2007, each exempt employee who must be paid in 3119  
accordance with schedule E-1 or schedule E-2 of this section shall 3120  
be paid a salary or wage in accordance with the following schedule 3121  
of rates: 3122

Schedule E-1 3123

Pay Ranges and Step Values 3124

		<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	
	<u>Range</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	
<u>1</u>	<u>Hourly</u>	<u>9.73</u>	<u>10.16</u>	<u>10.60</u>	<u>11.05</u>			3125
	<u>Annually</u>	<u>20238</u>	<u>21133</u>	<u>22048</u>	<u>22984</u>			3126
<u>2</u>	<u>Hourly</u>	<u>11.80</u>	<u>12.30</u>	<u>12.83</u>	<u>13.39</u>			3127
	<u>Annually</u>	<u>24544</u>	<u>25584</u>	<u>26686</u>	<u>27851</u>			3128
<u>3</u>	<u>Hourly</u>	<u>12.36</u>	<u>12.92</u>	<u>13.49</u>	<u>14.08</u>			3129
	<u>Annually</u>	<u>25709</u>	<u>26874</u>	<u>28059</u>	<u>29286</u>			3130
<u>4</u>	<u>Hourly</u>	<u>12.98</u>	<u>13.56</u>	<u>14.20</u>	<u>14.84</u>			3131
	<u>Annually</u>	<u>26998</u>	<u>28205</u>	<u>29536</u>	<u>30867</u>			3132
<u>5</u>	<u>Hourly</u>	<u>13.61</u>	<u>14.23</u>	<u>14.84</u>	<u>15.49</u>			3133
	<u>Annually</u>	<u>28309</u>	<u>29598</u>	<u>30867</u>	<u>32219</u>			3134
<u>6</u>	<u>Hourly</u>	<u>14.35</u>	<u>14.94</u>	<u>15.60</u>	<u>16.24</u>			3135
	<u>Annually</u>	<u>29848</u>	<u>31075</u>	<u>32448</u>	<u>33779</u>			3136
<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>		3137
	<u>Annually</u>	<u>31699</u>	<u>32864</u>	<u>34195</u>	<u>35402</u>	<u>36774</u>		3138
<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>		3139
	<u>Annually</u>	<u>33488</u>	<u>34965</u>	<u>36483</u>	<u>38126</u>	<u>39749</u>		3140

<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>		3143
	<u>Annually</u>	<u>35734</u>	<u>37586</u>	<u>39437</u>	<u>41392</u>	<u>43514</u>		3144
<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>		3145
	<u>Annually</u>	<u>38563</u>	<u>40664</u>	<u>42848</u>	<u>45323</u>	<u>47757</u>		3146
<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>		3147
	<u>Annually</u>	<u>41974</u>	<u>44429</u>	<u>47008</u>	<u>49650</u>	<u>52478</u>		3148
<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>	3149
	<u>Annually</u>	<u>46301</u>	<u>48922</u>	<u>51542</u>	<u>54392</u>	<u>57429</u>	<u>60549</u>	3150
<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>	3151
	<u>Annually</u>	<u>51043</u>	<u>53851</u>	<u>56805</u>	<u>59842</u>	<u>63211</u>	<u>66643</u>	3152
<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>	3153
	<u>Annually</u>	<u>56139</u>	<u>59301</u>	<u>62504</u>	<u>65915</u>	<u>69638</u>	<u>73528</u>	3154
<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>	3155
	<u>Annually</u>	<u>61651</u>	<u>65125</u>	<u>68806</u>	<u>72592</u>	<u>76627</u>	<u>80829</u>	3156
<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>	3157
	<u>Annually</u>	<u>67995</u>	<u>71760</u>	<u>75712</u>	<u>79955</u>	<u>84365</u>	<u>89190</u>	3158
<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>	3159
	<u>Annually</u>	<u>74922</u>	<u>79061</u>	<u>83491</u>	<u>88088</u>	<u>92997</u>	<u>98197</u>	3160
<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>	3161
	<u>Annually</u>	<u>82555</u>	<u>87131</u>	<u>92040</u>	<u>97094</u>	<u>102482</u>	<u>108202</u>	3162
	<u>Schedule E-2</u>							3163
	<u>Range</u>			<u>Minimum</u>		<u>Maximum</u>		3164
<u>41</u>	<u>Hourly</u>			<u>16.23</u>		<u>35.99</u>		3165
	<u>Annually</u>			<u>33758</u>		<u>74859</u>		3166
<u>42</u>	<u>Hourly</u>			<u>17.89</u>		<u>39.75</u>		3167
	<u>Annually</u>			<u>37211</u>		<u>82680</u>		3168
<u>43</u>	<u>Hourly</u>			<u>19.70</u>		<u>43.78</u>		3169
	<u>Annually</u>			<u>40976</u>		<u>91062</u>		3170
<u>44</u>	<u>Hourly</u>			<u>21.73</u>		<u>47.83</u>		3171
	<u>Annually</u>			<u>45198</u>		<u>99486</u>		3172
<u>45</u>	<u>Hourly</u>			<u>24.01</u>		<u>52.21</u>		3173
	<u>Annually</u>			<u>49941</u>		<u>108597</u>		3174
<u>46</u>	<u>Hourly</u>			<u>26.43</u>		<u>57.06</u>		3175

	<u>Annually</u>	<u>54974</u>	<u>118685</u>	3176
<u>47</u>	<u>Hourly</u>	<u>29.14</u>	<u>62.27</u>	3177
	<u>Annually</u>	<u>60611</u>	<u>129522</u>	3178
<u>48</u>	<u>Hourly</u>	<u>32.14</u>	<u>67.95</u>	3179
	<u>Annually</u>	<u>66851</u>	<u>141336</u>	3180
<u>49</u>	<u>Hourly</u>	<u>35.44</u>	<u>73.37</u>	3181
	<u>Annually</u>	<u>73715</u>	<u>152610</u>	3182

(D) Beginning on the first day of the pay period that 3183  
includes July 1, 2008, each exempt employee who must be paid in 3184  
accordance with schedule E-1 or schedule E-2 of this section shall 3185  
be paid a salary or wage in accordance with the following schedule 3186  
of rates: 3187

Schedule E-1 3188

Pay Ranges and Step Values 3189

		<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	
	<u>Range</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	
<u>1</u>	<u>Hourly</u>	<u>10.07</u>	<u>10.52</u>	<u>10.97</u>	<u>11.44</u>			3192
	<u>Annually</u>	<u>20946</u>	<u>21882</u>	<u>22818</u>	<u>23795</u>			3193
<u>2</u>	<u>Hourly</u>	<u>12.21</u>	<u>12.73</u>	<u>13.28</u>	<u>13.86</u>			3194
	<u>Annually</u>	<u>25397</u>	<u>26478</u>	<u>27622</u>	<u>28829</u>			3195
<u>3</u>	<u>Hourly</u>	<u>12.79</u>	<u>13.37</u>	<u>13.96</u>	<u>14.57</u>			3196
	<u>Annually</u>	<u>26603</u>	<u>27810</u>	<u>29037</u>	<u>30306</u>			3197
<u>4</u>	<u>Hourly</u>	<u>13.43</u>	<u>14.03</u>	<u>14.70</u>	<u>15.36</u>			3198
	<u>Annually</u>	<u>27934</u>	<u>29182</u>	<u>30576</u>	<u>31949</u>			3199
<u>5</u>	<u>Hourly</u>	<u>14.09</u>	<u>14.73</u>	<u>15.36</u>	<u>16.03</u>			3200
	<u>Annually</u>	<u>29307</u>	<u>30638</u>	<u>31949</u>	<u>33342</u>			3201
<u>6</u>	<u>Hourly</u>	<u>14.85</u>	<u>15.46</u>	<u>16.15</u>	<u>16.81</u>			3202
	<u>Annually</u>	<u>30888</u>	<u>32157</u>	<u>33592</u>	<u>34965</u>			3203
<u>7</u>	<u>Hourly</u>	<u>15.77</u>	<u>16.35</u>	<u>17.02</u>	<u>17.62</u>	<u>18.30</u>		3204
	<u>Annually</u>	<u>32802</u>	<u>34008</u>	<u>35402</u>	<u>36650</u>	<u>38064</u>		3205
<u>8</u>	<u>Hourly</u>	<u>16.66</u>	<u>17.40</u>	<u>18.15</u>	<u>18.97</u>	<u>19.78</u>		3206
	<u>Annually</u>	<u>34653</u>	<u>36192</u>	<u>37752</u>	<u>39458</u>	<u>41142</u>		3207

<u>9</u>	<u>Hourly</u>	<u>17.78</u>	<u>18.70</u>	<u>19.62</u>	<u>20.60</u>	<u>21.65</u>		3208
	<u>Annually</u>	<u>36982</u>	<u>38896</u>	<u>40810</u>	<u>42848</u>	<u>45032</u>		3209
<u>10</u>	<u>Hourly</u>	<u>19.19</u>	<u>20.23</u>	<u>21.32</u>	<u>22.55</u>	<u>23.76</u>		3210
	<u>Annually</u>	<u>39915</u>	<u>42078</u>	<u>44346</u>	<u>46904</u>	<u>49421</u>		3211
<u>11</u>	<u>Hourly</u>	<u>20.89</u>	<u>22.11</u>	<u>23.39</u>	<u>24.71</u>	<u>26.11</u>		3212
	<u>Annually</u>	<u>43451</u>	<u>45989</u>	<u>48651</u>	<u>51397</u>	<u>54309</u>		3213
<u>12</u>	<u>Hourly</u>	<u>23.04</u>	<u>24.34</u>	<u>25.65</u>	<u>27.07</u>	<u>28.58</u>	<u>30.13</u>	3214
	<u>Annually</u>	<u>47923</u>	<u>50627</u>	<u>53352</u>	<u>56306</u>	<u>59446</u>	<u>62670</u>	3215
<u>13</u>	<u>Hourly</u>	<u>25.40</u>	<u>26.80</u>	<u>28.27</u>	<u>29.78</u>	<u>31.45</u>	<u>33.16</u>	3216
	<u>Annually</u>	<u>52832</u>	<u>55744</u>	<u>58802</u>	<u>61942</u>	<u>65416</u>	<u>68973</u>	3217
<u>14</u>	<u>Hourly</u>	<u>27.93</u>	<u>29.51</u>	<u>31.10</u>	<u>32.80</u>	<u>34.65</u>	<u>36.59</u>	3218
	<u>Annually</u>	<u>58094</u>	<u>61381</u>	<u>64688</u>	<u>68224</u>	<u>72072</u>	<u>76107</u>	3219
<u>15</u>	<u>Hourly</u>	<u>30.68</u>	<u>32.41</u>	<u>34.24</u>	<u>36.12</u>	<u>38.13</u>	<u>40.22</u>	3220
	<u>Annually</u>	<u>63814</u>	<u>67413</u>	<u>71219</u>	<u>75130</u>	<u>79310</u>	<u>83658</u>	3221
<u>16</u>	<u>Hourly</u>	<u>33.83</u>	<u>35.71</u>	<u>37.67</u>	<u>39.79</u>	<u>41.98</u>	<u>44.38</u>	3222
	<u>Annually</u>	<u>70366</u>	<u>74277</u>	<u>78354</u>	<u>82763</u>	<u>87318</u>	<u>92310</u>	3223
<u>17</u>	<u>Hourly</u>	<u>37.28</u>	<u>39.34</u>	<u>41.54</u>	<u>43.83</u>	<u>46.27</u>	<u>48.86</u>	3224
	<u>Annually</u>	<u>77542</u>	<u>81827</u>	<u>86403</u>	<u>91166</u>	<u>96242</u>	<u>101629</u>	3225
<u>18</u>	<u>Hourly</u>	<u>41.08</u>	<u>43.36</u>	<u>45.80</u>	<u>48.31</u>	<u>50.99</u>	<u>53.84</u>	3226
	<u>Annually</u>	<u>85446</u>	<u>90189</u>	<u>95264</u>	<u>100485</u>	<u>106059</u>	<u>111987</u>	3227
	<u>Schedule E-2</u>							3228
	<u>Range</u>			<u>Minimum</u>		<u>Maximum</u>		3229
<u>41</u>	<u>Hourly</u>			<u>16.23</u>		<u>37.25</u>		3230
	<u>Annually</u>			<u>33758</u>		<u>77480</u>		3231
<u>42</u>	<u>Hourly</u>			<u>17.89</u>		<u>41.14</u>		3232
	<u>Annually</u>			<u>37211</u>		<u>85571</u>		3233
<u>43</u>	<u>Hourly</u>			<u>19.70</u>		<u>45.31</u>		3234
	<u>Annually</u>			<u>40976</u>		<u>94245</u>		3235
<u>44</u>	<u>Hourly</u>			<u>21.73</u>		<u>49.50</u>		3236
	<u>Annually</u>			<u>45198</u>		<u>102960</u>		3237
<u>45</u>	<u>Hourly</u>			<u>24.01</u>		<u>54.04</u>		3238
	<u>Annually</u>			<u>49941</u>		<u>112403</u>		3239
<u>46</u>	<u>Hourly</u>			<u>26.43</u>		<u>59.06</u>		3240

	<u>Annually</u>	<u>54974</u>	<u>122845</u>	3241
<u>47</u>	<u>Hourly</u>	<u>29.14</u>	<u>64.45</u>	3242
	<u>Annually</u>	<u>60611</u>	<u>134056</u>	3243
<u>48</u>	<u>Hourly</u>	<u>32.14</u>	<u>70.33</u>	3244
	<u>Annually</u>	<u>66851</u>	<u>146286</u>	3245
<u>49</u>	<u>Hourly</u>	<u>35.44</u>	<u>75.94</u>	3246
	<u>Annually</u>	<u>73715</u>	<u>157955</u>	3247

(E) Beginning on the first day of the pay period that 3248  
includes July 1, 2006, each exempt employee who must be paid in 3249  
accordance with schedule E-1 for step seven only shall be paid a 3250  
salary or wage in accordance with the following schedule of rates: 3251

Schedule E-1 for Step Seven Only 3252

Pay Ranges and Step Seven Values 3253

	Range			3254
12	Hourly	29.68		3255
	Annually	61734		3256
13	Hourly	32.66		3257
	Annually	67933		3258
14	Hourly	36.01		3259
	Annually	74901		3260
15	Hourly	39.61		3261
	Annually	82389		3262
16	Hourly	43.70		3263
	Annually	90896		3264
17	Hourly	48.13		3265
	Annually	100110		3266
18	Hourly	53.02		3267
	Annually	110282		3268

~~(D)~~(F) Beginning on the first day of the pay period that 3269  
includes July 1, 2007, each exempt employee who must be paid in 3270  
accordance with schedule E-1 for step seven only shall be paid a 3271  
salary or wage in accordance with the following schedule of rates: 3272

<u>Schedule E-1 for Step Seven Only</u>			3273
<u>Pay Ranges and Step Values</u>			3274
	<u>Range</u>		3275
<u>12</u>	<u>Hourly</u>	<u>30.72</u>	3276
	<u>Annually</u>	<u>63898</u>	3277
<u>13</u>	<u>Hourly</u>	<u>33.80</u>	3278
	<u>Annually</u>	<u>70304</u>	3279
<u>14</u>	<u>Hourly</u>	<u>37.27</u>	3280
	<u>Annually</u>	<u>77522</u>	3281
<u>15</u>	<u>Hourly</u>	<u>41.00</u>	3282
	<u>Annually</u>	<u>85280</u>	3283
<u>16</u>	<u>Hourly</u>	<u>45.23</u>	3284
	<u>Annually</u>	<u>94078</u>	3285
<u>17</u>	<u>Hourly</u>	<u>49.81</u>	3286
	<u>Annually</u>	<u>103605</u>	3287
<u>18</u>	<u>Hourly</u>	<u>54.88</u>	3288
	<u>Annually</u>	<u>114150</u>	3289

(G) Beginning on the first day of the pay period that 3290  
includes July 1, 2008, each exempt employee who must be paid in 3291  
accordance with salary schedule E-1 for step seven only shall be 3292  
paid a salary or wage in accordance with the following schedule of 3293  
rates: 3294

<u>Schedule E-1 for Step Seven Only</u>			3295
<u>Pay Ranges and Step Values</u>			3296
	<u>Range</u>		3297
<u>12</u>	<u>Hourly</u>	<u>31.80</u>	3298
	<u>Annually</u>	<u>66144</u>	3299
<u>13</u>	<u>Hourly</u>	<u>34.98</u>	3300
	<u>Annually</u>	<u>72758</u>	3301
<u>14</u>	<u>Hourly</u>	<u>38.57</u>	3302
	<u>Annually</u>	<u>80226</u>	3303
<u>15</u>	<u>Hourly</u>	<u>42.44</u>	3304

	<u>Annually</u>	<u>88275</u>	3305
<u>16</u>	<u>Hourly</u>	<u>46.81</u>	3306
	<u>Annually</u>	<u>97365</u>	3307
<u>17</u>	<u>Hourly</u>	<u>51.55</u>	3308
	<u>Annually</u>	<u>107224</u>	3309
<u>18</u>	<u>Hourly</u>	<u>56.80</u>	3310
	<u>Annually</u>	<u>118144</u>	3311

(H) As used in this section, "exempt employee" means a 3312  
permanent full-time or permanent part-time employee paid directly 3313  
by warrant of the director of budget and management whose position 3314  
is included in the job classification plan established under 3315  
division (A) of section 124.14 of the Revised Code but who is not 3316  
considered a public employee for the purposes of Chapter 4117. of 3317  
the Revised Code. As used in this section, "exempt employee" also 3318  
includes a permanent full-time or permanent part-time employee of 3319  
the secretary of state, auditor of state, treasurer of state, or 3320  
attorney general who has not been placed in an appropriate 3321  
bargaining unit by the state employment relations board. 3322

**Sec. 125.04.** (A) Except as provided in division (D) of this 3323  
section, the department of administrative services shall determine 3324  
what supplies and services are purchased by or for state agencies. 3325  
Whenever the department of administrative services makes any 3326  
change or addition to the lists of supplies and services that it 3327  
determines to purchase for state agencies, it shall provide a list 3328  
to the agencies of the changes or additions and indicate when the 3329  
department will be prepared to furnish each item listed. Except 3330  
for the requirements of division (B) of section 125.11 of the 3331  
Revised Code, sections 125.04 to 125.08 and 125.09 to 125.15 of 3332  
the Revised Code do not apply to or affect the educational 3333  
institutions of the state. The department shall not include the 3334  
bureau of workers' compensation in the lists of supplies, 3335  
equipment, and services purchased and furnished by the department. 3336

3337

Nothing in this division precludes the bureau from entering  
into a contract with the department for the department to perform  
services relative to supplies, equipment, and services contained  
in this division for the bureau.

(B)(1) As used in this division: 3342

(a) "Emergency medical service organization" has the same  
meaning as in section 4765.01 of the Revised Code. 3343  
3344

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

(c) "Private fire company" has the same meaning as in section  
9.60 of the Revised Code. 3354  
3355

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

A political subdivision desiring to participate in such  
purchase contracts shall file with the department a certified copy  
of an ordinance or resolution of the legislative authority or

governing board of the political subdivision. The resolution or 3368  
ordinance shall request that the political subdivision be 3369  
authorized to participate in such contracts and shall agree that 3370  
the political subdivision will be bound by such terms and 3371  
conditions as the department prescribes and that it will directly 3372  
pay the vendor under each purchase contract. A board of elections 3373  
desiring to participate in such purchase contracts shall file with 3374  
the purchasing authority a written request for inclusion in the 3375  
program. A private fire company or private, nonprofit emergency 3376  
medical service organization desiring to participate in such 3377  
purchase contracts shall file with the department a written 3378  
request for inclusion in the program signed by the chief officer 3379  
of the company or organization. The A request for inclusion shall 3380  
include an agreement to be bound by such terms and conditions as 3381  
the department prescribes and to make direct payments to the 3382  
vendor under each purchase contract. 3383

The department shall include in its annual report an estimate 3384  
of the cost it incurs by permitting political subdivisions, county 3385  
boards of elections, private fire companies, and private, 3386  
nonprofit emergency medical service organizations to participate 3387  
in contracts pursuant to this division. The department may require 3388  
such entities to file a report with the department, as often as it 3389  
finds necessary, stating how many such contracts the entities 3390  
participated in within a specified period of time, and any other 3391  
information the department requires. 3392

(3) Purchases made by a political subdivision or a county 3393  
board of elections under this division are exempt from any 3394  
competitive selection procedures otherwise required by law. No 3395  
political subdivision shall make any purchase under this division 3396  
when bids have been received for such purchase by the subdivision, 3397  
unless such purchase can be made upon the same terms, conditions, 3398  
and specifications at a lower price under this division. 3399

(C) A political subdivision as defined in division (B) of 3400  
this section or a county board of elections may purchase supplies 3401  
or services from another party, including ~~another~~ a political 3402  
subdivision, instead of through participation in contracts 3403  
described in division (B) of this section if the political 3404  
subdivision or county board of elections can purchase those 3405  
supplies or services from the other party upon equivalent terms, 3406  
conditions, and specifications but at a lower price than it can 3407  
through those contracts. Purchases that a political subdivision or 3408  
county board of elections makes under this division are exempt 3409  
from any competitive selection procedures otherwise required by 3410  
law. A political subdivision or county board of elections that 3411  
makes any purchase under this division shall maintain sufficient 3412  
information regarding the purchase to verify that the political 3413  
subdivision or county board of elections satisfied the conditions 3414  
for making a purchase under this division. Nothing in this 3415  
division restricts any action taken by a county or township as 3416  
authorized by division (A)(1) of section 9.48 of the Revised Code. 3417

(D) This section does not apply to supplies or services 3418  
required by the legislative or judicial branches, ~~boards of~~ 3419  
~~elections~~, the capitol square review and advisory board, the 3420  
adjutant general, to supplies or services purchased by a state 3421  
agency directly as provided in division (A) or (E) of section 3422  
125.05 of the Revised Code, to purchases of supplies or services 3423  
for the emergency management agency as provided in section 125.023 3424  
of the Revised Code, or to purchases of supplies or services for 3425  
the department of rehabilitation and correction in its operation 3426  
of the program for the employment of prisoners established under 3427  
section 5145.16 of the Revised Code that shall be made pursuant to 3428  
rules adopted by the director of administrative services and the 3429  
director of rehabilitation and correction in accordance with 3430  
Chapter 119. of the Revised Code. The rules may provide for the 3431  
exemption of the program for the employment of prisoners from the 3432

requirements of division (A) of this section. 3433

**Sec. 125.45.** The department of administrative services shall 3434  
maintain facilities to perform office reproduction services for 3435  
all boards, commissions, or departments except for the bureau of 3436  
workers' compensation. Upon written application to the department 3437  
of administrative services, permission may be granted to a board, 3438  
commission, or department to perform such services outside the 3439  
central facility and such permission shall state the extent of the 3440  
services which the department, board, or commission shall perform. 3441

Office reproduction services using stencils, masters, or 3442  
plates are restricted to duplicating equipment not larger than 3443  
seventeen by twenty-two inches. Not to exceed five thousand press 3444  
impressions shall be produced of any such order except that up to 3445  
one thousand production copies may be produced of any item 3446  
consisting of multiple pages and except that over five thousand, 3447  
but not more than ten thousand, press impressions may be produced 3448  
if the director of administrative services determines that there 3449  
is an emergency due to the timing of service delivery or another 3450  
factor that may cause financial hardship to the state. 3451

Nothing in this section precludes the bureau from entering 3452  
into a contract with the department of administrative services for 3453  
the department to perform office reproduction services for the 3454  
bureau. 3455

~~Neither the department nor any other~~ No state agency, other 3456  
than the department of administrative services, shall perform 3457  
printing or office reproduction services for political 3458  
subdivisions. 3459

**Sec. 125.93.** The state forms management program shall do each 3460  
of the following: 3461

(A) Assist state agencies in establishing internal forms 3462

management capabilities; 3463

~~(B) Study, develop, coordinate, and initiate forms of 3464  
interagency and common administrative usage, and establish basic 3465  
design and specification criteria to standardize state forms; 3466~~

~~(C) Assist state agencies to design economical forms; 3467~~

~~(D)(C) Assist, train, and instruct state agencies and their 3468  
forms management representatives in forms management techniques, 3469  
and provide direct forms management assistance to new state 3470  
agencies as they are created; 3471~~

~~(E) Maintain a central forms repository of all state forms to 3472  
facilitate standardization of the forms, eliminate redundant 3473  
forms, and provide a central source of information on forms usage 3474  
and availability. 3475~~

**Sec. 125.96.** The director of administrative services may 3476  
adopt, amend, or rescind rules necessary to carry out the powers 3477  
and duties imposed upon the state forms management program and 3478  
state agencies by sections 125.92 to 125.98 of the Revised Code. 3479  
~~The director shall adopt, and may amend or rescind, rules 3480  
providing each of the following: 3481~~

~~(A) After a date to be determined by the state forms 3482  
management program, no state agency shall utilize any form, other 3483  
than a form subject to division (B) of section 125.95 of the 3484  
Revised Code, the management of which has not been delegated to 3485  
the agency by the program under division (A) of that section or 3486  
been approved by the program. 3487~~

~~(B) The notice required by section 125.97 of the Revised Code 3488  
shall appear in a standard place and a standard manner on each 3489  
form to which the notice applies, and shall include specified 3490  
indicia of approval by the state forms management program. 3491~~

~~(C) Any form required by a state agency on an emergency basis 3492~~

~~may be given interim approval by the state forms management 3493  
program if the form is accompanied by a letter from the director 3494  
or other head of the agency setting forth the nature of the 3495  
emergency and requesting interim approval. 3496~~

**Sec. 125.97.** ~~All forms, other than those forms subject to 3497  
division (B) of section 125.95 of the Revised Code, used to obtain 3498  
information from private business, agriculture, or local 3499  
governments, except those forms used by the tax commissioner for 3500  
administration of taxes and programs, shall contain a conspicuous 3501  
notice on the first page setting forth the authorization for the 3502  
form and stating whether providing the information sought is 3503  
required or voluntary, and any penalties that apply to failure to 3504  
provide the information. 3505~~

**Sec. 125.98.** (A) Each state agency shall appoint a forms 3506  
management representative, who may be from existing personnel. The 3507  
appointee shall cooperate with, and provide other necessary 3508  
assistance to, the director of administrative services and the 3509  
state forms management program in implementing the program. A 3510  
forms management representative shall do all of the following: 3511

(1) Manage the agency's forms management program and 3512  
cooperate with and provide other necessary assistance to the 3513  
director of administrative services in implementing the state 3514  
forms management program; 3515

(2) Monitor the use and reproduction of all forms to ensure 3516  
that all policies, procedures, guidelines, and standards 3517  
established by the agency and the director of administrative 3518  
services are followed; 3519

(3) ~~Ensure that every form used by the agency is presented to 3520  
the state forms management program for registration prior to its 3521  
reproduction; 3522~~

~~(4) Maintain a master forms file history file, in numeric order, of all agency forms;~~ 3523  
3524

~~(5) Verify and update the all historical information on all forms in the agency's central forms repository database.~~ 3525  
3526

(B) Any state agency, as defined in section 1.60 of the Revised Code, not included within the definition of a state agency in section 125.91 of the Revised Code may elect to participate in the state forms management program. The program may provide to any such agency any service required or authorized by sections 125.92 to 125.98 of the Revised Code to be performed for a state agency. 3527  
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Sec. 126.04. Funds appropriated for purposes of fulfilling the state's obligations under the consent order filed March 5, 2007, in *Martin v. Strickland*, Case No. 89-CV-00362, in the United States district court for the southern district of Ohio, eastern division, shall be in an appropriation item that authorizes expenditures only for purposes of fulfilling the state's obligations under the consent order. 3533  
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Sec. 126.07. ~~No~~ Except as provided in division (B) of section 126.21 of the Revised Code, no contract, agreement, or obligation involving the expenditure of money chargeable to an appropriation, nor any resolution or order for the expenditure of money chargeable to an appropriation, shall be valid and enforceable unless the director of budget and management first certifies that there is a balance in the appropriation not already obligated to pay existing obligations, in an amount at least equal to the portion of the contract, agreement, obligation, resolution, or order to be performed in the current fiscal year. Any written contract or agreement entered into by the state shall contain a clause stating that the obligations of the state are subject to this section. 3540  
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The chief administrative officer of a state agency is 3553  
responsible for the preaudit and approval of expenditures and 3554  
other transactions of the agency. In order to ~~make~~ initiate the 3555  
making of a payment from the state treasury, the person in a state 3556  
agency who requests that the payment be made shall first submit to 3557  
the ~~director~~ chief administrative officer of the agency all 3558  
invoices, claims, vouchers, and other ~~evidentiary matter~~ 3559  
documentation related to the payment. ~~If the director approves~~ 3560  
~~payment to be made, the director shall draw a warrant as provided~~ 3561  
~~in section 126.35 of the Revised Code.~~ The chief administrative 3562  
officer shall examine each voucher and all other documentation 3563  
required to support the voucher and determine whether they meet 3564  
all the requirements established by the director of budget and 3565  
management for making the payment. If they do meet those 3566  
requirements, the chief administrative officer shall certify to 3567  
the director the approval of the chief administrative officer for 3568  
payment. 3569

Prior to drawing a warrant as provided in section 126.35 of 3570  
the Revised Code, the director may review and audit the voucher, 3571  
any documentation accompanying the voucher, and any other 3572  
documentation related to the transaction that the director may 3573  
require to determine if the transaction is in accordance with law. 3574  
The director shall not approve payment to be made if the director 3575  
finds that there is not an unobligated balance in the 3576  
appropriation for the payment, that the payment is not for a valid 3577  
claim against the state that is legally due, or that insufficient 3578  
~~evidentiary matter~~ documentation has been submitted. If the 3579  
director does not approve payment, the director shall notify the 3580  
agency of the reasons the director has not given approval. 3581

In approving payments to be made under this section, the 3582  
director, upon receipt of certification from the director of job 3583  
and family services pursuant to section 4141.231 of the Revised 3584

Code, shall withhold from amounts otherwise payable to a person 3585  
who is the subject of the director of jobs and family services' 3586  
certification, the amount certified to be due and unpaid to the 3587  
director of job and family services, and shall approve for payment 3588  
to the director of job and family services, the amount withheld. 3589

As used in this section and in section 126.21 of the Revised 3590  
Code, "chief administrative officer" means either of the 3591  
following: 3592

(A) The director of the agency or, in the case of a state 3593  
agency without a director, the equivalent officer of that agency; 3594

(B) The designee of the chief administrative officer for the 3595  
purposes of such sections. 3596

**Sec. 126.08.** The director of budget and management may 3597  
exercise control over the financial transactions of state 3598  
agencies, including approving, disapproving, voiding, or 3599  
invalidating encumbrances or transactions, except those in the 3600  
judicial and legislative branches, by: 3601

(A) Requiring encumbrancing documents or any other financial 3602  
information to be submitted to the director, ~~where such submission~~ 3603  
~~is prescribed by law or where the director considers such~~ 3604  
~~submission necessary~~ to evaluate the legality of a ~~proposed~~ an 3605  
expenditure, ~~and by approving or disapproving any encumbrance~~ 3606  
~~requested,~~ except that the director shall not disapprove any 3607  
encumbrancing document submitted by the attorney general, auditor 3608  
of state, secretary of state, or treasurer of state unless there 3609  
is an insufficient unobligated balance in the appropriation or the 3610  
encumbrance does not meet all other legal requirements. Those 3611  
portions of an appropriation that are encumbered are not available 3612  
for expenditure for any purpose other than that indicated on the 3613  
encumbrancing document. If any requirements of the director 3614  
regarding the submission of encumbrancing documents or other 3615

financial information are not complied with, or if any 3616  
encumbrancing document is disapproved in whole or in part, the 3617  
director shall notify the submitting agency thereof and shall not 3618  
authorize payment unless the reasons for disapproval are 3619  
corrected. 3620

(B) Requiring the allocation and allotment of any 3621  
appropriation by quarter or by any other period of time. 3622

(C) Reporting to the attorney general for such action, civil 3623  
or criminal, as the attorney general considers necessary, all 3624  
facts showing improper payment of public money or misappropriation 3625  
of public property; 3626

(D) By adopting rules for carrying into effect any powers 3627  
granted by this chapter. 3628

**Sec. 126.16.** (A) This section is in implementation of 3629  
division (D) of Section 17 of Article VIII, Ohio Constitution, for 3630  
purposes of issuing direct obligations of the state subject to 3631  
that section. 3632

(B) For purposes of the computation of debt service under 3633  
Section 17 of Article VIII, Ohio Constitution, there shall be 3634  
included debt service payable on bonds that are direct obligations 3635  
of the state issued under Article VIII, Ohio Constitution, and on 3636  
those bonds anticipated by bond anticipation notes, to the extent 3637  
that debt service on those bonds is anticipated to be paid from 3638  
the state general revenue fund or net state lottery proceeds. 3639  
Examples of bonds the debt service on which is not anticipated to 3640  
be paid from either of those sources are bonds of the state issued 3641  
for highway purposes pursuant to Section 2i or 2m of Article VIII, 3642  
Ohio Constitution, which, although general obligations of the 3643  
state, have been and are anticipated to be paid from highway user 3644  
receipts and not from the general revenue fund or net state 3645  
lottery proceeds. 3646

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

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

(E) The governor, or the governor's designee for the purpose, shall determine and certify the fiscal year amounts required to be applied or set aside for payment of debt service, including debt service on any variable rate bonds, the securities to which that debt service relates, the total office of budget and management estimated revenues of the state for the general revenue fund and from net state lottery proceeds during the particular fiscal year, and any other financial data necessary or appropriate for the purpose of the computations under division (A) of Section 17 of Article VIII, Ohio Constitution, and this section. Those determinations and certifications shall be filed with the director of budget and management, the treasurer of state, and the issuing authority for the particular obligations, at or prior to the time

those securities are issued. The governor's designee for the 3679  
purpose may be the director or assistant director of budget and 3680  
management, or any employee or official of the governor's office. 3681

(F) For purposes of this section, "securities," "interest or 3682  
interest equivalent," and "outstanding" have the same meanings as 3683  
in section 133.01 of the Revised Code, and "debt service" means 3684  
principal, including any mandatory sinking fund deposits and 3685  
mandatory redemption payments, and interest or interest equivalent 3686  
payable on securities, as those payments are stated to come due 3687  
and to be payable. 3688

(G)(1) As used in this division, "avoided obligations" means 3689  
direct obligations of the state that are not issued because the 3690  
capital facilities they would have financed are instead paid for 3691  
with the proceeds of obligations issued under division (C) of 3692  
section 183.51 of the Revised Code. 3693

(2) For purposes of computing the limitation on issuing 3694  
direct obligations of the state under this section and Section 17 3695  
of Article VIII, Ohio Constitution, any avoided obligations shall 3696  
be considered as having been issued. The fiscal year amounts that 3697  
would have been required to be applied or set aside for payment of 3698  
debt service over the maximum period of maturity of the avoided 3699  
obligations had the avoided obligations been issued shall be 3700  
included in the computations. 3701

**Sec. 126.21.** (A) The director of budget and management shall 3702  
do all of the following: 3703

(1) Keep all necessary accounting records; 3704

(2) Prescribe and maintain the accounting system of the state 3705  
and establish appropriate accounting procedures and charts of 3706  
accounts; 3707

(3) Establish procedures for the use of written, electronic, 3708

optical, or other communications media for approving and reviewing 3709  
payment vouchers; 3710

(4) Reconcile, in the case of any variation between the 3711  
amount of any appropriation and the aggregate amount of items of 3712  
the appropriation, with the advice and assistance of the state 3713  
agency affected by it and the legislative service commission, 3714  
totals so as to correspond in the aggregate with the total 3715  
appropriation. In the case of a conflict between the item and the 3716  
total of which it is a part, the item shall be considered the 3717  
intended appropriation. 3718

(5) Evaluate on an ongoing basis and, if necessary, recommend 3719  
improvements to the internal controls used in state agencies; 3720

(6) Authorize the establishment of petty cash accounts. The 3721  
director ~~of budget and management~~ may withdraw approval for any 3722  
petty cash account and require the officer in charge to return to 3723  
the state treasury any unexpended balance shown by the officer's 3724  
accounts to be on hand. Any officer who is issued a warrant for 3725  
petty cash shall render a detailed account of the expenditures of 3726  
the petty cash and shall report when requested the balance of 3727  
petty cash on hand at any time. 3728

(7) Process orders, invoices, vouchers, claims, and payrolls 3729  
and prepare financial reports and statements; 3730

(8) Perform extensions, reviews, and compliance checks prior 3731  
to or after approving a payment as the director considers 3732  
necessary; 3733

(9) Issue the official comprehensive annual financial report 3734  
of the state. The report shall cover all funds of the state 3735  
reporting entity and shall include basic financial statements and 3736  
required supplementary information prepared in accordance with 3737  
generally accepted accounting principles and other information as 3738  
the director provides. All state agencies, authorities, 3739

institutions, offices, retirement systems, and other component 3740  
units of the state reporting entity as determined by the director 3741  
shall furnish the director whatever financial statements and other 3742  
information the director requests for the report, in the form, at 3743  
the times, covering the periods, and with the attestation the 3744  
director prescribes. The information for state institutions of 3745  
higher education, as defined in section 3345.011 of the Revised 3746  
Code, shall be submitted to the ~~director~~ chancellor by the Ohio 3747  
board of regents. The board shall establish a due date by which 3748  
each such institution shall submit the information to the board, 3749  
but no such date shall be later than one hundred twenty days after 3750  
the end of the state fiscal year unless a later date is approved 3751  
by the director. 3752

(B) In addition to the director's duties under division (A) 3753  
of this section, the director ~~of budget and management~~ may 3754  
establish and administer one or more state payment card programs 3755  
that permit or require state agencies to use a payment card to 3756  
purchase equipment, materials, supplies, or services in accordance 3757  
with guidelines issued by the director. The chief administrative 3758  
officer of a state agency that uses a payment card for such 3759  
purposes shall ensure that purchases made with the card are made 3760  
in accordance with the guidelines issued by the director and do 3761  
not exceed the unexpended, unencumbered, unobligated balance in 3762  
the appropriation to be charged for the purchase. State agencies 3763  
may ~~only~~ participate in only those state payment card programs 3764  
that the director establishes pursuant to this section. 3765

(C) In addition to the director's duties under divisions (A) 3766  
and (B) of this section, the director may enter into any contract 3767  
or agreement necessary for and incidental to the performance of 3768  
the director's duties or the duties of the office of budget and 3769  
management. 3770

<b>Sec. 126.22.</b> The director of budget and management may:	3771
(A) Perform accounting services for and design and implement accounting systems with state agencies;	3772 3773
(B) Provide other accounting services, including the <u>maintenance and periodic auditing of the financial records of and submission of vouchers by state agencies, provision of assistance in the analysis of the financial position of state agencies, and preparation and submission of reports;</u>	3774 3775 3776 3777 3778
(C) Change any accounting code appearing in appropriations acts of the general assembly.	3779 3780
<b>Sec. 126.24.</b> <u>The OAKS support organization fund is hereby created in the state treasury for the purpose of paying the operating expenses of the state's enterprise resource planning system. The fund shall consist of cash transfers from the accounting and budgeting fund and the human resources services fund, and other revenues designated to support the operating costs of the Ohio administrative knowledge system. All investment earnings of the fund shall be credited to the fund.</u>	3781 3782 3783 3784 3785 3786 3787 3788
<b>Sec. 126.40.</b> <u>There is hereby created in the state treasury the forgery recovery fund. The fund shall consist of all moneys collected by the attorney general from the resolution of cases of fraud or forgery involving warrants issued by the director of the office of budget and management. The director shall use the fund to pay costs associated with the reissue of state warrants to payees whose warrants were fraudulently redeemed.</u>	3789 3790 3791 3792 3793 3794 3795
<b>Sec. 127.16.</b> (A) Upon the request of either a state agency or the director of budget and management and after the controlling board determines that an emergency or a sufficient economic reason exists, the controlling board may approve the making of a purchase	3796 3797 3798 3799

without competitive selection as provided in division (B) of this section. 3800  
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(B) Except as otherwise provided in this section, no state agency, using money that has been appropriated to it directly, shall: 3802  
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(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; 3805  
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(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. 3812  
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(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. 3820  
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(D) Nothing in division (B) of this section shall be construed as: 3824  
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(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; 3826  
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(2) Applying to medicaid provider agreements under Chapter 5111. of the Revised Code or payments or provider agreements under 3829  
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the disability medical assistance program established under	3831
Chapter 5115. of the Revised Code;	3832
(3) Applying to the purchase of examinations from a sole	3833
supplier by a state licensing board under Title XLVII of the	3834
Revised Code;	3835
(4) Applying to entertainment contracts for the Ohio state	3836
fair entered into by the Ohio expositions commission, provided	3837
that the controlling board has given its approval to the	3838
commission to enter into such contracts and has approved a total	3839
budget amount for such contracts as agreed upon by commission	3840
action, and that the commission causes to be kept itemized records	3841
of the amounts of money spent under each contract and annually	3842
files those records with the clerk of the house of representatives	3843
and the clerk of the senate following the close of the fair;	3844
(5) Limiting the authority of the chief of the division of	3845
mineral resources management to contract for reclamation work with	3846
an operator mining adjacent land as provided in section 1513.27 of	3847
the Revised Code;	3848
(6) Applying to investment transactions and procedures of any	3849
state agency, except that the agency shall file with the board the	3850
name of any person with whom the agency contracts to make, broker,	3851
service, or otherwise manage its investments, as well as the	3852
commission, rate, or schedule of charges of such person with	3853
respect to any investment transactions to be undertaken on behalf	3854
of the agency. The filing shall be in a form and at such times as	3855
the board considers appropriate.	3856
(7) Applying to purchases made with money for the per cent	3857
for arts program established by section 3379.10 of the Revised	3858
Code;	3859
(8) Applying to purchases made by the rehabilitation services	3860
commission of services, or supplies, that are provided to persons	3861

with disabilities, or to purchases made by the commission in	3862
connection with the eligibility determinations it makes for	3863
applicants of programs administered by the social security	3864
administration;	3865
(9) Applying to payments by the department of job and family	3866
services under section 5111.13 of the Revised Code for group	3867
health plan premiums, deductibles, coinsurance, and other	3868
cost-sharing expenses;	3869
(10) Applying to any agency of the legislative branch of the	3870
state government;	3871
(11) Applying to agreements or contracts entered into under	3872
section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the	3873
Revised Code;	3874
(12) Applying to purchases of services by the adult parole	3875
authority under section 2967.14 of the Revised Code or by the	3876
department of youth services under section 5139.08 of the Revised	3877
Code;	3878
(13) Applying to dues or fees paid for membership in an	3879
organization or association;	3880
(14) Applying to purchases of utility services pursuant to	3881
section 9.30 of the Revised Code;	3882
(15) Applying to purchases made in accordance with rules	3883
adopted by the department of administrative services of motor	3884
vehicle, aviation, or watercraft fuel, or emergency repairs of	3885
such vehicles;	3886
(16) Applying to purchases of tickets for passenger air	3887
transportation;	3888
(17) Applying to purchases necessary to provide public	3889
notifications required by law or to provide notifications of job	3890
openings;	3891

(18) Applying to the judicial branch of state government;	3892
(19) Applying to purchases of liquor for resale by the division of liquor control;	3893 3894
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	3895 3896 3897
(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;	3898 3899 3900 3901
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	3902 3903 3904
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	3905 3906
(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;	3907 3908 3909 3910
(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;	3911 3912 3913
(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;	3914 3915 3916 3917 3918
(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</del> , and <del>5123.199</del> of the Revised Code;	3919 3920 3921

(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section 5119.101 of the Revised Code;	3922 3923 3924
(29) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (F) of section 169.03 of the Revised Code. The director shall keep an itemized accounting of unclaimed funds collected by those persons and amounts paid to them for their services.	3925 3926 3927 3928 3929 3930
(30) Applying to purchases made by a state institution of higher education in accordance with the terms of a contract between the vendor and an inter-university purchasing group comprised of purchasing officers of state institutions of higher education;	3931 3932 3933 3934 3935
(31) Applying to the department of job and family services' purchases of health assistance services under the children's health insurance program part I provided for under section 5101.50 of the Revised Code, <del>or</del> the children's health insurance program part II provided for under section 5101.51 of the Revised Code, <u>or the children's health insurance program part III provided for under section 5101.52 of the Revised Code;</u>	3936 3937 3938 3939 3940 3941 3942
(32) Applying to payments by the attorney general from the reparations fund to hospitals and other emergency medical facilities for performing medical examinations to collect physical evidence pursuant to section 2907.28 of the Revised Code;	3943 3944 3945 3946
(33) Applying to contracts with a contracting authority or administrative receiver under division (B) of section 5126.056 of the Revised Code;	3947 3948 3949
(34) Applying to reimbursements paid to the United States department of veterans affairs for pharmaceutical and patient supply purchases made on behalf of the Ohio veterans' home agency;	3950 3951 3952

(35) Applying to agreements entered into with terminal distributors of dangerous drugs under section 173.79 of the Revised Code; 3953  
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(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. 3956  
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(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. 3960  
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(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: 3965  
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(1) Purchases made through competitive selection or with controlling board approval; 3969  
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(2) Purchases listed in division (D) of this section; 3971

(3) For the purposes of the thresholds of divisions (B)(1) and (E) of this section only, leases of real estate. 3972  
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(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. 3974  
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**Sec. 131.44.** (A) As used in this section: 3977

(1) "Surplus revenue" means the excess, if any, of the total fund balance over the required year-end balance. 3978  
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(2) "Total fund balance" means the sum of the unencumbered balance in the general revenue fund on the last day of the 3980  
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preceding fiscal year plus the balance in the budget stabilization fund.	3982 3983
(3) "Required year-end balance" means the sum of the following:	3984 3985
(a) Five per cent of the general revenue fund revenues for the preceding fiscal year;	3986 3987
(b) "Ending fund balance," which means one-half of one per cent of general revenue fund revenues for the preceding fiscal year;	3988 3989 3990
(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;	3991 3992 3993 3994 3995
(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;	3996 3997 3998 3999
(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.	4000 4001 4002 4003 4004 4005
(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:	4006 4007 4008 4009
(a) Appropriations made and transfers of appropriations from the first fiscal year to the second fiscal year of the biennium in	4010 4011

provisions of acts of the general assembly signed by the governor 4012  
but not yet effective; 4013

(b) Transfers of appropriation from the first fiscal year to 4014  
the second fiscal year of the biennium approved by the controlling 4015  
board. 4016

(5) "Estimated general revenue fund revenue" means the most 4017  
recent such estimate available to the director of budget and 4018  
management. 4019

(B)(1) Not later than the thirty-first day of July each year, 4020  
the director of budget and management shall determine the surplus 4021  
revenue that existed on the preceding thirtieth day of June and 4022  
transfer from the general revenue fund, to the extent of the 4023  
unobligated, unencumbered balance on the preceding thirtieth day 4024  
of June in excess of one-half of one per cent of the general 4025  
revenue fund revenues in the preceding fiscal year, the following: 4026

(a) First, to the budget stabilization fund, any amount 4027  
necessary for the balance of the budget stabilization fund to 4028  
equal five per cent of the general revenue fund revenues of the 4029  
preceding fiscal year; 4030

(b) Then, to the income tax reduction fund, which is hereby 4031  
created in the state treasury, an amount equal to the surplus 4032  
revenue. 4033

(2) Not later than the thirty-first day of July each year, 4034  
the director shall determine the percentage that the balance in 4035  
the income tax reduction fund is of the amount of revenue that the 4036  
director estimates will be received from the tax levied under 4037  
section 5747.02 of the Revised Code in the current fiscal year 4038  
without regard to any reduction under division (B) of that 4039  
section. If that percentage exceeds thirty-five one hundredths of 4040  
one per cent, the director shall certify the percentage to the tax 4041  
commissioner not later than the thirty-first day of July. 4042

(C) The director of budget and management shall transfer 4043  
money in the income tax reduction fund to the general revenue 4044  
fund, the local government fund, and the library and local 4045  
government support fund, ~~and the local government revenue~~ 4046  
~~assistance fund~~ as necessary to offset revenue reductions 4047  
resulting from the reductions in taxes required under division (B) 4048  
of section 5747.02 of the Revised Code in the respective amounts 4049  
and percentages prescribed by ~~divisions~~ division (A)~~(1), (2), and~~ 4050  
~~(4)~~ of section 5747.03 and divisions (A) and (B) of section 131.51 4051  
of the Revised Code as if the amount transferred had been 4052  
collected as taxes under Chapter 5747. of the Revised Code. If no 4053  
reductions in taxes are made under that division that affect 4054  
revenue received in the current fiscal year, the director shall 4055  
not transfer money from the income tax reduction fund to the 4056  
general revenue fund, the local government fund, and the library 4057  
and local government support fund, ~~and the local government~~ 4058  
~~revenue assistance fund~~. 4059

Sec. 131.51. (A) Beginning January 2008, on or before the 4060  
fifth day of each month, the director of budget and management 4061  
shall credit to the local government fund three and sixty-eight 4062  
one hundredths per cent of total tax revenue credited to the 4063  
general revenue fund during the preceding month. In determining 4064  
the total tax revenue credited to the general revenue fund during 4065  
the preceding month, the director shall include amounts 4066  
transferred from that fund during the preceding month pursuant to 4067  
divisions (A) and (B) of this section. Money shall be distributed 4068  
from the local government fund as required under section 5747.50 4069  
of the Revised Code during the same month in which it is credited 4070  
to the fund. 4071

(B) Beginning January 2008, on or before the fifth day of 4072  
each month, the director of budget and management shall credit to 4073  
the library and local government support fund, two and twenty-two 4074

one hundredths per cent of the total tax revenue credited to the 4075  
general revenue fund during the preceding month. In determining 4076  
the total tax revenue credited to the general revenue fund during 4077  
the preceding month, the director shall include amounts 4078  
transferred from that fund during the preceding month pursuant to 4079  
divisions (A) and (B) of this section. Money shall be distributed 4080  
from the library and local government support fund as required 4081  
under section 5747.47 of the Revised Code during the same month in 4082  
which it is credited to the fund. 4083

(C) The director of budget and management shall develop a 4084  
schedule identifying the specific tax revenue sources to be used 4085  
to make the monthly transfers required under divisions (A) and (B) 4086  
of this section. The director may, from time to time, revise the 4087  
schedule as the director considers necessary. 4088

**Sec. 133.01.** As used in this chapter, in sections 9.95, 9.96, 4089  
and 2151.655 of the Revised Code, in other sections of the Revised 4090  
Code that make reference to this chapter unless the context does 4091  
not permit, and in related proceedings, unless otherwise expressly 4092  
provided: 4093

(A) "Acquisition" as applied to real or personal property 4094  
includes, among other forms of acquisition, acquisition by 4095  
exercise of a purchase option, and acquisition of interests in 4096  
property, including, without limitation, easements and 4097  
rights-of-way, and leasehold and other lease interests initially 4098  
extending or extendable for a period of at least sixty months. 4099

(B) "Anticipatory securities" means securities, including 4100  
notes, issued in anticipation of the issuance of other securities. 4101

(C) "Board of elections" means the county board of elections 4102  
of the county in which the subdivision is located. If the 4103  
subdivision is located in more than one county, "board of 4104  
elections" means the county board of elections of the county that 4105

contains the largest portion of the population of the subdivision 4106  
or that otherwise has jurisdiction in practice over and 4107  
customarily handles election matters relating to the subdivision. 4108

(D) "Bond retirement fund" means the bond retirement fund 4109  
provided for in section 5705.09 of the Revised Code, and also 4110  
means a sinking fund or any other special fund, regardless of the 4111  
name applied to it, established by or pursuant to law or the 4112  
proceedings for the payment of debt charges. Provision may be made 4113  
in the applicable proceedings for the establishment in a bond 4114  
retirement fund of separate accounts relating to debt charges on 4115  
particular securities, or on securities payable from the same or 4116  
common sources, and for the application of moneys in those 4117  
accounts only to specified debt charges on specified securities or 4118  
categories of securities. Subject to law and any provisions in the 4119  
applicable proceedings, moneys in a bond retirement fund or 4120  
separate account in a bond retirement fund may be transferred to 4121  
other funds and accounts. 4122

(E) "Capitalized interest" means all or a portion of the 4123  
interest payable on securities from their date to a date stated or 4124  
provided for in the applicable legislation, which interest is to 4125  
be paid from the proceeds of the securities. 4126

(F) "Chapter 133. securities" means securities authorized by 4127  
or issued pursuant to or in accordance with this chapter. 4128

(G) "County auditor" means the county auditor of the county 4129  
in which the subdivision is located. If the subdivision is located 4130  
in more than one county, "county auditor" means the county auditor 4131  
of the county that contains the highest amount of the tax 4132  
valuation of the subdivision or that otherwise has jurisdiction in 4133  
practice over and customarily handles property tax matters 4134  
relating to the subdivision. In the case of a county that has 4135  
adopted a charter, "county auditor" means the officer who 4136  
generally has the duties and functions provided in the Revised 4137

Code for a county auditor. 4138

(H) "Credit enhancement facilities" means letters of credit, 4139  
lines of credit, stand-by, contingent, or firm securities purchase 4140  
agreements, insurance, or surety arrangements, guarantees, and 4141  
other arrangements that provide for direct or contingent payment 4142  
of debt charges, for security or additional security in the event 4143  
of nonpayment or default in respect of securities, or for making 4144  
payment of debt charges to and at the option and on demand of 4145  
securities holders or at the option of the issuer or upon certain 4146  
conditions occurring under put or similar arrangements, or for 4147  
otherwise supporting the credit or liquidity of the securities, 4148  
and includes credit, reimbursement, marketing, remarketing, 4149  
indexing, carrying, interest rate hedge, and subrogation 4150  
agreements, and other agreements and arrangements for payment and 4151  
reimbursement of the person providing the credit enhancement 4152  
facility and the security for that payment and reimbursement. 4153

(I) "Current operating expenses" or "current expenses" means 4154  
the lawful expenditures of a subdivision, except those for 4155  
permanent improvements and for payments of debt charges of the 4156  
subdivision. 4157

(J) "Debt charges" means the principal, including any 4158  
mandatory sinking fund deposits and mandatory redemption payments, 4159  
interest, and any redemption premium, payable on securities as 4160  
those payments come due and are payable. The use of "debt charges" 4161  
for this purpose does not imply that any particular securities 4162  
constitute debt within the meaning of the Ohio Constitution or 4163  
other laws. 4164

(K) "Financing costs" means all costs and expenses relating 4165  
to the authorization, including any required election, issuance, 4166  
sale, delivery, authentication, deposit, custody, clearing, 4167  
registration, transfer, exchange, fractionalization, replacement, 4168  
payment, and servicing of securities, including, without 4169

limitation, costs and expenses for or relating to publication and 4170  
printing, postage, delivery, preliminary and final official 4171  
statements, offering circulars, and informational statements, 4172  
travel and transportation, underwriters, placement agents, 4173  
investment bankers, paying agents, registrars, authenticating 4174  
agents, remarketing agents, custodians, clearing agencies or 4175  
corporations, securities depositories, financial advisory 4176  
services, certifications, audits, federal or state regulatory 4177  
agencies, accounting and computation services, legal services and 4178  
obtaining approving legal opinions and other legal opinions, 4179  
credit ratings, redemption premiums, and credit enhancement 4180  
facilities. Financing costs may be paid from any moneys available 4181  
for the purpose, including, unless otherwise provided in the 4182  
proceedings, from the proceeds of the securities to which they 4183  
relate and, as to future financing costs, from the same sources 4184  
from which debt charges on the securities are paid and as though 4185  
debt charges. 4186

(L) "Fiscal officer" means the following, or, in the case of 4187  
absence or vacancy in the office, a deputy or assistant authorized 4188  
by law or charter to act in the place of the named officer, or if 4189  
there is no such authorization then the deputy or assistant 4190  
authorized by legislation to act in the place of the named officer 4191  
for purposes of this chapter, in the case of the following 4192  
subdivisions: 4193

(1) A county, the county auditor; 4194

(2) A municipal corporation, the city auditor or village 4195  
clerk or clerk-treasurer, or the officer who, by virtue of a 4196  
charter, has the duties and functions provided in the Revised Code 4197  
for the city auditor or village clerk or clerk-treasurer; 4198

(3) A school district, the treasurer of the board of 4199  
education; 4200

(4) A regional water and sewer district, the secretary of the board of trustees;	4201 4202
(5) A joint township hospital district, the treasurer of the district;	4203 4204
(6) A joint ambulance district, the clerk of the board of trustees;	4205 4206
(7) A joint recreation district, the person designated pursuant to section 755.15 of the Revised Code;	4207 4208
(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;	4209 4210 4211 4212 4213
(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;	4214 4215 4216
(10) A joint fire district, the clerk of the board of trustees of that district;	4217 4218
(11) A regional or county library district, the person responsible for the financial affairs of that district;	4219 4220
(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;	4221 4222 4223
(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;	4224 4225 4226
(14) A fire and ambulance district, the person appointed as fiscal officer under division (B) of section 505.375 of the Revised Code;	4227 4228 4229
(15) A subdivision described in division (MM)(17) of this	4230

section, the officer who is designated by law as or performs the 4231  
functions of its chief fiscal officer. 4232

(M) "Fiscal year" has the same meaning as in section 9.34 of 4233  
the Revised Code. 4234

(N) "Fractionalized interests in public obligations" means 4235  
participations, certificates of participation, shares, or other 4236  
instruments or agreements, separate from the public obligations 4237  
themselves, evidencing ownership of interests in public 4238  
obligations or of rights to receive payments of, or on account of, 4239  
principal or interest or their equivalents payable by or on behalf 4240  
of an obligor pursuant to public obligations. 4241

(O) "Fully registered securities" means securities in 4242  
certificated or uncertificated form, registered as to both 4243  
principal and interest in the name of the owner. 4244

(P) "Fund" means to provide for the payment of debt charges 4245  
and expenses related to that payment at or prior to retirement by 4246  
purchase, call for redemption, payment at maturity, or otherwise. 4247

(Q) "General obligation" means securities to the payment of 4248  
debt charges on which the full faith and credit and the general 4249  
property taxing power, including taxes within the tax limitation 4250  
if available to the subdivision, of the subdivision are pledged. 4251

(R) "Interest" or "interest equivalent" means those payments 4252  
or portions of payments, however denominated, that constitute or 4253  
represent consideration for forbearing the collection of money, or 4254  
for deferring the receipt of payment of money to a future time. 4255

(S) "Internal Revenue Code" means the "Internal Revenue Code 4256  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and 4257  
includes any laws of the United States providing for application 4258  
of that code. 4259

(T) "Issuer" means any public issuer and any nonprofit 4260

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

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

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

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

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

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

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

of revenues, may be issued or for which special assessments may be 4292  
levied by a single ordinance or resolution. "One purpose" 4293  
includes, but is not limited to, in any case any off-street 4294  
parking facilities relating to another permanent improvement, and: 4295

(1) Any number of roads, highways, streets, bridges, 4296  
sidewalks, and viaducts; 4297

(2) Any number of off-street parking facilities; 4298

(3) In the case of a county, any number of permanent 4299  
improvements for courthouse, jail, county offices, and other 4300  
county buildings, and related facilities; 4301

(4) In the case of a school district, any number of 4302  
facilities and buildings for school district purposes, and related 4303  
facilities. 4304

(AA) "Outstanding," referring to securities, means securities 4305  
that have been issued, delivered, and paid for, except any of the 4306  
following: 4307

(1) Securities canceled upon surrender, exchange, or 4308  
transfer, or upon payment or redemption; 4309

(2) Securities in replacement of which or in exchange for 4310  
which other securities have been issued; 4311

(3) Securities for the payment, or redemption or purchase for 4312  
cancellation prior to maturity, of which sufficient moneys or 4313  
investments, in accordance with the applicable legislation or 4314  
other proceedings or any applicable law, by mandatory sinking fund 4315  
redemption requirements, mandatory sinking fund requirements, or 4316  
otherwise, have been deposited, and credited for the purpose in a 4317  
bond retirement fund or with a trustee or paying or escrow agent, 4318  
whether at or prior to their maturity or redemption, and, in the 4319  
case of securities to be redeemed prior to their stated maturity, 4320  
notice of redemption has been given or satisfactory arrangements 4321

have been made for giving notice of that redemption, or waiver of 4322  
that notice by or on behalf of the affected security holders has 4323  
been filed with the subdivision or its agent for the purpose. 4324

(BB) "Paying agent" means the one or more banks, trust 4325  
companies, or other financial institutions or qualified persons, 4326  
including an appropriate office or officer of the subdivision, 4327  
designated as a paying agent or place of payment of debt charges 4328  
on the particular securities. 4329

(CC) "Permanent improvement" or "improvement" means any 4330  
property, asset, or improvement certified by the fiscal officer, 4331  
which certification is conclusive, as having an estimated life or 4332  
period of usefulness of five years or more, and includes, but is 4333  
not limited to, real estate, buildings, and personal property and 4334  
interests in real estate, buildings, and personal property, 4335  
equipment, furnishings, and site improvements, and reconstruction, 4336  
rehabilitation, renovation, installation, improvement, 4337  
enlargement, and extension of property, assets, or improvements so 4338  
certified as having an estimated life or period of usefulness of 4339  
five years or more. The acquisition of all the stock ownership of 4340  
a corporation is the acquisition of a permanent improvement to the 4341  
extent that the value of that stock is represented by permanent 4342  
improvements. A permanent improvement for parking, highway, road, 4343  
and street purposes includes resurfacing, but does not include 4344  
ordinary repair. 4345

(DD) "Person" has the same meaning as in section 1.59 of the 4346  
Revised Code and also includes any federal, state, interstate, 4347  
regional, or local governmental agency, any subdivision, and any 4348  
combination of those persons. 4349

(EE) "Proceedings" means the legislation, certifications, 4350  
notices, orders, sale proceedings, trust agreement or indenture, 4351  
mortgage, lease, lease-purchase agreement, assignment, credit 4352  
enhancement facility agreements, and other agreements, 4353

instruments, and documents, as amended and supplemented, and any 4354  
election proceedings, authorizing, or providing for the terms and 4355  
conditions applicable to, or providing for the security or sale or 4356  
award of, public obligations, and includes the provisions set 4357  
forth or incorporated in those public obligations and proceedings. 4358

(FF) "Public issuer" means any of the following that is 4359  
authorized by law to issue securities or enter into public 4360  
obligations: 4361

(1) The state, including an agency, commission, officer, 4362  
institution, board, authority, or other instrumentality of the 4363  
state; 4364

(2) A taxing authority, subdivision, district, or other local 4365  
public or governmental entity, and any combination or consortium, 4366  
or public division, district, commission, authority, department, 4367  
board, officer, or institution, thereof; 4368

(3) Any other body corporate and politic, or other public 4369  
entity. 4370

(GG) "Public obligations" means both of the following: 4371

(1) Securities; 4372

(2) Obligations of a public issuer to make payments under 4373  
installment sale, lease, lease purchase, or similar agreements, 4374  
which obligations bear interest or interest equivalent. 4375

(HH) "Refund" means to fund and retire outstanding 4376  
securities, including advance refunding with or without payment or 4377  
redemption prior to maturity. 4378

(II) "Register" means the books kept and maintained by the 4379  
registrar for registration, exchange, and transfer of registered 4380  
securities. 4381

(JJ) "Registrar" means the person responsible for keeping the 4382  
register for the particular registered securities, designated by 4383

or pursuant to the proceedings. 4384

(KK) "Securities" means bonds, notes, certificates of 4385  
indebtedness, commercial paper, and other instruments in writing, 4386  
including, unless the context does not admit, anticipatory 4387  
securities, issued by an issuer to evidence its obligation to 4388  
repay money borrowed, or to pay interest, by, or to pay at any 4389  
future time other money obligations of, the issuer of the 4390  
securities, but not including public obligations described in 4391  
division (GG)(2) of this section. 4392

(LL) "Self-supporting securities" means securities or 4393  
portions of securities issued for the purpose of paying costs of 4394  
permanent improvements to the extent that receipts of the 4395  
subdivision, other than the proceeds of taxes levied by that 4396  
subdivision, derived from or with respect to the improvements or 4397  
the operation of the improvements being financed, or the 4398  
enterprise, system, project, or category of improvements of which 4399  
the improvements being financed are part, are estimated by the 4400  
fiscal officer to be sufficient to pay the current expenses of 4401  
that operation or of those improvements or enterprise, system, 4402  
project, or categories of improvements and the debt charges 4403  
payable from those receipts on securities issued for the purpose. 4404  
Until such time as the improvements or increases in rates and 4405  
charges have been in operation or effect for a period of at least 4406  
six months, the receipts therefrom, for purposes of this 4407  
definition, shall be those estimated by the fiscal officer, except 4408  
that those receipts may include, without limitation, payments made 4409  
and to be made to the subdivision under leases or agreements in 4410  
effect at the time the estimate is made. In the case of an 4411  
operation, improvements, or enterprise, system, project, or 4412  
category of improvements without at least a six-month history of 4413  
receipts, the estimate of receipts by the fiscal officer, other 4414  
than those to be derived under leases and agreements then in 4415

effect, shall be confirmed by the taxing authority.	4416
(MM) "Subdivision" means any of the following:	4417
(1) A county, including a county that has adopted a charter under Article X, Ohio Constitution;	4418 4419
(2) A municipal corporation, including a municipal corporation that has adopted a charter under Article XVIII, Ohio Constitution;	4420 4421 4422
(3) A school district;	4423
(4) A regional water and sewer district organized under Chapter 6119. of the Revised Code;	4424 4425
(5) A joint township hospital district organized under section 513.07 of the Revised Code;	4426 4427
(6) A joint ambulance district organized under section 505.71 of the Revised Code;	4428 4429
(7) A joint recreation district organized under division (C) of section 755.14 of the Revised Code;	4430 4431
(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;	4432 4433 4434 4435
(9) A township police district organized under section 505.48 of the Revised Code;	4436 4437
(10) A township;	4438
(11) A joint fire district organized under section 505.371 of the Revised Code;	4439 4440
(12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code;	4441 4442 4443
(13) A joint solid waste management district organized under	4444

section 343.01 or 343.012 of the Revised Code; 4445

(14) A joint emergency medical services district organized 4446  
under section 307.052 of the Revised Code; 4447

(15) A fire and ambulance district organized under section 4448  
505.375 of the Revised Code; 4449

(16) A fire district organized under division (C) of section 4450  
505.37 of the Revised Code; 4451

(17) Any other political subdivision or taxing district or 4452  
other local public body or agency authorized by this chapter or 4453  
other laws to issue Chapter 133. securities. 4454

(NN) "Taxing authority" means in the case of the following 4455  
subdivisions: 4456

(1) A county, a county library district, or a regional 4457  
library district, the board or boards of county commissioners, or 4458  
other legislative authority of a county that has adopted a charter 4459  
under Article X, Ohio Constitution, but with respect to such a 4460  
library district acting solely as agent for the board of trustees 4461  
of that district; 4462

(2) A municipal corporation, the legislative authority; 4463

(3) A school district, the board of education; 4464

(4) A regional water and sewer district, a joint ambulance 4465  
district, a joint recreation district, a fire and ambulance 4466  
district, or a joint fire district, the board of trustees of the 4467  
district; 4468

(5) A joint township hospital district, the joint township 4469  
hospital board; 4470

(6) A detention facility district or a district organized 4471  
under section 2151.65 of the Revised Code, a combined district 4472  
organized under sections 2152.41 and 2151.65 of the Revised Code, 4473  
or a joint emergency medical services district, the joint board of 4474

county commissioners; 4475

(7) A township, a fire district organized under division (C) 4476  
of section 505.37 of the Revised Code, or a township police 4477  
district, the board of township trustees; 4478

(8) A joint solid waste management district organized under 4479  
section 343.01 or 343.012 of the Revised Code, the board of 4480  
directors of the district; 4481

(9) A subdivision described in division (MM)(17) of this 4482  
section, the legislative or governing body or official. 4483

(OO) "Tax limitation" means the "ten-mill limitation" as 4484  
defined in section 5705.02 of the Revised Code without diminution 4485  
by reason of section 5705.313 of the Revised Code or otherwise, 4486  
or, in the case of a municipal corporation or county with a 4487  
different charter limitation on property taxes levied to pay debt 4488  
charges on unvoted securities, that charter limitation. Those 4489  
limitations shall be respectively referred to as the "ten-mill 4490  
limitation" and the "charter tax limitation." 4491

(PP) "Tax valuation" means the aggregate of the valuations of 4492  
property subject to ad valorem property taxation by the 4493  
subdivision on the real property, personal property, and public 4494  
utility property tax lists and duplicates most recently certified 4495  
for collection, and shall be calculated without deductions of the 4496  
valuations of otherwise taxable property exempt in whole or in 4497  
part from taxation by reason of exemptions of certain amounts of 4498  
taxable value under division (C) of section 5709.01 ~~or, tax~~ 4499  
reductions under section 323.152 of the Revised Code, or similar 4500  
laws now or in the future in effect. 4501

For purposes of section 133.06 of the Revised Code, "tax 4502  
valuation" shall not include the valuation of tangible personal 4503  
property used in business, telephone or telegraph property, 4504  
interexchange telecommunications company property, or personal 4505

property owned or leased by a railroad company and used in 4506  
railroad operations listed under or described in section 5711.22, 4507  
division (B) or (F) of section 5727.111, or section 5727.12 of the 4508  
Revised Code. 4509

(QQ) "Year" means the calendar year. 4510

(RR) "Administrative agent," "agent," "commercial paper," 4511  
"floating rate interest structure," "indexing agent," "interest 4512  
rate hedge," "interest rate period," "put arrangement," and 4513  
"remarketing agent" have the same meanings as in section 9.98 of 4514  
the Revised Code. 4515

(SS) "Sales tax supported" means obligations to the payment 4516  
of debt charges on which an additional sales tax or additional 4517  
sales taxes have been pledged by the taxing authority of a county 4518  
pursuant to section 133.081 of the Revised Code. 4519

Sec. 133.061. (A) This section applies only to a school 4520  
district that satisfies all of the following conditions: 4521

(1) The district, prior to the effective date of this 4522  
section, undertook a classroom facilities project under section 4523  
3318.37 of the Revised Code. 4524

(2) The district will undertake a subsequent classroom 4525  
facilities project under section 3318.37 of the Revised Code that 4526  
will consist of a single building housing grades six through 4527  
twelve. 4528

(3) The district's project described in division (A)(2) of 4529  
this section will include locally funded initiatives that are not 4530  
required by the Ohio school facilities commission. 4531

(4) The district's project described in division (A)(2) of 4532  
this section will commence within two years after the effective 4533  
date of this section. 4534

(B) Notwithstanding any other provision of law to the 4535

contrary, a school district to which this section applies may 4536  
incur net indebtedness by the issuance of securities in accordance 4537  
with the provisions of this chapter in excess of the limit 4538  
specified in division (B) or (C) of section 133.06 of the Revised 4539  
Code when necessary to raise the school district portion of the 4540  
basic project cost and any additional funds necessary to 4541  
participate in the classroom facilities project described in 4542  
division (A)(2) of this section, including the cost of items 4543  
designated by the Ohio school facilities commission as required 4544  
locally funded initiatives, the cost for site acquisition, and the 4545  
cost of the locally funded initiatives that are not required by 4546  
the commission described in division (A)(3) of this section, as 4547  
long as the district's total net indebtedness after the issuance 4548  
of those securities does not exceed one hundred twenty-five per 4549  
cent of the limit prescribed in division (B) of section 133.06 of 4550  
the Revised Code and the electors of the district approve the 4551  
issuance of those securities. 4552

The school facilities commission shall notify the 4553  
superintendent of public instruction whenever a school district 4554  
will exceed either limit pursuant to this section. 4555

**Sec. 133.081.** (A) As used in this section: 4556

(1) "Anticipation notes" means notes issued in anticipation 4557  
of the sales tax supported bonds authorized by this section; 4558

(2) "Authorizing proceedings" means the resolution, 4559  
legislation, trust agreement, certification, and other agreements, 4560  
instruments, and documents, as amended and supplemented, 4561  
authorizing, or providing for the security or sale or award of, 4562  
sales tax supported bonds, and includes the provisions set forth 4563  
or incorporated in those bonds and proceedings; 4564

(3) "County sales tax" means any sales tax levied by the 4565  
taxing authority of a county pursuant to section 5739.021 or 4566

5739.026 of the Revised Code, and any tax levied by that taxing authority upon storage, use, or consumption under section 5741.021 or 5741.023 of the Revised Code. However, "county sales tax" does not include a sales tax subject to referendum or a sales tax that was adopted as an emergency measure and is subject to initiative petition under section 5739.022 of the Revised Code.

(4) "Sales tax supported bonds" means the sales tax supported bonds authorized by this section, including anticipation notes;

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

(B) The taxing authority of a county which has levied a county sales tax for the purpose of providing additional general revenues of the county pursuant to Chapter 5739. of the Revised Code may anticipate the receipts of such tax and issue sales tax supported bonds of the county in the principal amount necessary to pay the costs of financing any permanent improvement as defined in division (CC) of section 133.01 of the Revised Code, or to refund any refunded obligations, provided that the taxing authority certifies that the annual debt charges on the sales tax supported bonds, or on the sales tax supported bonds being anticipated by anticipation notes, do not exceed the estimated annual county sales tax receipts. The maximum aggregate amount of sales tax supported bonds that may be outstanding at any time in accordance with their terms shall not exceed an amount which requires or is estimated to require payments from sales tax receipts of debt charges on the sales tax supported bonds, or, in the case of anticipation notes, projected debt charges on the sales tax supported bonds anticipated, in any calendar year in an amount exceeding the county sales tax in anticipation of which the bonds or anticipation notes are issued as estimated by the fiscal officer based on general sales tax receipts averaged for the prior

two calendar years prior to the year in which the sales tax 4599  
supported bonds are issued, and annualized for any increase in the 4600  
county sales tax which may have been levied in part during such 4601  
period or levied after such period. A taxing authority may at any 4602  
time issue renewal anticipation notes, issue sales tax supported 4603  
bonds to pay renewal anticipation notes, and, if it considers 4604  
refunding expedient, issue refunding sales tax supported bonds 4605  
whether the refunded obligations have or have not matured. The 4606  
refunding sales tax supported bonds shall be sold and the proceeds 4607  
needed for such purpose applied in the manner provided in the 4608  
authorizing proceedings of the taxing authority. The maximum 4609  
maturity of sales tax supported bonds shall be calculated by the 4610  
fiscal officer in accordance with section 133.20 of the Revised 4611  
Code, and such calculation shall be filed with the taxing 4612  
authority of the county prior to passage of a bond authorizing 4613  
resolution. If the county sales tax pledged to the payment of the 4614  
sales tax supported bonds has a stated expiration date, the final 4615  
principal maturity date of the sales tax supported bonds shall not 4616  
extend beyond the final year of collection of the county sales tax 4617  
pledged to the payment of the sales tax supported bonds. 4618

(C) Every issue of sales tax supported bonds outstanding in 4619  
accordance with their terms shall be payable out of the sales tax 4620  
receipts received by the county or proceeds of sales tax supported 4621  
bonds, renewal anticipation notes, or refunding sales tax 4622  
supported bonds which may be pledged for such payment in the 4623  
authorizing proceedings. The pledge shall be valid and binding 4624  
from the time the pledge is made, and the county sales tax 4625  
receipts and proceeds so pledged and thereafter received by the 4626  
county shall immediately be subject to the lien of that pledge 4627  
without any physical delivery of the county sales tax receipts or 4628  
proceeds or further act. The lien of any pledge is valid and 4629  
binding as against all parties having claims of any kind in tort, 4630  
contract, or otherwise against the county, whether or not such 4631

parties have notice of the lien. Neither the resolution nor any 4632  
trust agreement by which a pledge is created or further evidenced 4633  
need be filed or recorded except in the records of the taxing 4634  
authority. 4635

(D) Sales tax supported bonds issued under this section do 4636  
not constitute a general obligation debt, or a pledge of the full 4637  
faith and credit, of the state, the county, or any other political 4638  
subdivision of the state, and the holders or owners of the notes 4639  
bonds have no right to have taxes levied by the general assembly 4640  
or property taxes levied by the taxing authority of any political 4641  
subdivision of the state, including the taxing authority of the 4642  
county, for the payment of debt charges. Unless paid from other 4643  
sources, sales tax supported bonds are payable from the sales tax 4644  
receipts pledged for their payment as authorized by this section. 4645  
All sales tax supported bonds shall contain on their face a 4646  
statement to the effect that the sales tax supported bonds, as to 4647  
debt charges, are not debts or obligations of the state and are 4648  
not general obligation debts of any political subdivision of the 4649  
state, but, unless paid from other sources, are payable from the 4650  
sales tax receipts pledged for their payment. The utilization and 4651  
pledge of the sales tax receipts and proceeds of sales tax 4652  
supported bonds, renewal anticipation notes, or refunding sales 4653  
tax supported bonds for the payment of debt charges is determined 4654  
by the general assembly to create a special obligation ~~which is~~ 4655  
~~not a bonded indebtedness subject to Section 11 of Article XII,~~ 4656  
~~Ohio Constitution.~~ 4657

(E) The sales tax supported bonds shall bear such date or 4658  
dates, shall be executed in the manner, and shall mature at such 4659  
time or times, in the case of any anticipation notes not exceeding 4660  
ten years from the date of issue of the original anticipation 4661  
notes and in the case of any sales tax supported bonds or of any 4662  
refunding sales tax supported bonds, not exceeding the maximum 4663

maturity certified to the taxing authority pursuant to division 4664  
(B) of this section, all as the authorizing proceedings may 4665  
provide. The sales tax supported bonds shall bear interest at such 4666  
rates, or at variable rate or rates changing from time to time, in 4667  
accordance with provisions in the authorizing proceedings, be in 4668  
such denominations and form, either coupon or registered, carry 4669  
such registration privileges, be payable in such medium of payment 4670  
and at such place or places, and be subject to such terms of 4671  
redemption, as the taxing authority may authorize or provide. The 4672  
sales tax supported bonds may be sold at public or private sale, 4673  
and at, or at not less than, the price or prices as the taxing 4674  
authority determines. If any officer whose signature or a 4675  
facsimile of whose signature appears on any sales tax supported 4676  
bonds or coupons ceases to be such officer before delivery of the 4677  
sales tax supported bonds or anticipation notes, the signature or 4678  
facsimile shall nevertheless be sufficient for all purposes as if 4679  
that officer had remained in office until delivery of the sales 4680  
tax supported bonds. Whether or not the sales tax supported bonds 4681  
are of such form and character as to be negotiable instruments 4682  
under Title XIII of the Revised Code, the sales tax supported 4683  
bonds shall have all the qualities and incidents of negotiable 4684  
instruments, subject only to any provisions for registration. 4685  
Neither the members of the board of the taxing authority nor any 4686  
person executing the sales tax supported bonds shall be liable 4687  
personally on the sales tax supported bonds or be subject to any 4688  
personal liability or accountability by reason of their issuance. 4689

(F) Notwithstanding any other provision of this section, 4690  
sections 9.98 to 9.983, 133.02, 133.70, and 5709.76, and division 4691  
(A) of section 133.03 of the Revised Code apply to the sales tax 4692  
supported bonds. Sales tax supported bonds issued under this 4693  
section need not comply with any other law applicable to notes or 4694  
bonds but the authorizing proceedings may provide that divisions 4695  
(B) to (E) of section 133.25 of the Revised Code apply to the 4696

sales tax supported bonds or anticipation notes. 4697

(G) Any authorized proceedings may contain provisions, 4698  
subject to any agreements with holders as may then exist, which 4699  
shall be a part of the contract with the holders, as to the 4700  
pledging of any or all of the county's anticipated sales tax 4701  
receipts to secure the payment of the sales tax supported bonds; 4702  
the use and disposition of the sales tax receipts of the county; 4703  
the crediting of the proceeds of the sale of sales tax supported 4704  
bonds to and among the funds referred to or provided for in the 4705  
authorizing proceedings; limitations on the purpose to which the 4706  
proceeds of the sales tax supported bonds may be applied and the 4707  
pledging of portions of such proceeds to secure the payment of the 4708  
sales tax supported bonds or of anticipation notes; the agreement 4709  
of the county to do all things necessary for the authorization, 4710  
issuance, and sale of those notes anticipated in such amounts as 4711  
may be necessary for the timely payment of debt charges on any 4712  
anticipation notes; limitations on the issuance of additional 4713  
sales tax supported bonds; the terms upon which additional sales 4714  
tax supported bonds may be issued and secured; the refunding of 4715  
refunded obligations; the procedure by which the terms of any 4716  
contract with holders may be amended, and the manner in which any 4717  
required consent to amend may be given; securing any sales tax 4718  
supported bonds by a trust agreement or other agreement; and any 4719  
other matters, of like or different character, that in any way 4720  
affect the security or protection of the sales tax supported bonds 4721  
or anticipation notes. 4722

(H) The taxing authority of a county may not repeal, rescind, 4723  
or reduce any portion of a county sales tax pledged to the payment 4724  
of debt charges on sales tax supported bonds issued by the county 4725  
while such sales tax supported bonds remain outstanding, and no 4726  
portion of a county sales tax pledged to the payment of debt 4727  
charges on sales tax supported bonds shall be subject to repeal or 4728

reduction by the electorate of the county or by the taxing 4729  
authority of the county while such sales tax supported bonds are 4730  
outstanding. 4731

**Sec. 149.311.** (A) As used in this section: 4732

(1) "Historic building" means a building, including its 4733  
structural components, that is located in this state and that is 4734  
either individually listed on the national register of historic 4735  
places under 16 U.S.C. 470a, located in a registered historic 4736  
district, and certified by the state historic preservation officer 4737  
as being of historic significance to the district, or is 4738  
individually listed as a historic landmark designated by a local 4739  
government certified under 16 U.S.C. 470a(c). 4740

(2) "Qualified rehabilitation expenditures" means 4741  
expenditures paid or incurred during the rehabilitation period, 4742  
and before and after that period as determined under 26 U.S.C. 47, 4743  
by an owner of a historic building to rehabilitate the building. 4744  
"Qualified rehabilitation expenditures" includes architectural or 4745  
engineering fees paid or incurred in connection with the 4746  
rehabilitation, and expenses incurred in the preparation of 4747  
nomination forms for listing on the national register of historic 4748  
places. "Qualified rehabilitation expenditures" does not include 4749  
any of the following: 4750

(a) The cost of acquiring, expanding, or enlarging a historic 4751  
building; 4752

(b) Expenditures attributable to work done to facilities 4753  
related to the building, such as parking lots, sidewalks, and 4754  
landscaping; 4755

(c) New building construction costs. 4756

(3) "Owner" of a historic building means a person holding the 4757  
fee simple interest in the building. 4758

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

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

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

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

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

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

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

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

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

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

(B) On or after July 1, 2007, but before July 1, 2009, the owner of a historic building may apply to the state historic

preservation officer for a rehabilitation tax credit certificate 4789  
for qualified rehabilitation expenditures paid or incurred after 4790  
~~the effective date of this section~~ April 4, 2007, for 4791  
rehabilitation of a historic building. The form and manner of 4792  
filing such applications shall be prescribed by rule of the 4793  
director of development, and applications expire at the end of 4794  
each application period. Before July 1, 2007, the director, after 4795  
consultation with the tax commissioner and in accordance with 4796  
Chapter 119. of the Revised Code, shall adopt rules that establish 4797  
all of the following: 4798

(1) Forms and procedures by which applicants may apply for 4799  
rehabilitation tax credit certificates; 4800

(2) Criteria for reviewing, evaluating, and approving 4801  
applications for certificates within the limitation on the number 4802  
of applications that may be approved in an application period 4803  
under division (D) of this section, criteria for assuring that the 4804  
certificates issued encompass a mixture of high and low qualified 4805  
rehabilitation expenditures, and criteria for issuing certificates 4806  
under division (C)(3)(b) of this section; 4807

(3) Eligibility requirements for obtaining a certificate 4808  
under this section; 4809

(4) The form of rehabilitation tax credit certificates; 4810

(5) Reporting requirements and monitoring procedures; 4811

(6) Any other rules necessary to implement and administer 4812  
this section. 4813

(C) The state historic preservation officer shall accept 4814  
applications in the order in which they are filed. Within seven 4815  
days after an application is filed, the officer shall forward it 4816  
to the director of development who shall review the application 4817  
and determine whether all of the following criteria are met: 4818

(1) That the building that is the subject of the application 4819  
is a historic building and the applicant is the owner of the 4820  
building; 4821

(2) That the rehabilitation will satisfy standards prescribed 4822  
by the United States secretary of the interior under 16 U.S.C. 4823  
470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to 4824  
that section; 4825

(3) That receiving a rehabilitation tax credit certificate 4826  
under this section is a major factor in: 4827

(a) The applicant's decision to rehabilitate the historic 4828  
building; or 4829

(b) To increase the level of investment in such 4830  
rehabilitation. 4831

An applicant shall demonstrate to the satisfaction of the 4832  
state historic preservation officer and director of development 4833  
that the rehabilitation will satisfy the standards described in 4834  
division (C)(2) of this section before the applicant begins the 4835  
physical rehabilitation of the historic building. 4836

(D) If the director of development determines that the 4837  
criteria in divisions (C)(1), (2), and (3) of this section are 4838  
met, the director, in conjunction with the tax commissioner, shall 4839  
conduct a cost and benefit analysis for the historic building that 4840  
is the subject of an application filed under this section to 4841  
determine whether rehabilitation of the historic building, 4842  
including activities during the construction phase of the 4843  
rehabilitation, will result in a net revenue gain in state and 4844  
local taxes ~~once the building is used~~. The director shall not 4845  
approve an application and issue a rehabilitation tax credit 4846  
certificate to an applicant unless the cost and benefit analysis 4847  
of the historic building determines that there will be a net 4848  
revenue gain in state and local taxes once the building is used. A 4849

rehabilitation tax credit certificate shall not be issued before 4850  
rehabilitation of a historic building is completed. The director 4851  
shall not approve more than one hundred applications in an 4852  
application period. 4853

(E) Issuance of a certificate represents a finding by the 4854  
director of development of the matters described in divisions 4855  
(C)(1), (2), and (3) of this section only; issuance of a 4856  
certificate does not represent a verification or certification by 4857  
the director of the amount of qualified rehabilitation 4858  
expenditures for which a tax credit may be claimed under section 4859  
5725.151, 5733.47, or 5747.76 of the Revised Code. The amount of 4860  
qualified rehabilitation expenditures for which a tax credit may 4861  
be claimed is subject to inspection and examination by the tax 4862  
commissioner or employees of the commissioner under section 4863  
5703.19 of the Revised Code and any other applicable law. Upon the 4864  
issuance of a certificate, the director shall certify to the tax 4865  
commissioner, in the form and manner requested by the tax 4866  
commissioner, the name of the applicant, the amount of qualified 4867  
rehabilitation expenditures shown on the certificate, and any 4868  
other information required by the rules adopted under this 4869  
section. 4870

(F)(1) On or before the first day of December in 2007, 2008, 4871  
and 2009, the director of development and tax commissioner jointly 4872  
shall submit to the president of the senate and the speaker of the 4873  
house of representatives a report on the tax credit program 4874  
established under this section and sections 5725.151, 5733.47, and 4875  
5747.76 of the Revised Code. The report shall present an overview 4876  
of the program and shall include information on the number of 4877  
rehabilitation tax credit certificates issued under this section 4878  
during an application period, an update on the status of each 4879  
historic building for which an application was approved under this 4880  
section, the dollar amount of the tax credits granted under 4881

sections 5725.151, 5733.47, and 5747.76 of the Revised Code, and 4882  
any other information the director and commissioner consider 4883  
relevant to the topics addressed in the report. 4884

(2) On or before December 1, 2010, the director of 4885  
development and tax commissioner jointly shall submit to the 4886  
president of the senate and the speaker of the house of 4887  
representatives a comprehensive report that includes the 4888  
information required by division (F)(1) of this section and a 4889  
detailed analysis of the effectiveness of issuing tax credits for 4890  
rehabilitating historic buildings. The report shall be prepared 4891  
with the assistance of an economic research organization jointly 4892  
chosen by the director and commissioner. 4893

**Sec. 151.08.** This section applies to obligations as defined 4894  
in this section. 4895

(A) As used in this section: 4896

(1) "Capital facilities" or "capital improvement projects" 4897  
means the acquisition, construction, reconstruction, improvement, 4898  
planning, and equipping of roads and bridges, waste water 4899  
treatment systems, water supply systems, solid waste disposal 4900  
facilities, flood control systems, and storm water and sanitary 4901  
collection, storage, and treatment facilities, including real 4902  
property, interests in real property, facilities, and equipment 4903  
related or incidental to those facilities. 4904

(2) "Costs of capital facilities" include related direct 4905  
administrative expenses and allocable portions of direct costs of 4906  
the Ohio public works commission and the local subdivision. 4907

(3) "Local subdivision" means any county, municipal 4908  
corporation, township, sanitary district, or regional water and 4909  
sewer district. 4910

(4) "Obligations" means obligations as defined in section 4911

151.01 of the Revised Code issued to pay costs of capital 4912  
facilities. 4913

(B)(1) The issuing authority shall issue obligations to pay 4914  
costs of financing or assisting in the financing of the capital 4915  
improvement projects of local subdivisions pursuant to Section 2m 4916  
of Article VIII, Ohio Constitution, section 151.01 of the Revised 4917  
Code, and this section. Not more than one hundred twenty million 4918  
dollars principal amount of obligations, plus the principal amount 4919  
of obligations that in any prior fiscal years could have been, but 4920  
were not, issued within that one-hundred-twenty-million dollar 4921  
fiscal year limit, may be issued in any fiscal year. Not more than 4922  
one billion two hundred million dollars principal amount of 4923  
obligations pursuant to Section 2m of Article VIII, Ohio 4924  
Constitution may be issued for the purposes of this section and 4925  
division (B)(2) of section 164.09 of the Revised Code. 4926

(2) The issuing authority shall issue obligations to pay 4927  
costs of financing or assisting in the financing of the capital 4928  
improvement projects of local subdivisions pursuant to Section 2p 4929  
of Article VIII, Ohio Constitution, section 151.01 of the Revised 4930  
Code, and this section. Not more than one hundred twenty million 4931  
dollars in principal amount of such obligations may be issued in 4932  
any of the first five fiscal years of issuance and not more than 4933  
one hundred fifty million dollars in principal amount of such 4934  
obligations may be issued in any of the next five fiscal years, 4935  
plus in each case the principal amount of such obligations that in 4936  
any prior fiscal year could have been but were not issued within 4937  
those fiscal year limits. No obligations shall be issued for the 4938  
purposes of this section pursuant to Section 2p of Article VIII, 4939  
Ohio Constitution, until at least one billion one hundred 4940  
ninety-nine million five hundred thousand dollars aggregate 4941  
principal amount of obligations have been issued pursuant to 4942  
Section 2m of Article VIII, Ohio Constitution. Not more than one 4943

billion three hundred fifty million dollars principal amount of 4944  
obligations may be issued pursuant to Section 2p of Article VIII, 4945  
Ohio Constitution for the purposes of this section. 4946

(C) Net proceeds of obligations shall be deposited into the 4947  
state capital improvements fund created by section 164.08 of the 4948  
Revised Code. 4949

(D) There is hereby created in the state treasury the "state 4950  
capital improvements bond service fund." All moneys received by 4951  
the state and required by the bond proceedings, consistent with 4952  
this section and section 151.01 of the Revised Code, to be 4953  
deposited, transferred, or credited to the bond service fund, and 4954  
all other moneys transferred or allocated to or received for the 4955  
purposes of that fund, shall be deposited and credited to the bond 4956  
service fund, subject to any applicable provisions of the bond 4957  
proceedings but without necessity for any act of appropriation. 4958  
During the period beginning with the date of the first issuance of 4959  
obligations and continuing during the time that any obligations 4960  
are outstanding in accordance with their terms, so long as moneys 4961  
in the bond service fund are insufficient to pay debt service when 4962  
due on those obligations payable from that fund (except the 4963  
principal amounts of bond anticipation notes payable from the 4964  
proceeds of renewal notes or bonds anticipated) and due in the 4965  
particular fiscal year, a sufficient amount of revenues of the 4966  
state is committed and, without necessity for further act of 4967  
appropriation, shall be paid to the bond service fund for the 4968  
purpose of paying that debt service when due. 4969

**Sec. 151.40.** (A) As used in this section: 4970

(1) "Bond proceedings" includes any trust agreements, and any 4971  
amendments or supplements to them, as authorized by this section. 4972

(2) "Costs of revitalization projects" includes related 4973  
direct administrative expenses and allocable portions of the 4974

direct costs of those projects of the department of development or the environmental protection agency.	4975 4976
(3) "Issuing authority" means the treasurer of state.	4977
(4) "Obligations" means obligations as defined in section 151.01 of the Revised Code issued to pay the costs of projects for revitalization purposes as referred to in division (A)(2) of Section 2o of Article VIII, Ohio Constitution.	4978 4979 4980 4981
(5) "Pledged liquor profits" means all receipts of the state representing the gross profit on the sale of spirituous liquor, as referred to in division (B)(4) of section 4301.10 of the Revised Code, after paying all costs and expenses of the division of liquor control and providing an adequate working capital reserve for the division of liquor control as provided in that division, but excluding the sum required by the second paragraph of section 4301.12 of the Revised Code, as it was in effect on May 2, 1980, to be paid into the state treasury.	4982 4983 4984 4985 4986 4987 4988 4989 4990
(6) "Pledged receipts" means, as and to the extent provided in bond proceedings:	4991 4992
(a) Pledged liquor profits. The pledge of pledged liquor profits to obligations is subject to the priority of the pledge of those profits to obligations issued and to be issued pursuant to Chapter 166. of the Revised Code.	4993 4994 4995 4996
(b) Moneys accruing to the state from the lease, sale, or other disposition or use of revitalization projects or from the repayment, including any interest, of loans or advances made from net proceeds;	4997 4998 4999 5000
(c) Accrued interest received from the sale of obligations;	5001
(d) Income from the investment of the special funds;	5002
(e) Any gifts, grants, donations, or pledges, and receipts therefrom, available for the payment of debt service;	5003 5004

(f) Additional or any other specific revenues or receipts 5005  
lawfully available to be pledged, and pledged, pursuant to further 5006  
authorization by the general assembly, to the payment of debt 5007  
service. 5008

(B)(1) The issuing authority shall issue obligations of the 5009  
state to pay costs of revitalization projects pursuant to division 5010  
(B)(2) of Section 20 of Article VIII, Ohio Constitution, section 5011  
151.01 of the Revised Code as applicable to this section, and this 5012  
section. The issuing authority, upon the certification to it by 5013  
the clean Ohio council of the amount of moneys needed in and for 5014  
the purposes of the clean Ohio revitalization fund created by 5015  
section 122.658 of the Revised Code, shall issue obligations in 5016  
the amount determined by the issuing authority to be required for 5017  
those purposes. Not more than two hundred million dollars 5018  
principal amount of obligations issued under this section for 5019  
revitalization purposes may be outstanding at any one time. Not 5020  
more than fifty million dollars principal amount of obligations, 5021  
plus the principal amount of obligations that in any prior fiscal 5022  
year could have been, but were not issued within the 5023  
fifty-million-dollar fiscal year limit, may be issued in any 5024  
fiscal year. 5025

(2) The provisions and authorizations in section 151.01 of 5026  
the Revised Code apply to the obligations and the bond proceedings 5027  
except as otherwise provided or provided for in those obligations 5028  
and bond proceedings. 5029

(C) Net proceeds of obligations shall be deposited in the 5030  
clean Ohio revitalization fund created in section 122.658 of the 5031  
Revised Code. 5032

(D) There is hereby created the revitalization projects bond 5033  
service fund, which shall be in the custody of the treasurer of 5034  
state, but shall be separate and apart from and not a part of the 5035  
state treasury. All money received by the state and required by 5036

the bond proceedings, consistent with section 151.01 of the Revised Code and this section, to be deposited, transferred, or credited to the bond service fund, and all other money transferred or allocated to or received for the purposes of that fund, shall be deposited and credited to the bond service fund, subject to any applicable provisions of the bond proceedings, but without necessity for any act of appropriation. During the period beginning with the date of the first issuance of obligations and continuing during the time that any obligations are outstanding in accordance with their terms, so long as moneys in the bond service fund are insufficient to pay debt service when due on those obligations payable from that fund, except the principal amounts of bond anticipation notes payable from the proceeds of renewal notes or bonds anticipated, and due in the particular fiscal year, a sufficient amount of pledged receipts is committed and, without necessity for further act of appropriation, shall be paid to the bond service fund for the purpose of paying that debt service when due.

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

(F) The issuing authority may covenant in the bond proceedings, and such covenants shall be controlling notwithstanding any other provision of law, that the state and applicable officers and state agencies, including the general assembly, so long as any obligations issued under this section are

outstanding, shall maintain statutory authority for and cause to 5069  
be charged and collected wholesale or retail prices for spirituous 5070  
liquor sold by the state or its agents so that the available 5071  
pledged receipts are sufficient in time and amount to meet debt 5072  
service payable from pledged liquor profits and for the 5073  
establishment and maintenance of any reserves and other 5074  
requirements provided for in the bond proceedings. 5075

(G) Obligations may be further secured, as determined by the 5076  
issuing authority, by a trust agreement between the state and a 5077  
corporate trustee, which may be any trust company or bank having 5078  
~~its principal~~ a place of business within the state. Any trust 5079  
agreement may contain the resolution or order authorizing the 5080  
issuance of the obligations, any provisions that may be contained 5081  
in any bond proceedings, and other provisions that are customary 5082  
or appropriate in an agreement of that type, including, but not 5083  
limited to: 5084

(1) Maintenance of each pledge, trust agreement, or other 5085  
instrument comprising part of the bond proceedings until the state 5086  
has fully paid or provided for the payment of debt service on the 5087  
obligations secured by it; 5088

(2) In the event of default in any payments required to be 5089  
made by the bond proceedings, enforcement of those payments or 5090  
agreements by mandamus, the appointment of a receiver, suit in 5091  
equity, action at law, or any combination of them; 5092

(3) The rights and remedies of the holders or owners of 5093  
obligations and of the trustee and provisions for protecting and 5094  
enforcing them, including limitations on rights of individual 5095  
holders and owners. 5096

(H) The obligations shall not be general obligations of the 5097  
state and the full faith and credit, revenue, and taxing power of 5098  
the state shall not be pledged to the payment of debt service on 5099

them. The holders or owners of the obligations shall have no right 5100  
to have any moneys obligated or pledged for the payment of debt 5101  
service except as provided in this section and in the applicable 5102  
bond proceedings. The rights of the holders and owners to payment 5103  
of debt service are limited to all or that portion of the pledged 5104  
receipts, and those special funds, pledged to the payment of debt 5105  
service pursuant to the bond proceedings in accordance with this 5106  
section, and each obligation shall bear on its face a statement to 5107  
that effect. 5108

**Sec. 156.02.** The director of administrative services may 5109  
contract with ~~an energy services company, contractor, architect,~~ 5110  
~~professional engineer, or other person experienced in the design~~ 5111  
~~and implementation of energy conservation measures~~ the office of 5112  
energy efficiency in the department of development for a report 5113  
containing an analysis and recommendations pertaining to the 5114  
implementation of energy conservation measures that would 5115  
significantly reduce energy consumption and operating costs in any 5116  
buildings owned by the state and, upon request of its board of 5117  
trustees or managing authority, any building owned by an 5118  
institution of higher education as defined in section 3345.12 of 5119  
the Revised Code. The report shall include estimates of all costs 5120  
of such measures, including the costs of design, engineering, 5121  
installation, maintenance, repairs, and debt service, and 5122  
estimates of the amounts by which energy consumption and operating 5123  
costs would be reduced. 5124

**Sec. 164.03.** For the purpose of allocating the funds made 5125  
available to finance public infrastructure capital improvement 5126  
projects of local subdivisions through the issuance of general 5127  
obligations of the state of Ohio pursuant to Section 2k ~~or~~, 2m, or 5128  
2p of Article VIII, Ohio Constitution, the state is divided into 5129  
the following districts: 5130

District one. Cuyahoga county shall constitute district one.	5131
District two. Hamilton county shall constitute district two.	5132
District three. Franklin county shall constitute district three.	5133 5134
District four. Montgomery county shall constitute district four.	5135 5136
District five. Defiance, Erie, Fulton, Henry, Ottawa, Paulding, Sandusky, Williams, and Wood counties shall constitute district five.	5137 5138 5139
District six. Mahoning and Trumbull counties shall constitute district six.	5140 5141
District seven. Ashtabula, Geauga, Lake, and Portage counties shall constitute district seven.	5142 5143
District eight. Summit county shall constitute district eight.	5144 5145
District nine. Lorain, Huron, and Medina counties shall constitute district nine.	5146 5147
District ten. Butler, Clermont, Clinton, and Warren counties shall constitute district ten.	5148 5149
District eleven. Champaign, Clark, Darke, Greene, Madison, Miami, Preble, and Union counties shall constitute district eleven.	5150 5151 5152
District twelve. Lucas county shall constitute district twelve.	5153 5154
District thirteen. Allen, Auglaize, Hancock, Logan, Mercer, Putnam, Shelby, and Van Wert counties shall constitute district thirteen.	5155 5156 5157
District fourteen. Carroll, Columbiana, Coshocton, Guernsey, Harrison, Holmes, Jefferson, and Tuscarawas counties shall	5158 5159

constitute district fourteen.	5160
District fifteen. Adams, Brown, Fayette, Gallia, Highland,	5161
Jackson, Lawrence, Pike, Ross, Scioto, and Vinton counties shall	5162
constitute district fifteen.	5163
District sixteen. Ashland, Crawford, Hardin, Marion,	5164
Richland, Seneca, Wayne, and Wyandot counties shall constitute	5165
district sixteen.	5166
District seventeen. Delaware, Fairfield, Knox, Licking,	5167
Morrow, and Pickaway counties shall constitute district seventeen.	5168
District eighteen. Athens, Belmont, Hocking, Meigs, Monroe,	5169
Morgan, Muskingum, Noble, Perry, and Washington counties shall	5170
constitute district eighteen.	5171
District nineteen. Stark county shall constitute district	5172
nineteen.	5173
<b>Sec. 164.08.</b> (A) Except as provided in sections 151.01 and	5174
151.08 or section 164.09 of the Revised Code, the net proceeds of	5175
obligations issued and sold by the treasurer of state pursuant to	5176
section 164.09 of the Revised Code before September 30, 2000, or	5177
pursuant to sections 151.01 and 151.08 of the Revised Code, for	5178
the purpose of financing or assisting in the financing of the cost	5179
of public infrastructure capital improvement projects of local	5180
subdivisions, as provided for in Section 2k <del>ex</del> , <u>2m</u> , <u>or 2p</u> of	5181
Article VIII, Ohio Constitution, and this chapter, shall be paid	5182
into the state capital improvements fund, which is hereby created	5183
in the state treasury. Investment earnings on moneys in the fund	5184
shall be credited to the fund.	5185
(B) Each program year the amount of obligations authorized by	5186
the general assembly in accordance with sections 151.01 and 151.08	5187
or section 164.09 of the Revised Code, excluding the proceeds of	5188
refunding or renewal obligations, shall be allocated by the	5189

director of the Ohio public works commission as follows: 5190

(1) First, twelve million dollars of the amount of 5191  
obligations authorized shall be allocated to provide financial 5192  
assistance to villages and to townships with populations in the 5193  
unincorporated areas of the township of less than five thousand 5194  
persons, for capital improvements in accordance with section 5195  
164.051 and division (D) of section 164.06 of the Revised Code. As 5196  
used in division (B)(1) of this section, "capital improvements" 5197  
includes resurfacing and improving roads. 5198

(2) Following the allocation required by division (B)(1) of 5199  
this section, the director may allocate two million five hundred 5200  
thousand dollars of the authorized obligations to provide 5201  
financial assistance to local subdivisions for capital improvement 5202  
projects which in the judgment of the director of the Ohio public 5203  
works commission are necessary for the immediate preservation of 5204  
the health, safety, and welfare of the citizens of the local 5205  
subdivision requesting assistance. 5206

(3) For the second, third, fourth, and fifth years that 5207  
obligations are authorized and are available for allocation under 5208  
this chapter, one million dollars shall be allocated to the sewer 5209  
and water fund created in section 1525.11 of the Revised Code. 5210  
Money from this allocation shall be transferred to that fund when 5211  
needed to support specific payments from that fund. 5212

(4) For program years twelve and fourteen that obligations 5213  
are authorized and available for allocation under this chapter, 5214  
two million dollars each program year shall be allocated to the 5215  
small county capital improvement program for use in providing 5216  
financial assistance under division (F) of section 164.02 of the 5217  
Revised Code. 5218

(5) After the allocation required by division (B)(3) of this 5219  
section is made, the director shall determine the amount of the 5220

remaining obligations authorized to be issued and sold that each 5221  
county would receive if such amounts were allocated on a per 5222  
capita basis each year. If a county's per capita share for the 5223  
year would be less than three hundred thousand dollars, the 5224  
director shall allocate to the district in which that county is 5225  
located an amount equal to the difference between three hundred 5226  
thousand dollars and the county's per capita share. 5227

(6) After making the allocation required by division (B)(5) 5228  
of this section, the director shall allocate the remaining amount 5229  
to each district on a per capita basis. 5230

(C)(1) There is hereby created in the state treasury the 5231  
state capital improvements revolving loan fund, into which shall 5232  
be deposited all repayments of loans made to local subdivisions 5233  
for capital improvements pursuant to this chapter. Investment 5234  
earnings on moneys in the fund shall be credited to the fund. 5235

(2) There may also be deposited in the state capital 5236  
improvements revolving loan fund moneys obtained from federal or 5237  
private grants, or from other sources, which are to be used for 5238  
any of the purposes authorized by this chapter. Such moneys shall 5239  
be allocated each year in accordance with division (B)(6) of this 5240  
section. 5241

(3) Moneys deposited into the state capital improvements 5242  
revolving loan fund shall be used to make loans for the purpose of 5243  
financing or assisting in the financing of the cost of capital 5244  
improvement projects of local subdivisions. 5245

(4) Investment earnings credited to the state capital 5246  
improvements revolving loan fund that exceed the amounts required 5247  
to meet estimated federal arbitrage rebate requirements shall be 5248  
used to pay costs incurred by the public works commission in 5249  
administering this section. Investment earnings credited to the 5250  
state capital improvements revolving loan fund that exceed the 5251

amounts required to pay for the administrative costs and estimated 5252  
rebate requirements shall be allocated to each district on a per 5253  
capita basis. 5254

(5) Each program year, loan repayments received and on 5255  
deposit in the state capital improvements revolving loan fund 5256  
shall be allocated as follows: 5257

(a) Each district public works integrating committee shall be 5258  
allocated an amount equal to the sum of all loan repayments made 5259  
to the state capital improvements revolving loan fund by local 5260  
subdivisions that are part of the district. Moneys not used in a 5261  
program year may be used in the next program year in the same 5262  
manner and for the same purpose as originally allocated. 5263

(b) Loan repayments made pursuant to projects approved under 5264  
division (B)(1) of this section shall be used to make loans in 5265  
accordance with section 164.051 and division (D) of section 164.06 5266  
of the Revised Code. Allocations for this purpose made pursuant to 5267  
division (C)(5) of this section shall be in addition to the 5268  
allocation provided in division (B)(1) of this section. 5269

(c) Loan repayments made pursuant to projects approved under 5270  
division (B)(2) of this section shall be used to make loans in 5271  
accordance with division (B)(2) of this section. Allocations for 5272  
this purpose made pursuant to division (C)(5) of this section 5273  
shall be in addition to the allocation provided in division (B)(2) 5274  
of this section. 5275

(d) Loans made from the state capital improvements revolving 5276  
loan fund shall not be limited in their usage by divisions (E), 5277  
(F), (G), (H), and (I) of section 164.05 of the Revised Code. 5278

(D) Investment earnings credited to the state capital 5279  
improvements fund that exceed the amounts required to meet 5280  
estimated federal arbitrage rebate requirements shall be used to 5281  
pay costs incurred by the public works commission in administering 5282

sections 164.01 to 164.12 of the Revised Code. 5283

(E) The director of the Ohio public works commission shall 5284  
notify the director of budget and management of the amounts 5285  
allocated pursuant to this section and such information shall be 5286  
entered into the state accounting system. The director of budget 5287  
and management shall establish appropriation line items as needed 5288  
to track these allocations. 5289

(F) If the amount of a district's allocation in a program 5290  
year exceeds the amount of financial assistance approved for the 5291  
district by the commission for that year, the remaining portion of 5292  
the district's allocation shall be added to the district's 5293  
allocation pursuant to division (B) of this section for the next 5294  
succeeding year for use in the same manner and for the same 5295  
purposes as it was originally allocated, except that any portion 5296  
of a district's allocation which was available for use on new or 5297  
expanded infrastructure pursuant to division (H) of section 164.05 5298  
of the Revised Code shall be available in succeeding years only 5299  
for the repair and replacement of existing infrastructure. 5300

(G) When an allocation based on population is made by the 5301  
director pursuant to division (B) of this section, the director 5302  
shall use the most recent decennial census statistics, and shall 5303  
not make any reallocations based upon a change in a district's 5304  
population. 5305

**Sec. 164.09.** (A) The issuer is authorized to issue and sell, 5306  
as provided in this section and in amounts from time to time 5307  
authorized by the general assembly, general obligations of this 5308  
state for the purpose of financing or assisting in the financing 5309  
of the costs of public infrastructure capital improvements for 5310  
local subdivisions. The full faith and credit, revenues, and 5311  
taxing power of the state are and shall be pledged to the timely 5312  
payment of bond service charges on outstanding obligations, all in 5313

accordance with Section 2k or 2m of Article VIII, Ohio 5314  
Constitution and sections 164.09 to 164.12 of the Revised Code, 5315  
excluding from that pledge fees, excises, or taxes relating to the 5316  
registration, operation, or use of vehicles on the public 5317  
highways, or to fuels used for propelling those vehicles, and so 5318  
long as such obligations are outstanding there shall be levied and 5319  
collected excises and taxes, excluding those excepted above, in 5320  
amounts sufficient to pay the bond service charges on such 5321  
obligations and costs relating to credit facilities. 5322

(B)(1) The total principal amount of obligations issued 5323  
pursuant to Section 2k of Article VIII, Ohio Constitution shall 5324  
not exceed one billion two hundred million dollars, and not more 5325  
than one hundred twenty million dollars in principal amount of 5326  
obligations may be issued in any calendar year, all determined as 5327  
provided in sections 164.09 to 164.12 of the Revised Code. 5328

(2) The total principal amount of obligations issued for the 5329  
purposes of this section pursuant to Section 2m of Article VIII, 5330  
Ohio Constitution, shall not exceed one billion two hundred 5331  
million dollars. Not more than one hundred twenty million dollars 5332  
in principal amount of such obligations, plus the principal amount 5333  
of such obligations that in any prior fiscal years could have been 5334  
but were not issued within the one-hundred-twenty-million-dollar 5335  
fiscal year limit, may be issued in any fiscal year. No 5336  
obligations shall be issued for the purposes of this section 5337  
pursuant to Section 2m of Article VIII, Ohio Constitution, until 5338  
at least one billion one hundred ninety-nine million five hundred 5339  
thousand dollars aggregate principal amount of obligations have 5340  
been issued pursuant to Section 2k of Article VIII, Ohio 5341  
Constitution. The amounts specified under division (B)(2) of this 5342  
section shall be determined as provided in sections 164.09 to 5343  
164.12 of the Revised Code. 5344

(C) Each issue of obligations shall be authorized by order of 5345

the issuer. The bond proceedings shall provide for the principal 5346  
amount or maximum principal amount of obligations of an issue, and 5347  
shall provide for or authorize the manner or agency for 5348  
determining the principal maturity or maturities, not exceeding 5349  
the earlier of thirty years from the date of issuance of the 5350  
particular obligations or thirty years from the date the debt 5351  
represented by the particular obligations was originally 5352  
contracted, the interest rate or rates, the date of and the dates 5353  
of payment of interest on the obligations, their denominations, 5354  
and the establishment within or without the state of a place or 5355  
places of payment of bond service charges. Sections 9.96 and 9.98 5356  
to 9.983 of the Revised Code are applicable to the obligations. 5357  
The purpose of the obligations may be stated in the bond 5358  
proceedings as "financing or assisting in the financing of local 5359  
subdivisions capital improvement projects." 5360

(D) The proceeds of the obligations, except for any portion 5361  
to be deposited in special funds, or in escrow funds for the 5362  
purpose of refunding outstanding obligations, all as may be 5363  
provided in the bond proceedings, shall be deposited to the state 5364  
capital improvements fund established by section 164.08 of the 5365  
Revised Code. 5366

(E) The issuer may appoint paying agents, bond registrars, 5367  
securities depositories, and transfer agents, and may retain the 5368  
services of financial advisers and accounting experts, and retain 5369  
or contract for the services of marketing, remarketing, indexing, 5370  
and administrative agents, other consultants, and independent 5371  
contractors, including printing services, as are necessary in the 5372  
issuer's judgment to carry out sections 164.01 to 164.12 of the 5373  
Revised Code. Financing costs are payable, as provided in the bond 5374  
proceedings, from the proceeds of the obligations, from special 5375  
funds, or from other moneys available for the purpose. 5376

(F) The bond proceedings, including any trust agreement, may 5377

contain additional provisions customary or appropriate to the 5378  
financing or to the obligations or to particular obligations, 5379  
including but not limited to: 5380

(1) The redemption of obligations prior to maturity at the 5381  
option of the state or of the holder or upon the occurrence of 5382  
certain conditions at such price or prices and under such terms 5383  
and conditions as are provided in the bond proceedings; 5384

(2) The form of and other terms of the obligations; 5385

(3) The establishment, deposit, investment, and application 5386  
of special funds, and the safeguarding of moneys on hand or on 5387  
deposit, without regard to Chapter 131. or 135. of the Revised 5388  
Code, but subject to any special provisions of this section with 5389  
respect to particular funds or moneys, and provided that any bank 5390  
or trust company that acts as a depository of any moneys in 5391  
special funds may furnish such indemnifying bonds or may pledge 5392  
such securities as required by the issuer; 5393

(4) Any or every provision of the bond proceedings binding 5394  
upon the issuer and such state agency or local subdivision, 5395  
officer, board, commission, authority, agency, department, or 5396  
other person or body as may from time to time have the authority 5397  
under law to take such actions as may be necessary to perform all 5398  
or any part of the duty required by such provision; 5399

(5) The maintenance of each pledge, any trust agreement, or 5400  
other instrument comprising part of the bond proceedings until the 5401  
state has fully paid or provided for the payment of the bond 5402  
service charges on the obligations or met other stated conditions; 5403

(6) In the event of default in any payments required to be 5404  
made by the bond proceedings, or any other agreement of the issuer 5405  
made as a part of a contract under which the obligations were 5406  
issued or secured, the enforcement of such payments or agreements 5407  
by mandamus, suit in equity, action at law, or any combination of 5408

the foregoing;	5409
(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;	5410 5411 5412 5413
(8) The replacement of any obligations that become mutilated or are destroyed, lost, or stolen;	5414 5415
(9) Provision for the funding, refunding, or advance refunding or other provision for payment of obligations which will then no longer be outstanding for purposes of this section or of the bond proceedings;	5416 5417 5418 5419
(10) Any provision that may be made in bond proceedings or a trust agreement, including provision for amendment of the bond proceedings;	5420 5421 5422
(11) Such other provisions as the issuer determines, including limitations, conditions, or qualifications relating to any of the foregoing;	5423 5424 5425
(12) Any other or additional agreements with the holders of the obligations relating to the obligations or the security for the obligations.	5426 5427 5428
(G) The great seal of the state or a facsimile of that seal may be affixed to or printed on the obligations. The obligations requiring signature by the issuer shall be signed by or bear the facsimile signature of the issuer as provided in the bond proceedings. Any obligations may be signed by the person who, on the date of execution, is the authorized signer although on the date of such obligations such person was not the issuer. In case the person whose signature or a facsimile of whose signature appears on any obligation ceases to be the issuer before delivery of the obligation, such signature or facsimile is nevertheless valid and sufficient for all purposes as if the person had	5429 5430 5431 5432 5433 5434 5435 5436 5437 5438 5439

remained the member until such delivery, and in case the seal to 5440  
be affixed to or printed on obligations has been changed after the 5441  
seal has been affixed to or a facsimile of the seal has been 5442  
printed on the obligations, that seal or facsimile seal shall 5443  
continue to be sufficient as to those obligations and obligations 5444  
issued in substitution or exchange therefor. 5445

(H) The obligations are negotiable instruments and securities 5446  
under Chapter 1308. of the Revised Code, subject to the provisions 5447  
of the bond proceedings as to registration. Obligations may be 5448  
issued in coupon or in fully registered form, or both, as the 5449  
issuer determines. Provision may be made for the registration of 5450  
any obligations with coupons attached as to principal alone or as 5451  
to both principal and interest, their exchange for obligations so 5452  
registered, and for the conversion or reconversion into 5453  
obligations with coupons attached of any obligations registered as 5454  
to both principal and interest, and for reasonable charges for 5455  
such registration, exchange, conversion, and reconversion. Pending 5456  
preparation of definitive obligations, the issuer may issue 5457  
interim receipts or certificates which shall be exchanged for such 5458  
definitive obligations. 5459

(I) Obligations may be sold at public sale or at private 5460  
sale, and at such price at, above, or below par, as determined by 5461  
the issuer in the bond proceedings. 5462

(J) In the discretion of the issuer, obligations may be 5463  
secured additionally by a trust agreement between the state and a 5464  
corporate trustee which may be any trust company or bank having 5465  
~~its principal~~ a place of business within the state. Any trust 5466  
agreement may contain the order authorizing the issuance of the 5467  
obligations, any provisions that may be contained in the bond 5468  
proceedings, and other provisions that are customary or 5469  
appropriate in an agreement of the type. 5470

(K) Except to the extent that their rights are restricted by 5471

the bond proceedings, any holder of obligations, or a trustee 5472  
under the bond proceedings, may by any suitable form of legal 5473  
proceedings protect and enforce any rights under the laws of this 5474  
state or granted by the bond proceedings. Such rights include the 5475  
right to compel the performance of all duties of the issuer and 5476  
the state. Each duty of the issuer and the issuer's employees, and 5477  
of each state agency and local public entity and its officers, 5478  
members, or employees, undertaken pursuant to the bond 5479  
proceedings, is hereby established as a duty of the issuer, and of 5480  
each such agency, local subdivision, officer, member, or employee 5481  
having authority to perform such duty, specifically enjoined by 5482  
the law and resulting from an office, trust, or station within the 5483  
meaning of section 2731.01 of the Revised Code. The persons who 5484  
are at the time the issuer, or the issuer's employees, are not 5485  
liable in their personal capacities on any obligations or any 5486  
agreements of or with the issuer relating to obligations or under 5487  
the bond proceedings. 5488

(L) Obligations are lawful investments for banks, societies 5489  
for savings, savings and loan associations, deposit guarantee 5490  
associations, trust companies, trustees, fiduciaries, insurance 5491  
companies, including domestic for life and domestic not for life, 5492  
trustees or other officers having charge of sinking and bond 5493  
retirement or other special funds of political subdivisions and 5494  
taxing districts of this state, the commissioners of the sinking 5495  
fund, the administrator of workers' compensation, the state 5496  
teachers retirement system, the public employees retirement 5497  
system, the school employees retirement system, and the Ohio 5498  
police and fire pension fund, notwithstanding any other provisions 5499  
of the Revised Code or rules adopted pursuant thereto by any state 5500  
agency with respect to investments by them, and are also 5501  
acceptable as security for the deposit of public moneys. 5502

(M) Unless otherwise provided in any applicable bond 5503

proceedings, moneys to the credit of or in the special funds 5504  
established by or pursuant to this section may be invested by or 5505  
on behalf of the issuer only in notes, bonds, or other direct 5506  
obligations of the United States or of any agency or 5507  
instrumentality of the United States, in obligations of this state 5508  
or any political subdivision of this state, in certificates of 5509  
deposit of any national bank located in this state and any bank, 5510  
as defined in section 1101.01 of the Revised Code, subject to 5511  
inspection by the superintendent of financial institutions, in the 5512  
Ohio subdivision's fund established pursuant to section 135.45 of 5513  
the Revised Code, in no-front-end-load money market mutual funds 5514  
consisting exclusively of direct obligations of the United States 5515  
or of an agency or instrumentality of the United States, and in 5516  
repurchase agreements, including those issued by any fiduciary, 5517  
secured by direct obligations of the United States or an agency or 5518  
instrumentality of the United States, and in collective investment 5519  
funds established in accordance with section 1111.14 of the 5520  
Revised Code and consisting exclusively of direct obligations of 5521  
the United States or of an agency or instrumentality of the United 5522  
States, notwithstanding division (A)(1)(c) of that section. The 5523  
income from investments shall be credited to such special funds or 5524  
otherwise as the issuer determines in the bond proceedings, and 5525  
the investments may be sold or exchanged at such times as the 5526  
issuer determines or authorizes. 5527

(N) Unless otherwise provided in any applicable bond 5528  
proceedings, moneys to the credit of or in a special fund shall be 5529  
disbursed on the order of the issuer, provided that no such order 5530  
is required for the payment from the bond service fund or other 5531  
special fund when due of bond service charges or required payments 5532  
under credit facilities. 5533

(O) The issuer may covenant in the bond proceedings, and any 5534  
such covenants shall be controlling notwithstanding any other 5535

provision of law, that the state and the applicable officers and agencies of the state, including the general assembly, so long as any obligations are outstanding in accordance with their terms, shall maintain statutory authority for and cause to be charged and collected taxes, excises, and other receipts of the state so that the receipts to the bond service fund shall be sufficient in amounts to meet bond service charges and for the establishment and maintenance of any reserves and other requirements, including payment of financing costs, provided for in the bond proceedings.

(P) The obligations, and the transfer of, and the interest and other income from, including any profit made on the sale, transfer, or other disposition of, the obligations shall at all times be free from taxation, direct or indirect, within the state.

(Q) Unless a judicial action or proceeding challenging the validity of obligations is commenced by personal service on the treasurer of state prior to the initial delivery of an issue of the obligations, the obligations of that issue and the bond proceedings pertaining to that issue are incontestable and those obligations shall be conclusively considered to be and to have been issued, secured, payable, sold, executed, and delivered, and the bond proceedings relating to them taken, in conformity with law if all of the following apply to the obligations:

(1) They state that they are issued under the provisions of this section and comply on their face with those provisions;

(2) They are issued within the limitations prescribed by this section;

(3) Their purchase price has been paid in full;

(4) They state that all the bond proceedings were held in compliance with law, which statement creates a conclusive presumption that the bond proceedings were held in compliance with all laws, including section 121.22 of the Revised Code, where

applicable, and rules.	5567
(R) This section applies only with respect to obligations issued and delivered before September 30, 2000.	5568 5569
<b>Sec. 166.08.</b> (A) As used in this chapter:	5570
(1) "Bond proceedings" means the resolution, order, trust agreement, indenture, lease, and other agreements, amendments and supplements to the foregoing, or any one or more or combination thereof, authorizing or providing for the terms and conditions applicable to, or providing for the security or liquidity of, obligations issued pursuant to this section, and the provisions contained in such obligations.	5571 5572 5573 5574 5575 5576 5577
(2) "Bond service charges" means principal, including mandatory sinking fund requirements for retirement of obligations, and interest, and redemption premium, if any, required to be paid by the state on obligations.	5578 5579 5580 5581
(3) "Bond service fund" means the applicable fund and accounts therein created for and pledged to the payment of bond service charges, which may be, or may be part of, the economic development bond service fund created by division (S) of this section including all moneys and investments, and earnings from investments, credited and to be credited thereto.	5582 5583 5584 5585 5586 5587
(4) "Issuing authority" means the treasurer of state, or the officer who by law performs the functions of such officer.	5588 5589
(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to this section.	5590 5591 5592
(6) "Pledged receipts" means all receipts of the state representing the gross profit on the sale of spirituous liquor, as referred to in division (B)(4) of section 4301.10 of the Revised Code, after paying all costs and expenses of the division of	5593 5594 5595 5596

liquor control and providing an adequate working capital reserve 5597  
for the division of liquor control as provided in that division, 5598  
but excluding the sum required by the second paragraph of section 5599  
4301.12 of the Revised Code, as in effect on May 2, 1980, to be 5600  
paid into the state treasury; moneys accruing to the state from 5601  
the lease, sale, or other disposition, or use, of project 5602  
facilities, and from the repayment, including interest, of loans 5603  
made from proceeds received from the sale of obligations; accrued 5604  
interest received from the sale of obligations; income from the 5605  
investment of the special funds; and any gifts, grants, donations, 5606  
and pledges, and receipts therefrom, available for the payment of 5607  
bond service charges. 5608

(7) "Special funds" or "funds" means, except where the 5609  
context does not permit, the bond service fund, and any other 5610  
funds, including reserve funds, created under the bond 5611  
proceedings, and the economic development bond service fund 5612  
created by division (S) of this section to the extent provided in 5613  
the bond proceedings, including all moneys and investments, and 5614  
earnings from investment, credited and to be credited thereto. 5615

(B) Subject to the limitations provided in section 166.11 of 5616  
the Revised Code, the issuing authority, upon the certification by 5617  
the director of development to the issuing authority of the amount 5618  
of moneys or additional moneys needed in the facilities 5619  
establishment fund, the loan guarantee fund, the innovation Ohio 5620  
loan fund, the innovation Ohio loan guarantee fund, or the 5621  
research and development loan fund for the purpose of paying, or 5622  
making loans for, allowable costs from the facilities 5623  
establishment fund, allowable innovation costs from the innovation 5624  
Ohio loan fund, or allowable costs from the research and 5625  
development loan fund, or needed for capitalized interest, for 5626  
funding reserves, and for paying costs and expenses incurred in 5627  
connection with the issuance, carrying, securing, paying, 5628

redeeming, or retirement of the obligations or any obligations 5629  
refunded thereby, including payment of costs and expenses relating 5630  
to letters of credit, lines of credit, insurance, put agreements, 5631  
standby purchase agreements, indexing, marketing, remarketing and 5632  
administrative arrangements, interest swap or hedging agreements, 5633  
and any other credit enhancement, liquidity, remarketing, renewal, 5634  
or refunding arrangements, all of which are authorized by this 5635  
section, or providing moneys for the loan guarantee fund or the 5636  
innovation Ohio loan guarantee fund, as provided in this chapter 5637  
or needed for the purposes of funds established in accordance with 5638  
or pursuant to sections 122.35, 122.42, 122.54, 122.55, 122.56, 5639  
122.561, 122.57, and 122.80 of the Revised Code which are within 5640  
the authorization of Section 13 of Article VIII, Ohio 5641  
Constitution, shall issue obligations of the state under this 5642  
section in the required amount; provided that such obligations may 5643  
be issued to satisfy the covenants in contracts of guarantee made 5644  
under section 166.06 or 166.15 of the Revised Code, 5645  
notwithstanding limitations otherwise applicable to the issuance 5646  
of obligations under this section. The proceeds of such 5647  
obligations, except for the portion to be deposited in special 5648  
funds, including reserve funds, as may be provided in the bond 5649  
proceedings, shall as provided in the bond proceedings be 5650  
deposited by the director of development to the facilities 5651  
establishment fund, the loan guarantee fund, the innovation Ohio 5652  
loan guarantee fund, the innovation Ohio loan fund, or the 5653  
research and development loan fund. Bond proceedings for project 5654  
financing obligations may provide that the proceeds derived from 5655  
the issuance of such obligations shall be deposited into such fund 5656  
or funds provided for in the bond proceedings and, to the extent 5657  
provided for in the bond proceedings, such proceeds shall be 5658  
deemed to have been deposited into the facilities establishment 5659  
fund and transferred to such fund or funds. The issuing authority 5660  
may appoint trustees, paying agents, and transfer agents and may 5661

retain the services of financial advisors, accounting experts, and attorneys, and retain or contract for the services of marketing, remarketing, indexing, and administrative agents, other consultants, and independent contractors, including printing services, as are necessary in the issuing authority's judgment to carry out this section. The costs of such services are allowable costs payable from the facilities establishment fund or the research and development loan fund or allowable innovation costs payable from the innovation Ohio loan fund.

(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 moneys accruing to the state from the lease, sale, or other disposition, or use, of project facilities, or from payment of the principal of or interest on loans made, or fees charged for guarantees made, or from any money or property received by the director, treasurer of state, or the state under Chapter 122. of the Revised Code, 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 director. The right of such holders and owners to payment of bond service charges is 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 5694  
provide for or authorize the manner or agency for determining the 5695  
principal maturity or maturities, not exceeding twenty-five years 5696  
from the date of issuance, the interest rate or rates or the 5697  
maximum interest rate, the date of the obligations and the dates 5698  
of payment of interest thereon, their denomination, and the 5699  
establishment within or without the state of a place or places of 5700  
payment of bond service charges. Sections 9.98 to 9.983 of the 5701  
Revised Code are applicable to obligations issued under this 5702  
section, subject to any applicable limitation under section 166.11 5703  
of the Revised Code. The purpose of such obligations may be stated 5704  
in the bond proceedings in terms describing the general purpose or 5705  
purposes to be served. The bond proceedings also shall provide, 5706  
subject to the provisions of any other applicable bond 5707  
proceedings, for the pledge of all, or such part as the issuing 5708  
authority may determine, of the pledged receipts and the 5709  
applicable special fund or funds to the payment of bond service 5710  
charges, which pledges may be made either prior or subordinate to 5711  
other expenses, claims, or payments, and may be made to secure the 5712  
obligations on a parity with obligations theretofore or thereafter 5713  
issued, if and to the extent provided in the bond proceedings. The 5714  
pledged receipts and special funds so pledged and thereafter 5715  
received by the state are immediately subject to the lien of such 5716  
pledge without any physical delivery thereof or further act, and 5717  
the lien of any such pledges is valid and binding against all 5718  
parties having claims of any kind against the state or any 5719  
governmental agency of the state, irrespective of whether such 5720  
parties have notice thereof, and shall create a perfected security 5721  
interest for all purposes of Chapter 1309. of the Revised Code, 5722  
without the necessity for separation or delivery of funds or for 5723  
the filing or recording of the bond proceedings by which such 5724  
pledge is created or any certificate, statement or other document 5725  
with respect thereto; and the pledge of such pledged receipts and 5726

special funds is effective and the money therefrom and thereof may 5727  
be applied to the purposes for which pledged without necessity for 5728  
any act of appropriation. Every pledge, and every covenant and 5729  
agreement made with respect thereto, made in the bond proceedings 5730  
may therein be extended to the benefit of the owners and holders 5731  
of obligations authorized by this section, and to any trustee 5732  
therefor, for the further security of the payment of the bond 5733  
service charges. 5734

(E) The bond proceedings may contain additional provisions as 5735  
to: 5736

(1) The redemption of obligations prior to maturity at the 5737  
option of the issuing authority at such price or prices and under 5738  
such terms and conditions as are provided in the bond proceedings; 5739

(2) Other terms of the obligations; 5740

(3) Limitations on the issuance of additional obligations; 5741

(4) The terms of any trust agreement or indenture securing 5742  
the obligations or under which the same may be issued; 5743

(5) The deposit, investment and application of special funds, 5744  
and the safeguarding of moneys on hand or on deposit, without 5745  
regard to Chapter 131. or 135. of the Revised Code, but subject to 5746  
any special provisions of this chapter, with respect to particular 5747  
funds or moneys, provided that any bank or trust company which 5748  
acts as depository of any moneys in the special funds may furnish 5749  
such indemnifying bonds or may pledge such securities as required 5750  
by the issuing authority; 5751

(6) Any or every provision of the bond proceedings being 5752  
binding upon such officer, board, commission, authority, agency, 5753  
department, or other person or body as may from time to time have 5754  
the authority under law to take such actions as may be necessary 5755  
to perform all or any part of the duty required by such provision; 5756

(7) Any provision that may be made in a trust agreement or indenture; 5757  
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(8) Any other or additional agreements with the holders of the obligations, or the trustee therefor, relating to the obligations or the security therefor, including the assignment of mortgages or other security obtained or to be obtained for loans under section 122.43, 166.07, or 166.16 of the Revised Code. 5759  
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(F) The obligations may have the great seal of the state or a facsimile thereof affixed thereto or printed thereon. The obligations and any coupons pertaining to obligations shall be signed or bear the facsimile signature of the issuing authority. Any obligations or coupons may be executed by the person who, on the date of execution, is the proper issuing authority although on the date of such bonds or coupons such person was not the issuing authority. If the issuing authority whose signature or a facsimile of whose signature appears on any such obligation or coupon ceases to be the issuing authority before delivery thereof, such signature or facsimile is nevertheless valid and sufficient for all purposes as if the former issuing authority had remained the issuing authority until such delivery; and if the seal to be affixed to obligations has been changed after a facsimile of the seal has been imprinted on such obligations, such facsimile seal shall continue to be sufficient as to such obligations and obligations issued in substitution or exchange therefor. 5764  
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(G) All obligations are negotiable instruments and securities under Chapter 1308. of the Revised Code, subject to the provisions of the bond proceedings as to registration. The obligations may be issued in coupon or in registered form, or both, as the issuing authority determines. Provision may be made for the registration of any obligations with coupons attached thereto as to principal alone or as to both principal and interest, their exchange for obligations so registered, and for the conversion or reconversion 5781  
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into obligations with coupons attached thereto of any obligations 5789  
registered as to both principal and interest, and for reasonable 5790  
charges for such registration, exchange, conversion, and 5791  
reconversion. 5792

(H) Obligations may be sold at public sale or at private 5793  
sale, as determined in the bond proceedings. 5794

Obligations issued to provide moneys for the loan guarantee 5795  
fund or the innovation Ohio loan guarantee fund may, as determined 5796  
by the issuing authority, be sold at private sale, and without 5797  
publication of a notice of sale. 5798

(I) Pending preparation of definitive obligations, the 5799  
issuing authority may issue interim receipts or certificates which 5800  
shall be exchanged for such definitive obligations. 5801

(J) In the discretion of the issuing authority, obligations 5802  
may be secured additionally by a trust agreement or indenture 5803  
between the issuing authority and a corporate trustee which may be 5804  
any trust company or bank having ~~its principal~~ a place of business 5805  
within the state. Any such agreement or indenture may contain the 5806  
resolution or order authorizing the issuance of the obligations, 5807  
any provisions that may be contained in any bond proceedings, and 5808  
other provisions which are customary or appropriate in an 5809  
agreement or indenture of such type, including, but not limited 5810  
to: 5811

(1) Maintenance of each pledge, trust agreement, indenture, 5812  
or other instrument comprising part of the bond proceedings until 5813  
the state has fully paid the bond service charges on the 5814  
obligations secured thereby, or provision therefor has been made; 5815

(2) In the event of default in any payments required to be 5816  
made by the bond proceedings, or any other agreement of the 5817  
issuing authority made as a part of the contract under which the 5818  
obligations were issued, enforcement of such payments or agreement 5819

by mandamus, the appointment of a receiver, suit in equity, action 5820  
at law, or any combination of the foregoing; 5821

(3) The rights and remedies of the holders of obligations and 5822  
of the trustee, and provisions for protecting and enforcing them, 5823  
including limitations on rights of individual holders of 5824  
obligations; 5825

(4) The replacement of any obligations that become mutilated 5826  
or are destroyed, lost, or stolen; 5827

(5) Such other provisions as the trustee and the issuing 5828  
authority agree upon, including limitations, conditions, or 5829  
qualifications relating to any of the foregoing. 5830

(K) Any holders of obligations or trustees under the bond 5831  
proceedings, except to the extent that their rights are restricted 5832  
by the bond proceedings, may by any suitable form of legal 5833  
proceedings, protect and enforce any rights under the laws of this 5834  
state or granted by such bond proceedings. Such rights include the 5835  
right to compel the performance of all duties of the issuing 5836  
authority, the director of development, or the division of liquor 5837  
control required by this chapter or the bond proceedings; to 5838  
enjoin unlawful activities; and in the event of default with 5839  
respect to the payment of any bond service charges on any 5840  
obligations or in the performance of any covenant or agreement on 5841  
the part of the issuing authority, the director of development, or 5842  
the division of liquor control in the bond proceedings, to apply 5843  
to a court having jurisdiction of the cause to appoint a receiver 5844  
to receive and administer the pledged receipts and special funds, 5845  
other than those in the custody of the treasurer of state, which 5846  
are pledged to the payment of the bond service charges on such 5847  
obligations or which are the subject of the covenant or agreement, 5848  
with full power to pay, and to provide for payment of bond service 5849  
charges on, such obligations, and with such powers, subject to the 5850  
direction of the court, as are accorded receivers in general 5851

equity cases, excluding any power to pledge additional revenues or 5852  
receipts or other income or moneys of the issuing authority or the 5853  
state or governmental agencies of the state to the payment of such 5854  
principal and interest and excluding the power to take possession 5855  
of, mortgage, or cause the sale or otherwise dispose of any 5856  
project facilities. 5857

Each duty of the issuing authority and the issuing 5858  
authority's officers and employees, and of each governmental 5859  
agency and its officers, members, or employees, undertaken 5860  
pursuant to the bond proceedings or any agreement or lease, 5861  
lease-purchase agreement, or loan made under authority of this 5862  
chapter, and in every agreement by or with the issuing authority, 5863  
is hereby established as a duty of the issuing authority, and of 5864  
each such officer, member, or employee having authority to perform 5865  
such duty, specifically enjoined by the law resulting from an 5866  
office, trust, or station within the meaning of section 2731.01 of 5867  
the Revised Code. 5868

The person who is at the time the issuing authority, or the 5869  
issuing authority's officers or employees, are not liable in their 5870  
personal capacities on any obligations issued by the issuing 5871  
authority or any agreements of or with the issuing authority. 5872

(L) The issuing authority may authorize and issue obligations 5873  
for the refunding, including funding and retirement, and advance 5874  
refunding with or without payment or redemption prior to maturity, 5875  
of any obligations previously issued by the issuing authority. 5876  
Such obligations may be issued in amounts sufficient for payment 5877  
of the principal amount of the prior obligations, any redemption 5878  
premiums thereon, principal maturities of any such obligations 5879  
maturing prior to the redemption of the remaining obligations on a 5880  
parity therewith, interest accrued or to accrue to the maturity 5881  
dates or dates of redemption of such obligations, and any 5882  
allowable costs including expenses incurred or to be incurred in 5883

connection with such issuance and such refunding, funding, and 5884  
retirement. Subject to the bond proceedings therefor, the portion 5885  
of proceeds of the sale of obligations issued under this division 5886  
to be applied to bond service charges on the prior obligations 5887  
shall be credited to an appropriate account held by the trustee 5888  
for such prior or new obligations or to the appropriate account in 5889  
the bond service fund for such obligations. Obligations authorized 5890  
under this division shall be deemed to be issued for those 5891  
purposes for which such prior obligations were issued and are 5892  
subject to the provisions of this section pertaining to other 5893  
obligations, except as otherwise provided in this section; 5894  
provided that, unless otherwise authorized by the general 5895  
assembly, any limitations imposed by the general assembly pursuant 5896  
to this section with respect to bond service charges applicable to 5897  
the prior obligations shall be applicable to the obligations 5898  
issued under this division to refund, fund, advance refund or 5899  
retire such prior obligations. 5900

(M) The authority to issue obligations under this section 5901  
includes authority to issue obligations in the form of bond 5902  
anticipation notes and to renew the same from time to time by the 5903  
issuance of new notes. The holders of such notes or interest 5904  
coupons pertaining thereto shall have a right to be paid solely 5905  
from the pledged receipts and special funds that may be pledged to 5906  
the payment of the bonds anticipated, or from the proceeds of such 5907  
bonds or renewal notes, or both, as the issuing authority provides 5908  
in the resolution or order authorizing such notes. Such notes may 5909  
be additionally secured by covenants of the issuing authority to 5910  
the effect that the issuing authority and the state will do such 5911  
or all things necessary for the issuance of such bonds or renewal 5912  
notes in appropriate amount, and apply the proceeds thereof to the 5913  
extent necessary, to make full payment of the principal of and 5914  
interest on such notes at the time or times contemplated, as 5915  
provided in such resolution or order. For such purpose, the 5916

issuing authority may issue bonds or renewal notes in such 5917  
principal amount and upon such terms as may be necessary to 5918  
provide funds to pay when required the principal of and interest 5919  
on such notes, notwithstanding any limitations prescribed by or 5920  
for purposes of this section. Subject to this division, all 5921  
provisions for and references to obligations in this section are 5922  
applicable to notes authorized under this division. 5923

The issuing authority in the bond proceedings authorizing the 5924  
issuance of bond anticipation notes shall set forth for such bonds 5925  
an estimated interest rate and a schedule of principal payments 5926  
for such bonds and the annual maturity dates thereof, and for 5927  
purposes of any limitation on bond service charges prescribed 5928  
under division (A) of section 166.11 of the Revised Code, the 5929  
amount of bond service charges on such bond anticipation notes is 5930  
deemed to be the bond service charges for the bonds anticipated 5931  
thereby as set forth in the bond proceedings applicable to such 5932  
notes, but this provision does not modify any authority in this 5933  
section to pledge receipts and special funds to, and covenant to 5934  
issue bonds to fund, the payment of principal of and interest and 5935  
any premium on such notes. 5936

(N) Obligations issued under this section are lawful 5937  
investments for banks, societies for savings, savings and loan 5938  
associations, deposit guarantee associations, trust companies, 5939  
trustees, fiduciaries, insurance companies, including domestic for 5940  
life and domestic not for life, trustees or other officers having 5941  
charge of sinking and bond retirement or other special funds of 5942  
political subdivisions and taxing districts of this state, the 5943  
commissioners of the sinking fund of the state, the administrator 5944  
of workers' compensation, the state teachers retirement system, 5945  
the public employees retirement system, the school employees 5946  
retirement system, and the Ohio police and fire pension fund, 5947  
notwithstanding any other provisions of the Revised Code or rules 5948

adopted pursuant thereto by any governmental agency of the state 5949  
with respect to investments by them, and are also acceptable as 5950  
security for the deposit of public moneys. 5951

(O) Unless otherwise provided in any applicable bond 5952  
proceedings, moneys to the credit of or in the special funds 5953  
established by or pursuant to this section may be invested by or 5954  
on behalf of the issuing authority only in notes, bonds, or other 5955  
obligations of the United States, or of any agency or 5956  
instrumentality of the United States, obligations guaranteed as to 5957  
principal and interest by the United States, obligations of this 5958  
state or any political subdivision of this state, and certificates 5959  
of deposit of any national bank located in this state and any 5960  
bank, as defined in section 1101.01 of the Revised Code, subject 5961  
to inspection by the superintendent of banks. If the law or the 5962  
instrument creating a trust pursuant to division (J) of this 5963  
section expressly permits investment in direct obligations of the 5964  
United States or an agency of the United States, unless expressly 5965  
prohibited by the instrument, such moneys also may be invested in 5966  
no-front-end-load money market mutual funds consisting exclusively 5967  
of obligations of the United States or an agency of the United 5968  
States and in repurchase agreements, including those issued by the 5969  
fiduciary itself, secured by obligations of the United States or 5970  
an agency of the United States; and in common trust funds 5971  
established in accordance with section 1111.20 of the Revised Code 5972  
and consisting exclusively of any such securities, notwithstanding 5973  
division (A)(4) of that section. The income from such investments 5974  
shall be credited to such funds as the issuing authority 5975  
determines, and such investments may be sold at such times as the 5976  
issuing authority determines or authorizes. 5977

(P) Provision may be made in the applicable bond proceedings 5978  
for the establishment of separate accounts in the bond service 5979  
fund and for the application of such accounts only to the 5980

specified bond service charges on obligations pertinent to such 5981  
accounts and bond service fund and for other accounts therein 5982  
within the general purposes of such fund. Unless otherwise 5983  
provided in any applicable bond proceedings, moneys to the credit 5984  
of or in the several special funds established pursuant to this 5985  
section shall be disbursed on the order of the treasurer of state, 5986  
provided that no such order is required for the payment from the 5987  
bond service fund when due of bond service charges on obligations. 5988

(Q) The issuing authority may pledge all, or such portion as 5989  
the issuing authority determines, of the pledged receipts to the 5990  
payment of bond service charges on obligations issued under this 5991  
section, and for the establishment and maintenance of any 5992  
reserves, as provided in the bond proceedings, and make other 5993  
provisions therein with respect to pledged receipts as authorized 5994  
by this chapter, which provisions are controlling notwithstanding 5995  
any other provisions of law pertaining thereto. 5996

(R) The issuing authority may covenant in the bond 5997  
proceedings, and any such covenants are controlling 5998  
notwithstanding any other provision of law, that the state and 5999  
applicable officers and governmental agencies of the state, 6000  
including the general assembly, so long as any obligations are 6001  
outstanding, shall: 6002

(1) Maintain statutory authority for and cause to be charged 6003  
and collected wholesale and retail prices for spirituous liquor 6004  
sold by the state or its agents so that the pledged receipts are 6005  
sufficient in amount to meet bond service charges, and the 6006  
establishment and maintenance of any reserves and other 6007  
requirements provided for in the bond proceedings, and, as 6008  
necessary, to meet covenants contained in contracts of guarantee 6009  
made under section 166.06 of the Revised Code; 6010

(2) Take or permit no action, by statute or otherwise, that 6011  
would impair the exemption from federal income taxation of the 6012

interest on the obligations. 6013

(S) There is hereby created the economic development bond 6014  
service fund, which shall be in the custody of the treasurer of 6015  
state but shall be separate and apart from and not a part of the 6016  
state treasury. All moneys received by or on account of the 6017  
issuing authority or state agencies and required by the applicable 6018  
bond proceedings, consistent with this section, to be deposited, 6019  
transferred, or credited to a bond service fund or the economic 6020  
development bond service fund, and all other moneys transferred or 6021  
allocated to or received for the purposes of the fund, shall be 6022  
deposited and credited to such fund and to any separate accounts 6023  
therein, subject to applicable provisions of the bond proceedings, 6024  
but without necessity for any act of appropriation. During the 6025  
period beginning with the date of the first issuance of 6026  
obligations and continuing during such time as any such 6027  
obligations are outstanding, and so long as moneys in the 6028  
pertinent bond service funds are insufficient to pay all bond 6029  
services charges on such obligations becoming due in each year, a 6030  
sufficient amount of the gross profit on the sale of spirituous 6031  
liquor included in pledged receipts are committed and shall be 6032  
paid to the bond service fund or economic development bond service 6033  
fund in each year for the purpose of paying the bond service 6034  
charges becoming due in that year without necessity for further 6035  
act of appropriation for such purpose and notwithstanding anything 6036  
to the contrary in Chapter 4301. of the Revised Code. The economic 6037  
development bond service fund is a trust fund and is hereby 6038  
pledged to the payment of bond service charges to the extent 6039  
provided in the applicable bond proceedings, and payment thereof 6040  
from such fund shall be made or provided for by the treasurer of 6041  
state in accordance with such bond proceedings without necessity 6042  
for any act of appropriation. 6043

(T) The obligations, the transfer thereof, and the income 6044

therefrom, including any profit made on the sale thereof, shall at 6045  
all times be free from taxation within the state. 6046

**Sec. 167.04.** (A) The regional council of governments shall 6047  
adopt by-laws, by a majority vote of its members, designating the 6048  
officers of the council and the method of their selection thereof, 6049  
creating a governing board that may act for the council as 6050  
provided in ~~such~~ the by-laws, and providing for the conduct of its 6051  
business. 6052

(B) The by-laws of the regional council of governments shall 6053  
provide for the appointment of a fiscal officer, who may hold any 6054  
other office or employment with the council, and who shall 6055  
receive, deposit, invest, and disburse the funds of the council in 6056  
the manner authorized by the by-laws or action by the council. 6057

(C) The by-laws of a regional council of governments the 6058  
members of which include, under sections 167.01 and 167.02 of the 6059  
Revised Code, at least eight counties may include a provision 6060  
authorizing member attendance and voting at council meetings 6061  
either in person or by proxy. 6062

**Sec. 167.10.** (A) As used in this section and sections 167.101 6063  
to 167.105 of the Revised Code: 6064

(1) "Qualifying council" means a regional council established 6065  
under section 167.01 of the Revised Code to which both of the 6066  
following requirements apply: 6067

(a) The council's membership is composed primarily of city, 6068  
local, and exempted village school districts, or any combination 6069  
of such districts; 6070

(b) The council is an information technology center approved 6071  
under section 3301.075 of the Revised Code. 6072

(2) "Securities" means bonds, notes, or other evidence of 6073

obligation issued in temporary or permanent form, including 6074  
book-entry securities. 6075

(B) A qualifying council may acquire, construct, and 6076  
otherwise improve real and personal property to be used by or for 6077  
the benefit of the qualifying council or one or more of its 6078  
members. The acquisition, construction, and improvement may be 6079  
financed by cash, installment payments with or without a mortgage, 6080  
lease-purchase agreements, leases with an option to purchase, or 6081  
securities issued pursuant to section 167.101 of the Revised Code. 6082

**Sec. 167.101.** (A) A qualifying council may issue securities 6083  
only for the purpose described in section 167.10 of the Revised 6084  
Code. The securities may be secured only by the following: 6085

(1) A pledge of and lien on the revenue of the qualifying 6086  
council, or such lesser portion of the revenue as may be 6087  
designated by the qualifying council, whether derived from 6088  
agreements with its members and other persons or from its 6089  
ownership or operation of any property, including available rates, 6090  
charges, rents, interest subsidies, debt charges, grants, or 6091  
payments by federal or state agencies, but excluding funds 6092  
received pursuant to section 3301.075 of the Revised Code; 6093

(2) Covenants of the qualifying council to maintain rentals, 6094  
rates, and charges to produce revenue sufficient to do all of the 6095  
following: 6096

(a) Pay all the current expenses of the property financed 6097  
with the proceeds of the securities; 6098

(b) Pay the debt charges on the securities; 6099

(c) Establish and maintain any contractually required special 6100  
funds relating to the securities or the property acquired, 6101  
constructed, or improved. 6102

(B) The qualifying council may issue securities to fund or 6103

refund the securities issued pursuant to division (A) of this 6104  
section. The qualifying council also may issue securities in 6105  
anticipation of the proceeds of the securities issued pursuant to 6106  
this section. 6107

**Sec. 167.102.** Securities issued under section 167.101 of the 6108  
Revised Code are special obligation securities and are not general 6109  
obligations of the state, the issuing qualifying council, the 6110  
members of the issuing qualifying council, or any political 6111  
subdivision of the state. Such securities shall not constitute 6112  
debt for which the full faith and credit of the state, the issuing 6113  
qualifying council, the members of the issuing qualifying council, 6114  
or any political subdivision of the state may be pledged. The 6115  
holder or owner of the securities shall have no right to have 6116  
money raised by taxation by the state or any political subdivision 6117  
of the state obligated or pledged, and money so raised shall not 6118  
be obligated or pledged, for the payment of principal or interest 6119  
or premium on such securities, and each security shall bear on its 6120  
face a statement to that effect. Money received by the qualifying 6121  
council pursuant to section 167.06 of the Revised Code shall not 6122  
be considered money raised by taxation. 6123

**Sec. 167.103.** The officers authorized by a qualifying council 6124  
issuing securities under section 167.101 of the Revised Code shall 6125  
execute the necessary documents to provide for the pledge, 6126  
protection, and disposition of the pledged revenues from which 6127  
debt charges and any special fund deposits are to be paid. Those 6128  
necessary documents include the issued securities, trust 6129  
agreements, leases, and other financing documents. 6130

**Sec. 167.104.** The maximum maturity of securities issued under 6131  
section 167.101 of the Revised Code shall be governed by section 6132  
133.20 of the Revised Code. 6133

Sec. 167.105. Except for sections 9.98 to 9.983 and 167.10 to 6134  
167.105 of the Revised Code, the securities issued under section 6135  
167.101 of the Revised Code shall not be subject to any other 6136  
provision of the Revised Code governing the issuance of securities 6137  
by the state, its agencies, or any political subdivision of the 6138  
state. 6139

**Sec. 173.04.** (A) As used in this section, "respite care" 6140  
means short-term, temporary care or supervision provided to a 6141  
person who has Alzheimer's disease in the absence of the person 6142  
who normally provides that care or supervision. 6143

(B) ~~The~~ Through the internet web site maintained by the 6144  
department of aging, the director of aging shall develop and 6145  
disseminate new training materials or disseminate existing 6146  
Alzheimer's disease training materials for licensed physicians, 6147  
registered nurses, licensed practical nurses, administrators of 6148  
health care programs, social workers, and other health care and 6149  
social service personnel who participate or assist in the care or 6150  
treatment of persons who have Alzheimer's disease. The training 6151  
materials disseminated through the web site may be developed by 6152  
the director or obtained from other sources. 6153

(C) To the extent funds are available, the director shall 6154  
administer respite care programs and other supportive services for 6155  
persons who have Alzheimer's disease and their families or care 6156  
givers. Respite care programs shall be approved by the director 6157  
and shall be provided for the following purposes: 6158

(1) Giving persons who normally provide care or supervision 6159  
for a person who has Alzheimer's disease relief from the stresses 6160  
and responsibilities that result from providing such care; 6161

(2) Preventing or reducing inappropriate institutional care 6162  
and enabling persons who have Alzheimer's disease to remain at 6163

home as long as possible. 6164

(D) The director may provide services under this section to 6165  
persons with Alzheimer's disease and their families regardless of 6166  
the age of the persons with Alzheimer's disease. 6167

(E) The director shall adopt rules in accordance with Chapter 6168  
119. of the Revised Code governing respite care programs and other 6169  
supportive services, the distribution of funds, and the purpose 6170  
for which funds may be utilized under this section. 6171

(F) The director may create an Alzheimer's disease and 6172  
related disorders task force to advise the director on the 6173  
following: 6174

(1) The rights of persons with Alzheimer's disease and on the 6175  
and related disorders; 6176

(2) The development and evaluation of education and training 6177  
programs, home care programs, and respite care programs, and 6178  
long term care initiatives as they relate to that serve persons 6179  
with Alzheimer's disease and related disorders; 6180

(3) How to serve persons with Alzheimer's disease and related 6181  
disorders in Ohio's unified long-term care budget system. If 6182

If a task force is created, the members shall include 6183  
representatives of the Alzheimer's disease association and other 6184  
organizations the director considers appropriate. 6185

**Sec. 173.35.** (A) As used in this section, "PASSPORT 6186  
administrative agency" means an entity under contract with the 6187  
department of aging to provide administrative services regarding 6188  
the PASSPORT program created under section 173.40 of the Revised 6189  
Code. 6190

(B) The department of aging shall administer the residential 6191  
state supplement program under which the state supplements the 6192  
supplemental security income payments received by aged, blind, or 6193

disabled adults under Title XVI of the "Social Security Act," 49 6194  
Stat. 620 (1935), 42 U.S.C.A., as amended. Residential state 6195  
supplement payments shall be used for the provision of 6196  
accommodations, supervision, and personal care services to 6197  
supplemental security income recipients who the department 6198  
determines are at risk of needing institutional care. 6199

(C) For an individual to be eligible for residential state 6200  
supplement payments, all of the following must be the case: 6201

(1) Except as provided by division (G) of this section, the 6202  
individual must reside in one of the following: 6203

(a) An adult foster home certified under section 173.36 of 6204  
the Revised Code; 6205

(b) A home or facility, other than a nursing home or nursing 6206  
home unit of a home for the aging, licensed by the department of 6207  
health under Chapter 3721. or 3722. of the Revised Code and 6208  
certified in accordance with standards established by the director 6209  
of aging under division (D)(2) of this section; 6210

(c) A community alternative home licensed under section 6211  
3724.03 of the Revised Code and certified in accordance with 6212  
standards established by the director of aging under division 6213  
(D)(2) of this section; 6214

(d) A residential facility as defined in division 6215  
(A)(1)(d)(ii) of section 5119.22 of the Revised Code licensed by 6216  
the department of mental health and certified in accordance with 6217  
standards established by the director of aging under division 6218  
(D)(2) of this section; 6219

(e) An apartment or room used to provide community mental 6220  
health housing services certified by the department of mental 6221  
health under section 5119.611 of the Revised Code and approved by 6222  
a board of alcohol, drug addiction, and mental health services 6223  
under division (A)(14) of section 340.03 of the Revised Code and 6224

certified in accordance with standards established by the director 6225  
of aging under division (D)(2) of this section. 6226

(2) Effective July 1, 2000, a PASSPORT administrative agency 6227  
must have determined that the environment in which the individual 6228  
will be living while receiving the payments is appropriate for the 6229  
individual's needs. If the individual is eligible for supplemental 6230  
security income payments or social security disability insurance 6231  
benefits because of a mental disability, the PASSPORT 6232  
administrative agency shall refer the individual to a community 6233  
mental health agency for the community mental health agency to 6234  
issue in accordance with section 340.091 of the Revised Code a 6235  
recommendation on whether the PASSPORT administrative agency 6236  
should determine that the environment in which the individual will 6237  
be living while receiving the payments is appropriate for the 6238  
individual's needs. Division (C)(2) of this section does not apply 6239  
to an individual receiving residential state supplement payments 6240  
on June 30, 2000, until the individual's first eligibility 6241  
redetermination after that date. 6242

(3) The individual satisfies all eligibility requirements 6243  
established by rules adopted under division (D) of this section. 6244

(D)(1) The directors of aging and job and family services 6245  
shall adopt rules in accordance with section 111.15 of the Revised 6246  
Code as necessary to implement the residential state supplement 6247  
program. 6248

To the extent permitted by Title XVI of the "Social Security 6249  
Act," and any other provision of federal law, the director of job 6250  
and family services shall adopt rules establishing standards for 6251  
adjusting the eligibility requirements concerning the level of 6252  
impairment a person must have so that the amount appropriated for 6253  
the program by the general assembly is adequate for the number of 6254  
eligible individuals. The rules shall not limit the eligibility of 6255  
disabled persons solely on a basis classifying disabilities as 6256

physical or mental. The director of job and family services also 6257  
shall adopt rules that establish eligibility standards for aged, 6258  
blind, or disabled individuals who reside in one of the homes or 6259  
facilities specified in division (C)(1) of this section but who, 6260  
because of their income, do not receive supplemental security 6261  
income payments. The rules may provide that these individuals may 6262  
include individuals who receive other types of benefits, 6263  
including, social security disability insurance benefits provided 6264  
under Title II of the "Social Security Act," 49 Stat. 620 (1935), 6265  
42 U.S.C.A. 401, as amended. Notwithstanding division (B) of this 6266  
section, such payments may be made if funds are available for 6267  
them. 6268

The director of aging shall adopt rules establishing the 6269  
method to be used to determine the amount an eligible individual 6270  
will receive under the program. The amount the general assembly 6271  
appropriates for the program shall be a factor included in the 6272  
method that department establishes. 6273

(2) The director of aging shall adopt rules in accordance 6274  
with Chapter 119. of the Revised Code establishing standards for 6275  
certification of living facilities described in division (C)(1) of 6276  
this section. 6277

The directors of aging and mental health shall enter into an 6278  
agreement to certify facilities that apply for certification and 6279  
meet the standards established by the director of aging under this 6280  
division. 6281

(E) The county department of job and family services of the 6282  
county in which an applicant for the residential state supplement 6283  
program resides shall determine whether the applicant meets income 6284  
and resource requirements for the program. 6285

(F) The department of aging shall maintain a waiting list of 6286  
any individuals eligible for payments under this section but not 6287

receiving them because moneys appropriated to the department for 6288  
the purposes of this section are insufficient to make payments to 6289  
all eligible individuals. An individual may apply to be placed on 6290  
the waiting list even though the individual does not reside in one 6291  
of the homes or facilities specified in division (C)(1) of this 6292  
section at the time of application. The director of aging, by 6293  
rules adopted in accordance with Chapter 119. of the Revised Code, 6294  
shall specify procedures and requirements for placing an 6295  
individual on the waiting list and priorities for the order in 6296  
which individuals placed on the waiting list are to begin to 6297  
receive residential state supplement payments. Individuals on the 6298  
waiting list who reside in a community setting not required to be 6299  
licensed or certified shall have their eligibility for the 6300  
payments assessed before other individuals on the waiting list. 6301  
The rules specifying priorities may give priority to individuals 6302  
placed on the waiting list on or after July 1, 2006, who receive 6303  
supplemental security income benefits under Title XVI of the 6304  
"Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C. 1381, as 6305  
amended. The rules shall not affect the place on the waiting list 6306  
of any person who was on the list on July 1, 2006. The rules 6307  
specifying priorities may also set additional priorities based on 6308  
living arrangement, such as whether an individual resides in a 6309  
facility listed in division (C)(1) of this section or has been 6310  
admitted to a nursing facility. 6311

(G) An individual in a licensed or certified living 6312  
arrangement receiving state supplementation on November 15, 1990, 6313  
under former section 5101.531 of the Revised Code shall not become 6314  
ineligible for payments under this section solely by reason of the 6315  
individual's living arrangement as long as the individual remains 6316  
in the living arrangement in which the individual resided on 6317  
November 15, 1990. 6318

(H) The department of aging shall notify each person denied 6319

approval for payments under this section of the person's right to 6320  
a hearing. On request, the hearing shall be provided by the 6321  
department of job and family services in accordance with section 6322  
5101.35 of the Revised Code. 6323

Sec. 173.351. (A) As used in this section: 6324

"Area agency on aging" has the same meaning as in section 6325  
173.14 of the Revised Code. 6326

"Long-term care consultation program" means the program the 6327  
department of aging is required to develop under section 173.42 of 6328  
the Revised Code. 6329

"Long-term care consultation program administrator" or 6330  
"administrator" means the department of aging or, if the 6331  
department contracts with an area agency on aging or other entity 6332  
to administer the long-term care consultation program for a 6333  
particular area, that agency or entity. 6334

"Nursing facility" has the same meaning as in section 5111.20 6335  
of the Revised Code. 6336

"Residential state supplement program" means the program 6337  
administered pursuant to section 173.35 of the Revised Code. 6338

(B) Each month, each area agency on aging shall determine 6339  
whether individuals who reside in the area that the area agency on 6340  
aging serves and are on a waiting list for the residential state 6341  
supplement program have been admitted to a nursing facility. If an 6342  
area agency on aging determines that such an individual has been 6343  
admitted to a nursing facility, the agency shall notify the 6344  
long-term care consultation program administrator serving the area 6345  
in which the individual resides about the determination. The 6346  
administrator shall determine whether the residential state 6347  
supplement program is appropriate for the individual and whether 6348  
the individual would rather participate in the program than 6349

continue residing in the nursing facility. If the administrator 6350  
determines that the residential state supplement program is 6351  
appropriate for the individual and the individual would rather 6352  
participate in the program than continue residing in the nursing 6353  
facility, the administrator shall so notify the department of 6354  
aging. On receipt of the notice from the administrator, the 6355  
department of aging shall approve the individual's enrollment in 6356  
the residential state supplement program in accordance with the 6357  
priorities specified in rules adopted under division (F) of 6358  
section 173.35 of the Revised Code. Each quarter, the department 6359  
of aging shall certify to the director of budget and management 6360  
the estimated increase in costs of the residential state 6361  
supplement program resulting from enrollment of individuals in the 6362  
program pursuant to this section. 6363

(C) Not later than the last day of each calendar year, the 6364  
director of aging shall submit to the general assembly a report 6365  
regarding the number of individuals enrolled in the residential 6366  
state supplement program pursuant to this section and the costs 6367  
incurred and savings achieved as a result of the enrollments. 6368

**Sec. 173.401.** (A) As used in this section: 6369

"Area agency on aging" has the same meaning as in section 6370  
173.14 of the Revised Code. 6371

"Long-term care consultation program" means the program the 6372  
department of aging is required to develop under section 173.42 of 6373  
the Revised Code. 6374

"Long-term care consultation program administrator" or 6375  
"administrator" means the department of aging or, if the 6376  
department contracts with an area agency on aging or other entity 6377  
to administer the long-term care consultation program for a 6378  
particular area, that agency or entity. 6379

"Nursing facility" has the same meaning as in section 5111.20 6380  
of the Revised Code. 6381

"PASSPORT program" means the program created under section 6382  
173.40 of the Revised Code. 6383

"PASSPORT waiver" means the federal medicaid waiver granted 6384  
by the United States secretary of health and human services that 6385  
authorizes the PASSPORT program. 6386

(B) The director of job and family services shall submit to 6387  
the United States secretary of health and human services an 6388  
amendment to the PASSPORT waiver that authorizes additional 6389  
enrollments in the PASSPORT program pursuant to this section. 6390  
Beginning with the month following the month in which the United 6391  
States secretary approves the amendment and each month thereafter, 6392  
each area agency on aging shall determine whether individuals who 6393  
reside in the area that the area agency on aging serves and are on 6394  
a waiting list for the PASSPORT program have been admitted to a 6395  
nursing facility. If an area agency on aging determines that such 6396  
an individual has been admitted to a nursing facility, the agency 6397  
shall notify the long-term care consultation program administrator 6398  
serving the area in which the individual resides about the 6399  
determination. The administrator shall determine whether the 6400  
PASSPORT program is appropriate for the individual and whether the 6401  
individual would rather participate in the PASSPORT program than 6402  
continue residing in the nursing facility. If the administrator 6403  
determines that the PASSPORT program is appropriate for the 6404  
individual and the individual would rather participate in the 6405  
PASSPORT program than continue residing in the nursing facility, 6406  
the administrator shall so notify the department of aging. On 6407  
receipt of the notice from the administrator, the department of 6408  
aging shall approve the individual's enrollment in the PASSPORT 6409  
program regardless of the PASSPORT program's waiting list and even 6410  
though the enrollment causes enrollment in the program to exceed 6411

the limit that would otherwise apply. Each quarter, the department 6412  
of aging shall certify to the director of budget and management 6413  
the estimated increase in costs of the PASSPORT program resulting 6414  
from enrollment of individuals in the PASSPORT program pursuant to 6415  
this section. 6416

(C) Not later than the last day of each calendar year, the 6417  
director of job and family services shall submit to the general 6418  
assembly a report regarding the number of individuals enrolled in 6419  
the PASSPORT program pursuant to this section and the costs 6420  
incurred and savings achieved as a result of the enrollments. 6421

**Sec. 173.71.** As used in sections 173.71 to 173.91 of the 6422  
Revised Code: 6423

(A) "Children's health insurance program" means the 6424  
children's health insurance program part I ~~and~~, part II, and part 6425  
III established under sections 5101.50 to ~~5101.5110~~ 5101.529 of 6426  
the Revised Code. 6427

(B) "Disability medical assistance program" means the program 6428  
established under section 5115.10 of the Revised Code. 6429

(C) "Medicaid program" or "medicaid" means the medical 6430  
assistance program established under Chapter 5111. of the Revised 6431  
Code. 6432

(D) "National drug code number" means the number registered 6433  
for a drug pursuant to the listing system established by the 6434  
United States food and drug administration under the "Drug Listing 6435  
Act of 1972," 86 Stat. 559, 21 U.S.C. 360, as amended. 6436

(E) "Ohio's best Rx program participant" or "participant" 6437  
means an individual determined eligible for the Ohio's best Rx 6438  
program and included under an Ohio's best Rx program enrollment 6439  
card. 6440

(F) "Participating manufacturer" means a drug manufacturer 6441

participating in the Ohio's best Rx program pursuant to a 6442  
manufacturer agreement entered into under section 173.81 of the 6443  
Revised Code. 6444

(G) "Participating terminal distributor" means a terminal 6445  
distributor of dangerous drugs participating in the Ohio's best Rx 6446  
program pursuant to an agreement entered into under section 173.79 6447  
of the Revised Code. 6448

(H) "Political subdivision" has the same meaning as in 6449  
section 9.23 of the Revised Code. 6450

(I) "State agency" has the same meaning as in section 9.23 of 6451  
the Revised Code. 6452

(J) "Terminal distributor of dangerous drugs" has the same 6453  
meaning as in section 4729.01 of the Revised Code. 6454

(K) "Third-party payer" has the same meaning as in section 6455  
3901.38 of the Revised Code. 6456

(L) "Trade secret" has the same meaning as in section 1333.61 6457  
of the Revised Code. 6458

(M) "Usual and customary charge" means the amount a 6459  
participating terminal distributor or the drug mail order system 6460  
included in the Ohio's best Rx program pursuant to section 173.78 6461  
of the Revised Code charges when a drug included in the program is 6462  
purchased by an individual who does not receive a discounted price 6463  
for the drug pursuant to any drug discount program, including the 6464  
Ohio's best Rx program or a pharmacy assistance program 6465  
established by any person or government entity, and for whom no 6466  
third-party payer or program funded in whole or part with state or 6467  
federal funds is responsible for all or part of the cost of the 6468  
drug. 6469

**Sec. 173.85.** (A) The Ohio's best Rx program fund is hereby 6470  
created. ~~The fund shall be in the custody of the treasurer of~~ 6471

state, but shall not be part of the state treasury. The fund shall 6472  
consist of the following: 6473

(1) Manufacturer payments made by participating manufacturers 6474  
pursuant to agreements entered into under section 173.81 of the 6475  
Revised Code; 6476

(2) Administrative fees, if an administrative fee is 6477  
determined by the department of aging in rules adopted under 6478  
section 173.83 of the Revised Code; 6479

(3) Any amounts donated to the fund and accepted by the 6480  
department; 6481

(4) The fund's investment earnings. 6482

(B) Money in the Ohio's best Rx program fund shall be used to 6483  
make payments under section 173.801 of the Revised Code and to 6484  
make transfers to the Ohio's best Rx administration fund in 6485  
accordance with section 173.86 of the Revised Code. 6486

**Sec. 173.86.** (A) The Ohio's best Rx administration fund is 6487  
hereby created in the state treasury. The ~~treasurer of state~~ 6488  
director of budget and management shall transfer from the Ohio's 6489  
best Rx program fund to the Ohio's best Rx administration fund 6490  
amounts equal to the following: 6491

(1) Amounts resulting from application of the program 6492  
administration percentage, if a program administration percentage 6493  
is determined by the department of aging in rules adopted under 6494  
section 173.83 of the Revised Code; 6495

(2) The amount of the administrative fees charged Ohio's best 6496  
Rx participants, if an administrative fee is determined by the 6497  
department of aging in rules adopted under section 173.83 of the 6498  
Revised Code; 6499

(3) The amount of any donations credited to the Ohio's best 6500  
Rx program fund; 6501

(4) The amount of investment earnings credited to the Ohio's best Rx program fund.

The ~~treasurer of state~~ director of budget and management shall make the transfers in accordance with a schedule developed by the ~~treasurer of state~~ director and the department of aging.

(B) The department of aging shall use money in the Ohio's best Rx administration fund to pay the administrative costs of the Ohio's best Rx program, including, but not limited to, costs associated with contracted services, staff, outreach activities, computers and network services, and the Ohio's best Rx program council. If the fund includes an amount that exceeds the amount necessary to pay the administrative costs of the program, the department may use the excess amount to pay the cost of subsidies provided to Ohio's best Rx program participants under any subsidy program established pursuant to section 173.861 of the Revised Code.

**Sec. 174.03.** (A) The department of development and the Ohio housing finance agency shall each develop programs under which, in accordance with rules adopted under this section, they may make grants, loans, loan guarantees, and loan subsidies to counties, municipal corporations, townships, local housing authorities, and nonprofit organizations and may make loans, loan guarantees, and loan subsidies to private developers and private lenders to assist in activities that provide housing and housing assistance for specifically targeted low- and moderate-income families and individuals. There is no minimum housing project size for awards under this division for any project that is developed for a special needs population and that is supported by a social service agency where the housing project is located. Activities for which grants, loans, loan guarantees, and loan subsidies may be made under this section include all of the following:

(1) Acquiring, financing, constructing, leasing, 6533  
rehabilitating, remodeling, improving, and equipping publicly or 6534  
privately owned housing; 6535

(2) Providing supportive services related to housing and the 6536  
homeless, including housing counseling. Not more than twenty per 6537  
cent of the current year appropriation authority for the low- and 6538  
moderate-income housing trust fund that remains after the award of 6539  
funds made pursuant to divisions (A)(1), (A)(2), and (A)(3) of 6540  
section 174.02 of the Revised Code, shall be awarded in any fiscal 6541  
year for supportive services. 6542

(3) Providing rental assistance payments or other project 6543  
operating subsidies that lower tenant rents. 6544

(B) Activities listed under division (A) of this section may 6545  
include emergency shelter care programs for unaccompanied youth 6546  
seventeen years of age and younger. 6547

(C) Grants, loans, loan guarantees, and loan subsidies may be 6548  
made to counties, municipal corporations, townships, and nonprofit 6549  
organizations for the additional purposes of providing technical 6550  
assistance, design and finance services and consultation, and 6551  
payment of pre-development and administrative costs related to any 6552  
of the activities listed above. 6553

~~(C)~~(D) In developing programs under this section, the 6554  
department and the agency shall invite, accept, and consider 6555  
public comment, and recommendations from the housing trust fund 6556  
advisory committee created under section 174.06 of the Revised 6557  
Code, on how the programs should be designed to most effectively 6558  
benefit low- and moderate-income families and individuals. The 6559  
programs developed under this section shall respond collectively 6560  
to housing and housing assistance needs of low- and 6561  
moderate-income families and individuals statewide. 6562

~~(D)~~(E) The department and the agency, in accordance with 6563

Chapter 119. of the Revised Code, shall each adopt rules to 6564  
administer programs developed under this section. The rules shall 6565  
prescribe procedures and forms that counties, municipal 6566  
corporations, townships, local housing authorities, and nonprofit 6567  
organizations shall use in applying for grants, loans, loan 6568  
guarantees, and loan subsidies and that private developers and 6569  
private lenders shall use in applying for loans, loan guarantees, 6570  
and loan subsidies; eligibility criteria for the receipt of funds; 6571  
procedures for reviewing and granting or denying applications; 6572  
procedures for paying out funds; conditions on the use of funds; 6573  
procedures for monitoring the use of funds; and procedures under 6574  
which a recipient shall be required to repay funds that are 6575  
improperly used. The rules shall do both of the following: 6576

(1) Require each recipient of a grant or loan made from the 6577  
low- and moderate-income housing trust fund for activities that 6578  
provide, or assist in providing, a rental housing project, to 6579  
reasonably ensure that the rental housing project will remain 6580  
affordable to those families and individuals targeted for the 6581  
rental housing project for the useful life of the rental housing 6582  
project or for thirty years, whichever is longer; 6583

(2) Require each recipient of a grant or loan made from the 6584  
low- and moderate-income housing trust fund for activities that 6585  
provide, or assist in providing, a housing project to prepare and 6586  
implement a plan to reasonably assist any families and individuals 6587  
displaced by the housing project in obtaining decent affordable 6588  
housing. 6589

~~(E)~~(F) In prescribing eligibility criteria and conditions for 6590  
the use of funds, neither the department nor the agency is limited 6591  
to the criteria and conditions specified in this section and each 6592  
may prescribe additional eligibility criteria and conditions that 6593  
relate to the purposes for which grants, loans, loan guarantees, 6594  
and loan subsidies may be made. However, the department and agency 6595

are limited by the following specifically targeted low- and 6596  
moderate-income guidelines: 6597

(1) Not less than seventy-five per cent of the money granted 6598  
and loaned under this section in any fiscal year shall be for 6599  
activities that provide affordable housing and housing assistance 6600  
to families and individuals whose incomes are equal to or less 6601  
than fifty per cent of the median income for the county in which 6602  
they live, as determined by the department under section 174.04 of 6603  
the Revised Code. 6604

(2) Any money granted and loaned under this section in any 6605  
fiscal year that is not granted or loaned pursuant to division 6606  
~~(E)~~(F)(1) of this section shall be for activities that provide 6607  
affordable housing and housing assistance to families and 6608  
individuals whose incomes are equal to or less than eighty per 6609  
cent of the median income for the county in which they live, as 6610  
determined by the department under section 174.04 of the Revised 6611  
Code. 6612

~~(F)~~(G) In making grants, loans, loan guarantees, and loan 6613  
subsidies under this section, the department and the agency shall 6614  
give preference to viable projects and activities that benefit 6615  
those families and individuals whose incomes are equal to or less 6616  
than thirty-five per cent of the median income for the county in 6617  
which they live, as determined by the department under section 6618  
174.04 of the Revised Code. 6619

~~(G)~~(H) The department and the agency shall monitor the 6620  
programs developed under this section to ensure that money granted 6621  
and loaned under this section is not used in a manner that 6622  
violates division (H) of section 4112.02 of the Revised Code or 6623  
discriminates against families with children. 6624

**Sec. 174.06.** (A) There is hereby created the housing trust 6625  
fund advisory committee. The committee consists of fourteen 6626

members the governor appoints as follows to represent 6627  
organizations committed to housing and housing assistance for low- 6628  
and moderate-income persons: 6629

(1) One member to represent lenders. 6630

(2) One member to represent for-profit builders and 6631  
developers. 6632

(3) One member to represent the families and individuals 6633  
included in the income groups targeted for housing and housing 6634  
assistance under divisions ~~(E)~~ and (F) and (G) of section 174.03 6635  
of the Revised Code. 6636

(4) One member to represent religious, civic, or social 6637  
service organizations. 6638

(5) One member to represent counties. 6639

(6) One member to represent municipal corporations. 6640

(7) One member to represent townships. 6641

(8) One member to represent local housing authorities. 6642

(9) One member to represent fair housing organizations. 6643

(10) Three members to represent nonprofit organizations. 6644

(11) One member to represent real estate brokers licensed 6645  
under Chapter 4735. of the Revised Code. 6646

(12) One member to represent the for-profit rental housing 6647  
industry. 6648

(B)(1) Terms of office are for four years, with each term 6649  
ending on the same day of the same month as did the term that it 6650  
succeeds. Each member shall hold office from the date of 6651  
appointment until the end of the term for which the member was 6652  
appointed. Vacancies shall be filled in the manner prescribed for 6653  
the original appointment. A member appointed to fill a vacancy 6654  
occurring prior to the expiration of a term shall hold office for 6655

the remainder of that term. A member shall continue in office 6656  
subsequent to the expiration of a term until a successor takes 6657  
office or until a period of sixty days has elapsed, whichever 6658  
occurs first. 6659

(2) The governor may remove a member for misfeasance, 6660  
malfeasance, or willful neglect of duty. 6661

(C)(1) The committee shall select a chairperson from among 6662  
its members. The committee shall meet at least once each calendar 6663  
year and upon the call of the chair. Members of the committee 6664  
serve without compensation, but shall be reimbursed for reasonable 6665  
and necessary expenses incurred in the discharge of duties. 6666

(2) The department of development shall provide the committee 6667  
with a meeting place, supplies, and staff assistance as the 6668  
committee requests. 6669

(D) The committee shall assist the department and the Ohio 6670  
housing finance agency in defining housing needs and priorities, 6671  
recommend to the department and agency at least annually how the 6672  
programs developed under section 174.02 of the Revised Code should 6673  
be designed to most effectively benefit low- and moderate-income 6674  
persons, consider an allocation of funds for projects of fifteen 6675  
units or less, and advise the director of development on whether 6676  
and how to reallocate money in the low- and moderate-income 6677  
housing trust fund under division (B) of section 174.02 of the 6678  
Revised Code. 6679

**Sec. 183.01.** As used in this chapter: 6680

(A) "Tobacco master settlement agreement" means the 6681  
settlement agreement (and related documents) entered into on 6682  
November 23, 1998 by the state and leading United States tobacco 6683  
product manufacturers. 6684

(B) ~~"Net amounts credited to the tobacco master settlement~~ 6685

~~agreement fund" means all amounts credited to the tobacco master 6686  
settlement agreement fund during a fiscal year, minus all amounts 6687  
required to be transferred under section 183.02 of the Revised 6688  
Code to the education facilities trust fund, the education 6689  
facilities endowment fund, and the income tax reduction fund 6690  
during the fiscal year. In addition, in fiscal year 2000, "net 6691  
amounts credited to the tobacco master settlement agreement fund" 6692  
does not include amounts credited to the tobacco use prevention 6693  
and cessation trust fund, law enforcement improvements trust fund, 6694  
and southern Ohio agricultural and community development trust 6695  
fund from the first payment received that year. 6696~~

~~(C) "Southern Ohio" includes any county in this state where 6697  
tobacco has traditionally been grown. 6698~~

**Sec. 183.021.** (A) No money from the tobacco master settlement 6699  
agreement fund, as that fund existed prior to the repeal of 6700  
section 183.02 of the Revised Code by H.B. 119 of the 127th 6701  
general assembly, shall be expended to do any of the following: 6702

(1) Hire an executive agency lobbyist, as defined under 6704  
section 121.60 of the Revised Code, or a legislative agent, as 6705  
defined under section 101.70 of the Revised Code; 6706

(2) Support or oppose candidates, ballot questions, 6707  
referendums, or ballot initiatives. 6708

(B) Nothing in this section prohibits any of the following 6709  
from advocating on behalf of the specific objectives of a program 6710  
funded under this chapter: 6711

(1) The members of the board of trustees, executive director, 6712  
or employees of the tobacco use prevention and control foundation; 6713

(2) The members of the board of trustees, executive director, 6714  
or employees of the southern Ohio agricultural and community 6715

development foundation; 6716

(3) The members or employees of the third frontier commission 6717  
or the members of the third frontier advisory board. 6718

Sec. 183.061. The board of trustees of the tobacco use 6719  
prevention and control foundation may form a nonprofit corporation 6720  
pursuant to Chapter 1702. of the Revised Code for the purpose of 6721  
raising money to aid the foundation in the conduct of its duties 6722  
under Chapter 183. of the Revised Code. 6723

**Sec. 183.17.** The fiscal year of the southern Ohio 6724  
agricultural and community development foundation shall be the 6725  
same as the fiscal year of the state. 6726

Within ninety days after the end of each fiscal year, the 6727  
foundation shall submit to the governor and the general assembly 6728  
both of the following: 6729

(A) A report of the activities of the foundation during the 6730  
preceding fiscal year. The report shall also contain an 6731  
independent evaluation of the progress being made by the 6732  
foundation in carrying out its duties. 6733

(B) A financial report of the foundation for the preceding 6734  
year, which shall include both: 6735

(1) Information on the amount and percentage of overhead and 6736  
administrative expenditures compared to programmatic expenditures; 6737

(2) An independent auditor's report on the basic financial 6738  
statements and required supplementary information of the 6739  
foundation. Such financial statements shall be prepared in 6740  
conformity with generally accepted accounting principles 6741  
prescribed for governmental entities. 6742

On or before July 1, 2010, the foundation shall report to the 6743  
governor and the general assembly on the progress that the 6744

foundation has made in replacing the production of tobacco in 6745  
southern Ohio with the production of other agricultural products 6746  
and in mitigating the adverse economic impact of reduced tobacco 6747  
production in the region. ~~If the foundation concludes that a need~~ 6748  
~~for additional funding still exists, the foundation may request~~ 6749  
~~that provision be made for a portion of the payments credited to~~ 6750  
~~the tobacco master settlement agreement fund to continue to be~~ 6751  
~~transferred to the southern Ohio agricultural and community~~ 6752  
~~development trust fund.~~ 6753

**Sec. 183.33.** No money shall be appropriated or transferred 6754  
from the general revenue fund to the ~~tobacco master settlement~~ 6755  
~~agreement fund~~, tobacco use prevention and cessation trust fund, 6756  
tobacco use prevention and control endowment fund, law enforcement 6757  
improvements trust fund, southern Ohio agricultural and community 6758  
development trust fund, southern Ohio agricultural and community 6759  
development foundation endowment fund, Ohio's public health 6760  
priorities trust fund, biomedical research and technology transfer 6761  
trust fund, education facilities trust fund, ~~education facilities~~ 6762  
~~endowment fund~~, or education technology trust fund. In addition, 6763  
no money shall be otherwise appropriated or transferred from the 6764  
general revenue fund for the use of the tobacco use prevention and 6765  
control foundation ~~or the southern Ohio agricultural and community~~ 6766  
~~development foundation.~~ 6767

**Sec. 183.34.** There is hereby created in the state treasury 6768  
the tobacco settlement oversight, administration, and enforcement 6769  
fund, ~~to~~ which shall ~~be credited~~ consist of amounts transferred 6770  
under division (I) of section 183.02 of the Revised Code prior to 6771  
the repeal of that section by H.B. 119 of the 127th general 6772  
assembly. The attorney general shall use the fund to pay costs 6773  
incurred in the oversight, administration, and enforcement of the 6774  
tobacco master settlement agreement. 6775

**Sec. 183.35.** There is hereby created in the state treasury 6776  
the tobacco settlement enforcement fund, ~~to~~ which shall be 6777  
~~credited~~ consist of amounts transferred under division (J) of 6778  
section 183.02 of the Revised Code prior to the repeal of that 6779  
section by H.B. 119 of the 127th general assembly. The tax 6780  
commissioner shall use the fund to pay costs incurred in the 6781  
enforcement of divisions (F) and (G) of section 5743.03 of the 6782  
Revised Code. 6783

**Sec. 183.51.** (A) As used in this section and in the 6784  
applicable bond proceedings unless otherwise provided: 6785

(1) "Bond proceedings" means the resolutions, orders, 6786  
indentures, purchase and sale and trust and other agreements 6787  
including any amendments or supplements to them, and credit 6788  
enhancement facilities, and amendments and supplements to them, or 6789  
any one or more or combination of them, authorizing, awarding, or 6790  
providing for the terms and conditions applicable to or providing 6791  
for the security or liquidity of, the particular obligations, and 6792  
the provisions contained in those obligations. 6793

(2) "Bond service fund" means the bond service fund created 6794  
in the bond proceedings for the obligations. 6795

(3) "Capital facilities" means, as applicable, capital 6796  
facilities or projects as referred to in section 151.03 or 151.04 6797  
of the Revised Code. 6798

(4) "Consent decree" means the consent decree and final 6799  
judgment entered November 25, 1998, in the court of common pleas 6800  
of Franklin county, Ohio, as the same may be amended or 6801  
supplemented from time to time. 6802

(5) "Cost of capital facilities" has the same meaning as in 6803  
section 151.01 of the Revised Code, as applicable. 6804

(6) "Credit enhancement facilities," "financing costs," and 6805

"interest" or "interest equivalent" have the same meanings as in 6806  
section 133.01 of the Revised Code. 6807

(7) "Debt service" means principal, including any mandatory 6808  
sinking fund or redemption requirements for retirement of 6809  
obligations, interest and other accreted amounts, interest 6810  
equivalent, and any redemption premium, payable on obligations. If 6811  
not prohibited by the applicable bond proceedings, "debt service" 6812  
may include costs relating to credit enhancement facilities that 6813  
are related to and represent, or are intended to provide a source 6814  
of payment of or limitation on, other debt service. 6815

(8) "Improvement fund" means, as applicable, the school 6816  
building program assistance fund created in section 3318.25 of the 6817  
Revised Code and the higher education improvement fund created in 6818  
section 154.21 of the Revised Code. 6819

(9) "Issuing authority" means the buckeye tobacco settlement 6820  
financing authority created in section 183.52 of the Revised Code. 6821

(10) "Net proceeds" means amounts received from the sale of 6822  
obligations, excluding amounts used to refund or retire 6823  
outstanding obligations, amounts required to be deposited into 6824  
special funds pursuant to the applicable bond proceedings, and 6825  
amounts to be used to pay financing costs. 6826

(11) "Obligations" means bonds, notes, or other evidences of 6827  
obligation of the issuing authority, including any appertaining 6828  
interest coupons, issued by the issuing authority under this 6829  
section and Section 2i of Article VIII, Ohio Constitution, for the 6830  
purpose of providing funds to the state, in exchange for the 6831  
assignment and sale described in division (B) of this section, for 6832  
the purpose of paying costs of capital facilities for: (a) housing 6833  
branches and agencies of state government limited to facilities 6834  
for a system of common schools throughout the state and (b) 6835  
state-supported or state-assisted institutions of higher 6836

<u>education.</u>	6837
<u>(12) "Pledged receipts" means, as and to the extent provided</u>	6838
<u>for in the applicable bond proceedings:</u>	6839
<u>(a) Pledged tobacco settlement receipts;</u>	6840
<u>(b) Accrued interest received from the sale of obligations;</u>	6841
<u>(c) Income from the investment of the special funds;</u>	6842
<u>(d) Additional or any other specific revenues or receipts</u>	6843
<u>lawfully available to be pledged, and pledged, pursuant to the</u>	6844
<u>bond proceedings, including but not limited to amounts received</u>	6845
<u>under credit enhancement facilities, to the payment of debt</u>	6846
<u>service.</u>	6847
<u>(13) "Pledged tobacco settlement receipts" means all amounts</u>	6848
<u>received by the issuing authority pursuant to division (B) of this</u>	6849
<u>section.</u>	6850
<u>(14) "Principal amount" means the aggregate of the amount as</u>	6851
<u>stated or provided for in the applicable bond proceedings as the</u>	6852
<u>amount on which interest or interest equivalent on particular</u>	6853
<u>obligations is initially calculated. "Principal amount" does not</u>	6854
<u>include any premium paid to the issuing authority by the initial</u>	6855
<u>purchaser of the obligations. "Principal amount" of a capital</u>	6856
<u>appreciation bond, as defined in division (C) of section 3334.01</u>	6857
<u>of the Revised Code, means its original face amount and not its</u>	6858
<u>accreted value, and "principal amount" of a zero coupon bond, as</u>	6859
<u>defined in division (J) of section 3334.01 of the Revised Code,</u>	6860
<u>means the discounted offering price at which the bond is initially</u>	6861
<u>sold to the public, disregarding any purchase price discount to</u>	6862
<u>the original purchaser, if provided in or for pursuant to the bond</u>	6863
<u>proceedings.</u>	6864
<u>(15) "Special funds" or "funds," unless the context indicates</u>	6865
<u>otherwise, means the bond service fund, and any other funds,</u>	6866

including any reserve funds, created under the bond proceedings 6867  
and stated to be special funds in those proceedings, including 6868  
moneys and investments, and earnings from investments, credited 6869  
and to be credited to the particular fund. "Special funds" does 6870  
not include any improvement fund or investment earnings on amounts 6871  
in any improvement fund, or other funds created by the bond 6872  
proceedings that are not stated by those proceedings to be special 6873  
funds. 6874

(B) The state may assign and sell to the issuing authority, 6875  
and the issuing authority may accept and purchase, all or a 6876  
portion of the amounts to be received by the state under the 6877  
tobacco master settlement agreement for a purchase price payable 6878  
by the issuing authority to the state consisting of the net 6879  
proceeds of obligations and any residual interest, if any. Any 6880  
such assignment and sale shall be irrevocable in accordance with 6881  
its terms during the period any obligations secured by amounts so 6882  
assigned and sold are outstanding under the applicable bond 6883  
proceedings, and shall constitute a contractual obligation to the 6884  
holders or owners of those obligations. Any such assignment and 6885  
sale shall also be treated as an absolute transfer and true sale 6886  
for all purposes, and not as a pledge or other security interest. 6887  
The characterization of any such assignment and sale as a true 6888  
sale and absolute transfer shall not be negated or adversely 6889  
affected by only a portion of the amounts to be received under the 6890  
tobacco master settlement agreement being transferred, the 6891  
acquisition or retention by the state of a residual interest, the 6892  
participation of any state officer or employee as a member or 6893  
officer of, or providing staff support to, the issuing authority, 6894  
any responsibility of an officer or employee of the state for 6895  
collecting the amounts to be received under the tobacco master 6896  
settlement agreement or otherwise enforcing that agreement or 6897  
retaining any legal title to or interest in any portion of the 6898  
amounts to be received under that agreement for the purpose of 6899

these collection activities, any characterization of the issuing authority or its obligations for purposes of accounting, taxation, or securities regulation, or by any other factors whatsoever. A true sale shall exist under this section regardless of whether the issuing authority has any recourse against the state or any other term of the bond proceedings or the treatment or characterization of the transfer as a financing for any purpose. Upon and following the assignment and sale, the state shall not have any right, title, or interest in the portion of the receipts under the tobacco master settlement agreement so assigned and sold, other than any residual interest that may be described in the applicable bond proceedings for those obligations, and that portion, if any, shall be the property of the issuing authority and not of the state, and shall be paid directly to the issuing authority, and shall be owned, received, held, and disbursed by the issuing authority and not by the state.

The state may covenant, pledge, and agree in the bond proceedings, with and for the benefit of the issuing authority, the holders and owners of obligations, and providers of any credit enhancement facilities, that it shall: (1) maintain statutory authority for, and cause to be collected and paid directly to the issuing authority or its assignee, the pledged receipts, (2) enforce the rights of the issuing authority to receive the receipts under the tobacco master settlement agreement assigned and sold to the issuing authority, (3) not materially impair the rights of the issuing authority to fulfill the terms of its agreements with the holders or owners of outstanding obligations under the bond proceedings, (4) not materially impair the rights and remedies of the holders or owners of outstanding obligations or materially impair the security for those outstanding obligations, and (5) enforce Chapter 1346. of the Revised Code, the tobacco master settlement agreement, and the consent decree to effectuate the collection of the pledged tobacco settlement

receipts. The bond proceedings may provide or authorize the manner 6933  
for determining material impairment of the security for any 6934  
outstanding obligations, including by assessing and evaluating the 6935  
pledged receipts in the aggregate. 6936

As further provided for in division (H) of this section, the 6937  
bond proceedings may also include such other covenants, pledges, 6938  
and agreements by the state to protect and safeguard the security 6939  
and rights of the holders and owners of the obligations, and of 6940  
the providers of any credit enhancement facilities, including, 6941  
without limiting the generality of the foregoing, any covenant, 6942  
pledge, or agreement customary in transactions involving the 6943  
issuance of securities the debt service on which is payable from 6944  
or secured by amounts received under the tobacco master settlement 6945  
agreement. Notwithstanding any other provision of law, any 6946  
covenant, pledge, and agreement of the state, if and when made in 6947  
the bond proceedings, shall be controlling and binding upon, and 6948  
enforceable against the state in accordance with its terms for so 6949  
long as any obligations are outstanding under the applicable bond 6950  
proceedings. The bond proceedings may also include limitations on 6951  
the remedies available to the issuing authority, the holders and 6952  
owners of the obligations, and the providers of any credit 6953  
enhancement facilities, including, without limiting the generality 6954  
of the foregoing, a provision that those remedies may be limited 6955  
to injunctive relief in circumstances where there has been no 6956  
prior determination by a court of competent jurisdiction that the 6957  
state has not enforced Chapter 1346. of the Revised Code, the 6958  
tobacco master settlement agreement, or the consent decree as may 6959  
have been covenanted or agreed in the bond proceedings under 6960  
division (B)(5) of this section. 6961

Nothing in this section or the bond proceedings shall 6962  
preclude or limit, or be construed to preclude or limit, the state 6963  
from regulating or authorizing or permitting the regulation of 6964

smoking or from taxing and regulating the sale of cigarettes or 6965  
other tobacco products, or from defending or prosecuting cases or 6966  
other actions relating to the sale or use of cigarettes or other 6967  
tobacco products. Except as otherwise may be agreed in writing by 6968  
the attorney general, nothing in this section or the bond 6969  
proceedings shall modify or limit, or be construed to modify or 6970  
limit, the responsibility, power, judgment, and discretion of the 6971  
attorney general to protect and discharge the duties, rights, and 6972  
obligations of the state under the tobacco master settlement 6973  
agreement, the consent decree, or Chapter 1346. of the Revised 6974  
Code. 6975

The governor and the director of budget and management, in 6976  
consultation with the attorney general, on behalf of the state, 6977  
and any member or officer of the issuing authority as authorized 6978  
by that issuing authority, on behalf of the issuing authority, may 6979  
take any action and execute any documents, including any purchase 6980  
and sale agreements, necessary to effect the assignment and sale 6981  
and the acceptance of the assignment and title to the receipts 6982  
including, providing irrevocable direction to the escrow agent 6983  
acting under the tobacco master settlement agreement to transfer 6984  
directly to the issuing authority the amounts to be received under 6985  
that agreement that are subject to such assignment and sale. Any 6986  
purchase and sale agreement or other bond proceedings may contain 6987  
the terms and conditions established by the state and the issuing 6988  
authority to carry out and effectuate the purposes of this 6989  
section, including, without limitation, covenants binding the 6990  
state in favor of the issuing authority and its assignees and the 6991  
owners of the obligations. Any such purchase and sale agreement 6992  
shall be sufficient to effectuate such purchase and sale without 6993  
regard to any other laws governing other property sales or 6994  
financial transactions by the state. 6995

Not later than two years following the date on which there 6996

are no longer any obligations outstanding under the bond 6997  
proceedings, all assets of the issuing authority shall vest in the 6998  
state, the issuing authority shall execute any necessary 6999  
assignments or instruments, including any assignment of any right, 7000  
title, or ownership to the state for receipt of amounts under the 7001  
tobacco master settlement agreement, and the issuing authority 7002  
shall be dissolved. 7003

(C) The issuing authority is authorized to issue and to sell 7004  
obligations as provided in this section. The aggregate principal 7005  
amount of obligations issued under this section shall not exceed 7006  
six billion dollars, exclusive of obligations issued under 7007  
division (M)(1) of this section to refund, renew, or advance 7008  
refund other obligations issued or incurred. At least seventy-five 7009  
per cent of the aggregate net proceeds of the obligations issued 7010  
under the authority of this section, exclusive of obligations 7011  
issued to refund, renew, or advance refund other obligations, 7012  
shall be paid to the state for deposit into the school building 7013  
program assistance fund created in section 3318.25 of the Revised 7014  
Code. 7015

(D) Each issue of obligations shall be authorized by 7016  
resolution or order of the issuing authority. The bond proceedings 7017  
shall provide for or authorize the manner for determining the 7018  
principal amount or maximum principal amount of obligations of an 7019  
issue, the principal maturity or maturities, the interest rate or 7020  
rates, the date of and the dates of payment of interest on the 7021  
obligations, their denominations, and the place or places of 7022  
payment of debt service which may be within or outside the state. 7023  
Unless otherwise provided by law, the latest principal maturity 7024  
may not be later than the earlier of the thirty-first day of 7025  
December of the fiftieth calendar year after the year of issuance 7026  
of the particular obligations or of the fiftieth calendar year 7027  
after the year in which the original obligation to pay was issued 7028

or entered into. Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of 7029  
the Revised Code apply to the obligations. 7030

The purpose of the obligations may be stated in the bond 7031  
proceedings in general terms, such as, as applicable, "paying 7032  
costs of capital facilities for a system of common schools" and 7033  
"paying costs of facilities for state-supported and state-assisted 7034  
institutions of higher education." Unless otherwise provided in 7035  
the bond proceedings or in division (C) of this section, the net 7036  
proceeds from the issuance of the obligations shall be paid to the 7037  
state for deposit into the applicable improvement fund. In 7038  
addition to the investments authorized in Chapter 135. of the 7039  
Revised Code, the net proceeds held in an improvement fund may be 7040  
invested by the treasurer of state in guaranteed investment 7041  
contracts with providers rated at the time of any investment in 7042  
the three highest rating categories by two nationally recognized 7043  
rating agencies, all subject to the terms and conditions set forth 7044  
in those agreements or the bond proceedings. Notwithstanding 7045  
division (B)(4) of section 3318.38 of the Revised Code, net 7046  
proceeds of obligations deposited into the school building program 7047  
assistance fund created in section 3318.25 of the Revised Code may 7048  
be used to pay basic project costs under section 3318.38 of the 7049  
Revised Code at the times determined by the Ohio school facilities 7050  
commission without regard to whether those expenditures are in 7051  
proportion to the state's and the school district's respective 7052  
shares of that basic project cost; provided that this shall not 7053  
result in any change in the state or school district shares of the 7054  
basic project costs provided under Chapter 3318. of the Revised 7055  
Code. As used in the preceding sentence, "Ohio school facilities 7056  
commission" and "basic project costs" have the same meanings as in 7057  
section 3318.01 of the Revised Code. 7058

(E) The issuing authority may, without need for any other 7059  
approval, appoint or provide for the appointment of paying agents, 7060

bond registrars, securities depositories, credit enhancement 7061  
providers or counterparties, clearing corporations, and transfer 7062  
agents, and retain or contract for the services of underwriters, 7063  
investment bankers, financial advisers, accounting experts, 7064  
marketing, remarketing, indexing, and administrative agents, other 7065  
consultants, and independent contractors, including printing 7066  
services, as are necessary in the judgment of the issuing 7067  
authority to carry out the issuing authority's functions under 7068  
this section and section 183.52 of the Revised Code. The attorney 7069  
general as counsel to the issuing authority shall represent the 7070  
authority in the execution of its powers and duties, and shall 7071  
institute and prosecute all actions on its behalf. The issuing 7072  
authority, in consultation with the attorney general, shall select 7073  
counsel, and the attorney general shall appoint the counsel 7074  
selected, for the purposes of carrying out the functions under 7075  
this section and related sections of the Revised Code. Financing 7076  
costs are payable, as may be provided in the bond proceedings, 7077  
from the proceeds of the obligations, from special funds, or from 7078  
other moneys available for the purpose, including as to future 7079  
financing costs, from the pledged receipts. 7080

(F) The issuing authority may irrevocably pledge and assign 7081  
all, or such portion as the issuing authority determines, of the 7082  
pledged receipts to the payment of the debt service charges on 7083  
obligations issued under this section, and for the establishment 7084  
and maintenance of any reserves, as provided in the bond 7085  
proceedings, and make other provisions in the bond proceedings 7086  
with respect to pledged receipts as authorized by this section, 7087  
which provisions are controlling notwithstanding any other 7088  
provisions of law pertaining to them. Any and all pledged receipts 7089  
received by the issuing authority and required by the bond 7090  
proceedings, consistent with this section, to be deposited, 7091  
transferred, or credited to the bond service fund, and all other 7092  
money transferred or allocated to or received for the purposes of 7093

that fund, shall be deposited and credited to the bond service 7094  
fund created in the bond proceedings for the obligations, subject 7095  
to any applicable provisions of those bond proceedings, but 7096  
without necessity for any act of appropriation. Those pledged 7097  
receipts shall immediately be subject to the lien of that pledge 7098  
without any physical delivery thereof or further act, and shall 7099  
not be subject to other court judgments. The lien of the pledge of 7100  
those pledged receipts shall be valid and binding against all 7101  
parties having claims of any kind against the issuing authority, 7102  
irrespective of whether those parties have notice thereof. The 7103  
pledge shall create a perfected security interest for all purposes 7104  
of Chapter 1309. of the Revised Code and a perfected lien for 7105  
purposes of any other interest, all without the necessity for 7106  
separation or delivery of funds or for the filing or recording of 7107  
the applicable bond proceedings by which that pledge is created or 7108  
any certificate, statement, or other document with respect 7109  
thereto. The pledge of the pledged receipts shall be effective and 7110  
the money therefrom and thereof may be applied to the purposes for 7111  
which pledged. 7112

(G) Obligations may be further secured, as determined by the 7113  
issuing authority, by an indenture or a trust agreement between 7114  
the issuing authority and a corporate trustee, which may be any 7115  
trust company or bank having a place of business within the state. 7116  
Any indenture or trust agreement may contain the resolution or 7117  
order authorizing the issuance of the obligations, any provisions 7118  
that may be contained in any bond proceedings, and other 7119  
provisions that are customary or appropriate in an agreement of 7120  
that type, including, but not limited to: 7121

(1) Maintenance of each pledge, indenture, trust agreement, 7122  
or other instrument comprising part of the bond proceedings until 7123  
the issuing authority has fully paid or provided for the payment 7124  
of debt service on the obligations secured by it; 7125

(2) In the event of default in any payments required to be 7126  
made by the bond proceedings, enforcement of those payments or 7127  
agreements by mandamus, the appointment of a receiver, suit in 7128  
equity, action at law, or any combination of them; 7129

(3) The rights and remedies of the holders or owners of 7130  
obligations and of the trustee and provisions for protecting and 7131  
enforcing them, including limitations on rights of individual 7132  
holders and owners. 7133

(H) The bond proceedings may contain additional provisions 7134  
customary or appropriate to the financing or to the obligations or 7135  
to particular obligations including, but not limited to, 7136  
provisions for: 7137

(1) The redemption of obligations prior to maturity at the 7138  
option of the issuing authority or of the holder or upon the 7139  
occurrence of certain conditions, and at a particular price or 7140  
prices and under particular terms and conditions; 7141

(2) The form of and other terms of the obligations; 7142

(3) The establishment, deposit, investment, and application 7143  
of special funds, and the safeguarding of moneys on hand or on 7144  
deposit, in lieu of the applicability of provisions of Chapter 7145  
131. or 135. of the Revised Code, but subject to any special 7146  
provisions of this section with respect to the application of 7147  
particular funds or moneys. Any financial institution that acts as 7148  
a depository of any moneys in special funds or other funds under 7149  
the bond proceedings may furnish indemnifying bonds or pledge 7150  
securities as required by the issuing authority. 7151

(4) Any or every provision of the bond proceedings being 7152  
binding upon the issuing authority and upon such governmental 7153  
agency or entity, officer, board, authority, agency, department, 7154  
institution, district, or other person or body as may from time to 7155  
time be authorized to take actions as may be necessary to perform 7156

all or any part of the duty required by the provision; 7157

(5) The maintenance of each pledge or instrument comprising 7158  
part of the bond proceedings until the issuing authority has fully 7159  
paid or provided for the payment of the debt service on the 7160  
obligations or met other stated conditions; 7161

(6) In the event of default in any payments required to be 7162  
made by the bond proceedings, or by any other agreement of the 7163  
issuing authority made as part of a contract under which the 7164  
obligations were issued or secured, including a credit enhancement 7165  
facility, the enforcement of those payments by mandamus, a suit in 7166  
equity, an action at law, or any combination of those remedial 7167  
actions; 7168

(7) The rights and remedies of the holders or owners of 7169  
obligations or of book-entry interests in them, and of third 7170  
parties under any credit enhancement facility, and provisions for 7171  
protecting and enforcing those rights and remedies, including 7172  
limitations on rights of individual holders or owners; 7173

(8) The replacement of mutilated, destroyed, lost, or stolen 7174  
obligations; 7175

(9) The funding, refunding, or advance refunding, or other 7176  
provision for payment, of obligations that will then no longer be 7177  
outstanding for purposes of this section or of the applicable bond 7178  
proceedings; 7179

(10) Amendment of the bond proceedings; 7180

(11) Any other or additional agreements with the owners of 7181  
obligations, and such other provisions as the issuing authority 7182  
determines, including limitations, conditions, or qualifications, 7183  
relating to any of the foregoing or the activities of the issuing 7184  
authority in connection therewith. 7185

The bond proceedings shall make provision for the payment of 7186

the expenses of the enforcement activity of the attorney general 7187  
referred to in division (B) of this section from the amounts from 7188  
the tobacco master settlement agreement assigned and sold to the 7189  
issuing authority under that division or from the proceeds of 7190  
obligations, or a combination thereof, which may include provision 7191  
for both annual payments and a special fund providing reserve 7192  
amounts for the payment of those expenses. 7193

The issuing authority shall not, and shall covenant in the 7194  
bond proceedings that it shall not, be authorized to and shall not 7195  
file a voluntary petition under the United States Bankruptcy Code, 7196  
11 U.S.C. 101 et seq., as amended, or voluntarily commence any 7197  
similar bankruptcy proceeding under state law including, without 7198  
limitation, consenting to the appointment of a receiver or trustee 7199  
or making a general or specific assignment for the benefit of 7200  
creditors, and neither any public officer or any organization, 7201  
entity, or other person shall authorize the issuing authority to 7202  
be or become a debtor under the United States Bankruptcy Code or 7203  
take any of those actions under the United States Bankruptcy Code 7204  
or state law. The state hereby covenants, and the issuing 7205  
authority shall covenant, with the holders or owners of the 7206  
obligations, that the state shall not permit the issuing authority 7207  
to file a voluntary petition under the United States Bankruptcy 7208  
Code or take any of those actions under the United States 7209  
Bankruptcy Code or state law during the period obligations are 7210  
outstanding and for any additional period for which the issuing 7211  
authority covenants in the bond proceedings, which additional 7212  
period may, but need not, be a period of three hundred sixty-seven 7213  
days or more. 7214

(I) The obligations requiring execution by or for the issuing 7215  
authority shall be signed as provided in the bond proceedings, and 7216  
may bear the official seal of the issuing authority or a facsimile 7217  
thereof. Any obligation may be signed by the individual who, on 7218

the date of execution, is the authorized signer even though, on 7219  
the date of the obligations, that individual is not an authorized 7220  
signer. In case the individual whose signature or facsimile 7221  
signature appears on any obligation ceases to be an authorized 7222  
signer before delivery of the obligation, that signature or 7223  
facsimile is nevertheless valid and sufficient for all purposes as 7224  
if that individual had remained the authorized signer until 7225  
delivery. 7226

(J) Obligations are investment securities under Chapter 1308. 7227  
of the Revised Code. Obligations may be issued in bearer or in 7228  
registered form, registrable as to principal alone or as to both 7229  
principal and interest, or both, or in certificated or 7230  
uncertificated form, as the issuing authority determines. 7231  
Provision may be made for the exchange, conversion, or transfer of 7232  
obligations and for reasonable charges for registration, exchange, 7233  
conversion, and transfer. Pending preparation of final 7234  
obligations, the issuing authority may provide for the issuance of 7235  
interim instruments to be exchanged for the final obligations. 7236

(K) Obligations may be sold at public sale or at private 7237  
sale, in such manner, and at such price at, above, or below par, 7238  
all as determined by and provided by the issuing authority in the 7239  
bond proceedings. 7240

(L) Except to the extent that rights are restricted by the 7241  
bond proceedings, any owner of obligations or provider of or 7242  
counterparty to a credit enhancement facility may by any suitable 7243  
form of legal proceedings protect and enforce any rights relating 7244  
to obligations or that facility under the laws of this state or 7245  
granted by the bond proceedings. Those rights include the right to 7246  
compel the performance of all applicable duties of the issuing 7247  
authority and the state. Each duty of the issuing authority and 7248  
that issuing authority's officers, staff, and employees, and of 7249  
each state entity or agency, or using district or using 7250

institution, and its officers, members, staff, or employees, 7251  
undertaken pursuant to the bond proceedings, is hereby established 7252  
as a duty of the entity or individual having authority to perform 7253  
that duty, specifically enjoined by law and resulting from an 7254  
office, trust, or station within the meaning of section 2731.01 of 7255  
the Revised Code. The individuals who are from time to time 7256  
members of the issuing authority, or their designees acting 7257  
pursuant to section 183.52 of the Revised Code, or the issuing 7258  
authority's officers, staff, agents, or employees, when acting 7259  
within the scope of their employment or agency, shall not be 7260  
liable in their personal capacities on any obligations or 7261  
otherwise under the bond proceedings, or for otherwise exercising 7262  
or carrying out any purposes or powers of the issuing authority. 7263

(M)(1) Subject to any applicable limitations in division (C) 7264  
of this section, the issuing authority may also authorize and 7265  
provide for the issuance of: 7266

(a) Obligations in the form of bond anticipation notes, and 7267  
may authorize and provide for the renewal of those notes from time 7268  
to time by the issuance of new notes. The holders of notes or 7269  
appertaining interest coupons have the right to have debt service 7270  
on those notes paid solely from the moneys and special funds, and 7271  
all or any portion of the pledged receipts, that are or may be 7272  
pledged to that payment, including the proceeds of bonds or 7273  
renewal notes or both, as the issuing authority provides in the 7274  
bond proceedings authorizing the notes. Notes may be additionally 7275  
secured by covenants of the issuing authority to the effect that 7276  
the issuing authority will do all things necessary for the 7277  
issuance of bonds or renewal notes in such principal amount and 7278  
upon such terms as may be necessary to provide moneys to pay when 7279  
due the debt service on the notes, and apply their proceeds to the 7280  
extent necessary, to make full and timely payment of debt service 7281  
on the notes as provided in the applicable bond proceedings. In 7282

the bond proceedings authorizing the issuance of bond anticipation 7283  
notes the issuing authority shall set forth for the bonds 7284  
anticipated an estimated schedule of annual principal payments the 7285  
latest of which shall be no later than provided in division (D) of 7286  
this section. While the notes are outstanding there shall be 7287  
deposited, as shall be provided in the bond proceedings for those 7288  
notes, from the sources authorized for payment of debt service on 7289  
the bonds, amounts sufficient to pay the principal of the bonds 7290  
anticipated as set forth in that estimated schedule during the 7291  
time the notes are outstanding, which amounts shall be used solely 7292  
to pay the principal of those notes or of the bonds anticipated. 7293

(b) Obligations for the refunding, including funding and 7294  
retirement, and advance refunding, with or without payment or 7295  
redemption prior to maturity, of any obligations previously issued 7296  
under this section and any bonds or notes previously issued for 7297  
the purpose of paying costs of capital facilities for: (i) 7298  
state-supported or state-assisted institutions of higher education 7299  
as authorized by sections 151.01 and 151.04 of the Revised Code, 7300  
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution, 7301  
and (ii) housing branches and agencies of state government limited 7302  
to facilities for a system of common schools throughout the state 7303  
as authorized by sections 151.01 and 151.03 of the Revised Code, 7304  
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution. 7305  
Refunding obligations may be issued in amounts sufficient to pay 7306  
or to provide for repayment of the principal amount, including 7307  
principal amounts maturing prior to the redemption of the 7308  
remaining prior obligations or bonds or notes, any redemption 7309  
premium, and interest accrued or to accrue to the maturity or 7310  
redemption date or dates, payable on the prior obligations or 7311  
bonds or notes, and related financing costs and any expenses 7312  
incurred or to be incurred in connection with that issuance and 7313  
refunding. Subject to the applicable bond proceedings, the portion 7314  
of the proceeds of the sale of refunding obligations issued under 7315

division (M)(1)(b) of this section to be applied to debt service 7316  
on the prior obligations or bonds or notes shall be credited to an 7317  
appropriate separate account in the bond service fund and held in 7318  
trust for the purpose by the issuing authority or by a corporate 7319  
trustee, and may be invested as provided in the bond proceedings. 7320  
Obligations authorized under this division shall be considered to 7321  
be issued for those purposes for which the prior obligations or 7322  
bonds or notes were issued. 7323

(2) The principal amount of refunding, advance refunding, or 7324  
renewal obligations issued pursuant to division (M) of this 7325  
section shall be in addition to the amount authorized in division 7326  
(C) of this section. 7327

(N) Obligations are lawful investments for banks, savings and 7328  
loan associations, credit union share guaranty corporations, trust 7329  
companies, trustees, fiduciaries, insurance companies, including 7330  
domestic for life and domestic not for life, trustees or other 7331  
officers having charge of sinking and bond retirement or other 7332  
special funds of the state and political subdivisions and taxing 7333  
districts of this state, notwithstanding any other provisions of 7334  
the Revised Code or rules adopted pursuant to those provisions by 7335  
any state agency with respect to investments by them, and are also 7336  
acceptable as security for the repayment of the deposit of public 7337  
moneys. The exemptions from taxation in Ohio as provided for in 7338  
particular sections of the Ohio Constitution and section 5709.76 7339  
of the Revised Code apply to the obligations. 7340

(O)(1) Unless otherwise provided or provided for in any 7341  
applicable bond proceedings, moneys to the credit of or in a 7342  
special fund shall be disbursed on the order of the issuing 7343  
authority. No such order is required for the payment, from the 7344  
bond service fund or other special fund, when due of debt service 7345  
or required payments under credit enhancement facilities. 7346

(2) Payments received by the issuing authority under interest 7347

rate hedges entered into as credit enhancement facilities under 7348  
this section shall be deposited as provided in the applicable bond 7349  
proceedings. 7350

(P) The obligations shall not be general obligations of the 7351  
state and the full faith and credit, revenue, and taxing power of 7352  
the state shall not be pledged to the payment of debt service on 7353  
them or to any guarantee of the payment of that debt service. The 7354  
holders or owners of the obligations shall have no right to have 7355  
any moneys obligated or pledged for the payment of debt service 7356  
except as provided in this section and in the applicable bond 7357  
proceedings. The rights of the holders and owners to payment of 7358  
debt service are limited to all or that portion of the pledged 7359  
receipts, and those special funds, pledged to the payment of debt 7360  
service pursuant to the bond proceedings in accordance with this 7361  
section, and each obligation shall bear on its face a statement to 7362  
that effect. 7363

(Q) Each bond service fund is a trust fund and is hereby 7364  
pledged to the payment of debt service on the applicable 7365  
obligations. Payment of that debt service shall be made or 7366  
provided for by the issuing authority in accordance with the bond 7367  
proceedings without necessity for any act of appropriation. The 7368  
bond proceedings may provide for the establishment of separate 7369  
accounts in the bond service fund and for the application of those 7370  
accounts only to debt service on specific obligations, and for 7371  
other accounts in the bond service fund within the general 7372  
purposes of that fund. 7373

(R) Subject to the bond proceedings pertaining to any 7374  
obligations then outstanding in accordance with their terms, the 7375  
issuing authority may in the bond proceedings pledge all, or such 7376  
portion as the issuing authority determines, of the moneys in the 7377  
bond service fund to the payment of debt service on particular 7378  
obligations, and for the establishment and maintenance of any 7379

reserves for payment of particular debt service. 7380

(S)(1) Unless otherwise provided in any applicable bond 7381  
proceedings, moneys to the credit of special funds may be invested 7382  
by or on behalf of the issuing authority only in one or more of 7383  
the following: 7384

(a) Notes, bonds, or other direct obligations of the United 7385  
States or of any agency or instrumentality of the United States, 7386  
or in no-front-end-load money market mutual funds consisting 7387  
exclusively of those obligations, or in repurchase agreements, 7388  
including those issued by any fiduciary, secured by those 7389  
obligations, or in collective investment funds consisting 7390  
exclusively of those obligations; 7391

(b) Obligations of this state or any political subdivision of 7392  
this state; 7393

(c) Certificates of deposit of any national bank located in 7394  
this state and any bank, as defined in section 1101.01 of the 7395  
Revised Code, subject to inspection by the superintendent of 7396  
financial institutions; 7397

(d) The treasurer of state's pooled investment program under 7398  
section 135.45 of the Revised Code; 7399

(e) Other investment agreements or repurchase agreements that 7400  
are consistent with the ratings on the obligations. 7401

(2) The income from investments referred to in division 7402  
(S)(1) of this section shall be credited to special funds or 7403  
otherwise as the issuing authority determines in the bond 7404  
proceedings. Those investments may be sold or exchanged at times 7405  
as the issuing authority determines, provides for, or authorizes. 7406

(T) The treasurer of state shall have responsibility for 7407  
keeping records, making reports, and making payments, relating to 7408  
any arbitrage rebate requirements under the applicable bond 7409

proceedings. 7410

(U) The issuing authority shall make quarterly reports to the 7411  
general assembly of the amounts in, and activities of, each 7412  
improvement fund, including amounts and activities on the subfund 7413  
level. Each report shall include a detailed description and 7414  
analysis of the amount of proceeds remaining in each fund from the 7415  
sale of obligations pursuant to this section, and any other 7416  
deposits, credits, interest earnings, disbursements, expenses, 7417  
transfers, or activities of each fund. 7418

(V) The costs of the annual audit of the authority conducted 7419  
pursuant to section 117.112 of the Revised Code are payable, as 7420  
may be provided in the bond proceedings, from the proceeds of the 7421  
obligations, from special funds, or from other moneys available 7422  
for the purpose, including as to future financing costs, from the 7423  
pledged receipts. 7424

**Sec. 183.52.** (A) There is hereby created a body, both 7425  
corporate and politic, constituting a public body, agency, and 7426  
instrumentality of this state and performing essential functions 7427  
of the state, to be known as the buckeye tobacco settlement 7428  
financing authority, which in that name may contract and be 7429  
contracted with, sue and be sued, and exercise all other authority 7430  
vested in that authority by this section and section 183.51 of the 7431  
Revised Code. The authority is created for the sole purpose of 7432  
purchasing and receiving any assignment of the tobacco settlement 7433  
receipts and issuing obligations, all as provided for in section 7434  
183.51 of the Revised Code, to provide financing of essential 7435  
functions and facilities. The property of the authority and its 7436  
income and operations shall be exempt from taxation involving the 7437  
state or by the state and any political subdivision of the state. 7438  
All income of the authority, after the payment of necessary 7439  
expenses, shall accrue to the state. 7440

(B) The authority shall consist of, in each case ex officio, 7441  
the governor, the director of budget and management, and the 7442  
treasurer of state. The governor shall serve as the chair of the 7443  
authority, the director of budget and management shall serve as 7444  
its secretary, and the authority shall have such other officers as 7445  
it determines, who may but need not be members of the authority. 7446  
Two members of the authority constitute a quorum and the 7447  
affirmative vote of two members is necessary for any action taken 7448  
by vote of the authority. No vacancy in the membership of the 7449  
authority shall impair the rights of a quorum by such vote to 7450  
exercise all the rights and perform all the duties of the 7451  
authority. Each of the members above identified may designate an 7452  
employee or officer of their office to attend meetings of the 7453  
authority when that member is absent or unable for any reason to 7454  
attend and that designee, when present, shall be counted in 7455  
determining whether a quorum is present at any meeting and may 7456  
vote and participate in all proceedings and actions of the 7457  
authority. A designee may not execute or cause a facsimile 7458  
signature to be placed on any obligation. That designation shall 7459  
be in writing, executed by the designating member, and be filed 7460  
with the secretary of the authority. A designation may be changed 7461  
from time to time by a similar written designation. The authority 7462  
may delegate to such of its members, officers, employees, or staff 7463  
as it determines those powers and duties as it deems appropriate. 7464  
No member of the authority or designee shall, by reason of being 7465  
or serving as a member of the authority, be required to abstain 7466  
from action in any other capacity as an incumbent of a state 7467  
office or position or from any action as a member of the authority 7468  
in any matter affecting or in any way pertaining to both that 7469  
office or position and the authority, or for any purpose be deemed 7470  
to be disqualified from either such office or position or as a 7471  
member of the authority by reason of so acting or to have violated 7472  
any law by reason thereof. The authority may adopt and alter 7473

bylaws and rules for the conduct of its affairs, including 7474  
provisions for meetings, and for the manner in which its powers 7475  
and functions are to be exercised and embodied, and may adopt and 7476  
alter at will an official seal to be affixed to official 7477  
documents, provided that the failure to affix any such seal shall 7478  
not affect the legality of such documents. Members of the 7479  
authority shall receive no added compensation for their services 7480  
as such members but may be reimbursed, as determined by the 7481  
authority, for their necessary and actual expenses incurred in the 7482  
conduct of the authority's business. The office of budget and 7483  
management shall provide staff support to the authority. 7484

7485  
Notwithstanding the existence of common management, the 7486  
authority shall be treated and accounted for as a separate and 7487  
independent legal entity with its separate purposes as set forth 7488  
in this section and section 183.51 of the Revised Code. The 7489  
assets, liabilities, and funds of the authority shall not be 7490  
consolidated or commingled with those of the state, and contracts 7491  
entered into by the authority shall be entered into in the name of 7492  
the authority and not in the name of the state. 7493

The authority shall prepare annually an operating and 7494  
financial statement covering the authority's operations for the 7495  
preceding fiscal year. 7496

(C) In connection with the exercise of its powers pursuant to 7497  
this section and section 183.51 of the Revised Code, the authority 7498  
may enter into contracts and execute all instruments necessary or 7499  
incidental to the performance of the issuing authority's duties 7500  
and the execution of the issuing authority's powers and do all 7501  
other acts necessary or proper to the fulfillment of the issuing 7502  
authority's purposes and to carry out the powers expressly granted 7503  
in this section and section 183.51 of the Revised Code. The 7504  
authority is subject to sections 121.22 and 149.43 of the Revised 7505

Code. 7506

(D) Unless otherwise provided in Article IV of the Ohio 7507  
Constitution, any action, suit, or special proceeding brought 7508  
against the issuing authority or the state concerning or relating 7509  
to the bond proceedings, section 183.51 of the Revised Code, or 7510  
this section, shall be filed and determined in the court of claims 7511  
under Chapter 2743. of the Revised Code. Any special proceeding 7512  
brought against the issuing authority or the state in which the 7513  
court of appeals has original jurisdiction shall be filed and 7514  
determined in the court of appeals of Franklin county. Any such 7515  
action or proceeding to which the issuing authority or the state 7516  
is a party shall be preferred over all other civil causes of 7517  
action or cases, except election causes of action or cases, 7518  
irrespective of position on the calendar. 7519

**Sec. 305.31.** The procedure for submitting to a referendum a 7520  
resolution adopted by a board of county commissioners under 7521  
division (H) of section 307.695 of the Revised Code that is not 7522  
submitted to the electors of the county for their approval or 7523  
disapproval; any resolution adopted by a board of county 7524  
commissioners pursuant to division (D)(1) of section 307.697, 7525  
section 322.02, 322.06, or 324.02, sections 1515.22 and 1515.24, 7526  
division (B)(1) of section 4301.421, section 4504.02, 5739.021, or 7527  
5739.026, division (A)(6) of section 5739.09, section 5741.021, or 7528  
5741.023, or division (C)(1) of section 5743.024 of the Revised 7529  
Code; or a rule adopted pursuant to section 307.79 of the Revised 7530  
Code shall be as prescribed by this section. 7531

Except as otherwise provided in this paragraph, when a 7532  
petition, signed by ten per cent of the number of electors who 7533  
voted for governor at the most recent general election for the 7534  
office of governor in the county, is filed with the county auditor 7535  
within thirty days after the date the resolution is passed or rule 7536

is adopted by the board of county commissioners, or is filed 7537  
within forty-five days after the resolution is passed, in the case 7538  
of a resolution adopted pursuant to section 5739.021 of the 7539  
Revised Code that is passed within one year after a resolution 7540  
adopted pursuant to that section has been rejected or repealed by 7541  
the electors, requesting that the resolution be submitted to the 7542  
electors of the county for their approval or rejection, the county 7543  
auditor shall, after ten days following the filing of the 7544  
petition, and not later than four p.m. of the seventy-fifth day 7545  
before the day of election, transmit a certified copy of the text 7546  
of the resolution or rule to the board of elections. In the case 7547  
of a petition requesting that a resolution adopted under division 7548  
(D)(1) of section 307.697, division (B)(1) of section 4301.421, or 7549  
division (C)(1) of section 5743.024 of the Revised Code be 7550  
submitted to electors for their approval or rejection, the 7551  
petition shall be signed by seven per cent of the number of 7552  
electors who voted for governor at the most recent election for 7553  
the office of governor in the county. The county auditor shall 7554  
transmit the petition to the board together with the certified 7555  
copy of the resolution or rule. The board shall examine all 7556  
signatures on the petition to determine the number of electors of 7557  
the county who signed the petition. The board shall return the 7558  
petition to the auditor within ten days after receiving it, 7559  
together with a statement attesting to the number of such electors 7560  
who signed the petition. The board shall submit the resolution or 7561  
rule to the electors of the county, for their approval or 7562  
rejection, at the succeeding general election held in the county 7563  
in any year, or on the day of the succeeding primary election held 7564  
in the county in even-numbered years, occurring subsequent to 7565  
seventy-five days after the auditor certifies the sufficiency and 7566  
validity of the petition to the board of elections. 7567

No resolution shall go into effect until approved by the 7568  
majority of those voting upon it. However, a rule shall take 7569

effect and remain in effect unless and until a majority of the 7570  
electors voting on the question of repeal approve the repeal. 7571  
Sections 305.31 to 305.41 of the Revised Code do not prevent a 7572  
county, after the passage of any resolution or adoption of any 7573  
rule, from proceeding at once to give any notice or make any 7574  
publication required by the resolution or rule. 7575

The board of county commissioners shall make available to any 7576  
person, upon request, a certified copy of any resolution or rule 7577  
subject to the procedure for submitting a referendum under 7578  
sections 305.31 to 305.42 of the Revised Code beginning on the 7579  
date the resolution or rule is adopted by the board. The board may 7580  
charge a fee for the cost of copying the resolution or rule. 7581

As used in this section, "certified copy" means a copy 7582  
containing a written statement attesting that it is a true and 7583  
exact reproduction of the original resolution or rule. 7584

**Sec. 307.672.** (A) As used in this section: 7585

(1) "Bonds" means general obligation bonds, or notes in 7586  
anticipation thereof, of the county described in division 7587  
(B)(1)(b) of this section, and general obligation bonds, or notes 7588  
in anticipation thereof, of the host municipal corporation 7589  
described in division (B)(2)(a) of this section. 7590

(2) "Corporation" means a nonprofit corporation that is 7591  
organized under the laws of this state and that includes within 7592  
the purposes for which it is incorporated the authorization to 7593  
lease and operate facilities such as a municipal educational and 7594  
cultural facility. 7595

(3) "Debt service charges" means, for any period or payable 7596  
at any time, the principal of and interest and any premium due on 7597  
bonds for that period or payable at that time whether due at 7598  
maturity or upon mandatory redemption, together with any required 7599

deposits to reserves for the payment of principal of and interest 7600  
on such bonds. 7601

(4) "Host municipal corporation" means the municipal 7602  
corporation within the boundaries of which a municipal educational 7603  
and cultural facility is or will be located. 7604

(5) "Municipal educational and cultural facility" means a 7605  
facility that may consist of a museum, archives, library, hall of 7606  
fame, center for contemporary music, or other facilities necessary 7607  
to provide programs of an educational, recreational, and cultural 7608  
nature, together with all parking facilities, walkways, and other 7609  
auxiliary facilities, real and personal property, property rights, 7610  
easements, and interests that may be appropriate for, or used in 7611  
connection with, the operation of the facility. 7612

(B) The legislative authorities of a county and a host 7613  
municipal corporation may enter into a cooperative agreement with 7614  
a corporation, under which: 7615

(1) The legislative authority of the county agrees to: 7616

(a) Levy a tax under division (E) of section 5739.09 of the 7617  
Revised Code, for a period not to exceed fifteen years unless 7618  
extended under that division for an additional period of time, to 7619  
pay the costs of acquiring, constructing, equipping, and improving 7620  
a municipal educational and cultural facility, including the debt 7621  
service charges on bonds; 7622

(b) Issue bonds of the county pursuant to Chapter 133. of the 7623  
Revised Code for the purpose of acquiring, constructing, 7624  
equipping, and improving a municipal educational and cultural 7625  
facility; 7626

(c) Contribute revenue from the tax and the proceeds from the 7627  
bonds described in divisions (B)(1)(a) and (b) of this section to 7628  
the host municipal corporation for the purpose of acquiring, 7629  
constructing, equipping, and improving a municipal educational and 7630

cultural facility;	7631
(2) The host municipal corporation agrees to:	7632
(a) Issue bonds of the host municipal corporation pursuant to Chapter 133. of the Revised Code for the purpose of acquiring, constructing, equipping, and improving a municipal educational and cultural facility;	7633 7634 7635 7636
(b) Acquire, construct, equip, and improve a municipal educational and cultural facility;	7637 7638
(c) Accept from the county pursuant to the cooperative agreement the revenues of the tax and the proceeds of the bonds described in divisions (B)(1)(a) and (b) of this section;	7639 7640 7641
(d) Lease a municipal educational and cultural facility to the corporation, or contract with the corporation for the operation and maintenance of the facility;	7642 7643 7644
(e) To the extent provided for in the cooperative agreement or the lease or contract with the corporation, authorize the corporation to administer on behalf of the host municipal corporation the contracts for acquiring, constructing, equipping, and improving a municipal educational and cultural facility.	7645 7646 7647 7648 7649
(3) The corporation agrees to:	7650
(a) Either lease the municipal educational and cultural facility from the host municipal corporation and operate and maintain the facility pursuant to the lease, or enter into a contract with the host municipal corporation pursuant to which the corporation shall operate and maintain the facility on behalf of the host municipal corporation;	7651 7652 7653 7654 7655 7656
(b) To the extent provided for in the cooperative agreement or the lease or contract with the host municipal corporation, administer on behalf of the host municipal corporation the contracts for acquiring, constructing, equipping, or improving a	7657 7658 7659 7660

municipal educational and cultural facility. 7661

(C) A tax levied pursuant to division (E) of section 5739.09 7662  
of the Revised Code, the revenue from which is to be used to pay 7663  
debt service charges on bonds described in division (B)(1) or (2) 7664  
of this section is not subject to diminution by initiative or 7665  
referendum or diminution by statute, unless provision is made 7666  
therein for an adequate substitute therefor reasonably 7667  
satisfactory to the legislative authorities of the host municipal 7668  
corporation and the county. 7669

(D) The legislative authorities of a county and a host 7670  
municipal corporation that have entered into a cooperative 7671  
agreement with a corporation pursuant to division (B) of this 7672  
section may amend that cooperative agreement, with the 7673  
participation of the corporation and a port authority as defined 7674  
in section 307.674 of the Revised Code, to provide also for a port 7675  
authority educational and cultural performing arts facility in 7676  
accordance with section 307.674 of the Revised Code. Such an 7677  
amendment shall become effective only to the extent that the tax 7678  
levied under division (E) of section 5739.09 of the Revised Code 7679  
is not needed for the duration of the original tax to pay costs of 7680  
the municipal educational and cultural facility, including debt 7681  
service charges on related bonds, as determined by the parties to 7682  
the amendment. The tax may be pledged and paid by the parties to 7683  
the amendment for the balance of the duration of the tax to a port 7684  
authority educational and cultural performing arts facility. 7685

**Sec. 307.695.** (A) As used in this section: 7686

(1) "Arena" means any structure designed and constructed for 7687  
the purpose of providing a venue for public entertainment and 7688  
recreation by the presentation of concerts, sporting and athletic 7689  
events, and other events and exhibitions, including facilities 7690  
intended to house or provide a site for one or more athletic or 7691

sports teams or activities, spectator facilities, parking 7692  
facilities, walkways, and auxiliary facilities, real and personal 7693  
property, property rights, easements, leasehold estates, and 7694  
interests that may be appropriate for, or used in connection with, 7695  
the operation of the arena. 7696

(2) "Convention center" means any structure expressly 7697  
designed and constructed for the purposes of presenting 7698  
conventions, public meetings, and exhibitions and includes parking 7699  
facilities that serve the center and any personal property used in 7700  
connection with any such structure or facilities. 7701

(3) "Eligible county" means a county having a population of 7702  
at least four hundred thousand but not more than eight hundred 7703  
thousand according to the 2000 federal decennial census and that 7704  
directly borders the geographic boundaries of another state. 7705

(4) "Entity" means a nonprofit corporation, a municipal 7706  
corporation, a port authority created under Chapter 4582. of the 7707  
Revised Code, or a convention facilities authority created under 7708  
Chapter 351. of the Revised Code. 7709

(5) "Lodging taxes" means excise taxes levied under division 7710  
(A)(1), (A)(2), or (C) of section 5739.09 of the Revised Code and 7711  
the revenues arising therefrom. 7712

(6) "Nonprofit corporation" means a nonprofit corporation 7713  
that is organized under the laws of this state and that includes 7714  
within the purposes for which it is incorporated the authorization 7715  
to lease and operate facilities such as a convention center or an 7716  
arena or a combination of an arena and convention center. 7717

(7) "Project" means acquiring, constructing, reconstructing, 7718  
renovating, rehabilitating, expanding, adding to, equipping, 7719  
furnishing or otherwise improving an arena, a convention center, 7720  
or a combination of an arena and convention center. For purposes 7721  
of this section, a project is a permanent improvement for one 7722

purpose under Chapter 133. of the Revised Code. 7723

(8) "Project revenues" means money received by ~~an eligible a~~ 7724  
county with a population greater than four hundred thousand 7725  
wherein the population of the largest city comprises more than 7726  
one-third of that county's population, other than money from taxes 7727  
or from the proceeds of securities secured by taxes, in connection 7728  
with, derived from, related to, or resulting from a project, 7729  
including, but not limited to, rentals and other payments received 7730  
under a lease or agreement with respect to the project, ticket 7731  
charges or surcharges for admission to events at a project, 7732  
charges or surcharges for parking for events at a project, charges 7733  
for the use of a project or any portion of a project, including 7734  
suites and seating rights, the sale of naming rights for the 7735  
project or a portion of the project, unexpended proceeds of any 7736  
county revenue bonds issued for the project, and any income and 7737  
profit from the investment of the proceeds of any such revenue 7738  
bonds or any project revenues. 7739

(9) "Chapter 133. securities," "debt charges," "general 7740  
obligation," "legislation," "one purpose," "outstanding," 7741  
"permanent improvement," "person," and "securities" have the 7742  
meanings given to those terms in section 133.01 of the Revised 7743  
Code. 7744

(B) A board of county commissioners may enter into an 7745  
agreement with a convention and visitors' bureau operating in the 7746  
county under which: 7747

(1) The bureau agrees to construct and equip a convention 7748  
center in the county and to pledge and contribute from the tax 7749  
revenues received by it under division (A) of section 5739.09 of 7750  
the Revised Code, not more than such portion thereof that it is 7751  
authorized to pledge and contribute for the purpose described in 7752  
division (C) of this section; and 7753

(2) The board agrees to levy a tax under division (C) of 7754  
section 5739.09 of the Revised Code and pledge and contribute the 7755  
revenues therefrom for the purpose described in division (C) of 7756  
this section. 7757

(C) The purpose of the pledges and contributions described in 7758  
divisions (B)(1) and (2) of this section is payment of principal, 7759  
interest, and premium, if any, on bonds and notes issued by or for 7760  
the benefit of the bureau to finance the construction and 7761  
equipping of a convention center. The pledges and contributions 7762  
provided for in the agreement shall be for the period stated in 7763  
the agreement. Revenues determined from time to time by the board 7764  
to be needed to cover the real and actual costs of administering 7765  
the tax imposed by division (C) of section 5739.09 of the Revised 7766  
Code may not be pledged or contributed. The agreement shall 7767  
provide that any such bonds and notes shall be secured by a trust 7768  
agreement between the bureau or other issuer acting for the 7769  
benefit of the bureau and a corporate trustee that is a trust 7770  
company or bank having the powers of a trust company within or 7771  
without the state, and the trust agreement shall pledge or assign 7772  
to the retirement of the bonds or notes, all moneys paid by the 7773  
county under this section. A tax the revenues from which are 7774  
pledged under an agreement entered into by a board of county 7775  
commissioners under this section shall not be subject to 7776  
diminution by initiative or referendum, or diminution by statute, 7777  
unless provision is made therein for an adequate substitute 7778  
therefor reasonably satisfactory to the trustee under the trust 7779  
agreement that secures the bonds and notes. 7780

(D) A pledge of money by a county under division (B) of this 7781  
section shall not be indebtedness of the county for purposes of 7782  
Chapter 133. of the Revised Code. 7783

(E) If the terms of the agreement so provide, the board of 7784  
county commissioners may acquire and lease real property to the 7785

convention bureau as the site of the convention center. The lease 7786  
shall be on such terms as are set forth in the agreement. The 7787  
purchase and lease are not subject to the limitations of sections 7788  
307.02 and 307.09 of the Revised Code. 7789

(F) In addition to the authority granted to a board of county 7790  
commissioners under divisions (B) to (E) of this section, a board 7791  
of county commissioners in a county with a population of one 7792  
million two hundred thousand or more ~~may establish and provide~~ 7793  
~~local funding options for constructing and equipping, or a county~~ 7794  
with a population greater than four hundred thousand wherein the 7795  
population of the largest city comprises more than one-third of 7796  
that county's population, may purchase, for cash or by installment 7797  
payments, enter into lease-purchase agreements for, lease with an 7798  
option to purchase, lease, construct, enlarge, improve, rebuild, 7799  
equip, or furnish a convention center. 7800

(G) The board of county commissioners of ~~an eligible a~~ county 7801  
with a population greater than four hundred thousand wherein the 7802  
population of the largest city comprises more than one-third of 7803  
that county's population may undertake, finance, operate, and 7804  
maintain a project. The board may lease a project to an entity on 7805  
terms that the board determines to be in the best interest of the 7806  
county and in furtherance of the public purpose of the project; 7807  
the lease may be for a term of thirty-five years or less and may 7808  
provide for an option of the entity to renew the lease for a term 7809  
of thirty-five years or less. The board may enter into an 7810  
agreement with an entity with respect to a project on terms that 7811  
the board determines to be in the best interest of the county and 7812  
in furtherance of the public purpose of the project. To the extent 7813  
provided for in an agreement or a lease with an entity, the board 7814  
may authorize the entity to administer on behalf of the board any 7815  
contracts for the project. The board may enter into an agreement 7816  
providing for the sale to a person of naming rights to a project 7817

or portion of a project, for a period, for consideration, and on 7818  
other terms and conditions that the board determines to be in the 7819  
best interest of the county and in furtherance of the public 7820  
purpose of the project. The board may enter into an agreement with 7821  
a person owning or operating a professional athletic or sports 7822  
team providing for the use by that person of a project or portion 7823  
of a project for that team's offices, training, practices, and 7824  
home games for a period, for consideration, and on other terms and 7825  
conditions that the board determines to be in the best interest of 7826  
the county and in furtherance of the public purpose of the 7827  
project. The board may establish ticket charges or surcharges for 7828  
admission to events at a project, charges or surcharges for 7829  
parking for events at a project, and charges for the use of a 7830  
project or any portion of a project, including suites and seating 7831  
rights, and may, as necessary, enter into agreements related 7832  
thereto with persons for a period, for consideration, and on other 7833  
terms and conditions that the board determines to be in the best 7834  
interest of the county and in furtherance of the public purpose of 7835  
the project. A lease or agreement authorized by this division is 7836  
not subject to sections 307.02, 307.09, and 307.12 of the Revised 7837  
Code. 7838

(H) Notwithstanding any contrary provision in Chapter 5739. 7839  
of the Revised Code, after adopting a resolution declaring it to 7840  
be in the best interest of the county to undertake a project as 7841  
described in division (G) of this section, the board of county 7842  
commissioners of an eligible county may adopt a resolution 7843  
enacting or increasing any lodging taxes within the limits 7844  
specified in Chapter 5739. of the Revised Code with respect to 7845  
those lodging taxes and amending any prior resolution under which 7846  
any of its lodging taxes have been imposed in order to provide 7847  
that those taxes, after deducting the real and actual costs of 7848  
administering the taxes and any portion of the taxes returned to 7849  
any municipal corporation or township as provided in division 7850

(A)(1) of section 5739.09 of the Revised Code, shall be used by 7851  
the board for the purposes of undertaking, financing, operating, 7852  
and maintaining the project, including paying debt charges on any 7853  
securities issued by the board under division (I) of this section, 7854  
or to make contributions to the convention and visitors' bureau 7855  
operating within the county, or to promote, advertise, and market 7856  
the region in which the county is located, all as the board may 7857  
determine and make appropriations for from time to time, subject 7858  
to the terms of any pledge to the payment of debt charges on 7859  
outstanding general obligation securities or special obligation 7860  
securities authorized under division (I) of this section. A 7861  
resolution adopted under division (H) of this section shall be 7862  
adopted not earlier than January 15, 2007, and not later than 7863  
January 15, 2008. 7864

A resolution adopted under division (H) of this section may 7865  
direct the board of elections to submit the question of enacting 7866  
or increasing lodging taxes, as the case may be, to the electors 7867  
of the county at a special election held on the date specified by 7868  
the board in the resolution, provided that the election occurs not 7869  
less than seventy-five days after a certified copy of the 7870  
resolution is transmitted to the board of elections and no later 7871  
than January 15, 2008. A resolution submitted to the electors 7872  
under this division shall not go into effect unless it is approved 7873  
by a majority of those voting upon it. A resolution adopted under 7874  
division (H) of this section that is not submitted to the electors 7875  
of the county for their approval or disapproval is subject to a 7876  
referendum as provided in sections 305.31 to 305.41 of the Revised 7877  
Code. 7878

A resolution adopted under division (H) of this section takes 7879  
effect upon its adoption, unless the resolution is submitted to 7880  
the electors of the county for their approval or disapproval, in 7881  
which case the resolution takes effect on the date the board of 7882

county commissioners receives notification from the board of 7883  
elections of the affirmative vote. Lodging taxes received after 7884  
the effective date of the resolution may be used for the purposes 7885  
described in division (H) of this section, except that lodging 7886  
taxes that have been pledged to the payment of debt charges on any 7887  
bonds or notes issued by or for the benefit of a convention and 7888  
visitors' bureau under division (C) of this section shall be used 7889  
exclusively for that purpose until such time as the bonds or notes 7890  
are no longer outstanding under the trust agreement securing those 7891  
bonds or notes. 7892

(I)(1) The board of county commissioners of ~~an eligible a~~ 7893  
county with a population greater than four hundred thousand 7894  
wherein the population of the largest city comprises more than 7895  
one-third of that county's population may issue the following 7896  
securities of the county for the purpose of paying costs of the 7897  
project, refunding any outstanding county securities issued for 7898  
that purpose, refunding any outstanding bonds or notes issued by 7899  
or for the benefit of the bureau under division (C) of this 7900  
section, or for any combination of those purposes: 7901

(a) General obligation securities issued under Chapter 133. 7902  
of the Revised Code. The resolution authorizing these securities 7903  
may include covenants to appropriate annually from lawfully 7904  
available lodging taxes, and to continue to levy and collect those 7905  
lodging taxes in, amounts necessary to meet the debt charges on 7906  
those securities. 7907

(b) Special obligation securities issued under Chapter 133. 7908  
of the Revised Code that are secured only by lawfully available 7909  
lodging taxes and any other taxes and revenues pledged to pay the 7910  
debt charges on those securities, except ad valorem property 7911  
taxes. The resolution authorizing those securities shall include a 7912  
pledge of and covenants to appropriate annually from lawfully 7913  
available lodging taxes and any other taxes and revenues pledged 7914

for such purpose, and to continue to collect any of those revenues 7915  
pledged for such purpose and to levy and collect those lodging 7916  
taxes and any other taxes pledged for such purpose, in amounts 7917  
necessary to meet the debt charges on those securities. The pledge 7918  
is valid and binding from the time the pledge is made, and the 7919  
lodging taxes so pledged and thereafter received by the county are 7920  
immediately subject to the lien of the pledge without any physical 7921  
delivery of the lodging taxes or further act. The lien of any 7922  
pledge is valid and binding as against all parties having claims 7923  
of any kind in tort, contract, or otherwise against the county, 7924  
regardless of whether such parties have notice of the lien. 7925  
Neither the resolution nor any trust agreement by which a pledge 7926  
is created or further evidenced is required to be filed or 7927  
recorded except in the records of the board. The special 7928  
obligation securities shall contain a statement on their face to 7929  
the effect that they are not general obligation securities, and, 7930  
unless paid from other sources, are payable from the pledged 7931  
lodging taxes. 7932

(c) Revenue securities authorized under section 133.08 of the 7933  
Revised Code and issued under Chapter 133. of the Revised Code 7934  
that are secured only by lawfully available project revenues 7935  
pledged to pay the debt charges on those securities. 7936

(2) The securities described in division (I)(1) of this 7937  
section are subject to Chapter 133. of the Revised Code. 7938

(3) Section 133.34 of the Revised Code, except for division 7939  
(A) of that section, applies to the issuance of any refunding 7940  
securities authorized under this division. In lieu of division (A) 7941  
of section 133.34 of the Revised Code, the board of county 7942  
commissioners shall establish the maturity date or dates, the 7943  
interest payable on, and other terms of refunding securities as it 7944  
considers necessary or appropriate for their issuance, provided 7945  
that the final maturity of refunding securities shall not exceed 7946

by more than ten years the final maturity of any bonds refunded by 7947  
refunding securities. 7948

(4) The board may not repeal, rescind, or reduce all or any 7949  
portion of any lodging taxes pledged to the payment of debt 7950  
charges on any outstanding special obligation securities 7951  
authorized under this division, and no portion of any lodging 7952  
taxes that is pledged, or that the board has covenanted to levy, 7953  
collect, and appropriate annually to pay debt charges on any 7954  
outstanding securities authorized under this division is subject 7955  
to repeal, rescission, or reduction by the electorate of the 7956  
county. 7957

**Sec. 307.98. Boards** As used in this section, "county grantee" 7958  
has the same meaning as in section 5101.21 of the Revised Code. 7959  
7960

Each board of county commissioners may and each other county 7961  
grantee of the county shall jointly enter into one or more written 7962  
fiscal grant agreements with the director of job and family 7963  
services in accordance with section 5101.21 of the Revised Code. 7964  
~~If a board enters into a fiscal agreement, the~~ The board of county 7965  
commissioners shall enter into the agreement on behalf of the 7966  
county family services agencies, other than a county family 7967  
services agency that is a county ~~signer as defined in section~~ 7968  
~~5101.21 of the Revised Code~~ grantee. 7969

**Sec. 307.981.** (A)(1) As used in the Revised Code: 7970

(a) "County family services agency" means all of the 7971  
following: 7972

(i) A child support enforcement agency; 7973

(ii) A county department of job and family services; 7974

(iii) A public children services agency. 7975

(b) "Family services duty" means a duty state law requires or allows a county family services agency to assume, including financial and general administrative duties. "Family services duty" does not include a duty funded by the United States department of labor.

(2) As used in sections 307.981 to 307.989 of the Revised Code, "private entity" means an entity other than a government entity.

(B) To the extent permitted by federal law, including, when applicable, subpart F of 5 C.F.R. part 900, and subject to any limitations established by the Revised Code, including division (H) of this section, a board of county commissioners may designate any private or government entity within this state to serve as any of the following:

(1) A child support enforcement agency;

(2) A county department of job and family services;

(3) A public children services agency;

(4) A county department of job and family services and one other of those county family services agencies;

(5) All three of those county family services agencies.

(C) To the extent permitted by federal law, including, when applicable, subpart F of 5 C.F.R. part 900, and subject to any limitations of the Revised Code, including division (H) of this section, a board of county commissioners may change the designation it makes under division (B) of this section by designating another private or government entity.

(D) If a designation under division (B) or (C) of this section constitutes a change from the designation in a ~~fiscal~~ grant agreement between the director of job and family services and the board under sections 307.98 and 5101.21 of the Revised

Code, the director may require that the director and board amend 8006  
the ~~fiscal~~ grant agreement and that the board provide the director 8007  
written assurances that the newly designated private or government 8008  
entity will meet or exceed all requirements of the family services 8009  
duties the entity is to assume. 8010

(E) Not less than sixty days before a board of county 8011  
commissioners designates an entity under division (B) or (C) of 8012  
this section, the board shall notify the director of job and 8013  
family services and publish notice in a newspaper of general 8014  
circulation in the county of the board's intention to make the 8015  
designation and reasons for the designation. 8016

(F) A board of county commissioners shall enter into a 8017  
written contract with each entity it designates under division (B) 8018  
or (C) of this section specifying the entity's responsibilities 8019  
and standards the entity is required to meet. 8020

(G) This section does not require a board of county 8021  
commissioners to abolish the child support enforcement agency, 8022  
county department of job and family services, or public children 8023  
services agency serving the county on October 1, 1997, and 8024  
designate a different private or government entity to serve as the 8025  
county's child support enforcement agency, county department of 8026  
job and family services, or public children services agency. 8027

(H) If a county children services board appointed under 8028  
section 5153.03 of the Revised Code serves as a public children 8029  
services agency for a county, the board of county commissioners 8030  
may not redesignate the public children services agency unless the 8031  
board of county commissioners does all of the following: 8032

(1) Notifies the county children services board of its intent 8033  
to redesignate the public children services agency. In its 8034  
notification, the board of county commissioners shall provide the 8035  
county children services board a written explanation of the 8036

administrative, fiscal, or performance considerations causing the 8037  
board of county commissioners to seek to redesignate the public 8038  
children services agency. 8039

(2) Provides the county children services board an 8040  
opportunity to comment on the proposed redesignation before the 8041  
redesignation occurs; 8042

(3) If the county children services board, not more than 8043  
sixty days after receiving the notice under division (H)(1) of 8044  
this section, notifies the board of county commissioners that the 8045  
county children services board has voted to oppose the 8046  
redesignation, votes unanimously to proceed with the 8047  
redesignation. 8048

**Sec. 308.04.** Within sixty days after a regional airport 8049  
authority has been created under section 308.03 of the Revised 8050  
Code, the board of trustees for such regional airport authority 8051  
shall be appointed as provided in the resolution creating it. 8052

Each member of the board of trustees, before entering upon 8053  
~~his~~ the member's official duties, shall take and subscribe to an 8054  
oath or affirmation that ~~he~~ the member will honestly, faithfully, 8055  
and impartially perform the duties of ~~his~~ office, and that ~~he~~ the 8056  
member will not be interested directly or indirectly in any 8057  
contract let by the regional airport authority. Any contract let 8058  
by the regional airport authority in which a member of the board 8059  
of trustees is directly or indirectly interested is void and 8060  
unenforceable. 8061

After each member of the board has taken the oath as 8062  
prescribed by this section the board shall meet and organize by 8063  
electing one of its members as president and another as 8064  
vice-president, who shall hold their respective offices until the 8065  
next annual meeting of the board as provided in its bylaws. At 8066  
each annual meeting thereafter the board shall elect from its 8067

membership a president and a vice-president who shall serve for a 8068  
term of one year. 8069

The board shall appoint and fix the compensation of a 8070  
secretary-treasurer, who shall not be a member of the board and 8071  
who shall serve at the pleasure of the board. 8072

**Sec. 317.08.** (A) Except as provided in divisions (C) and (D) 8073  
of this section, the county recorder shall keep six separate sets 8074  
of records as follows: 8075

(1) A record of deeds, in which shall be recorded all deeds 8076  
and other instruments of writing for the absolute and 8077  
unconditional sale or conveyance of lands, tenements, and 8078  
hereditaments; all notices as provided in sections 5301.47 to 8079  
5301.56 of the Revised Code; all judgments or decrees in actions 8080  
brought under section 5303.01 of the Revised Code; all 8081  
declarations and bylaws, and all amendments to declarations and 8082  
bylaws, as provided in Chapter 5311. of the Revised Code; 8083  
affidavits as provided in sections 5301.252 and 5301.56 of the 8084  
Revised Code; all certificates as provided in section 5311.17 of 8085  
the Revised Code; all articles dedicating archaeological preserves 8086  
accepted by the director of the Ohio historical society under 8087  
section 149.52 of the Revised Code; all articles dedicating nature 8088  
preserves accepted by the director of natural resources under 8089  
section 1517.05 of the Revised Code; all agreements for the 8090  
registration of lands as archaeological or historic landmarks 8091  
under section 149.51 or 149.55 of the Revised Code; all 8092  
conveyances of conservation easements and agricultural easements 8093  
under section 5301.68 of the Revised Code; all instruments 8094  
extinguishing agricultural easements under section 901.21 or 8095  
5301.691 of the Revised Code or pursuant to terms of such an 8096  
easement granted to a charitable organization under section 8097  
5301.68 of the Revised Code; all instruments or orders described 8098

in division (B)(2)(b) of section 5301.56 of the Revised Code; all 8099  
no further action letters issued under section 122.654 or 3746.11 8100  
of the Revised Code; all covenants not to sue issued under section 8101  
3746.12 of the Revised Code, including all covenants not to sue 8102  
issued pursuant to section 122.654 of the Revised Code; any 8103  
restrictions on the use of property contained in a no further 8104  
action letter issued under section 122.654 of the Revised Code, 8105  
any restrictions on the use of property identified pursuant to 8106  
division (C)(3)(a) of section 3746.10 of the Revised Code, and any 8107  
restrictions on the use of property contained in a deed or other 8108  
instrument as provided in division (E) or (F) of section 3737.882 8109  
of the Revised Code; any easement executed or granted under 8110  
section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code; 8111  
any environmental covenant entered into in accordance with 8112  
sections 5301.80 to 5301.92 of the Revised Code; all memoranda of 8113  
trust, as described in division (A) of section 5301.255 of the 8114  
Revised Code, that describe specific real property; and all 8115  
agreements entered into under division (A) of section ~~1521.26~~ 8116  
1506.44 of the Revised Code; 8117

(2) A record of mortgages, in which shall be recorded all of 8118  
the following: 8119

(a) All mortgages, including amendments, supplements, 8120  
modifications, and extensions of mortgages, or other instruments 8121  
of writing by which lands, tenements, or hereditaments are or may 8122  
be mortgaged or otherwise conditionally sold, conveyed, affected, 8123  
or encumbered; 8124

(b) All executory installment contracts for the sale of land 8125  
executed after September 29, 1961, that by their terms are not 8126  
required to be fully performed by one or more of the parties to 8127  
them within one year of the date of the contracts; 8128

(c) All options to purchase real estate, including 8129  
supplements, modifications, and amendments of the options, but no 8130

option of that nature shall be recorded if it does not state a 8131  
specific day and year of expiration of its validity; 8132

(d) Any tax certificate sold under section 5721.33 of the 8133  
Revised Code, or memorandum of it, that is presented for filing of 8134  
record. 8135

(3) A record of powers of attorney, including all memoranda 8136  
of trust, as described in division (A) of section 5301.255 of the 8137  
Revised Code, that do not describe specific real property; 8138

(4) A record of plats, in which shall be recorded all plats 8139  
and maps of town lots, of the subdivision of town lots, and of 8140  
other divisions or surveys of lands, any center line survey of a 8141  
highway located within the county, the plat of which shall be 8142  
furnished by the director of transportation or county engineer, 8143  
and all drawings and amendments to drawings, as provided in 8144  
Chapter 5311. of the Revised Code; 8145

(5) A record of leases, in which shall be recorded all 8146  
leases, memoranda of leases, and supplements, modifications, and 8147  
amendments of leases and memoranda of leases; 8148

(6) A record of declarations executed pursuant to section 8149  
2133.02 of the Revised Code and durable powers of attorney for 8150  
health care executed pursuant to section 1337.12 of the Revised 8151  
Code. 8152

(B) All instruments or memoranda of instruments entitled to 8153  
record shall be recorded in the proper record in the order in 8154  
which they are presented for record. The recorder may index, keep, 8155  
and record in one volume unemployment compensation liens, internal 8156  
revenue tax liens and other liens in favor of the United States as 8157  
described in division (A) of section 317.09 of the Revised Code, 8158  
personal tax liens, mechanic's liens, agricultural product liens, 8159  
notices of liens, certificates of satisfaction or partial release 8160  
of estate tax liens, discharges of recognizances, excise and 8161

franchise tax liens on corporations, broker's liens, and liens 8162  
provided for in sections 1513.33, 1513.37, 3752.13, 5111.022, and 8163  
5311.18 of the Revised Code. 8164

The recording of an option to purchase real estate, including 8165  
any supplement, modification, and amendment of the option, under 8166  
this section shall serve as notice to any purchaser of an interest 8167  
in the real estate covered by the option only during the period of 8168  
the validity of the option as stated in the option. 8169

(C) In lieu of keeping the six separate sets of records 8170  
required in divisions (A)(1) to (6) of this section and the 8171  
records required in division (D) of this section, a county 8172  
recorder may record all the instruments required to be recorded by 8173  
this section in two separate sets of record books. One set shall 8174  
be called the "official records" and shall contain the instruments 8175  
listed in divisions (A)(1), (2), (3), (5), and (6) and (D) of this 8176  
section. The second set of records shall contain the instruments 8177  
listed in division (A)(4) of this section. 8178

(D) Except as provided in division (C) of this section, the 8179  
county recorder shall keep a separate set of records containing 8180  
all corrupt activity lien notices filed with the recorder pursuant 8181  
to section 2923.36 of the Revised Code and a separate set of 8182  
records containing all medicaid fraud lien notices filed with the 8183  
recorder pursuant to section 2933.75 of the Revised Code. 8184

**Sec. 319.202.** Before the county auditor indorses any real 8185  
property conveyance or manufactured or mobile home conveyance 8186  
presented to the auditor pursuant to section 319.20 of the Revised 8187  
Code or registers any manufactured or mobile home conveyance 8188  
pursuant to section 4503.061 of the Revised Code, the grantee or 8189  
the grantee's representative shall submit in triplicate a 8190  
statement, prescribed by the tax commissioner, and other 8191  
information as the county auditor may require, declaring the value 8192

of real property or manufactured or mobile home conveyed, except 8193  
that when the transfer is exempt under division ~~(F)~~(G)(3) of 8194  
section 319.54 of the Revised Code only a statement of the reason 8195  
for the exemption shall be required. Each statement submitted 8196  
under this section shall contain the information required under 8197  
divisions (A) and (B) of this section. 8198

(A) Each statement submitted under this section shall either: 8199  
8200

(1) Contain an affirmation by the grantee that the grantor 8201  
has been asked by the grantee or the grantee's representative 8202  
whether to the best of the grantor's knowledge either the 8203  
preceding or the current year's taxes on the real property or the 8204  
current or following year's taxes on the manufactured or mobile 8205  
home conveyed will be reduced under division (A) of section 8206  
323.152 or under section 4503.065 of the Revised Code and that the 8207  
grantor indicated that to the best of the grantor's knowledge the 8208  
taxes will not be so reduced; or 8209

(2) Be accompanied by a sworn or affirmed instrument stating: 8210

(a) To the best of the grantor's knowledge the real property 8211  
or the manufactured or mobile home that is the subject of the 8212  
conveyance is eligible for and will receive a reduction in taxes 8213  
for or payable in the current year under division (A) of section 8214  
323.152 or under section 4503.065 of the Revised Code and that the 8215  
reduction or reductions will be reflected in the grantee's taxes; 8216

(b) The estimated amount of such reductions that will be 8217  
reflected in the grantee's taxes; 8218

(c) That the grantor and the grantee have considered and 8219  
accounted for the total estimated amount of such reductions to the 8220  
satisfaction of both the grantee and the grantor. The auditor 8221  
shall indorse the instrument, return it to the grantee or the 8222  
grantee's representative, and provide a copy of the indorsed 8223

instrument to the grantor or the grantor's representative. 8224

(B) Each statement submitted under this section shall either: 8225

(1) Contain an affirmation by the grantee that the grantor 8226  
has been asked by the grantee or the grantee's representative 8227  
whether to the best of the grantor's knowledge the real property 8228  
conveyed qualified for the current agricultural use valuation 8229  
under section 5713.30 of the Revised Code either for the preceding 8230  
or the current year and that the grantor indicated that to the 8231  
best of the grantor's knowledge the property conveyed was not so 8232  
qualified; or 8233

(2) Be accompanied by a sworn or affirmed instrument stating: 8234

(a) To the best of the grantor's knowledge the real property 8235  
conveyed was qualified for the current agricultural use valuation 8236  
under section 5713.30 of the Revised Code either for the preceding 8237  
or the current year; 8238

(b) To the extent that the property will not continue to 8239  
qualify for the current agricultural use valuation either for the 8240  
current or the succeeding year, that the property will be subject 8241  
to a recoupment charge equal to the tax savings in accordance with 8242  
section 5713.34 of the Revised Code; 8243

(c) That the grantor and the grantee have considered and 8244  
accounted for the total estimated amount of such recoupment, if 8245  
any, to the satisfaction of both the grantee and the grantor. The 8246  
auditor shall indorse the instrument, forward it to the grantee or 8247  
the grantee's representative, and provide a copy of the indorsed 8248  
instrument to the grantor or the grantor's representative. 8249

(C) The grantor shall pay the fee required by division 8250  
~~(F)~~(G)(3) of section 319.54 of the Revised Code; and, in the event 8251  
the board of county commissioners of the county has levied a real 8252  
property or a manufactured home transfer tax pursuant to Chapter 8253  
322. of the Revised Code, the amount required by the real property 8254

or manufactured home transfer tax so levied. If the conveyance is 8255  
exempt from the fee provided for in division ~~(F)~~(G)(3) of section 8256  
319.54 of the Revised Code and the tax, if any, levied pursuant to 8257  
Chapter 322. of the Revised Code, the reason for such exemption 8258  
shall be shown on the statement. "Value" means, in the case of any 8259  
deed or certificate of title not a gift in whole or part, the 8260  
amount of the full consideration therefor, paid or to be paid for 8261  
the real estate or manufactured or mobile home described in the 8262  
deed or title, including the amount of any mortgage or vendor's 8263  
lien thereon. If property sold under a land installment contract 8264  
is conveyed by the seller under such contract to a third party and 8265  
the contract has been of record at least twelve months prior to 8266  
the date of conveyance, "value" means the unpaid balance owed to 8267  
the seller under the contract at the time of the conveyance, but 8268  
the statement shall set forth the amount paid under such contract 8269  
prior to the date of conveyance. In the case of a gift in whole or 8270  
part, "value" means the estimated price the real estate or 8271  
manufactured or mobile home described in the deed or certificate 8272  
of title would bring in the open market and under the then 8273  
existing and prevailing market conditions in a sale between a 8274  
willing seller and a willing buyer, both conversant with the 8275  
property and with prevailing general price levels. No person shall 8276  
willfully falsify the value of property conveyed. 8277

(D) The auditor shall indorse each conveyance on its face to 8278  
indicate the amount of the conveyance fee and compliance with this 8279  
section and if the property is residential rental property include 8280  
a statement that the grantee shall file with the county auditor 8281  
the information required under division (A) or (C) of section 8282  
5323.02 of the Revised Code. The auditor shall retain the original 8283  
copy of the statement of value, forward to the tax commissioner 8284  
one copy on which shall be noted the most recent assessed value of 8285  
the property, and furnish one copy to the grantee or the grantee's 8286  
representative. 8287

(E) In order to achieve uniform administration and collection 8288  
of the transfer fee required by division ~~(F)~~(G)(3) of section 8289  
319.54 of the Revised Code, the tax commissioner shall adopt and 8290  
promulgate rules for the administration and enforcement of the 8291  
levy and collection of such fee. 8292

(F) As used in this section, "residential rental property" 8293  
has the same meaning as in section 5323.01 of the Revised Code. 8294

**Sec. 319.54.** (A) On all moneys collected by the county 8295  
treasurer on any tax duplicate of the county, other than estate 8296  
tax duplicates, and on all moneys received as advance payments of 8297  
personal property and classified property taxes, the county 8298  
auditor, on settlement with the treasurer and tax commissioner, on 8299  
or before the date prescribed by law for such settlement or any 8300  
lawful extension of such date, shall be allowed as compensation 8301  
for the county auditor's services the following percentages: 8302

(1) On the first one hundred thousand dollars, two and 8303  
one-half per cent; 8304

(2) On the next two million dollars, eight thousand three 8305  
hundred eighteen ten-thousandths of one per cent; 8306

(3) On the next two million dollars, six thousand six hundred 8307  
fifty-five ten-thousandths of one per cent; 8308

(4) On all further sums, one thousand six hundred sixty-three 8309  
ten-thousandths of one per cent. 8310

If any settlement is not made on or before the date 8311  
prescribed by law for such settlement or any lawful extension of 8312  
such date, the aggregate compensation allowed to the auditor shall 8313  
be reduced one per cent for each day such settlement is delayed 8314  
after the prescribed date. No penalty shall apply if the auditor 8315  
and treasurer grant all requests for advances up to ninety per 8316  
cent of the settlement pursuant to section 321.34 of the Revised 8317

Code. The compensation allowed in accordance with this section on 8318  
settlements made before the dates prescribed by law, or the 8319  
reduced compensation allowed in accordance with this section on 8320  
settlements made after the date prescribed by law or any lawful 8321  
extension of such date, shall be apportioned ratably by the 8322  
auditor and deducted from the shares or portions of the revenue 8323  
payable to the state as well as to the county, townships, 8324  
municipal corporations, and school districts. 8325

(B) For the purpose of reimbursing county auditors for the 8326  
expenses associated with the increased number of applications for 8327  
reductions in real property taxes under sections 323.152 and 8328  
4503.065 of the Revised Code that results from the amendment of 8329  
those sections by Am. Sub. H.B. 119 of the 127th general assembly, 8330  
on the first day of August of each year there shall be paid from 8331  
the state's general revenue fund to the county treasury to the 8332  
credit of the real estate assessment fund created by section 8333  
325.31 of the Revised Code an amount equal to one per cent of the 8334  
total annual amount of property tax relief reimbursement paid to 8335  
that county under sections 323.156 and 4503.068 of the Revised 8336  
Code for the preceding tax year. 8337

(C) From all moneys collected by the county treasurer on any 8338  
tax duplicate of the county, other than estate tax duplicates, and 8339  
on all moneys received as advance payments of personal property 8340  
and classified property taxes, there shall be paid into the county 8341  
treasury to the credit of the real estate assessment fund created 8342  
by section 325.31 of the Revised Code, an amount to be determined 8343  
by the county auditor, which shall not exceed the ~~following~~ 8344  
percentages+ prescribed in divisions (C)(1) and (2) of this 8345  
section. 8346

(1) ~~On~~ For payments made after June 30, 2007, and before 8347  
2011, the following percentages: 8348

(a) On the first ~~one~~ five hundred thousand dollars, ~~three and~~ 8349

~~one-half~~ four per cent; 8350

~~(2)(b)~~ On the next ~~three~~ five million dollars, ~~one and~~ 8351  
~~three-eighths~~ two per cent; 8352

~~(3)(c)~~ On the next ~~three~~ five million dollars, one per cent; 8353

~~(4)(d)~~ On all further sums not exceeding one hundred fifty 8354  
million dollars, three-quarters of one per cent; 8355

~~(5)(e)~~ On amounts exceeding one hundred fifty million 8356  
dollars, ~~six tenths~~ five hundred eighty-five thousandths of one 8357  
per cent. 8358

(2) For payments made in or after 2011, the following 8359  
percentages: 8360

(a) On the first five hundred thousand dollars, four per 8361  
cent; 8362

(b) On the next ten million dollars, two per cent; 8363

(c) On amounts exceeding ten million five hundred thousand 8364  
dollars, three-fourths of one per cent. 8365

Such compensation shall be apportioned ratably by the auditor 8366  
and deducted from the shares or portions of the revenue payable to 8367  
the state as well as to the county, townships, municipal 8368  
corporations, and school districts. 8369

~~(C)(D)~~ Each county auditor shall receive four per cent of the 8370  
amount of tax collected and paid into the county treasury, on 8371  
property omitted and placed by the county auditor on the tax 8372  
duplicate. 8373

~~(D)(E)~~ On all estate tax moneys collected by the county 8374  
treasurer, the county auditor, on settlement semiannually with the 8375  
tax commissioner, shall be allowed, as compensation for the 8376  
auditor's services under Chapter 5731. of the Revised Code, the 8377  
following percentages: 8378

(1) Four per cent on the first one hundred thousand dollars; 8379

(2) One-half of one per cent on all additional sums. 8380

Such percentages shall be computed upon the amount collected 8381  
and reported at each semiannual settlement, and shall be for the 8382  
use of the general fund of the county. 8383

~~(E)~~(F) On all cigarette license moneys collected by the 8384  
county treasurer, the county auditor, on settlement semiannually 8385  
with the treasurer, shall be allowed as compensation for the 8386  
auditor's services in the issuing of such licenses one-half of one 8387  
per cent of such moneys, to be apportioned ratably and deducted 8388  
from the shares of the revenue payable to the county and 8389  
subdivisions, for the use of the general fund of the county. 8390

~~(F)~~(G) The county auditor shall charge and receive fees as 8391  
follows: 8392

(1) For deeds of land sold for taxes to be paid by the 8393  
purchaser, five dollars; 8394

(2) For the transfer or entry of land, lot, or part of lot, 8395  
or the transfer or entry on or after January 1, 2000, of a used 8396  
manufactured home or mobile home as defined in section 5739.0210 8397  
of the Revised Code, fifty cents for each transfer or entry, to be 8398  
paid by the person requiring it; 8399

(3) For receiving statements of value and administering 8400  
section 319.202 of the Revised Code, one dollar, or ten cents for 8401  
each one hundred dollars or fraction of one hundred dollars, 8402  
whichever is greater, of the value of the real property 8403  
transferred or, for sales occurring on or after January 1, 2000, 8404  
the value of the used manufactured home or used mobile home, as 8405  
defined in section 5739.0210 of the Revised Code, transferred, 8406  
except no fee shall be charged when the transfer is made: 8407

(a) To or from the United States, this state, or any 8408

instrumentality, agency, or political subdivision of the United States or this state;	8409
	8410
(b) Solely in order to provide or release security for a debt or obligation;	8411
	8412
(c) To confirm or correct a deed previously executed and recorded;	8413
	8414
(d) To evidence a gift, in trust or otherwise and whether revocable or irrevocable, between husband and wife, or parent and child or the spouse of either;	8415
	8416
	8417
(e) On sale for delinquent taxes or assessments;	8418
(f) Pursuant to court order, to the extent that such transfer is not the result of a sale effected or completed pursuant to such order;	8419
	8420
	8421
(g) Pursuant to a reorganization of corporations or unincorporated associations or pursuant to the dissolution of a corporation, to the extent that the corporation conveys the property to a stockholder as a distribution in kind of the corporation's assets in exchange for the stockholder's shares in the dissolved corporation;	8422
	8423
	8424
	8425
	8426
	8427
(h) By a subsidiary corporation to its parent corporation for no consideration, nominal consideration, or in sole consideration of the cancellation or surrender of the subsidiary's stock;	8428
	8429
	8430
(i) By lease, whether or not it extends to mineral or mineral rights, unless the lease is for a term of years renewable forever;	8431
	8432
(j) When the value of the real property or the manufactured or mobile home or the value of the interest that is conveyed does not exceed one hundred dollars;	8433
	8434
	8435
(k) Of an occupied residential property, including a manufactured or mobile home, being transferred to the builder of a new residence or to the dealer of a new manufactured or mobile	8436
	8437
	8438

home when the former residence is traded as part of the 8439  
consideration for the new residence or new manufactured or mobile 8440  
home; 8441

(l) To a grantee other than a dealer in real property or in 8442  
manufactured or mobile homes, solely for the purpose of, and as a 8443  
step in, the prompt sale of the real property or manufactured or 8444  
mobile home to others; 8445

(m) To or from a person when no money or other valuable and 8446  
tangible consideration readily convertible into money is paid or 8447  
to be paid for the real estate or manufactured or mobile home and 8448  
the transaction is not a gift; 8449

(n) Pursuant to division (B) of section 317.22 of the Revised 8450  
Code, or section 2113.61 of the Revised Code, between spouses or 8451  
to a surviving spouse pursuant to section 5302.17 of the Revised 8452  
Code as it existed prior to April 4, 1985, between persons 8453  
pursuant to section 5302.17 or 5302.18 of the Revised Code on or 8454  
after April 4, 1985, to a person who is a surviving, survivorship 8455  
tenant pursuant to section 5302.17 of the Revised Code on or after 8456  
April 4, 1985, or pursuant to section 5309.45 of the Revised Code; 8457

(o) To a trustee acting on behalf of minor children of the 8458  
deceased; 8459

(p) Of an easement or right-of-way when the value of the 8460  
interest conveyed does not exceed one thousand dollars; 8461

(q) Of property sold to a surviving spouse pursuant to 8462  
section 2106.16 of the Revised Code; 8463

(r) To or from an organization exempt from federal income 8464  
taxation under section 501(c)(3) of the "Internal Revenue Code of 8465  
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such 8466  
transfer is without consideration and is in furtherance of the 8467  
charitable or public purposes of such organization; 8468

(s) Among the heirs at law or devisees, including a surviving spouse, of a common decedent, when no consideration in money is paid or to be paid for the real property or manufactured or mobile home;

(t) To a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust;

(u) To the grantor of a trust by a trustee of the trust, when the transfer is made to the grantor pursuant to the exercise of the grantor's power to revoke the trust or to withdraw trust assets;

(v) To the beneficiaries of a trust if the fee was paid on the transfer from the grantor of the trust to the trustee or if the transfer is made pursuant to trust provisions which became irrevocable at the death of the grantor;

(w) To a corporation for incorporation into a sports facility constructed pursuant to section 307.696 of the Revised Code;

(x) Between persons pursuant to section 5302.18 of the Revised Code.

The auditor shall compute and collect the fee. The auditor shall maintain a numbered receipt system, as prescribed by the tax commissioner, and use such receipt system to provide a receipt to each person paying a fee. The auditor shall deposit the receipts of the fees on conveyances in the county treasury daily to the credit of the general fund of the county.

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.

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 8499  
transfer. 8500

**Sec. 322.01.** As used in sections 322.01 to 322.07 of the 8501  
Revised Code: 8502

(A) "Value" means, in the case of any deed not a gift in 8503  
whole or part, the amount of the full consideration therefor, paid 8504  
or to be paid for the real estate described in the deed, including 8505  
the amount of any liens thereon, with the following exceptions: 8506

(1) The amount owed on a debt secured by a mortgage which has 8507  
been of record at least twelve months prior to the date of the 8508  
conveyance and which is assumed by the purchaser; 8509

(2) The difference between the full amount of consideration 8510  
and the unpaid balance owed to the seller at the time of the 8511  
conveyance of property to a third party under a land installment 8512  
contract that has been of record at least twelve months prior to 8513  
the date of conveyance. 8514

(B) "Value" means, in the case of a manufactured or mobile 8515  
home that is not a gift in whole or in part, the amount of the 8516  
full consideration paid or to be paid for the home, including the 8517  
amounts of any liens thereon. 8518

(C) "Value" means, in the case of a gift in whole or part, 8519  
the estimated price the real estate described in the deed, or the 8520  
manufactured or mobile home, would bring in the open market and 8521  
under the then existing and prevailing market conditions in a sale 8522  
between a willing seller and a willing buyer, both conversant with 8523  
the property and with prevailing general price levels. 8524

(D) "Deed" means any deed, instrument, or writing by which 8525  
any real property or any interest in real property is granted, 8526  
assigned, transferred, or otherwise conveyed except that it does 8527  
not include any deed, instrument, or writing which grants, 8528

assigns, transfers, or otherwise conveys any real property or 8529  
interests in real property exempted from the fee required by 8530  
division ~~(F)~~(G)(3) of section 319.54 of the Revised Code. 8531

(E) "Manufactured home" has the same meaning as in division 8532  
(C)(4) of section 3781.06 of the Revised Code. 8533

(F) "Mobile home" has the same meaning as in division (O) of 8534  
section 4501.01 of the Revised Code. 8535

**Sec. 323.131.** (A) Each tax bill prepared and mailed or 8536  
delivered under section 323.13 of the Revised Code shall be in the 8537  
form and contain the information required by the tax commissioner. 8538  
The commissioner may prescribe different forms for each county and 8539  
may authorize the county auditor to make up tax bills and tax 8540  
receipts to be used by the county treasurer. For any county in 8541  
which the board of county commissioners has granted a partial 8542  
property tax exemption on homesteads under section 323.158 of the 8543  
Revised Code, the commissioner shall require that the tax bills 8544  
for those homesteads include a notice of the amount of the tax 8545  
reduction that results from the partial exemption. In addition to 8546  
the information required by the commissioner, each tax bill shall 8547  
contain the following information: 8548

~~(A)~~(1) The taxes levied and the taxes charged and payable 8549  
against the property; 8550

~~(B)~~(2) The effective tax rate. The words "effective tax rate" 8551  
shall appear in boldface type. 8552

~~(C)~~(3) The following notices: 8553

~~(1)~~(a) "Notice: If the taxes are not paid within one year 8554  
from the date they are due, the property is subject to foreclosure 8555  
for tax delinquency." Failure to provide such notice has no effect 8556  
upon the validity of any tax foreclosure to which a property is 8557  
subjected. 8558

~~(2)~~(b) "Notice: If the taxes charged against this parcel have  
been reduced by the 2-1/2 per cent tax reduction for residences  
occupied by the owner but the property is not a residence occupied  
by the owner, the owner must notify the county auditor's office  
not later than March 31 of the year following the year for which  
the taxes are due. Failure to do so may result in the owner being  
convicted of a fourth degree misdemeanor, which is punishable by  
imprisonment up to 30 days, a fine up to \$250, or both, and in the  
owner having to repay the amount by which the taxes were  
erroneously or illegally reduced, plus any interest that may  
apply.

If the taxes charged against this parcel have not been  
reduced by the 2-1/2 per cent tax reduction and the parcel  
includes a residence occupied by the owner, the parcel may qualify  
for the tax reduction. To obtain an application for the tax  
reduction or further information, the owner may contact the county  
auditor's office at ..... (insert the address and telephone  
number of the county auditor's office)."

~~(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."

The tax bill shall not contain or be mailed or delivered with  
any information or material that is not required by this section  
or that is not authorized by section 321.45 of the Revised Code or  
by the tax commissioner.

(B) If the property is residential rental property, the tax  
bill shall contain a statement that the owner of the residential  
rental property shall file with the county auditor the information  
required under division (A) or (C) of section 5323.02 of the

Revised Code. 8591

(C) As used in this section, "residential rental property" 8592

has the same meaning as in section 5323.01 of the Revised Code. 8593

**Sec. 323.151.** As used in sections 323.151 to 323.159 of the 8594

Revised Code: 8595

(A) "Homestead" means either of the following: 8596

(1) A dwelling, including a unit in a multiple-unit dwelling 8597

and a manufactured home or mobile home taxed as real property 8598

pursuant to division (B) of section 4503.06 of the Revised Code, 8599

owned and occupied as a home by an individual whose domicile is in 8600

this state and who has not acquired ownership from a person, other 8601

than the individual's spouse, related by consanguinity or affinity 8602

for the purpose of qualifying for the real property tax reduction 8603

provided in section 323.152 of the Revised Code. 8604

(2) A unit in a housing cooperative that is occupied as a 8605

home, but not owned, by an individual whose domicile is in this 8606

state. 8607

The homestead shall include so much of the land surrounding 8608

it, not exceeding one acre, as is reasonably necessary for the use 8609

of the dwelling or unit as a home. An owner includes a holder of 8610

one of the several estates in fee, a vendee in possession under a 8611

purchase agreement or a land contract, a mortgagor, a life tenant, 8612

one or more tenants with a right of survivorship, tenants in 8613

common, and a settlor of a revocable inter vivos trust holding the 8614

title to a homestead occupied by the settlor as of right under the 8615

trust. The tax commissioner shall adopt rules for the uniform 8616

classification and valuation of real property or portions of real 8617

property as homesteads. 8618

(B) "Sixty-five years of age or older" means a person who has 8619

attained age sixty-four prior to the first day of January of the 8620

year of application for reduction in real estate taxes. 8621

~~(C) "Total income" means the adjusted gross income of the 8622  
owner and the owner's spouse for the year preceding the year in 8623  
which application for a reduction in taxes is made, as determined 8624  
under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 8625  
U.S.C.A. 1, as amended, adjusted as follows: 8626~~

~~(1) Subtract the amount of disability benefits included in 8627  
adjusted gross income, but not to exceed fifty two hundred 8628  
dollars; 8629~~

~~(2) Add old age and survivors benefits received pursuant to 8630  
the "Social Security Act" that are not included in adjusted gross 8631  
income; 8632~~

~~(3) Add retirement, pension, annuity, or other retirement 8633  
payments or benefits not included in adjusted gross income; 8634~~

~~(4) Add tier I and tier II railroad retirement benefits 8635  
received pursuant to the "Railroad Retirement Act," 50 Stat. 307, 8636  
45 U.S.C.A. 228; 8637~~

~~(5) Add interest on federal, state, and local government 8638  
obligations; 8639~~

~~(6) For a person who received the homestead exemption for a 8640  
prior year on the basis of being permanently and totally disabled 8641  
and whose current application for the exemption is made on the 8642  
basis of age, subtract the following amount: 8643~~

~~(a) If the person received disability benefits that were not 8644  
included in adjusted gross income in the year preceding the first 8645  
year in which the person applied for the exemption on the basis of 8646  
age, subtract an amount equal to the disability benefits the 8647  
person received in that preceding year, to the extent included in 8648  
total income in the current year and not subtracted under division 8649  
(C)(1) of this section in the current year; 8650~~

~~(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.~~

~~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.~~

~~(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:~~

~~(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 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.~~

~~(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.~~

~~(3) The lesser of:~~ 8682

~~(a) Survivors benefits payable under the social security or 8683  
railroad retirement laws in effect on the last day of the calendar 8684  
year prior to the year for which the homestead exemption is first 8685  
received, or, if no such benefits are payable that year, survivors 8686  
benefits payable the first succeeding year in which survivors 8687  
benefits are payable; or 8688~~

~~(b) Old age benefits of the deceased spouse, as determined 8689  
under division (D)(1) or (2) of this section, upon which the 8690  
surviving spouse's survivors benefits are based under the social 8691  
security or railroad retirement laws, except in those cases where 8692  
a change in benefits would cause a reduction in income. 8693~~

~~Survivors benefits are those described in division (D)(3)(b) 8694  
of this section only if the deceased spouse received old age 8695  
benefits in the year in which the deceased spouse died. If the 8696  
deceased spouse did not receive old age benefits in the year in 8697  
which the deceased spouse died, then survivors benefits are those 8698  
described in division (D)(3)(a) of this section. 8699~~

~~(E) "Permanently and totally disabled" means a person who 8700  
has, on the first day of January of the year of application for 8701  
reduction in real estate taxes, some impairment in body or mind 8702  
that makes the person unable to work at any substantially 8703  
remunerative employment that the person is reasonably able to 8704  
perform and that will, with reasonable probability, continue for 8705  
an indefinite period of at least twelve months without any present 8706  
indication of recovery therefrom or has been certified as 8707  
permanently and totally disabled by a state or federal agency 8708  
having the function of so classifying persons. 8709~~

~~(F)(D) "Housing cooperative" means a housing complex of at 8710  
least two hundred fifty units that is owned and operated by a 8711  
nonprofit corporation that issues a share of the corporation's 8712~~

stock to an individual, entitling the individual to live in a unit 8713  
of the complex, and collects a monthly maintenance fee from the 8714  
individual to maintain, operate, and pay the taxes of the complex. 8715

**Sec. 323.152.** In addition to the reduction in taxes required 8716  
under section 319.302 of the Revised Code, taxes shall be reduced 8717  
as provided in divisions (A) and (B) of this section. 8718

(A)(1) Division (A) of this section applies to any of the 8719  
following: 8720

(a) A person who is permanently and totally disabled; 8721

(b) A person who is sixty-five years of age or older; 8722

(c) A person who is the surviving spouse of a deceased person 8723  
who was permanently and totally disabled or sixty-five years of 8724  
age or older and who applied and qualified for a reduction in 8725  
taxes under this division in the year of death, provided the 8726  
surviving spouse is at least fifty-nine but not sixty-five or more 8727  
years of age on the date the deceased spouse dies. 8728

(2) Real property taxes on a homestead owned and occupied, or 8729  
a homestead in a housing cooperative occupied, by a person to whom 8730  
division (A) of this section applies shall be reduced for each 8731  
year for which the owner obtains a certificate of reduction from 8732  
the county auditor under section 323.154 of the Revised Code or 8733  
for which the occupant obtains a certificate of reduction in 8734  
accordance with section 323.159 of the Revised Code. The reduction 8735  
shall equal the ~~amount obtained by multiplying the tax rate for~~ 8736  
~~the tax year for which the certificate is issued by the reduction~~ 8737  
~~in taxable value shown in the following schedule:~~ 8738

<del>Reduce Taxable Value</del>		8739
<del>Total Income</del>		<del>by the Lesser of:</del> 8740
<del>\$11,900 or less</del>	<del>\$5,000 or seventy five per cent</del>	8741
<del>More than \$11,900 but not</del>	<del>\$3,000 or sixty per cent</del>	8742

<del>more than \$17,500</del>		
<del>More than \$17,500 but not</del>	<del>\$1,000 or twenty five per cent</del>	8743
<del>more than \$23,000</del>		
<del>More than \$23,000</del>	<del>-0-</del>	8744

~~(3) Each calendar year, the tax commissioner shall adjust the~~ 8745  
~~foregoing schedule by completing the following calculations in~~ 8746  
~~September of each year:~~ 8747

~~(a) Determine the percentage increase in the gross domestic~~ 8748  
~~product deflator determined by the bureau of economic analysis of~~ 8749  
~~the United States department of commerce from the first day of~~ 8750  
~~January of the preceding calendar year to the last day of December~~ 8751  
~~of the preceding calendar year:~~ 8752

~~(b) Multiply that percentage increase by each of the total~~ 8753  
~~income amounts, and by each dollar amount by which taxable value~~ 8754  
~~is reduced, for the current tax year:~~ 8755

~~(c) Add the resulting product to each of the total income~~ 8756  
~~amounts, and to each of the dollar amounts by which taxable value~~ 8757  
~~is reduced, for the current tax year:~~ 8758

~~(d)(i) Except as provided in division (A)(3)(d)(ii) of this~~ 8759  
~~section, round the resulting sum to the nearest multiple of one~~ 8760  
~~hundred dollars:~~ 8761

~~(ii) If rounding the resulting sum to the nearest multiple of~~ 8762  
~~one hundred dollars under division (A)(3)(d)(i) of this section~~ 8763  
~~does not increase the dollar amounts by which taxable value is~~ 8764  
~~reduced, the resulting sum instead shall be rounded to the nearest~~ 8765  
~~multiple of ten dollars.~~ 8766

~~The commissioner shall certify the amounts resulting from the~~ 8767  
~~adjustment to each county auditor not later than the first day of~~ 8768  
~~December each year. The certified amounts apply to the following~~ 8769  
~~tax year. The commissioner shall not make the adjustment in any~~ 8770  
~~calendar year in which the amounts resulting from the adjustment~~ 8771

would be less than the total income amounts, or less than the 8772  
dollar amounts by which taxable value is reduced, for the current 8773  
tax year greater of the reduction granted for the tax year 8774  
preceding the first tax year to which this section applies 8775  
pursuant to Section 803.06 of Am. Sub. H.B. 119 of the 127th 8776  
general assembly, if the taxpayer received a reduction for that 8777  
preceding tax year, or the product of the following: 8778

(a) Twenty-five thousand dollars of the true value of the 8779  
property in money; 8780

(b) The assessment percentage established by the tax 8781  
commissioner under division (B) of section 5715.01 of the Revised 8782  
Code, not to exceed thirty-five per cent; 8783

(c) The effective tax rate used to calculate the taxes 8784  
charged against the property for the current year, where 8785  
"effective tax rate" is defined as in section 323.08 of the 8786  
Revised Code; 8787

(d) The quantity equal to one minus the sum of the percentage 8788  
reductions in taxes received by the property for the current tax 8789  
year under section 319.302 of the Revised Code and division (B) of 8790  
section 323.152 of the Revised Code. 8791

(B) To provide a partial exemption, real property taxes on 8792  
any homestead, and manufactured home taxes on any manufactured or 8793  
mobile home on which a manufactured home tax is assessed pursuant 8794  
to division (D)(2) of section 4503.06 of the Revised Code, shall 8795  
be reduced for each year for which the owner obtains a certificate 8796  
of reduction from the county auditor under section 323.154 of the 8797  
Revised Code. The amount of the reduction shall equal two and 8798  
one-half per cent of the amount of taxes to be levied on the 8799  
homestead or the manufactured or mobile home after applying 8800  
section 319.301 of the Revised Code. 8801

(C) The reductions granted by this section do not apply to 8802

special assessments or respread of assessments levied against the 8803  
homestead, and if there is a transfer of ownership subsequent to 8804  
the filing of an application for a reduction in taxes, such 8805  
reductions are not forfeited for such year by virtue of such 8806  
transfer. 8807

(D) The reductions in taxable value referred to in this 8808  
section shall be applied solely as a factor for the purpose of 8809  
computing the reduction of taxes under this section and shall not 8810  
affect the total value of property in any subdivision or taxing 8811  
district as listed and assessed for taxation on the tax lists and 8812  
duplicates, or any direct or indirect limitations on indebtedness 8813  
of a subdivision or taxing district. If after application of 8814  
sections 5705.31 and 5705.32 of the Revised Code, including the 8815  
allocation of all levies within the ten-mill limitation to debt 8816  
charges to the extent therein provided, there would be 8817  
insufficient funds for payment of debt charges not provided for by 8818  
levies in excess of the ten-mill limitation, the reduction of 8819  
taxes provided for in sections 323.151 to 323.159 of the Revised 8820  
Code shall be proportionately adjusted to the extent necessary to 8821  
provide such funds from levies within the ten-mill limitation. 8822

(E) No reduction shall be made on the taxes due on the 8823  
homestead of any person convicted of violating division (C) or (D) 8824  
of section 323.153 of the Revised Code for a period of three years 8825  
following the conviction. 8826

**Sec. 323.153.** (A) To obtain a reduction in real property 8827  
taxes under division (A) or (B) of section 323.152 of the Revised 8828  
Code or in manufactured home taxes under division (B) of section 8829  
323.152 of the Revised Code, the owner shall file an application 8830  
with the county auditor of the county in which the owner's 8831  
homestead is located. 8832

To obtain a reduction in real property taxes under division 8833

(A) of section 323.152 of the Revised Code, the occupant of a 8834  
homestead in a housing cooperative shall file an application with 8835  
the nonprofit corporation that owns and operates the housing 8836  
cooperative, in accordance with this paragraph. Not later than the 8837  
first day of March each year, the corporation shall obtain 8838  
applications from the county auditor's office and provide one to 8839  
each new occupant. Not later than the first day of May, any 8840  
occupant who may be eligible for a reduction in taxes under 8841  
division (A) of section 323.152 of the Revised Code shall submit 8842  
the completed application to the corporation. Not later than the 8843  
fifteenth day of May, the corporation shall file all completed 8844  
applications, and the information required by division (B) of 8845  
section 323.159 of the Revised Code, with the county auditor of 8846  
the county in which the occupants' homesteads are located. 8847  
Continuing applications shall be furnished to an occupant in the 8848  
manner provided in division (C)(4) of this section. 8849

(1) An application for reduction based upon a physical 8850  
disability shall be accompanied by a certificate signed by a 8851  
physician, and an application for reduction based upon a mental 8852  
disability shall be accompanied by a certificate signed by a 8853  
physician or psychologist licensed to practice in this state, 8854  
attesting to the fact that the applicant is permanently and 8855  
totally disabled. The certificate shall be in a form that the tax 8856  
commissioner requires and shall include the definition of 8857  
permanently and totally disabled as set forth in section 323.151 8858  
of the Revised Code. An application for reduction based upon a 8859  
disability certified as permanent and total by a state or federal 8860  
agency having the function of so classifying persons shall be 8861  
accompanied by a certificate from that agency. ~~Such an~~ 8862

An application for a reduction under division (A) of section 8863  
323.152 of the Revised Code constitutes a continuing application 8864  
for a reduction in taxes for each year in which the dwelling is 8865

~~the applicant's homestead and the amount of the reduction in 8866  
taxable value to which the applicant is entitled does not exceed 8867  
either the amount or percentage of the reduction to which the 8868  
applicant was entitled for the year in which the application was 8869  
first filed. 8870~~

(2) An application for a reduction in taxes under division 8871  
(B) of section 323.152 of the Revised Code shall be filed only if 8872  
the homestead or manufactured or mobile home was transferred in 8873  
the preceding year or did not qualify for and receive the 8874  
reduction in taxes under that division for the preceding tax year. 8875  
The application for homesteads transferred in the preceding year 8876  
shall be incorporated into any form used by the county auditor to 8877  
administer the tax law in respect to the conveyance of real 8878  
property pursuant to section 319.20 of the Revised Code or of used 8879  
manufactured homes or used mobile homes as defined in section 8880  
5739.0210 of the Revised Code. The owner of a manufactured or 8881  
mobile home who has elected under division (D)(4) of section 8882  
4503.06 of the Revised Code to be taxed under division (D)(2) of 8883  
that section for the ensuing year may file the application at the 8884  
time of making that election. The application shall contain a 8885  
statement that failure by the applicant to affirm on the 8886  
application that the dwelling on the property conveyed is the 8887  
applicant's homestead prohibits the owner from receiving the 8888  
reduction in taxes until a proper application is filed within the 8889  
period prescribed by division (A)(3) of this section. Such an 8890  
application constitutes a continuing application for a reduction 8891  
in taxes for each year in which the dwelling is the applicant's 8892  
homestead. 8893

(3) Failure to receive a new application filed under division 8894  
(A)(1) or (2) or notification under division (C) of this section 8895  
after a certificate of reduction has been issued under section 8896  
323.154 of the Revised Code, or failure to receive a new 8897

application filed under division (A)(1) or notification under 8898  
division (C) of this section after a certificate of reduction has 8899  
been issued under section 323.159 of the Revised Code, is 8900  
prima-facie evidence that the original applicant is entitled to 8901  
the reduction in taxes calculated on the basis of the information 8902  
contained in the original application. The original application 8903  
and any subsequent application, including any late application, 8904  
shall be in the form of a signed statement and shall be filed 8905  
after the first Monday in January and not later than the first 8906  
Monday in June. The original application and any subsequent 8907  
application for a reduction in real property taxes shall be filed 8908  
in the year for which the reduction is sought. The original 8909  
application and any subsequent application for a reduction in 8910  
manufactured home taxes shall be filed in the year preceding the 8911  
year for which the reduction is sought. The statement shall be on 8912  
a form, devised and supplied by the tax commissioner, which shall 8913  
require no more information than is necessary to establish the 8914  
applicant's eligibility for the reduction in taxes and the amount 8915  
of the reduction, and, for a certificate of reduction issued under 8916  
section 323.154 of the Revised Code, shall include an affirmation 8917  
by the applicant that ownership of the homestead was not acquired 8918  
from a person, other than the applicant's spouse, related to the 8919  
owner by consanguinity or affinity for the purpose of qualifying 8920  
for the real property or manufactured home tax reduction provided 8921  
for in division (A) or (B) of section 323.152 of the Revised Code. 8922  
The form shall contain a statement that conviction of willfully 8923  
falsifying information to obtain a reduction in taxes or failing 8924  
to comply with division (C) of this section results in the 8925  
revocation of the right to the reduction for a period of three 8926  
years. ~~In the case of an application for a reduction in taxes 8927~~  
~~under division (A) of section 323.152 of the Revised Code, the 8928~~  
~~form shall contain a statement that signing the application 8929~~  
~~constitutes a delegation of authority by the applicant to the 8930~~

~~county auditor to examine any financial records relating to income 8931  
earned by the applicant as stated on the application for the 8932  
purpose of determining a possible violation of division (D) or (E) 8933  
of this section. 8934~~

(B) A late application for a tax reduction for the year 8935  
preceding the year in which an original application is filed, or 8936  
for a reduction in manufactured home taxes for the year in which 8937  
an original application is filed, may be filed with the original 8938  
application. If the county auditor determines the information 8939  
contained in the late application is correct, the auditor shall 8940  
determine the amount of the reduction in taxes to which the 8941  
applicant would have been entitled for the preceding tax year had 8942  
the applicant's application been timely filed and approved in that 8943  
year. 8944

The amount of such reduction shall be treated by the auditor 8945  
as an overpayment of taxes by the applicant and shall be refunded 8946  
in the manner prescribed in section 5715.22 of the Revised Code 8947  
for making refunds of overpayments. On the first day of July of 8948  
each year, the county auditor shall certify the total amount of 8949  
the reductions in taxes made in the current year under this 8950  
division to the tax commissioner, who shall treat the full amount 8951  
thereof as a reduction in taxes for the preceding tax year and 8952  
shall make reimbursement to the county therefor in the manner 8953  
prescribed by section 323.156 of the Revised Code, from money 8954  
appropriated for that purpose. 8955

(C)(1) If, in any year after an application has been filed 8956  
under division (A)(1) or (2) of this section, the owner does not 8957  
qualify for a reduction in taxes on the homestead or on the 8958  
manufactured or mobile home set forth on such application, ~~or 8959  
qualifies for a reduction in taxes that is to be based upon a 8960  
reduction in taxable value less than either the percentage or 8961  
amount of the reduction in taxable value to which the owner was 8962~~

~~entitled in the year the application was filed, the owner shall 8963~~  
~~notify the county auditor that the owner is not qualified for a 8964~~  
~~reduction in taxes or file a new application under division (A)(1) 8965~~  
~~or (2) of this section. 8966~~

(2) If, in any year after an application has been filed under 8967  
division (A)~~(1)~~ of this section, the occupant of a homestead in a 8968  
housing cooperative does not qualify for a reduction in taxes on 8969  
the homestead, the occupant shall notify the county auditor that 8970  
the occupant is not qualified for a reduction in taxes or file a 8971  
new application under division (A)~~(1)~~ of this section. 8972

(3) If the county auditor or county treasurer discovers that 8973  
the owner of property not entitled to the reduction in taxes under 8974  
division (B) of section 323.152 of the Revised Code failed to 8975  
notify the county auditor as required by division (C)(1) of this 8976  
section, a charge shall be imposed against the property in the 8977  
amount by which taxes were reduced under that division for each 8978  
tax year the county auditor ascertains that the property was not 8979  
entitled to the reduction and was owned by the current owner. 8980  
Interest shall accrue in the manner prescribed by division (B) of 8981  
section 323.121 or division (G)(2) of section 4503.06 of the 8982  
Revised Code on the amount by which taxes were reduced for each 8983  
such tax year as if the reduction became delinquent taxes at the 8984  
close of the last day the second installment of taxes for that tax 8985  
year could be paid without penalty. The county auditor shall 8986  
notify the owner, by ordinary mail, of the charge, of the owner's 8987  
right to appeal the charge, and of the manner in which the owner 8988  
may appeal. The owner may appeal the imposition of the charge and 8989  
interest by filing an appeal with the county board of revision not 8990  
later than the last day prescribed for payment of real and public 8991  
utility property taxes under section 323.12 of the Revised Code 8992  
following receipt of the notice and occurring at least ninety days 8993  
after receipt of the notice. The appeal shall be treated in the 8994

same manner as a complaint relating to the valuation or assessment 8995  
of real property under Chapter 5715. of the Revised Code. The 8996  
charge and any interest shall be collected as other delinquent 8997  
taxes. 8998

(4) Each year during January, the county auditor shall 8999  
furnish by ordinary mail a continuing application to each person 9000  
issued a certificate of reduction under section 323.154 or 323.159 9001  
of the Revised Code with respect to a reduction in taxes under 9002  
division (A) of section 323.152 of the Revised Code. The 9003  
continuing application shall be used to report ~~changes in total~~ 9004  
~~income that would have the effect of increasing or decreasing the~~ 9005  
~~reduction in taxable value to which the person is entitled,~~ 9006  
changes in ownership or occupancy of the homestead, including 9007  
changes in or revocation of a revocable inter vivos trust, changes 9008  
in disability, and other changes in the information earlier 9009  
furnished the auditor relative to the reduction in taxes on the 9010  
property. The continuing application shall be returned to the 9011  
auditor not later than the first Monday in June; provided, that if 9012  
such changes do not affect the status of the homestead exemption 9013  
or the amount of the reduction to which the owner is entitled 9014  
under division (A) of section 323.152 of the Revised Code or to 9015  
which the occupant is entitled under section 323.159 of the 9016  
Revised Code, the application does not need to be returned. 9017

(5) Each year during February, the county auditor, except as 9018  
otherwise provided in this paragraph, shall furnish by ordinary 9019  
mail an original application to the owner, as of the first day of 9020  
January of that year, of a homestead or a manufactured or mobile 9021  
home that transferred during the preceding calendar year and that 9022  
qualified for and received a reduction in taxes under division (B) 9023  
of section 323.152 of the Revised Code for the preceding tax year. 9024  
In order to receive the reduction under that division, the owner 9025  
shall file the application with the county auditor not later than 9026

the first Monday in June. If the application is not timely filed, 9027  
the auditor shall not grant a reduction in taxes for the homestead 9028  
for the current year, and shall notify the owner that the 9029  
reduction in taxes has not been granted, in the same manner 9030  
prescribed under section 323.154 of the Revised Code for 9031  
notification of denial of an application. Failure of an owner to 9032  
receive an application does not excuse the failure of the owner to 9033  
file an original application. The county auditor is not required 9034  
to furnish an application under this paragraph for any homestead 9035  
for which application has previously been made on a form 9036  
incorporated into any form used by the county auditor to 9037  
administer the tax law in respect to the conveyance of real 9038  
property or of used manufactured homes or used mobile homes, and 9039  
an owner who previously has applied on such a form is not required 9040  
to return an application furnished under this paragraph. 9041

(D) No person shall knowingly make a false statement for the 9042  
purpose of obtaining a reduction in the person's real property or 9043  
manufactured home taxes under section 323.152 of the Revised Code. 9044

(E) No person shall knowingly fail to notify the county 9045  
auditor of changes required by division (C) of this section that 9046  
have the effect of maintaining or securing a reduction ~~in taxable~~ 9047  
~~value of homestead property or a reduction~~ in taxes ~~in excess of~~ 9048  
~~the reduction allowed~~ under section 323.152 of the Revised Code. 9049

(F) No person shall knowingly make a false statement or 9050  
certification attesting to any person's physical or mental 9051  
condition for purposes of qualifying such person for tax relief 9052  
pursuant to sections 323.151 to 323.159 of the Revised Code. 9053

**Sec. 323.154.** On or before the day the county auditor has 9054  
completed the duties imposed by sections 319.30 to 319.302 of the 9055  
Revised Code, the auditor shall issue a certificate of reduction 9056  
in taxes in triplicate for each person who has complied with 9057

section 323.153 of the Revised Code and whose homestead, as 9058  
defined in division (A)(1) of section 323.151 of the Revised Code, 9059  
or manufactured or mobile home the auditor finds is entitled to a 9060  
reduction in real property or manufactured home taxes for that 9061  
year under section 323.152 of the Revised Code. Except as provided 9062  
in section 323.159 of the Revised Code, in the case of a homestead 9063  
entitled to a reduction under division (A) of that section, the 9064  
certificate shall state the taxable value of the homestead on the 9065  
first day of January of that year, the ~~amount of the reduction in~~ 9066  
~~taxable value and the~~ total reduction in taxes for that year under 9067  
that section, the tax rate that is applicable against such 9068  
homestead for that year, and any other information the tax 9069  
commissioner requires. In the case of a homestead or a 9070  
manufactured or mobile home entitled to a reduction under division 9071  
(B) of that section, the certificate shall state the total amount 9072  
of the reduction in taxes for that year under that section and any 9073  
other information the tax commissioner requires. The certificate 9074  
for reduction in taxes shall be on a form approved by the 9075  
commissioner. Upon issuance of such a certificate, the county 9076  
auditor shall forward one copy and the original to the county 9077  
treasurer and retain one copy. The county auditor also shall 9078  
record the amount of reduction in taxes in the appropriate column 9079  
on the general tax list and duplicate of real and public utility 9080  
property and on the manufactured home tax list. 9081

If an application, late application, or continuing 9082  
application is not approved, or if the county auditor otherwise 9083  
determines that a homestead or a manufactured or mobile home does 9084  
not qualify for a reduction in taxes under division (A) or (B) of 9085  
section 323.152 of the Revised Code, the auditor shall notify the 9086  
applicant of the reasons for denial not later than the first 9087  
Monday in October. If an applicant believes that the application 9088  
for reduction has been improperly denied or that the reduction is 9089  
for less than that to which the applicant is entitled, the 9090

applicant may file an appeal with the county board of revision not 9091  
later than the date of closing of the collection for the first 9092  
half of real and public utility property taxes or manufactured 9093  
home taxes. The appeal shall be treated in the same manner as a 9094  
complaint relating to the valuation or assessment of real property 9095  
under Chapter 5715. of the Revised Code. 9096

**Sec. 325.31.** (A) On the first business day of each month, and 9097  
at the end of the officer's term of office, each officer named in 9098  
section 325.27 of the Revised Code shall pay into the county 9099  
treasury, to the credit of the general county fund, on the warrant 9100  
of the county auditor, all fees, costs, penalties, percentages, 9101  
allowances, and perquisites collected by the officer's office 9102  
during the preceding month or part thereof for official services, 9103  
except the fees allowed the county auditor by division ~~(B)~~(C) of 9104  
section 319.54 of the Revised Code, which shall be paid into the 9105  
county treasury to the credit of the real estate assessment fund 9106  
hereby created. 9107

(B) Moneys to the credit of the real estate assessment fund 9108  
may be expended, upon appropriation by the board of county 9109  
commissioners, for the purpose of defraying one or more of the 9110  
following: 9111

(1) The cost incurred by the county auditor in assessing real 9112  
estate pursuant to Chapter 5713. of the Revised Code and 9113  
manufactured and mobile homes pursuant to Chapter 4503. of the 9114  
Revised Code; 9115

(2) At the county auditor's discretion, costs and expenses 9116  
incurred by the county auditor in preparing the list of real and 9117  
public utility property, in administering laws related to the 9118  
taxation of real property and the levying of special assessments 9119  
on real property, including administering reductions under 9120  
Chapters 319. and 323. and section 4503.065 of the Revised Code, 9121

and to support assessments of real property in any administrative	9122
or judicial proceeding;	9123
(3) At the county auditor's discretion, the expenses incurred	9124
by the county board of revision under Chapter 5715. of the Revised	9125
Code;	9126
(4) At the county auditor's discretion, the expenses incurred	9127
by the county auditor for geographic information systems, mapping	9128
programs, and technological advances in those or similar systems	9129
or programs;	9130
(5) At the county auditor's discretion, expenses incurred by	9131
the county auditor in compiling the general tax list of tangible	9132
personal property and administering tangible personal property	9133
taxes under Chapters 5711. and 5719. of the Revised Code;	9134
(6) At the county auditor's discretion, costs, expenses, and	9135
fees incurred by the county auditor in the administration of	9136
estate taxes under Chapter 5731. of the Revised Code and the	9137
amounts incurred under section 5731.41 of the Revised Code.	9138
Any expenditures made from the real estate assessment fund	9139
shall comply with rules that the tax commissioner adopts under	9140
division (0) of section 5703.05 of the Revised Code. Those rules	9141
shall include a requirement that a copy of any appraisal plans,	9142
progress of work reports, contracts, or other documents required	9143
to be filed with the tax commissioner shall be filed also with the	9144
board of county commissioners.	9145
The board of county commissioners shall not transfer moneys	9146
required to be deposited in the real estate assessment fund to any	9147
other fund. Following an assessment of real property pursuant to	9148
Chapter 5713. of the Revised Code, or an assessment of a	9149
manufactured or mobile home pursuant to Chapter 4503. of the	9150
Revised Code, any moneys not expended for the purpose of defraying	9151
the cost incurred in assessing real estate or manufactured or	9152

mobile homes or for the purpose of defraying the expenses 9153  
described in divisions (B)(2), (3), (4), (5), and (6) of this 9154  
section, and thereby remaining to the credit of the real estate 9155  
assessment fund, shall be apportioned ratably and distributed to 9156  
those taxing authorities that contributed to the fund. However, no 9157  
such distribution shall be made if the amount of such unexpended 9158  
moneys remaining to the credit of the real estate assessment fund 9159  
does not exceed five thousand dollars. 9160

(C) None of the officers named in section 325.27 of the 9161  
Revised Code shall collect any fees from the county. Each of such 9162  
officers shall, at the end of each calendar year, make and file a 9163  
sworn statement with the board of county commissioners of all such 9164  
fees, costs, penalties, percentages, allowances, and perquisites 9165  
which have been due in the officer's office and unpaid for more 9166  
than one year prior to the date such statement is required to be 9167  
made. 9168

**Sec. 329.04.** (A) The county department of job and family 9169  
services shall have, exercise, and perform the following powers 9170  
and duties: 9171

(1) Perform any duties assigned by the state department of 9172  
job and family services regarding the provision of public family 9173  
services, including the provision of the following services to 9174  
prevent or reduce economic or personal dependency and to 9175  
strengthen family life: 9176

(a) Services authorized by a Title IV-A program, as defined 9177  
in section 5101.80 of the Revised Code; 9178

(b) Social services authorized by Title XX of the "Social 9179  
Security Act" and provided for by section 5101.46 or 5101.461 of 9180  
the Revised Code; 9181

(c) If the county department is designated as the child 9182

support enforcement agency, services authorized by Title IV-D of 9183  
the "Social Security Act" and provided for by Chapter 3125. of the 9184  
Revised Code. The county department may perform the services 9185  
itself or contract with other government entities, and, pursuant 9186  
to division (C) of section 2301.35 and section 2301.42 of the 9187  
Revised Code, private entities, to perform the Title IV-D 9188  
services. 9189

(d) Duties assigned under section 5111.98 of the Revised 9190  
Code. 9191

(2) Administer disability financial assistance, as required 9192  
by the state department of job and family services under section 9193  
5115.03 of the Revised Code; 9194

(3) Administer disability medical assistance, as required by 9195  
the state department of job and family services under section 9196  
5115.13 of the Revised Code; 9197

(4) Administer burials insofar as the administration of 9198  
burials was, prior to September 12, 1947, imposed upon the board 9199  
of county commissioners and if otherwise required by state law; 9200

(5) Cooperate with state and federal authorities in any 9201  
matter relating to family services and to act as the agent of such 9202  
authorities; 9203

(6) Submit an annual account of its work and expenses to the 9204  
board of county commissioners and to the state department of job 9205  
and family services at the close of each fiscal year; 9206

(7) Exercise any powers and duties relating to family 9207  
services duties or workforce development activities imposed upon 9208  
the county department of job and family services by law, by 9209  
resolution of the board of county commissioners, or by order of 9210  
the governor, when authorized by law, to meet emergencies during 9211  
war or peace; 9212

- (8) Determine the eligibility for medical assistance of recipients of aid under Title XVI of the "Social Security Act";
- (9) If assigned by the state director of job and family services under section 5101.515 or 5101.525 of the Revised Code, determine applicants' eligibility for health assistance under the children's health insurance program part II or part III;
- (10) Enter into a plan of cooperation with the board of county commissioners under section 307.983, consult with the board in the development of the transportation work plan developed under section 307.985, establish with the board procedures under section 307.986 for providing services to children whose families relocate frequently, and comply with the contracts the board enters into under sections 307.981 and 307.982 of the Revised Code that affect the county department;
- (11) For the purpose of complying with a ~~fiscal~~ grant agreement the board of county commissioners enters into under ~~section~~ sections 307.98 and 5101.21 of the Revised Code, exercise the powers and perform the duties the ~~fiscal~~ grant agreement assigns to the county department;
- (12) If the county department is designated as the workforce development agency, provide the workforce development activities specified in the contract required by section 330.05 of the Revised Code.
- (B) The powers and duties of a county department of job and family services are, and shall be exercised and performed, under the control and direction of the board of county commissioners. The board may assign to the county department any power or duty of the board regarding family services duties and workforce development activities. If the new power or duty necessitates the state department of job and family services changing its federal cost allocation plan, the county department may not implement the

power or duty unless the United States department of health and 9244  
human services approves the changes. 9245

**Sec. 329.05.** The county department of job and family services 9246  
may administer or assist in administering any state or local 9247  
family services duty in addition to those mentioned in section 9248  
329.04 of the Revised Code, supported wholly or in part by public 9249  
funds from any source provided by agreement between the board of 9250  
county commissioners and the officer, department, board, or agency 9251  
in which the administration of such activity is vested. Such 9252  
officer, department, board, or agency may enter into such 9253  
agreement and confer upon the county department of job and family 9254  
services, to the extent and in particulars specified in the 9255  
agreement, the performance of any duties and the exercise of any 9256  
powers imposed upon or vested in such officer, board, department, 9257  
or agency, with respect to the administration of such activity. 9258  
Such agreement shall be in the form of a resolution of the board 9259  
of county commissioners, accepted in writing by the other party to 9260  
the agreement, and filed in the office of the county auditor, and 9261  
when so filed, shall have the effect of transferring the exercise 9262  
of the powers and duties to which the agreement relates and shall 9263  
exempt the other party from all further responsibility for the 9264  
exercise of the powers and duties so transferred, during the life 9265  
of the agreement. 9266

Such agreement shall be coordinated and not conflict with a 9267  
~~fiscal grant~~ agreement entered into under ~~section~~ sections 307.98 9268  
and 5101.21, a contract entered into under section 307.981 or 9269  
307.982, a plan of cooperation entered into under section 307.983, 9270  
a regional plan of cooperation entered into under section 307.984, 9271  
a transportation work plan developed under section 307.985, or 9272  
procedures for providing services to children whose families 9273  
relocate frequently established under section 307.986 of the 9274  
Revised Code. It may be revoked at the option of either party, by 9275

a resolution or order of the revoking party filed in the office of 9276  
the auditor. Such revocation shall become effective at the end of 9277  
the fiscal year occurring at least six months following the filing 9278  
of the resolution or order. In the absence of such an express 9279  
revocation so filed, the agreement shall continue indefinitely. 9280

This section does not permit a county department of job and 9281  
family services to manage or control hospitals, humane societies, 9282  
detention facilities, jails or probation departments of courts, or 9283  
veterans service commissions. 9284

**Sec. 329.14.** (A) An individual whose household income does 9285  
not exceed ~~one~~ two hundred ~~fifty~~ per cent of the federal poverty 9286  
line is eligible to participate in an individual development 9287  
account program established by the county department of job and 9288  
family services of the county in which the individual resides. An 9289  
eligible individual seeking to be a participant in the program 9290  
shall enter into an agreement with the fiduciary organization 9291  
administering the program. The agreement shall specify the terms 9292  
and conditions of uses of funds deposited, financial documentation 9293  
required to be maintained by the participant, expectations and 9294  
responsibilities of the participant, and services to be provided 9295  
by the fiduciary organization. 9296

(B) A participant may deposit earned income, as defined in 26 9297  
U.S.C. 911(d)(2), as amended, into the account. The fiduciary 9298  
organization may deposit into the account an amount not exceeding 9299  
~~twice~~ four times the amount deposited by the participant except 9300  
that a fiduciary organization may not, pursuant to an agreement 9301  
with an employer, deposit an amount into an account held by a 9302  
participant who is employed by the employer. An account may have 9303  
no more than ten thousand dollars in it at any time. 9304

(C) Notwithstanding eligibility requirements established in 9305  
or pursuant to Chapter 5107., 5108., or 5111. of the Revised Code, 9306

to the extent permitted by federal statutes and regulations, money 9307  
in an individual development account, including interest, is 9308  
exempt from consideration in determining whether the participant 9309  
or a member of the participant's assistance group is eligible for 9310  
assistance under Chapter 5107., 5108., or 5111. of the Revised 9311  
Code and the amount of assistance the participant or assistance 9312  
group is eligible to receive. 9313

(D)(1) Except as provided in division (D)(2) of this section, 9314  
an individual development account program participant may use 9315  
money in the account only for the following purposes: 9316

(a) Postsecondary educational expenses paid directly from the 9317  
account to an eligible education institution or vendor; 9318

(b) Qualified acquisition expenses of a principal residence, 9319  
as defined in 26 U.S.C. 1034, as amended, paid directly from the 9320  
account to the person or government entity to which the expenses 9321  
are due; 9322

(c) Qualified business capitalization expenses made in 9323  
accordance with a qualified business plan that has been approved 9324  
by a financial institution or by a nonprofit microenterprise 9325  
program having demonstrated business expertise and paid directly 9326  
from the account to the person to whom the expenses are due. 9327

(2) A fiduciary organization shall permit a participant to 9328  
withdraw money deposited by the participant if it is needed to 9329  
deal with a personal emergency of the participant or a member of 9330  
the participant's family or household. Withdrawal shall result in 9331  
the loss of any matching funds in an amount equal to the amount of 9332  
the withdrawal. 9333

(3) Regardless of the reason for the withdrawal, a withdrawal 9334  
from an individual development account may be made only with the 9335  
approval of the fiduciary organization. 9336

Sec. 340.03. (A) Subject to rules issued by the director of 9337  
mental health after consultation with relevant constituencies as 9338  
required by division (A)(11) of section 5119.06 of the Revised 9339  
Code, with regard to mental health services, the board of alcohol, 9340  
drug addiction, and mental health services shall: 9341

(1) Serve as the community mental health planning agency for 9342  
the county or counties under its jurisdiction, and in so doing it 9343  
shall: 9344

(a) Evaluate the need for facilities and community mental 9345  
health services; 9346

(b) In cooperation with other local and regional planning and 9347  
funding bodies and with relevant ethnic organizations, assess the 9348  
community mental health needs, set priorities, and develop plans 9349  
for the operation of facilities and community mental health 9350  
services; 9351

(c) In accordance with guidelines issued by the director of 9352  
mental health after consultation with board representatives, 9353  
develop and submit to the department of mental health, no later 9354  
than six months prior to the conclusion of the fiscal year in 9355  
which the board's current plan is scheduled to expire, a community 9356  
mental health plan listing community mental health needs, 9357  
including the needs of all residents of the district now residing 9358  
in state mental institutions and severely mentally disabled 9359  
adults, children, and adolescents; all children subject to a 9360  
determination made pursuant to section 121.38 of the Revised Code; 9361  
and all the facilities and community mental health services that 9362  
are or will be in operation or provided during the period for 9363  
which the plan will be in operation in the service district to 9364  
meet such needs. 9365

The plan shall include, but not be limited to, a statement of 9366  
which of the services listed in section 340.09 of the Revised Code 9367

the board intends to make available. The board must include crisis 9368  
intervention services for individuals in an emergency situation in 9369  
the plan and explain how the board intends to make such services 9370  
available. The plan must also include an explanation of how the 9371  
board intends to make any payments that it may be required to pay 9372  
under section 5119.62 of the Revised Code, a statement of the 9373  
inpatient and community-based services the board proposes that the 9374  
department operate, an assessment of the number and types of 9375  
residential facilities needed, such other information as the 9376  
department requests, and a budget for moneys the board expects to 9377  
receive. The board shall also submit an allocation request for 9378  
state and federal funds. Within sixty days after the department's 9379  
determination that the plan and allocation request are complete, 9380  
the department shall approve or disapprove the plan and request, 9381  
in whole or in part, according to the criteria developed pursuant 9382  
to section 5119.61 of the Revised Code. The department's statement 9383  
of approval or disapproval shall specify the inpatient and the 9384  
community-based services that the department will operate for the 9385  
board. Eligibility 9386

~~Eligibility~~ for state and federal funding shall be contingent 9387  
upon an approved plan or relevant part of a plan. ~~The department~~ 9388  
~~may provide state and federal funding for services included in a~~ 9389  
~~plan only if the services are for individuals whose focus of~~ 9390  
~~treatment or prevention is a mental disorder according to the~~ 9391  
~~edition of the American psychiatric association's diagnostic and~~ 9392  
~~statistical manual of mental disorders that is current at the time~~ 9393  
~~the funding is provided. This shall include such services for~~ 9394  
~~individuals who have a mental disorder and a co-occurring~~ 9395  
~~substance use disorder, substance induced disorder, chronic~~ 9396  
~~dementing organic mental disorder, mental retardation, or~~ 9397  
~~developmental disability. The department may not provide state or~~ 9398  
~~federal funding under a plan for a service for individuals whose~~ 9399  
~~focus of treatment or prevention is solely a substance use~~ 9400

~~disorder, substance induced disorder, chronic dementing organic 9401  
mental disorder, mental retardation, or developmental disability. 9402~~

If the director disapproves all or part of any plan, the 9403  
director shall inform the board of the reasons for the disapproval 9404  
and of the criteria that must be met before the plan may be 9405  
approved. The director shall provide the board an opportunity to 9406  
present its case on behalf of the plan. The director shall give 9407  
the board a reasonable time in which to meet the criteria, and 9408  
shall offer the board technical assistance to help it meet the 9409  
criteria. 9410

If the approval of a plan remains in dispute thirty days 9411  
prior to the conclusion of the fiscal year in which the board's 9412  
current plan is scheduled to expire, the board or the director may 9413  
request that the dispute be submitted to a mutually agreed upon 9414  
third-party mediator with the cost to be shared by the board and 9415  
the department. The mediator shall issue to the board and the 9416  
department recommendations for resolution of the dispute. Prior to 9417  
the conclusion of the fiscal year in which the current plan is 9418  
scheduled to expire, the director, taking into consideration the 9419  
recommendations of the mediator, shall make a final determination 9420  
and approve or disapprove the plan, in whole or in part. 9421

If a board determines that it is necessary to amend a plan or 9422  
an allocation request that has been approved under division 9423  
(A)(1)(c) of this section, the board shall submit a proposed 9424  
amendment to the director. The director may approve or disapprove 9425  
all or part of the amendment. If the director does not approve all 9426  
or part of the amendment within thirty days after it is submitted, 9427  
the amendment or part of it shall be considered to have been 9428  
approved. The director shall inform the board of the reasons for 9429  
disapproval of all or part of an amendment and of the criteria 9430  
that must be met before the amendment may be approved. The 9431  
director shall provide the board an opportunity to present its 9432

case on behalf of the amendment. The director shall give the board 9433  
a reasonable time in which to meet the criteria, and shall offer 9434  
the board technical assistance to help it meet the criteria. 9435

The board shall implement the plan approved by the 9436  
department. 9437

(d) Receive, compile, and transmit to the department of 9438  
mental health applications for state reimbursement; 9439

(e) Promote, arrange, and implement working agreements with 9440  
social agencies, both public and private, and with judicial 9441  
agencies. 9442

(2) Investigate, or request another agency to investigate, 9443  
any complaint alleging abuse or neglect of any person receiving 9444  
services from a community mental health agency as defined in 9445  
section 5122.01 of the Revised Code, or from a residential 9446  
facility licensed under section 5119.22 of the Revised Code. If 9447  
the investigation substantiates the charge of abuse or neglect, 9448  
the board shall take whatever action it determines is necessary to 9449  
correct the situation, including notification of the appropriate 9450  
authorities. Upon request, the board shall provide information 9451  
about such investigations to the department. 9452

(3) For the purpose of section 5119.611 of the Revised Code, 9453  
cooperate with the director of mental health in visiting and 9454  
evaluating whether the services of a community mental health 9455  
agency satisfy the certification standards established by rules 9456  
adopted under that section; 9457

(4) In accordance with criteria established under division 9458  
(G) of section 5119.61 of the Revised Code, review and evaluate 9459  
the quality, effectiveness, and efficiency of services provided 9460  
through its community mental health plan and submit its findings 9461  
and recommendations to the department of mental health; 9462

(5) In accordance with section 5119.22 of the Revised Code, 9463

review applications for residential facility licenses and 9464  
recommend to the department of mental health approval or 9465  
disapproval of applications; 9466

(6) Audit, in accordance with rules adopted by the auditor of 9467  
state pursuant to section 117.20 of the Revised Code, at least 9468  
annually all programs and services provided under contract with 9469  
the board. In so doing, the board may contract for or employ the 9470  
services of private auditors. A copy of the fiscal audit report 9471  
shall be provided to the director of mental health, the auditor of 9472  
state, and the county auditor of each county in the board's 9473  
district. 9474

(7) Recruit and promote local financial support for mental 9475  
health programs from private and public sources; 9476

(8)(a) Enter into contracts with public and private 9477  
facilities for the operation of facility services included in the 9478  
board's community mental health plan and enter into contracts with 9479  
public and private community mental health agencies for the 9480  
provision of community mental health services that are listed in 9481  
section 340.09 of the Revised Code and included in the board's 9482  
community mental health plan. The board may not contract with a 9483  
community mental health agency to provide community mental health 9484  
services included in the board's community mental health plan 9485  
unless the services are certified by the director of mental health 9486  
under section 5119.611 of the Revised Code. Section 307.86 of the 9487  
Revised Code does not apply to contracts entered into under this 9488  
division. In contracting with a community mental health agency, a 9489  
board shall consider the cost effectiveness of services provided 9490  
by that agency and the quality and continuity of care, and may 9491  
review cost elements, including salary costs, of the services to 9492  
be provided. A utilization review process shall be established as 9493  
part of the contract for services entered into between a board and 9494  
a community mental health agency. The board may establish this 9495

process in a way that is most effective and efficient in meeting 9496  
local needs. In the case of a contract with a community mental 9497  
health facility, as defined in section 5111.023 of the Revised 9498  
Code, to provide services listed in division (B) of that section, 9499  
the contract shall provide for the facility to be paid in 9500  
accordance with the contract entered into between the departments 9501  
of job and family services and mental health under section 5111.91 9502  
of the Revised Code and any rules adopted under division (A) of 9503  
section 5119.61 of the Revised Code. 9504

If either the board or a facility or community mental health 9505  
agency with which the board contracts under division (A)(8)(a) of 9506  
this section proposes not to renew the contract or proposes 9507  
substantial changes in contract terms, the other party shall be 9508  
given written notice at least one hundred twenty days before the 9509  
expiration date of the contract. During the first sixty days of 9510  
this one hundred twenty-day period, both parties shall attempt to 9511  
resolve any dispute through good faith collaboration and 9512  
negotiation in order to continue to provide services to persons in 9513  
need. If the dispute has not been resolved sixty days before the 9514  
expiration date of the contract, either party may notify the 9515  
department of mental health of the unresolved dispute. The 9516  
director may require both parties to submit the dispute to a third 9517  
party with the cost to be shared by the board and the facility or 9518  
community mental health agency. The third party shall issue to the 9519  
board, the facility or agency, and the department recommendations 9520  
on how the dispute may be resolved twenty days prior to the 9521  
expiration date of the contract, unless both parties agree to a 9522  
time extension. The director shall adopt rules establishing the 9523  
procedures of this dispute resolution process. 9524

(b) With the prior approval of the director of mental health, 9525  
a board may operate a facility or provide a community mental 9526  
health service as follows, if there is no other qualified private 9527

or public facility or community mental health agency that is 9528  
immediately available and willing to operate such a facility or 9529  
provide the service: 9530

(i) In an emergency situation, any board may operate a 9531  
facility or provide a community mental health service in order to 9532  
provide essential services for the duration of the emergency; 9533

(ii) In a service district with a population of at least one 9534  
hundred thousand but less than five hundred thousand, a board may 9535  
operate a facility or provide a community mental health service 9536  
for no longer than one year; 9537

(iii) In a service district with a population of less than 9538  
one hundred thousand, a board may operate a facility or provide a 9539  
community mental health service for no longer than one year, 9540  
except that such a board may operate a facility or provide a 9541  
community mental health service for more than one year with the 9542  
prior approval of the director and the prior approval of the board 9543  
of county commissioners, or of a majority of the boards of county 9544  
commissioners if the district is a joint-county district. 9545

The director shall not give a board approval to operate a 9546  
facility or provide a community mental health service under 9547  
division (A)(8)(b)(ii) or (iii) of this section unless the 9548  
director determines that it is not feasible to have the department 9549  
operate the facility or provide the service. 9550

The director shall not give a board approval to operate a 9551  
facility or provide a community mental health service under 9552  
division (A)(8)(b)(iii) of this section unless the director 9553  
determines that the board will provide greater administrative 9554  
efficiency and more or better services than would be available if 9555  
the board contracted with a private or public facility or 9556  
community mental health agency. 9557

The director shall not give a board approval to operate a 9558

facility previously operated by a person or other government 9559  
entity unless the board has established to the director's 9560  
satisfaction that the person or other government entity cannot 9561  
effectively operate the facility or that the person or other 9562  
government entity has requested the board to take over operation 9563  
of the facility. The director shall not give a board approval to 9564  
provide a community mental health service previously provided by a 9565  
community mental health agency unless the board has established to 9566  
the director's satisfaction that the agency cannot effectively 9567  
provide the service or that the agency has requested the board 9568  
take over providing the service. 9569

The director shall review and evaluate a board's operation of 9570  
a facility and provision of community mental health service under 9571  
division (A)(8)(b) of this section. 9572

Nothing in division (A)(8)(b) of this section authorizes a 9573  
board to administer or direct the daily operation of any facility 9574  
or community mental health agency, but a facility or agency may 9575  
contract with a board to receive administrative services or staff 9576  
direction from the board under the direction of the governing body 9577  
of the facility or agency. 9578

(9) Approve fee schedules and related charges or adopt a unit 9579  
cost schedule or other methods of payment for contract services 9580  
provided by community mental health agencies in accordance with 9581  
guidelines issued by the department as necessary to comply with 9582  
state and federal laws pertaining to financial assistance; 9583

(10) Submit to the director and the county commissioners of 9584  
the county or counties served by the board, and make available to 9585  
the public, an annual report of the programs under the 9586  
jurisdiction of the board, including a fiscal accounting; 9587

(11) Establish, to the extent resources are available, a 9588  
community support system, which provides for treatment, support, 9589

and rehabilitation services and opportunities. The essential 9590  
elements of the system include, but are not limited to, the 9591  
following components in accordance with section 5119.06 of the 9592  
Revised Code: 9593

(a) To locate persons in need of mental health services to 9594  
inform them of available services and benefits mechanisms; 9595

(b) Assistance for clients to obtain services necessary to 9596  
meet basic human needs for food, clothing, shelter, medical care, 9597  
personal safety, and income; 9598

(c) Mental health care, including, but not limited to, 9599  
outpatient, partial hospitalization, and, where appropriate, 9600  
inpatient care; 9601

(d) Emergency services and crisis intervention; 9602

(e) Assistance for clients to obtain vocational services and 9603  
opportunities for jobs; 9604

(f) The provision of services designed to develop social, 9605  
community, and personal living skills; 9606

(g) Access to a wide range of housing and the provision of 9607  
residential treatment and support; 9608

(h) Support, assistance, consultation, and education for 9609  
families, friends, consumers of mental health services, and 9610  
others; 9611

(i) Recognition and encouragement of families, friends, 9612  
neighborhood networks, especially networks that include racial and 9613  
ethnic minorities, churches, community organizations, and 9614  
meaningful employment as natural supports for consumers of mental 9615  
health services; 9616

(j) Grievance procedures and protection of the rights of 9617  
consumers of mental health services; 9618

(k) Case management, which includes continual individualized 9619

assistance and advocacy to ensure that needed services are offered 9620  
and procured. 9621

(12) Designate the treatment program, agency, or facility for 9622  
each person involuntarily committed to the board pursuant to 9623  
Chapter 5122. of the Revised Code and authorize payment for such 9624  
treatment. The board shall provide the least restrictive and most 9625  
appropriate alternative that is available for any person 9626  
involuntarily committed to it and shall assure that the services 9627  
listed in section 340.09 of the Revised Code are available to 9628  
severely mentally disabled persons residing within its service 9629  
district. The board shall establish the procedure for authorizing 9630  
payment for services, which may include prior authorization in 9631  
appropriate circumstances. The board may provide for services 9632  
directly to a severely mentally disabled person when life or 9633  
safety is endangered and when no community mental health agency is 9634  
available to provide the service. 9635

(13) Establish a method for evaluating referrals for 9636  
involuntary commitment and affidavits filed pursuant to section 9637  
5122.11 of the Revised Code in order to assist the probate 9638  
division of the court of common pleas in determining whether there 9639  
is probable cause that a respondent is subject to involuntary 9640  
hospitalization and what alternative treatment is available and 9641  
appropriate, if any; 9642

(14) Ensure that apartments or rooms built, subsidized, 9643  
renovated, rented, owned, or leased by the board or a community 9644  
mental health agency have been approved as meeting minimum fire 9645  
safety standards and that persons residing in the rooms or 9646  
apartments are receiving appropriate and necessary services, 9647  
including culturally relevant services, from a community mental 9648  
health agency. This division does not apply to residential 9649  
facilities licensed pursuant to section 5119.22 of the Revised 9650  
Code. 9651

(15) Establish a mechanism for involvement of consumer 9652  
recommendation and advice on matters pertaining to mental health 9653  
services in the alcohol, drug addiction, and mental health service 9654  
district; 9655

(16) Perform the duties under section 3722.18 of the Revised 9656  
Code required by rules adopted under section 5119.61 of the 9657  
Revised Code regarding referrals by the board or mental health 9658  
agencies under contract with the board of individuals with mental 9659  
illness or severe mental disability to adult care facilities and 9660  
effective arrangements for ongoing mental health services for the 9661  
individuals. The board is accountable in the manner specified in 9662  
the rules for ensuring that the ongoing mental health services are 9663  
effectively arranged for the individuals. 9664

(B) The board shall establish such rules, operating 9665  
procedures, standards, and bylaws, and perform such other duties 9666  
as may be necessary or proper to carry out the purposes of this 9667  
chapter. 9668

(C) A board of alcohol, drug addiction, and mental health 9669  
services may receive by gift, grant, devise, or bequest any 9670  
moneys, lands, or property for the benefit of the purposes for 9671  
which the board is established, and may hold and apply it 9672  
according to the terms of the gift, grant, or bequest. All money 9673  
received, including accrued interest, by gift, grant, or bequest 9674  
shall be deposited in the treasury of the county, the treasurer of 9675  
which is custodian of the alcohol, drug addiction, and mental 9676  
health services funds to the credit of the board and shall be 9677  
available for use by the board for purposes stated by the donor or 9678  
grantor. 9679

(D) No board member or employee of a board of alcohol, drug 9680  
addiction, and mental health services shall be liable for injury 9681  
or damages caused by any action or inaction taken within the scope 9682  
of the board member's official duties or the employee's 9683

employment, whether or not such action or inaction is expressly 9684  
authorized by this section, section 340.033, or any other section 9685  
of the Revised Code, unless such action or inaction constitutes 9686  
willful or wanton misconduct. Chapter 2744. of the Revised Code 9687  
applies to any action or inaction by a board member or employee of 9688  
a board taken within the scope of the board member's official 9689  
duties or employee's employment. For the purposes of this 9690  
division, the conduct of a board member or employee shall not be 9691  
considered willful or wanton misconduct if the board member or 9692  
employee acted in good faith and in a manner that the board member 9693  
or employee reasonably believed was in or was not opposed to the 9694  
best interests of the board and, with respect to any criminal 9695  
action or proceeding, had no reasonable cause to believe the 9696  
conduct was unlawful. 9697

(E) The meetings held by any committee established by a board 9698  
of alcohol, drug addiction, and mental health services shall be 9699  
considered to be meetings of a public body subject to section 9700  
121.22 of the Revised Code. 9701

**Sec. 505.37.** (A) The board of township trustees may establish 9702  
all necessary rules to guard against the occurrence of fires and 9703  
to protect the property and lives of the citizens against damage 9704  
and accidents, and may, with the approval of the specifications by 9705  
the prosecuting attorney or, if the township has adopted limited 9706  
home rule government under Chapter 504. of the Revised Code, with 9707  
the approval of the specifications by the township's law director, 9708  
purchase, lease, lease with an option to purchase, or otherwise 9709  
provide any fire apparatus, mechanical resuscitators, or other 9710  
equipment, appliances, materials, fire hydrants, and water supply 9711  
for fire-fighting purposes that seems advisable to the board. The 9712  
board shall provide for the care and maintenance of fire 9713  
equipment, and, for these purposes, may purchase, lease, lease 9714  
with an option to purchase, or construct and maintain necessary 9715

buildings, and it may establish and maintain lines of fire-alarm 9716  
communications within the limits of the township. The board may 9717  
employ one or more persons to maintain and operate fire-fighting 9718  
equipment, or it may enter into an agreement with a volunteer fire 9719  
company for the use and operation of fire-fighting equipment. The 9720  
board may compensate the members of a volunteer fire company on 9721  
any basis and in any amount that it considers equitable. 9722

9723  
When the estimated cost to purchase fire apparatus, 9724  
mechanical resuscitators, other equipment, appliances, materials, 9725  
fire hydrants, buildings, or fire-alarm communications equipment 9726  
or services exceeds fifty thousand dollars, the contract shall be 9727  
let by competitive bidding. When competitive bidding is required, 9728  
the board shall advertise for not less than two nor more than four 9729  
consecutive weeks in a newspaper of general circulation within the 9730  
township. The advertisement shall include the time, date, and 9731  
place where the clerk of the township, or the clerk's designee, 9732  
will read bids publicly. The time, date, and place of bid openings 9733  
may be extended to a later date by the board of township trustees, 9734  
provided that written or oral notice of the change shall be given 9735  
to all persons who have received or requested specifications not 9736  
later than ninety-six hours prior to the original time and date 9737  
fixed for the opening. The board may reject all the bids or accept 9738  
the lowest and best bid, provided that the successful bidder meets 9739  
the requirements of section 153.54 of the Revised Code when the 9740  
contract is for the construction, demolition, alteration, repair, 9741  
or reconstruction of an improvement. 9742

(B) The boards of township trustees of any two or more 9743  
townships, or the legislative authorities of any two or more 9744  
political subdivisions, or any combination of these, may, through 9745  
joint action, unite in the joint purchase, lease, lease with an 9746  
option to purchase, maintenance, use, and operation of 9747

fire-fighting equipment, or for any other purpose designated in 9748  
sections 505.37 to 505.42 of the Revised Code, and may prorate the 9749  
expense of the joint action on any terms that are mutually agreed 9750  
upon. 9751

(C) The board of township trustees of any township may, by 9752  
resolution, whenever it is expedient and necessary to guard 9753  
against the occurrence of fires or to protect the property and 9754  
lives of the citizens against damages resulting from their 9755  
occurrence, create a fire district of any portions of the township 9756  
that it considers necessary. The board may purchase, lease, lease 9757  
with an option to purchase, or otherwise provide any fire 9758  
apparatus, appliances, materials, fire hydrants, and water supply 9759  
for fire-fighting purposes, or may contract for the fire 9760  
protection for the fire district as provided in section 9.60 of 9761  
the Revised Code. The fire district so created shall be given a 9762  
separate name by which it shall be known. 9763

Additional unincorporated territory of the township may be 9764  
added to a fire district upon the board's adoption of a resolution 9765  
authorizing the addition. A municipal corporation that is within 9766  
or adjoining the township may be added to a fire district upon the 9767  
board's adoption of a resolution authorizing the addition and the 9768  
municipal legislative authority's adoption of a resolution or 9769  
ordinance requesting the addition of the municipal corporation to 9770  
the fire district. 9771

If the township fire district imposes a tax, additional 9772  
unincorporated territory of the township or a municipal 9773  
corporation that is within or adjoining the township shall become 9774  
part of the fire district only after all of the following have 9775  
occurred: 9776

(1) Adoption by the board of township trustees of a 9777  
resolution approving the expansion of the territorial limits of 9778  
the district and, if the resolution proposes to add a municipal 9779

corporation, adoption by the municipal legislative authority of a 9780  
resolution or ordinance requesting the addition of the municipal 9781  
corporation to the district; 9782

(2) Adoption by the board of township trustees of a 9783  
resolution recommending the extension of the tax to the additional 9784  
territory; 9785

(3) Approval of the tax by the electors of the territory 9786  
proposed for addition to the district. 9787

Each resolution of the board adopted under division (C)(2) of 9788  
this section shall state the name of the fire district, a 9789  
description of the territory to be added, and the rate and 9790  
termination date of the tax, which shall be the rate and 9791  
termination date of the tax currently in effect in the fire 9792  
district. 9793

The board of trustees shall certify each resolution adopted 9794  
under division (C)(2) of this section to the board of elections in 9795  
accordance with section 5705.19 of the Revised Code. The election 9796  
required under division (C)(3) of this section shall be held, 9797  
canvassed, and certified in the manner provided for the submission 9798  
of tax levies under section 5705.25 of the Revised Code, except 9799  
that the question appearing on the ballot shall read: 9800

"Shall the territory within ..... 9801  
(description of the proposed territory to be added) be added to 9802  
..... (name) fire district, and a property tax 9803  
at a rate of taxation not exceeding ..... (here insert tax rate) 9804  
be in effect for ..... (here insert the number of years the 9805  
tax is to be in effect or "a continuing period of time," as 9806  
applicable)?" 9807

If the question is approved by at least a majority of the 9808  
electors voting on it, the joinder shall be effective as of the 9809  
first day of July of the year following approval, and on that 9810

date, the township fire district tax shall be extended to the 9811  
taxable property within the territory that has been added. If the 9812  
territory that has been added is a municipal corporation and if it 9813  
had adopted a tax levy for fire purposes, the levy is terminated 9814  
on the effective date of the joinder. 9815

Any municipal corporation may withdraw from a township fire 9816  
district created under division (C) of this section by the 9817  
adoption by the municipal legislative authority of a resolution or 9818  
ordinance ordering withdrawal. On the first day of July of the 9819  
year following the adoption of the resolution or ordinance of 9820  
withdrawal, the municipal corporation withdrawing ceases to be a 9821  
part of the district, and the power of the fire district to levy a 9822  
tax upon taxable property in the withdrawing municipal corporation 9823  
terminates, except that the fire district shall continue to levy 9824  
and collect taxes for the payment of indebtedness within the 9825  
territory of the fire district as it was composed at the time the 9826  
indebtedness was incurred. 9827

Upon the withdrawal of any municipal corporation from a 9828  
township fire district created under division (C) of this section, 9829  
the county auditor shall ascertain, apportion, and order a 9830  
division of the funds on hand, moneys and taxes in the process of 9831  
collection except for taxes levied for the payment of 9832  
indebtedness, credits, and real and personal property, either in 9833  
money or in kind, on the basis of the valuation of the respective 9834  
tax duplicates of the withdrawing municipal corporation and the 9835  
remaining territory of the fire district. 9836

A board of township trustees may remove unincorporated 9837  
territory of the township from the fire district upon the adoption 9838  
of a resolution authorizing the removal. On the first day of July 9839  
of the year following the adoption of the resolution, the 9840  
unincorporated township territory described in the resolution 9841  
ceases to be a part of the district, and the power of the fire 9842

district to levy a tax upon taxable property in that territory 9843  
terminates, except that the fire district shall continue to levy 9844  
and collect taxes for the payment of indebtedness within the 9845  
territory of the fire district as it was composed at the time the 9846  
indebtedness was incurred. 9847

(D) The board of township trustees of any township, the board 9848  
of fire district trustees of a fire district created under section 9849  
505.371 of the Revised Code, or the legislative authority of any 9850  
municipal corporation may purchase, lease, or lease with an option 9851  
to purchase the necessary fire-fighting equipment, buildings, and 9852  
sites for the township, fire district, or municipal corporation 9853  
and issue securities for that purpose with maximum maturities as 9854  
provided in section 133.20 of the Revised Code. The board of 9855  
township trustees, board of fire district trustees, or legislative 9856  
authority may also construct any buildings necessary to house 9857  
fire-fighting equipment and issue securities for that purpose with 9858  
maximum maturities as provided in section 133.20 of the Revised 9859  
Code. 9860

The board of township trustees, board of fire district 9861  
trustees, or legislative authority may issue the securities of the 9862  
township, fire district, or municipal corporation, signed by the 9863  
board or designated officer of the municipal corporation and 9864  
attested by the signature of the township fiscal officer, fire 9865  
district clerk, or municipal clerk, covering any deferred payments 9866  
and payable at the times provided, which securities shall bear 9867  
interest not to exceed the rate determined as provided in section 9868  
9.95 of the Revised Code, and shall not be subject to Chapter 133. 9869  
of the Revised Code. The legislation authorizing the issuance of 9870  
the securities shall provide for levying and collecting annually 9871  
by taxation, amounts sufficient to pay the interest on and 9872  
principal of the securities. The securities shall be offered for 9873  
sale on the open market or given to the vendor or contractor if no 9874

sale is made. 9875

Section 505.40 of the Revised Code does not apply to any 9876  
securities issued, or any lease with an option to purchase entered 9877  
into, in accordance with this division. 9878

(E) A board of township trustees of any township or a board 9879  
of fire district trustees of a fire district created under section 9880  
505.371 of the Revised Code may purchase a policy or policies of 9881  
liability insurance for the officers, employees, and appointees of 9882  
the fire department, fire district, or joint fire district 9883  
governed by the board that includes personal injury liability 9884  
coverage as to the civil liability of those officers, employees, 9885  
and appointees for false arrest, detention, or imprisonment, 9886  
malicious prosecution, libel, slander, defamation or other 9887  
violation of the right of privacy, wrongful entry or eviction, or 9888  
other invasion of the right of private occupancy, arising out of 9889  
the performance of their duties. 9890

When a board of township trustees cannot, by deed of gift or 9891  
by purchase and upon terms it considers reasonable, procure land 9892  
for a township fire station that is needed in order to respond in 9893  
reasonable time to a fire or medical emergency, the board may 9894  
appropriate land for that purpose under sections 163.01 to 163.22 9895  
of the Revised Code. If it is necessary to acquire additional 9896  
adjacent land for enlarging or improving the fire station, the 9897  
board may purchase, appropriate, or accept a deed of gift for the 9898  
land for these purposes. 9899

(F) As used in this division, "emergency medical service 9900  
organization" has the same meaning as in section 4766.01 of the 9901  
Revised Code. 9902

A board of township trustees, by adoption of an appropriate 9903  
resolution, may choose to have the Ohio medical transportation 9904  
board license any emergency medical service organization it 9905

operates. If the board adopts such a resolution, Chapter 4766. of 9906  
the Revised Code, except for sections 4766.06 and 4766.99 of the 9907  
Revised Code, applies to the organization. All rules adopted under 9908  
the applicable sections of that chapter also apply to the 9909  
organization. A board of township trustees, by adoption of an 9910  
appropriate resolution, may remove its emergency medical service 9911  
organization from the jurisdiction of the Ohio medical 9912  
transportation board. 9913

**Sec. 505.376.** When any expenditure of a fire and ambulance 9914  
district, other than for the compensation of district employees, 9915  
exceeds ~~twenty-five~~ fifty thousand dollars, the contract for the 9916  
expenditure shall be in writing and made with the lowest and best 9917  
bidder after advertising for not less than two nor more than four 9918  
consecutive weeks in a newspaper of general circulation within the 9919  
district. The bids shall be opened and shall be publicly read by 9920  
the clerk of the district, or the clerk's designee, at the time, 9921  
date, and place specified in the advertisement to bidders or the 9922  
specifications. The time, date, and place of bid openings may be 9923  
extended to a later date by the board of trustees of the district, 9924  
provided that written or oral notice of the change shall be given 9925  
to all persons who have received or requested specifications no 9926  
later than ninety-six hours prior to the original time and date 9927  
fixed for the opening. 9928

Each bid on any contract shall contain the full name of every 9929  
person interested in the bid. If the bid is for a contract for the 9930  
construction, demolition, alteration, repair, or reconstruction of 9931  
an improvement, it shall meet the requirements of section 153.54 9932  
of the Revised Code. If the bid is for any other contract, it 9933  
shall be accompanied by a sufficient bond or certified check, 9934  
cashier's check, or money order on a solvent bank or savings and 9935  
loan association that, if the bid is accepted, a contract will be 9936  
entered into and the performance of it will be properly secured. 9937

If the bid for work embraces both labor and material, it shall be 9938  
separately stated, with the price of the labor and the material. 9939  
The board may reject any and all bids. The contract shall be 9940  
between the district and the bidder, and the district shall pay 9941  
the contract price in cash. When a bonus is offered for completion 9942  
of a contract prior to a specified date, the board may exact a 9943  
prorated penalty in like sum for each day of delay beyond the 9944  
specified date. When there is reason to believe there is collusion 9945  
or combination among bidders, the bids of those concerned shall be 9946  
rejected. 9947

**Sec. 505.705.** A board of township trustees may agree to 9948  
appropriate township general revenue fund moneys to, and may agree 9949  
to grant or lend moneys from the township general revenue fund to, 9950  
any political subdivision with authority to provide water ~~or,~~ 9951  
sanitary sewerage services, or ~~both,~~ to storm water drainage 9952  
within the township, for the purpose of providing moneys to the 9953  
political subdivision to pay for the planning of or actual costs, 9954  
fees, debt retirement, or any other expense, including, but not 9955  
limited to, administrative and professional fees, incurred in 9956  
supplying one or more of these purposes within the township, or 9957  
the planning of or actual construction, maintenance, repair, ~~and~~ 9958  
or operation of water ~~or,~~ sanitary sewerage systems, or ~~both,~~ that 9959  
service storm water drainage within the township. A board of 9960  
township trustees that grants or lends moneys to a political 9961  
subdivision for this purpose shall expressly state the terms of 9962  
the grant or loan agreement in a written memorandum. 9963

**Sec. 517.08.** The proceeds arising from the sale of cemetery 9964  
lots under section 517.07 of the Revised Code shall be used in 9965  
maintaining, improving, beautifying, and embellishing such 9966  
grounds, except that upon unanimous consent of the board of 9967  
township trustees, such proceeds may be used in the purchase or 9968

appropriation of additional land for cemetery purposes in 9969  
accordance with sections 517.01 and 517.13 of the Revised Code; 9970  
and the board of township trustees may build and maintain proper 9971  
and secure fences around all such cemeteries, to be paid for from 9972  
the township funds. 9973

**Sec. 709.01.** Territory may be annexed to, merged with, or 9974  
detached from, municipal corporations, in the manner provided in 9975  
~~sections 709.01 to 709.47 of the Revised Code. No~~ this chapter, 9976  
provided that no territory lying within the boundaries of a 9977  
military base, camp, or similar installation under the 9978  
jurisdiction of a military department of the United States 9979  
government, that is used for the housing of members of the armed 9980  
forces of the United States and is a center for military 9981  
operations of the department shall be annexed to or merged with a 9982  
municipal corporation under ~~sections 709.01 to 709.21 of the~~ 9983  
~~Revised Code~~ this chapter without the approval of the secretary of 9984  
defense of the United States, ~~his~~ the secretary's designee, or 9985  
other person having authority under federal law to give such 9986  
approval. 9987

**Sec. 711.001.** As used in this chapter: 9988

(A) "Plat" means a map of a tract or parcel of land. 9989

(B) "Subdivision" means either of the following: 9990

(1) The division of any parcel of land shown as a unit or as 9991  
contiguous units on the last preceding general tax list and 9992  
duplicate of real and public utility property, into two or more 9993  
parcels, sites, or lots, any one of which is less than five acres 9994  
for the purpose, whether immediate or future, of transfer of 9995  
ownership, provided, however, that the following are exempt: 9996

(a) A division or partition of land into parcels of more than 9997  
five acres not involving any new streets or easements of access; 9998

(b) The sale or exchange of parcels between adjoining lot owners, where that sale or exchange does not create additional building sites; 9999  
10000  
10001

(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. 10002  
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(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. 10006  
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(C) "Household sewage treatment system" has the same meaning as in section 3709.091 of the Revised Code. 10015  
10016

**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 10017  
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meeting shall be held until at least seven days have passed from 10030  
the date the notice was sent by the board of county commissioners. 10031  
The approval of the board required by section 711.041 of the 10032  
Revised Code or the refusal to approve shall take place within 10033  
thirty days from the date of submission or such further time as 10034  
the applying party may agree to in writing; otherwise, the plat is 10035  
deemed approved and may be recorded as if bearing such approval. 10036

(B) The board may adopt general rules governing plats and 10037  
subdivisions of land falling within its jurisdiction, to secure 10038  
and provide for the coordination of the streets within the 10039  
subdivision with existing streets and roads or with existing 10040  
county highways, for the proper amount of open spaces for traffic, 10041  
circulation, and utilities, and for the avoidance of future 10042  
congestion of population detrimental to the public health, safety, 10043  
or welfare, but shall not impose a greater minimum lot area than 10044  
forty-eight hundred square feet. Before the board may amend or 10045  
adopt rules, it shall notify all the townships in the county of 10046  
the proposed amendments or rules by regular mail at least thirty 10047  
days before the public meeting at which the proposed amendments or 10048  
rules are to be considered. 10049

The rules may require the board of health to review and 10050  
comment on a plat before the board of county commissioners acts 10051  
upon it and may also require proof of compliance with any 10052  
applicable zoning resolutions, and with rules governing household 10053  
sewage treatment ~~rules adopted under section 3718.02 of the~~ 10054  
~~Revised Code~~ systems, as a basis for approval of a plat. Where 10055  
under section 711.101 of the Revised Code the board of county 10056  
commissioners has set up standards and specifications for the 10057  
construction of streets, utilities, and other improvements for 10058  
common use, the general rules may require the submission of 10059  
appropriate plans and specifications for approval. The board shall 10060  
not require the person submitting the plat to alter the plat or 10061

any part of it as a condition for approval, as long as the plat is 10062  
in accordance with general rules governing plats and subdivisions 10063  
of land, adopted by the board as provided in this section, in 10064  
effect at the time the plat was submitted and the plat is in 10065  
accordance with any standards and specifications set up under 10066  
section 711.101 of the Revised Code, in effect at the time the 10067  
plat was submitted. 10068

(C) The ground of refusal to approve any plat, submitted in 10069  
accordance with section 711.041 of the Revised Code, shall be 10070  
stated upon the record of the board, and, within sixty days 10071  
thereafter, the person submitting any plat that the board refuses 10072  
to approve may file a petition in the court of common pleas of the 10073  
county in which the land described in the plat is situated to 10074  
review the action of the board. A board of township trustees is 10075  
not entitled to appeal a decision of the board of county 10076  
commissioners under this section. 10077

**Sec. 711.10.** (A) Whenever a county planning commission or a 10078  
regional planning commission adopts a plan for the major streets 10079  
or highways of the county or region, no plat of a subdivision of 10080  
land within the county or region, other than land within a 10081  
municipal corporation or land within three miles of a city or one 10082  
and one-half miles of a village as provided in section 711.09 of 10083  
the Revised Code, shall be recorded until it is approved by the 10084  
county or regional planning commission under division (C) of this 10085  
section and the approval is endorsed in writing on the plat. 10086

(B) A county or regional planning commission may require the 10087  
submission of a preliminary plan for each plat sought to be 10088  
recorded. If the commission requires this submission, it shall 10089  
provide for a review process for the preliminary plan. Under this 10090  
review process, the planning commission shall give its approval, 10091  
its approval with conditions, or its disapproval of each 10092

preliminary plan. The commission's decision shall be in writing, 10093  
shall be under the signature of the secretary of the commission, 10094  
and shall be issued within thirty-five business days after the 10095  
submission of the preliminary plan to the commission. The 10096  
disapproval of a preliminary plan shall state the reasons for the 10097  
disapproval. A decision of the commission under this division is 10098  
preliminary to and separate from the commission's decision to 10099  
approve, conditionally approve, or refuse to approve a plat under 10100  
division (C) of this section. 10101

(C) Within five calendar days after the submission of a plat 10102  
for approval under this division, the county or regional planning 10103  
commission shall schedule a meeting to consider the plat and send 10104  
a notice by regular mail or by electronic mail to the fiscal 10105  
officer of the board of township trustees of the township in which 10106  
the plat is located and the board of health of the health district 10107  
in which the plat is located. The notice shall inform the trustees 10108  
and the board of health of the submission of the plat and of the 10109  
date, time, and location of any meeting at which the county or 10110  
regional planning commission will consider or act upon the plat. 10111  
The meeting shall take place within thirty calendar days after 10112  
submission of the plat, and no meeting shall be held until at 10113  
least seven calendar days have passed from the date the planning 10114  
commission sent the notice. 10115

The approval of the county or regional planning commission, 10116  
the commission's conditional approval as described in this 10117  
division, or the refusal of the commission to approve shall be 10118  
endorsed on the plat within thirty calendar days after the 10119  
submission of the plat for approval under this division or within 10120  
such further time as the applying party may agree to in writing; 10121  
otherwise that plat is deemed approved, and the certificate of the 10122  
commission as to the date of the submission of the plat for 10123  
approval under this division and the failure to take action on it 10124

within that time shall be sufficient in lieu of the written 10125  
endorsement or evidence of approval required by this division. 10126

A county or regional planning commission may grant 10127  
conditional approval under this division to a plat by requiring a 10128  
person submitting the plat to alter the plat or any part of it, 10129  
within a specified period after the end of the thirty calendar 10130  
days, as a condition for final approval under this division. Once 10131  
all the conditions have been met within the specified period, the 10132  
commission shall cause its final approval under this division to 10133  
be endorsed on the plat. No plat shall be recorded until it is 10134  
endorsed with the commission's final or unconditional approval 10135  
under this division. 10136

The ground of refusal of approval of any plat submitted under 10137  
this division, including citation of or reference to the rule 10138  
violated by the plat, shall be stated upon the record of the 10139  
county or regional planning commission. Within sixty calendar days 10140  
after the refusal under this division, the person submitting any 10141  
plat that the commission refuses to approve under this division 10142  
may file a petition in the court of common pleas of the proper 10143  
county, and the proceedings on the petition shall be governed by 10144  
section 711.09 of the Revised Code as in the case of the refusal 10145  
of a planning authority to approve a plat. A board of township 10146  
trustees is not entitled to appeal a decision of the commission 10147  
under this division. 10148

A county or regional planning commission shall adopt general 10149  
rules, of uniform application, governing plats and subdivisions of 10150  
land falling within its jurisdiction, to secure and provide for 10151  
the proper arrangement of streets or other highways in relation to 10152  
existing or planned streets or highways or to the county or 10153  
regional plan, for adequate and convenient open spaces for 10154  
traffic, utilities, access of firefighting apparatus, recreation, 10155  
light, and air, and for the avoidance of congestion of population. 10156

The rules may provide for their modification by the commission in 10157  
specific cases where unusual topographical and other exceptional 10158  
conditions require the modification. The rules may require the 10159  
board of health to review and comment on a plat before the 10160  
commission acts upon it and also may require proof of compliance 10161  
with any applicable zoning resolutions, and with rules governing 10162  
household sewage treatment ~~rules adopted under section 3718.02 of~~ 10163  
~~the Revised Code~~ systems, as a basis for approval of a plat. 10164

Before adoption of its rules or amendment of its rules, the 10165  
commission shall hold a public hearing on the adoption or 10166  
amendment. Notice of the public hearing shall be sent to all 10167  
townships in the county or region by regular mail or electronic 10168  
mail at least thirty business days before the hearing. No county 10169  
or regional planning commission shall adopt any rules requiring 10170  
actual construction of streets or other improvements or facilities 10171  
or assurance of that construction as a condition precedent to the 10172  
approval of a plat of a subdivision unless the requirements have 10173  
first been adopted by the board of county commissioners after a 10174  
public hearing. A copy of the rules shall be certified by the 10175  
planning commission to the county recorders of the appropriate 10176  
counties. 10177

After a county or regional street or highway plan has been 10178  
adopted as provided in this section, the approval of plats and 10179  
subdivisions provided for in this section shall be in lieu of any 10180  
approvals provided for in other sections of the Revised Code, 10181  
insofar as the territory within the approving jurisdiction of the 10182  
county or regional planning commission, as provided in this 10183  
section, is concerned. Approval of a plat shall not be an 10184  
acceptance by the public of the dedication of any street, highway, 10185  
or other way or open space shown upon the plat. 10186

No county or regional planning commission shall require a 10187  
person submitting a plat to alter the plat or any part of it as 10188

long as the plat is in accordance with the general rules governing 10189  
plats and subdivisions of land, adopted by the commission as 10190  
provided in this section, in effect at the time the plat is 10191  
submitted. 10192

A county or regional planning commission and a city or 10193  
village planning commission, or platting commissioner or 10194  
legislative authority of a village, with subdivision regulation 10195  
jurisdiction over unincorporated territory within the county or 10196  
region may cooperate and agree by written agreement that the 10197  
approval of a plat by the city or village planning commission, or 10198  
platting commissioner or legislative authority of a village, as 10199  
provided in section 711.09 of the Revised Code, shall be 10200  
conditioned upon receiving advice from or approval by the county 10201  
or regional planning commission. 10202

(D) As used in this section, "business day" means a day of 10203  
the week excluding Saturday, Sunday, or a legal holiday as defined 10204  
in section 1.14 of the Revised Code. 10205

**Sec. 711.131.** (A) Notwithstanding sections 711.001 to 711.13 10206  
of the Revised Code and except as provided in division (C) of this 10207  
section, unless the rules adopted under section 711.05, 711.09, or 10208  
711.10 of the Revised Code are amended pursuant to division (B) of 10209  
this section, a proposed division of a parcel of land along an 10210  
existing public street, not involving the opening, widening, or 10211  
extension of any street or road, and involving no more than five 10212  
lots after the original tract has been completely subdivided, may 10213  
be submitted to the planning authority having approving 10214  
jurisdiction of plats under section 711.05, 711.09, or 711.10 of 10215  
the Revised Code for approval without plat. If the authority 10216  
acting through a properly designated representative finds that a 10217  
proposed division is not contrary to applicable platting, 10218  
subdividing, zoning, health, sanitary, or access management 10219

regulations, regulations adopted under division (B)(3) of section 10220  
307.37 of the Revised Code regarding existing surface or 10221  
subsurface drainage, or rules governing household sewage treatment 10222  
~~rules adopted under section 3718.02 of the Revised Code,~~ 10223  
~~including, but not limited to, rules governing household sewage~~ 10224  
~~disposal systems,~~ systems, it shall approve the proposed division 10225  
within seven business days after its submission and, on 10226  
presentation of a conveyance of the parcel, shall stamp the 10227  
conveyance "approved by (planning authority); no plat required" 10228  
and have it signed by its clerk, secretary, or other official as 10229  
may be designated by it. The planning authority may require the 10230  
submission of a sketch and other information that is pertinent to 10231  
its determination under this division. 10232

(B) For a period of up to two years after ~~the effective date~~ 10233  
~~of this amendment~~ April 15, 2005, the rules adopted under section 10234  
711.05, 711.09, or 711.10 of the Revised Code may be amended 10235  
within that period to authorize the planning authority involved to 10236  
approve proposed divisions of parcels of land without plat under 10237  
this division. If an authority so amends its rules, it may approve 10238  
no more than five lots without a plat from an original tract as 10239  
that original tract exists on the effective date of the amendment 10240  
to the rules. The authority shall make the findings and approve a 10241  
proposed division in the time and manner specified in division (A) 10242  
of this section. 10243

(C) This section does not apply to parcels subject to section 10244  
711.133 of the Revised Code. 10245

(D) As used in this section: 10246

~~(1)~~, "Business business day" means a day of the week 10247  
excluding Saturday, Sunday, or a legal holiday as defined in 10248  
section 1.14 of the Revised Code. 10249

~~(2) "Household sewage disposal system" has the same meaning~~ 10250

~~as in section 3709.091 of the Revised Code.~~ 10251

**Sec. 718.01.** (A) As used in this chapter: 10252

(1) "Adjusted federal taxable income" means a C corporation's 10253  
federal taxable income before net operating losses and special 10254  
deductions as determined under the Internal Revenue Code, adjusted 10255  
as follows: 10256

(a) Deduct intangible income to the extent included in 10257  
federal taxable income. The deduction shall be allowed regardless 10258  
of whether the intangible income relates to assets used in a trade 10259  
or business or assets held for the production of income. 10260

(b) Add an amount equal to five per cent of intangible income 10261  
deducted under division (A)(1)(a) of this section, but excluding 10262  
that portion of intangible income directly related to the sale, 10263  
exchange, or other disposition of property described in section 10264  
1221 of the Internal Revenue Code; 10265

(c) Add any losses allowed as a deduction in the computation 10266  
of federal taxable income if the losses directly relate to the 10267  
sale, exchange, or other disposition of an asset described in 10268  
section 1221 or 1231 of the Internal Revenue Code; 10269

(d)(i) Except as provided in division (A)(1)(d)(ii) of this 10270  
section, deduct income and gain included in federal taxable income 10271  
to the extent the income and gain directly relate to the sale, 10272  
exchange, or other disposition of an asset described in section 10273  
1221 or 1231 of the Internal Revenue Code; 10274

(ii) Division (A)(1)(d)(i) of this section does not apply to 10275  
the extent the income or gain is income or gain described in 10276  
section 1245 or 1250 of the Internal Revenue Code. 10277

(e) Add taxes on or measured by net income allowed as a 10278  
deduction in the computation of federal taxable income; 10279

(f) In the case of a real estate investment trust and 10280

regulated investment company, add all amounts with respect to 10281  
dividends to, distributions to, or amounts set aside for or 10282  
credited to the benefit of investors and allowed as a deduction in 10283  
the computation of federal taxable income; 10284

(g) If the taxpayer is not a C corporation and is not an 10285  
individual, the taxpayer shall compute adjusted federal taxable 10286  
income as if the taxpayer were a C corporation, except: 10287

(i) Guaranteed payments and other similar amounts paid or 10288  
accrued to a partner, former partner, member, or former member 10289  
shall not be allowed as a deductible expense; and 10290

(ii) Amounts paid or accrued to a qualified self-employed 10291  
retirement plan with respect to an owner or owner-employee of the 10292  
taxpayer, amounts paid or accrued to or for health insurance for 10293  
an owner or owner-employee, and amounts paid or accrued to or for 10294  
life insurance for an owner or owner-employee shall not be allowed 10295  
as a deduction. 10296

Nothing in division (A)(1) of this section shall be construed 10297  
as allowing the taxpayer to add or deduct any amount more than 10298  
once or shall be construed as allowing any taxpayer to deduct any 10299  
amount paid to or accrued for purposes of federal self-employment 10300  
tax. 10301

Nothing in this chapter shall be construed as limiting or 10302  
removing the ability of any municipal corporation to administer, 10303  
audit, and enforce the provisions of its municipal income tax. 10304

(2) "Internal Revenue Code" means the Internal Revenue Code 10305  
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. 10306

(3) "Schedule C" means internal revenue service schedule C 10307  
filed by a taxpayer pursuant to the Internal Revenue Code. 10308

(4) "Form 2106" means internal revenue service form 2106 10309  
filed by a taxpayer pursuant to the Internal Revenue Code. 10310

(5) "Intangible income" means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701. of the Revised Code, and patents, copyrights, trademarks, tradenames, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation. "Intangible income" does not include prizes, awards, or other income associated with any lottery winnings or other similar games of chance.

(6) "S corporation" means a corporation that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.

(7) For taxable years beginning on or after January 1, 2004, "net profit" for a taxpayer other than an individual means adjusted federal taxable income and "net profit" for a taxpayer who is an individual means the individual's profit, other than amounts described in division (F) of this section, required to be reported on schedule C, schedule E, or schedule F.

(8) "Taxpayer" means a person subject to a tax on income levied by a municipal corporation. Except as provided in division (J) of this section, "taxpayer" does not include any person that is a disregarded entity or a qualifying subchapter S subsidiary for federal income tax purposes, but "taxpayer" includes any other person who owns the disregarded entity or qualifying subchapter S subsidiary.

(9) "Taxable year" means the corresponding tax reporting period as prescribed for the taxpayer under the Internal Revenue Code.

(10) "Tax administrator" means the individual charged with

direct responsibility for administration of a tax on income levied 10342  
by a municipal corporation and includes: 10343

(a) The central collection agency and the regional income tax 10344  
agency and their successors in interest, and other entities 10345  
organized to perform functions similar to those performed by the 10346  
central collection agency and the regional income tax agency; 10347

(b) A municipal corporation acting as the agent of another 10348  
municipal corporation; and 10349

(c) Persons retained by a municipal corporation to administer 10350  
a tax levied by the municipal corporation, but only if the 10351  
municipal corporation does not compensate the person in whole or 10352  
in part on a contingency basis. 10353

(11) "Person" includes individuals, firms, companies, 10354  
business trusts, estates, trusts, partnerships, limited liability 10355  
companies, associations, corporations, governmental entities, and 10356  
any other entity. 10357

(12) "Schedule E" means internal revenue service schedule E 10358  
filed by a taxpayer pursuant to the Internal Revenue Code. 10359

(13) "Schedule F" means internal revenue service schedule F 10360  
filed by a taxpayer pursuant to the Internal Revenue Code. 10361

(B) No municipal corporation shall tax income at other than a 10362  
uniform rate. 10363

(C) No municipal corporation shall levy a tax on income at a 10364  
rate in excess of one per cent without having obtained the 10365  
approval of the excess by a majority of the electors of the 10366  
municipality voting on the question at a general, primary, or 10367  
special election. The legislative authority of the municipal 10368  
corporation shall file with the board of elections at least 10369  
seventy-five days before the day of the election a copy of the 10370  
ordinance together with a resolution specifying the date the 10371

election is to be held and directing the board of elections to 10372  
conduct the election. The ballot shall be in the following form: 10373  
"Shall the Ordinance providing for a ... per cent levy on income 10374  
for (Brief description of the purpose of the proposed levy) be 10375  
passed? 10376

	FOR THE INCOME TAX
	AGAINST THE INCOME TAX

10377  
10378  
10379

10380

In the event of an affirmative vote, the proceeds of the levy 10381  
may be used only for the specified purpose. 10382

(D)(1) Except as provided in division (E) or (F) of this 10383  
section, no municipal corporation shall exempt from a tax on 10384  
income compensation for personal services of individuals over 10385  
eighteen years of age or the net profit from a business or 10386  
profession. 10387

(2)(a) For taxable years beginning on or after January 1, 10388  
2004, no municipal corporation shall tax the net profit from a 10389  
business or profession using any base other than the taxpayer's 10390  
adjusted federal taxable income. 10391

(b) Division (D)(2)(a) of this section does not apply to any 10392  
taxpayer required to file a return under section 5745.03 of the 10393  
Revised Code or to the net profit from a sole proprietorship. 10394

(E) The legislative authority of a municipal corporation may, 10395  
by ordinance or resolution, exempt from withholding and from a tax 10396  
on income the following: 10397

(1) Compensation arising from the sale, exchange, or other 10398  
disposition of a stock option, the exercise of a stock option, or 10399  
the sale, exchange, or other disposition of stock purchased under 10400  
a stock option; or 10401

(2) Compensation attributable to a nonqualified deferred 10402  
compensation plan or program described in section 3121(v)(2)(C) of 10403  
the Internal Revenue Code. 10404

If an individual's taxable income includes income against 10405  
which the taxpayer has taken a deduction for federal income tax 10406  
purposes as reportable on the taxpayer's form 2106, and against 10407  
which a like deduction has not been allowed by the municipal 10408  
corporation, the municipal corporation shall deduct from the 10409  
taxpayer's taxable income an amount equal to the deduction shown 10410  
on such form allowable against such income, to the extent not 10411  
otherwise so allowed as a deduction by the municipal corporation. 10412

In the case of a taxpayer who has a net profit from a 10413  
business or profession that is operated as a sole proprietorship, 10414  
no municipal corporation may tax or use as the base for 10415  
determining the amount of the net profit that shall be considered 10416  
as having a taxable situs in the municipal corporation, an amount 10417  
other than the net profit required to be reported by the taxpayer 10418  
on schedule C or F from such sole proprietorship for the taxable 10419  
year. 10420

In the case of a taxpayer who has a net profit from rental 10421  
activity required to be reported on schedule E, no municipal 10422  
corporation may tax or use as the base for determining the amount 10423  
of the net profit that shall be considered as having a taxable 10424  
situs in the municipal corporation, an amount other than the net 10425  
profit from rental activities required to be reported by the 10426  
taxpayer on schedule E for the taxable year. 10427

(F) A municipal corporation shall not tax any of the 10428  
following: 10429

(1) The military pay or allowances of members of the armed 10430  
forces of the United States and of members of their reserve 10431  
components, including the Ohio national guard; 10432

(2) The income of religious, fraternal, charitable, 10433  
scientific, literary, or educational institutions to the extent 10434  
that such income is derived from tax-exempt real estate, 10435  
tax-exempt tangible or intangible property, or tax-exempt 10436  
activities; 10437

(3) Except as otherwise provided in division (G) of this 10438  
section, intangible income; 10439

(4) Compensation paid under section 3501.28 or 3501.36 of the 10440  
Revised Code to a person serving as a precinct election official, 10441  
to the extent that such compensation does not exceed one thousand 10442  
dollars annually. Such compensation in excess of one thousand 10443  
dollars may be subjected to taxation by a municipal corporation. A 10444  
municipal corporation shall not require the payer of such 10445  
compensation to withhold any tax from that compensation. 10446

(5) Compensation paid to an employee of a transit authority, 10447  
regional transit authority, or regional transit commission created 10448  
under Chapter 306. of the Revised Code for operating a transit bus 10449  
or other motor vehicle for the authority or commission in or 10450  
through the municipal corporation, unless the bus or vehicle is 10451  
operated on a regularly scheduled route, the operator is subject 10452  
to such a tax by reason of residence or domicile in the municipal 10453  
corporation, or the headquarters of the authority or commission is 10454  
located within the municipal corporation; 10455

(6) The income of a public utility, when that public utility 10456  
is subject to the tax levied under section 5727.24 or 5727.30 of 10457  
the Revised Code, except a municipal corporation may tax the 10458  
following, subject to Chapter 5745. of the Revised Code: 10459

(a) Beginning January 1, 2002, the income of an electric 10460  
company or combined company; 10461

(b) Beginning January 1, 2004, the income of a telephone 10462  
company. 10463

As used in division (F)(6) of this section, "combined company," "electric company," and "telephone company" have the same meanings as in section 5727.01 of the Revised Code. (10464-10466)

(7) On and after January 1, 2003, items excluded from federal gross income pursuant to section 107 of the Internal Revenue Code; (10467-10468)

(8) On and after January 1, 2001, compensation paid to a nonresident individual to the extent prohibited under section 718.011 of the Revised Code; (10469-10471)

(9)(a) Except as provided in division (F)(9)(b) and (c) of this section, an S corporation shareholder's distributive share of net profits of the S corporation, other than any part of the distributive share of net profits that represents wages as defined in section 3121(a) of the Internal Revenue Code or net earnings from self-employment as defined in section 1402(a) of the Internal Revenue Code. (10472-10478)

(b) If, pursuant to division (H) of former section 718.01 of the Revised Code as it existed before March 11, 2004, a majority of the electors of a municipal corporation voted in favor of the question at an election held on November 4, 2003, the municipal corporation may continue after 2002 to tax an S corporation shareholder's distributive share of net profits of an S corporation. (10479-10485)

(c) If, on December 6, 2002, a municipal corporation was imposing, assessing, and collecting a tax on an S corporation shareholder's distributive share of net profits of the S corporation to the extent the distributive share would be allocated or apportioned to this state under divisions (B)(1) and (2) of section 5733.05 of the Revised Code if the S corporation were a corporation subject to taxes imposed under Chapter 5733. of the Revised Code, the municipal corporation may continue to impose the tax on such distributive shares to the extent such shares (10486-10494)

would be so allocated or apportioned to this state only until 10495  
December 31, 2004, unless a majority of the electors of the 10496  
municipal corporation voting on the question of continuing to tax 10497  
such shares after that date vote in favor of that question at an 10498  
election held November 2, 2004. If a majority of those electors 10499  
vote in favor of the question, the municipal corporation may 10500  
continue after December 31, 2004, to impose the tax on such 10501  
distributive shares only to the extent such shares would be so 10502  
allocated or apportioned to this state. 10503

(d) For the purposes of division (D) of section 718.14 of the 10504  
Revised Code, a municipal corporation shall be deemed to have 10505  
elected to tax S corporation shareholders' distributive shares of 10506  
net profits of the S corporation in the hands of the shareholders 10507  
if a majority of the electors of a municipal corporation vote in 10508  
favor of a question at an election held under division (F)(9)(b) 10509  
or (c) of this section. The municipal corporation shall specify by 10510  
ordinance or rule that the tax applies to the distributive share 10511  
of a shareholder of an S corporation in the hands of the 10512  
shareholder of the S corporation. 10513

(10) Employee compensation that is not "qualifying wages" as 10514  
defined in section 718.03 of the Revised Code; 10515

(11) Beginning August 1, 2007, compensation paid to a person 10516  
employed within the boundaries of a United States air force base 10517  
under the jurisdiction of the United States air force that is used 10518  
for the housing of members of the United States air force and is a 10519  
center for air force operations, unless the person is subject to 10520  
taxation because of residence or domicile. If the compensation is 10521  
subject to taxation because of residence or domicile, municipal 10522  
income tax shall be payable only to the municipal corporation of 10523  
residence or domicile. 10524

(G) Any municipal corporation that taxes any type of 10525  
intangible income on March 29, 1988, pursuant to Section 3 of 10526

Amended Substitute Senate Bill No. 238 of the 116th general assembly, may continue to tax that type of income after 1988 if a majority of the electors of the municipal corporation voting on the question of whether to permit the taxation of that type of intangible income after 1988 vote in favor thereof at an election held on November 8, 1988.

(H) Nothing in this section or section 718.02 of the Revised Code shall authorize the levy of any tax on income that a municipal corporation is not authorized to levy under existing laws or shall require a municipal corporation to allow a deduction from taxable income for losses incurred from a sole proprietorship or partnership.

(I)(1) Nothing in this chapter prohibits a municipal corporation from allowing, by resolution or ordinance, a net operating loss carryforward.

(2) Nothing in this chapter requires a municipal corporation to allow a net operating loss carryforward.

(J)(1) A single member limited liability company that is a disregarded entity for federal tax purposes may elect to be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:

(a) The limited liability company's single member is also a limited liability company;

(b) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004;

(c) Not later than December 31, 2004, the limited liability company and its single member each make an election to be treated as a separate taxpayer under division (J) of this section;

(d) The limited liability company was not formed for the purpose of evading or reducing Ohio municipal corporation income tax liability of the limited liability company or its single member;

(e) The Ohio municipal corporation that is the primary place of business of the sole member of the limited liability company consents to the election.

(2) For purposes of division (J)(1)(e) of this section, a municipal corporation is the primary place of business of a limited liability company if, for the limited liability company's taxable year ending in 2003, its income tax liability is greater in that municipal corporation than in any other municipal corporation in Ohio, and that tax liability to that municipal corporation for its taxable year ending in 2003 is at least four hundred thousand dollars.

**Sec. 718.03.** (A) As used in this section:

(1) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual.

(2) "Qualifying wages" means wages, as defined in section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as follows:

(a) Deduct any the following amounts:

(i) Any amount included in wages if the amount constitutes compensation attributable to a plan or program described in section 125 of the Internal Revenue Code;

(ii) For purposes of division (B) of this section, any amount included in wages if the amount constitutes payment on account of sickness or accident disability.

(b) Add the following amounts:	10588
(i) Any amount not included in wages solely because the employee was employed by the employer prior to April 1, 1986;	10589 10590
(ii) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has not, by resolution or ordinance, exempted the amount from withholding and tax. Division (A)(2)(b)(ii) of this section applies only to those amounts constituting ordinary income.	10591 10592 10593 10594 10595 10596 10597 10598
(iii) Any amount not included in wages if the amount is an amount described in section 401(k) or 457 of the Internal Revenue Code. Division (A)(2)(b)(iii) of this section applies only to employee contributions and employee deferrals.	10599 10600 10601 10602
(iv) Any amount that is supplemental unemployment compensation benefits described in section 3402(o)(2) of the Internal Revenue Code and not included in wages.	10603 10604 10605
(c) Deduct any amount attributable to a nonqualified deferred compensation plan or program described in section 3121(v)(2)(C) of the Internal Revenue Code if the compensation is included in wages and has, by resolution or ordinance, been exempted from taxation by the municipal corporation.	10606 10607 10608 10609 10610
(d) Deduct any amount included in wages if the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has, by resolution or ordinance, exempted the amount from withholding and tax.	10611 10612 10613 10614 10615 10616
(B) For taxable years beginning after 2003, no municipal corporation shall require any employer or any agent of any	10617 10618

employer or any other payer, to withhold tax with respect to any 10619  
amount other than qualifying wages. Nothing in this section 10620  
prohibits an employer from withholding tax on a basis greater than 10621  
qualifying wages. 10622

(C) An employer is not required to make any withholding with 10623  
respect to an individual's disqualifying disposition of an 10624  
incentive stock option if, at the time of the disqualifying 10625  
disposition, the individual is not an employee of the corporation 10626  
with respect to whose stock the option has been issued. 10627

(D)(1) An employee is not relieved from liability for a tax 10628  
by the failure of the employer to withhold the tax as required by 10629  
a municipal corporation or by the employer's exemption from the 10630  
requirement to withhold the tax. 10631

(2) The failure of an employer to remit to the municipal 10632  
corporation the tax withheld relieves the employee from liability 10633  
for that tax unless the employee colluded with the employer in 10634  
connection with the failure to remit the tax withheld. 10635

(E) Compensation deferred before ~~the effective date of this~~ 10636  
~~amendment~~ June 26, 2003, is not subject to any municipal 10637  
corporation income tax or municipal income tax withholding 10638  
requirement to the extent the deferred compensation does not 10639  
constitute qualifying wages at the time the deferred compensation 10640  
is paid or distributed. 10641

**Sec. 718.13. (A)** Any information gained as a result of 10642  
returns, investigations, hearings, or verifications required or 10643  
authorized by this chapter or by a charter or ordinance of a 10644  
municipal corporation levying an income tax pursuant to this 10645  
chapter is confidential, and no person shall disclose such 10646  
information except in accordance with a proper judicial order or 10647  
in connection with the performance of that person's official 10648  
duties or the official business of the municipal corporation as 10649

authorized by this chapter or the charter or ordinance authorizing 10650  
the levy. The tax administrator of the municipal corporation may 10651  
furnish copies of returns filed under this chapter to the internal 10652  
revenue service and to the tax commissioner. 10653

(B) This section does not prohibit the legislative authority 10654  
of a municipal corporation, by ordinance or resolution, from 10655  
authorizing the tax administrator to publish statistics in a form 10656  
that does not disclose information with respect to particular 10657  
taxpayers. 10658

**Sec. 901.171.** The department of agriculture may promote the 10659  
use of Ohio-produced agricultural goods, including natural spring 10660  
water, through the issuance of logotypes to qualified producers 10661  
and processors under a promotional certification program to be 10662  
developed and administered by the division of markets. 10663

Pursuant to rules adopted under Chapter 119. of the Revised 10664  
Code, the department may establish reasonable fees and criteria 10665  
for participation in the program. All such fees shall be credited 10666  
to the general revenue fund and used to finance the program. 10667

**Sec. 901.261.** The director of agriculture, in conducting 10668  
investigations, inquiries, or hearings, may assess the party to an 10669  
action that is brought before the department of agriculture 10670  
pursuant to Chapter 119. of the Revised Code the actual costs 10671  
incurred by the department for depositions, investigations, 10672  
issuance and service of subpoenas, witness fees, employment of a 10673  
stenographer and hearing officer, and the production of books, 10674  
accounts, papers, records, documents, and testimony if the 10675  
applicable hearing officer determines that the party to the action 10676  
has failed to comply with any chapter of the Revised Code or any 10677  
rule adopted under any of those chapters that is administered by 10678  
the director or if the hearing officer determines that the action 10679

was frivolous conduct by the party. Assessment of costs under this 10680  
section may be appealed to a court of competent jurisdiction. 10681

Nothing in this section shall be construed to apply to 10682  
investigations, inquiries, or hearings conducted under Chapter 10683  
4741. of the Revised Code. 10684

**Sec. 1503.05.** (A) The chief of the division of forestry may 10685  
sell timber and other forest products from the state forest and 10686  
state forest nurseries whenever the chief considers such a sale 10687  
desirable and, with the approval of the attorney general and the 10688  
director of natural resources, may sell portions of the state 10689  
forest lands when such a sale is advantageous to the state. 10690

(B) Except as otherwise provided in this section, a timber 10691  
sale agreement shall not be executed unless the person or 10692  
governmental entity bidding on the sale executes and files a 10693  
surety bond conditioned on completion of the timber sale in 10694  
accordance with the terms of the agreement in an amount equal to 10695  
twenty-five per cent of the highest value cutting section. All 10696  
bonds shall be given in a form prescribed by the chief and shall 10697  
run to the state as obligee. 10698

The chief shall not approve any bond until it is personally 10699  
signed and acknowledged by both principal and surety, or as to 10700  
either by the attorney in fact thereof, with a certified copy of 10701  
the power of attorney attached. The chief shall not approve the 10702  
bond unless there is attached a certificate of the superintendent 10703  
of insurance that the company is authorized to transact a fidelity 10704  
and surety business in this state. 10705

In lieu of a bond, the bidder may deposit any of the 10706  
following: 10707

- (1) Cash in an amount equal to the amount of the bond; 10708
- (2) United States government securities having a par value 10709

equal to or greater than the amount of the bond; 10710

(3) Negotiable certificates of deposit or irrevocable letters 10711  
of credit issued by any bank organized or transacting business in 10712  
this state having a par value equal to or greater than the amount 10713  
of the bond. 10714

The cash or securities shall be deposited on the same terms 10715  
as bonds. If one or more certificates of deposit are deposited in 10716  
lieu of a bond, the chief shall require the bank that issued any 10717  
of the certificates to pledge securities of the aggregate market 10718  
value equal to the amount of the certificate or certificates that 10719  
is in excess of the amount insured by the federal deposit 10720  
insurance corporation. The securities to be pledged shall be those 10721  
designated as eligible under section 135.18 of the Revised Code. 10722  
The securities shall be security for the repayment of the 10723  
certificate or certificates of deposit. 10724

Immediately upon a deposit of cash, securities, certificates 10725  
of deposit, or letters of credit, the chief shall deliver them to 10726  
the treasurer of state, who shall hold them in trust for the 10727  
purposes for which they have been deposited. The treasurer of 10728  
state is responsible for the safekeeping of the deposits. A bidder 10729  
making a deposit of cash, securities, certificates of deposit, or 10730  
letters of credit may withdraw and receive from the treasurer of 10731  
state, on the written order of the chief, all or any portion of 10732  
the cash, securities, certificates of deposit, or letters of 10733  
credit upon depositing with the treasurer of state cash, other 10734  
United States government securities, or other negotiable 10735  
certificates of deposit or irrevocable letters of credit issued by 10736  
any bank organized or transacting business in this state, equal in 10737  
par value to the par value of the cash, securities, certificates 10738  
of deposit, or letters of credit withdrawn. 10739

A bidder may demand and receive from the treasurer of state 10740  
all interest or other income from any such securities or 10741

certificates as it becomes due. If securities so deposited with 10742  
and in the possession of the treasurer of state mature or are 10743  
called for payment by their issuer, the treasurer of state, at the 10744  
request of the bidder who deposited them, shall convert the 10745  
proceeds of the redemption or payment of the securities into other 10746  
United States government securities, negotiable certificates of 10747  
deposit, or cash as the bidder designates. 10748

When the chief finds that a person or governmental agency has 10749  
failed to comply with the conditions of the person's or 10750  
governmental agency's bond, the chief shall make a finding of that 10751  
fact and declare the bond, cash, securities, certificates, or 10752  
letters of credit forfeited. The chief thereupon shall certify the 10753  
total forfeiture to the attorney general, who shall proceed to 10754  
collect the amount of the bond, cash, securities, certificates, or 10755  
letters of credit. 10756

In lieu of total forfeiture, the surety, at its option, may 10757  
cause the timber sale to be completed or pay to the treasurer of 10758  
state the cost thereof. 10759

All moneys collected as a result of forfeitures of bonds, 10760  
cash, securities, certificates, and letters of credit under this 10761  
section shall be credited to the state forest fund created in this 10762  
section. 10763

(C) The chief may grant easements and leases on portions of 10764  
the state forest lands and state forest nurseries under terms that 10765  
are advantageous to the state, and the chief may grant mineral 10766  
rights on a royalty basis on those lands and nurseries, with the 10767  
approval of the attorney general and the director. 10768

(D) All moneys received from the sale of state forest lands, 10769  
or in payment for easements or leases on or as rents from those 10770  
lands or from state forest nurseries, shall be paid into the state 10771  
treasury to the credit of the state forest fund, which is hereby 10772

created. In addition, all moneys received from federal grants, 10773  
payments, and reimbursements, from the sale of reforestation tree 10774  
stock, from the sale of forest products, other than standing 10775  
timber, and from the sale of minerals taken from the state forest 10776  
lands and state forest nurseries, together with royalties from 10777  
mineral rights, shall be paid into the state treasury to the 10778  
credit of the state forest fund. Any other revenues derived from 10779  
the operation of the state forests and related facilities or 10780  
equipment also shall be paid into the state treasury to the credit 10781  
of the state forest fund, as shall contributions received for the 10782  
issuance of Smokey Bear license plates under section 4503.574 of 10783  
the Revised Code and any other moneys required by law to be 10784  
deposited in the fund. 10785

The state forest fund shall not be expended for any purpose 10786  
other than the administration, operation, maintenance, 10787  
development, or utilization of the state forests, forest 10788  
nurseries, and forest programs, for facilities or equipment 10789  
incident to them, or for the further purchase of lands for state 10790  
forest or forest nursery purposes and, in the case of 10791  
contributions received pursuant to section 4503.574 of the Revised 10792  
Code, for fire prevention purposes. 10793

All moneys received from the sale of standing timber taken 10794  
from state forest lands and state forest nurseries shall be 10795  
deposited into the state treasury to the credit of the forestry 10796  
holding account redistribution fund, which is hereby created. The 10797  
moneys shall remain in the fund until they are redistributed in 10798  
accordance with this division. 10799

The redistribution shall occur at least once each year. To 10800  
begin the redistribution, the chief first shall determine the 10801  
amount of all standing timber sold from state forest lands and 10802  
state forest nurseries, together with the amount of the total sale 10803  
proceeds, in each county, in each township within the county, and 10804

in each school district within the county. The chief next shall 10805  
determine the amount of the direct costs that the division of 10806  
forestry incurred in association with the sale of that standing 10807  
timber. The amount of the direct costs shall be subtracted from 10808  
the amount of the total sale proceeds and shall be transferred 10809  
from the forestry holding account redistribution fund to the state 10810  
forest fund. 10811

The remaining amount of the total sale proceeds equals the 10812  
net value of the standing timber that was sold. The chief shall 10813  
determine the net value of standing timber sold from state forest 10814  
lands and state forest nurseries in each county, in each township 10815  
within the county, and in each school district within the county 10816  
and shall send to each county treasurer a copy of the 10817  
determination at the time that moneys are paid to the county 10818  
treasurer under this division. 10819

Twenty-five per cent of the net value of standing timber sold 10820  
from state forest lands and state forest nurseries located in a 10821  
county shall be transferred from the forestry holding account 10822  
redistribution fund to the state forest fund. Ten per cent of that 10823  
net value shall be transferred from the forestry holding account 10824  
redistribution fund to the general revenue fund. The remaining 10825  
sixty-five per cent of the net value shall be transferred from the 10826  
forestry holding account redistribution fund and paid to the 10827  
county treasurer for the use of the general fund of that county. 10828

The county auditor shall do all of the following: 10829

(1) Retain for the use of the general fund of the county 10830  
one-fourth of the amount received by the county under division (D) 10831  
of this section; 10832

(2) Pay into the general fund of any township located within 10833  
the county and containing such lands and nurseries one-fourth of 10834  
the amount received by the county from standing timber sold from 10835

lands and nurseries located in the township; 10836

(3) Request the board of education of any school district 10837  
located within the county and containing such lands and nurseries 10838  
to identify which fund or funds of the district should receive the 10839  
moneys available to the school district under division (D)(3) of 10840  
this section. After receiving notice from the board, the county 10841  
auditor shall pay into the fund or funds so identified one-half of 10842  
the amount received by the county from standing timber sold from 10843  
lands and nurseries located in the school district, distributed 10844  
proportionately as identified by the board. 10845

The division of forestry shall not supply logs, lumber, or 10846  
other forest products or minerals, taken from the state forest 10847  
lands or state forest nurseries, to any other agency or 10848  
subdivision of the state unless payment is made therefor in the 10849  
amount of the actual prevailing value thereof. This section is 10850  
applicable to the moneys so received. 10851

**Sec. 1504.02.** (A) The division of real estate and land 10852  
management shall do all of the following: 10853

(1) Except as otherwise provided in the Revised Code, 10854  
coordinate and conduct all real estate functions for the 10855  
department of natural resources, including at least acquisitions 10856  
by purchase, lease, gift, devise, bequest, appropriation, or 10857  
otherwise; grants through sales, leases, exchanges, easements, and 10858  
licenses; inventories of land; and other related general 10859  
management duties; 10860

(2) Assist the department and its divisions by providing 10861  
department-wide planning, including at least master planning, 10862  
comprehensive planning, capital improvements planning, and special 10863  
purpose planning such as trails coordination and planning under 10864  
section 1519.03 of the Revised Code; 10865

- ~~(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 responsibilities under that program and to assist the department as the lead agency for the development and implementation of the program;~~ 10866  
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- ~~(4) On behalf of the director, administer sections 1506.10 and 1506.11 and sections 1506.31 to 1506.36 of the Revised Code;~~ 10876  
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- ~~(5) Cooperate with the United States and agencies of it and with political subdivisions in administering federal recreation moneys under the "Land and Water Conservation Fund Act of 1965," 78 Stat. 897, 16 U.S.C.A. 4601-8, as amended; prepare and distribute the statewide comprehensive outdoor recreation plan; and administer the state recreational vehicle fund created in section 4519.11 of the Revised Code;~~ 10878  
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- ~~(6)~~(4)(a) Support the geographic information system needs for the department as requested by the director, which shall include, but not be limited to, all of the following: 10885  
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- (i) Assisting in the training and education of department resource managers, administrators, and other staff in the application and use of geographic information system technology; 10888  
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- (ii) Providing technical support to the department in the design, preparation of data, and use of appropriate geographic information system applications in order to help solve resource related problems and to improve the effectiveness and efficiency of department delivered services; 10891  
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- (iii) Creating, maintaining, and documenting spatial digital 10896

data bases for the division and for other divisions as assigned by the director.	10897 10898
(b) Provide information to and otherwise assist government officials, planners, and resource managers in understanding land use planning and resource management;	10899 10900 10901
(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;	10902 10903 10904 10905 10906 10907
(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;	10908 10909 10910 10911
(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;	10912 10913 10914
(f) Locate and distribute hard copy maps, digital data, aerial photography, and other resource data and information to government agencies and the public.	10915 10916 10917
<del>(7)</del> (5) Prepare special studies and execute any other duties, functions, and responsibilities requested by the director.	10918 10919
(B) The division may do any of the following:	10920
(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	10921 10922 10923 10924 10925 10926

amended, and regulations adopted under those acts; 10927

(2) With the approval of the director, coordinate and 10928  
administer compensatory mitigation grant programs and other 10929  
programs for streams and wetlands as approved in accordance with 10930  
certifications and permits issued under sections 401 and 404 of 10931  
the "Federal Water Pollution Control Act", 91 Stat. 1566(1977), 33 10932  
U.S.C.A. 1251, as amended, by the environmental protection agency 10933  
and the United States army corps of engineers; 10934

(3) Administer any state or federally funded grant program 10935  
that is related to natural resources and recreation as considered 10936  
necessary by the director. 10937

**Sec. 1506.01.** As used in this chapter: 10938

(A) "Coastal area" means the waters of Lake Erie, the islands 10939  
in the lake, and the lands under and adjacent to the lake, 10940  
including transitional areas, wetlands, and beaches. The coastal 10941  
area extends in Lake Erie to the international boundary line 10942  
between the United States and Canada and landward only to the 10943  
extent necessary to include shorelands, the uses of which have a 10944  
direct and significant impact on coastal waters as determined by 10945  
the director of natural resources. 10946

(B) "Coastal management program" means the comprehensive 10947  
action of the state and its political subdivisions cooperatively 10948  
to preserve, protect, develop, restore, or enhance the resources 10949  
of the coastal area and to ensure wise use of the land and water 10950  
resources of the coastal area, giving attention to natural, 10951  
cultural, historic, and aesthetic values; agricultural, 10952  
recreational, energy, and economic needs; and the national 10953  
interest. "Coastal management program" includes the establishment 10954  
of objectives, policies, standards, and criteria concerning, 10955  
without limitation, protection of air, water, wildlife, rare and 10956  
endangered species, wetlands and natural areas, and other natural 10957

resources in the coastal area; management of coastal development 10958  
and redevelopment; preservation and restoration of historic, 10959  
cultural, and aesthetic coastal features; and public access to the 10960  
coastal area for recreation purposes. 10961

(C) "Coastal management program document" means a 10962  
comprehensive statement consisting of, without limitation, text, 10963  
maps, and illustrations that is adopted by the director in 10964  
accordance with this chapter, describes the objectives, policies, 10965  
standards, and criteria of the coastal management program for 10966  
guiding public and private uses of lands and waters in the coastal 10967  
area, lists the governmental agencies, including, without 10968  
limitation, state agencies, involved in implementing the coastal 10969  
management program, describes their applicable policies and 10970  
programs, and cites the statutes and rules under which they may 10971  
adopt and implement those policies and programs. 10972

(D) "Person" means any agency of this state, any political 10973  
subdivision of this state or of the United States, and any legal 10974  
entity defined as a person under section 1.59 of the Revised Code. 10975

(E) "Director" means the director of natural resources or the 10976  
director's designee. 10977

(F) "Permanent structure" means any residential, commercial, 10978  
industrial, institutional, or agricultural building, any mobile 10979  
home as defined in division (O) of section 4501.01 of the Revised 10980  
Code, any manufactured home as defined in division (C)(4) of 10981  
section 3781.06 of the Revised Code, and any septic system that 10982  
receives sewage from a single-family, two-family, or three-family 10983  
dwelling, but does not include any recreational vehicle as defined 10984  
in section 4501.01 of the Revised Code. 10985

(G) "State agency" or "agency of the state" has the same 10986  
meaning as "agency" as defined in section 111.15 of the Revised 10987  
Code. 10988

(H) "Coastal flood hazard area" means any territory within 10989  
the coastal area that has been identified as a flood hazard area 10990  
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 10991  
42 U.S.C.A. 4002, as amended. 10992

(I) "Coastal erosion area" means any territory included in 10993  
Lake Erie coastal erosion areas identified by the director under 10994  
section 1506.06 of the Revised Code. 10995

(J) "Conservancy district" means a conservancy district that 10996  
is established under Chapter 6101. of the Revised Code. 10997

(K) "Park board" means the board of park commissioners of a 10998  
park district that is created under Chapter 1545. of the Revised 10999  
Code. 11000

(L) "Erosion control structure" means a structure that is 11001  
designed solely and specifically to reduce or control erosion of 11002  
the shore along or near Lake Erie, including, without limitation, 11003  
revetments, seawalls, bulkheads, certain breakwaters, and similar 11004  
structures. 11005

(M) "Shore structure" includes, but is not limited to, 11006  
beaches; groins; revetments; bulkheads; seawalls; breakwaters; 11007  
certain dikes designated by the chief of the division of water; 11008  
piers; docks; jetties; wharves; marinas; boat ramps; any 11009  
associated fill or debris used as part of the construction of 11010  
shore structures that may affect shore erosion, wave action, or 11011  
inundation; and fill or debris that is placed along or near the 11012  
shore, including bluffs, banks, or beach ridges, for the purpose 11013  
of stabilizing slopes. 11014

**Sec. ~~1521.20~~ 1506.38.** The chief director of the ~~division of~~ 11015  
~~water~~ natural resources shall act as the erosion agent of the 11016  
state for the purpose of cooperating with the secretary of the 11017  
army, acting through the chief of engineers of the United States 11018

army corps of engineers in the department of defense. The ~~chief~~ 11019  
director shall cooperate with the secretary in carrying out, and 11020  
may conduct, investigations and studies of conditions along the 11021  
shorelines of Lake Erie and of the bays and projections therefrom, 11022  
and of the islands therein, within the territorial waters of the 11023  
state, with a view to devising and perfecting economical and 11024  
effective methods and works for preventing, correcting, and 11025  
controlling shore erosion and damage therefrom and controlling the 11026  
inundation of improved property by the waters of Lake Erie, its 11027  
bays, and associated inlets. 11028

**Sec. ~~1521.21~~ 1506.39.** The ~~chief~~ director of the ~~division of~~ 11029  
~~water natural resources~~, in the discharge of the ~~chief's~~ 11030  
director's duties under sections ~~1507.20~~ 1506.38 to ~~1507.30~~ 11031  
1506.48 of the Revised Code, may call to the ~~chief's~~ director's 11032  
assistance, temporarily, any engineers or other employees in any 11033  
state department, or in the Ohio state university or other 11034  
educational institutions financed wholly or in part by the state, 11035  
for the purpose of devising the most effective and economical 11036  
methods of controlling shore erosion and damage from it and 11037  
controlling the inundation of improved property by the waters of 11038  
Lake Erie and its bays and associated inlets. 11039

Such engineers and employees shall not receive any additional 11040  
compensation over that which they receive from the departments or 11041  
institutions by which they are employed, but they shall be 11042  
reimbursed for their actual necessary expenses incurred while 11043  
working under the direction of the ~~chief~~ director on erosion and 11044  
inundation projects. 11045

**Sec. ~~1521.22~~ 1506.40.** No person shall construct a beach, 11046  
groin, or other structure to control erosion, wave action, or 11047  
inundation along or near the Ohio shoreline of Lake Erie, 11048  
including related islands, bays, and inlets, without first 11049

obtaining a shore structure permit from the ~~chief of the division~~ 11050  
director of water. The natural resources. 11051

The application for a ~~shore structure~~ permit shall include 11052  
detailed plans and specifications prepared by a professional 11053  
engineer registered under Chapter 4733. of the Revised Code. An 11054  
applicant shall provide appropriate evidence of compliance with 11055  
any applicable provisions of this chapter and Chapters 1505. and 11056  
~~1506.~~ 1521. of the Revised Code, as determined by the ~~chief~~ 11057  
director. A temporary shore structure permit may be issued by the 11058  
~~chief or an authorized representative of the chief~~ director if it 11059  
is determined necessary to safeguard life, health, or property. 11060

Each application or reapplication for a permit under this 11061  
section shall be accompanied by a non-refundable fee as the ~~chief~~ 11062  
director shall prescribe by rule. 11063

If the application is approved, the ~~chief~~ director shall 11064  
issue a permit to the applicant authorizing construction of the 11065  
project. If requested in writing by the applicant within thirty 11066  
days of issuance of a notice of disapproval of the application, 11067  
the ~~chief~~ director shall conduct an adjudication hearing under 11068  
Chapter 119. of the Revised Code, except sections 119.12 and 11069  
119.121 of the Revised Code. After reviewing the record of the 11070  
hearing, the ~~chief~~ director shall issue a final order approving 11071  
the application, disapproving it, or approving it conditioned on 11072  
the making of specified revisions in the plans and specifications. 11073

The ~~chief~~ director, by rule, shall limit the period during 11074  
which a construction permit issued under this section is valid and 11075  
shall establish reapplication requirements governing a 11076  
construction permit that expires before construction is completed. 11077

In accordance with Chapter 119. of the Revised Code, the 11078  
~~chief~~ director shall adopt, and may amend or rescind, such rules 11079  
as are necessary for the administration, implementation, and 11080

enforcement of this section. 11081

**Sec. ~~1521.23~~ 1506.41.** All moneys derived from the granting of 11082  
permits and leases under section 1505.07 of the Revised Code for 11083  
the removal of sand, gravel, stone, gas, oil, and other minerals 11084  
and substances from and under the bed of Lake Erie and from 11085  
applications for shore structure permits submitted under section 11086  
~~1521.22~~ 1506.40 of the Revised Code shall be paid into the state 11087  
treasury to the credit of the permit and lease fund, which is 11088  
hereby created. Notwithstanding any section of the Revised Code 11089  
relating to the distribution or crediting of fines for violations 11090  
of the Revised Code, all fines imposed under division (A) of 11091  
section 1505.99 of the Revised Code and under division (C) of 11092  
section ~~1521.99~~ 1506.99 of the Revised Code shall be paid into 11093  
that fund. The fund shall be administered by the department of 11094  
natural resources for the protection of Lake Erie shores and 11095  
waters; investigation and control of erosion; the planning, 11096  
development, and construction of facilities for recreational use 11097  
of Lake Erie; implementation of section ~~1521.22~~ 1506.40 of the 11098  
Revised Code; preparation of the state shore erosion plan under 11099  
section ~~1521.29~~ 1506.47 of the Revised Code; and state 11100  
administration of Lake Erie coastal erosion areas under sections 11101  
1506.06 and 1506.07 of the Revised Code. 11102

**Sec. ~~1521.24~~ 1506.42.** The state, acting through the ~~chief~~ 11103  
~~director~~ of the division of water natural resources, subject to 11104  
section ~~1521.28~~ 1506.46 of the Revised Code, may enter into 11105  
agreements with counties, townships, municipal corporations, park 11106  
boards, and conservancy districts, other political subdivisions, 11107  
or any state departments or divisions for the purpose of 11108  
constructing and maintaining projects to control erosion along the 11109  
Ohio shoreline of Lake Erie and in any rivers and bays that are 11110  
connected with Lake Erie and any other watercourses that flow into 11111

Lake Erie. Such projects also may be constructed on any Lake Erie 11112  
island that is situated within the boundaries of the state. 11113

The cost of such shore erosion projects that are for the 11114  
benefit of public littoral property shall be prorated on the basis 11115  
of two-thirds of the total cost to the state through 11116  
appropriations made to the ~~division~~ department of ~~water~~ natural 11117  
resources and one-third of the cost to the counties, townships, 11118  
municipal corporations, park boards, conservancy districts, or 11119  
other political subdivisions. 11120

If a shore erosion emergency is declared by the governor, the 11121  
state, acting through the ~~chief~~ director, may spend whatever state 11122  
funds are available to alleviate shore erosion, without 11123  
participation by any political subdivision, regardless of whether 11124  
the project will benefit public or private littoral property. 11125

A board of county commissioners, acting for the county over 11126  
which it has jurisdiction, may enter into and carry out agreements 11127  
with the ~~chief~~ director for the construction and maintenance of 11128  
projects to control shore erosion. In providing the funds for the 11129  
county's proportionate share of the cost of constructing and 11130  
maintaining the projects referred to in this section, the board 11131  
shall be governed by and may issue and refund bonds in accordance 11132  
with Chapter 133. of the Revised Code. 11133

A municipal corporation or a township, acting through the 11134  
legislative authority or the board of township trustees, may enter 11135  
into and carry out agreements with the ~~chief~~ director for the 11136  
purpose of constructing and maintaining projects to control shore 11137  
erosion. In providing the funds for the municipal corporation's or 11138  
township's proportionate share of the cost of constructing and 11139  
maintaining the projects referred to in this section, a municipal 11140  
corporation or township may issue and refund bonds in accordance 11141  
with Chapter 133. of the Revised Code. The contract shall be 11142  
executed on behalf of the municipal corporation or township by the 11143

mayor, city manager, or other chief executive officer who has the 11144  
authority to act for the municipal corporation or township. 11145

Conservancy districts may enter into and carry out agreements 11146  
with the chief director, in accordance with the intent of this 11147  
section, under the powers conferred upon conservancy districts 11148  
under Chapter 6101. of the Revised Code. 11149

Park boards may enter into and carry out agreements with the 11150  
chief director, in accordance with the intent of this section, and 11151  
issue bonds for that purpose under the powers conferred upon park 11152  
districts under Chapter 1545. of the Revised Code. 11153

The chief director shall approve and supervise all projects 11154  
that are to be constructed in accordance with this section. The 11155  
chief director shall not proceed with the construction of any 11156  
project until all funds that are to be paid by the county, 11157  
township, municipal corporation, park board, or conservancy 11158  
district, in accordance with the terms of the agreement entered 11159  
into between the chief director and the county, township, 11160  
municipal corporation, park board, or conservancy district, are in 11161  
the chief's director's possession and deposited in the shore 11162  
erosion fund, which is hereby created in the state treasury. If 11163  
the chief director finds it to be in the best interests of the 11164  
state to construct projects as set forth in this section by the 11165  
state itself, without the financial contribution of counties, 11166  
townships, municipal corporations, park boards, or conservancy 11167  
districts, the chief director may construct the projects. 11168

In deciding whether to assist a county or municipal 11169  
corporation in constructing and maintaining a project under this 11170  
section, the state, acting through the chief director, shall 11171  
consider, among other factors, whether the county or municipal 11172  
corporation has adopted or is in the process of adopting a Lake 11173  
Erie coastal erosion area resolution or ordinance under division 11174  
(D) of section 1506.07 of the Revised Code. 11175

All projects constructed by the state in conformity with 11176  
sections ~~1521.20~~ 1506.38 to ~~1521.28~~ 1506.46 of the Revised Code 11177  
shall be constructed subject to sections 153.01 to 153.20 of the 11178  
Revised Code, except that the state architect and engineer is not 11179  
required to prepare the plans and specifications for those 11180  
projects. 11181

**Sec. ~~1521.25~~ 1506.43.** The ~~chief director~~ of the ~~division of~~ 11182  
~~water~~ natural resources may enter into a contract with any county, 11183  
township, municipal corporation, conservancy district, or park 11184  
board that has an agreement with the state in accordance with 11185  
section ~~1521.24~~ 1506.42 of the Revised Code for the construction 11186  
of a shore erosion project. No contract shall be let until all 11187  
money that is to be paid by the political subdivision entering 11188  
into the agreement has been deposited in the shore erosion fund 11189  
created in that section ~~1521.24~~ of the Revised Code, and no 11190  
~~contract shall be valid until approved by the director of natural~~ 11191  
~~resources.~~ 11192

**Sec. ~~1521.26~~ 1506.44.** (A) A board of county commissioners may 11193  
use a loan obtained under division (C) of this section to provide 11194  
financial assistance to any person who owns real property in a 11195  
coastal erosion area, ~~as defined in section 1506.01 of the Revised~~ 11196  
~~Code,~~ and who has received a permit under section ~~1521.22~~ 1506.40 11197  
of the Revised Code to construct an erosion control structure in 11198  
that coastal erosion area. The board shall enter into an agreement 11199  
with the person that complies with all of the following 11200  
requirements: 11201

(1) The agreement shall identify the person's real property 11202  
for which the erosion control structure is being constructed and 11203  
shall include a legal description of that property and a reference 11204  
to the volume and page of the deed record in which the title of 11205  
that person to that property is recorded. 11206

(2) In accordance with rules adopted by the Ohio water development authority under division (V) of section 6121.04 of the Revised Code for the purposes of division (C) of this section and pursuant to an agreement between the board and the authority under that division, the board shall agree to cause payments to be made by the authority to the contractor hired by the person to construct an erosion control structure in amounts not to exceed the total amount specified in the agreement between the board and the person.

(3) The person shall agree to pay to the board, or to the authority as the assignee pursuant to division (C) of this section, the total amount of the payments plus administrative or other costs of the board or the authority at times, in installments, and bearing interest as specified in the agreement.

The agreement may contain additional provisions that the board determines necessary to safeguard the interests of the county or to comply with an agreement entered into under division (C) of this section.

(B) Upon entering into an agreement under division (A) of this section, the board shall do all of the following:

(1) Cause the agreement to be recorded in the county deed records in the office of the county recorder of the county in which the real property is situated. Failure to record the agreement does not affect the validity of the agreement or the collection of any amounts due under the agreement.

(2) Establish by resolution an erosion control repayment fund into which shall be deposited all amounts collected under division (B)(3) of this section. Moneys in that fund shall be used by the board for the repayment of the loan and for administrative or other costs of the board or the authority as specified in an agreement entered into under division (C) of this section. If the

amount of money in the fund is inadequate to repay the loan when 11238  
due, the board of county commissioners, by resolution, may advance 11239  
money from any other fund in order to repay the loan if that use 11240  
of the money from the other fund is not in conflict with law. If 11241  
the board so advances money in order to repay the loan, the board 11242  
subsequently shall reimburse each fund from which the board 11243  
advances money with moneys from the erosion control repayment 11244  
fund. 11245

(3) Bill and collect all amounts when due under the agreement 11246  
entered into under division (A) of this section. The board shall 11247  
certify amounts not paid when due to the county auditor, who shall 11248  
enter the amounts on the real property tax list and duplicate 11249  
against the property identified under division (A)(1) of this 11250  
section. The amounts not paid when due shall be a lien on that 11251  
property from the date on which the amounts are placed on the tax 11252  
list and duplicate and shall be collected in the same manner as 11253  
other taxes. 11254

(C) A board may apply to the authority for a loan for the 11255  
purpose of entering into agreements under division (A) of this 11256  
section. The loan shall be for an amount and on the terms 11257  
established in an agreement between the board and the authority. 11258  
The board may assign any agreements entered into under division 11259  
(A) of this section to the authority in order to provide for the 11260  
repayment of the loan and may pledge any lawfully available 11261  
revenues to the repayment of the loan, provided that no moneys 11262  
raised by taxation shall be obligated or pledged by the board for 11263  
the repayment of the loan. Any agreement with the authority 11264  
pursuant to this division is not subject to Chapter 133. of the 11265  
Revised Code or any requirements or limitations established in 11266  
that chapter. 11267

(D) The authority, as assignee of any agreement pursuant to 11268  
division (C) of this section, may enforce and compel the board and 11269

the county auditor by mandamus pursuant to Chapter 2731. of the 11270  
Revised Code to comply with division (B) of this section in a 11271  
timely manner. 11272

(E) The construction of an erosion control structure by a 11273  
contractor hired by an individual homeowner, group of individual 11274  
homeowners, or homeowners association that enters into an 11275  
agreement with a board under division (A) of this section is not a 11276  
public improvement, as defined in section 4115.03 of the Revised 11277  
Code, and is not subject to competitive bidding or public bond 11278  
laws. 11279

**Sec. ~~1521.27~~ 1506.45.** The state, or any county, township, 11280  
municipal corporation, conservancy district, or park board that 11281  
has entered into a contract under section ~~1521.25~~ 1506.43 of the 11282  
Revised Code, may acquire lands by gift or devise, purchase, or 11283  
appropriation. In case of appropriation, the proceedings shall be 11284  
instituted in the name of the state or the political subdivision 11285  
and shall be conducted in the manner provided for the 11286  
appropriation of private property by the state or the political 11287  
subdivision insofar as those proceedings are applicable. Either 11288  
the fee or any lesser interest may be acquired as the state or the 11289  
political subdivision considers advisable. 11290

**Sec. ~~1521.28~~ 1506.46.** Any action taken by the ~~chief director~~ 11291  
of ~~the division of water~~ natural resources under sections ~~1521.20~~ 11292  
1506.38 to ~~1521.30~~ 1506.48 of the Revised Code shall not be deemed 11293  
in conflict with certain powers and duties conferred upon and 11294  
delegated to federal agencies and to municipal corporations under 11295  
Section 7 of Article XVIII, Ohio Constitution, or as provided by 11296  
sections 721.04 to 721.11 of the Revised Code. 11297

**Sec. ~~1521.29~~ 1506.47.** The ~~chief director~~ of ~~the division of~~ 11298  
~~water~~ natural resources, in cooperation with appropriate offices 11299

and divisions, including the division of geological survey, may 11300  
prepare a plan for the management of shore erosion in the state 11301  
along Lake Erie, its bays, and associated inlets, revise the plan 11302  
whenever it can be made more effective, and make the plan 11303  
available for public inspection. In the preparation of the plan, 11304  
the ~~chief~~ director may employ such existing plans as are 11305  
available. 11306

The ~~chief~~ director also may establish a program to provide 11307  
technical assistance on shore erosion control measures to 11308  
municipal corporations, counties, townships, conservancy 11309  
districts, park boards, and shoreline property owners. 11310

**Sec. ~~1521.30~~ 1506.48.** Upon application of any owner of real 11311  
property damaged or destroyed by shore erosion, the county auditor 11312  
of the county in which the real property is situated shall cause a 11313  
reappraisal to be made and shall place the property on the tax 11314  
list at its true value in money. 11315

Whenever the county auditor finds that ninety per cent or 11316  
more of the area of any littoral parcel of land appearing upon the 11317  
tax duplicate has been eroded and lies within the natural 11318  
boundaries of Lake Erie and that the remainder of the parcel, if 11319  
any, has no taxable value, the auditor may certify that finding to 11320  
the county board of revision. Upon consideration thereof, the 11321  
board may authorize removal of the parcel from the tax duplicate 11322  
and cancellation of all current and delinquent taxes, assessments, 11323  
interest, and penalties charged against the parcel. 11324

**Sec. 1506.99.** (A) Whoever violates division (A) of section 11325  
1506.09 of the Revised Code shall be fined not less than one 11326  
hundred nor more than five hundred dollars for each offense. 11327

(B) Whoever violates division (K) of section 1506.32 of the 11328  
Revised Code is guilty of a misdemeanor of the third degree. 11329

(C) Whoever violates sections 1506.38 to 1506.48 of the Revised Code shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense. Each day of violation constitutes a separate offense.

**Sec. 1513.08.** (A) After a coal mining and reclamation permit application has been approved, ~~but before the permit is issued,~~ the applicant shall file with the chief of the division of mineral resources management, on a form prescribed and furnished by the chief, the performance security required under this section.

(B) Using the information contained in the permit application; the requirements contained in the approved permit and reclamation plan; and, after considering the topography, geology, hydrology, and revegetation potential of the area of the approved permit, the probable difficulty of reclamation; the chief shall determine the estimated cost of reclamation under the initial term of the permit if the reclamation has to be performed by the division of mineral resources management in the event of forfeiture of the performance security by the applicant. The chief shall send written notice of the amount of the estimated cost of reclamation by certified mail to the applicant. The applicant shall send written notice to the chief indicating the method by which the applicant will provide the performance security pursuant to division (C) of this section.

(C) The applicant shall provide the performance security in an amount using one of the following:

(1) If the applicant elects to provide performance security without reliance on the reclamation forfeiture fund created in section 1513.18 of the Revised Code, the amount of the estimated cost of reclamation as determined by the chief under division (B) of this section for the increments of land on which the operator will conduct a coal mining and reclamation operation under the

initial term of the permit as indicated in the application; 11361

(2) If the applicant elects to provide performance security 11362  
together with reliance on the reclamation forfeiture fund through 11363  
payment of the additional tax on the severance of coal that is 11364  
levied under division (A)(8) of section 5749.02 of the Revised 11365  
Code, an amount of twenty-five hundred dollars per acre of land on 11366  
which the operator will conduct coal mining and reclamation under 11367  
the initial term of the permit as indicated in the application. 11368  
However, in order for an applicant to be eligible to provide 11369  
performance security in accordance with division (C)(2) of this 11370  
section, an the applicant, an owner and controller of the 11371  
applicant, or an affiliate of the applicant shall have held a 11372  
permit issued under this chapter for any coal mining and 11373  
reclamation operation for a period of not less than five years. In 11374  
the event of forfeiture of performance security that was provided 11375  
in accordance with division (C)(2) of this section, the difference 11376  
between the amount of that performance security and the estimated 11377  
cost of reclamation as determined by the chief under division (B) 11378  
of this section shall be obtained from money in the reclamation 11379  
forfeiture fund as needed to complete the reclamation. 11380

The performance security provided under division (C) of this 11381  
section for the entire area to be mined under one permit issued 11382  
under this chapter shall not be less than ten thousand dollars. 11383

The performance security shall cover areas of land affected 11384  
by mining within or immediately adjacent to the permitted area, so 11385  
long as the total number of acres does not exceed the number of 11386  
acres for which the performance security is provided. However, the 11387  
authority for the performance security to cover areas of land 11388  
immediately adjacent to the permitted area does not authorize a 11389  
permittee to mine areas outside an approved permit area. As 11390  
succeeding increments of coal mining and reclamation operations 11391  
are to be initiated and conducted within the permit area, the 11392

permittee shall file with the chief additional performance 11393  
security to cover the increments in accordance with this section. 11394  
If a permittee intends to mine areas outside the approved permit 11395  
area, the permittee shall provide additional performance security 11396  
in accordance with this section to cover the areas to be mined. 11397

An applicant shall provide performance security in accordance 11398  
with division (C)(1) of this section in the full amount of the 11399  
estimated cost of reclamation as determined by the chief for a 11400  
permitted coal preparation plant or coal refuse disposal area that 11401  
is not located within a permitted area of a mine. A permittee 11402  
shall provide the performance security not later than one year 11403  
after ~~the effective date of this amendment~~ April 6, 2007, for a 11404  
permitted coal preparation plant or coal refuse disposal area that 11405  
is in existence on ~~the effective date of this amendment~~ April 6, 11406  
2007, and that is not located within a permitted area of a mine. 11407

(D) A permittee's liability under the performance security 11408  
shall be limited to the obligations established under the permit, 11409  
which include completion of the reclamation plan in order to make 11410  
the land capable of supporting the postmining land use that was 11411  
approved in the permit. The period of liability under the 11412  
performance security shall be for the duration of the coal mining 11413  
and reclamation operation and for a period coincident with the 11414  
operator's responsibility for revegetation requirements under 11415  
section 1513.16 of the Revised Code. 11416

(E) The amount of the estimated cost of reclamation 11417  
determined under division (B) of this section and the amount of a 11418  
permittee's performance security provided in accordance with 11419  
division (C)(1) of this section may be adjusted by the chief as 11420  
the land that is affected by mining increases or decreases or if 11421  
the cost of reclamation increases or decreases. If the performance 11422  
security was provided in accordance with division (C)(2) of this 11423  
section and the chief has issued a cessation order under division 11424

(D)(2) of section 1513.02 of the Revised Code for failure to abate 11425  
a violation of the contemporaneous reclamation requirement under 11426  
division (A)(15) of section 1513.16 of the Revised Code, the chief 11427  
may require the permittee to increase the amount of performance 11428  
security from twenty-five hundred dollars per acre of land to five 11429  
thousand dollars per acre of land. 11430

The chief shall notify the permittee, each surety, and any 11431  
person who has a property interest in the performance security and 11432  
who has requested to be notified of any proposed adjustment to the 11433  
performance security. The permittee may request an informal 11434  
conference with the chief concerning the proposed adjustment, and 11435  
the chief shall provide such an informal conference. 11436

If the chief increases the amount of performance security 11437  
under this division, the permittee shall provide additional 11438  
performance security in an amount determined by the chief. If the 11439  
chief decreases the amount of performance security under this 11440  
division, the chief shall determine the amount of the reduction of 11441  
the performance security and send written notice of the amount of 11442  
reduction to the permittee. The permittee may reduce the amount of 11443  
the performance security in the amount determined by the chief. 11444

(F) A permittee may request a reduction in the amount of the 11445  
performance security by submitting to the chief documentation 11446  
proving that the amount of the performance security provided by 11447  
the permittee exceeds the estimated cost of reclamation if the 11448  
reclamation would have to be performed by the division in the 11449  
event of forfeiture of the performance security. The chief shall 11450  
examine the documentation and determine whether the permittee's 11451  
performance security exceeds the estimated cost of reclamation. If 11452  
the chief determines that the performance security exceeds that 11453  
estimated cost, the chief shall determine the amount of the 11454  
reduction of the performance security and send written notice of 11455  
the amount to the permittee. The permittee may reduce the amount 11456

of the performance security in the amount determined by the chief. 11457  
Adjustments in the amount of performance security under this 11458  
division shall not be considered release of performance security 11459  
and are not subject to section 1513.16 of the Revised Code. 11460

(G) If the performance security is a bond, it shall be 11461  
executed by the operator and a corporate surety licensed to do 11462  
business in this state. If the performance security is a cash 11463  
deposit or negotiable certificates of deposit of a bank or savings 11464  
and loan association, the bank or savings and loan association 11465  
shall be licensed and operating in this state. The cash deposit or 11466  
market value of the securities shall be equal to or greater than 11467  
the amount of the performance security required under this 11468  
section. The chief shall review any documents pertaining to the 11469  
performance security and approve or disapprove the documents. The 11470  
chief shall notify the applicant of the chief's determination. 11471

(H) If the performance security is a bond, the chief may 11472  
accept the bond of the applicant itself without separate surety 11473  
when the applicant demonstrates to the satisfaction of the chief 11474  
the existence of a suitable agent to receive service of process 11475  
and a history of financial solvency and continuous operation 11476  
sufficient for authorization to self-insure or bond the amount. 11477

(I) Performance security provided under this section may be 11478  
held in trust, provided that the state is the conditional 11479  
beneficiary of the trust and the custodian of the performance 11480  
security held in trust is a bank, trust company, or other 11481  
financial institution that is licensed and operating in this 11482  
state. The chief shall review the trust document and approve or 11483  
disapprove the document. The chief shall notify the applicant of 11484  
the chief's determination. 11485

(J) If a surety, bank, savings and loan association, trust 11486  
company, or other financial institution that holds the performance 11487  
security required under this section becomes insolvent, the 11488

permittee shall notify the chief of the insolvency, and the chief 11489  
shall order the permittee to submit a plan for replacement 11490  
performance security within thirty days after receipt of notice 11491  
from the chief. If the permittee provided performance security in 11492  
accordance with division (C)(1) of this section, the permittee 11493  
shall provide the replacement performance security within ninety 11494  
days after receipt of notice from the chief. If the permittee 11495  
provided performance security in accordance with division (C)(2) 11496  
of this section, the permittee shall provide the replacement 11497  
performance security within one year after receipt of notice from 11498  
the chief, and, for a period of one year after the permittee's 11499  
receipt of notice from the chief or until the permittee provides 11500  
the replacement performance security, whichever occurs first, 11501  
money in the reclamation forfeiture fund shall be the permittee's 11502  
replacement performance security in an amount not to exceed the 11503  
estimated cost of reclamation as determined by the chief. 11504

(K) A permittee's responsibility for repairing material 11505  
damage and replacement of water supply resulting from subsidence 11506  
may be satisfied by liability insurance required under this 11507  
chapter in lieu of the permittee's performance security if the 11508  
liability insurance policy contains terms and conditions that 11509  
specifically provide coverage for repairing material damage and 11510  
replacement of water supply resulting from subsidence. 11511

(L) If the performance security provided in accordance with 11512  
this section exceeds the estimated cost of reclamation, the chief 11513  
may authorize the amount of the performance security that exceeds 11514  
the estimated cost of reclamation together with any interest or 11515  
other earnings on the performance security to be paid to the 11516  
permittee. 11517

(M) A permittee that held a valid coal mining and reclamation 11518  
permit immediately prior to April 6, 2007, shall provide, not 11519  
later than a date established by the chief, performance security 11520

in accordance with division (C)(1) or (2) of this section, rather 11521  
than in accordance with the law as it existed prior to that date, 11522  
by filing it with the chief on a form that the chief prescribes 11523  
and furnishes. Accordingly, for purposes of this section, 11524  
"applicant" is deemed to include such a permittee. 11525

(N) As used in this section: 11526

(1) "Affiliate of the applicant" means an entity that has a 11527  
parent entity in common with the applicant. 11528

(2) "Owner and controller of the applicant" means a person 11529  
that has any relationship with the applicant that gives the person 11530  
authority to determine directly or indirectly the manner in which 11531  
the applicant conducts coal mining operations. 11532

**Sec. 1513.18.** (A) All money that becomes the property of the 11533  
state under division (G) of section 1513.16 of the Revised Code 11534  
shall be deposited in the reclamation forfeiture fund, which is 11535  
hereby created in the state treasury. Disbursements from the fund 11536  
shall be made by the chief of the division of mineral resources 11537  
management for the purpose of reclaiming areas of land affected by 11538  
coal mining under a coal mining and reclamation permit issued on 11539  
or after September 1, 1981, on which an operator has defaulted. 11540

(B) The fund also shall consist of all money from the 11541  
collection of liens under section 1513.081 of the Revised Code, 11542  
any moneys transferred to it under section 1513.181 of the Revised 11543  
Code from the coal mining and reclamation reserve fund created in 11544  
that section, fines collected under division (E) of section 11545  
1513.02 and section 1513.99 of the Revised Code, fines collected 11546  
for a violation of section 2921.31 of the Revised Code that, prior 11547  
to July 1, 1996, would have been a violation of division (G) of 11548  
section 1513.17 of the Revised Code as it existed prior to that 11549  
date, and moneys collected and credited to it pursuant to section 11550  
5749.02 of the Revised Code. Disbursements from the fund shall be 11551

made by the chief in accordance with division (D) of this section 11552  
for the purpose of reclaiming areas that an operator has affected 11553  
by mining and failed to reclaim under a coal mining and 11554  
reclamation permit issued under this chapter or under a surface 11555  
mining permit issued under Chapter 1514. of the Revised Code. 11556

The chief may expend moneys from the fund to pay necessary 11557  
administrative costs, including engineering and design services, 11558  
incurred by the division of mineral resources management in 11559  
reclaiming these areas. The chief also may expend moneys from the 11560  
fund to pay necessary administrative costs of the reclamation 11561  
forfeiture fund advisory board created in section 1513.182 of the 11562  
Revised Code as authorized by the board under that section. 11563  
Expenditures from the fund to pay such administrative costs need 11564  
not be made under contract. 11565

(C) Except when paying necessary administrative costs 11566  
authorized by division (B) of this section, expenditures from the 11567  
fund shall be made under contracts entered into by the chief, with 11568  
the approval of the director of natural resources, in accordance 11569  
with procedures established by the chief, by rules adopted in 11570  
accordance with section 1513.02 of the Revised Code. The chief may 11571  
reclaim the land in the same manner as set forth in sections 11572  
1513.21 to 1513.24 of the Revised Code. Each contract awarded by 11573  
the chief shall be awarded to the lowest responsive and 11574  
responsible bidder, in accordance with section 9.312 of the 11575  
Revised Code, after sealed bids are received, opened, and 11576  
published at the time and place fixed by the chief. The chief 11577  
shall publish notice of the time and place at which bids will be 11578  
received, opened, and published, at least once and at least ten 11579  
days before the date of the opening of the bids, in a newspaper of 11580  
general circulation in the county in which the area of land to be 11581  
reclaimed under the contract is located. If, after advertising, no 11582  
bids are received at the time and place fixed for receiving them, 11583

the chief may advertise again for bids, or, if the chief considers 11584  
the public interest will best be served, the chief may enter into 11585  
a contract for the reclamation of the area of land without further 11586  
advertisement for bids. The chief may reject any or all bids 11587  
received and again publish notice of the time and place at which 11588  
bids for contracts will be received, opened, and published. The 11589  
chief, with the approval of the director, may enter into a 11590  
contract with the landowner, a coal mine operator or surface mine 11591  
operator mining under a current, valid permit issued under this 11592  
chapter or Chapter 1514. of the Revised Code, or a contractor 11593  
hired by the surety or trustee, if the performance security is 11594  
held in trust, to complete reclamation to carry out reclamation on 11595  
land affected by coal mining on which an operator has defaulted 11596  
without advertising for bids. 11597

(D)(1) The chief shall expend money credited to the 11598  
reclamation forfeiture fund from the forfeiture of the performance 11599  
security applicable to an area of land to pay for the cost of the 11600  
reclamation of the land. 11601

(2) If the performance security for the area of land was 11602  
provided under division (C)(1) of section 1513.08 of the Revised 11603  
Code, the chief shall use the money from the forfeited performance 11604  
security to complete the reclamation that the operator failed to 11605  
do under the operator's applicable coal mining and reclamation 11606  
permit issued under this chapter. 11607

(3) If the performance security for the area of land was 11608  
provided under division (C)(2) of section 1513.08 of the Revised 11609  
Code, the chief shall use the money from the forfeited performance 11610  
security to complete the reclamation that the operator failed to 11611  
do under the operator's applicable coal mining and reclamation 11612  
permit issued under this chapter. If the money credited to the 11613  
reclamation forfeiture fund from the forfeiture of the performance 11614  
security provided under division (C)(2) of section 1513.08 of the 11615

Revised Code is not sufficient to complete the reclamation, the 11616  
chief shall notify the reclamation forfeiture fund advisory board 11617  
of the amount of the insufficiency. The chief may expend money 11618  
credited to the reclamation forfeiture fund under section 5749.02 11619  
of the Revised Code or transferred to the fund under section 11620  
1513.181 of the Revised Code to complete the reclamation. The 11621  
chief shall not expend money from the fund in an amount that 11622  
exceeds the difference between the amount of the performance 11623  
security provided under division (C)(2) of section 1513.08 of the 11624  
Revised Code and the estimated cost of reclamation as determined 11625  
by the chief under divisions (B) and (E) of that section. 11626

(4) Money from the reclamation forfeiture fund shall not be 11627  
used for reclamation of land or water resources affected by 11628  
material damage from subsidence, or mine drainage that requires 11629  
extended water treatment after reclamation is completed under the 11630  
terms of the permit, ~~or coal preparation plants or coal refuse~~ 11631  
~~disposal areas not located within a permitted area of a mine if~~ 11632  
~~performance security for the area of land was provided under~~ 11633  
~~division (C)(2) of section 1513.08 of the Revised Code. In~~ 11634  
addition, money from the reclamation forfeiture fund shall not be 11635  
used to supplement the performance security of an applicant or 11636  
permittee that has provided performance security in accordance 11637  
with division (C)(1) of section 1513.08 of the Revised Code. 11638

(E) The chief shall keep a detailed accounting of the 11639  
expenditures from the reclamation forfeiture fund to complete 11640  
reclamation of the land and, upon completion of the reclamation, 11641  
shall certify the expenditures to the attorney general. Upon the 11642  
chief's certification of the expenditures from the reclamation 11643  
forfeiture fund, the attorney general shall bring an action for 11644  
that amount of money. The operator is liable for that expense in 11645  
addition to any other liabilities imposed by law. Moneys so 11646  
recovered shall be credited to the reclamation forfeiture fund. 11647

The chief shall not postpone the reclamation because of any action brought by the attorney general under this division. Prior to completing reclamation, the chief may collect through the attorney general any additional amount that the chief believes will be necessary for reclamation in excess of the forfeited performance security amount applicable to the land that the operator should have, but failed to, reclaim.

(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~~ 11679  
~~limestone mining~~ manufacturing, processing, or calcining materials 11680  
associated with lime ~~or limestone mining or~~ processing. "Lime 11681  
mining wastes" does not include materials generated from the 11682  
manufacture of cement. 11683

(2) "Beneficial use" means the use of lime mining wastes 11684  
~~within a lime mining and reclamation area~~ for land application 11685  
when it is utilized for agronomic purposes at standard agronomic 11686  
rates as determined by standard soil testing, for land reclamation 11687  
in accordance with this chapter and rules adopted under it, 11688  
including, but not limited to, use as fill material, as defined by 11689  
rule, in quarries, and for any other purposes designated by the 11690  
chief of the division of mineral resources management, including 11691  
demonstration projects approved by the chief. 11692

(3) "Solid waste disposal facility" means a facility for the 11693  
disposal of solid wastes that is licensed under Chapter 3734. of 11694  
the Revised Code. 11695

(4) "Disposal system" has the same meaning as in section 11696  
6111.01 of the Revised Code. 11697

(B) Not later than two hundred seventy days after ~~the~~ 11698  
~~effective date of this section~~ October 8, 2001, the chief shall 11699  
adopt and may amend, suspend, or rescind rules in accordance with 11700  
Chapter 119. of the Revised Code establishing standards and 11701  
requirements for both of the following: 11702

(1) The beneficial use of lime mining wastes, including the 11703  
beneficial use of lime mining wastes at lime mining and 11704  
reclamation operations governed by this chapter; 11705

(2) The monitoring of ground water associated with the 11706  
beneficial use of lime mining wastes and the taking of corrective 11707  
action in the event of a subsurface discharge of leachate from the 11708  
beneficial use of lime mining wastes or of contamination of ground 11709

water resulting from the beneficial use of lime mining wastes, in 11710  
order to protect human health and environment. 11711

The beneficial use of lime mining wastes is subject to any 11712  
applicable standards and requirements established under this 11713  
chapter and rules adopted under it. Until such time as the chief 11714  
adopts rules under this section, the beneficial use of lime mining 11715  
wastes shall require the prior written approval of the chief in a 11716  
surface mining permit issued under this chapter. 11717

(C) The beneficial use of lime mining wastes does not 11718  
constitute establishing a solid waste disposal facility or a 11719  
disposal system. A beneficial use of lime mining wastes that is 11720  
authorized under this section is not subject to any of the 11721  
following: 11722

(1) Permit and license requirements for solid waste 11723  
facilities established under sections 3734.02 and 3734.05 of the 11724  
Revised Code; 11725

(2) The prohibition against open dumping of solid wastes 11726  
established under section 3734.03 of the Revised Code; 11727

(3) Solid waste disposal and generation fees established 11728  
under sections 3734.57 to 3734.574 of the Revised Code; 11729

(4) Permit to install and plan approval requirements and 11730  
prohibitions established under sections 6111.03, 6111.04, 6111.44, 11731  
and 6111.45 of the Revised Code. 11732

Nothing in this section shall be construed to limit any other 11733  
requirements that are applicable to the beneficial use of lime 11734  
mining wastes under Chapter 905., 3704., 3714., 3734., or 6111. of 11735  
the Revised Code or any local or federal laws, including, without 11736  
limitation, requirements governing air pollution control permits, 11737  
hazardous waste installation and operation permits, national 11738  
pollutant discharge elimination system permits, and section 401 11739  
water quality certifications. 11740

Sec. 1514.40. In accordance with Chapter 119. of the Revised 11741  
Code, the chief of the division of mineral resources management, 11742  
in consultation with a statewide association that represents the 11743  
surface mining industry, shall adopt rules that do all of the 11744  
following: 11745

(A) For the purpose of establishing safety standards 11746  
governing surface mining operations, incorporate by reference 30 11747  
C.F.R. parts 46, 47, 50, 56, 58, and 62, as amended; 11748

(B) Establish criteria, standards, and procedures governing 11749  
safety performance evaluations conducted under section 1514.45 of 11750  
the Revised Code, including requirements for the notification of 11751  
operators and the identification of authorized representatives of 11752  
miners at surface mining operations for purposes of inspections 11753  
conducted under sections ~~1541.41~~ 1514.41 to ~~1541.47~~ 1514.47 of the 11754  
Revised Code; 11755

(C) Establish requirements governing the reporting and 11756  
investigation of accidents at surface mining operations. In 11757  
adopting the rules, the chief shall establish requirements that 11758  
minimize duplication with any reporting and investigations of 11759  
accidents that are conducted by the mine safety and health 11760  
administration in the United States department of labor. 11761

(D) Establish the time, place, and frequency of mine safety 11762  
training conducted under section 1514.06 of the Revised Code and a 11763  
fee, if any, for the purpose of that section. The amount of the 11764  
fee shall not exceed the costs of conducting the training that is 11765  
required under that section. 11766

(E) Establish the minimum qualifications necessary to take 11767  
the examination that is required for certification of certified 11768  
mine forepersons under division (B) of section 1514.47 of the 11769  
Revised Code and requirements, fees, and procedures governing the 11770  
taking of the examination; 11771

(F) Establish requirements and fees governing the renewal of certificates under division (C) of that section;

(G) Establish requirements and procedures for the approval of training plans submitted under division (E) of that section for the use of qualified persons to conduct examinations of surface mining operations in lieu of certified mine forepersons and minimum qualifications of those persons. The rules shall include requirements governing training frequency and curriculum that must be provided for qualified persons under such plans and shall establish related reporting and record keeping requirements.

As used in sections 1514.41 to 1514.47 of the Revised Code, "rule" means a rule adopted under this section unless the context indicates otherwise.

**Sec. 1521.01.** As used in sections 1521.01 to 1521.05, and 1521.13 to 1521.18, ~~and 1521.20 to 1521.30~~ of the Revised Code:

(A) "Consumptive use," "diversion," "Lake Erie drainage basin," "other great lakes states and provinces," "water resources," and "waters of the state" have the same meanings as in section 1501.30 of the Revised Code.

(B) "Well" means any excavation, regardless of design or method of construction, created for any of the following purposes:

(1) Removing ground water from or recharging water into an aquifer, excluding subsurface drainage systems installed to enhance agricultural crop production or urban or suburban landscape management or to control seepage in dams, dikes, and levees;

(2) Determining the quantity, quality, level, or movement of ground water in or the stratigraphy of an aquifer, excluding borings for instrumentation in dams, dikes, levees, or highway embankments;

(3) Removing or exchanging heat from ground water, excluding 11802  
horizontal trenches that are installed for water source heat pump 11803  
systems. 11804

(C) "Aquifer" means a consolidated or unconsolidated geologic 11805  
formation or series of formations that are hydraulically 11806  
interconnected and that have the ability to receive, store, or 11807  
transmit water. 11808

(D) "Ground water" means all water occurring in an aquifer. 11809

(E) "Ground water stress area" means a definable geographic 11810  
area in which ground water quantity is being affected by human 11811  
activity or natural forces to the extent that continuous 11812  
availability of supply is jeopardized by withdrawals. 11813

(F) "Person" has the same meaning as in section 1.59 of the 11814  
Revised Code and also includes the United States, the state, any 11815  
political subdivision of the state, and any department, division, 11816  
board, commission, agency, or instrumentality of the United 11817  
States, the state, or a political subdivision of the state. 11818

(G) "State agency" or "agency of the state" has the same 11819  
meaning as "agency" in section 111.15 of the Revised Code. 11820

(H) "Development" means any artificial change to improved or 11821  
unimproved real estate, including the construction of buildings 11822  
and other structures, any substantial improvement of a structure, 11823  
mining, dredging, filling, grading, paving, excavating, and 11824  
drilling operations, and storage of equipment or materials. 11825

(I) "Floodplain" means the area adjoining any river, stream, 11826  
watercourse, or lake that has been or may be covered by flood 11827  
water. 11828

(J) "Floodplain management" means the implementation of an 11829  
overall program of corrective and preventive measures for reducing 11830  
flood damage, including the collection and dissemination of flood 11831

information, construction of flood control works, nonstructural 11832  
flood damage reduction techniques, and adoption of rules, 11833  
ordinances, or resolutions governing development in floodplains. 11834

(K) "One-hundred-year flood" means a flood having a one per 11835  
cent chance of being equaled or exceeded in any given year. 11836

(L) "One-hundred-year floodplain" means that portion of a 11837  
floodplain inundated by a one-hundred-year flood. 11838

(M) "Structure" means a walled and roofed building, 11839  
including, without limitation, gas or liquid storage tanks, mobile 11840  
homes, and manufactured homes. 11841

(N) "Substantial improvement" means any reconstruction, 11842  
rehabilitation, addition, or other improvement of a structure, the 11843  
cost of which equals or exceeds fifty per cent of the market value 11844  
of the structure before the start of construction of the 11845  
improvement. "Substantial improvement" includes repairs to 11846  
structures that have incurred substantial damage regardless of the 11847  
actual repair work performed. "Substantial improvement" does not 11848  
include either of the following: 11849

(1) Any project for the improvement of a structure to correct 11850  
existing violations of state or local health, sanitary, or safety 11851  
code specifications that have been identified by the state or 11852  
local code enforcement official having jurisdiction and that are 11853  
the minimum necessary to ensure safe living conditions; 11854

(2) Any alteration of an historic structure designated or 11855  
listed pursuant to federal or state law, provided that the 11856  
alteration will not preclude the structure's continued listing or 11857  
designation as an historic structure. 11858

(O) ~~"Shore structure" includes, but is not limited to:~~ 11859  
~~beaches; groins; revetments; bulkheads; seawalls; breakwaters;~~ 11860  
~~certain dikes designated by the chief of the division of water;~~ 11861  
~~piers; docks; jetties; wharves; marinas; boat ramps; any~~ 11862

~~associated fill or debris used as part of the construction of~~ 11863  
~~shore structures that may affect shore erosion, wave action, or~~ 11864  
~~inundation; and fill or debris placed along or near the shore,~~ 11865  
~~including bluffs, banks, or beach ridges, for the purpose of~~ 11866  
~~stabilizing slopes.~~ 11867

~~(P)~~ "Substantial damage" means damage of any origin that is 11868  
sustained by a structure if the cost of restoring the structure to 11869  
its condition prior to the damage would equal or exceed fifty per 11870  
cent of the market value of the structure before the damage 11871  
occurred. 11872

~~(Q)~~(P) "National flood insurance program" means the national 11873  
flood insurance program established in the "National Flood 11874  
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C. 4001, as amended, 11875  
and regulations adopted under it. 11876

~~(R)~~(O) "Conservancy district" means a conservancy district 11877  
established under Chapter 6101. of the Revised Code. 11878

~~(S)~~ "Park board" means the board of park commissioners of a 11879  
park district created under Chapter 1545. of the Revised Code. 11880

~~(T)~~ "Erosion control structure" means anything that is 11881  
designed primarily to reduce or control erosion of the shore along 11882  
or near lake erie, including, but not limited to, revetments, 11883  
seawalls, bulkheads, certain breakwaters designated by the chief, 11884  
and similar structures. "Erosion control structure" does not 11885  
include wharves, piers, docks, marinas, boat ramps, and other 11886  
similar structures. 11887

**Sec. 1521.99.** (A) Whoever violates division (E)(1) of section 11888  
1521.05 or division (E)(1) of section 1521.16 of the Revised Code 11889  
is guilty of a misdemeanor of the fourth degree. 11890

(B) Whoever violates section 1521.06 or 1521.062 of the 11891  
Revised Code shall be fined not less than one hundred dollars nor 11892

more than one thousand dollars for each offense. Each day of 11893  
violation constitutes a separate offense. 11894

~~(C) Whoever violates sections 1521.20 to 1521.30 of the 11895  
Revised Code shall be fined not less than one hundred dollars nor 11896  
more than one thousand dollars for each offense. Each day of 11897  
violation constitutes a separate offense. 11898~~

**Sec. 1531.06.** (A) The chief of the division of wildlife, with 11899  
the approval of the director of natural resources, may acquire by 11900  
gift, lease, purchase, or otherwise lands or surface rights upon 11901  
lands and waters or surface rights upon waters for wild animals, 11902  
fish or game management, preservation, propagation, and 11903  
protection, outdoor and nature activities, public fishing and 11904  
hunting grounds, and flora and fauna preservation. The chief, with 11905  
the approval of the director, may receive by grant, devise, 11906  
bequest, donation, or assignment evidences of indebtedness, the 11907  
proceeds of which are to be used for the purchase of such lands or 11908  
surface rights upon lands and waters or surface rights upon 11909  
waters. 11910

(B)(1) The chief shall adopt rules for the protection of 11911  
state-owned or leased lands and waters and property under the 11912  
control of the division of wildlife against wrongful use or 11913  
occupancy that will ensure the carrying out of the intent of this 11914  
section, protect those lands, waters, and property from 11915  
depredations, and preserve them from molestation, spoilation, 11916  
destruction, or any improper use or occupancy thereof, including 11917  
rules with respect to recreational activities and for the 11918  
government and use of such lands, waters, and property. 11919

(2) The chief may adopt rules benefiting wild animals, fish 11920  
or game management, preservation, propagation, and protection, 11921  
outdoor and nature activities, public fishing and hunting grounds, 11922  
and flora and fauna preservation, and regulating the taking and 11923

possession of wild animals on any lands or waters owned or leased 11924  
or under the division's supervision and control and, for a 11925  
specified period of years, may prohibit or recall the taking and 11926  
possession of any wild animal on any portion of such lands or 11927  
waters. The division clearly shall define and mark the boundaries 11928  
of the lands and waters owned or leased or under its supervision 11929  
and control upon which the taking of any wild animal is 11930  
prohibited. 11931

(C) The chief, with the approval of the director, may acquire 11932  
by gift, lease, or purchase land for the purpose of establishing 11933  
state fish hatcheries and game farms and may erect on it buildings 11934  
or structures that are necessary. 11935

The title to or lease of such lands and waters shall be taken 11936  
by the chief in the name of the state. The lease or purchase price 11937  
of all such lands and waters may be paid from hunting and trapping 11938  
and fishing licenses and any other funds. 11939

(D) To provide more public recreation, stream and lake 11940  
agreements for public fishing only may be obtained under rules 11941  
adopted by the chief. 11942

(E) The chief, with the approval of the director, may 11943  
establish user fees for the use of special public facilities or 11944  
participation in special activities on lands and waters 11945  
administered by the division. The special facilities and 11946  
activities may include hunting or fishing on special designated 11947  
public lands and waters intensively managed or stocked with 11948  
artificially propagated game birds or fish, field trial 11949  
facilities, wildlife nature centers, firearm ranges, boat mooring 11950  
facilities, camping sites, and other similar special facilities 11951  
and activities. The chief shall determine whether the user fees 11952  
are refundable and shall ensure that that information is provided 11953  
at the time the user fees are paid. 11954

(F) The chief, with the approval of the director, may enter 11955  
into lease agreements for rental of concessions or other special 11956  
projects situated on state-owned or leased lands or waters or 11957  
other property under the division's control. The chief shall set 11958  
and collect the fees for concession rentals or other special 11959  
projects; regulate through contracts between the division and 11960  
concessionaires the sale of tangible objects at concessions or 11961  
other special projects; and keep a record of all such fee payments 11962  
showing the amount received, from whom received, and for what 11963  
purpose the fee was collected. 11964

(G) The chief may sell or donate conservation-related items 11965  
or items that promote wildlife conservation, including, but not 11966  
limited to, stamps, pins, badges, books, bulletins, maps, 11967  
publications, calendars, and any other educational article or 11968  
artifact pertaining to wild animals; sell confiscated or forfeited 11969  
items; and sell surplus structures and equipment, and timber or 11970  
crops from lands owned, administered, leased, or controlled by the 11971  
division. The chief, with the approval of the director, also may 11972  
engage in campaigns and special events that promote wildlife 11973  
conservation by selling or donating wildlife-related materials, 11974  
memberships, and other items of promotional value. 11975

(H) The chief may sell, lease, or transfer minerals or 11976  
mineral rights, with the approval of the director, when the chief 11977  
and the director determine it to be in the best interest of the 11978  
state. Upon approval of the director, the chief may make, execute, 11979  
and deliver contracts, including leases, to mine, drill, or 11980  
excavate iron ore, stone, coal, petroleum, gas, salt, and other 11981  
minerals upon and under lands owned by the state and administered 11982  
by the division to any person who complies with the terms of such 11983  
a contract. No such contract shall be valid for more than fifty 11984  
years from its effective date. Consideration for minerals and 11985  
mineral rights shall be by rental or royalty basis as prescribed 11986

by the chief and payable as prescribed by contract. Moneys 11987  
collected under this division shall be paid into the state 11988  
treasury to the credit of the wildlife habitat fund created in 11989  
section 1531.33 of the Revised Code. Contracts entered into under 11990  
this division also may provide for consideration for minerals or 11991  
mineral rights in the form of acquisition of lands as provided 11992  
under divisions (A) and (C) of this section. 11993

(I) All moneys received under divisions (E), (F), and (G) of 11994  
this section shall be paid into the state treasury to the credit 11995  
of a fund that shall be used for the purposes outlined in section 11996  
1533.15 of the Revised Code and for the management of other wild 11997  
animals for their ecological and nonconsumptive recreational value 11998  
or benefit. 11999

(J) The chief, with the approval of the director, may barter 12000  
or sell wild animals to other states, state or federal agencies, 12001  
and conservation or zoological organizations. Moneys received from 12002  
the sale of wild animals shall be deposited into the wild animal 12003  
fund created in section 1531.34 of the Revised Code. 12004

(K) The chief shall adopt rules establishing standards and 12005  
guidelines for the administration of contraceptive chemicals to 12006  
noncaptive wild animals. The rules may specify chemical delivery 12007  
methods and devices and monitoring requirements. 12008

The chief shall establish criteria for the issuance of and 12009  
shall issue permits for the administration of contraceptive 12010  
chemicals to noncaptive wild animals. No person shall administer 12011  
contraceptive chemicals to noncaptive wild animals without a 12012  
permit issued by the chief. 12013

(L) All fees set by the chief under this section shall be 12014  
approved by the wildlife council. 12015

(M) Information contained in the wildlife diversity database 12016  
that is established pursuant to division (B)(2) of this section 12017

and section 1531.25 of the Revised Code may be made available to 12018  
any individual or public or private agency for research, 12019  
educational, environmental, land management, or other similar 12020  
purposes that are not detrimental to the conservation of a species 12021  
or feature. Information regarding sensitive site locations of 12022  
species that are listed pursuant to section 1531.25 of the Revised 12023  
Code and of features that are included in the wildlife diversity 12024  
database is not subject to section 149.43 of the Revised Code if 12025  
the chief determines that the release of the information could be 12026  
detrimental to the conservation of a species or feature. 12027

**Sec. 1531.35.** The wildlife boater angler fund is hereby 12028  
created in the state treasury. The fund shall consist of money 12029  
credited to the fund pursuant to section 5735.051 of the Revised 12030  
Code and other money contributed to the division of wildlife for 12031  
the purposes of the fund. The fund shall be used for boating 12032  
access construction, improvements, and maintenance, and to pay for 12033  
equipment and personnel costs involved with those activities, on 12034  
lakes on which the operation of gasoline-powered watercraft is 12035  
permissible. However, not more than two hundred thousand dollars 12036  
of the annual expenditures from the fund may be used to pay for 12037  
the equipment and personnel costs. 12038

**Sec. 1555.08.** (A) Subject to the limitations provided in 12039  
Section 15 of Article VIII, Ohio Constitution, the commissioners 12040  
of the sinking fund, upon certification by the director of the 12041  
Ohio coal development office of the amount of moneys or additional 12042  
moneys needed in the coal research and development fund for the 12043  
purpose of making grants or loans for allowable costs, or needed 12044  
for capitalized interest, for funding reserves, and for paying 12045  
costs and expenses incurred in connection with the issuance, 12046  
carrying, securing, paying, redeeming, or retirement of the 12047  
obligations or any obligations refunded thereby, including payment 12048

of costs and expenses relating to letters of credit, lines of 12049  
credit, insurance, put agreements, standby purchase agreements, 12050  
indexing, marketing, remarketing and administrative arrangements, 12051  
interest swap or hedging agreements, and any other credit 12052  
enhancement, liquidity, remarketing, renewal, or refunding 12053  
arrangements, all of which are authorized by this section, or 12054  
providing moneys for loan guarantees, shall issue obligations of 12055  
the state under this section in amounts authorized by the general 12056  
assembly; provided that such obligations may be issued to the 12057  
extent necessary to satisfy the covenants in contracts of 12058  
guarantee made under section 1555.05 of the Revised Code to issue 12059  
obligations to meet such guarantees, notwithstanding limitations 12060  
otherwise applicable to the issuance of obligations under this 12061  
section except the one-hundred-million-dollar limitation provided 12062  
in Section 15 of Article VIII, Ohio Constitution. The proceeds of 12063  
such obligations, except for the portion to be deposited in the 12064  
coal research and development bond service fund as may be provided 12065  
in the bond proceedings, shall as provided in the bond proceedings 12066  
be deposited in the coal research and development fund. The 12067  
commissioners of the sinking fund may appoint trustees, paying 12068  
agents, and transfer agents and may retain the services of 12069  
financial advisors, accounting experts, and attorneys, and retain 12070  
or contract for the services of marketing, remarketing, indexing, 12071  
and administrative agents, other consultants, and independent 12072  
contractors, including printing services, as are necessary in 12073  
their judgment to carry out this section. 12074

(B) The full faith and credit of the state of Ohio is hereby 12075  
pledged to obligations issued under this section. The right of the 12076  
holders and owners to payment of bond service charges is limited 12077  
to all or that portion of the moneys pledged thereto pursuant to 12078  
the bond proceedings in accordance with this section, and each 12079  
such obligation shall bear on its face a statement to that effect. 12080

(C) Obligations shall be authorized by resolution of the 12081  
commissioners of the sinking fund on request of the director of 12082  
the Ohio coal development office as provided in section 1555.02 of 12083  
the Revised Code and the bond proceedings shall provide for the 12084  
purpose thereof and the principal amount or amounts, and shall 12085  
provide for or authorize the manner or agency for determining the 12086  
principal maturity or maturities, not exceeding forty years from 12087  
the date of issuance, the interest rate or rates or the maximum 12088  
interest rate, the date of the obligations and the dates of 12089  
payment of interest thereon, their denomination, and the 12090  
establishment within or without the state of a place or places of 12091  
payment of bond service charges. Sections 9.98 to 9.983 of the 12092  
Revised Code apply to obligations issued under this section. The 12093  
purpose of such obligations may be stated in the bond proceedings 12094  
in terms describing the general purpose or purposes to be served. 12095  
The bond proceedings shall also provide, subject to the provisions 12096  
of any other applicable bond proceedings, for the pledge of all, 12097  
or such part as the commissioners of the sinking fund may 12098  
determine, of the moneys credited to the coal research and 12099  
development bond service fund to the payment of bond service 12100  
charges, which pledges may be made either prior or subordinate to 12101  
other expenses, claims, or payments and may be made to secure the 12102  
obligations on a parity with obligations theretofore or thereafter 12103  
issued, if and to the extent provided in the bond proceedings. The 12104  
moneys so pledged and thereafter received by the state are 12105  
immediately subject to the lien of such pledge without any 12106  
physical delivery thereof or further act, and the lien of any such 12107  
pledges is valid and binding against all parties having claims of 12108  
any kind against the state or any governmental agency of the 12109  
state, irrespective of whether such parties have notice thereof, 12110  
and shall create a perfected security interest for all purposes of 12111  
Chapter 1309. of the Revised Code, without the necessity for 12112  
separation or delivery of funds or for the filing or recording of 12113

the bond proceedings by which such pledge is created or any 12114  
certificate, statement or other document with respect thereto; and 12115  
the pledge of such moneys is effective and the money therefrom and 12116  
thereof may be applied to the purposes for which pledged without 12117  
necessity for any act of appropriation. Every pledge, and every 12118  
covenant and agreement made with respect thereto, made in the bond 12119  
proceedings may therein be extended to the benefit of the owners 12120  
and holders of obligations authorized by this section, and to any 12121  
trustee therefor, for the further security of the payment of the 12122  
bond service charges. 12123

(D) The bond proceedings may contain additional provisions as 12124  
to: 12125

(1) The redemption of obligations prior to maturity at the 12126  
option of the commissioners of the sinking fund at such price or 12127  
prices and under such terms and conditions as are provided in the 12128  
bond proceedings; 12129

(2) Other terms of the obligations; 12130

(3) Limitations on the issuance of additional obligations; 12131

(4) The terms of any trust agreement or indenture securing 12132  
the obligations or under which the obligations may be issued; 12133

(5) The deposit, investment, and application of the coal 12134  
research and development bond service fund, and the safeguarding 12135  
of moneys on hand or on deposit, without regard to Chapter 131. or 12136  
135. of the Revised Code, but subject to any special provisions of 12137  
this chapter, with respect to particular moneys; provided, that 12138  
any bank or trust company which acts as depository of any moneys 12139  
in the fund may furnish such indemnifying bonds or may pledge such 12140  
securities as required by the commissioners of the sinking fund; 12141

(6) Any other provision of the bond proceedings being binding 12142  
upon the commissioners of the sinking fund, or such other body or 12143  
person as may from time to time have the authority under law to 12144

take such actions as may be necessary to perform all or any part 12145  
of the duty required by such provision; 12146

(7) Any provision which may be made in a trust agreement or 12147  
indenture; 12148

(8) Any other or additional agreements with the holders of 12149  
the obligations, or the trustee therefor, relating to the 12150  
obligations or the security therefor, including the assignment of 12151  
mortgages or other security obtained or to be obtained for loans 12152  
under this chapter. 12153

(E) The obligations may have the great seal of the state or a 12154  
facsimile thereof affixed thereto or printed thereon. The 12155  
obligations shall be signed by such members of the commissioners 12156  
of the sinking fund as are designated in the resolution 12157  
authorizing the obligations or bear the facsimile signatures of 12158  
such members. Any coupons attached to the obligations shall bear 12159  
the facsimile signature of the treasurer of state. Any obligations 12160  
may be executed by the persons who, on the date of execution, are 12161  
the commissioners although on the date of such bonds the persons 12162  
were not the commissioners. Any coupons may be executed by the 12163  
person who, on the date of execution, is the treasurer of state 12164  
although on the date of such coupons the person was not the 12165  
treasurer of state. In case any officer or commissioner whose 12166  
signature or a facsimile of whose signature appears on any such 12167  
obligations or any coupons ceases to be such officer or 12168  
commissioner before delivery thereof, such signature or facsimile 12169  
is nevertheless valid and sufficient for all purposes as if the 12170  
individual had remained such officer or commissioner until such 12171  
delivery; and in case the seal to be affixed to obligations has 12172  
been changed after a facsimile of the seal has been imprinted on 12173  
such obligations, such facsimile seal shall continue to be 12174  
sufficient as to such obligations and obligations issued in 12175  
substitution or exchange therefor. 12176

(F) All obligations except loan guarantees are negotiable 12177  
instruments and securities under Chapter 1308. of the Revised 12178  
Code, subject to the provisions of the bond proceedings as to 12179  
registration. The obligations may be issued in coupon or in 12180  
registered form, or both, as the commissioners of the sinking fund 12181  
determine. Provision may be made for the registration of any 12182  
obligations with coupons attached thereto as to principal alone or 12183  
as to both principal and interest, their exchange for obligations 12184  
so registered, and for the conversion or reconversion into 12185  
obligations with coupons attached thereto of any obligations 12186  
registered as to both principal and interest, and for reasonable 12187  
charges for such registration, exchange, conversion, and 12188  
reconversion. 12189

(G) Obligations may be sold at public sale or at private 12190  
sale, as determined in the bond proceedings. 12191

(H) Pending preparation of definitive obligations, the 12192  
commissioners of the sinking fund may issue interim receipts or 12193  
certificates which shall be exchanged for such definitive 12194  
obligations. 12195

(I) In the discretion of the commissioners of the sinking 12196  
fund, obligations may be secured additionally by a trust agreement 12197  
or indenture between the commissioners and a corporate trustee, 12198  
which may be any trust company or bank having ~~its principal a~~ 12199  
place of business within the state. Any such agreement or 12200  
indenture may contain the resolution authorizing the issuance of 12201  
the obligations, any provisions that may be contained in any bond 12202  
proceedings, and other provisions that are customary or 12203  
appropriate in an agreement or indenture of such type, including, 12204  
but not limited to: 12205

(1) Maintenance of each pledge, trust agreement, indenture, 12206  
or other instrument comprising part of the bond proceedings until 12207  
the state has fully paid the bond service charges on the 12208

obligations secured thereby, or provision therefor has been made; 12209

(2) In the event of default in any payments required to be 12210  
made by the bond proceedings, or any other agreement of the 12211  
commissioners of the sinking fund made as a part of the contract 12212  
under which the obligations were issued, enforcement of such 12213  
payments or agreement by mandamus, the appointment of a receiver, 12214  
suit in equity, action at law, or any combination of the 12215  
foregoing; 12216

(3) The rights and remedies of the holders of obligations and 12217  
of the trustee, and provisions for protecting and enforcing them, 12218  
including limitations on rights of individual holders of 12219  
obligations; 12220

(4) The replacement of any obligations that become mutilated 12221  
or are destroyed, lost, or stolen; 12222

(5) Such other provisions as the trustee and the 12223  
commissioners of the sinking fund agree upon, including 12224  
limitations, conditions, or qualifications relating to any of the 12225  
foregoing. 12226

(J) Any holder of obligations or a trustee under the bond 12227  
proceedings, except to the extent that the holder's rights are 12228  
restricted by the bond proceedings, may by any suitable form of 12229  
legal proceedings protect and enforce any rights under the laws of 12230  
this state or granted by such bond proceedings. Such rights 12231  
include the right to compel the performance of all duties of the 12232  
commissioners of the sinking fund, the Ohio air quality 12233  
development authority, or the Ohio coal development office 12234  
required by this chapter and Chapter 1551. of the Revised Code or 12235  
the bond proceedings; to enjoin unlawful activities; and in the 12236  
event of default with respect to the payment of any bond service 12237  
charges on any obligations or in the performance of any covenant 12238  
or agreement on the part of the commissioners, the authority, or 12239

the office in the bond proceedings, to apply to a court having 12240  
jurisdiction of the cause to appoint a receiver to receive and 12241  
administer the moneys pledged, other than those in the custody of 12242  
the treasurer of state, that are pledged to the payment of the 12243  
bond service charges on such obligations or that are the subject 12244  
of the covenant or agreement, with full power to pay, and to 12245  
provide for payment of bond service charges on, such obligations, 12246  
and with such powers, subject to the direction of the court, as 12247  
are accorded receivers in general equity cases, excluding any 12248  
power to pledge additional revenues or receipts or other income or 12249  
moneys of the commissioners of the sinking fund or the state or 12250  
governmental agencies of the state to the payment of such 12251  
principal and interest and excluding the power to take possession 12252  
of, mortgage, or cause the sale or otherwise dispose of any 12253  
project. 12254

Each duty of the commissioners of the sinking fund and their 12255  
employees, and of each governmental agency and its officers, 12256  
members, or employees, undertaken pursuant to the bond proceedings 12257  
or any grant, loan, or loan guarantee agreement made under 12258  
authority of this chapter, and in every agreement by or with the 12259  
commissioners, is hereby established as a duty of the 12260  
commissioners, and of each such officer, member, or employee 12261  
having authority to perform such duty, specifically enjoined by 12262  
the law resulting from an office, trust, or station within the 12263  
meaning of section 2731.01 of the Revised Code. 12264

The persons who are at the time the commissioners of the 12265  
sinking fund, or their employees, are not liable in their personal 12266  
capacities on any obligations issued by the commissioners or any 12267  
agreements of or with the commissioners. 12268

(K) Obligations issued under this section are lawful 12269  
investments for banks, societies for savings, savings and loan 12270  
associations, deposit guarantee associations, trust companies, 12271

trustees, fiduciaries, insurance companies, including domestic for 12272  
life and domestic not for life, trustees or other officers having 12273  
charge of sinking and bond retirement or other special funds of 12274  
political subdivisions and taxing districts of this state, the 12275  
commissioners of the sinking fund of the state, the administrator 12276  
of workers' compensation, the state teachers retirement system, 12277  
the public employees retirement system, the school employees 12278  
retirement system, and the Ohio police and fire pension fund, 12279  
notwithstanding any other provisions of the Revised Code or rules 12280  
adopted pursuant thereto by any governmental agency of the state 12281  
with respect to investments by them, and are also acceptable as 12282  
security for the deposit of public moneys. 12283

(L) If the law or the instrument creating a trust pursuant to 12284  
division (I) of this section expressly permits investment in 12285  
direct obligations of the United States or an agency of the United 12286  
States, unless expressly prohibited by the instrument, such moneys 12287  
also may be invested in no-front-end-load money market mutual 12288  
funds consisting exclusively of obligations of the United States 12289  
or an agency of the United States and in repurchase agreements, 12290  
including those issued by the fiduciary itself, secured by 12291  
obligations of the United States or an agency of the United 12292  
States; and in collective investment funds established in 12293  
accordance with section 1111.14 of the Revised Code and consisting 12294  
exclusively of any such securities, notwithstanding division 12295  
(A)(1)(c) of that section. The income from such investments shall 12296  
be credited to such funds as the commissioners of the sinking fund 12297  
determine, and such investments may be sold at such times as the 12298  
commissioners determine or authorize. 12299

(M) Provision may be made in the applicable bond proceedings 12300  
for the establishment of separate accounts in the bond service 12301  
fund and for the application of such accounts only to the 12302  
specified bond service charges on obligations pertinent to such 12303

accounts and bond service fund and for other accounts therein 12304  
within the general purposes of such fund. Moneys to the credit of 12305  
the bond service fund shall be disbursed on the order of the 12306  
treasurer of state; provided, that no such order is required for 12307  
the payment from the bond service fund when due of bond service 12308  
charges on obligations. 12309

(N) The commissioners of the sinking fund may pledge all, or 12310  
such portion as they determine, of the receipts of the bond 12311  
service fund to the payment of bond service charges on obligations 12312  
issued under this section, and for the establishment and 12313  
maintenance of any reserves, as provided in the bond proceedings, 12314  
and make other provisions therein with respect to pledged receipts 12315  
as authorized by this chapter, which provisions control 12316  
notwithstanding any other provisions of law pertaining thereto. 12317

(O) The commissioners of the sinking fund may covenant in the 12318  
bond proceedings, and any such covenants control notwithstanding 12319  
any other provision of law, that the state and applicable officers 12320  
and governmental agencies of the state, including the general 12321  
assembly, so long as any obligations are outstanding, shall: 12322

(1) Maintain statutory authority for and cause to be levied 12323  
and collected taxes so that the pledged receipts are sufficient in 12324  
amount to meet bond service charges, and the establishment and 12325  
maintenance of any reserves and other requirements provided for in 12326  
the bond proceedings, and, as necessary, to meet covenants 12327  
contained in any loan guarantees made under this chapter; 12328

(2) Take or permit no action, by statute or otherwise, that 12329  
would impair the exemption from federal income taxation of the 12330  
interest on the obligations. 12331

(P) All moneys received by or on account of the state and 12332  
required by the applicable bond proceedings, consistent with this 12333  
section, to be deposited, transferred, or credited to the coal 12334

research and development bond service fund, and all other moneys 12335  
transferred or allocated to or received for the purposes of the 12336  
fund, shall be credited to such fund and to any separate accounts 12337  
therein, subject to applicable provisions of the bond proceedings, 12338  
but without necessity for any act of appropriation. During the 12339  
period beginning with the date of the first issuance of 12340  
obligations and continuing during such time as any such 12341  
obligations are outstanding, and so long as moneys in the bond 12342  
service fund are insufficient to pay all bond service charges on 12343  
such obligations becoming due in each year, a sufficient amount of 12344  
moneys of the state are committed and shall be paid to the bond 12345  
service fund in each year for the purpose of paying the bond 12346  
service charges becoming due in that year without necessity for 12347  
further act of appropriation for such purpose. The bond service 12348  
fund is a trust fund and is hereby pledged to the payment of bond 12349  
service charges to the extent provided in the applicable bond 12350  
proceedings, and payment thereof from such fund shall be made or 12351  
provided for by the treasurer of state in accordance with such 12352  
bond proceedings without necessity for any act of appropriation. 12353  
All investment earnings of the fund shall be credited to the fund. 12354

(Q) For purposes of establishing the limitations contained in 12355  
Section 15 of Article VIII, Ohio Constitution, the "principal 12356  
amount" refers to the aggregate of the offering price of the bonds 12357  
or notes. "Principal amount" does not refer to the aggregate value 12358  
at maturity or redemption of the bonds or notes. 12359

(R) This section applies only with respect to obligations 12360  
issued and delivered prior to September 30, 2000. 12361

**Sec. 1557.03.** (A)(1) The commissioners of the sinking fund 12362  
are authorized to issue and sell, as provided in this section and 12363  
in amounts from time to time authorized by the general assembly, 12364  
general obligations of this state for the purpose of financing or 12365

assisting in the financing of the costs of projects. The full 12366  
faith and credit, revenues, and taxing power of the state are and 12367  
shall be pledged to the timely payment of debt charges on 12368  
outstanding obligations, all in accordance with Section 21 of 12369  
Article VIII, Ohio Constitution, and Chapter 1557. of the Revised 12370  
Code, excluding from that pledge fees, excises, or taxes relating 12371  
to the registration, operation, or use of vehicles on the public 12372  
highways, or to fuels used for propelling those vehicles, and so 12373  
long as such obligations are outstanding there shall be levied and 12374  
collected excises and taxes, excluding those excepted above, in 12375  
amount sufficient to pay the debt charges on such obligations and 12376  
financing costs relating to credit enhancement facilities. 12377

(2) For meetings of the commissioners of the sinking fund 12378  
pertaining to the obligations under this chapter, each of the 12379  
commissioners may designate an employee or officer of that 12380  
commissioner's office to attend meetings when that commissioner is 12381  
absent for any reason, and such designee, when present, shall be 12382  
counted in determining whether a quorum is present at any meeting 12383  
and may vote and participate in all proceedings and actions of the 12384  
commissioners at that meeting pertaining to the obligations, 12385  
provided, that such designee shall not execute or cause a 12386  
facsimile of the designee's signature to be placed on any 12387  
obligation, or execute any trust agreement or indenture of the 12388  
commissioners. Such designation shall be in writing, executed by 12389  
the designating member, and shall be filed with the secretary of 12390  
the commissioners and such designation may be changed from time to 12391  
time by a similar written designation. 12392

(B) The total principal amount of obligations outstanding at 12393  
any one time shall not exceed two hundred million dollars, and not 12394  
more than fifty million dollars in principal amount of obligations 12395  
to pay costs of projects may be issued in any fiscal year, all 12396  
determined as provided in Chapter 1557. of the Revised Code. 12397

(C) The state may participate by grants or contributions in 12398  
financing projects under this section made by local government 12399  
entities. Of the proceeds of the first two hundred million dollars 12400  
principal amount in obligations issued under this section to pay 12401  
costs of projects, at least twenty per cent shall be allocated in 12402  
accordance with section 1557.06 of the Revised Code to grants or 12403  
contributions to local government entities. The director of budget 12404  
and management shall establish and maintain records in such manner 12405  
as to show that the proceeds credited to the Ohio parks and 12406  
natural resources fund have been expended for the purposes and in 12407  
accordance with the limitations set forth herein. 12408

(D) Each issue of obligations shall be authorized by 12409  
resolution of the commissioners of the sinking fund. The bond 12410  
proceedings shall provide for the principal amount or maximum 12411  
principal amount of obligations of an issue, and shall provide for 12412  
or authorize the manner or agency for determining the principal 12413  
maturity or maturities, not exceeding the earlier of twenty-five 12414  
years from the date the debt represented by the particular 12415  
obligations was originally contracted, the interest rate or rates, 12416  
the date of and the dates of payment of interest on the 12417  
obligations, their denominations, and the establishment within or 12418  
without the state of a place or places of payment of debt charges. 12419  
Sections 9.96 and 9.98 to 9.983 of the Revised Code are applicable 12420  
to the obligations. The purpose of the obligations may be stated 12421  
in the bond proceedings as "financing or assisting in the 12422  
financing of projects as provided in Section 21 of Article VIII, 12423  
Ohio Constitution." 12424

(E) The proceeds of the obligations, except for any portion 12425  
to be deposited in special funds, or in escrow funds for the 12426  
purpose of refunding outstanding obligations, all as may be 12427  
provided in the bond proceedings, shall be deposited in the Ohio 12428  
parks and natural resources fund established by section 1557.02 of 12429

the Revised Code. 12430

(F) The commissioners of the sinking fund may appoint paying 12431  
agents, bond registrars, securities depositories, and transfer 12432  
agents, and may retain the services of financial advisers and 12433  
accounting experts, and retain or contract for the services of 12434  
marketing, remarketing, indexing, and administrative agents, other 12435  
consultants, and independent contractors, including printing 12436  
services, as are necessary in the judgment of the commissioners to 12437  
carry out this chapter of the Revised Code. Financing costs are 12438  
payable, as provided in the bond proceedings, from the proceeds of 12439  
the obligations, from special funds, or from other moneys 12440  
available for the purpose. 12441

(G) The bond proceedings, including any trust agreement, may 12442  
contain additional provisions customary or appropriate to the 12443  
financing or to the obligations or to particular obligations, 12444  
including, but not limited to: 12445

(1) The redemption of obligations prior to maturity at the 12446  
option of the state or of the holder or upon the occurrence of 12447  
certain conditions at such price or prices and under such terms 12448  
and conditions as are provided in the bond proceedings; 12449

(2) The form of and other terms of the obligations; 12450

(3) The establishment, deposit, investment, and application 12451  
of special funds, and the safeguarding of moneys on hand or on 12452  
deposit, without regard to Chapter 131. or 135. of the Revised 12453  
Code, provided that any bank or trust company that acts as a 12454  
depository of any moneys in special funds may furnish such 12455  
indemnifying bonds or may pledge such securities as required by 12456  
the commissioners of the sinking fund; 12457

(4) Any or every provision of the bond proceedings binding 12458  
upon the commissioners of the sinking fund and such state agency 12459  
or local government entities, officer, board, commission, 12460

authority, agency, department, or other person or body as may from 12461  
time to time have the authority under law to take such actions as 12462  
may be necessary to perform all or any part of the duty required 12463  
by such provision; 12464

(5) The maintenance of each pledge, any trust agreement, or 12465  
other instrument composing part of the bond proceedings until the 12466  
state has fully paid or provided for the payment of the debt 12467  
charges on the obligations or met other stated conditions; 12468

(6) In the event of default in any payments required to be 12469  
made by the bond proceedings, or any other agreement of the 12470  
commissioners of the sinking fund made as part of a contract under 12471  
which the obligations were issued or secured, the enforcement of 12472  
such payments or agreements by mandamus, suit in equity, action at 12473  
law, or any combination of the foregoing; 12474

(7) The rights and remedies of the holders of obligations and 12475  
of the trustee under any trust agreement, and provisions for 12476  
protecting and enforcing them, including limitations on rights of 12477  
individual holders of obligations; 12478

(8) The replacement of any obligations that become mutilated 12479  
or are destroyed, lost, or stolen; 12480

(9) Provision for the funding, refunding, or advance 12481  
refunding or other provision for payment of obligations which will 12482  
then no longer be or be deemed to be outstanding for purposes of 12483  
this section or of the bond proceedings; 12484

(10) Any provision that may be made in bond proceedings or a 12485  
trust agreement, including provision for amendment of the bond 12486  
proceedings; 12487

(11) Such other provisions as the commissioners of the 12488  
sinking fund determine, including limitations, conditions, or 12489  
qualifications relating to any of the foregoing; 12490

(12) Any other or additional agreements with the holders of 12491  
the obligations relating to the obligations or the security for 12492  
the obligations. 12493

(H) The great seal of the state or a facsimile of that seal 12494  
may be affixed to or printed on the obligations. The obligations 12495  
shall be signed by or bear the facsimile signatures of two or more 12496  
of the commissioners of the sinking fund as provided in the bond 12497  
proceedings. Any obligations may be signed by the person who, on 12498  
the date of execution, is the authorized signer although on the 12499  
date of such obligations such person was not a commissioner. In 12500  
case the individual whose signature or a facsimile of whose 12501  
signature appears on any obligation ceases to be a commissioner 12502  
before delivery of the obligation, such signature or facsimile is 12503  
nevertheless valid and sufficient for all purposes as if the 12504  
individual had remained the member until such delivery, and in 12505  
case the seal to be affixed to or printed on obligations has been 12506  
changed after the seal has been affixed to or a facsimile of the 12507  
seal has been printed on the obligations, that seal or facsimile 12508  
seal shall continue to be sufficient as to those obligations and 12509  
obligations issued in substitution or exchange therefor. 12510

(I) Obligations may be issued in coupon or in fully 12511  
registered form, or both, as the commissioners of the sinking fund 12512  
determine. Provision may be made for the registration of any 12513  
obligations with coupons attached as to principal alone or as to 12514  
both principal and interest, their exchange for obligations so 12515  
registered, and for the conversion or reconversion into 12516  
obligations with coupons attached of any obligations registered as 12517  
to both principal and interest, and for reasonable charges for 12518  
such registration, exchange, conversion, and reconversion. Pending 12519  
preparation of definitive obligations, the commissioners of the 12520  
sinking fund may issue interim receipts or certificates which 12521  
shall be exchanged for such definitive obligations. 12522

(J) Obligations may be sold at public sale or at private sale, and at such price at, above, or below par, as determined by the commissioners of the sinking fund in the bond proceedings.

(K) In the discretion of the commissioners of the sinking fund, obligations may be secured additionally by a trust agreement between the state and a corporate trustee which may be any trust company or bank having ~~its principal~~ a place of business within the state. Any trust agreement may contain the resolution authorizing the issuance of the obligations, any provisions that may be contained in the bond proceedings, and other provisions that are customary or appropriate in an agreement of the type.

(L) Except to the extent that their rights are restricted by the bond proceedings, any holder of obligations, or a trustee under 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 the bond proceedings. Such rights include the right to compel the performance of all duties of the commissioners and the state. Each duty of the commissioners and employees of the commissioners, and of each state agency and local public entity and its officers, members, or employees, undertaken pursuant to the bond proceedings, is hereby established as a duty of the commissioners, and of each such agency, local government entity, officer, member, or employee having authority to perform such duty, specifically enjoined by the law and resulting from an office, trust, or station within the meaning of section 2731.01 of the Revised Code. The persons who are at the time the commissioners, or employees of the commissioners, are not liable in their personal capacities on any obligations or any agreements of or with the commissioners relating to obligations or under the bond proceedings.

(M) Obligations are lawful investments for banks, societies for savings, savings and loan associations, deposit guarantee

associations, trust companies, trustees, fiduciaries, insurance 12555  
companies, including domestic for life and domestic not for life, 12556  
trustees or other officers having charge of sinking and bond 12557  
retirement or other special funds of political subdivisions and 12558  
taxing districts of this state, the commissioners of the sinking 12559  
fund, the administrator of workers' compensation, the state 12560  
teachers retirement system, the public employees retirement 12561  
system, the school employees retirement system, and the Ohio 12562  
police and fire pension fund, notwithstanding any other provisions 12563  
of the Revised Code or rules adopted pursuant thereto by any state 12564  
agency with respect to investments by them, and are also 12565  
acceptable as security for the deposit of public moneys. 12566

(N) Unless otherwise provided in any applicable bond 12567  
proceedings, moneys to the credit of or in the special funds 12568  
established by or pursuant to this section may be invested by or 12569  
on behalf of the commissioners of the sinking fund only in notes, 12570  
bonds, or other direct obligations of the United States or of any 12571  
agency or instrumentality of the United States, in obligations of 12572  
this state or any political subdivision of this state, in 12573  
certificates of deposit of any national bank located in this state 12574  
and any bank, as defined in section 1101.01 of the Revised Code, 12575  
subject to inspection by the superintendent of financial 12576  
institutions, in the Ohio subdivision's fund established pursuant 12577  
to section 135.45 of the Revised Code, in no-front-end-load money 12578  
market mutual funds consisting exclusively of direct obligations 12579  
of the United States or of an agency or instrumentality of the 12580  
United States, and in repurchase agreements, including those 12581  
issued by any fiduciary, secured by direct obligations of the 12582  
United States or an agency or instrumentality of the United 12583  
States, and in collective investment funds established in 12584  
accordance with section 1111.14 of the Revised Code and consisting 12585  
exclusively of direct obligations of the United States or of an 12586  
agency or instrumentality of the United States, notwithstanding 12587

division (A)(1)(c) of that section. The income from investments 12588  
shall be credited to such special funds or otherwise as the 12589  
commissioners of the sinking fund determine in the bond 12590  
proceedings, and the investments may be sold or exchanged at such 12591  
times as the commissioners determine or authorize. 12592

(O) Unless otherwise provided in any applicable bond 12593  
proceedings, moneys to the credit of or in a special fund shall be 12594  
disbursed on the order of the commissioners of the sinking fund, 12595  
provided that no such order is required for the payment from the 12596  
bond service fund or other special fund when due of debt charges 12597  
or required payments under credit enhancement facilities. 12598

(P) The commissioners of the sinking fund may covenant in the 12599  
bond proceedings, and any such covenants shall be controlling 12600  
notwithstanding any other provision of law, that the state and the 12601  
applicable officers and agencies of the state, including the 12602  
general assembly, so long as any obligations are outstanding in 12603  
accordance with their terms, shall maintain statutory authority 12604  
for and cause to be charged and collected taxes, excises, and 12605  
other receipts of the state so that the receipts to the bond 12606  
service fund shall be sufficient in amounts to meet debt charges 12607  
and for the establishment and maintenance of any reserves and 12608  
other requirements, including payment of the costs of credit 12609  
enhancement facilities, provided for in the bond proceedings. 12610

(Q) The obligations, the transfer thereof, and the interest, 12611  
other accreted amounts, and other income therefrom, including any 12612  
profit made on the sale thereof, at all times shall be free from 12613  
taxation, direct or indirect, within the state. 12614

(R) This section applies only with respect to obligations 12615  
issued and delivered before September 30, 2000. 12616

Sec. 1713.031. The Ohio board of regents shall review an 12617  
application for a certificate of authorization from a school 12618

described in division (E) of section 3332.01 of the Revised Code 12619  
within twenty-two weeks. 12620

**Sec. 1901.34.** (A) Except as provided in divisions (B) and (D) 12621  
of this section, the village solicitor, city director of law, or 12622  
similar chief legal officer for each municipal corporation within 12623  
the territory of a municipal court shall prosecute all cases 12624  
brought before the municipal court for criminal offenses occurring 12625  
within the municipal corporation for which that person is the 12626  
solicitor, director of law, or similar chief legal officer. Except 12627  
as provided in division (B) of this section, the village 12628  
solicitor, city director of law, or similar chief legal officer of 12629  
the municipal corporation in which a municipal court is located 12630  
shall prosecute all criminal cases brought before the court 12631  
arising in the unincorporated areas within the territory of the 12632  
municipal court. 12633

(B) The Auglaize county, Brown county, Clermont county, 12634  
Hocking county, Holmes county, Jackson county, Morrow county, 12635  
Ottawa county, and Portage county prosecuting attorneys shall 12636  
prosecute in municipal court all violations of state law arising 12637  
in their respective counties. The Carroll county, Crawford county, 12638  
Hamilton county, Madison county, and Wayne county prosecuting 12639  
attorneys and beginning January 1, 2008, the Erie county 12640  
prosecuting attorney shall prosecute all violations of state law 12641  
arising within the unincorporated areas of their respective 12642  
counties. The Columbiana county prosecuting attorney shall 12643  
prosecute in the Columbiana county municipal court all violations 12644  
of state law arising in the county, except for violations arising 12645  
in the municipal corporation of East Liverpool, Liverpool 12646  
township, or St. Clair township. The Darke county prosecuting 12647  
attorney shall prosecute in the Darke county municipal court all 12648  
violations of state law arising in the county, except for 12649  
violations of state law arising in the municipal corporation of 12650

Greenville and violations of state law arising in the village of 12651  
Versailles. The Greene county ~~prosecuting attorney may, with the~~ 12652  
~~concurrence of the Greene county~~ board of county commissioners, 12653  
~~prosecute in the Fairborn municipal court~~ may provide for the 12654  
prosecution of all violations of state law arising within the 12655  
~~unincorporated areas of Bath and Beaver creek townships in Greene~~ 12656  
~~county and prosecute in the Xenia municipal court all violations~~ 12657  
~~of state law arising within the unincorporated areas of~~ 12658  
~~Ceasarcreek, Cedarville, Jefferson, Miami, New Jasper, Ross,~~ 12659  
~~Silvercreek, Spring Valley, Sugar creek, and Xenia townships~~ 12660  
territorial jurisdiction of any municipal court located in Greene 12661  
county. 12662

The prosecuting attorney of any county given the duty of 12663  
prosecuting in municipal court violations of state law shall 12664  
receive no additional compensation for assuming these additional 12665  
duties, except that the prosecuting attorney of Hamilton, Portage, 12666  
and Wayne counties shall receive compensation at the rate of four 12667  
thousand eight hundred dollars per year, and the prosecuting 12668  
attorney of Auglaize county shall receive compensation at the rate 12669  
of one thousand eight hundred dollars per year, each payable from 12670  
the county treasury of the respective counties in semimonthly 12671  
installments. 12672

(C) The village solicitor, city director of law, or similar 12673  
chief legal officer shall perform the same duties, insofar as they 12674  
are applicable to the village solicitor, city director of law, or 12675  
similar chief legal officer, as are required of the prosecuting 12676  
attorney of the county. The village solicitor, city director of 12677  
law, similar chief legal officer or any assistants who may be 12678  
appointed shall receive for such services additional compensation 12679  
to be paid from the treasury of the county as the board of county 12680  
commissioners prescribes. 12681

(D) The prosecuting attorney of any county, other than 12682

Auglaize, Brown, Clermont, Hocking, Holmes, Jackson, Morrow, 12683  
Ottawa, or Portage county, may enter into an agreement with any 12684  
municipal corporation in the county in which the prosecuting 12685  
attorney serves pursuant to which the prosecuting attorney 12686  
prosecutes all criminal cases brought before the municipal court 12687  
that has territorial jurisdiction over that municipal corporation 12688  
for criminal offenses occurring within the municipal corporation. 12689  
The prosecuting attorney of Auglaize, Brown, Clermont, Hocking, 12690  
Holmes, Jackson, Morrow, Ottawa, or Portage county may enter into 12691  
an agreement with any municipal corporation in the county in which 12692  
the prosecuting attorney serves pursuant to which the respective 12693  
prosecuting attorney prosecutes all cases brought before the 12694  
Auglaize county, Brown county, Clermont county, Hocking county, 12695  
Holmes county, Jackson county, Morrow county, Ottawa county, or 12696  
Portage county municipal court for violations of the ordinances of 12697  
the municipal corporation or for criminal offenses other than 12698  
violations of state law occurring within the municipal 12699  
corporation. For prosecuting these cases, the prosecuting attorney 12700  
and the municipal corporation may agree upon a fee to be paid by 12701  
the municipal corporation, which fee shall be paid into the county 12702  
treasury, to be used to cover expenses of the office of the 12703  
prosecuting attorney. 12704

**Sec. 2113.041.** (A) The administrator of the medicaid estate 12705  
recovery program established pursuant to section 5111.11 of the 12706  
Revised Code may present an affidavit to a financial institution 12707  
requesting that the financial institution release account proceeds 12708  
to recover the cost of services correctly provided to a medicaid 12709  
recipient who is subject to the medicaid estate recovery program. 12710  
The affidavit shall include all of the following information: 12711

(1) The name of the decedent; 12712

(2) The name of any person who gave notice that the decedent 12713

was a medicaid recipient and that person's relationship to the	12714
decendent;	12715
(3) The name of the financial institution;	12716
(4) The account number;	12717
(5) A description of the claim for estate recovery;	12718
(6) The amount of funds to be recovered.	12719
(B) A financial institution may release account proceeds to	12720
the administrator of the <u>medicaid</u> estate recovery program if all	12721
of the following apply:	12722
(1) The decedent held an account at the financial institution	12723
that was in the decedent's name only.	12724
(2) No estate has been, and it is reasonable to assume that	12725
no estate will be, opened for the decedent.	12726
(3) The decedent has no outstanding debts known to the	12727
administrator of the <u>medicaid</u> estate recovery program.	12728
(4) The financial institution has received no objections or	12729
has determined that no valid objections to release of proceeds	12730
have been received.	12731
(C) If proceeds have been released pursuant to division (B)	12732
of this section and the department of job and family services	12733
receives notice of a valid claim to the proceeds that has a higher	12734
priority under section 2117.25 of the Revised Code than the claim	12735
of the <u>medicaid</u> estate recovery program, the department may refund	12736
the proceeds to the financial institution or pay them to the	12737
person or government entity with the claim.	12738
<b>Sec. 2117.061.</b> (A) As used in this section:	12739
(1) "Medicaid estate recovery program" means the program	12740
instituted under section 5111.11 of the Revised Code.	12741

(2) "Permanently institutionalized individual" has the same meaning as in section 5111.11 of the Revised Code. 12742  
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(3) "Person responsible for the estate" means the executor, administrator, commissioner, or person who filed pursuant to section 2113.03 of the Revised Code for release from administration of an estate. 12744  
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~~(B) If a decedent, at the time of death, was fifty five years of age or older or a permanently institutionalized individual, the person responsible for the decedent's estate shall determine whether the decedent was, at any time during the decedent's life, a medicaid recipient under Chapter 5111. of the Revised Code. If the decedent was a medicaid recipient, the~~ The person responsible for the estate of a decedent subject to the medicaid estate recovery program or the estate of a decedent who was the spouse of a decedent subject to the medicaid estate recovery program shall submit a properly completed medicaid estate recovery reporting form prescribed under division (D) of this section to the administrator of the medicaid estate recovery program not later than thirty days after the occurrence of any of the following: 12748  
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(1) The granting of letters testamentary; 12761

(2) The administration of the estate; 12762

(3) The filing of an application for release from administration or summary release from administration. 12763  
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(C) The person responsible for the estate shall mark the appropriate box on the appropriate probate form to indicate compliance with the requirements of division (B) of this section. 12765  
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The probate court shall send a copy of the completed probate form to the administrator of the medicaid estate recovery program. 12768  
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(D) The administrator of the medicaid estate recovery program shall prescribe a medicaid estate recovery reporting form for the 12770  
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purpose of division (B) of this section. ~~The~~ In the case of a 12772  
decedent subject to the medicaid estate recovery program, the form 12773  
shall require, at a minimum, that the person responsible for the 12774  
estate list all of the decedent's real and personal property and 12775  
other assets that are part of the decedent's estate as defined in 12776  
section 5111.11 of the Revised Code. In the case of a decedent who 12777  
was the spouse of a decedent subject to the medicaid estate 12778  
recovery program, the form shall require, at a minimum, that the 12779  
person responsible for the estate list all of the decedent's real 12780  
and personal property and other assets that are part of the 12781  
decedent's estate as defined in section 5111.11 of the Revised 12782  
Code and were also part of the estate, as so defined, of the 12783  
decedent subject to the medicaid estate recovery program. The 12784  
administrator shall include on the form a statement printed in 12785  
bold letters informing the person responsible for the estate that 12786  
knowingly making a false statement on the form is falsification 12787  
under section 2921.13 of the Revised Code, a misdemeanor of the 12788  
first degree. 12789

(E) The ~~estate recovery program~~ administrator of the medicaid 12790  
estate recovery program shall present a claim for estate recovery 12791  
to the person responsible for the estate of the decedent or the 12792  
person's legal representative not later than ninety days after the 12793  
date on which the medicaid estate recovery reporting form is 12794  
received under division (B) of this section or one year after the 12795  
decedent's death, whichever is later. 12796

**Sec. 2117.25.** (A) Every executor or administrator shall 12797  
proceed with diligence to pay the debts of the decedent and shall 12798  
apply the assets in the following order: 12799

(1) Costs and expenses of administration; 12800

(2) An amount, not exceeding four thousand dollars, for 12801  
funeral expenses that are included in the bill of a funeral 12802

director, funeral expenses other than those in the bill of a 12803  
funeral director that are approved by the probate court, and an 12804  
amount, not exceeding three thousand dollars, for burial and 12805  
cemetery expenses, including that portion of the funeral 12806  
director's bill allocated to cemetery expenses that have been paid 12807  
to the cemetery by the funeral director. 12808

For purposes of this division, burial and cemetery expenses 12809  
shall be limited to the following: 12810

(a) The purchase of a right of interment; 12811

(b) Monuments or other markers; 12812

(c) The outer burial container; 12813

(d) The cost of opening and closing the place of interment; 12814

(e) The urn. 12815

(3) The allowance for support made to the surviving spouse, 12816  
minor children, or both under section 2106.13 of the Revised Code; 12817

(4) Debts entitled to a preference under the laws of the 12818  
United States; 12819

(5) Expenses of the last sickness of the decedent; 12820

(6) If the total bill of a funeral director for funeral 12821  
expenses exceeds four thousand dollars, then, in addition to the 12822  
amount described in division (A)(2) of this section, an amount, 12823  
not exceeding two thousand dollars, for funeral expenses that are 12824  
included in the bill and that exceed four thousand dollars; 12825

(7) Personal property taxes, claims made under the medicaid 12826  
estate recovery program instituted pursuant to section 5111.11 of 12827  
the Revised Code, and obligations for which the decedent was 12828  
personally liable to the state or any of its subdivisions; 12829

(8) Debts for manual labor performed for the decedent within 12830  
twelve months preceding the decedent's death, not exceeding three 12831

hundred dollars to any one person; 12832

(9) Other debts for which claims have been presented and 12833  
finally allowed. 12834

(B) The part of the bill of a funeral director that exceeds 12835  
the total of six thousand dollars as described in divisions (A)(2) 12836  
and (6) of this section, and the part of a claim included in 12837  
division (A)(8) of this section that exceeds three hundred dollars 12838  
shall be included as a debt under division (A)(9) of this section, 12839  
depending upon the time when the claim for the additional amount 12840  
is presented. 12841

(C) Any natural person or fiduciary who pays a claim of any 12842  
creditor described in division (A) of this section shall be 12843  
subrogated to the rights of that creditor proportionate to the 12844  
amount of the payment and shall be entitled to reimbursement for 12845  
that amount in accordance with the priority of payments set forth 12846  
in that division. 12847

(D)(1) Chapters 2113. to 2125. of the Revised Code, relating 12848  
to the manner in which and the time within which claims shall be 12849  
presented, shall apply to claims set forth in divisions (A)(2), 12850  
(6), and (8) of this section. Claims for an expense of 12851  
administration or for the allowance for support need not be 12852  
presented. The executor or administrator shall pay debts included 12853  
in divisions (A)(4) and (7) of this section, of which the executor 12854  
or administrator has knowledge, regardless of presentation. 12855

(2) The giving of written notice to an executor or 12856  
administrator of a motion or application to revive an action 12857  
pending against the decedent at the date of death shall be 12858  
equivalent to the presentation of a claim to the executor or 12859  
administrator for the purpose of determining the order of payment 12860  
of any judgment rendered or decree entered in such an action. 12861

(E) No payments shall be made to creditors of one class until 12862

all those of the preceding class are fully paid or provided for. 12863  
If the assets are insufficient to pay all the claims of one class, 12864  
the creditors of that class shall be paid ratably. 12865

(F) If it appears at any time that the assets have been 12866  
exhausted in paying prior or preferred charges, allowances, or 12867  
claims, those payments shall be a bar to an action on any claim 12868  
not entitled to that priority or preference. 12869

**Sec. 2151.362.** (A)(1) In the manner prescribed by division 12870  
(C)(1) or (2) of section 3313.64 of the Revised Code, as 12871  
applicable, the court, at the time of making any order that 12872  
removes a child from the child's own home or that vests legal or 12873  
permanent custody of the child in a person other than the child's 12874  
parent or a government agency, shall determine the school district 12875  
that is to bear the cost of educating the child. The court shall 12876  
make the determination a part of the order that provides for the 12877  
child's placement or commitment. That school district shall bear 12878  
the cost of educating the child unless and until the ~~court~~ 12879  
~~modifies its order~~ department of education determines that a 12880  
different district shall be responsible for bearing that cost 12881  
pursuant to division (A)(2) of this section. The court's order 12882  
shall state that the determination of which school district is 12883  
responsible to bear the cost of educating the child is subject to 12884  
re-determination by the department pursuant to that division. 12885

(2) If, while the child is in the custody of a person other 12886  
than the child's parent or a government agency, the department of 12887  
education ~~notifies the court~~ determines that the place of 12888  
residence of the child's parent has changed since the court issued 12889  
its initial order, the ~~court~~ department may ~~modify its order to~~ 12890  
name a different school district to bear the cost of educating the 12891  
child. The department ~~may submit the notice to the court upon~~ 12892  
~~receipt,~~ shall make this new determination, and any future 12893

~~determinations, based on evidence received from the school district initially ordered currently responsible to bear the cost of educating the child, of evidence acceptable to the department. If the department finds that the evidence demonstrates to its satisfaction that the residence of the child's parent has changed since the court issued its initial order. In the notice to the court, the department shall recommend to the court whether a different district should be ordered to bear the cost of educating the child and, if so, which district should be so ordered. The under division (A)(1) of this section, or since the department last made a determination under division (A)(2) of this section, the department shall recommend to the court name the district in which the child's parent currently resides or, if the parent's residence is not known, the district in which the parent's last known residence is located. If the department cannot determine any Ohio district in which the parent currently resides or has resided, the school district designated in the initial court order under division (A)(1) of this section, or in the most recent determination made by the department under division (A)(2) of this section, shall continue to bear the cost of educating the child.~~ 12894  
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~~The court may consider the content of a notice by the department of education under division (A)(2) of this section as conclusive evidence as to which school district should bear the cost of educating the child and may amend its order accordingly.~~ 12914  
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(B) Whenever a child is placed in a detention facility established under section 2152.41 of the Revised Code or a juvenile facility established under section 2151.65 of the Revised Code, the child's school district as determined by the court or the department, in the same manner as prescribed in division (A) of this section, shall pay the cost of educating the child based on the per capita cost of the educational facility within the detention home or juvenile facility. 12918  
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(C) Whenever a child is placed by the court in a private institution, school, or residential treatment center or any other private facility, the state shall pay to the court a subsidy to help defray the expense of educating the child in an amount equal to the product of the daily per capita educational cost of the private facility, as determined pursuant to this section, and the number of days the child resides at the private facility, provided that the subsidy shall not exceed twenty-five hundred dollars per year per child. The daily per capita educational cost of a private facility shall be determined by dividing the actual program cost of the private facility or twenty-five hundred dollars, whichever is less, by three hundred sixty-five days or by three hundred sixty-six days for years that include February twenty-ninth. The state shall pay seventy-five per cent of the total subsidy for each year quarterly to the court. The state may adjust the remaining twenty-five per cent of the total subsidy to be paid to the court for each year to an amount that is less than twenty-five per cent of the total subsidy for that year based upon the availability of funds appropriated to the department of education for the purpose of subsidizing courts that place a child in a private institution, school, or residential treatment center or any other private facility and shall pay that adjusted amount to the court at the end of the year.

**Sec. 2305.2341.** (A) The medical liability insurance reimbursement program is hereby established. Free clinics and federally qualified health center look-alikes, including the clinics' and centers' staff and volunteer health care professionals and volunteer health care workers, may participate in the medical liability insurance reimbursement program established by this section. The coverage provided under the program shall be limited to claims that arise out of the diagnosis, treatment, and care of patients of free clinics and

centers, as defined in division (D)~~(1)~~ of this section. 12958

(B) A free clinic or federally qualified health center 12959  
look-alike is eligible to receive reimbursement under the medical 12960  
liability insurance reimbursement program for the premiums that 12961  
the clinic or center pays for medical liability insurance coverage 12962  
for the clinic or center, its staff, and volunteer health care 12963  
professionals and health care workers. Free clinics and federally 12964  
qualified health center look-alikes shall register with the 12965  
department of health by the thirty-first day of January of each 12966  
year in order to participate in and to obtain reimbursement under 12967  
the program. Free Clinics that register with the department in 12968  
accordance with this division shall receive priority over centers 12969  
that register for reimbursement. 12970

Free clinics and federally qualified health center 12971  
look-alikes shall provide all of the following to the department 12972  
of health at the time of registration: 12973

(1) A statement of the number of volunteer and paid health 12974  
care professionals and health care workers providing health care 12975  
services at the free clinic or federally qualified health center 12976  
look-alike at that time; 12977

(2) A statement of the number of health care services 12978  
rendered by the free clinic or federally qualified health center 12979  
look-alike during the previous fiscal year; 12980

(3) A signed form acknowledging that the free clinic or 12981  
federally qualified health center look-alike agrees to follow its 12982  
medical liability insurer's risk management and loss prevention 12983  
policies; 12984

(4) A copy of the medical liability insurance policy 12985  
purchased by the free clinic or federally qualified health center 12986  
look-alike, or the policy's declaration page, and documentation of 12987  
the premiums paid by the clinic or center. 12988

(C) The department of health shall reimburse free clinics and 12989  
federally qualified health center look-alikes participating in the 12990  
professional liability insurance reimbursement program for up to 12991  
eighty per cent of the premiums that the ~~free~~ clinic or center 12992  
pays for medical liability insurance coverage up to twenty 12993  
thousand dollars. Appropriations to the department of health may 12994  
be made from the general fund of the state for this purpose. 12995

(D) As used in this section: 12996

(1) "Federally qualified health center look-alike" means a 12997  
public or not-for-profit health center that meets the eligibility 12998  
requirements to receive a federal public health services grant 12999  
under the "Public Health Services Act," 117 Stat. 2020, 42 U.S.C. 13000  
254b, as amended, but does not receive grant funding. 13001

(2) "Free clinic" means a nonprofit organization exempt from 13002  
federal income taxation under section 501(c)(3) of the "Internal 13003  
Revenue Code of 1986," as amended, or a program component of a 13004  
nonprofit organization, whose primary mission is to provide health 13005  
care services for free or for a minimal administrative fee to 13006  
individuals with limited resources. A free clinic facilitates the 13007  
delivery of health care services through the use of volunteer 13008  
health care professionals and voluntary care networks. For this 13009  
purpose, a free clinic shall comply with all of the following: 13010

(a) If a free clinic does request a minimal administrative 13011  
fee, a free clinic shall not deny an individual access to its 13012  
health care services based on an individual's ability to pay the 13013  
fee. 13014

(b) A free clinic shall not bill a patient for health care 13015  
services rendered. 13016

(c) Free clinics shall not perform operations, as defined by 13017  
divisions (A)(9) and (F)(1)(b) of section 2305.234 of the Revised 13018  
Code. 13019

A clinic is not a free clinic if the clinic bills medicaid, 13020  
medicare, or other third-party payers for health care services 13021  
rendered at the clinic, and receives twenty-five per cent or more 13022  
of the clinic's annual revenue from the third-party payments. 13023

~~(2)~~(3) "Health care professional" and "health care worker" 13024  
have the same meanings as in section 2305.234 of the Revised Code. 13025

**Sec. 2744.02.** (A)(1) For the purposes of this chapter, the 13026  
functions of political subdivisions are hereby classified as 13027  
governmental functions and proprietary functions. Except as 13028  
provided in division (B) of this section, a political subdivision 13029  
is not liable in damages in a civil action for injury, death, or 13030  
loss to person or property allegedly caused by any act or omission 13031  
of the political subdivision or an employee of the political 13032  
subdivision in connection with a governmental or proprietary 13033  
function. 13034

(2) The defenses and immunities conferred under this chapter 13035  
apply in connection with all governmental and proprietary 13036  
functions performed by a political subdivision and its employees, 13037  
whether performed on behalf of that political subdivision or on 13038  
behalf of another political subdivision. 13039

(3) Subject to statutory limitations upon their monetary 13040  
jurisdiction, the courts of common pleas, the municipal courts, 13041  
and the county courts have jurisdiction to hear and determine 13042  
civil actions governed by or brought pursuant to this chapter. 13043

(B) Subject to sections 2744.03 and 2744.05 of the Revised 13044  
Code, a political subdivision is liable in damages in a civil 13045  
action for injury, death, or loss to person or property allegedly 13046  
caused by an act or omission of the political subdivision or of 13047  
any of its employees in connection with a governmental or 13048  
proprietary function, as follows: 13049

(1) Except as otherwise provided in this division, political subdivisions are liable for injury, death, or loss to person or property caused by the negligent operation of any motor vehicle by their employees when the employees are engaged within the scope of their employment and authority. The following are full defenses to that liability:

(a) A member of a municipal corporation police department or any other police agency was operating a motor vehicle while responding to an emergency call and the operation of the vehicle did not constitute willful or wanton misconduct;

(b) A member of a municipal corporation fire department or any other firefighting agency was operating a motor vehicle while engaged in duty at a fire, proceeding toward a place where a fire is in progress or is believed to be in progress, or answering any other emergency alarm and the operation of the vehicle did not constitute willful or wanton misconduct;

(c) A member of an emergency medical service owned or operated by a political subdivision was operating a motor vehicle while responding to or completing a call for emergency medical care or treatment, the member was holding a valid commercial driver's license issued pursuant to Chapter 4506. or a driver's license issued pursuant to Chapter 4507. of the Revised Code, the operation of the vehicle did not constitute willful or wanton misconduct, and the operation complies with the precautions of section 4511.03 of the Revised Code.

(2) Except as otherwise provided in sections 3314.07 and 3746.24 of the Revised Code, political subdivisions are liable for injury, death, or loss to person or property caused by the negligent performance of acts by their employees with respect to proprietary functions of the political subdivisions.

(3) Except as otherwise provided in section 3746.24 of the

Revised Code, political subdivisions are liable for injury, death, 13081  
or loss to person or property caused by their negligent failure to 13082  
keep public roads in repair and other negligent failure to remove 13083  
obstructions from public roads, except that it is a full defense 13084  
to that liability, when a bridge within a municipal corporation is 13085  
involved, that the municipal corporation does not have the 13086  
responsibility for maintaining or inspecting the bridge. 13087

(4) Except as otherwise provided in section 3746.24 of the 13088  
Revised Code, political subdivisions are liable for injury, death, 13089  
or loss to person or property that is caused by the negligence of 13090  
their employees and that occurs within or on the grounds of, and 13091  
is due to physical defects within or on the grounds of, buildings 13092  
that are used in connection with the performance of a governmental 13093  
function, including, but not limited to, office buildings and 13094  
courthouses, but not including jails, places of juvenile 13095  
detention, workhouses, or any other detention facility, as defined 13096  
in section 2921.01 of the Revised Code. 13097

(5) In addition to the circumstances described in divisions 13098  
(B)(1) to (4) of this section, a political subdivision is liable 13099  
for injury, death, or loss to person or property when civil 13100  
liability is expressly imposed upon the political subdivision by a 13101  
section of the Revised Code, including, but not limited to, 13102  
sections 2743.02 and 5591.37 of the Revised Code. Civil liability 13103  
shall not be construed to exist under another section of the 13104  
Revised Code merely because that section imposes a responsibility 13105  
or mandatory duty upon a political subdivision, because that 13106  
section provides for a criminal penalty, because of a general 13107  
authorization in that section that a political subdivision may sue 13108  
and be sued, or because that section uses the term "shall" in a 13109  
provision pertaining to a political subdivision. 13110

(C) An order that denies a political subdivision or an 13111  
employee of a political subdivision the benefit of an alleged 13112

immunity from liability as provided in this chapter or any other 13113  
provision of the law is a final order. 13114

**Sec. 2913.40.** (A) As used in this section: 13115

(1) "Statement or representation" means any oral, written, 13116  
electronic, electronic impulse, or magnetic communication that is 13117  
used to identify an item of goods or a service for which 13118  
reimbursement may be made under the medical assistance program or 13119  
that states income and expense and is or may be used to determine 13120  
a rate of reimbursement under the medical assistance program. 13121

(2) "Medical assistance program" means the program 13122  
established by the department of job and family services to 13123  
provide medical assistance under section 5111.01 of the Revised 13124  
Code and the medicaid program of Title XIX of the "Social Security 13125  
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 13126

(3) "Provider" means any person who has signed a provider 13127  
agreement with the department of job and family services to 13128  
provide goods or services pursuant to the medical assistance 13129  
program or any person who has signed an agreement with a party to 13130  
such a provider agreement under which the person agrees to provide 13131  
goods or services that are reimbursable under the medical 13132  
assistance program. 13133

(4) "Provider agreement" means an oral or written agreement 13134  
between the department of job and family services and a person in 13135  
which the person agrees to provide goods or services under the 13136  
medical assistance program. 13137

(5) "Recipient" means any individual who receives goods or 13138  
services from a provider under the medical assistance program. 13139

(6) "Records" means any medical, professional, financial, or 13140  
business records relating to the treatment or care of any 13141  
recipient, to goods or services provided to any recipient, or to 13142

rates paid for goods or services provided to any recipient and any 13143  
records that are required by the rules of the director of job and 13144  
family services to be kept for the medical assistance program. 13145

(B) No person shall knowingly make or cause to be made a 13146  
false or misleading statement or representation for use in 13147  
obtaining reimbursement from the medical assistance program. 13148

(C) No person, with purpose to commit fraud or knowing that 13149  
the person is facilitating a fraud, shall do either of the 13150  
following: 13151

(1) Contrary to the terms of the person's provider agreement, 13152  
charge, solicit, accept, or receive for goods or services that the 13153  
person provides under the medical assistance program any property, 13154  
money, or other consideration in addition to the amount of 13155  
reimbursement under the medical assistance program and the 13156  
person's provider agreement for the goods or services and any 13157  
~~deductibles or co-payments~~ cost-sharing expenses authorized by 13158  
section 5111.0112 of the Revised Code or rules adopted pursuant to 13159  
section 5111.01, 5111.011, or 5111.02 of the Revised Code. 13160

(2) Solicit, offer, or receive any remuneration, other than 13161  
any ~~deductibles or co-payments~~ cost-sharing expenses authorized by 13162  
section 5111.0112 of the Revised Code or rules adopted under 13163  
section 5111.01, 5111.011, or 5111.02 of the Revised Code, in cash 13164  
or in kind, including, but not limited to, a kickback or rebate, 13165  
in connection with the furnishing of goods or services for which 13166  
whole or partial reimbursement is or may be made under the medical 13167  
assistance program. 13168

(D) No person, having submitted a claim for or provided goods 13169  
or services under the medical assistance program, shall do either 13170  
of the following for a period of at least six years after a 13171  
reimbursement pursuant to that claim, or a reimbursement for those 13172  
goods or services, is received under the medical assistance 13173

program: 13174

(1) Knowingly alter, falsify, destroy, conceal, or remove any 13175  
records that are necessary to fully disclose the nature of all 13176  
goods or services for which the claim was submitted, or for which 13177  
reimbursement was received, by the person; 13178

(2) Knowingly alter, falsify, destroy, conceal, or remove any 13179  
records that are necessary to disclose fully all income and 13180  
expenditures upon which rates of reimbursements were based for the 13181  
person. 13182

(E) Whoever violates this section is guilty of medicaid 13183  
fraud. Except as otherwise provided in this division, medicaid 13184  
fraud is a misdemeanor of the first degree. If the value of 13185  
property, services, or funds obtained in violation of this section 13186  
is five hundred dollars or more and is less than five thousand 13187  
dollars, medicaid fraud is a felony of the fifth degree. If the 13188  
value of property, services, or funds obtained in violation of 13189  
this section is five thousand dollars or more and is less than one 13190  
hundred thousand dollars, medicaid fraud is a felony of the fourth 13191  
degree. If the value of the property, services, or funds obtained 13192  
in violation of this section is one hundred thousand dollars or 13193  
more, medicaid fraud is a felony of the third degree. 13194

(F) Upon application of the governmental agency, office, or 13195  
other entity that conducted the investigation and prosecution in a 13196  
case under this section, the court shall order any person who is 13197  
convicted of a violation of this section for receiving any 13198  
reimbursement for furnishing goods or services under the medical 13199  
assistance program to which the person is not entitled to pay to 13200  
the applicant its cost of investigating and prosecuting the case. 13201  
The costs of investigation and prosecution that a defendant is 13202  
ordered to pay pursuant to this division shall be in addition to 13203  
any other penalties for the receipt of that reimbursement that are 13204  
provided in this section, section 5111.03 of the Revised Code, or 13205

any other provision of law. 13206

(G) The provisions of this section are not intended to be 13207  
exclusive remedies and do not preclude the use of any other 13208  
criminal or civil remedy for any act that is in violation of this 13209  
section. 13210

**Sec. 2921.42.** (A) No public official shall knowingly do any 13211  
of the following: 13212

(1) Authorize, or employ the authority or influence of ~~his~~ 13213  
the public official's office to secure authorization of any public 13214  
contract in which ~~he~~ the public official, a member of ~~his~~ the 13215  
public official's family, or any of ~~his~~ the public official's 13216  
business associates has an interest; 13217

(2) Authorize, or employ the authority or influence of ~~his~~ 13218  
the public official's office to secure the investment of public 13219  
funds in any share, bond, mortgage, or other security, with 13220  
respect to which ~~he~~ the public official, a member of ~~his~~ the 13221  
public official's family, or any of ~~his~~ the public official's 13222  
business associates either has an interest, is an underwriter, or 13223  
receives any brokerage, origination, or servicing fees; 13224

(3) During ~~his~~ the public official's term of office or within 13225  
one year thereafter, occupy any position of profit in the 13226  
prosecution of a public contract authorized by ~~him~~ the public 13227  
official or by a legislative body, commission, or board of which 13228  
~~he~~ the public official was a member at the time of authorization, 13229  
unless the contract was let by competitive bidding to the lowest 13230  
and best bidder; 13231

(4) Have an interest in the profits or benefits of a public 13232  
contract entered into by or for the use of the political 13233  
subdivision or governmental agency or instrumentality with which 13234  
~~he~~ the public official is connected; 13235

(5) Have an interest in the profits or benefits of a public contract that is not let by competitive bidding if required by law and that involves more than one hundred fifty dollars.

(B) In the absence of bribery or a purpose to defraud, a public official, member of ~~his~~ a public official's family, or any of ~~his~~ a public official's business associates shall not be considered as having an interest in a public contract or the investment of public funds, if all of the following apply:

(1) The interest of that person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization, that is the contractor on the public contract involved, or that is the issuer of the security in which public funds are invested;

(2) The shares owned or controlled by that person do not exceed five per cent of the outstanding shares of the corporation, and the amount due that person as creditor does not exceed five per cent of the total indebtedness of the corporation or other organization;

(3) That person, prior to the time the public contract is entered into, files with the political subdivision or governmental agency or instrumentality involved, an affidavit giving ~~his~~ that person's exact status in connection with the corporation or other organization.

(C) This section does not apply to a public contract in which a public official, member of ~~his~~ a public official's family, or one of ~~his~~ a public official's business associates has an interest, when all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the political subdivision or governmental agency or instrumentality involved;

(2) The supplies or services are unobtainable elsewhere for

the same or lower cost, or are being furnished to the political 13267  
subdivision or governmental agency or instrumentality as part of a 13268  
continuing course of dealing established prior to the public 13269  
official's becoming associated with the political subdivision or 13270  
governmental agency or instrumentality involved; 13271

(3) The treatment accorded the political subdivision or 13272  
governmental agency or instrumentality is either preferential to 13273  
or the same as that accorded other customers or clients in similar 13274  
transactions; 13275

(4) The entire transaction is conducted at arm's length, with 13276  
full knowledge by the political subdivision or governmental agency 13277  
or instrumentality involved, of the interest of the public 13278  
official, member of ~~his~~ the public official's family, or business 13279  
associate, and the public official takes no part in the 13280  
deliberations or decision of the political subdivision or 13281  
governmental agency or instrumentality with respect to the public 13282  
contract. 13283

(D) Division (A)(4) of this section does not prohibit 13284  
participation by a public employee in any housing program funded 13285  
by public moneys if the public employee otherwise qualifies for 13286  
the program and does not use the authority or influence of ~~his~~ the 13287  
public employee's office or employment to secure benefits from the 13288  
program and if the moneys are to be used on the primary residence 13289  
of the public employee. Such participation does not constitute an 13290  
unlawful interest in a public contract in violation of this 13291  
section. 13292

(E) Whoever violates this section is guilty of having an 13293  
unlawful interest in a public contract. Violation of division 13294  
(A)(1) or (2) of this section is a felony of the fourth degree. 13295  
Violation of division (A)(3), (4), or (5) of this section is a 13296  
misdemeanor of the first degree. 13297

(F) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with sections 309.06 and 2921.421 of the Revised Code, for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with sections 733.621 and 2921.421 of the Revised Code, or for a township law director appointed under section 504.15 of the Revised Code to appoint assistants and employees in accordance with sections 504.151 and 2921.421 of the Revised Code.

~~(F)~~(G) This section does not apply to a public contract in which a township trustee in a township with a population of five thousand or less in its unincorporated area, a member of the township trustee's family, or one of ~~his~~ the township trustee's business associates has an interest, if all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the township and the amount of the contract is less than five thousand dollars per year;

(2) The supplies or services are being furnished to the township as part of a continuing course of dealing established before the township trustee held that office with the township;

(3) The treatment accorded the township is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted with full knowledge by the township of the interest of the township trustee, member of ~~his~~ the township trustee's family, or ~~his~~ the township trustee's business associate.

~~(G)~~(H) Any public contract in which a public official, a member of the public official's family, or any of the public

official's business associates has an interest in violation of 13329  
this section is void and unenforceable. Any contract securing the 13330  
investment of public funds in which a public official, a member of 13331  
the public official's family, or any of the public official's 13332  
business associates has an interest, is an underwriter, or 13333  
receives any brokerage, origination, or servicing fees and that 13334  
was entered into in violation of this section is void and 13335  
unenforceable. 13336

(I) As used in this section: 13337

(1) "Public contract" means any of the following: 13338

(a) The purchase or acquisition, or a contract for the 13339  
purchase or acquisition, of property or services by or for the use 13340  
of the state, any of its political subdivisions, or any agency or 13341  
instrumentality of either, including the employment of an 13342  
individual by the state, any of its political subdivisions, or any 13343  
agency or instrumentality of either; 13344

(b) A contract for the design, construction, alteration, 13345  
repair, or maintenance of any public property. 13346

(2) "Chief legal officer" has the same meaning as in section 13347  
733.621 of the Revised Code. 13348

**Sec. 2927.023.** (A) As used in this section "authorized 13349  
recipient of tobacco products" means a person who is: 13350

(1) Licensed as a cigarette wholesale dealer under section 13351  
5743.15 of the Revised Code; 13352

(2) Licensed as a ~~distributor of tobacco products under~~ 13353  
~~section 5743.61 of the Revised Code~~ retail dealer as long as the 13354  
person purchases cigarettes with the appropriate tax stamp 13355  
affixed; 13356

(3) An export warehouse proprietor as defined in section 5702 13357  
of the Internal Revenue Code; 13358

(4) An operator of a customs bonded warehouse under 19 U.S.C. 1311 or 19 U.S.C. 1555;	13359 13360
(5) An officer, employee, or agent of the federal government or of this state acting in the person's official capacity;	13361 13362
(6) A department, agency, instrumentality, or political subdivision of the federal government or of this state;	13363 13364
(7) A person having a consent for consumer shipment issued by the tax commissioner under section 5743.71 of the Revised Code.	13365 13366
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.	13367 13368 13369 13370
(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.	13371 13372 13373
(2) No common carrier, contract carrier, or other person shall knowingly transport cigarettes to any person in this state that the carrier or other person reasonably believes is not an authorized recipient of tobacco products. If cigarettes are transported to a home or residence, it shall be presumed that the common carrier, contract carrier, or other person knew that the person to whom the cigarettes were delivered was not an authorized recipient of tobacco products.	13374 13375 13376 13377 13378 13379 13380 13381
(C) No person engaged in the business of selling cigarettes who ships or causes to be shipped cigarettes to any person in this state in any container or wrapping other than the original container or wrapping of the cigarettes shall fail to plainly and visibly mark the exterior of the container or wrapping in which the cigarettes are shipped with the words "cigarettes."	13382 13383 13384 13385 13386 13387
(D) A court shall impose a fine of up to one thousand dollars	13388

for each violation of division (B)(1), (B)(2), or (C) of this 13389  
section. 13390

**Sec. 2935.03.** (A)(1) A sheriff, deputy sheriff, marshal, 13391  
deputy marshal, municipal police officer, township constable, 13392  
police officer of a township or joint township police district, 13393  
member of a police force employed by a metropolitan housing 13394  
authority under division (D) of section 3735.31 of the Revised 13395  
Code, member of a police force employed by a regional transit 13396  
authority under division (Y) of section 306.35 of the Revised 13397  
Code, state university law enforcement officer appointed under 13398  
section 3345.04 of the Revised Code, veterans' home police officer 13399  
appointed under section 5907.02 of the Revised Code, special 13400  
police officer employed by a port authority under section 4582.04 13401  
or 4582.28 of the Revised Code, or a special police officer 13402  
employed by a municipal corporation at a municipal airport, or 13403  
other municipal air navigation facility, that has scheduled 13404  
operations, as defined in section 119.3 of Title 14 of the Code of 13405  
Federal Regulations, 14 C.F.R. 119.3, as amended, and that is 13406  
required to be under a security program and is governed by 13407  
aviation security rules of the transportation security 13408  
administration of the United States department of transportation 13409  
as provided in Parts 1542. and 1544. of Title 49 of the Code of 13410  
Federal Regulations, as amended, shall arrest and detain, until a 13411  
warrant can be obtained, a person found violating, within the 13412  
limits of the political subdivision, metropolitan housing 13413  
authority housing project, regional transit authority facilities 13414  
or areas of a municipal corporation that have been agreed to by a 13415  
regional transit authority and a municipal corporation located 13416  
within its territorial jurisdiction, college, university, 13417  
veterans' home operated under Chapter 5907. of the Revised Code, 13418  
port authority, or municipal airport or other municipal air 13419  
navigation facility, in which the peace officer is appointed, 13420

employed, or elected, a law of this state, an ordinance of a 13421  
municipal corporation, or a resolution of a township. 13422

(2) A peace officer of the department of natural resources or 13423  
an individual designated to perform law enforcement duties under 13424  
section 511.232, 1545.13, or 6101.75 of the Revised Code shall 13425  
arrest and detain, until a warrant can be obtained, a person found 13426  
violating, within the limits of the peace officer's or 13427  
individual's territorial jurisdiction, a law of this state. 13428

(3) The house sergeant at arms if the house sergeant at arms 13429  
has arrest authority pursuant to division (E)(1) of section 13430  
101.311 of the Revised Code and an assistant house sergeant at 13431  
arms shall arrest and detain, until a warrant can be obtained, a 13432  
person found violating, within the limits of the sergeant at 13433  
arms's or assistant sergeant at arms's territorial jurisdiction 13434  
specified in division (D)(1)(a) of section 101.311 of the Revised 13435  
Code or while providing security pursuant to division (D)(1)(f) of 13436  
section 101.311 of the Revised Code, a law of this state, an 13437  
ordinance of a municipal corporation, or a resolution of a 13438  
township. 13439

(B)(1) When there is reasonable ground to believe that an 13440  
offense of violence, the offense of criminal child enticement as 13441  
defined in section 2905.05 of the Revised Code, the offense of 13442  
public indecency as defined in section 2907.09 of the Revised 13443  
Code, the offense of domestic violence as defined in section 13444  
2919.25 of the Revised Code, the offense of violating a protection 13445  
order as defined in section 2919.27 of the Revised Code, the 13446  
offense of menacing by stalking as defined in section 2903.211 of 13447  
the Revised Code, the offense of aggravated trespass as defined in 13448  
section 2911.211 of the Revised Code, a theft offense as defined 13449  
in section 2913.01 of the Revised Code, or a felony drug abuse 13450  
offense as defined in section 2925.01 of the Revised Code, has 13451  
been committed within the limits of the political subdivision, 13452

metropolitan housing authority housing project, regional transit 13453  
authority facilities or those areas of a municipal corporation 13454  
that have been agreed to by a regional transit authority and a 13455  
municipal corporation located within its territorial jurisdiction, 13456  
college, university, veterans' home operated under Chapter 5907. 13457  
of the Revised Code, port authority, or municipal airport or other 13458  
municipal air navigation facility, in which the peace officer is 13459  
appointed, employed, or elected or within the limits of the 13460  
territorial jurisdiction of the peace officer, a peace officer 13461  
described in division (A) of this section may arrest and detain 13462  
until a warrant can be obtained any person who the peace officer 13463  
has reasonable cause to believe is guilty of the violation. 13464

(2) For purposes of division (B)(1) of this section, the 13465  
execution of any of the following constitutes reasonable ground to 13466  
believe that the offense alleged in the statement was committed 13467  
and reasonable cause to believe that the person alleged in the 13468  
statement to have committed the offense is guilty of the 13469  
violation: 13470

(a) A written statement by a person alleging that an alleged 13471  
offender has committed the offense of menacing by stalking or 13472  
aggravated trespass; 13473

(b) A written statement by the administrator of the 13474  
interstate compact on mental health appointed under section 13475  
5119.51 of the Revised Code alleging that a person who had been 13476  
hospitalized, institutionalized, or confined in any facility under 13477  
an order made pursuant to or under authority of section 2945.37, 13478  
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 13479  
Revised Code has escaped from the facility, from confinement in a 13480  
vehicle for transportation to or from the facility, or from 13481  
supervision by an employee of the facility that is incidental to 13482  
hospitalization, institutionalization, or confinement in the 13483  
facility and that occurs outside of the facility, in violation of 13484

section 2921.34 of the Revised Code; 13485

(c) A written statement by the administrator of any facility 13486  
in which a person has been hospitalized, institutionalized, or 13487  
confined under an order made pursuant to or under authority of 13488  
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 13489  
2945.402 of the Revised Code alleging that the person has escaped 13490  
from the facility, from confinement in a vehicle for 13491  
transportation to or from the facility, or from supervision by an 13492  
employee of the facility that is incidental to hospitalization, 13493  
institutionalization, or confinement in the facility and that 13494  
occurs outside of the facility, in violation of section 2921.34 of 13495  
the Revised Code. 13496

(3)(a) For purposes of division (B)(1) of this section, a 13497  
peace officer described in division (A) of this section has 13498  
reasonable grounds to believe that the offense of domestic 13499  
violence or the offense of violating a protection order has been 13500  
committed and reasonable cause to believe that a particular person 13501  
is guilty of committing the offense if any of the following 13502  
occurs: 13503

(i) A person executes a written statement alleging that the 13504  
person in question has committed the offense of domestic violence 13505  
or the offense of violating a protection order against the person 13506  
who executes the statement or against a child of the person who 13507  
executes the statement. 13508

(ii) No written statement of the type described in division 13509  
(B)(3)(a)(i) of this section is executed, but the peace officer, 13510  
based upon the peace officer's own knowledge and observation of 13511  
the facts and circumstances of the alleged incident of the offense 13512  
of domestic violence or the alleged incident of the offense of 13513  
violating a protection order or based upon any other information, 13514  
including, but not limited to, any reasonably trustworthy 13515  
information given to the peace officer by the alleged victim of 13516

the alleged incident of the offense or any witness of the alleged 13517  
incident of the offense, concludes that there are reasonable 13518  
grounds to believe that the offense of domestic violence or the 13519  
offense of violating a protection order has been committed and 13520  
reasonable cause to believe that the person in question is guilty 13521  
of committing the offense. 13522

(iii) No written statement of the type described in division 13523  
(B)(3)(a)(i) of this section is executed, but the peace officer 13524  
witnessed the person in question commit the offense of domestic 13525  
violence or the offense of violating a protection order. 13526

(b) If pursuant to division (B)(3)(a) of this section a peace 13527  
officer has reasonable grounds to believe that the offense of 13528  
domestic violence or the offense of violating a protection order 13529  
has been committed and reasonable cause to believe that a 13530  
particular person is guilty of committing the offense, it is the 13531  
preferred course of action in this state that the officer arrest 13532  
and detain that person pursuant to division (B)(1) of this section 13533  
until a warrant can be obtained. 13534

If pursuant to division (B)(3)(a) of this section a peace 13535  
officer has reasonable grounds to believe that the offense of 13536  
domestic violence or the offense of violating a protection order 13537  
has been committed and reasonable cause to believe that family or 13538  
household members have committed the offense against each other, 13539  
it is the preferred course of action in this state that the 13540  
officer, pursuant to division (B)(1) of this section, arrest and 13541  
detain until a warrant can be obtained the family or household 13542  
member who committed the offense and whom the officer has 13543  
reasonable cause to believe is the primary physical aggressor. 13544  
There is no preferred course of action in this state regarding any 13545  
other family or household member who committed the offense and 13546  
whom the officer does not have reasonable cause to believe is the 13547  
primary physical aggressor, but, pursuant to division (B)(1) of 13548

this section, the peace officer may arrest and detain until a warrant can be obtained any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor.

(c) If a peace officer described in division (A) of this section does not arrest and detain a person whom the officer has reasonable cause to believe committed the offense of domestic violence or the offense of violating a protection order when it is the preferred course of action in this state pursuant to division (B)(3)(b) of this section that the officer arrest that person, the officer shall articulate in the written report of the incident required by section 2935.032 of the Revised Code a clear statement of the officer's reasons for not arresting and detaining that person until a warrant can be obtained.

(d) In determining for purposes of division (B)(3)(b) of this section which family or household member is the primary physical aggressor in a situation in which family or household members have committed the offense of domestic violence or the offense of violating a protection order against each other, a peace officer described in division (A) of this section, in addition to any other relevant circumstances, should consider all of the following:

(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;

(ii) If violence is alleged, whether the alleged violence was caused by a person acting in self-defense;

(iii) Each person's fear of physical harm, if any, resulting from the other person's threatened use of force against any person or resulting from the other person's use or history of the use of force against any person, and the reasonableness of that fear;

(iv) The comparative severity of any injuries suffered by the persons involved in the alleged offense.

(e)(i) A peace officer described in division (A) of this section shall not require, as a prerequisite to arresting or charging a person who has committed the offense of domestic violence or the offense of violating a protection order, that the victim of the offense specifically consent to the filing of charges against the person who has committed the offense or sign a complaint against the person who has committed the offense.

(ii) If a person is arrested for or charged with committing the offense of domestic violence or the offense of violating a protection order and if the victim of the offense does not cooperate with the involved law enforcement or prosecuting authorities in the prosecution of the offense or, subsequent to the arrest or the filing of the charges, informs the involved law enforcement or prosecuting authorities that the victim does not wish the prosecution of the offense to continue or wishes to drop charges against the alleged offender relative to the offense, the involved prosecuting authorities, in determining whether to continue with the prosecution of the offense or whether to dismiss charges against the alleged offender relative to the offense and notwithstanding the victim's failure to cooperate or the victim's wishes, shall consider all facts and circumstances that are relevant to the offense, including, but not limited to, the statements and observations of the peace officers who responded to the incident that resulted in the arrest or filing of the charges and of all witnesses to that incident.

(f) In determining pursuant to divisions (B)(3)(a) to (g) of this section whether to arrest a person pursuant to division (B)(1) of this section, a peace officer described in division (A) of this section shall not consider as a factor any possible shortage of cell space at the detention facility to which the

person will be taken subsequent to the person's arrest or any possibility that the person's arrest might cause, contribute to, or exacerbate overcrowding at that detention facility or at any other detention facility.

(g) If a peace officer described in division (A) of this section intends pursuant to divisions (B)(3)(a) to (g) of this section to arrest a person pursuant to division (B)(1) of this section and if the officer is unable to do so because the person is not present, the officer promptly shall seek a warrant for the arrest of the person.

(h) If a peace officer described in division (A) of this section responds to a report of an alleged incident of the offense of domestic violence or an alleged incident of the offense of violating a protection order and if the circumstances of the incident involved the use or threatened use of a deadly weapon or any person involved in the incident brandished a deadly weapon during or in relation to the incident, the deadly weapon that was used, threatened to be used, or brandished constitutes contraband, and, to the extent possible, the officer shall seize the deadly weapon as contraband pursuant to Chapter 2981. of the Revised Code. Upon the seizure of a deadly weapon pursuant to division (B)(3)(h) of this section, section 2981.12 of the Revised Code shall apply regarding the treatment and disposition of the deadly weapon. For purposes of that section, the "underlying criminal offense" that was the basis of the seizure of a deadly weapon under division (B)(3)(h) of this section and to which the deadly weapon had a relationship is any of the following that is applicable:

(i) The alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order to which the officer who seized the deadly weapon responded;

(ii) Any offense that arose out of the same facts and

circumstances as the report of the alleged incident of the offense 13644  
of domestic violence or the alleged incident of the offense of 13645  
violating a protection order to which the officer who seized the 13646  
deadly weapon responded. 13647

(4) If, in the circumstances described in divisions (B)(3)(a) 13648  
to (g) of this section, a peace officer described in division (A) 13649  
of this section arrests and detains a person pursuant to division 13650  
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 13651  
this section, a peace officer described in division (A) of this 13652  
section seizes a deadly weapon, the officer, to the extent 13653  
described in and in accordance with section 9.86 or 2744.03 of the 13654  
Revised Code, is immune in any civil action for damages for 13655  
injury, death, or loss to person or property that arises from or 13656  
is related to the arrest and detention or the seizure. 13657

(C) When there is reasonable ground to believe that a 13658  
violation of division (A)(1), (2), (3), (4), or (5) of section 13659  
4506.15 or a violation of section 4511.19 of the Revised Code has 13660  
been committed by a person operating a motor vehicle subject to 13661  
regulation by the public utilities commission of Ohio under Title 13662  
XLIX of the Revised Code, a peace officer with authority to 13663  
enforce that provision of law may stop or detain the person whom 13664  
the officer has reasonable cause to believe was operating the 13665  
motor vehicle in violation of the division or section and, after 13666  
investigating the circumstances surrounding the operation of the 13667  
vehicle, may arrest and detain the person. 13668

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 13669  
municipal police officer, member of a police force employed by a 13670  
metropolitan housing authority under division (D) of section 13671  
3735.31 of the Revised Code, member of a police force employed by 13672  
a regional transit authority under division (Y) of section 306.35 13673  
of the Revised Code, special police officer employed by a port 13674  
authority under section 4582.04 or 4582.28 of the Revised Code, 13675

special police officer employed by a municipal corporation at a 13676  
municipal airport or other municipal air navigation facility 13677  
described in division (A) of this section, township constable, 13678  
police officer of a township or joint township police district, 13679  
state university law enforcement officer appointed under section 13680  
3345.04 of the Revised Code, peace officer of the department of 13681  
natural resources, individual designated to perform law 13682  
enforcement duties under section 511.232, 1545.13, or 6101.75 of 13683  
the Revised Code, the house sergeant at arms if the house sergeant 13684  
at arms has arrest authority pursuant to division (E)(1) of 13685  
section 101.311 of the Revised Code, or an assistant house 13686  
sergeant at arms is authorized by division (A) or (B) of this 13687  
section to arrest and detain, within the limits of the political 13688  
subdivision, metropolitan housing authority housing project, 13689  
regional transit authority facilities or those areas of a 13690  
municipal corporation that have been agreed to by a regional 13691  
transit authority and a municipal corporation located within its 13692  
territorial jurisdiction, port authority, municipal airport or 13693  
other municipal air navigation facility, college, or university in 13694  
which the officer is appointed, employed, or elected or within the 13695  
limits of the territorial jurisdiction of the peace officer, a 13696  
person until a warrant can be obtained, the peace officer, outside 13697  
the limits of that territory, may pursue, arrest, and detain that 13698  
person until a warrant can be obtained if all of the following 13699  
apply: 13700

(1) The pursuit takes place without unreasonable delay after 13701  
the offense is committed; 13702

(2) The pursuit is initiated within the limits of the 13703  
political subdivision, metropolitan housing authority housing 13704  
project, regional transit authority facilities or those areas of a 13705  
municipal corporation that have been agreed to by a regional 13706  
transit authority and a municipal corporation located within its 13707

territorial jurisdiction, port authority, municipal airport or 13708  
other municipal air navigation facility, college, or university in 13709  
which the peace officer is appointed, employed, or elected or 13710  
within the limits of the territorial jurisdiction of the peace 13711  
officer; 13712

(3) The offense involved is a felony, a misdemeanor of the 13713  
first degree or a substantially equivalent municipal ordinance, a 13714  
misdemeanor of the second degree or a substantially equivalent 13715  
municipal ordinance, or any offense for which points are 13716  
chargeable pursuant to section 4510.036 of the Revised Code. 13717

(E) In addition to the authority granted under division (A) 13718  
or (B) of this section: 13719

(1) A sheriff or deputy sheriff may arrest and detain, until 13720  
a warrant can be obtained, any person found violating section 13721  
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 13722  
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 13723  
portion of any street or highway that is located immediately 13724  
adjacent to the boundaries of the county in which the sheriff or 13725  
deputy sheriff is elected or appointed. 13726

(2) A member of the police force of a township police 13727  
district created under section 505.48 of the Revised Code, a 13728  
member of the police force of a joint township police district 13729  
created under section 505.481 of the Revised Code, or a township 13730  
constable appointed in accordance with section 509.01 of the 13731  
Revised Code, who has received a certificate from the Ohio peace 13732  
officer training commission under section 109.75 of the Revised 13733  
Code, may arrest and detain, until a warrant can be obtained, any 13734  
person found violating any section or chapter of the Revised Code 13735  
listed in division (E)(1) of this section, other than sections 13736  
4513.33 and 4513.34 of the Revised Code, on the portion of any 13737  
street or highway that is located immediately adjacent to the 13738  
boundaries of the township police district or joint township 13739

police district, in the case of a member of a township police 13740  
district or joint township police district police force, or the 13741  
unincorporated territory of the township, in the case of a 13742  
township constable. However, if the population of the township 13743  
that created the township police district served by the member's 13744  
police force, or the townships that created the joint township 13745  
police district served by the member's police force, or the 13746  
township that is served by the township constable, is sixty 13747  
thousand or less, the member of the township police district or 13748  
joint police district police force or the township constable may 13749  
not make an arrest under division (E)(2) of this section on a 13750  
state highway that is included as part of the interstate system. 13751

(3) A police officer or village marshal appointed, elected, 13752  
or employed by a municipal corporation may arrest and detain, 13753  
until a warrant can be obtained, any person found violating any 13754  
section or chapter of the Revised Code listed in division (E)(1) 13755  
of this section on the portion of any street or highway that is 13756  
located immediately adjacent to the boundaries of the municipal 13757  
corporation in which the police officer or village marshal is 13758  
appointed, elected, or employed. 13759

(4) A peace officer of the department of natural resources or 13760  
an individual designated to perform law enforcement duties under 13761  
section 511.232, 1545.13, or 6101.75 of the Revised Code may 13762  
arrest and detain, until a warrant can be obtained, any person 13763  
found violating any section or chapter of the Revised Code listed 13764  
in division (E)(1) of this section, other than sections 4513.33 13765  
and 4513.34 of the Revised Code, on the portion of any street or 13766  
highway that is located immediately adjacent to the boundaries of 13767  
the lands and waters that constitute the territorial jurisdiction 13768  
of the peace officer. 13769

(F)(1) A department of mental health special police officer 13770  
or a department of mental retardation and developmental 13771

disabilities special police officer may arrest without a warrant 13772  
and detain until a warrant can be obtained any person found 13773  
committing on the premises of any institution under the 13774  
jurisdiction of the particular department a misdemeanor under a 13775  
law of the state. 13776

A department of mental health special police officer or a 13777  
department of mental retardation and developmental disabilities 13778  
special police officer may arrest without a warrant and detain 13779  
until a warrant can be obtained any person who has been 13780  
hospitalized, institutionalized, or confined in an institution 13781  
under the jurisdiction of the particular department pursuant to or 13782  
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 13783  
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 13784  
found committing on the premises of any institution under the 13785  
jurisdiction of the particular department a violation of section 13786  
2921.34 of the Revised Code that involves an escape from the 13787  
premises of the institution. 13788

(2)(a) If a department of mental health special police 13789  
officer or a department of mental retardation and developmental 13790  
disabilities special police officer finds any person who has been 13791  
hospitalized, institutionalized, or confined in an institution 13792  
under the jurisdiction of the particular department pursuant to or 13793  
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 13794  
2945.40, 2945.401, or 2945.402 of the Revised Code committing a 13795  
violation of section 2921.34 of the Revised Code that involves an 13796  
escape from the premises of the institution, or if there is 13797  
reasonable ground to believe that a violation of section 2921.34 13798  
of the Revised Code has been committed that involves an escape 13799  
from the premises of an institution under the jurisdiction of the 13800  
department of mental health or the department of mental 13801  
retardation and developmental disabilities and if a department of 13802  
mental health special police officer or a department of mental 13803

retardation and developmental disabilities special police officer 13804  
has reasonable cause to believe that a particular person who has 13805  
been hospitalized, institutionalized, or confined in the 13806  
institution pursuant to or under authority of section 2945.37, 13807  
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 13808  
Revised Code is guilty of the violation, the special police 13809  
officer, outside of the premises of the institution, may pursue, 13810  
arrest, and detain that person for that violation of section 13811  
2921.34 of the Revised Code, until a warrant can be obtained, if 13812  
both of the following apply: 13813

(i) The pursuit takes place without unreasonable delay after 13814  
the offense is committed; 13815

(ii) The pursuit is initiated within the premises of the 13816  
institution from which the violation of section 2921.34 of the 13817  
Revised Code occurred. 13818

(b) For purposes of division (F)(2)(a) of this section, the 13819  
execution of a written statement by the administrator of the 13820  
institution in which a person had been hospitalized, 13821  
institutionalized, or confined pursuant to or under authority of 13822  
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 13823  
2945.402 of the Revised Code alleging that the person has escaped 13824  
from the premises of the institution in violation of section 13825  
2921.34 of the Revised Code constitutes reasonable ground to 13826  
believe that the violation was committed and reasonable cause to 13827  
believe that the person alleged in the statement to have committed 13828  
the offense is guilty of the violation. 13829

(G) As used in this section: 13830

(1) A "department of mental health special police officer" 13831  
means a special police officer of the department of mental health 13832  
designated under section 5119.14 of the Revised Code who is 13833  
certified by the Ohio peace officer training commission under 13834

section 109.77 of the Revised Code as having successfully	13835
completed an approved peace officer basic training program.	13836
(2) A "department of mental retardation and developmental	13837
disabilities special police officer" means a special police	13838
officer of the department of mental retardation and developmental	13839
disabilities designated under section 5123.13 of the Revised Code	13840
who is certified by the Ohio peace officer training council under	13841
section 109.77 of the Revised Code as having successfully	13842
completed an approved peace officer basic training program.	13843
(3) "Deadly weapon" has the same meaning as in section	13844
2923.11 of the Revised Code.	13845
(4) "Family or household member" has the same meaning as in	13846
section 2919.25 of the Revised Code.	13847
(5) "Street" or "highway" has the same meaning as in section	13848
4511.01 of the Revised Code.	13849
(6) "Interstate system" has the same meaning as in section	13850
5516.01 of the Revised Code.	13851
(7) "Peace officer of the department of natural resources"	13852
means an employee of the department of natural resources who is a	13853
natural resources law enforcement staff officer designated	13854
pursuant to section 1501.013 of the Revised Code, a forest officer	13855
designated pursuant to section 1503.29 of the Revised Code, a	13856
preserve officer designated pursuant to section 1517.10 of the	13857
Revised Code, a wildlife officer designated pursuant to section	13858
1531.13 of the Revised Code, a park officer designated pursuant to	13859
section 1541.10 of the Revised Code, or a state watercraft officer	13860
designated pursuant to section 1547.521 of the Revised Code.	13861
<u>(8) "Portion of any street or highway" means all lanes of the</u>	13862
<u>street or highway irrespective of direction of travel, including</u>	13863
<u>designated turn lanes, and any berm, median, or shoulder.</u>	13864

**Sec. 3109.04.** (A) In any divorce, legal separation, or 13865  
annulment proceeding and in any proceeding pertaining to the 13866  
allocation of parental rights and responsibilities for the care of 13867  
a child, upon hearing the testimony of either or both parents and 13868  
considering any mediation report filed pursuant to section 13869  
3109.052 of the Revised Code and in accordance with sections 13870  
3127.01 to 3127.53 of the Revised Code, the court shall allocate 13871  
the parental rights and responsibilities for the care of the minor 13872  
children of the marriage. Subject to division (D)(2) of this 13873  
section, the court may allocate the parental rights and 13874  
responsibilities for the care of the children in either of the 13875  
following ways: 13876

(1) If neither parent files a pleading or motion in 13877  
accordance with division (G) of this section, if at least one 13878  
parent files a pleading or motion under that division but no 13879  
parent who filed a pleading or motion under that division also 13880  
files a plan for shared parenting, or if at least one parent files 13881  
both a pleading or motion and a shared parenting plan under that 13882  
division but no plan for shared parenting is in the best interest 13883  
of the children, the court, in a manner consistent with the best 13884  
interest of the children, shall allocate the parental rights and 13885  
responsibilities for the care of the children primarily to one of 13886  
the parents, designate that parent as the residential parent and 13887  
the legal custodian of the child, and divide between the parents 13888  
the other rights and responsibilities for the care of the 13889  
children, including, but not limited to, the responsibility to 13890  
provide support for the children and the right of the parent who 13891  
is not the residential parent to have continuing contact with the 13892  
children. 13893

(2) If at least one parent files a pleading or motion in 13894  
accordance with division (G) of this section and a plan for shared 13895  
parenting pursuant to that division and if a plan for shared 13896

parenting is in the best interest of the children and is approved 13897  
by the court in accordance with division (D)(1) of this section, 13898  
the court may allocate the parental rights and responsibilities 13899  
for the care of the children to both parents and issue a shared 13900  
parenting order requiring the parents to share all or some of the 13901  
aspects of the physical and legal care of the children in 13902  
accordance with the approved plan for shared parenting. If the 13903  
court issues a shared parenting order under this division and it 13904  
is necessary for the purpose of receiving public assistance, the 13905  
court shall designate which one of the parents' residences is to 13906  
serve as the child's home. The child support obligations of the 13907  
parents under a shared parenting order issued under this division 13908  
shall be determined in accordance with Chapters 3119., 3121., 13909  
3123., and 3125. of the Revised Code. 13910

(B)(1) When making the allocation of the parental rights and 13911  
responsibilities for the care of the children under this section 13912  
in an original proceeding or in any proceeding for modification of 13913  
a prior order of the court making the allocation, the court shall 13914  
take into account that which would be in the best interest of the 13915  
children. In determining the child's best interest for purposes of 13916  
making its allocation of the parental rights and responsibilities 13917  
for the care of the child and for purposes of resolving any issues 13918  
related to the making of that allocation, the court, in its 13919  
discretion, may and, upon the request of either party, shall 13920  
interview in chambers any or all of the involved children 13921  
regarding their wishes and concerns with respect to the 13922  
allocation. 13923

(2) If the court interviews any child pursuant to division 13924  
(B)(1) of this section, all of the following apply: 13925

(a) The court, in its discretion, may and, upon the motion of 13926  
either parent, shall appoint a guardian ad litem for the child. 13927

(b) The court first shall determine the reasoning ability of 13928

the child. If the court determines that the child does not have 13929  
sufficient reasoning ability to express the child's wishes and 13930  
concern with respect to the allocation of parental rights and 13931  
responsibilities for the care of the child, it shall not determine 13932  
the child's wishes and concerns with respect to the allocation. If 13933  
the court determines that the child has sufficient reasoning 13934  
ability to express the child's wishes or concerns with respect to 13935  
the allocation, it then shall determine whether, because of 13936  
special circumstances, it would not be in the best interest of the 13937  
child to determine the child's wishes and concerns with respect to 13938  
the allocation. If the court determines that, because of special 13939  
circumstances, it would not be in the best interest of the child 13940  
to determine the child's wishes and concerns with respect to the 13941  
allocation, it shall not determine the child's wishes and concerns 13942  
with respect to the allocation and shall enter its written 13943  
findings of fact and opinion in the journal. If the court 13944  
determines that it would be in the best interests of the child to 13945  
determine the child's wishes and concerns with respect to the 13946  
allocation, it shall proceed to make that determination. 13947

(c) The interview shall be conducted in chambers, and no 13948  
person other than the child, the child's attorney, the judge, any 13949  
necessary court personnel, and, in the judge's discretion, the 13950  
attorney of each parent shall be permitted to be present in the 13951  
chambers during the interview. 13952

(3) No person shall obtain or attempt to obtain from a child 13953  
a written or recorded statement or affidavit setting forth the 13954  
child's wishes and concerns regarding the allocation of parental 13955  
rights and responsibilities concerning the child. No court, in 13956  
determining the child's best interest for purposes of making its 13957  
allocation of the parental rights and responsibilities for the 13958  
care of the child or for purposes of resolving any issues related 13959  
to the making of that allocation, shall accept or consider a 13960

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 parent and against granting a shared parenting decree. When the court allocates parental rights and responsibilities for the care of children or determines whether to grant shared parenting in any proceeding, it shall consider whether either parent or any member of the household of either parent 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 proceeding, has been

convicted of or pleaded guilty to any sexually oriented offense or 13993  
other offense involving a victim who at the time of the commission 13994  
of the offense was a member of the family or household that is the 13995  
subject of the proceeding and caused physical harm to the victim 13996  
in the commission of the offense, or has been determined to be the 13997  
perpetrator of the abusive act that is the basis of an 13998  
adjudication that a child is an abused child. If the court 13999  
determines that either parent has been convicted of or pleaded 14000  
guilty to a violation of section 2919.25 of the Revised Code or a 14001  
sexually oriented offense involving a victim who at the time of 14002  
the commission of the offense was a member of the family or 14003  
household that is the subject of the proceeding, has been 14004  
convicted of or pleaded guilty to any sexually oriented offense or 14005  
other offense involving a victim who at the time of the commission 14006  
of the offense was a member of the family or household that is the 14007  
subject of the proceeding and caused physical harm to the victim 14008  
in the commission of the offense, or has been determined to be the 14009  
perpetrator of the abusive act that is the basis of an 14010  
adjudication that a child is an abused child, it may designate 14011  
that parent as the residential parent and may issue a shared 14012  
parenting decree or order only if it determines that it is in the 14013  
best interest of the child to name that parent the residential 14014  
parent or to issue a shared parenting decree or order and it makes 14015  
specific written findings of fact to support its determination. 14016

(D)(1)(a) Upon the filing of a pleading or motion by either 14017  
parent or both parents, in accordance with division (G) of this 14018  
section, requesting shared parenting and the filing of a shared 14019  
parenting plan in accordance with that division, the court shall 14020  
comply with division (D)(1)(a)(i), (ii), or (iii) of this section, 14021  
whichever is applicable: 14022

(i) If both parents jointly make the request in their 14023  
pleadings or jointly file the motion and also jointly file the 14024

plan, the court shall review the parents' plan to determine if it 14025  
is in the best interest of the children. If the court determines 14026  
that the plan is in the best interest of the children, the court 14027  
shall approve it. If the court determines that the plan or any 14028  
part of the plan is not in the best interest of the children, the 14029  
court shall require the parents to make appropriate changes to the 14030  
plan to meet the court's objections to it. If changes to the plan 14031  
are made to meet the court's objections, and if the new plan is in 14032  
the best interest of the children, the court shall approve the 14033  
plan. If changes to the plan are not made to meet the court's 14034  
objections, or if the parents attempt to make changes to the plan 14035  
to meet the court's objections, but the court determines that the 14036  
new plan or any part of the new plan still is not in the best 14037  
interest of the children, the court may reject the portion of the 14038  
parents' pleadings or deny their motion requesting shared 14039  
parenting of the children and proceed as if the request in the 14040  
pleadings or the motion had not been made. The court shall not 14041  
approve a plan under this division unless it determines that the 14042  
plan is in the best interest of the children. 14043

(ii) If each parent makes a request in the parent's pleadings 14044  
or files a motion and each also files a separate plan, the court 14045  
shall review each plan filed to determine if either is in the best 14046  
interest of the children. If the court determines that one of the 14047  
filed plans is in the best interest of the children, the court may 14048  
approve the plan. If the court determines that neither filed plan 14049  
is in the best interest of the children, the court may order each 14050  
parent to submit appropriate changes to the parent's plan or both 14051  
of the filed plans to meet the court's objections, or may select 14052  
one of the filed plans and order each parent to submit appropriate 14053  
changes to the selected plan to meet the court's objections. If 14054  
changes to the plan or plans are submitted to meet the court's 14055  
objections, and if any of the filed plans with the changes is in 14056  
the best interest of the children, the court may approve the plan 14057

with the changes. If changes to the plan or plans are not 14058  
submitted to meet the court's objections, or if the parents submit 14059  
changes to the plan or plans to meet the court's objections but 14060  
the court determines that none of the filed plans with the 14061  
submitted changes is in the best interest of the children, the 14062  
court may reject the portion of the parents' pleadings or deny 14063  
their motions requesting shared parenting of the children and 14064  
proceed as if the requests in the pleadings or the motions had not 14065  
been made. If the court approves a plan under this division, 14066  
either as originally filed or with submitted changes, or if the 14067  
court rejects the portion of the parents' pleadings or denies 14068  
their motions requesting shared parenting under this division and 14069  
proceeds as if the requests in the pleadings or the motions had 14070  
not been made, the court shall enter in the record of the case 14071  
findings of fact and conclusions of law as to the reasons for the 14072  
approval or the rejection or denial. Division (D)(1)(b) of this 14073  
section applies in relation to the approval or disapproval of a 14074  
plan under this division. 14075

(iii) If each parent makes a request in the parent's 14076  
pleadings or files a motion but only one parent files a plan, or 14077  
if only one parent makes a request in the parent's pleadings or 14078  
files a motion and also files a plan, the court in the best 14079  
interest of the children may order the other parent to file a plan 14080  
for shared parenting in accordance with division (G) of this 14081  
section. The court shall review each plan filed to determine if 14082  
any plan is in the best interest of the children. If the court 14083  
determines that one of the filed plans is in the best interest of 14084  
the children, the court may approve the plan. If the court 14085  
determines that no filed plan is in the best interest of the 14086  
children, the court may order each parent to submit appropriate 14087  
changes to the parent's plan or both of the filed plans to meet 14088  
the court's objections or may select one filed plan and order each 14089  
parent to submit appropriate changes to the selected plan to meet 14090

the court's objections. If changes to the plan or plans are 14091  
submitted to meet the court's objections, and if any of the filed 14092  
plans with the changes is in the best interest of the children, 14093  
the court may approve the plan with the changes. If changes to the 14094  
plan or plans are not submitted to meet the court's objections, or 14095  
if the parents submit changes to the plan or plans to meet the 14096  
court's objections but the court determines that none of the filed 14097  
plans with the submitted changes is in the best interest of the 14098  
children, the court may reject the portion of the parents' 14099  
pleadings or deny the parents' motion or reject the portion of the 14100  
parents' pleadings or deny their motions requesting shared 14101  
parenting of the children and proceed as if the request or 14102  
requests or the motion or motions had not been made. If the court 14103  
approves a plan under this division, either as originally filed or 14104  
with submitted changes, or if the court rejects the portion of the 14105  
pleadings or denies the motion or motions requesting shared 14106  
parenting under this division and proceeds as if the request or 14107  
requests or the motion or motions had not been made, the court 14108  
shall enter in the record of the case findings of fact and 14109  
conclusions of law as to the reasons for the approval or the 14110  
rejection or denial. Division (D)(1)(b) of this section applies in 14111  
relation to the approval or disapproval of a plan under this 14112  
division. 14113

(b) The approval of a plan under division (D)(1)(a)(ii) or 14114  
(iii) of this section is discretionary with the court. The court 14115  
shall not approve more than one plan under either division and 14116  
shall not approve a plan under either division unless it 14117  
determines that the plan is in the best interest of the children. 14118  
If the court, under either division, does not determine that any 14119  
filed plan or any filed plan with submitted changes is in the best 14120  
interest of the children, the court shall not approve any plan. 14121

(c) Whenever possible, the court shall require that a shared 14122

parenting plan approved under division (D)(1)(a)(i), (ii), or 14123  
(iii) of this section ensure the opportunity for both parents to 14124  
have frequent and continuing contact with the child, unless 14125  
frequent and continuing contact with any parent would not be in 14126  
the best interest of the child. 14127

(d) If a court approves a shared parenting plan under 14128  
division (D)(1)(a)(i), (ii), or (iii) of this section, the 14129  
approved plan shall be incorporated into a final shared parenting 14130  
decree granting the parents the shared parenting of the children. 14131  
Any final shared parenting decree shall be issued at the same time 14132  
as and shall be appended to the final decree of dissolution, 14133  
divorce, annulment, or legal separation arising out of the action 14134  
out of which the question of the allocation of parental rights and 14135  
responsibilities for the care of the children arose. 14136

No provisional shared parenting decree shall be issued in 14137  
relation to any shared parenting plan approved under division 14138  
(D)(1)(a)(i), (ii), or (iii) of this section. A final shared 14139  
parenting decree issued under this division has immediate effect 14140  
as a final decree on the date of its issuance, subject to 14141  
modification or termination as authorized by this section. 14142

(2) If the court finds, with respect to any child under 14143  
eighteen years of age, that it is in the best interest of the 14144  
child for neither parent to be designated the residential parent 14145  
and legal custodian of the child, it may commit the child to a 14146  
relative of the child or certify a copy of its findings, together 14147  
with as much of the record and the further information, in 14148  
narrative form or otherwise, that it considers necessary or as the 14149  
juvenile court requests, to the juvenile court for further 14150  
proceedings, and, upon the certification, the juvenile court has 14151  
exclusive jurisdiction. 14152

(E)(1)(a) The court shall not modify a prior decree 14153  
allocating parental rights and responsibilities for the care of 14154

children unless it finds, based on facts that have arisen since 14155  
the prior decree or that were unknown to the court at the time of 14156  
the prior decree, that a change has occurred in the circumstances 14157  
of the child, the child's residential parent, or either of the 14158  
parents subject to a shared parenting decree, and that the 14159  
modification is necessary to serve the best interest of the child. 14160  
In applying these standards, the court shall retain the 14161  
residential parent designated by the prior decree or the prior 14162  
shared parenting decree, unless a modification is in the best 14163  
interest of the child and one of the following applies: 14164

(i) The residential parent agrees to a change in the 14165  
residential parent or both parents under a shared parenting decree 14166  
agree to a change in the designation of residential parent. 14167

(ii) The child, with the consent of the residential parent or 14168  
of both parents under a shared parenting decree, has been 14169  
integrated into the family of the person seeking to become the 14170  
residential parent. 14171

(iii) The harm likely to be caused by a change of environment 14172  
is outweighed by the advantages of the change of environment to 14173  
the child. 14174

(b) One or both of the parents under a prior decree 14175  
allocating parental rights and responsibilities for the care of 14176  
children that is not a shared parenting decree may file a motion 14177  
requesting that the prior decree be modified to give both parents 14178  
shared rights and responsibilities for the care of the children. 14179  
The motion shall include both a request for modification of the 14180  
prior decree and a request for a shared parenting order that 14181  
complies with division (G) of this section. Upon the filing of the 14182  
motion, if the court determines that a modification of the prior 14183  
decree is authorized under division (E)(1)(a) of this section, the 14184  
court may modify the prior decree to grant a shared parenting 14185  
order, provided that the court shall not modify the prior decree 14186

to grant a shared parenting order unless the court complies with 14187  
divisions (A) and (D)(1) of this section and, in accordance with 14188  
those divisions, approves the submitted shared parenting plan and 14189  
determines that shared parenting would be in the best interest of 14190  
the children. 14191

(2) In addition to a modification authorized under division 14192  
(E)(1) of this section: 14193

(a) Both parents under a shared parenting decree jointly may 14194  
modify the terms of the plan for shared parenting approved by the 14195  
court and incorporated by it into the shared parenting decree. 14196  
Modifications under this division may be made at any time. The 14197  
modifications to the plan shall be filed jointly by both parents 14198  
with the court, and the court shall include them in the plan, 14199  
unless they are not in the best interest of the children. If the 14200  
modifications are not in the best interests of the children, the 14201  
court, in its discretion, may reject the modifications or make 14202  
modifications to the proposed modifications or the plan that are 14203  
in the best interest of the children. Modifications jointly 14204  
submitted by both parents under a shared parenting decree shall be 14205  
effective, either as originally filed or as modified by the court, 14206  
upon their inclusion by the court in the plan. Modifications to 14207  
the plan made by the court shall be effective upon their inclusion 14208  
by the court in the plan. 14209

(b) The court may modify the terms of the plan for shared 14210  
parenting approved by the court and incorporated by it into the 14211  
shared parenting decree upon its own motion at any time if the 14212  
court determines that the modifications are in the best interest 14213  
of the children or upon the request of one or both of the parents 14214  
under the decree. Modifications under this division may be made at 14215  
any time. The court shall not make any modification to the plan 14216  
under this division, unless the modification is in the best 14217  
interest of the children. 14218

(c) The court may terminate a prior final shared parenting decree that includes a shared parenting plan approved under division (D)(1)(a)(i) of this section upon the request of one or both of the parents or whenever it determines that shared parenting is not in the best interest of the children. The court may terminate a prior final shared parenting decree that includes a shared parenting plan approved under division (D)(1)(a)(ii) or (iii) of this section if it determines, upon its own motion or upon the request of one or both parents, that shared parenting is not in the best interest of the children. If modification of the terms of the plan for shared parenting approved by the court and incorporated by it into the final shared parenting decree is attempted under division (E)(2)(a) of this section and the court rejects the modifications, it may terminate the final shared parenting decree if it determines that shared parenting is not in the best interest of the children.

(d) Upon the termination of a prior final shared parenting decree under division (E)(2)(c) of this section, the court shall proceed and issue a modified decree for the allocation of parental rights and responsibilities for the care of the children under the standards applicable under divisions (A), (B), and (C) of this section as if no decree for shared parenting had been granted and as if no request for shared parenting ever had been made.

(F)(1) In determining the best interest of a child pursuant to this section, whether on an original decree allocating parental rights and responsibilities for the care of children or a modification of a decree allocating those rights and responsibilities, the court shall consider all relevant factors, including, but not limited to:

(a) The wishes of the child's parents regarding the child's care;

(b) If the court has interviewed the child in chambers

pursuant to division (B) of this section regarding the child's 14251  
wishes and concerns as to the allocation of parental rights and 14252  
responsibilities concerning the child, the wishes and concerns of 14253  
the child, as expressed to the court; 14254

(c) The child's interaction and interrelationship with the 14255  
child's parents, siblings, and any other person who may 14256  
significantly affect the child's best interest; 14257

(d) The child's adjustment to the child's home, school, and 14258  
community; 14259

(e) The mental and physical health of all persons involved in 14260  
the situation; 14261

(f) The parent more likely to honor and facilitate 14262  
court-approved parenting time rights or visitation and 14263  
companionship rights; 14264

(g) Whether either parent has failed to make all child 14265  
support payments, including all arrearages, that are required of 14266  
that parent pursuant to a child support order under which that 14267  
parent is an obligor; 14268

(h) Whether either parent or any member of the household of 14269  
either parent previously has been convicted of or pleaded guilty 14270  
to any criminal offense involving any act that resulted in a child 14271  
being an abused child or a neglected child; whether either parent, 14272  
in a case in which a child has been adjudicated an abused child or 14273  
a neglected child, previously has been determined to be the 14274  
perpetrator of the abusive or neglectful act that is the basis of 14275  
an adjudication; whether either parent or any member of the 14276  
household of either parent previously has been convicted of or 14277  
pleaded guilty to a violation of section 2919.25 of the Revised 14278  
Code or a sexually oriented offense involving a victim who at the 14279  
time of the commission of the offense was a member of the family 14280  
or household that is the subject of the current proceeding; 14281

whether either parent or any member of the household of either 14282  
parent previously has been convicted of or pleaded guilty to any 14283  
offense involving a victim who at the time of the commission of 14284  
the offense was a member of the family or household that is the 14285  
subject of the current proceeding and caused physical harm to the 14286  
victim in the commission of the offense; and whether there is 14287  
reason to believe that either parent has acted in a manner 14288  
resulting in a child being an abused child or a neglected child; 14289

(i) Whether the residential parent or one of the parents 14290  
subject to a shared parenting decree has continuously and 14291  
willfully denied the other parent's right to parenting time in 14292  
accordance with an order of the court; 14293

(j) Whether either parent has established a residence, or is 14294  
planning to establish a residence, outside this state. 14295

(2) In determining whether shared parenting is in the best 14296  
interest of the children, the court shall consider all relevant 14297  
factors, including, but not limited to, the factors enumerated in 14298  
division (F)(1) of this section, the factors enumerated in section 14299  
3119.23 of the Revised Code, and all of the following factors: 14300

(a) The ability of the parents to cooperate and make 14301  
decisions jointly, with respect to the children; 14302

(b) The ability of each parent to encourage the sharing of 14303  
love, affection, and contact between the child and the other 14304  
parent; 14305

(c) Any history of, or potential for, child abuse, spouse 14306  
abuse, other domestic violence, or parental kidnapping by either 14307  
parent; 14308

(d) The geographic proximity of the parents to each other, as 14309  
the proximity relates to the practical considerations of shared 14310  
parenting; 14311

(e) The recommendation of the guardian ad litem of the child, 14312  
if the child has a guardian ad litem. 14313

(3) When allocating parental rights and responsibilities for 14314  
the care of children, the court shall not give preference to a 14315  
parent because of that parent's financial status or condition. 14316

(G) Either parent or both parents of any children may file a 14317  
pleading or motion with the court requesting the court to grant 14318  
both parents shared parental rights and responsibilities for the 14319  
care of the children in a proceeding held pursuant to division (A) 14320  
of this section. If a pleading or motion requesting shared 14321  
parenting is filed, the parent or parents filing the pleading or 14322  
motion also shall file with the court a plan for the exercise of 14323  
shared parenting by both parents. If each parent files a pleading 14324  
or motion requesting shared parenting but only one parent files a 14325  
plan or if only one parent files a pleading or motion requesting 14326  
shared parenting and also files a plan, the other parent as 14327  
ordered by the court shall file with the court a plan for the 14328  
exercise of shared parenting by both parents. The plan for shared 14329  
parenting shall be filed with the petition for dissolution of 14330  
marriage, if the question of parental rights and responsibilities 14331  
for the care of the children arises out of an action for 14332  
dissolution of marriage, or, in other cases, at a time at least 14333  
thirty days prior to the hearing on the issue of the parental 14334  
rights and responsibilities for the care of the children. A plan 14335  
for shared parenting shall include provisions covering all factors 14336  
that are relevant to the care of the children, including, but not 14337  
limited to, provisions covering factors such as physical living 14338  
arrangements, child support obligations, provision for the 14339  
children's medical and dental care, school placement, and the 14340  
parent with which the children will be physically located during 14341  
legal holidays, school holidays, and other days of special 14342  
importance. 14343

(H) If an appeal is taken from a decision of a court that grants or modifies a decree allocating parental rights and responsibilities for the care of children, the court of appeals shall give the case calendar priority and handle it expeditiously.

(I) Upon receipt of an order to active military service in the uniformed services, a parent who is subject to an order allocating parental rights and responsibilities or in relation to whom an action to allocate parental rights and responsibilities is pending and who is ordered to active military service shall notify the other parent who is subject to the order or in relation to whom the case is pending of the order to active military service within three days of receiving the military service order. Either parent may apply to the court for a hearing to expedite an allocation or modification proceeding. The application shall include the date on which the active military service begins.

The court shall schedule a hearing upon receipt of the application and hold the hearing not later than thirty days after receipt of the application, except that the court shall give the case calendar priority and handle the case expeditiously if exigent circumstances exist in the case.

The court shall not modify a prior decree allocating parental rights and responsibilities unless the court determines that there has been a change in circumstances of the child, the child's residential parent, or either of the parents subject to a shared parenting decree, and that modification is necessary to serve the best interest of the child. The court may consider active military service in the uniformed services in determining whether a change in circumstances exists under this section and shall make specific written findings of fact to support any modification under this division.

Upon application by either parent, the court may modify a prior decree allocating parental rights and responsibilities after

the parent's active military service has been terminated, hearing testimony and making specific written findings of fact to support the modification. 14376  
14377  
14378

Nothing in this division shall prevent a court from issuing a temporary order allocating or modifying parental rights and responsibilities for the duration of the parent's active military service. 14379  
14380  
14381  
14382

(J) As used in this section: 14383

(1) "Abused child" has the same meaning as in section 14384  
2151.031 of the Revised Code, ~~and "neglected.~~ 14385

(2) "Active military service" means the performance of active military duty by a member of the uniformed services for a period of more than thirty days. 14386  
14387  
14388

(3) "Neglected child" has the same meaning as in section 2151.03 of the Revised Code. 14389  
14390

~~(2)~~(4) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 14391  
14392

(5) "Uniformed services" means the United States armed forces, army national guard and air national guard when engaged in active duty for training, or the commissioned corps of the United States public health service. 14393  
14394  
14395  
14396

~~(J)~~(K) As used in the Revised Code, "shared parenting" means that the parents share, in the manner set forth in the plan for shared parenting that is approved by the court under division (D)(1) and described in division ~~(K)~~(L)(6) of this section, all or some of the aspects of physical and legal care of their children. 14397  
14398  
14399  
14400  
14401

~~(K)~~(L) For purposes of the Revised Code: 14402

(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 14403  
14404  
14405

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 "custody of the child" or "care, custody, and control of the child" under the order, to the extent and in the manner specified

in the order. 14438

(6) Unless the context clearly requires otherwise and except 14439  
as otherwise provided in the order, if an order is issued by a 14440  
court pursuant to this section and the order provides for shared 14441  
parenting of a child, each parent, regardless of where the child 14442  
is physically located or with whom the child is residing at a 14443  
particular point in time, as specified in the order, is the 14444  
"residential parent," the "residential parent and legal 14445  
custodian," or the "custodial parent" of the child. 14446

(7) Unless the context clearly requires otherwise and except 14447  
as otherwise provided in the order, a designation in the order of 14448  
a parent as the residential parent for the purpose of determining 14449  
the school the child attends, as the custodial parent for purposes 14450  
of claiming the child as a dependent pursuant to section 152(e) of 14451  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 14452  
1, as amended, or as the residential parent for purposes of 14453  
receiving public assistance pursuant to division (A)(2) of this 14454  
section, does not affect the designation pursuant to division 14455  
~~(K)~~(L)(6) of this section of each parent as the "residential 14456  
parent," the "residential parent and legal custodian," or the 14457  
"custodial parent" of the child. 14458

~~(L)~~(M) The court shall require each parent of a child to file 14459  
an affidavit attesting as to whether the parent, and the members 14460  
of the parent's household, have been convicted of or pleaded 14461  
guilty to any of the offenses identified in divisions (C) and 14462  
(F)(1)(h) of this section. 14463

**Sec. 3109.041.** (A) Parties to any custody decree issued 14464  
pursuant to section 3109.04 of the Revised Code prior to ~~the~~ 14465  
~~effective date of this amendment~~ April 11, 1991, may file a motion 14466  
with the court that issued the decree requesting the issuance of a 14467  
shared parenting decree in accordance with division (G) of section 14468

3109.04 of the Revised Code. Upon the filing of the motion, the court shall determine whether to grant the parents shared rights and responsibilities for the care of the children in accordance with divisions (A), (D)(1), ~~and (E)(1), and (I)~~ of section 3109.04 of the Revised Code.

(B) A custody decree issued pursuant to section 3109.04 of the Revised Code prior to ~~the effective date of this amendment~~ April 11, 1991, that granted joint care, custody, and control of the children to the parents shall not be affected or invalidated by, and shall not be construed as being affected or invalidated by, the provisions of section 3109.04 of the Revised Code relative to the granting of a shared parenting decree or a decree allocating parental rights and responsibilities for the care of children on and after ~~the effective date of this amendment~~ April 11, 1991. The decree issued prior to ~~the effective date of this amendment~~ April 11, 1991 shall remain in full force and effect, subject to modification or termination pursuant to section 3109.04 of the Revised Code as that section exists on and after ~~the effective date of this amendment~~ April 11, 1991.

(C) As used in this section, "joint custody" and "joint care, custody, and control" have the same meaning as "shared parenting."

**Sec. 3119.022.** When a court or child support enforcement agency calculates the amount of child support to be paid pursuant to a child support order in a proceeding in which one parent is the residential parent and legal custodian of all of the children who are the subject of the child support order or in which the court issues a shared parenting order, the court or agency shall use a worksheet identical in content and form to the following:

CHILD SUPPORT COMPUTATION WORKSHEET

SOLE RESIDENTIAL PARENT OR SHARED PARENTING ORDER

Name of parties .....

Case No. ....				14500
Number of minor children .....				14501
The following parent was designated as residential parent and				14502
legal custodian: ..... mother ..... father ..... shared				14503
	Column I	Column II	Column III	14504
	Father	Mother	Combined	14505
INCOME:				14506
1.a. Annual gross income from				14507
employment or, when				14508
determined appropriate				14509
by the court or agency,				14510
average annual gross income				14511
from employment over a				14512
reasonable period of years.				14513
(Exclude overtime, bonuses,				14514
self-employment income, or				14515
commissions).....	\$.....	\$.....		14516
b. Amount of overtime,				14517
bonuses, and commissions				14518
(year 1 representing the				14519
most recent year)				14520
Father		Mother		14521
Yr. 3 \$.....		Yr. 3 \$.....		14522
(Three years ago)		(Three years ago)		14523
Yr. 2 \$.....		Yr. 2 \$.....		14524
(Two years ago)		(Two years ago)		14525
Yr. 1 \$.....		Yr. 1 \$.....		14526
(Last calendar year)		(Last calendar year)		14527
Average \$.....		Average \$.....		14528
(Include in Col. I and/or				14529
Col. II the average of the				14530
three years or the year 1				14531

amount, whichever is less,			14532
if there exists a reasonable			14533
expectation that the total			14534
earnings from overtime and/or			14535
bonuses during the current			14536
calendar year will meet or			14537
exceed the amount that is			14538
the lower of the average			14539
of the three years or the			14540
year 1 amount. If, however,			14541
there exists a reasonable			14542
expectation that the total			14543
earnings from overtime/			14544
bonuses during the current			14545
calendar year will be less			14546
than the lower of the average			14547
of the 3 years or the year 1			14548
amount, include only the			14549
amount reasonably expected			14550
to be earned this year.)... \$..... \$.....			14551
			14552
2. For self-employment income:			14553
a. Gross receipts from			14554
business..... \$..... \$.....			14555
b. Ordinary and necessary			14556
business expenses..... \$..... \$.....			14557
c. 5.6% of adjusted gross			14558
income or the actual			14559
marginal difference between			14560
the actual rate paid by the			14561
self-employed individual			14562
and the F.I.C.A. rate ..... \$..... \$.....			14563
d. Adjusted gross income from			14564

self-employment (subtract			14565
the sum of 2b and 2c from			14566
2a).....	\$.....	\$.....	14567
			14568
3. Annual income from interest			14569
and dividends (whether or			14570
not taxable).....	\$.....	\$.....	14571
			14572
4. Annual income from			14573
unemployment compensation...	\$.....	\$.....	14574
			14575
5. Annual income from workers'			14576
compensation, disability			14577
insurance benefits, or social			14578
security disability/			14579
retirement benefits.....	\$.....	\$.....	14580
			14581
6. Other annual income			14582
(identify).....	\$.....	\$.....	14583
			14584
7. <u>a.</u> Total annual gross income			14585
(add lines 1a, 1b, 2d, and			14586
3-6).....	\$.....	\$.....	14587
<u>b.</u> <u>Health insurance maximum</u>			14588
<u>(multiply line 7a by 5%)</u>	<u>\$.....</u>	<u>\$.....</u>	14589
			14590
ADJUSTMENTS TO INCOME:			14591
8. Adjustment for minor children			14592
born to or adopted by either			14593
parent and another parent who			14594
are living with this parent;			14595
adjustment does not apply			14596
to stepchildren (number of			14597

children times federal income			14598
tax exemption less child			14599
support received, not to			14600
exceed the federal tax			14601
exemption).....	\$.....	\$.....	14602
			14603
9. Annual court-ordered support			14604
paid for other children....	\$.....	\$.....	14605
			14606
10. Annual court-ordered spousal			14607
support paid to any spouse			14608
or former spouse.....	\$.....	\$.....	14609
			14610
11. Amount of local income taxes			14611
actually paid or estimated			14612
to be paid.....	\$.....	\$.....	14613
			14614
12. Mandatory work-related			14615
deductions such as union			14616
dues, uniform fees, etc.			14617
(not including taxes, social			14618
security, or retirement)...	\$.....	\$.....	14619
			14620
13. Total gross income			14621
adjustments (add lines			14622
8 through 12).....	\$.....	\$.....	14623
			14624
14.			14625
<u>a.</u> Adjusted annual gross			14626
income (subtract line 13			14627
from line 7a).....	\$.....	\$.....	14628
<u>b.</u> <u>Cash medical support</u>			14629
<u>maximum (If the amount</u>			14630

<u>on line 7a, Col. I, is</u>			14631
<u>under 150% of the federal</u>			14632
<u>poverty level for an</u>			14633
<u>individual, enter \$0 on</u>			14634
<u>line 14b, Col. I. If</u>			14635
<u>the amount on line 7a,</u>			14636
<u>Col. I, is 150% or</u>			14637
<u>higher of the federal</u>			14638
<u>poverty level for an</u>			14639
<u>individual, multiply the</u>			14640
<u>amount on line 14a, Col. I,</u>			14641
<u>by 5% and enter this amount</u>			14642
<u>on line 14b, Col. I.</u>			14643
<u>If the amount on line 7a,</u>			14644
<u>Col. II, is under 150%</u>			14645
<u>of the federal poverty level</u>			14646
<u>for an individual, enter</u>			14647
<u>\$0 on line 14b, Col. II.</u>			14648
<u>If the amount on line 7a,</u>			14649
<u>Col. II, is 150% or higher</u>			14650
<u>of the federal poverty level</u>			14651
<u>for an individual, multiply</u>			14652
<u>the amount on line 14a,</u>			14653
<u>Col. II, by 5% and enter</u>			14654
<u>this amount on line 14b,</u>			14655
<u>Col. II.).....</u>	<u>\$.....</u>	<u>\$.....</u>	14656
			14657
15. Combined annual income that			14658
is basis for child support			14659
order (add line <del>14</del> <u>14a</u> , Col.			14660
I and Col. II) .....		\$.....	14661
			14662
16. Percentage of parent's			14663

income to total income		14664
a. Father (divide line <del>14</del> <u>14a</u> ,		14665
Col. I, by line 15, Col.		14666
III).....%		14667
b. Mother (divide line <del>14</del> <u>14a</u> ,		14668
Col. II, by line 15, Col.		14669
III).....%		14670
		14671
17. Basic combined child		14672
support obligation (refer		14673
to schedule, first column,		14674
locate the amount nearest		14675
to the amount on line 15,		14676
Col. III, then refer to		14677
column for number of		14678
children in this family.		14679
If the income of the		14680
parents is more than one		14681
sum but less than another,		14682
you may calculate the		14683
difference.).....	\$.....	14684
		14685
18. Annual support obligation per parent		14686
a. Father (multiply line 17,		14687
Col. III, by line 16a).....	\$.....	14688
b. Mother (multiply line 17,		14689
Col. III, by line 16b).....	\$.....	14690
		14691
19. Annual child care expenses		14692
for children who are the		14693
subject of this order that		14694
are work-, employment		14695
training-, or education-		14696

related, as approved by	14697
the court or agency	14698
(deduct tax credit from	14699
annual cost, whether or	14700
not claimed).....	\$..... \$..... 14701
	14702
20.	14703
a. Marginal, out-of-pocket	14704
costs, necessary to provide	14705
for health insurance for	14706
the children who are the	14707
subject of this order	14708
<u>(contributing cost of private</u>	14709
<u>family health insurance,</u>	14710
<u>minus the contributing cost</u>	14711
<u>of private single health</u>	14712
<u>insurance, divided by the</u>	14713
<u>total number of dependents</u>	14714
<u>covered by the plan,</u>	14715
<u>including the children</u>	14716
<u>subject of the support</u>	14717
<u>order, times the number of</u>	14718
<u>children subject of the</u>	14719
<u>support order) .....</u>	\$..... \$..... 14720
b. <u>Cash medical support</u>	14721
<u>obligation (enter the amount</u>	14722
<u>on line 14b or the amount</u>	14723
<u>of annual health care</u>	14724
<u>expenditures estimated by</u>	14725
<u>the United States Department</u>	14726
<u>of Agriculture and</u>	14727
<u>described in section 3119.30</u>	14728
<u>of the Revised Code,</u>	14729

	<u>whichever amount is</u>		14730
	<u>lower) .....</u>	<u>\$.....</u>	<u>\$.....</u>
			14731
			14732
21.	ADJUSTMENTS TO CHILD SUPPORT <u>WHEN HEALTH INSURANCE IS</u>		14733
	<u>PROVIDED:</u>		
	Father (only if obligor	Mother (only if obligor	14734
	or shared parenting)	or shared parenting)	14735
a.	Additions: line 16a	b. Additions: line 16b	14736
	times sum of amounts	times sum of amounts	14737
	shown on line 19, Col. II	shown on line 19, Col. I	14738
	and line <del>20</del> <u>20a</u> , Col. II	and line <del>20</del> <u>20a</u> , Col. I	14739
	\$.....	\$.....	14740
c.	Subtractions: line 16b	d. Subtractions: line 16a	14741
	times sum of amounts	times sum of amounts	14742
	shown on line 19, Col. I	shown on line 19, Col. II	14743
	and line <del>20</del> <u>20a</u> , Col. I	and line <del>20</del> <u>20a</u> , Col. II	14744
	\$.....	\$.....	14745
			14746
22.	OBLIGATION AFTER ADJUSTMENTS TO CHILD SUPPORT <u>WHEN HEALTH</u>		14747
	<u>INSURANCE IS PROVIDED:</u>		
a.	Father: line 18a plus or		14748
	minus the difference between		14749
	line 21a minus line 21c		14750
	.....	\$.....	14751
b.	Mother: line 18b plus or		14752
	minus the difference between		14753
	line 21b minus line 21d		14754
	.....	\$.....	14755
			14756
23.	ACTUAL ANNUAL OBLIGATION <u>WHEN HEALTH INSURANCE IS PROVIDED:</u>		14757
a.	(Line 22a or 22b, whichever		14758
	line corresponds to the		14759
	parent who is the obligor).	\$.....	14760

b. Any non-means-tested		14761
benefits, including social		14762
security and veterans'		14763
benefits, paid to and		14764
received by a child or a		14765
person on behalf of the		14766
child due to death,		14767
disability, or retirement		14768
of the parent.....	\$.....	14769
c. Actual annual obligation		14770
(subtract line 23b from		14771
line 23a).....	\$.....	14772
		14773
24. ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT		14774
PROVIDED:		
<u>Father (only if obligor</u>	<u>Mother (only if obligor</u>	14775
<u>or shared parenting)</u>	<u>or shared parenting)</u>	14776
a. <u>Additions: line 16a times</u>	b. <u>Additions: line 16b times</u>	14777
<u>the sum of the amounts</u>	<u>the sum of the amounts</u>	14778
<u>shown on line 19, Col. II</u>	<u>shown on line 19, Col. I</u>	14779
<u>and line 20b, Col. II</u>	<u>and line 20b, Col. I</u>	14780
<u>\$.....</u>	<u>\$.....</u>	14781
c. <u>Subtractions: line 16b</u>	d. <u>Subtractions: line 16a</u>	14782
<u>times the sum of the</u>	<u>times the sum of the</u>	14783
<u>amounts shown on line</u>	<u>amounts shown on line</u>	14784
<u>19, Col. I and line</u>	<u>19, Col. II and line</u>	14785
<u>20b, Col. I</u>	<u>20b, Col. II</u>	14786
<u>\$.....</u>	<u>\$.....</u>	14787
		14788
25. <u>OBLIGATION AFTER ADJUSTMENTS TO CHILD SUPPORT</u>		14789
<u>WHEN HEALTH INSURANCE IS NOT PROVIDED:</u>		14790
a. <u>Father: line 18a plus or</u>		14791
<u>minus the difference between</u>		

<u>line 24a minus line 24c</u>		
.....	\$.....	14792
b. <u>Mother: line 18b plus or</u>		14793
<u>minus the difference between</u>		
<u>line 24b and 24d</u>		
.....	\$.....	14794
		14795
<u>26. ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS NOT PROVIDED:</u>		14796
a. <u>(Line 25a or 25b, whichever</u>		14797
<u>line corresponds to the</u>		
<u>parent who is the</u>		
<u>obligor)</u>	\$.....	14798
b. <u>Any non-means-tested</u>		14799
<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>	\$.....	14800
c. <u>Actual annual obligation</u>		14801
<u>(subtract line 26b from line</u>		
<u>26a</u>	\$.....	14802
		14803
<u>27.a. Deviation from sole residential parent support amount shown</u>		14804
<u>on line 23c if amount would be unjust or inappropriate: (see</u>		14805
<u>section 3119.23 of the Revised Code.) (Specific facts and</u>		14806
<u>monetary value must be stated.)</u>		14807
.....		14808
.....		14809
.....		14810
.....		14811

b. Deviation from shared parenting order: (see sections 3119.23 14812  
and 3119.24 of the Revised Code.) (Specific facts including 14813  
amount of time children spend with each parent, ability of 14814  
each parent to maintain adequate housing for children, and 14815  
each parent's expenses for children must be stated to justify 14816  
deviation.) 14817  
..... 14818  
..... 14819  
..... 14820  
..... 14821  
WHEN WHEN 14822  
HEALTH HEALTH  
INSURANCE INSURANCE  
IS IS NOT  
PROVIDED PROVIDED

~~25~~ FINAL CHILD SUPPORT FIGURE: 14823

28. (This amount reflects final  
annual child support  
obligation; in Col. I, enter  
line 23c plus or minus any  
amounts indicated in line ~~24a~~  
27a or 24b 27b; in Col. II,  
enter line 26c plus or minus  
any amounts indicated in line  
27a or 27b)  
..... \$..... \$..... Father/Mother, 14824  
OBLIGOR  
14825

~~26~~ FOR DECREE: Child support per 14826

29. month (divide obligor's  
annual share, line ~~25~~ 28, by  
12) plus any processing  
charge

.....	\$.....	<u>\$.....</u>	14827
			14828
<u>30. FINAL CASH MEDICAL SUPPORT</u>			14829
<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>	14830
			14831
<u>31. FOR DECREE: Cash medical</u>			14832
<u>support per month (divide</u>			
<u>line 30 by 12)</u>		<u>\$.....</u>	14833
Prepared by:			14834
Counsel: .....	Pro se: .....		14835
(For mother/father)			14836
CSEA: .....	Other: .....		14837
Worksheet Has Been Reviewed and Agreed To:			14838
.....	.....		14839
Mother	Date		14840
.....	.....		14841
Father	Date		14842
<b>Sec. 3119.023.</b> When a court or child support enforcement			14843
agency calculates the amount of child support to be paid pursuant			14844
to a court child support order in a proceeding in which the			14845
parents have split parental rights and responsibilities with			14846
respect to the children who are the subject of the child support			14847
order, the court or child support enforcement agency shall use a			14848
worksheet that is identical in content and form to the following:			14849



Col. II the average of the			14882
three years or the year 1			14883
amount, whichever is less,			14884
if there exists a reasonable			14885
expectation that the total			14886
earnings from overtime and/or			14887
bonuses during the current			14888
calendar year will meet or			14889
exceed the amount that is			14890
the lower of the average			14891
of the three years or the			14892
year 1 amount. If, however,			14893
there exists a reasonable			14894
expectation that the total			14895
earnings from overtime/			14896
bonuses during the current			14897
calendar year will be less			14898
than the lower of the average			14899
of the 3 years or the year 1			14900
amount, include only the			14901
amount reasonably expected			14902
to be earned this year.)... \$..... \$.....			14903
			14904
2. For self-employment income			14905
a. Gross receipts from			14906
business..... \$..... \$.....			14907
b. Ordinary and necessary			14908
business expenses..... \$..... \$.....			14909
c. 5.6% of adjusted gross			14910
income or the actual			14911
marginal difference between			14912
the actual rate paid by the			14913
self-employed individual			14914

and the F.I.C.A. rate .....	\$.....	\$.....	14915
d. Adjusted gross income from			14916
self-employment (subtract			14917
the sum of 2b and 2c from			14918
2a).....	\$.....	\$.....	14919
			14920
3. Annual income from interest			14921
and dividends (whether or			14922
not taxable).....	\$.....	\$.....	14923
			14924
4. Annual income from			14925
unemployment compensation...	\$.....	\$.....	14926
			14927
5. Annual income from workers'			14928
compensation, disability			14929
insurance benefits or social			14930
security disability			14931
retirement benefits.....	\$.....	\$.....	14932
			14933
6. Other annual income			14934
(identify).....	\$.....	\$.....	14935
			14936
7.a. Total annual gross income			14937
(add lines 1a, 1b, 2d, and			14938
3-6).....	\$.....	\$.....	14939
b. <u>Health insurance maximum</u>			14940
(multiply line 7a			14941
<u>by 5%</u> )	<u>\$.....</u>	<u>\$.....</u>	14942
			14943
ADJUSTMENTS TO INCOME:			14944
8. Adjustment for minor children			14945
born to or adopted by either			14946
parent and another parent who			14947

are living with this parent;			14948
adjustment does not apply			14949
to stepchildren (number of			14950
children times federal income			14951
tax exemption less child			14952
support received, not to			14953
exceed the federal tax			14954
exemption).....	\$.....	\$.....	14955
			14956
9. Annual court-ordered support			14957
paid for other children....	\$.....	\$.....	14958
			14959
10. Annual court-ordered spousal			14960
support paid to any spouse			14961
or former spouse.....	\$.....	\$.....	14962
			14963
11. Amount of local income taxes			14964
actually paid or estimated			14965
to be paid.....	\$.....	\$.....	14966
			14967
12. Mandatory work-related			14968
deductions such as union			14969
dues, uniform fees, etc.			14970
(not including taxes, social			14971
security, or retirement)...	\$.....	\$.....	14972
			14973
13. Total gross income			14974
adjustments (add lines			14975
8 through 12).....	\$.....	\$.....	14976
			14977
14.			14978
<u>a.</u> Adjusted annual gross			14979
income (subtract line 13			14980

	from 7a).....	\$.....	\$.....	14981
b.	<u>Cash medical support</u>			14982
	<u>maximum (If the amount on</u>			14983
	<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>			
	.....	\$.....	\$.....	14984
				14985
15.	Combined annual income that			14986
	is basis for child support			14987
	order (add line 14 14a,			14988
	Col. I and Col. II).....		\$.....	14989
				14990

16. Percentage of parent's	14991
income to total income	14992
a. Father (divide line <del>14</del> <u>14a</u> ,	14993
Col. I, by line 15, Col.	14994
III).....%	14995
b. Mother (divide line <del>14</del> <u>14a</u> ,	14996
Col. II, by line 15, Col.	14997
III).....%	14998
	14999
17. Basic combined child	15000
support obligation (refer	15001
to schedule, first column,	15002
locate the amount nearest	15003
to the amount on line 15,	15004
Col. III, then refer to	15005
column for number of	15006
children with this parent.	15007
If the income of the	15008
parents is more than one	15009
sum but less than another,	15010
you may calculate the	15011
difference).....	15012
	15013
For children	15014
for whom the	15015
mother is the	15016
residential	15017
parent and	15018
legal custodian	15019
\$.....	15020
For children	15021
for whom the	15022
father is the	15023
residential	
parent and	
legal custodian	
\$.....	
18. Annual support obligation per parent	15022
a. Of father for children for	15023

whom mother is the			15024
residential parent and			15025
legal custodian (multiply			15026
line 17, Col. I, by line			15027
16a).....	\$.....		15028
b. Of mother for children for			15029
whom the father is the			15030
residential parent and			15031
legal custodian (multiply			15032
line 17, Col. II, by line			15033
16b).....	\$.....		15034
			15035
19. Annual child care expenses			15036
for children who are the			15037
subject of this order that			15038
are work-, employment			15039
training-, or education-			15040
related, as approved by			15041
the court or agency			15042
(deduct tax credit from			15043
annual cost whether or			15044
not claimed).....	Paid by	Paid by	15045
	father	mother	15046
	\$.....	\$.....	15047
			15048
20.			15049
a. Marginal, out-of-pocket			15050
costs, necessary to provide			15051
for health insurance for			15052
the children who are the			15053
subject of this order			15054
<u>(contributing cost of private</u>			15055
<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	15056
	father	mother	15057
	\$.....	\$.....	15058
b.	<u>Cash medical support</u>		15059
	<u>obligation (enter the amount</u>		15060
	<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>	<u>\$.....</u>	<u>\$.....</u>
			15061
			15062
21.	ADJUSTMENTS TO CHILD SUPPORT <u>WHEN HEALTH INSURANCE IS</u>		15063
	<u>PROVIDED:</u>		
	Father	Mother	15064
a.	Additions: line 16a	b. Additions: line 16b	15065
	times sum of amounts	times sum of amounts	15066
	shown on line 19, Col. II	shown on line 19, Col. I	15067
	and line <del>20</del> <u>20a</u> , Col. II	and line <del>20</del> <u>20a</u> , Col. I	15068
	\$.....	\$.....	15069
c.	Subtractions: line 16b	d. Subtractions: line 16a	15070
	times sum of amounts	times sum of amounts	15071

shown on line 19, Col. I	shown on line 19, Col. II	15072
and line <del>20</del> <u>20a</u> , Col. I	and line <del>20</del> <u>20a</u> , Col. II	15073
\$.....	\$.....	15074
		15075
22. ACTUAL ANNUAL OBLIGATION <u>WHEN HEALTH INSURANCE IS PROVIDED:</u>		15076
a. Father: line 18a plus line		15077
21a minus line 21c (if the		15078
amount on line 21c is		15079
greater than or equal to		15080
the amount on line 21a--		15081
enter the number on line		15082
18a in Col. I).....	\$.....	15083
b. Any non-means-tested		15084
benefits, including social		15085
security and veterans'		15086
benefits, paid to and		15087
received by children for		15088
whom the mother is the		15089
residential parent and		15090
legal custodian or a person		15091
on behalf of those children		15092
due to death, disability,		15093
or retirement of the		15094
father.....	\$.....	15095
c. Actual annual obligation of		15096
father (subtract line 22b		15097
from line 22a).....	\$.....	15098
d. Mother: line 18b plus line		15099
21b minus line 21d (if the		15100
amount on line 21d is		15101
greater than or equal to		15102
the amount on line		15103
21b--enter the number on		15104

line 18b in Col. II).....	\$.....	15105
e. Any non-means-tested		15106
benefits, including social		15107
security and veterans'		15108
benefits, paid to and		15109
received by children for		15110
whom the father is the		15111
residential parent and		15112
legal custodian or a person		15113
on behalf of those children		15114
due to death, disability,		15115
or retirement of the		15116
mother.....	\$.....	15117
f. Actual annual obligation		15118
of mother (subtract line 22e		15119
from line 22d).....	\$.....	15120
g. Actual annual obligation		15121
payable (subtract lesser		15122
actual annual obligation		15123
from greater actual annual		15124
obligation using amounts in		15125
lines 22c and 22f to		15126
determine net child support		15127
payable).....	\$..... \$.....	15128
		15129
23. <u>ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT</u>		15130
<u>PROVIDED:</u>		
<u>Father</u>	<u>Mother</u>	15131
a. <u>Additions: line 16a times</u>	b. <u>Additions: line 16b times</u>	15132
<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>	15133



	<u>line 18b in Col. II)</u>		
	.....	\$.....	15145
e.	<u>Any non-means-tested</u>		15146
	<u>benefits, including social</u>		
	<u>security and veterans'</u>		
	<u>benefits, paid to and</u>		
	<u>received by a child for whom</u>		
	<u>the father is the residential</u>		
	<u>parent and legal custodian,</u>		
	<u>or a person on behalf of the</u>		
	<u>child, due to death,</u>		
	<u>disability, or retirement of</u>		
	<u>the mother</u>		
	.....	\$.....	15147
f.	<u>Actual annual obligation of</u>		15148
	<u>the mother (subtract line 24e</u>		
	<u>from line 24d)</u>	\$.....	15149
g.	<u>Actual annual obligation</u>		15150
	<u>payable (subtract lesser</u>		
	<u>actual annual obligation from</u>		
	<u>greater annual obligation of</u>		
	<u>parents using amounts in</u>		
	<u>lines 24c and 24f to</u>		
	<u>determine net child support</u>		
	<u>payable)</u>		
	.....	\$.....	\$.....
			15151
h.	<u>Add line 20b, Col. I, to line</u>		15152
	<u>24g, Col. I, when father is</u>		
	<u>the obligor or line 20b, Col.</u>		
	<u>II, to line 24g, Col. II,</u>		
	<u>when mother is obligor</u>		
	.....	\$.....	\$.....
			15153
			15154



FIGURE: (this amount reflects  
the final, annual cash  
medical support to be paid by  
the obligor when neither  
parent provides health  
insurance coverage for the  
child; enter obligor's cash  
medical support from line  
20b)

..... \$..... 15168

15169

29. FOR DECREE: Cash medical 15170

support per month (divide  
line 28 by 12)

..... \$..... 15171

Prepared by: 15172

Counsel: ..... Pro se: ..... 15173

(For mother/father) 15174

CSEA: ..... Other: ..... 15175

Worksheet Has Been Reviewed and Agreed To: 15176

..... 15177

Mother Date 15178

..... 15179

Father Date 15180

**Sec. 3119.05.** When a court computes the amount of child 15181  
support required to be paid under a court child support order or a 15182  
child support enforcement agency computes the amount of child 15183  
support to be paid pursuant to an administrative child support 15184  
order, all of the following apply: 15185

(A) The parents' current and past income and personal 15186  
earnings shall be verified by electronic means or with suitable 15187  
documents, including, but not limited to, paystubs, employer 15188

statements, receipts and expense vouchers related to 15189  
self-generated income, tax returns, and all supporting 15190  
documentation and schedules for the tax returns. 15191

(B) The amount of any pre-existing child support obligation 15192  
of a parent under a child support order and the amount of any 15193  
court-ordered spousal support actually paid shall be deducted from 15194  
the gross income of that parent to the extent that payment under 15195  
the child support order or that payment of the court-ordered 15196  
spousal support is verified by supporting documentation. 15197

(C) If other minor children who were born to the parent and a 15198  
person other than the other parent who is involved in the 15199  
immediate child support determination live with the parent, the 15200  
court or agency shall deduct an amount from that parent's gross 15201  
income that equals the number of such minor children times the 15202  
federal income tax exemption for such children less child support 15203  
received for them for the year, not exceeding the federal income 15204  
tax exemption. 15205

(D) When the court or agency calculates the gross income of a 15206  
parent, it shall include the lesser of the following as income 15207  
from overtime and bonuses: 15208

(1) The yearly average of all overtime, commissions, and 15209  
bonuses received during the three years immediately prior to the 15210  
time when the person's child support obligation is being computed; 15211

(2) The total overtime, commissions, and bonuses received 15212  
during the year immediately prior to the time when the person's 15213  
child support obligation is being computed. 15214

(E) When the court or agency calculates the gross income of a 15215  
parent, it shall not include any income earned by the spouse of 15216  
that parent. 15217

~~(F) The court shall not order an amount of child support for 15218  
reasonable and ordinary uninsured medical or dental expenses in 15219~~

~~addition to the amount of the child support obligation determined~~ 15220  
~~in accordance with the schedule.~~ The court shall issue a separate 15221  
order for extraordinary medical or dental expenses, including, but 15222  
not limited to, orthodontia, psychological, appropriate private 15223  
education, and other expenses, and may consider the expenses in 15224  
adjusting a child support order. 15225

(G) When a court or agency calculates the amount of child 15226  
support to be paid pursuant to a court child support order or an 15227  
administrative child support order, if the combined gross income 15228  
of both parents is an amount that is between two amounts set forth 15229  
in the first column of the schedule, the court or agency may use 15230  
the basic child support obligation that corresponds to the higher 15231  
of the two amounts in the first column of the schedule, use the 15232  
basic child support obligation that corresponds to the lower of 15233  
the two amounts in the first column of the schedule, or calculate 15234  
a basic child support obligation that is between those two amounts 15235  
and corresponds proportionally to the parents' actual combined 15236  
gross income. 15237

(H) When the court or agency calculates gross income, the 15238  
court or agency, when appropriate, may average income over a 15239  
reasonable period of years. 15240

(I) A court or agency shall not determine a parent receiving 15241  
means-tested public assistance benefits to be voluntarily 15242  
unemployed or underemployed and shall not impute income to that 15243  
parent, unless not making such determination and not imputing 15244  
income would be unjust, inappropriate, and not in the best 15245  
interest of the child. 15246

(J) When a court or agency requires a parent to pay an amount 15247  
for that parent's failure to support a child for a period of time 15248  
prior to the date the court modifies or issues a court child 15249  
support order or an agency modifies or issues an administrative 15250  
child support order for the current support of the child, the 15251

court or agency shall calculate that amount using the basic child support schedule, worksheets, and child support laws in effect, and the incomes of the parents as they existed, for that prior period of time.

**Sec. 3119.27.** (A) A court that issues or modifies a court support order, or an administrative agency that issues or modifies an administrative child support order, shall impose on the obligor under the support order a processing charge that is the greater of two per cent of the support payment to be collected under a support order or one dollar per month. No court or agency may call the charge a poundage fee.

(B) In each child support case that is a Title IV-D case, the department of job and family services shall annually claim twenty-five dollars from the processing charge described in division (A) of this section for federal reporting purposes if the obligee has never received assistance under Title IV-A and the department has collected at least five hundred dollars of child support for the obligee. The director of job and family services shall adopt rules under Chapter 119. of the Revised Code to implement this division, and the department shall implement this division not later than March 31, 2008.

(C) As used in this section:

(1) "Annual" means the period as defined in regulations issued by the United States secretary of health and human services to implement the Deficit Reduction Act of 2005 (P.L. 109-171).

(2) "Title IV-A" has the same meaning as in section 5107.02 of the Revised Code.

(3) "Title IV-D case" has the same meaning as in section 3125.01 of the Revised Code.

**Sec. 3119.29.** (A) As used in this section and sections

3119.30 to 3119.56 of the Revised Code:	15282
<del>(A)</del> (1) " <u>Cash medical support</u> " means an amount ordered to be	15283
<u>paid in a child support order toward the cost of health insurance</u>	15284
<u>provided by a public entity, another parent, or person with whom</u>	15285
<u>the child resides, through employment or otherwise, or for other</u>	15286
<u>medical cost not covered by insurance.</u>	15287
(2) " <u>Federal poverty line</u> " has the same meaning as defined in	15288
<u>section 5104.01 of the Revised Code.</u>	15289
(3) " <u>Health care</u> " means such medical support that includes	15290
<u>coverage under a health insurance plan, payment of costs of</u>	15291
<u>premiums, co-payments, and deductibles, or payment for medical</u>	15292
<u>expenses incurred on behalf of the child.</u>	15293
(4) " <u>Health insurance coverage</u> " means accessible private	15294
<u>health insurance that provides primary care services within thirty</u>	15295
<u>miles from the residence of the child subject to the child support</u>	15296
<u>order.</u>	15297
(5) " <u>Health plan administrator</u> " means any entity authorized	15298
under Title XXXIX of the Revised Code to engage in the business of	15299
insurance in this state, any health insuring corporation, any	15300
legal entity that is self-insured and provides benefits to its	15301
employees or members, and the administrator of any such entity or	15302
corporation.	15303
<del>(B)</del> (6) " <u>National medical support notice</u> " means a form	15304
required by the "Child Support Performance and Incentive Act of	15305
1998," P.L. 105-200, 112 Stat. 659, 42 U.S.C. 666(a)(19), as	15306
amended, and jointly developed and promulgated by the secretary of	15307
health and human services and the secretary of labor in federal	15308
regulations adopted under that act as modified by the department	15309
of job and family services under section 3119.291 of the Revised	15310
Code.	15311
<del>(C)</del> (7) " <u>Person required to provide health insurance coverage</u> "	15312

means the obligor, obligee, or both, required by the court under a court child support order or by the child support enforcement agency under an administrative child support order to provide health insurance coverage pursuant to section 3119.30 of the Revised Code.

(8) Subject to division (B) of this section, "reasonable cost" means the contributing cost of private family health insurance to the person responsible for the health care of the children subject to the child support order that does not exceed an amount equal to five per cent of the annual gross income of that person.

(9) "Title XIX" has the same meaning as defined in section 5111.20 of the Revised Code.

(B) If the United States secretary of health and human services issues a regulation defining "reasonable cost" or a similar term or phrase relevant to the provisions in child support orders relating to the provision of health care for children subject to the orders, and if that definition is substantively different from the meaning of "reasonable cost" as defined in division (A) of this section, "reasonable cost" as used in this section shall have the meaning as defined by the United States secretary of health and human services.

**Sec. 3119.30.** (A) In any action or proceeding in which a child support order is issued or modified, the court, with respect to court child support orders, and the child support enforcement agency, with respect to administrative child support orders, shall determine the person or persons responsible for the health care of the children subject to the child support order and shall include provisions for the health care of the children in the child support order. The order shall specify that the obligor and obligee are both liable for the health care of the children who

are not covered by private health insurance or cash medical 15344  
support as calculated in accordance with section 3119.022 or 15345  
3119.023 of the Revised Code, as applicable. The determination 15346  
shall be based 15347

(B) Based on information provided to the court or to the 15348  
child support enforcement agency under section 3119.31 of the 15349  
Revised Code. ~~The, the~~ order shall include one of the following: 15350

~~(A) A requirement that the obligor under the child support~~ 15351  
~~order obtain health insurance coverage for the children if~~ 15352  
~~coverage is available at a reasonable cost through a group policy,~~ 15353  
~~contract, or plan offered by the obligor's employer or through any~~ 15354  
~~other group policy, contract, or plan available to the obligor and~~ 15355  
~~is not available for a more reasonable cost through a group~~ 15356  
~~policy, contract, or plan available to the obligee;~~ 15357

(B)(1) A requirement that both the obligor and the obligee 15358  
obtain private health insurance coverage for the children if 15359  
coverage is available for the children at a reasonable cost to 15360  
both the obligor and the obligee and dual coverage would provide 15361  
for coordination of medical benefits without unnecessary 15362  
duplication of coverage. 15363

(2) A requirement that the obligee obtain private health 15364  
insurance coverage for the children if coverage is available 15365  
~~through a group policy, contract, or plan offered by the obligee's~~ 15366  
~~employer or through any other group policy, contract, or plan~~ 15367  
available to the obligee and is available at a more reasonable 15368  
cost than coverage is available to the obligor; 15369

(C)(3) A requirement that the obligor obtain private health 15370  
insurance coverage for the children if coverage is available 15371  
through any group policy, contract, or plan available to the 15372  
obligor at a more reasonable cost than coverage is available to 15373  
the obligee; 15374

(4) If health insurance coverage for the children is not 15375  
available at a reasonable cost ~~through a group policy, contract,~~ 15376  
~~or plan offered by the obligor's or obligee's employer or through~~ 15377  
~~any other group policy, contract, or plan available to the obligor~~ 15378  
~~or the obligee at the time the court or child enforcement agency~~ 15379  
~~issues the order,~~ a requirement that the obligor ~~and~~ or the 15380  
obligee ~~share liability for the cost of the medical and health~~ 15381  
~~care needs of the children, under an equitable formula established~~ 15382  
~~by the court, with respect to a court child support order, or the~~ 15383  
~~child support enforcement agency, with respect to an~~ 15384  
~~administrative child support order, and a requirement that if,~~ 15385  
~~after the issuance of the order, health insurance coverage for the~~ 15386  
~~children becomes available at a reasonable cost through a group~~ 15387  
~~policy, contract, or plan offered by the obligor's or obligee's~~ 15388  
~~employer or through any other group policy, contract, or plan~~ 15389  
~~available to the obligor or obligee, the obligor or obligee to~~ 15390  
~~whom the coverage becomes available immediately inform the court,~~ 15391  
~~with respect to a court child support order, or the child support~~ 15392  
~~enforcement agency, with respect to an administrative child~~ 15393  
~~support order;~~ 15394

~~(D) A requirement that both the obligor and the obligee~~ 15395  
~~obtain health insurance coverage for the children if coverage is~~ 15396  
~~available for the children at a reasonable cost to both the~~ 15397  
~~obligor and the obligee and dual coverage would provide for~~ 15398  
~~coordination of medical benefits without unnecessary duplication~~ 15399  
~~of coverage~~ immediately inform the child support enforcement 15400  
agency that private health insurance coverage for the children has 15401  
become available to either the obligor or obligee. The child 15402  
support enforcement agency shall determine if the private health 15403  
insurance coverage is available at a reasonable cost and if 15404  
coverage is reasonable, division (B)(2) or (3) shall apply, as 15405  
applicable. 15406

(C) When a child support order is issued or modified, and the obligor's gross income is one hundred fifty per cent or more of the federal poverty level for an individual, the order shall include the amount of cash medical support to be paid by the obligor that is either five per cent of the obligor's adjusted gross income or the obligor's share of the United States department of agriculture estimated annual health care expenditure per child as determined in accordance with federal law and regulation, whichever is the lower amount. The amount of cash medical support paid by the obligor shall be paid during any period after the court or child support enforcement agency issues or modifies the order in which the children are not covered by private health insurance.

(D) Any cash medical support paid pursuant to division (C) of this section shall be paid by the obligor to either the obligee if the children are not Medicaid recipients, or to the office of child support to defray the cost of Medicaid expenditures if the children are Medicaid recipients. The child support enforcement agency administering the court or administrative order shall amend the amount of monthly child support obligation to reflect the amount paid when private health insurance is not provided, as calculated in the current order pursuant to section 3119.022 or 3119.023 of the Revised Code, as applicable.

The child support enforcement agency shall give the obligor notice in accordance with Chapter 3121. of the Revised Code and provide the obligor an opportunity to be heard if the obligor believes there is a mistake of fact regarding the availability of private health insurance at a reasonable cost as determined under division (B) of this section.

(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 15439  
immediately preceding the month in which private health insurance 15440  
coverage begins or resumes. During the period when cash medical 15441  
support is required to be paid, the obligor or obligee must 15442  
immediately inform the child support enforcement agency that 15443  
health insurance coverage for the children has become available. 15444

**Sec. 3119.302.** (A) When the court, with respect to a court 15445  
child support order, or the child support enforcement agency, with 15446  
respect to an administrative child support order, determines the 15447  
person or persons responsible for the health care of the children 15448  
subject to the order pursuant to section 3119.30 of the Revised 15449  
Code, all of the following apply: 15450

(1) The court or agency shall consider any private health 15451  
insurance in which the obligor, obligee, or children, are enrolled 15452  
at the time the court or agency issues the order. 15453

(2) If the contributing cost of private family health 15454  
insurance to either parent exceeds five per cent of that parent's 15455  
annual gross income, that parent shall not be ordered to provide 15456  
private health insurance for the child except as follows: 15457

(a) When both parents agree that one, or both, of the parents 15458  
obtain or maintain the private health insurance that exceeds five 15459  
per cent of the annual gross income of the parent obtaining or 15460  
maintaining the private health insurance; 15461

(b) When either parent requests to obtain or maintain the 15462  
private health insurance that exceeds five per cent of that 15463  
parent's annual gross income; 15464

(c) When the court determines that it is in the best interest 15465  
of the children for a parent to obtain and maintain private health 15466  
insurance that exceeds five per cent of that parent's annual gross 15467  
income and the cost will not impose an undue financial burden on 15468

either parent. If the court makes such a determination, the court 15469  
must include the facts and circumstances of the determination in 15470  
the child support order. 15471

(3) If private health insurance is available at a reasonable 15472  
cost to either parent through a group policy, contract, or plan, 15473  
and the court determines that it is not in the best interest of 15474  
the children to utilize the available private health insurance, 15475  
the court shall state the facts and circumstances of the 15476  
determination in the child support order. The court determination 15477  
under this division shall not limit any obligation to provide cash 15478  
medical support pursuant to section 3119.30 of the Revised Code. 15479

(4) Notwithstanding division (A)(4) of section 3119.29 of the 15480  
Revised Code, the court or agency may allow private health 15481  
insurance to be farther than thirty miles if residents in part or 15482  
all of the immediate geographic area customarily travel farther 15483  
distances or if primary care services are accessible only by 15484  
public transportation. The court or agency shall include this 15485  
accessibility determination in the child support order. 15486

(B) The director of job and family services shall create and 15487  
annually update a table to be used to determine the amount of cash 15488  
medical support to be paid pursuant to division (C) of section 15489  
3119.30 of the Revised Code. The table shall incorporate potential 15490  
combined gross incomes of the parties, in a manner determined by 15491  
the director, and the United States department of agriculture 15492  
estimated annual health care expenditure per child as determined 15493  
in accordance with federal law and regulation. 15494

**Sec. 3119.32.** A child support order shall contain all of the 15495  
following: 15496

(A) If the obligor, obligee, or both obligor and obligee, are 15497  
required under section 3119.30 of the Revised Code to provide 15498  
private health insurance coverage for the children, a requirement 15499

pursuant to section 3119.30 of the Revised Code that whoever is 15500  
required to provide private health insurance coverage provide to 15501  
the other, not later than thirty days after the issuance of the 15502  
order, information regarding the benefits, limitations, and 15503  
exclusions of the coverage, copies of any insurance forms 15504  
necessary to receive reimbursement, payment, or other benefits 15505  
under the coverage, and a copy of any necessary insurance cards; 15506

(B) A statement setting forth the name, address, and 15507  
telephone number of the individual who is to be reimbursed for 15508  
out-of-pocket medical, optical, hospital, dental, or prescription 15509  
expenses paid for each child and a statement that the health plan 15510  
administrator that provides the private health insurance coverage 15511  
for the children may continue making payment for medical, optical, 15512  
hospital, dental, or prescription services directly to any health 15513  
care provider in accordance with the applicable private health 15514  
insurance policy, contract, or plan; 15515

(C) A requirement that a person required to provide private 15516  
health insurance coverage for the children designate the children 15517  
as covered dependents under any private health insurance policy, 15518  
contract, or plan for which the person contracts; 15519

(D) A requirement that the obligor, the obligee, or both of 15520  
them under a formula established by the court, with respect to a 15521  
court child support order, or the child support enforcement 15522  
agency, with respect to an administrative child support order, pay 15523  
co-payment or deductible costs required under the private health 15524  
insurance policy, contract, or plan that covers the children; 15525

(E) A notice that the employer of the person required to 15526  
obtain private health insurance coverage is required to release to 15527  
the other parent, any person subject to an order issued under 15528  
section 3109.19 of the Revised Code, or the child support 15529  
enforcement agency on written request any necessary information on 15530  
the private health insurance coverage, including the name and 15531

address of the health plan administrator and any policy, contract, 15532  
or plan number, and to otherwise comply with this section and any 15533  
order or notice issued under this section; 15534

(F) A statement setting forth the full name and date of birth 15535  
of each child who is the subject of the child support order; 15536

(G) A requirement that the obligor and the obligee comply 15537  
with any requirement described in section 3119.30 of the Revised 15538  
Code and divisions (A) and (C) of this section that is contained 15539  
in an order issued in compliance with this section no later than 15540  
thirty days after the issuance of the order; 15541

(H) A notice that states the following: "If the person 15542  
required to obtain private health care insurance coverage for the 15543  
children subject to this child support order obtains new 15544  
employment, the agency shall comply with the requirements of 15545  
section 3119.34 of the Revised Code, which may result in the 15546  
issuance of a notice requiring the new employer to take whatever 15547  
action is necessary to enroll the children in private health care 15548  
insurance coverage provided by the new employer." 15549

(I) A statement that, upon receipt of notice by the child 15550  
support enforcement agency that private health insurance coverage 15551  
is not available at a reasonable cost, cash medical support shall 15552  
be paid in the amount as determined by the child support 15553  
computation worksheets in section 3119.022 or 3119.023 of the 15554  
Revised Code, as applicable. The child support enforcement agency 15555  
may change the financial obligations of the parties to pay child 15556  
support in accordance with the terms of the court or 15557  
administrative order and cash medical support without a hearing or 15558  
additional notice to the parties. 15559

Sec. 3123.23. (A) The director of job and family services 15560  
shall adopt rules under Chapter 119. of the Revised Code to 15561  
implement a program to collect arrearages owed under child support 15562

orders from insurance claims, settlements, awards, and payments 15563  
based on information obtained pursuant to Title IV-D of the Social 15564  
Security Act, 42 U.S.C. 652. 15565

(B) Any insurer and any director, agent, or employee 15566  
authorized to act on behalf of an insurer, that releases 15567  
information or makes a disclosure in accordance with rules adopted 15568  
pursuant to this section shall be immune from liability in a civil 15569  
action for harm resulting from the disclosure. 15570

(C) As used in this section, "insurer" has the same meaning 15571  
as in section 3901.32 of the Revised Code. 15572

**Sec. 3125.12.** Each child support enforcement agency shall 15573  
enter into a plan of cooperation with the board of county 15574  
commissioners under section 307.983 of the Revised Code and comply 15575  
with each ~~fiscal~~ grant agreement the board enters into under 15576  
~~section~~ sections 307.98 and 5101.21 and contracts the board enters 15577  
into under sections 307.981 and 307.982 of the Revised Code that 15578  
affect the agency. 15579

**Sec. 3301.011.** As used in Title XXXVIII of the Revised Code, 15580  
"total student count" for any school district means the average 15581  
number of students enrolled during the first full school week of 15582  
October in a school district in grades kindergarten through 15583  
twelve, including students with dual enrollment in a joint 15584  
vocational or cooperative education district that week, and the 15585  
total number of students enrolled in ~~preschool-handicapped~~ units 15586  
for preschool children with disabilities on the first day of 15587  
December in the district. 15588

**Sec. 3301.07.** The state board of education shall exercise 15589  
under the acts of the general assembly general supervision of the 15590  
system of public education in the state. In addition to the powers 15591  
otherwise imposed on the state board under the provisions of law, 15592

the board shall have the following powers: 15593

(A) Exercise policy forming, planning, and evaluative 15594  
functions for the public schools of the state, and for adult 15595  
education, except as otherwise provided by law; 15596

(B) Exercise leadership in the improvement of public 15597  
education in this state, and administer the educational policies 15598  
of this state relating to public schools, and relating to 15599  
instruction and instructional material, building and equipment, 15600  
transportation of pupils, administrative responsibilities of 15601  
school officials and personnel, and finance and organization of 15602  
school districts, educational service centers, and territory. 15603  
Consultative and advisory services in such matters shall be 15604  
provided by the board to school districts and educational service 15605  
centers of this state. The board also shall develop a standard of 15606  
financial reporting which shall be used by all school districts 15607  
and educational service centers to make their financial 15608  
information available to the public in a format understandable by 15609  
the average citizen and provide year-to-year comparisons for at 15610  
least five years. The format shall show, among other things, 15611  
district and educational service center revenue by source; 15612  
expenditures for salaries, wages, and benefits of employees, 15613  
showing such amounts separately for classroom teachers, other 15614  
employees required to hold licenses issued pursuant to sections 15615  
3319.22 to 3319.31 of the Revised Code, and all other employees; 15616  
expenditures other than for personnel, by category, including 15617  
utilities, textbooks and other educational materials, equipment, 15618  
permanent improvements, pupil transportation, extracurricular 15619  
athletics, and other extracurricular activities; and per pupil 15620  
expenditures. 15621

(C) Administer and supervise the allocation and distribution 15622  
of all state and federal funds for public school education under 15623  
the provisions of law, and may prescribe such systems of 15624

accounting as are necessary and proper to this function. It may 15625  
require county auditors and treasurers, boards of education, 15626  
educational service center governing boards, treasurers of such 15627  
boards, teachers, and other school officers and employees, or 15628  
other public officers or employees, to file with it such reports 15629  
as it may prescribe relating to such funds, or to the management 15630  
and condition of such funds. 15631

(D) Formulate and prescribe minimum standards to be applied 15632  
to all elementary and secondary schools in this state for the 15633  
purpose of requiring a general education of high quality. Such 15634  
standards shall provide adequately for: the licensing of teachers, 15635  
administrators, and other professional personnel and their 15636  
assignment according to training and qualifications; efficient and 15637  
effective instructional materials and equipment, including library 15638  
facilities; the proper organization, administration, and 15639  
supervision of each school, including regulations for preparing 15640  
all necessary records and reports and the preparation of a 15641  
statement of policies and objectives for each school; buildings, 15642  
grounds, health and sanitary facilities and services; admission of 15643  
pupils, and such requirements for their promotion from grade to 15644  
grade as will assure that they are capable and prepared for the 15645  
level of study to which they are certified; requirements for 15646  
graduation; and such other factors as the board finds necessary. 15647

In the formulation and administration of such standards for 15648  
nonpublic schools the board shall also consider the particular 15649  
needs, methods and objectives of those schools, provided they do 15650  
not conflict with the provision of a general education of a high 15651  
quality and provided that regular procedures shall be followed for 15652  
promotion from grade to grade of pupils who have met the 15653  
educational requirements prescribed. 15654

(E) May require as part of the health curriculum information 15655  
developed under section 2108.15 of the Revised Code promoting the 15656

donation of anatomical gifts pursuant to Chapter 2108. of the 15657  
Revised Code and may provide the information to high schools, 15658  
educational service centers, and joint vocational school district 15659  
boards of education; 15660

(F) Prepare and submit annually to the governor and the 15661  
general assembly a report on the status, needs, and major problems 15662  
of the public schools of the state, with recommendations for 15663  
necessary legislative action and a ten-year projection of the 15664  
state's public and nonpublic school enrollment, by year and by 15665  
grade level; 15666

(G) Prepare and submit to the director of budget and 15667  
management the biennial budgetary requests of the state board of 15668  
education, for its agencies and for the public schools of the 15669  
state; 15670

(H) Cooperate with federal, state, and local agencies 15671  
concerned with the health and welfare of children and youth of the 15672  
state; 15673

(I) Require such reports from school districts and 15674  
educational service centers, school officers, and employees as are 15675  
necessary and desirable. The superintendents and treasurers of 15676  
school districts and educational service centers shall certify as 15677  
to the accuracy of all reports required by law or state board or 15678  
state department of education rules to be submitted by the 15679  
district or educational service center and which contain 15680  
information necessary for calculation of state funding. Any 15681  
superintendent who knowingly falsifies such report shall be 15682  
subject to license revocation pursuant to section 3319.31 of the 15683  
Revised Code. 15684

(J) In accordance with Chapter 119. of the Revised Code, 15685  
adopt procedures, standards, and guidelines for the education of 15686  
~~handicapped~~ children with disabilities pursuant to Chapter 3323. 15687

of the Revised Code, including procedures, standards, and 15688  
guidelines governing programs and services operated by county 15689  
boards of mental retardation and developmental disabilities 15690  
pursuant to section 3323.09 of the Revised Code; 15691

(K) For the purpose of encouraging the development of special 15692  
programs of education for academically gifted children, employ 15693  
competent persons to analyze and publish data, promote research, 15694  
advise and counsel with boards of education, and encourage the 15695  
training of teachers in the special instruction of gifted 15696  
children. The board may provide financial assistance out of any 15697  
funds appropriated for this purpose to boards of education and 15698  
educational service center governing boards for developing and 15699  
conducting programs of education for academically gifted children. 15700

(L) Require that all public schools emphasize and encourage, 15701  
within existing units of study, the teaching of energy and 15702  
resource conservation as recommended to each district board of 15703  
education by leading business persons involved in energy 15704  
production and conservation, beginning in the primary grades; 15705

(M) Formulate and prescribe minimum standards requiring the 15706  
use of phonics as a technique in the teaching of reading in grades 15707  
kindergarten through three. In addition, the state board shall 15708  
provide in-service training programs for teachers on the use of 15709  
phonics as a technique in the teaching of reading in grades 15710  
kindergarten through three. 15711

(N) Develop and modify as necessary a state plan for 15712  
technology to encourage and promote the use of technological 15713  
advancements in educational settings. 15714

The board may adopt rules necessary for carrying out any 15715  
function imposed on it by law, and may provide rules as are 15716  
necessary for its government and the government of its employees, 15717  
and may delegate to the superintendent of public instruction the 15718

management and administration of any function imposed on it by 15719  
law. It may provide for the appointment of board members to serve 15720  
on temporary committees established by the board for such purposes 15721  
as are necessary. Permanent or standing committees shall not be 15722  
created. 15723

**Sec. 3301.0711.** (A) The department of education shall: 15724

(1) Annually furnish to, grade, and score all tests required 15725  
by section 3301.0710 of the Revised Code to be administered by 15726  
city, local, exempted village, and joint vocational school 15727  
districts, except that each district shall score any test 15728  
administered pursuant to division (B)(10) of this section. Each 15729  
test so furnished shall include the data verification code of the 15730  
student to whom the test will be administered, as assigned 15731  
pursuant to division (D)(2) of section 3301.0714 of the Revised 15732  
Code. In furnishing the practice versions of Ohio graduation tests 15733  
prescribed by division (F) of section 3301.0710 of the Revised 15734  
Code, the department shall make the tests available on its web 15735  
site for reproduction by districts. In awarding contracts for 15736  
grading tests, the department shall give preference to Ohio-based 15737  
entities employing Ohio residents. 15738

(2) Adopt rules for the ethical use of tests and prescribing 15739  
the manner in which the tests prescribed by section 3301.0710 of 15740  
the Revised Code shall be administered to students. 15741

(B) Except as provided in divisions (C) and (J) of this 15742  
section, the board of education of each city, local, and exempted 15743  
village school district shall, in accordance with rules adopted 15744  
under division (A) of this section: 15745

(1) Administer the reading test prescribed under division 15746  
(A)(1)(a) of section 3301.0710 of the Revised Code twice annually 15747  
to all students in the third grade who have not attained the score 15748  
designated for that test under division (A)(2)(c) of section 15749

3301.0710 of the Revised Code.	15750
(2) Administer the mathematics test prescribed under division	15751
(A)(1)(a) of section 3301.0710 of the Revised Code at least once	15752
annually to all students in the third grade.	15753
(3) Administer the tests prescribed under division (A)(1)(b)	15754
of section 3301.0710 of the Revised Code at least once annually to	15755
all students in the fourth grade.	15756
(4) Administer the tests prescribed under division (A)(1)(c)	15757
of section 3301.0710 of the Revised Code at least once annually to	15758
all students in the fifth grade.	15759
(5) Administer the tests prescribed under division (A)(1)(d)	15760
of section 3301.0710 of the Revised Code at least once annually to	15761
all students in the sixth grade.	15762
(6) Administer the tests prescribed under division (A)(1)(e)	15763
of section 3301.0710 of the Revised Code at least once annually to	15764
all students in the seventh grade.	15765
(7) Administer the tests prescribed under division (A)(1)(f)	15766
of section 3301.0710 of the Revised Code at least once annually to	15767
all students in the eighth grade.	15768
(8) Except as provided in division (B)(9) of this section,	15769
administer any test prescribed under division (B) of section	15770
3301.0710 of the Revised Code as follows:	15771
(a) At least once annually to all tenth grade students and at	15772
least twice annually to all students in eleventh or twelfth grade	15773
who have not yet attained the score on that test designated under	15774
that division;	15775
(b) To any person who has successfully completed the	15776
curriculum in any high school or the individualized education	15777
program developed for the person by any high school pursuant to	15778
section 3323.08 of the Revised Code but has not received a high	15779

school diploma and who requests to take such test, at any time 15780  
such test is administered in the district. 15781

(9) In lieu of the board of education of any city, local, or 15782  
exempted village school district in which the student is also 15783  
enrolled, the board of a joint vocational school district shall 15784  
administer any test prescribed under division (B) of section 15785  
3301.0710 of the Revised Code at least twice annually to any 15786  
student enrolled in the joint vocational school district who has 15787  
not yet attained the score on that test designated under that 15788  
division. A board of a joint vocational school district may also 15789  
administer such a test to any student described in division 15790  
(B)(8)(b) of this section. 15791

(10) If the district has been declared to be under an 15792  
academic watch or in a state of academic emergency pursuant to 15793  
section 3302.03 of the Revised Code or has a three-year average 15794  
graduation rate of not more than seventy-five per cent, administer 15795  
each test prescribed by division (F) of section 3301.0710 of the 15796  
Revised Code in September to all ninth grade students, beginning 15797  
in the school year that starts July 1, 2005. 15798

(C)(1)(a) Any student receiving special education services 15799  
under Chapter 3323. of the Revised Code may be excused from taking 15800  
any particular test required to be administered under this section 15801  
if the individualized education program developed for the student 15802  
pursuant to section 3323.08 of the Revised Code excuses the 15803  
student from taking that test and instead specifies an alternate 15804  
assessment method approved by the department of education as 15805  
conforming to requirements of federal law for receipt of federal 15806  
funds for disadvantaged pupils. To the extent possible, the 15807  
individualized education program shall not excuse the student from 15808  
taking a test unless no reasonable accommodation can be made to 15809  
enable the student to take the test. 15810

(b) Any alternate assessment approved by the department for a 15811

student under this division shall produce measurable results 15812  
comparable to those produced by the tests which the alternate 15813  
assessments are replacing in order to allow for the student's 15814  
assessment results to be included in the data compiled for a 15815  
school district or building under section 3302.03 of the Revised 15816  
Code. 15817

(c) Any student enrolled in a chartered nonpublic school who 15818  
has been identified, based on an evaluation conducted in 15819  
accordance with section 3323.03 of the Revised Code or section 504 15820  
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 15821  
794, as amended, as a child with a disability shall be excused 15822  
from taking any particular test required to be administered under 15823  
this section if a plan developed for the student pursuant to rules 15824  
adopted by the state board excuses the student from taking that 15825  
test. In the case of any student so excused from taking a test, 15826  
the chartered nonpublic school shall not prohibit the student from 15827  
taking the test. 15828

(2) A district board may, for medical reasons or other good 15829  
cause, excuse a student from taking a test administered under this 15830  
section on the date scheduled, but any such test shall be 15831  
administered to such excused student not later than nine days 15832  
following the scheduled date. The board shall annually report the 15833  
number of students who have not taken one or more of the tests 15834  
required by this section to the state board of education not later 15835  
than the thirtieth day of June. 15836

(3) As used in this division, "limited English proficient 15837  
student" has the same meaning as in 20 U.S.C. 7801. 15838

No school district board shall excuse any limited English 15839  
proficient student from taking any particular test required to be 15840  
administered under this section, except that any limited English 15841  
proficient student who has been enrolled in United States schools 15842  
for less than one full school year shall not be required to take 15843

any such reading or writing test. However, no board shall prohibit 15844  
a limited English proficient student who is not required to take a 15845  
test under this division from taking the test. A board may permit 15846  
any limited English proficient student to take any test required 15847  
to be administered under this section with appropriate 15848  
accommodations, as determined by the department. For each limited 15849  
English proficient student, each school district shall annually 15850  
assess that student's progress in learning English, in accordance 15851  
with procedures approved by the department. 15852

The governing authority of a chartered nonpublic school may 15853  
excuse a limited English proficient student from taking any test 15854  
administered under this section. However, no governing authority 15855  
shall prohibit a limited English proficient student from taking 15856  
the test. 15857

(D)(1) In the school year next succeeding the school year in 15858  
which the tests prescribed by division (A)(1) or (B) of section 15859  
3301.0710 of the Revised Code or former division (A)(1), (A)(2), 15860  
or (B) of section 3301.0710 of the Revised Code as it existed 15861  
prior to September 11, 2001, are administered to any student, the 15862  
board of education of any school district in which the student is 15863  
enrolled in that year shall provide to the student intervention 15864  
services commensurate with the student's test performance, 15865  
including any intensive intervention required under section 15866  
3313.608 of the Revised Code, in any skill in which the student 15867  
failed to demonstrate at least a score at the proficient level on 15868  
the test. 15869

(2) Following any administration of the tests prescribed by 15870  
division (F) of section 3301.0710 of the Revised Code to ninth 15871  
grade students, each school district that has a three-year average 15872  
graduation rate of not more than seventy-five per cent shall 15873  
determine for each high school in the district whether the school 15874  
shall be required to provide intervention services to any students 15875

who took the tests. In determining which high schools shall 15876  
provide intervention services based on the resources available, 15877  
the district shall consider each school's graduation rate and 15878  
scores on the practice tests. The district also shall consider the 15879  
scores received by ninth grade students on the reading and 15880  
mathematics tests prescribed under division (A)(1)(f) of section 15881  
3301.0710 of the Revised Code in the eighth grade in determining 15882  
which high schools shall provide intervention services. 15883

Each high school selected to provide intervention services 15884  
under this division shall provide intervention services to any 15885  
student whose test results indicate that the student is failing to 15886  
make satisfactory progress toward being able to attain scores at 15887  
the proficient level on the Ohio graduation tests. Intervention 15888  
services shall be provided in any skill in which a student 15889  
demonstrates unsatisfactory progress and shall be commensurate 15890  
with the student's test performance. Schools shall provide the 15891  
intervention services prior to the end of the school year, during 15892  
the summer following the ninth grade, in the next succeeding 15893  
school year, or at any combination of those times. 15894

(E) Except as provided in section 3313.608 of the Revised 15895  
Code and division (M) of this section, no school district board of 15896  
education shall utilize any student's failure to attain a 15897  
specified score on any test administered under this section as a 15898  
factor in any decision to deny the student promotion to a higher 15899  
grade level. However, a district board may choose not to promote 15900  
to the next grade level any student who does not take any test 15901  
administered under this section or make up such test as provided 15902  
by division (C)(2) of this section and who is not exempt from the 15903  
requirement to take the test under division (C)(3) of this 15904  
section. 15905

(F) No person shall be charged a fee for taking any test 15906  
administered under this section. 15907

(G)(1) Each school district board shall ~~submit~~ designate one 15908  
location for the collection of tests administered in the spring 15909  
under division (B)(1) of this section and the tests administered 15910  
under divisions (B)(2) to (7) of this section. Each district board 15911  
shall submit the tests to the entity with which the department 15912  
contracts for the scoring of the tests as follows: 15913

(a) If the district's total enrollment in grades kindergarten 15914  
through twelve during the first full school week of October was 15915  
less than two thousand five hundred, not later than the Friday 15916  
after the tests are administered, ~~except that;~~ 15917

(b) If the district's total enrollment in grades kindergarten 15918  
through twelve during the first full school week of October was 15919  
two thousand five hundred or more, but less than seven thousand, 15920  
not later than the Monday after the tests are administered; 15921

(c) If the district's total enrollment in grades kindergarten 15922  
through twelve during the first full school week of October was 15923  
seven thousand or more, not later than the Tuesday after the tests 15924  
are administered. 15925

However, any such test that a student takes during the 15926  
make-up period described in division (C)(2) of this section shall 15927  
be submitted not later than the Friday following the day the 15928  
student takes the test. 15929

(2) The department or an entity with which the department 15930  
contracts for the scoring of the test shall send to each school 15931  
district board a list of the individual test scores of all persons 15932  
taking any test prescribed by division (A)(1) or (B) of section 15933  
3301.0710 of the Revised Code within sixty days after its 15934  
administration, but in no case shall the scores be returned later 15935  
than the fifteenth day of June following the administration. For 15936  
any tests administered under this section by a joint vocational 15937  
school district, the department or entity shall also send to each 15938

city, local, or exempted village school district a list of the 15939  
individual test scores of any students of such city, local, or 15940  
exempted village school district who are attending school in the 15941  
joint vocational school district. 15942

(H) Individual test scores on any tests administered under 15943  
this section shall be released by a district board only in 15944  
accordance with section 3319.321 of the Revised Code and the rules 15945  
adopted under division (A) of this section. No district board or 15946  
its employees shall utilize individual or aggregate test results 15947  
in any manner that conflicts with rules for the ethical use of 15948  
tests adopted pursuant to division (A) of this section. 15949

(I) Except as provided in division (G) of this section, the 15950  
department or an entity with which the department contracts for 15951  
the scoring of the test shall not release any individual test 15952  
scores on any test administered under this section. The state 15953  
board of education shall adopt rules to ensure the protection of 15954  
student confidentiality at all times. The rules may require the 15955  
use of the data verification codes assigned to students pursuant 15956  
to division (D)(2) of section 3301.0714 of the Revised Code to 15957  
protect the confidentiality of student test scores. 15958

(J) Notwithstanding division (D) of section 3311.52 of the 15959  
Revised Code, this section does not apply to the board of 15960  
education of any cooperative education school district except as 15961  
provided under rules adopted pursuant to this division. 15962

(1) In accordance with rules that the state board of 15963  
education shall adopt, the board of education of any city, 15964  
exempted village, or local school district with territory in a 15965  
cooperative education school district established pursuant to 15966  
divisions (A) to (C) of section 3311.52 of the Revised Code may 15967  
enter into an agreement with the board of education of the 15968  
cooperative education school district for administering any test 15969  
prescribed under this section to students of the city, exempted 15970

village, or local school district who are attending school in the cooperative education school district.

(2) In accordance with rules that the state board of education shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to section 3311.521 of the Revised Code shall enter into an agreement with the cooperative district that provides for the administration of any test prescribed under this section to both of the following:

(a) Students who are attending school in the cooperative district and who, if the cooperative district were not established, would be entitled to attend school in the city, local, or exempted village school district pursuant to section 3313.64 or 3313.65 of the Revised Code;

(b) Persons described in division (B)(8)(b) of this section.

Any testing of students pursuant to such an agreement shall be in lieu of any testing of such students or persons pursuant to this section.

(K)(1) Any chartered nonpublic school may participate in the testing program by administering any of the tests prescribed by section 3301.0710 or 3301.0712 of the Revised Code if the chief administrator of the school specifies which tests the school wishes to administer. Such specification shall be made in writing to the superintendent of public instruction prior to the first day of August of any school year in which tests are administered and shall include a pledge that the nonpublic school will administer the specified tests in the same manner as public schools are required to do under this section and rules adopted by the department.

(2) The department of education shall furnish the tests

prescribed by section 3301.0710 or 3301.0712 of the Revised Code 16002  
to any chartered nonpublic school electing to participate under 16003  
this division. 16004

(L)(1) The superintendent of the state school for the blind 16005  
and the superintendent of the state school for the deaf shall 16006  
administer the tests described by section 3301.0710 of the Revised 16007  
Code. Each superintendent shall administer the tests in the same 16008  
manner as district boards are required to do under this section 16009  
and rules adopted by the department of education and in conformity 16010  
with division (C)(1)(a) of this section. 16011

(2) The department of education shall furnish the tests 16012  
described by section 3301.0710 of the Revised Code to each 16013  
superintendent. 16014

(M) Notwithstanding division (E) of this section, a school 16015  
district may use a student's failure to attain a score in at least 16016  
the basic range on the mathematics test described by division 16017  
(A)(1)(a) of section 3301.0710 of the Revised Code or on any of 16018  
the tests described by division (A)(1)(b), (c), (d), (e), or (f) 16019  
of section 3301.0710 of the Revised Code as a factor in retaining 16020  
that student in the current grade level. 16021

(N)(1) In the manner specified in divisions (N)(3) to (5) of 16022  
this section, the tests required by section 3301.0710 of the 16023  
Revised Code shall become public records pursuant to section 16024  
149.43 of the Revised Code on the first day of July following the 16025  
school year that the test was administered. 16026

(2) The department may field test proposed test questions 16027  
with samples of students to determine the validity, reliability, 16028  
or appropriateness of test questions for possible inclusion in a 16029  
future year's test. The department also may use anchor questions 16030  
on tests to ensure that different versions of the same test are of 16031  
comparable difficulty. 16032

Field test questions and anchor questions shall not be considered in computing test scores for individual students. Field test questions and anchor questions may be included as part of the administration of any test required by section 3301.0710 of the Revised Code.

(3) Any field test question or anchor question administered under division (N)(2) of this section shall not be a public record. Such field test questions and anchor questions shall be redacted from any tests which are released as a public record pursuant to division (N)(1) of this section.

(4) This division applies to the tests prescribed by division (A) of section 3301.0710 of the Revised Code.

(a) The first administration of each test, as specified in section 3301.0712 of the Revised Code, shall be a public record.

(b) For subsequent administrations of each test, not less than forty per cent of the questions on the test that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future test and those questions shall not be public records and shall be redacted from the test prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the statewide academic standard adopted by the state board of education under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The preceding sentence does not apply to field test questions that are redacted under division (N)(3) of this section.

(5) Each test prescribed by division (B) of section 3301.0710 of the Revised Code that is administered in the spring shall be a public record. Each test prescribed by that division that is administered in the fall or summer shall not be a public record.

- (0) As used in this section: 16064
- (1) "Three-year average" means the average of the most recent 16065  
consecutive three school years of data. 16066
- (2) "Dropout" means a student who withdraws from school 16067  
before completing course requirements for graduation and who is 16068  
not enrolled in an education program approved by the state board 16069  
of education or an education program outside the state. "Dropout" 16070  
does not include a student who has departed the country. 16071
- (3) "Graduation rate" means the ratio of students receiving a 16072  
diploma to the number of students who entered ninth grade four 16073  
years earlier. Students who transfer into the district are added 16074  
to the calculation. Students who transfer out of the district for 16075  
reasons other than dropout are subtracted from the calculation. If 16076  
a student who was a dropout in any previous year returns to the 16077  
same school district, that student shall be entered into the 16078  
calculation as if the student had entered ninth grade four years 16079  
before the graduation year of the graduating class that the 16080  
student joins. 16081
- Sec. 3301.0714.** (A) The state board of education shall adopt 16082  
rules for a statewide education management information system. The 16083  
rules shall require the state board to establish guidelines for 16084  
the establishment and maintenance of the system in accordance with 16085  
this section and the rules adopted under this section. The 16086  
guidelines shall include: 16087
- (1) Standards identifying and defining the types of data in 16088  
the system in accordance with divisions (B) and (C) of this 16089  
section; 16090
- (2) Procedures for annually collecting and reporting the data 16091  
to the state board in accordance with division (D) of this 16092  
section; 16093

(3) Procedures for annually compiling the data in accordance with division (G) of this section; 16094  
16095

(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section. 16096  
16097

(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following: 16098  
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(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: 16101  
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16103

(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 as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section. 16104  
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(b) The numbers of students receiving support or extracurricular services for each of the support services or extracurricular programs offered by the school district, such as 16122  
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counseling services, health services, and extracurricular sports	16125
and fine arts programs. The categories of services required by the	16126
guidelines under this division shall be the same as the categories	16127
of services used in determining cost units pursuant to division	16128
(C)(4)(a) of this section.	16129
(c) Average student grades in each subject in grades nine	16130
through twelve;	16131
(d) Academic achievement levels as assessed by the testing of	16132
student achievement under sections 3301.0710 and 3301.0711 of the	16133
Revised Code;	16134
(e) The number of students designated as having a	16135
<del>handicapping</del> <u>disabling</u> condition pursuant to division (C)(1) of	16136
section 3301.0711 of the Revised Code;	16137
(f) The numbers of students reported to the state board	16138
pursuant to division (C)(2) of section 3301.0711 of the Revised	16139
Code;	16140
(g) Attendance rates and the average daily attendance for the	16141
year. For purposes of this division, a student shall be counted as	16142
present for any field trip that is approved by the school	16143
administration.	16144
(h) Expulsion rates;	16145
(i) Suspension rates;	16146
(j) The percentage of students receiving corporal punishment;	16147
(k) Dropout rates;	16148
(l) Rates of retention in grade;	16149
(m) For pupils in grades nine through twelve, the average	16150
number of carnegie units, as calculated in accordance with state	16151
board of education rules;	16152
(n) Graduation rates, to be calculated in a manner specified	16153

by the department of education that reflects the rate at which 16154  
students who were in the ninth grade three years prior to the 16155  
current year complete school and that is consistent with 16156  
nationally accepted reporting requirements; 16157

(o) Results of diagnostic assessments administered to 16158  
kindergarten students as required under section 3301.0715 of the 16159  
Revised Code to permit a comparison of the academic readiness of 16160  
kindergarten students. However, no district shall be required to 16161  
report to the department the results of any diagnostic assessment 16162  
administered to a kindergarten student if the parent of that 16163  
student requests the district not to report those results. 16164

(2) Personnel and classroom enrollment data for each school 16165  
district, including: 16166

(a) The total numbers of licensed employees and nonlicensed 16167  
employees and the numbers of full-time equivalent licensed 16168  
employees and nonlicensed employees providing each category of 16169  
instructional service, instructional support service, and 16170  
administrative support service used pursuant to division (C)(3) of 16171  
this section. The guidelines adopted under this section shall 16172  
require these categories of data to be maintained for the school 16173  
district as a whole and, wherever applicable, for each grade in 16174  
the school district as a whole, for each school building as a 16175  
whole, and for each grade in each school building. 16176

(b) The total number of employees and the number of full-time 16177  
equivalent employees providing each category of service used 16178  
pursuant to divisions (C)(4)(a) and (b) of this section, and the 16179  
total numbers of licensed employees and nonlicensed employees and 16180  
the numbers of full-time equivalent licensed employees and 16181  
nonlicensed employees providing each category used pursuant to 16182  
division (C)(4)(c) of this section. The guidelines adopted under 16183  
this section shall require these categories of data to be 16184  
maintained for the school district as a whole and, wherever 16185

applicable, for each grade in the school district as a whole, for 16186  
each school building as a whole, and for each grade in each school 16187  
building. 16188

(c) The total number of regular classroom teachers teaching 16189  
classes of regular education and the average number of pupils 16190  
enrolled in each such class, in each of grades kindergarten 16191  
through five in the district as a whole and in each school 16192  
building in the school district. 16193

(d) The number of master teachers employed by each school 16194  
district and each school building, once a definition of master 16195  
teacher has been developed by the educator standards board 16196  
pursuant to section 3319.61 of the Revised Code. 16197

(3)(a) Student demographic data for each school district, 16198  
including information regarding the gender ratio of the school 16199  
district's pupils, the racial make-up of the school district's 16200  
pupils, the number of limited English proficient students in the 16201  
district, and an appropriate measure of the number of the school 16202  
district's pupils who reside in economically disadvantaged 16203  
households. The demographic data shall be collected in a manner to 16204  
allow correlation with data collected under division (B)(1) of 16205  
this section. Categories for data collected pursuant to division 16206  
(B)(3) of this section shall conform, where appropriate, to 16207  
standard practices of agencies of the federal government. 16208

(b) With respect to each student entering kindergarten, 16209  
whether the student previously participated in a public preschool 16210  
program, a private preschool program, or a head start program, and 16211  
the number of years the student participated in each of these 16212  
programs. 16213

(4) Any data required to be collected pursuant to federal 16214  
law. 16215

(C) The education management information system shall include 16216

cost accounting data for each district as a whole and for each school building in each school district. The guidelines adopted under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require the system of mutually exclusive cost units to include at least the following:

(1) Administrative costs for the school district as a whole. The guidelines shall require the cost units under this division (C)(1) to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil in formula ADM in the school district, as determined pursuant to section 3317.03 of the Revised Code.

(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C)(2) to be designed so that each of them may be compiled and reported in terms of average expenditure per full-time equivalent pupil receiving instructional or support services in each building.

(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B)(1)(a) of this section. The guidelines shall require the cost units under division (C)(3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:

(a) The cost of each instructional services category required

by guidelines adopted under division (B)(1)(a) of this section 16249  
that is provided directly to students by a classroom teacher; 16250

(b) The cost of the instructional support services, such as 16251  
services provided by a speech-language pathologist, classroom 16252  
aide, multimedia aide, or librarian, provided directly to students 16253  
in conjunction with each instructional services category; 16254

(c) The cost of the administrative support services related 16255  
to each instructional services category, such as the cost of 16256  
personnel that develop the curriculum for the instructional 16257  
services category and the cost of personnel supervising or 16258  
coordinating the delivery of the instructional services category. 16259

(4) Support or extracurricular services costs for each 16260  
category of service directly provided to students and required by 16261  
guidelines adopted pursuant to division (B)(1)(b) of this section. 16262  
The guidelines shall require the cost units under division (C)(4) 16263  
of this section to be designed so that each of them may be 16264  
compiled and reported in terms of average expenditure per pupil 16265  
receiving the service in the school district as a whole and 16266  
average expenditure per pupil receiving the service in each 16267  
building in the school district and in terms of a total cost for 16268  
each category of service and, as a breakdown of the total cost, a 16269  
cost for each of the following components: 16270

(a) The cost of each support or extracurricular services 16271  
category required by guidelines adopted under division (B)(1)(b) 16272  
of this section that is provided directly to students by a 16273  
licensed employee, such as services provided by a guidance 16274  
counselor or any services provided by a licensed employee under a 16275  
supplemental contract; 16276

(b) The cost of each such services category provided directly 16277  
to students by a nonlicensed employee, such as janitorial 16278  
services, cafeteria services, or services of a sports trainer; 16279

(c) The cost of the administrative services related to each 16280  
services category in division (C)(4)(a) or (b) of this section, 16281  
such as the cost of any licensed or nonlicensed employees that 16282  
develop, supervise, coordinate, or otherwise are involved in 16283  
administering or aiding the delivery of each services category. 16284

(D)(1) The guidelines adopted under this section shall 16285  
require school districts to collect information about individual 16286  
students, staff members, or both in connection with any data 16287  
required by division (B) or (C) of this section or other reporting 16288  
requirements established in the Revised Code. The guidelines may 16289  
also require school districts to report information about 16290  
individual staff members in connection with any data required by 16291  
division (B) or (C) of this section or other reporting 16292  
requirements established in the Revised Code. The guidelines shall 16293  
not authorize school districts to request social security numbers 16294  
of individual students. The guidelines shall prohibit the 16295  
reporting under this section of a student's name, address, and 16296  
social security number to the state board of education or the 16297  
department of education. The guidelines shall also prohibit the 16298  
reporting under this section of any personally identifiable 16299  
information about any student, except for the purpose of assigning 16300  
the data verification code required by division (D)(2) of this 16301  
section, to any other person unless such person is employed by the 16302  
school district or the information technology center operated 16303  
under section 3301.075 of the Revised Code and is authorized by 16304  
the district or technology center to have access to such 16305  
information or is employed by an entity with which the department 16306  
contracts for the scoring of tests administered under section 16307  
3301.0711 or 3301.0712 of the Revised Code. The guidelines may 16308  
require school districts to provide the social security numbers of 16309  
individual staff members. 16310

(2) The guidelines shall provide for each school district or 16311

community school to assign a data verification code that is unique 16312  
on a statewide basis over time to each student whose initial Ohio 16313  
enrollment is in that district or school and to report all 16314  
required individual student data for that student utilizing such 16315  
code. The guidelines shall also provide for assigning data 16316  
verification codes to all students enrolled in districts or 16317  
community schools on the effective date of the guidelines 16318  
established under this section. 16319

Individual student data shall be reported to the department 16320  
through the information technology centers utilizing the code but, 16321  
except as provided in section 3310.11 of the Revised Code, at no 16322  
time shall the state board or the department have access to 16323  
information that would enable any data verification code to be 16324  
matched to personally identifiable student data. 16325

Each school district shall ensure that the data verification 16326  
code is included in the student's records reported to any 16327  
subsequent school district or community school in which the 16328  
student enrolls. Any such subsequent district or school shall 16329  
utilize the same identifier in its reporting of data under this 16330  
section. 16331

The director of health shall request and receive, pursuant to 16332  
sections 3301.0723 and 3701.62 of the Revised Code, a data 16333  
verification code for a child who is receiving services under 16334  
division (A)(2) of section 3701.61 of the Revised Code. 16335

(E) The guidelines adopted under this section may require 16336  
school districts to collect and report data, information, or 16337  
reports other than that described in divisions (A), (B), and (C) 16338  
of this section for the purpose of complying with other reporting 16339  
requirements established in the Revised Code. The other data, 16340  
information, or reports may be maintained in the education 16341  
management information system but are not required to be compiled 16342  
as part of the profile formats required under division (G) of this 16343

section or the annual statewide report required under division (H) 16344  
of this section. 16345

(F) Beginning with the school year that begins July 1, 1991, 16346  
the board of education of each school district shall annually 16347  
collect and report to the state board, in accordance with the 16348  
guidelines established by the board, the data required pursuant to 16349  
this section. A school district may collect and report these data 16350  
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 16351

(G) The state board shall, in accordance with the procedures 16352  
it adopts, annually compile the data reported by each school 16353  
district pursuant to division (D) of this section. The state board 16354  
shall design formats for profiling each school district as a whole 16355  
and each school building within each district and shall compile 16356  
the data in accordance with these formats. These profile formats 16357  
shall: 16358

(1) Include all of the data gathered under this section in a 16359  
manner that facilitates comparison among school districts and 16360  
among school buildings within each school district; 16361

(2) Present the data on academic achievement levels as 16362  
assessed by the testing of student achievement maintained pursuant 16363  
to division (B)(1)(d) of this section. 16364

(H)(1) The state board shall, in accordance with the 16365  
procedures it adopts, annually prepare a statewide report for all 16366  
school districts and the general public that includes the profile 16367  
of each of the school districts developed pursuant to division (G) 16368  
of this section. Copies of the report shall be sent to each school 16369  
district. 16370

(2) The state board shall, in accordance with the procedures 16371  
it adopts, annually prepare an individual report for each school 16372  
district and the general public that includes the profiles of each 16373  
of the school buildings in that school district developed pursuant 16374

to division (G) of this section. Copies of the report shall be 16375  
sent to the superintendent of the district and to each member of 16376  
the district board of education. 16377

(3) Copies of the reports received from the state board under 16378  
divisions (H)(1) and (2) of this section shall be made available 16379  
to the general public at each school district's offices. Each 16380  
district board of education shall make copies of each report 16381  
available to any person upon request and payment of a reasonable 16382  
fee for the cost of reproducing the report. The board shall 16383  
annually publish in a newspaper of general circulation in the 16384  
school district, at least twice during the two weeks prior to the 16385  
week in which the reports will first be available, a notice 16386  
containing the address where the reports are available and the 16387  
date on which the reports will be available. 16388

(I) Any data that is collected or maintained pursuant to this 16389  
section and that identifies an individual pupil is not a public 16390  
record for the purposes of section 149.43 of the Revised Code. 16391

(J) As used in this section: 16392

(1) "School district" means any city, local, exempted 16393  
village, or joint vocational school district and, in accordance 16394  
with section 3314.17 of the Revised Code, any community school. As 16395  
used in division (L) of this section, "school district" also 16396  
includes any educational service center or other educational 16397  
entity required to submit data using the system established under 16398  
this section. 16399

(2) "Cost" means any expenditure for operating expenses made 16400  
by a school district excluding any expenditures for debt 16401  
retirement except for payments made to any commercial lending 16402  
institution for any loan approved pursuant to section 3313.483 of 16403  
the Revised Code. 16404

(K) Any person who removes data from the information system 16405

established under this section for the purpose of releasing it to 16406  
any person not entitled under law to have access to such 16407  
information is subject to section 2913.42 of the Revised Code 16408  
prohibiting tampering with data. 16409

~~(L) Any time the department of education determines that a 16410  
school district has taken any of the actions described under 16411  
division (L)(1), (2), or (3) of this section, it shall make a 16412  
report of the actions of the district, send a copy of the report 16413  
to the superintendent of such school district, and maintain a copy 16414  
of the report in its files. 16415~~

~~(1) The school district fails to meet any deadline 16416  
established pursuant to this section for the reporting of any data 16417  
to the education management information system; 16418~~

~~(2) The school district fails to meet any deadline 16419  
established pursuant to this section for the correction of any 16420  
data reported to the education management information system; 16421~~

~~(3) The school district reports data to the education 16422  
management information system in a condition, as determined by the 16423  
department, that indicates that the district did not make a good 16424  
faith effort in reporting the data to the system. 16425~~

~~Any report made under this division shall include 16426  
recommendations for corrective action by the school district. 16427~~

~~Upon making a report for the first time in a fiscal year, the 16428  
department shall withhold ten per cent of the total amount due 16429  
during that fiscal year under Chapter 3317. of the Revised Code to 16430  
the school district to which the report applies. Upon making a 16431  
second report in a fiscal year, the department shall withhold an 16432  
additional twenty per cent of such total amount due during that 16433  
fiscal year to the school district to which the report applies. 16434  
The department shall not release such funds unless it determines 16435  
that the district has taken corrective action. However, no such 16436~~

~~release of funds shall occur if the district fails to take 16437  
corrective action within forty five days of the date upon which 16438  
the report was made by the department. 16439~~

(1) In accordance with division (L)(2) of this section and 16440  
the rules adopted under division (L)(10) of this section, the 16441  
department of education may sanction any school district that 16442  
reports incomplete or inaccurate data, reports data that does not 16443  
conform to data requirements and descriptions published by the 16444  
department, fails to report data in a timely manner, or otherwise 16445  
does not make a good faith effort to report data as required by 16446  
this section. 16447

(2) If the department decides to sanction a school district 16448  
under this division, the department shall take the following 16449  
sequential actions: 16450

(a) Notify the district in writing that the department has 16451  
determined that data has not been reported as required under this 16452  
section and require the district to review its data submission and 16453  
submit corrected data by a deadline established by the department. 16454  
The department also may require the district to develop a 16455  
corrective action plan, which shall include provisions for the 16456  
district to provide mandatory staff training on data reporting 16457  
procedures. 16458

(b) Withhold up to ten per cent of the total amount of state 16459  
funds due to the district for the current fiscal year and, if not 16460  
previously required under division (L)(2)(a) of this section, 16461  
require the district to develop a corrective action plan in 16462  
accordance with that division; 16463

(c) Withhold an additional amount of up to twenty per cent of 16464  
the total amount of state funds due to the district for the 16465  
current fiscal year; 16466

(d) Direct department staff or an outside entity to 16467

investigate the district's data reporting practices and make 16468  
recommendations for subsequent actions. The recommendations may 16469  
include one or more of the following actions: 16470

(i) Arrange for an audit of the district's data reporting 16471  
practices by department staff or an outside entity; 16472

(ii) Conduct a site visit and evaluation of the district; 16473

(iii) Withhold an additional amount of up to thirty per cent 16474  
of the total amount of state funds due to the district for the 16475  
current fiscal year; 16476

(iv) Continue monitoring the district's data reporting; 16477

(v) Assign department staff to supervise the district's data 16478  
management system; 16479

(vi) Conduct an investigation to determine whether to suspend 16480  
or revoke the license of any district employee in accordance with 16481  
division (N) of this section; 16482

(vii) If the district is issued a report card under section 16483  
3302.03 of the Revised Code, indicate on the report card that the 16484  
district has been sanctioned for failing to report data as 16485  
required by this section; 16486

(viii) If the district is issued a report card under section 16487  
3302.03 of the Revised Code and incomplete or inaccurate data 16488  
submitted by the district likely caused the district to receive a 16489  
higher performance rating than it deserved under that section, 16490  
issue a revised report card for the district; 16491

(ix) Any other action designed to correct the district's data 16492  
reporting problems. 16493

(3) Any time the department takes an action against a school 16494  
district under division (L)(2) of this section, the department 16495  
shall make a report of the circumstances that prompted the action. 16496  
The department shall send a copy of the report to the district 16497

superintendent or chief administrator and maintain a copy of the 16498  
report in its files. 16499

(4) If any action taken under division (L)(2) of this section 16500  
resolves a school district's data reporting problems to the 16501  
department's satisfaction, the department shall not take any 16502  
further actions described by that division. If the department 16503  
withheld funds from the district under that division, the 16504  
department may release those funds to the district, except that if 16505  
the department withheld funding under division (L)(2)(c) of this 16506  
section, the department shall not release the funds withheld under 16507  
division (L)(2)(b) of this section and, if the department withheld 16508  
funding under division (L)(2)(d) of this section, the department 16509  
shall not release the funds withheld under division (L)(2)(b) or 16510  
(c) of this section. 16511

(5) Notwithstanding anything in this section to the contrary, 16512  
the department may use its own staff or an outside entity to 16513  
conduct an audit of a school district's data reporting practices 16514  
any time the department has reason to believe the district has not 16515  
made a good faith effort to report data as required by this 16516  
section. If any audit conducted by an outside entity under 16517  
division (L)(2)(d)(i) or (5) of this section confirms that a 16518  
district has not made a good faith effort to report data as 16519  
required by this section, the district shall reimburse the 16520  
department for the full cost of the audit. The department may 16521  
withhold state funds due to the district for this purpose. 16522

(6) Prior to issuing a revised report card for a school 16523  
district under division (L)(2)(d)(viii) of this section, the 16524  
department may hold a hearing to provide the district with an 16525  
opportunity to demonstrate that it made a good faith effort to 16526  
report data as required by this section. The hearing shall be 16527  
conducted by a referee appointed by the department. Based on the 16528  
information provided in the hearing, the referee shall recommend 16529

whether the department should issue a revised report card for the 16530  
district. If the referee affirms the department's contention that 16531  
the district did not make a good faith effort to report data as 16532  
required by this section, the district shall bear the full cost of 16533  
conducting the hearing and of issuing any revised report card. 16534

(7) If the department determines that any inaccurate data 16535  
reported under this section caused a school district to receive 16536  
excess state funds in any fiscal year, the district shall 16537  
reimburse the department an amount equal to the excess funds, in 16538  
accordance with a payment schedule determined by the department. 16539  
The department may withhold state funds due to the district for 16540  
this purpose. 16541

(8) Any school district that has funds withheld under 16542  
division (L)(2) of this section may appeal the withholding in 16543  
accordance with Chapter 119. of the Revised Code. 16544

(9) In all cases of a disagreement between the department and 16545  
a school district regarding the appropriateness of an action taken 16546  
under division (L)(2) of this section, the burden of proof shall 16547  
be on the district to demonstrate that it made a good faith effort 16548  
to report data as required by this section. 16549

(10) The state board of education shall adopt rules under 16550  
Chapter 119. of the Revised Code to implement division (L) of this 16551  
section. 16552

(M) No information technology center or school district shall 16553  
acquire, change, or update its student administration software 16554  
package to manage and report data required to be reported to the 16555  
department unless it converts to a student software package that 16556  
is certified by the department. 16557

(N) The state board of education, in accordance with sections 16558  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 16559  
license as defined under division (A) of section 3319.31 of the 16560

Revised Code that has been issued to any school district employee 16561  
found to have willfully reported erroneous, inaccurate, or 16562  
incomplete data to the education management information system. 16563

(O) No person shall release or maintain any information about 16564  
any student in violation of this section. Whoever violates this 16565  
division is guilty of a misdemeanor of the fourth degree. 16566

(P) The department shall disaggregate the data collected 16567  
under division (B)(1)(o) of this section according to the race and 16568  
socioeconomic status of the students assessed. No data collected 16569  
under that division shall be included on the report cards required 16570  
by section 3302.03 of the Revised Code. 16571

(Q) If the department cannot compile any of the information 16572  
required by division (C)(5) of section 3302.03 of the Revised Code 16573  
based upon the data collected under this section, the department 16574  
shall develop a plan and a reasonable timeline for the collection 16575  
of any data necessary to comply with that division. 16576

**Sec. 3301.0718.** (A) After completing the required standards 16577  
specified in section 3301.079 of the Revised Code, the state board 16578  
of education shall adopt standards and model curricula for 16579  
instruction in computer literacy for grades three through twelve 16580  
and in fine arts and foreign language for grades kindergarten 16581  
through twelve. ~~The~~ 16582

(B) Not later than December 31, 2007, the state board shall 16583  
adopt the most recent standards developed by the national 16584  
association for sport and physical education for physical 16585  
education in grades kindergarten through twelve or shall adopt its 16586  
own standards for physical education in those grades. The 16587  
department of education shall provide the standards, and any 16588  
revisions of the standards, to all school districts and community 16589  
schools established under Chapter 3314. of the Revised Code. Any 16590  
school district or community school may utilize the standards. 16591

The department shall employ a full-time physical education coordinator to provide guidance and technical assistance to districts and community schools in implementing the standards adopted under this division. The superintendent of public instruction shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience. The department shall hire a coordinator not later than October 31, 2007.

(C) The state board shall not adopt or revise any standards or curriculum in the area of health ~~or physical education~~ unless, by concurrent resolution, the standards, curriculum, or revisions are approved by both houses of the general assembly. Before the house of representatives or senate votes on a concurrent resolution approving health ~~or physical education~~ standards, curriculum, or revisions, its standing committee having jurisdiction over education legislation shall conduct at least one public hearing on the standards, curriculum, or revisions.

~~(B)~~(D) The state board shall not adopt a diagnostic assessment or achievement test for any grade level or subject area other than those specified in section 3301.079 of the Revised Code.

**Sec. 3301.0724.** (A) The department of education annually shall report to the general assembly, in accordance with section 101.68 of the Revised Code, for each school district all of the following information for the previous school year:

- (1) The aggregate amount spent for teacher salaries;
- (2) The aggregate amount spent for salaries of nonteaching employees;
- (3) The aggregate amount spent for health care benefits for

all employees and the percentage that amount is of the total 16622  
amount paid in employer's contributions and employees' 16623  
contributions for those benefits; 16624

(4) The aggregate amount spent for the employer's 16625  
contributions to the state teachers retirement system and the 16626  
school employees retirement system; 16627

(5) Whether the school district pays any part of the 16628  
employees' contributions to the state teachers retirement system 16629  
or the school employees retirement system; 16630

(6) The number of sick days, vacation days, and personal days 16631  
provided for teachers and nonteaching employees. 16632

(B) The department shall consult with the state employment 16633  
relations board in preparing the report required by this section. 16634

(C) If necessary, as determined by the department, each 16635  
school district shall report to the department data prescribed by 16636  
division (A) of this section in the manner and by the deadline 16637  
specified by the department so that the department can comply with 16638  
this section. 16639

(D) As used in this section, "school year" has the same 16640  
meaning as in section 3313.62 of the Revised Code. 16641

**Sec. 3301.12.** (A) The superintendent of public instruction in 16642  
addition to the authority otherwise imposed on the superintendent, 16643  
shall perform the following duties: 16644

(1) The superintendent shall provide technical and 16645  
professional assistance and advice to all school districts in 16646  
reference to all aspects of education, including finance, 16647  
buildings and equipment, administration, organization of school 16648  
districts, curriculum and instruction, transportation of pupils, 16649  
personnel problems, and the interpretation of school laws and 16650  
state regulations. 16651

(2) The superintendent shall prescribe and require the 16652  
preparation and filing of such financial and other reports from 16653  
school districts, officers, and employees as are necessary or 16654  
proper. The superintendent shall prescribe and require the 16655  
installation by school districts of such standardized reporting 16656  
forms and accounting procedures as are essential to the 16657  
businesslike operations of the public schools of the state. 16658

(3) The superintendent shall conduct such studies and 16659  
research projects as are necessary or desirable for the 16660  
improvement of public school education in Ohio, and such as may be 16661  
assigned to the superintendent by the state board of education. 16662  
Such studies and projects may include analysis of data contained 16663  
in the education management information system established under 16664  
section 3301.0714 of the Revised Code. For any study or project 16665  
that requires the analysis of individual student data, the 16666  
department of education or any entity with which the 16667  
superintendent or department contracts to conduct the study or 16668  
project shall maintain the confidentiality of student data at all 16669  
times. For this purpose, the department or contracting entity 16670  
shall use the data verification code assigned pursuant to division 16671  
(D)(2) of section 3301.0714 of the Revised Code for each student 16672  
whose data is analyzed. Except as otherwise provided in division 16673  
(D)(1) of section 3301.0714 of the Revised Code, at no time shall 16674  
the superintendent, the department, the state board of education, 16675  
or any entity conducting a study or research project on the 16676  
superintendent's behalf have access to a student's name, address, 16677  
or social security number while analyzing individual student data. 16678

(4) The superintendent shall prepare and submit annually to 16679  
the state board of education a report of the activities of the 16680  
department of education and the status, problems, and needs of 16681  
education in the state of Ohio. 16682

(5) The superintendent shall supervise all agencies over 16683

which the board exercises administrative control, including 16684  
schools for education of ~~handicapped~~ persons with disabilities. 16685

(B) The superintendent of public instruction may annually 16686  
inspect and analyze the expenditures of each school district and 16687  
make a determination as to the efficiency of each district's 16688  
costs, relative to other school districts in the state, for 16689  
instructional, administrative, and student support services. The 16690  
superintendent shall notify each school district as to the nature 16691  
of, and reasons for, the determination. The state board of 16692  
education shall adopt rules in accordance with Chapter 119. of the 16693  
Revised Code setting forth the procedures and standards for the 16694  
performance of the inspection and analysis. 16695

Sec. 3301.162. (A) If the governing authority of a chartered 16696  
nonpublic school intends to close the school, the governing 16697  
authority shall notify all of the following of that intent prior 16698  
to closing the school: 16699

(1) The department of education; 16700

(2) The school district that receives auxiliary services 16701  
funding under division (I) of section 3317.024 of the Revised Code 16702  
on behalf of the students enrolled in the school; 16703

(3) The accrediting association that most recently accredited 16704  
the school for purposes of chartering the school in accordance 16705  
with the rules of the state board of education, if applicable. 16706

The notice shall include the school year and, if possible, 16707  
the actual date the school will close. 16708

(B) The chief administrator of each chartered nonpublic 16709  
school that closes shall deposit the school's records with either: 16710

(1) The accrediting association that most recently accredited 16711  
the school for purposes of chartering the school in accordance 16712  
with the rules of the state board, if applicable; 16713

(2) The school district that received auxiliary services 16714  
funding under division (I) of section 3317.024 of the Revised Code 16715  
on behalf of the students enrolled in the school. 16716

The school district that receives the records may charge for 16717  
and receive a one-time reimbursement from auxiliary services 16718  
funding under division (I) of section 3317.024 of the Revised Code 16719  
for costs the district incurred to store the records. 16720

**Sec. 3301.311.** (A) As used in this section, "preschool 16721  
program" has the same meaning as in section 3301.52 of the Revised 16722  
Code. 16723

(B)~~(1)~~ Subject to ~~division (B)~~(2) divisions (C) and (D) of 16724  
this section, ~~after July 1, 2005~~ beginning in fiscal year 2006, no 16725  
preschool program, and no early childhood education program or 16726  
early learning program as defined by the department of education 16727  
shall receive any funds from the state unless fifty per cent of 16728  
the staff members employed by that program as teachers are working 16729  
toward an associate degree of a type approved by the department. 16730

(C)(1) Subject to division ~~(B)~~(C)(2) of this section, 16731  
beginning in fiscal year ~~2008~~ 2010, no preschool program, and no 16732  
early childhood education program~~7~~ or early learning program as 16733  
defined by the department, existing prior to fiscal year 2007, 16734  
shall receive any funds from the state unless every staff member 16735  
employed by that program as a teacher has attained ~~such a~~ an 16736  
associate degree of a type approved by the department. 16737

(2) ~~After July 1, 2010~~ Beginning in fiscal year 2011, no 16738  
preschool program, and no early childhood education program or 16739  
early learning program as defined by the department ~~of education,~~ 16740  
existing prior to fiscal year 2007, shall receive any funds from 16741  
the state unless fifty per cent of the staff members employed by 16742  
the program as teachers have attained a bachelor's degree of a 16743  
type approved by the department. 16744

(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 nonteaching employees are recruited, employed, assigned, evaluated, and provided inservice education without discrimination

on the basis of age, color, national origin, race, or sex; and 16776  
that preschool staff members and nonteaching employees are 16777  
assigned responsibilities in accordance with written position 16778  
descriptions commensurate with their training and experience; 16779

(4) A requirement that boards of education intending to 16780  
establish a preschool program ~~on or after March 17, 1989,~~ 16781  
demonstrate a need for a preschool program ~~that is not being met~~ 16782  
~~by any existing program providing child care,~~ prior to 16783  
establishing the program; 16784

(5) Requirements that children participating in preschool 16785  
programs have been immunized to the extent considered appropriate 16786  
by the state board to prevent the spread of communicable disease; 16787

(6) Requirements that the parents of preschool children 16788  
complete the emergency medical authorization form specified in 16789  
section 3313.712 of the Revised Code. 16790

(B) The state board of education in consultation with the 16791  
director of job and family services shall ensure that the rules 16792  
adopted by the state board under sections 3301.52 to 3301.58 of 16793  
the Revised Code are consistent with and meet or exceed the 16794  
requirements of Chapter 5104. of the Revised Code with regard to 16795  
child day-care centers. The state board and the director of job 16796  
and family services shall review all such rules at least once 16797  
every five years. 16798

(C) ~~On or before January 1, 1992,~~ the The state board of 16799  
education, in consultation with the director of job and family 16800  
services, shall adopt rules for school child programs that are 16801  
consistent with and meet or exceed the requirements of the rules 16802  
adopted for school child day-care centers under Chapter 5104. of 16803  
the Revised Code. 16804

**Sec. 3302.03.** (A) Annually the department of education shall 16805

report for each school district and each school building in a district all of the following:

(1) The extent to which the school district or building meets each of the applicable performance indicators created by the state board of education under section 3302.02 of the Revised Code and the number of applicable performance indicators that have been achieved;

(2) The performance index score of the school district or building;

(3) Whether the school district or building has made adequate yearly progress;

(4) Whether the school district or building is excellent, effective, needs continuous improvement, is under an academic watch, or is in a state of academic emergency.

(B) Except as otherwise provided in ~~division~~ divisions (B)(6) and (7) of this section:

(1) A school district or building shall be declared excellent if it fulfills one of the following requirements:

(a) It makes adequate yearly progress and either meets at least ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department.

(b) It has failed to make adequate yearly progress for not more than two consecutive years and either meets at least ninety-four per cent of the applicable state performance indicators or has a performance index score established by the department.

(2) A school district or building shall be declared effective if it fulfills one of the following requirements:

(a) It makes adequate yearly progress and either meets at

least seventy-five per cent but less than ninety-four per cent of 16836  
the applicable state performance indicators or has a performance 16837  
index score established by the department. 16838

(b) It does not make adequate yearly progress and either 16839  
meets at least seventy-five per cent of the applicable state 16840  
performance indicators or has a performance index score 16841  
established by the department, except that if it does not make 16842  
adequate yearly progress for three consecutive years, it shall be 16843  
declared in need of continuous improvement. 16844

(3) A school district or building shall be declared to be in 16845  
need of continuous improvement if it fulfills one of the following 16846  
requirements: 16847

(a) It makes adequate yearly progress, meets less than 16848  
seventy-five per cent of the applicable state performance 16849  
indicators, and has a performance index score established by the 16850  
department. 16851

(b) It does not make adequate yearly progress and either 16852  
meets at least fifty per cent but less than seventy-five per cent 16853  
of the applicable state performance indicators or has a 16854  
performance index score established by the department. 16855

(4) A school district or building shall be declared to be 16856  
under an academic watch if it does not make adequate yearly 16857  
progress and either meets at least thirty-one per cent but less 16858  
than fifty per cent of the applicable state performance indicators 16859  
or has a performance index score established by the department. 16860

(5) A school district or building shall be declared to be in 16861  
a state of academic emergency if it does not make adequate yearly 16862  
progress, does not meet at least thirty-one per cent of the 16863  
applicable state performance indicators, and has a performance 16864  
index score established by the department. 16865

(6) When designating performance ratings for school districts 16866

and buildings under divisions (B)(1) to (5) of this section, the 16867  
department shall not assign a school district or building a lower 16868  
designation from its previous year's designation based solely on 16869  
one subgroup not making adequate yearly progress. 16870

(7) Division (B)(7) of this section does not apply to any 16871  
community school established under Chapter 3314. of the Revised 16872  
Code in which a majority of the students are enrolled in a dropout 16873  
prevention and recovery program. 16874

A school district or building shall not be assigned a higher 16875  
performance rating than in need of continuous improvement if at 16876  
least ten per cent but not more than fifteen per cent of the 16877  
enrolled students do not take all achievement tests prescribed for 16878  
their grade level under section 3301.0710 of the Revised Code from 16879  
which they are not excused pursuant to division (C)(1) or (3) of 16880  
section 3301.0711 of the Revised Code. A school district or 16881  
building shall not be assigned a higher performance rating than 16882  
under an academic watch if more than fifteen per cent but not more 16883  
than twenty per cent of the enrolled students do not take all 16884  
achievement tests prescribed for their grade level under section 16885  
3301.0710 of the Revised Code from which they are not excused 16886  
pursuant to division (C)(1) or (3) of section 3301.0711 of the 16887  
Revised Code. A school district or building shall not be assigned 16888  
a higher performance rating than in a state of academic emergency 16889  
if more than twenty per cent of the enrolled students do not take 16890  
all achievement tests prescribed for their grade level under 16891  
section 3301.0710 of the Revised Code from which they are not 16892  
excused pursuant to division (C)(1) or (3) of section 3301.0711 of 16893  
the Revised Code. 16894

(C)(1) The department shall issue annual report cards for 16895  
each school district, each building within each district, and for 16896  
the state as a whole reflecting performance on the indicators 16897  
created by the state board under section 3302.02 of the Revised 16898

Code, the performance index score, and adequate yearly progress.	16899
(2) The department shall include on the report card for each district information pertaining to any change from the previous year made by the school district or school buildings within the district on any performance indicator.	16900 16901 16902 16903
(3) When reporting data on student performance, the department shall disaggregate that data according to the following categories:	16904 16905 16906
(a) Performance of students by age group;	16907
(b) Performance of students by race and ethnic group;	16908
(c) Performance of students by gender;	16909
(d) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	16910 16911
(e) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	16912 16913 16914
(f) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	16915 16916
(g) Performance of students grouped by those who are economically disadvantaged;	16917 16918
(h) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	16919 16920 16921
(i) Performance of students grouped by those who are classified as limited English proficient;	16922 16923
(j) Performance of students grouped by those who have disabilities;	16924 16925
(k) Performance of students grouped by those who are classified as migrants;	16926 16927

(1) Performance of students grouped by those who are 16928  
identified as gifted pursuant to Chapter 3324. of the Revised 16929  
Code. 16930

The department may disaggregate data on student performance 16931  
according to other categories that the department determines are 16932  
appropriate. To the extent possible, the department shall 16933  
disaggregate data on student performance according to any 16934  
combinations of two or more of the categories listed in divisions 16935  
(C)(3)(a) to (1) of this section that it deems relevant. 16936

In reporting data pursuant to division (C)(3) of this 16937  
section, the department shall not include in the report cards any 16938  
data statistical in nature that is statistically unreliable or 16939  
that could result in the identification of individual students. 16940  
For this purpose, the department shall not report student 16941  
performance data for any group identified in division (C)(3) of 16942  
this section that contains less than ten students. 16943

(4) The department may include with the report cards any 16944  
additional education and fiscal performance data it deems 16945  
valuable. 16946

(5) The department shall include on each report card a list 16947  
of additional information collected by the department that is 16948  
available regarding the district or building for which the report 16949  
card is issued. When available, such additional information shall 16950  
include student mobility data disaggregated by race and 16951  
socioeconomic status, college enrollment data, and the reports 16952  
prepared under section 3302.031 of the Revised Code. 16953

The department shall maintain a site on the world wide web. 16954  
The report card shall include the address of the site and shall 16955  
specify that such additional information is available to the 16956  
public at that site. The department shall also provide a copy of 16957  
each item on the list to the superintendent of each school 16958

district. The district superintendent shall provide a copy of any 16959  
item on the list to anyone who requests it. 16960

(6)(a) This division does not apply to conversion community 16961  
schools that primarily enroll students between sixteen and 16962  
twenty-two years of age who dropped out of high school or are at 16963  
risk of dropping out of high school due to poor attendance, 16964  
disciplinary problems, or suspensions. 16965

For any district that sponsors a conversion community school 16966  
under Chapter 3314. of the Revised Code, the department shall 16967  
combine data regarding the academic performance of students 16968  
enrolled in the community school with comparable data from the 16969  
schools of the district for the purpose of calculating the 16970  
performance of the district as a whole on the report card issued 16971  
for the district. 16972

(b) Any district that leases a building to a community school 16973  
located in the district or that enters into an agreement with a 16974  
community school located in the district whereby the district and 16975  
the school endorse each other's programs may elect to have data 16976  
regarding the academic performance of students enrolled in the 16977  
community school combined with comparable data from the schools of 16978  
the district for the purpose of calculating the performance of the 16979  
district as a whole on the district report card. Any district that 16980  
so elects shall annually file a copy of the lease or agreement 16981  
with the department. 16982

(7) The department shall include on each report card the 16983  
percentage of teachers in the district or building who are highly 16984  
qualified, as defined by the "No Child Left Behind Act of 2001," 16985  
and a comparison of that percentage with the percentages of such 16986  
teachers in similar districts and buildings. 16987

(8) The department shall include on the report card the 16988  
number of master teachers employed by each district and each 16989

building once the data is available from the education management 16990  
information system established under section 3301.0714 of the 16991  
Revised Code. 16992

(D)(1) In calculating reading, writing, mathematics, social 16993  
studies, or science proficiency or achievement test passage rates 16994  
used to determine school district or building performance under 16995  
this section, the department shall include all students taking a 16996  
test with accommodation or to whom an alternate assessment is 16997  
administered pursuant to division (C)(1) or (3) of section 16998  
3301.0711 of the Revised Code. 16999

(2) In calculating performance index scores, rates of 17000  
achievement on the performance indicators established by the state 17001  
board under section 3302.02 of the Revised Code, and adequate 17002  
yearly progress for school districts and buildings under this 17003  
section, the department shall do all of the following: 17004

(a) Include for each district or building only those students 17005  
who are included in the ADM certified for the first full school 17006  
week of October and are continuously enrolled in the district or 17007  
building through the time of the spring administration of any test 17008  
prescribed by section 3301.0710 of the Revised Code that is 17009  
administered to the student's grade level; 17010

(b) Include cumulative totals from both the fall and spring 17011  
administrations of the third grade reading achievement test; 17012

(c) Except as required by the "No Child Left Behind Act of 17013  
2001" for the calculation of adequate yearly progress, exclude for 17014  
each district or building any limited English proficient student 17015  
who has been enrolled in United States schools for less than one 17016  
full school year. 17017

**Sec. 3302.10.** (A) Beginning July 1, 2007, the superintendent 17018  
of public instruction shall establish an academic distress 17019

commission for each school district that has been declared to be 17020  
in a state of academic emergency pursuant to section 3302.03 of 17021  
the Revised Code and has failed to make adequate yearly progress 17022  
for four or more consecutive school years. Each commission shall 17023  
assist the district for which it was established in improving the 17024  
district's academic performance. 17025

Each commission is a body both corporate and politic, 17026  
constituting an agency and instrumentality of the state and 17027  
performing essential governmental functions of the state. A 17028  
commission shall be known as the "academic distress commission for 17029  
..... (name of school district)," and, in that name, may 17030  
exercise all authority vested in such a commission by this 17031  
section. A separate commission shall be established for each 17032  
school district to which this division applies. 17033

(B) Each academic distress commission shall consist of five 17034  
voting members, three of whom shall be appointed by the 17035  
superintendent of public instruction and two of whom shall be 17036  
residents of the applicable school district appointed by the 17037  
president of the district board of education ~~of the applicable~~ 17038  
~~school district~~. When a school district becomes subject to this 17039  
section, the superintendent of public instruction shall provide 17040  
written notification of that fact to the district board of 17041  
education and shall request the president of the district board to 17042  
submit to the superintendent of public instruction, in writing, 17043  
the names of the president's appointees to the commission. The 17044  
superintendent of public instruction and the president of the 17045  
district board shall make appointments to the commission within 17046  
thirty days after the district is notified that it is subject to 17047  
this section. 17048

Members of the commission shall serve at the pleasure of 17049  
their appointing authority during the life of the commission. In 17050  
the event of the death, resignation, incapacity, removal, or 17051

ineligibility to serve of a member, the appointing authority shall 17052  
appoint a successor within fifteen days after the vacancy occurs. 17053  
Members shall serve without compensation, but shall be paid by the 17054  
commission their necessary and actual expenses incurred while 17055  
engaged in the business of the commission. 17056

(C) Immediately after appointment of the initial members of 17057  
an academic distress commission, the superintendent of public 17058  
instruction shall call the first meeting of the commission and 17059  
shall cause written notice of the time, date, and place of that 17060  
meeting to be given to each member of the commission at least 17061  
forty-eight hours in advance of the meeting. The first meeting 17062  
shall include an overview of the commission's roles and 17063  
responsibilities, the requirements of section 2921.42 and Chapter 17064  
102. of the Revised Code as they pertain to commission members, 17065  
the requirements of section 121.22 of the Revised Code, and the 17066  
provisions of division (F) of this section. At its first meeting, 17067  
the commission shall adopt temporary bylaws in accordance with 17068  
division (D) of this section to govern its operations until the 17069  
adoption of permanent bylaws. 17070

The superintendent of public instruction shall designate a 17071  
chairperson for the commission from among the members appointed by 17072  
the superintendent. The chairperson shall call and conduct 17073  
meetings, set meeting agendas, and serve as a liaison between the 17074  
commission and the district board of education. The chairperson 17075  
also shall appoint a secretary, who shall not be a member of the 17076  
commission. 17077

The department of education shall provide administrative 17078  
support for the commission, provide data requested by the 17079  
commission, and inform the commission of available state resources 17080  
that could assist the commission in its work. 17081

(D) Each academic distress commission may adopt and alter 17082  
bylaws and rules, which shall not be subject to section 111.15 or 17083

Chapter 119. of the Revised Code, for the conduct of its affairs 17084  
and for the manner, subject to this section, in which its powers 17085  
and functions shall be exercised and embodied. 17086

(E) Three members of an academic distress commission 17087  
constitute a quorum of the commission. The affirmative vote of 17088  
three members of the commission is necessary for any action taken 17089  
by vote of the commission. No vacancy in the membership of the 17090  
commission shall impair the rights of a quorum by such vote to 17091  
exercise all the rights and perform all the duties of the 17092  
commission. Members of the commission are not disqualified from 17093  
voting by reason of the functions of any other office they hold 17094  
and are not disqualified from exercising the functions of the 17095  
other office with respect to the school district, its officers, or 17096  
the commission. 17097

(F) The members of an academic distress commission, the 17098  
superintendent of public instruction, and any person authorized to 17099  
act on behalf of or assist them shall not be personally liable or 17100  
subject to any suit, judgment, or claim for damages resulting from 17101  
the exercise of or failure to exercise the powers, duties, and 17102  
functions granted to them in regard to their functioning under 17103  
this section, but the commission, superintendent of public 17104  
instruction, and such other persons shall be subject to mandamus 17105  
proceedings to compel performance of their duties under this 17106  
section. 17107

(G) Each member of an academic distress commission shall file 17108  
the statement described in section 102.02 of the Revised Code with 17109  
the Ohio ethics commission. The statement shall be confidential, 17110  
subject to review, as described in division (B) of that section. 17111

(H) Meetings of each academic distress commission shall be 17112  
subject to section 121.22 of the Revised Code. 17113

(I)(1) Within one hundred twenty days after the first meeting 17114

of an academic distress commission, the commission shall adopt an 17115  
academic recovery plan to improve academic performance in the 17116  
school district. The plan shall address academic problems at both 17117  
the district and school levels. The plan shall include the 17118  
following: 17119

(a) Short-term and long-term actions to be taken to improve 17120  
the district's academic performance, including any actions 17121  
required by section 3302.04 of the Revised Code; 17122

(b) The sequence and timing of the actions described in 17123  
division (I)(1)(a) of this section and the persons responsible for 17124  
implementing the actions; 17125

(c) Resources that will be applied toward improvement 17126  
efforts; 17127

(d) Procedures for monitoring and evaluating improvement 17128  
efforts; 17129

(e) Requirements for reporting to the commission and the 17130  
district board of education on the status of improvement efforts. 17131

(2) The commission may amend the academic recovery plan 17132  
subsequent to adoption. The commission shall update the plan at 17133  
least annually. 17134

(3) The commission shall submit the academic recovery plan it 17135  
adopts or updates to the superintendent of public instruction for 17136  
approval immediately following its adoption or updating. The 17137  
superintendent shall evaluate the plan and either approve or 17138  
disapprove it within thirty days after its submission. If the plan 17139  
is disapproved, the superintendent shall recommend modifications 17140  
that will render it acceptable. No academic distress commission 17141  
shall implement an academic recovery plan unless the 17142  
superintendent has approved it. 17143

(4) County, state, and school district officers and employees 17144

shall assist the commission diligently and promptly in the 17145  
implementation of the academic recovery plan. 17146

(J) Each academic distress commission shall seek input from 17147  
the district board of education regarding ways to improve the 17148  
district's academic performance, but any decision of the 17149  
commission related to any authority granted to the commission 17150  
under this section shall be final. 17151

The commission may do any of the following: 17152

(1) Appoint school building administrators and reassign 17153  
administrative personnel; 17154

(2) Terminate the contracts of administrators or 17155  
administrative personnel. The commission shall not be required to 17156  
comply with section 3319.16 of the Revised Code with respect to 17157  
any contract terminated under this division. 17158

(3) Contract with a private entity to perform school or 17159  
district management functions; 17160

(4) Establish a budget for the district and approve district 17161  
appropriations and expenditures, unless a financial planning and 17162  
supervision commission has been established for the district 17163  
pursuant to section 3316.05 of the Revised Code. 17164

~~(D)~~(K) If the board of education of a district for which an 17165  
academic distress commission has been established under this 17166  
section renews any collective bargaining agreement under Chapter 17167  
4117. of the Revised Code during the existence of the commission, 17168  
the district board shall not enter into any agreement that would 17169  
render any decision of the commission unenforceable. Section 17170  
3302.08 of the Revised Code does not apply to this division. 17171

Notwithstanding any provision to the contrary in Chapter 17172  
4117. of the Revised Code, if the board of education has entered 17173  
into a collective bargaining agreement after ~~the effective date of~~ 17174

~~this section~~ September 29, 2005, that contains stipulations 17175  
relinquishing one or more of the rights or responsibilities listed 17176  
in division (C) of section 4117.08 of the Revised Code, those 17177  
stipulations are not enforceable and the district board shall 17178  
resume holding those rights or responsibilities as if it had not 17179  
relinquished them in that agreement until such time as both the 17180  
academic distress commission ceases to exist and the district 17181  
board agrees to relinquish those rights or responsibilities in a 17182  
new collective bargaining agreement. The provisions of this 17183  
paragraph apply to a collective bargaining agreement entered into 17184  
after ~~the effective date of this section~~ September 29, 2005, and 17185  
those provisions are deemed to be part of that agreement 17186  
regardless of whether the district satisfied the conditions 17187  
prescribed in division (A) of this section at the time the 17188  
district entered into that agreement. 17189

~~(E)~~(L) An academic distress commission shall cease to exist 17190  
when the district for which it was established receives a 17191  
performance rating under section 3302.03 of the Revised Code of in 17192  
need of continuous improvement or better for two ~~out~~ of the three 17193  
prior school years; however, the superintendent of public 17194  
instruction may dissolve the commission earlier if the 17195  
superintendent determines that the district can perform adequately 17196  
without the supervision of the commission. Upon termination of the 17197  
commission, the department of education shall compile a final 17198  
report of the commission's activities to assist other academic 17199  
distress commissions in the conduct of their functions. 17200

**Sec. 3303.20.** The superintendent of public instruction shall 17201  
appoint a supervisor of agricultural education within the 17202  
department of education. The supervisor shall be responsible for 17203  
administering and disseminating to school districts information 17204  
about agricultural education. 17205

The department shall maintain an appropriate number of 17206  
full-time employees focusing on agricultural education. The 17207  
department shall employ at least three program consultants who 17208  
shall be available to provide assistance to school districts on a 17209  
regional basis throughout the state. At least one consultant may 17210  
coordinate local activities of the student organization known as 17211  
the future farmers of America. 17212

**Sec. 3307.01.** As used in this chapter: 17213

(A) "Employer" means the board of education, school district, 17214  
governing authority of any community school established under 17215  
Chapter 3314. of the Revised Code, a science, technology, 17216  
engineering, and mathematics school established under Chapter 17217  
3326. of the Revised Code, college, university, institution, or 17218  
other agency within the state by which a teacher is employed and 17219  
paid. 17220

(B) "Teacher" means all of the following: 17221

(1) Any person paid from public funds and employed in the 17222  
public schools of the state under any type of contract described 17223  
in section 3319.08 of the Revised Code in a position for which the 17224  
person is required to have a license issued pursuant to sections 17225  
3319.22 to 3319.31 of the Revised Code; 17226

(2) Any person employed as a teacher by a community school or 17227  
a science, technology, engineering, and mathematics school 17228  
pursuant to Chapter 3314. or 3326. of the Revised Code; 17229

(3) Any person having a license issued pursuant to sections 17230  
3319.22 to 3319.31 of the Revised Code and employed in a public 17231  
school in this state in an educational position, as determined by 17232  
the state board of education, under programs provided for by 17233  
federal acts or regulations and financed in whole or in part from 17234  
federal funds, but for which no licensure requirements for the 17235

position can be made under the provisions of such federal acts or regulations; 17236  
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(4) Any other teacher or faculty member employed in any school, college, university, institution, or other agency wholly controlled and managed, and supported in whole or in part, by the state or any political subdivision thereof, including Central state university, Cleveland state university, and the university of Toledo; 17238  
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(5) The educational employees of the department of education, as determined by the state superintendent of public instruction. 17244  
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In all cases of doubt, the state teachers retirement board shall determine whether any person is a teacher, and its decision shall be final. 17246  
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"Teacher" does not include any eligible employee of a public institution of higher education, as defined in section 3305.01 of the Revised Code, who elects to participate in an alternative retirement plan established under Chapter 3305. of the Revised Code. 17249  
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(C) "Member" means any person included in the membership of the state teachers retirement system, which shall consist of all teachers and contributors as defined in divisions (B) and (D) of this section and all disability benefit recipients, as defined in section 3307.50 of the Revised Code. However, for purposes of this chapter, the following persons shall not be considered members: 17254  
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(1) A student, intern, or resident who is not a member while employed part-time by a school, college, or university at which the student, intern, or resident is regularly attending classes; 17260  
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(2) A person denied membership pursuant to section 3307.24 of the Revised Code; 17263  
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(3) An other system retirant, as defined in section 3307.35 17265

of the Revised Code, or a superannuate;	17266
(4) An individual employed in a program established pursuant to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A. 1501.	17267 17268 17269
(D) "Contributor" means any person who has an account in the teachers' savings fund or defined contribution fund.	17270 17271
(E) "Beneficiary" means any person eligible to receive, or in receipt of, a retirement allowance or other benefit provided by this chapter.	17272 17273 17274
(F) "Year" means the year beginning the first day of July and ending with the thirtieth day of June next following, except that for the purpose of determining final average salary under the plan described in sections 3307.50 to 3307.79 of the Revised Code, "year" may mean the contract year.	17275 17276 17277 17278 17279
(G) "Local district pension system" means any school teachers pension fund created in any school district of the state in accordance with the laws of the state prior to September 1, 1920.	17280 17281 17282
(H) "Employer contribution" means the amount paid by an employer, as determined by the employer rate, including the normal and deficiency rates, contributions, and funds wherever used in this chapter.	17283 17284 17285 17286
(I) "Five years of service credit" means employment covered under this chapter and employment covered under a former retirement plan operated, recognized, or endorsed by a college, institute, university, or political subdivision of this state prior to coverage under this chapter.	17287 17288 17289 17290 17291
(J) "Actuary" means the actuarial consultant to the state teachers retirement board, who shall be either of the following:	17292 17293
(1) A member of the American academy of actuaries;	17294
(2) A firm, partnership, or corporation of which at least one	17295

person is a member of the American academy of actuaries.	17296
(K) "Fiduciary" means a person who does any of the following:	17297
(1) Exercises any discretionary authority or control with respect to the management of the system, or with respect to the management or disposition of its assets;	17298 17299 17300
(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;	17301 17302
(3) Has any discretionary authority or responsibility in the administration of the system.	17303 17304
(L)(1) Except as provided in this division, "compensation" means all salary, wages, and other earnings paid to a teacher by reason of the teacher's employment, including compensation paid pursuant to a supplemental contract. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the teachers' savings fund or defined contribution fund under section 3307.26 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes.	17305 17306 17307 17308 17309 17310 17311 17312 17313 17314
(2) Compensation does not include any of the following:	17315
(a) Payments for accrued but unused sick leave or personal leave, including payments made under a plan established pursuant to section 124.39 of the Revised Code or any other plan established by the employer;	17316 17317 17318 17319
(b) Payments made for accrued but unused vacation leave, including payments made pursuant to section 124.13 of the Revised Code or a plan established by the employer;	17320 17321 17322
(c) Payments made for vacation pay covering concurrent periods for which other salary, compensation, or benefits under this chapter are paid;	17323 17324 17325

(d) Amounts paid by the employer to provide life insurance,	17326
sickness, accident, endowment, health, medical, hospital, dental,	17327
or surgical coverage, or other insurance for the teacher or the	17328
teacher's family, or amounts paid by the employer to the teacher	17329
in lieu of providing the insurance;	17330
(e) Incidental benefits, including lodging, food, laundry,	17331
parking, or services furnished by the employer, use of the	17332
employer's property or equipment, and reimbursement for	17333
job-related expenses authorized by the employer, including moving	17334
and travel expenses and expenses related to professional	17335
development;	17336
(f) Payments made by the employer in exchange for a member's	17337
waiver of a right to receive any payment, amount, or benefit	17338
described in division (L)(2) of this section;	17339
(g) Payments by the employer for services not actually	17340
rendered;	17341
(h) Any amount paid by the employer as a retroactive increase	17342
in salary, wages, or other earnings, unless the increase is one of	17343
the following:	17344
(i) A retroactive increase paid to a member employed by a	17345
school district board of education in a position that requires a	17346
license designated for teaching and not designated for being an	17347
administrator issued under section 3319.22 of the Revised Code	17348
that is paid in accordance with uniform criteria applicable to all	17349
members employed by the board in positions requiring the licenses;	17350
(ii) A retroactive increase paid to a member employed by a	17351
school district board of education in a position that requires a	17352
license designated for being an administrator issued under section	17353
3319.22 of the Revised Code that is paid in accordance with	17354
uniform criteria applicable to all members employed by the board	17355
in positions requiring the licenses;	17356

(iii) A retroactive increase paid to a member employed by a school district board of education as a superintendent that is also paid as described in division (L)(2)(h)(i) of this section; 17357  
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(iv) A retroactive increase paid to a member employed by an employer other than a school district board of education in accordance with uniform criteria applicable to all members employed by the employer. 17360  
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(i) Payments made to or on behalf of a teacher that are in excess of the annual compensation that may be taken into account by the retirement system under division (a)(17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a)(17), as amended. For a teacher who first establishes membership before July 1, 1996, the annual compensation that may be taken into account by the retirement system shall be determined under division (d)(3) of section 13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472. 17364  
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(j) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th general assembly; 17373  
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(k) Anything of value received by the teacher that is based on or attributable to retirement or an agreement to retire. 17379  
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(3) The retirement board shall determine by rule both of the following: 17381  
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(a) Whether particular forms of earnings are included in any of the categories enumerated in this division; 17383  
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(b) Whether any form of earnings not enumerated in this division is to be included in compensation. 17385  
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Decisions of the board made under this division shall be 17387  
final. 17388

(M) "Superannuate" means both of the following: 17389

(1) A former teacher receiving from the system a retirement 17390  
allowance under section 3307.58 or 3307.59 of the Revised Code; 17391

(2) A former teacher receiving a benefit from the system 17392  
under a plan established under section 3307.81 of the Revised 17393  
Code, except that "superannuate" does not include a former teacher 17394  
who is receiving a benefit based on disability under a plan 17395  
established under section 3307.81 of the Revised Code. 17396

For purposes of sections 3307.35 and 3307.353 of the Revised 17397  
Code, "superannuate" also means a former teacher receiving from 17398  
the system a combined service retirement benefit paid in 17399  
accordance with section 3307.57 of the Revised Code, regardless of 17400  
which retirement system is paying the benefit. 17401

**Sec. 3307.31.** (A) Payments by boards of education and 17402  
governing authorities of community schools to the state teachers 17403  
retirement system, as provided in sections 3307.29 and 3307.291 of 17404  
the Revised Code, shall be made from the amount allocated under 17405  
section 3314.08 or Chapter 3317. of the Revised Code prior to its 17406  
distribution to the individual school districts or community 17407  
schools. The amount due from each school district or community 17408  
school shall be certified by the secretary of the system to the 17409  
superintendent of public instruction monthly, or at such times as 17410  
may be determined by the state teachers retirement board. 17411

The superintendent shall deduct, from the amount allocated to 17412  
each district or community school under section 3314.08 or Chapter 17413  
3317. of the Revised Code, the entire amounts due to the system 17414  
from such district or school upon the certification to the 17415  
superintendent by the secretary thereof. 17416

The superintendent shall certify to the director of budget 17417  
and management the amounts thus due the system for payment. 17418

(B) Payments to the state teachers retirement system by a 17419  
science, technology, engineering, and mathematics school shall be 17420  
deducted from the amount allocated under section 3326.33 of the 17421  
Revised Code and shall be made in the same manner as payments by 17422  
boards of education under this section. 17423

**Sec. 3309.01.** As used in this chapter: 17424

(A) "Employer" or "public employer" means boards of 17425  
education, school districts, joint vocational districts, governing 17426  
authorities of community schools established under Chapter 3314. 17427  
of the Revised Code, a science, technology, engineering, and 17428  
mathematics school established under Chapter 3326. of the Revised 17429  
Code, educational institutions, technical colleges, state, 17430  
municipal, and community colleges, community college branches, 17431  
universities, university branches, other educational institutions, 17432  
or other agencies within the state by which an employee is 17433  
employed and paid, including any organization using federal funds, 17434  
provided the federal funds are disbursed by an employer as 17435  
determined by the above. In all cases of doubt, the school 17436  
employees retirement board shall determine whether any employer is 17437  
an employer as defined in this chapter, and its decision shall be 17438  
final. 17439

(B) "Employee" means all of the following: 17440

(1) Any person employed by a public employer in a position 17441  
for which the person is not required to have a certificate or 17442  
license issued pursuant to sections 3319.22 to 3319.31 of the 17443  
Revised Code; 17444

(2) Any person who performs a service common to the normal 17445  
daily operation of an educational unit even though the person is 17446

employed and paid by one who has contracted with an employer to 17447  
perform the service, and the contracting board or educational unit 17448  
shall be the employer for the purposes of administering the 17449  
provisions of this chapter; 17450

(3) Any person, not a faculty member, employed in any school 17451  
or college or other institution wholly controlled and managed, and 17452  
wholly or partly supported by the state or any political 17453  
subdivision thereof, the board of trustees, or other managing body 17454  
of which shall accept the requirements and obligations of this 17455  
chapter. 17456

In all cases of doubt, the school employees retirement board 17457  
shall determine whether any person is an employee, as defined in 17458  
this division, and its decision is final. 17459

(C) "Prior service" means all service rendered prior to 17460  
September 1, 1937: 17461

(1) As an employee as defined in division (B) of this 17462  
section; 17463

(2) As an employee in a capacity covered by the public 17464  
employees retirement system or the state teachers retirement 17465  
system; 17466

(3) As an employee of an institution in another state, 17467  
service credit for which was procured by a member under the 17468  
provisions of section 3309.31 of the Revised Code. 17469

Prior service, for service as an employee in a capacity 17470  
covered by the public employees retirement system or the state 17471  
teachers retirement system, shall be granted a member under 17472  
qualifications identical to the laws and rules applicable to 17473  
service credit in those systems. 17474

Prior service shall not be granted any member for service 17475  
rendered in a capacity covered by the public employees retirement 17476

system, the state teachers retirement system, and this system in 17477  
the event the service credit has, in the respective systems, been 17478  
received, waived by exemption, or forfeited by withdrawal of 17479  
contributions, except as provided in this chapter. 17480

If a member who has been granted prior service should, 17481  
subsequent to September 16, 1957, and before retirement, establish 17482  
three years of contributing service in the public employees 17483  
retirement system, or one year in the state teachers retirement 17484  
system, then the prior service granted shall become, at 17485  
retirement, the liability of the other system, if the prior 17486  
service or employment was in a capacity that is covered by that 17487  
system. 17488

The provisions of this division shall not cancel any prior 17489  
service granted a member by the school employees retirement board 17490  
prior to August 1, 1959. 17491

(D) "Total service," "total service credit," or "Ohio service 17492  
credit" means all contributing service of a member of the school 17493  
employees retirement system, and all prior service, computed as 17494  
provided in this chapter, and all service established pursuant to 17495  
sections 3309.31, 3309.311, and 3309.33 of the Revised Code. In 17496  
addition, "total service" includes any period, not in excess of 17497  
three years, during which a member was out of service and 17498  
receiving benefits from the state insurance fund, provided the 17499  
injury or incapacitation was the direct result of school 17500  
employment. 17501

(E) "Member" means any employee, except an SERS retirant or 17502  
other system retirant as defined in section 3309.341 of the 17503  
Revised Code, who has established membership in the school 17504  
employees retirement system. "Member" includes a disability 17505  
benefit recipient. 17506

(F) "Contributor" means any person who has an account in the 17507

employees' savings fund. When used in the sections listed in 17508  
division (B) of section 3309.82 of the Revised Code, "contributor" 17509  
includes any person participating in a plan established under 17510  
section 3309.81 of the Revised Code. 17511

(G) "Retirant" means any former member who retired and is 17512  
receiving a service retirement allowance or commuted service 17513  
retirement allowance as provided in this chapter. 17514

(H) "Beneficiary" or "beneficiaries" means the estate or a 17515  
person or persons who, as the result of the death of a contributor 17516  
or retirant, qualifies for or is receiving some right or benefit 17517  
under this chapter. 17518

(I) "Interest," as specified in division (E) of section 17519  
3309.60 of the Revised Code, means interest at the rates for the 17520  
respective funds and accounts as the school employees retirement 17521  
board may determine from time to time, except as follows: 17522

(1) The rate of interest credited on employee contributions 17523  
at retirement shall be four per cent per annum, compounded 17524  
annually, to and including June 30, 1955; three per cent per 17525  
annum, compounded annually, from July 1, 1955, to and including 17526  
June 30, 1963; three and one-quarter per cent per annum, 17527  
compounded annually, from July 1, 1963, through June 30, 1966; and 17528  
thereafter, four per cent per annum compounded annually until a 17529  
change in the amount is recommended by the system's actuary and 17530  
approved by the retirement board. Subsequent to June 30, 1959, the 17531  
retirement board shall discontinue the annual crediting of current 17532  
interest on a contributor's accumulated contributions. 17533  
Noncrediting of current interest shall not affect the rate of 17534  
interest at retirement guaranteed under this division. 17535

(2) In determining the reserve value for purposes of 17536  
computing the amount of the contributor's annuity, the rate of 17537  
interest used in the annuity values shall be four per cent per 17538

annum through September 30, 1956; three per cent per annum 17539  
compounded annually from October 1, 1956, through June 30, 1963; 17540  
three and one-quarter per cent per annum compounded annually from 17541  
July 1, 1963, through June 30, 1966; and, thereafter, four per 17542  
cent per annum compounded annually until a change in the amount is 17543  
recommended by the system's actuary and approved by the retirement 17544  
board. In the purchase of out-of-state service credit as provided 17545  
in section 3309.31 of the Revised Code, and in the purchase of an 17546  
additional annuity, as provided in section 3309.47 of the Revised 17547  
Code, interest shall be computed and credited to reserves therefor 17548  
at the rate the school employees retirement board shall fix as 17549  
regular interest thereon. 17550

(J) "Accumulated contributions" means the sum of all amounts 17551  
credited to a contributor's account in the employees' savings fund 17552  
together with any regular interest credited thereon at the rates 17553  
approved by the retirement board prior to retirement. 17554

(K) "Final average salary" means the sum of the annual 17555  
compensation for the three highest years of compensation for which 17556  
contributions were made by the member, divided by three. If the 17557  
member has a partial year of contributing service in the year in 17558  
which the member terminates employment and the partial year is at 17559  
a rate of compensation that is higher than the rate of 17560  
compensation for any one of the highest three years of annual 17561  
earnings, the board shall substitute the compensation earned for 17562  
the partial year for the compensation earned for a similar 17563  
fractional portion in the lowest of the three high years of annual 17564  
compensation before dividing by three. If a member has less than 17565  
three years of contributing membership, the final average salary 17566  
shall be the total compensation divided by the total number of 17567  
years, including any fraction of a year, of contributing service. 17568

(L) "Annuity" means payments for life derived from 17569  
contributions made by a contributor and paid from the annuity and 17570

pension reserve fund as provided in this chapter. All annuities 17571  
shall be paid in twelve equal monthly installments. 17572

(M)(1) "Pension" means annual payments for life derived from 17573  
appropriations made by an employer and paid from the employers' 17574  
trust fund or the annuity and pension reserve fund. All pensions 17575  
shall be paid in twelve equal monthly installments. 17576

(2) "Disability retirement" means retirement as provided in 17577  
section 3309.40 of the Revised Code. 17578

(N) "Retirement allowance" means the pension plus the 17579  
annuity. 17580

(O)(1) "Benefit" means a payment, other than a retirement 17581  
allowance or the annuity paid under section 3309.341 of the 17582  
Revised Code, payable from the accumulated contributions of the 17583  
member or the employer, or both, under this chapter and includes a 17584  
disability allowance or disability benefit. 17585

(2) "Disability allowance" means an allowance paid on account 17586  
of disability under section 3309.401 of the Revised Code. 17587

(3) "Disability benefit" means a benefit paid as disability 17588  
retirement under section 3309.40 of the Revised Code, as a 17589  
disability allowance under section 3309.401 of the Revised Code, 17590  
or as a disability benefit under section 3309.35 of the Revised 17591  
Code. 17592

(P) "Annuity reserve" means the present value, computed upon 17593  
the basis of mortality tables adopted by the school employees 17594  
retirement board, of all payments to be made on account of any 17595  
annuity, or benefit in lieu of any annuity, granted to a retirant. 17596

(Q) "Pension reserve" means the present value, computed upon 17597  
the basis of mortality tables adopted by the school employees 17598  
retirement board, of all payments to be made on account of any 17599  
pension, or benefit in lieu of any pension, granted to a retirant 17600

or a beneficiary. 17601

(R) "Year" means the year beginning the first day of July and 17602  
ending with the thirtieth day of June next following. 17603

(S) "Local district pension system" means any school 17604  
employees' pension fund created in any school district of the 17605  
state prior to September 1, 1937. 17606

(T) "Employer contribution" means the amount paid by an 17607  
employer as determined under section 3309.49 of the Revised Code. 17608

(U) "Fiduciary" means a person who does any of the following: 17609

(1) Exercises any discretionary authority or control with 17610  
respect to the management of the system, or with respect to the 17611  
management or disposition of its assets; 17612

(2) Renders investment advice for a fee, direct or indirect, 17613  
with respect to money or property of the system; 17614

(3) Has any discretionary authority or responsibility in the 17615  
administration of the system. 17616

(V)(1) Except as otherwise provided in this division, 17617  
"compensation" means all salary, wages, and other earnings paid to 17618  
a contributor by reason of employment. The salary, wages, and 17619  
other earnings shall be determined prior to determination of the 17620  
amount required to be contributed to the employees' savings fund 17621  
under section 3309.47 of the Revised Code and without regard to 17622  
whether any of the salary, wages, or other earnings are treated as 17623  
deferred income for federal income tax purposes. 17624

(2) Compensation does not include any of the following: 17625

(a) Payments for accrued but unused sick leave or personal 17626  
leave, including payments made under a plan established pursuant 17627  
to section 124.39 of the Revised Code or any other plan 17628  
established by the employer; 17629

(b) Payments made for accrued but unused vacation leave, 17630

including payments made pursuant to section 124.13 of the Revised Code or a plan established by the employer; 17631  
17632

(c) Payments made for vacation pay covering concurrent periods for which other salary or compensation is also paid or during which benefits are paid under this chapter; 17633  
17634  
17635

(d) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the contributor or the contributor's family, or amounts paid by the employer to the contributor in lieu of providing the insurance; 17636  
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(e) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, use of the employer's property or equipment, and reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development; 17641  
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(f) Payments made to or on behalf of a contributor that are in excess of the annual compensation that may be taken into account by the retirement system under division (a)(17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a)(17), as amended. For a contributor who first establishes membership before July 1, 1996, the annual compensation that may be taken into account by the retirement system shall be determined under division (d)(3) of section 13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472; 17647  
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(g) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th general 17657  
17658  
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assembly; 17662

(h) Anything of value received by the contributor that is 17663  
based on or attributable to retirement or an agreement to retire, 17664  
except that payments made on or before January 1, 1989, that are 17665  
based on or attributable to an agreement to retire shall be 17666  
included in compensation if both of the following apply: 17667

(i) The payments are made in accordance with contract 17668  
provisions that were in effect prior to January 1, 1986. 17669

(ii) The employer pays the retirement system an amount 17670  
specified by the retirement board equal to the additional 17671  
liability from the payments. 17672

(3) The retirement board shall determine by rule whether any 17673  
form of earnings not enumerated in this division is to be included 17674  
in compensation, and its decision shall be final. 17675

(W) "Disability benefit recipient" means a member who is 17676  
receiving a disability benefit. 17677

(X) "Actuary" means an individual who satisfies all of the 17678  
following requirements: 17679

(1) Is a member of the American academy of actuaries; 17680

(2) Is an associate or fellow of the society of actuaries; 17681

(3) Has a minimum of five years' experience in providing 17682  
actuarial services to public retirement plans. 17683

**Sec. 3309.51.** (A) Each employer shall pay annually into the 17684  
employers' trust fund, in such monthly or less frequent 17685  
installments as the school employees retirement board requires, an 17686  
amount certified by the school employees retirement board, which 17687  
shall be as required by Chapter 3309. of the Revised Code. 17688

Payments by school district boards of education to the 17689  
employers' trust fund of the school employees retirement system 17690

may be made from the amounts allocated under Chapter 3317. of the 17691  
Revised Code prior to their distribution to the individual school 17692  
districts. The amount due from each school district may be 17693  
certified by the secretary of the system to the superintendent of 17694  
public instruction monthly, or at such times as is determined by 17695  
the school employees retirement board. 17696

Payments by governing authorities of community schools to the 17697  
employers' trust fund of the school employees retirement system 17698  
shall be made from the amounts allocated under section 3314.08 of 17699  
the Revised Code prior to their distribution to the individual 17700  
community schools. The amount due from each community school shall 17701  
be certified by the secretary of the system to the superintendent 17702  
of public instruction monthly, or at such times as determined by 17703  
the school employees retirement board. 17704

Payments by a science, technology, engineering, and 17705  
mathematics school to the employers' trust fund of the school 17706  
employees retirement system shall be made from the amounts 17707  
allocated under section 3326.33 of the Revised Code prior to their 17708  
distribution to the school. The amount due from a science, 17709  
technology, engineering, and mathematics school shall be certified 17710  
by the secretary of the school employees retirement system to the 17711  
superintendent of public instruction monthly, or at such times as 17712  
determined by the school employees retirement board. 17713

(B) The superintendent shall deduct from the amount allocated 17714  
to each community school under section 3314.08 ~~or~~ of the Revised 17715  
Code, to each school district under Chapter 3317. of the Revised 17716  
Code, or to each science, technology, engineering, and mathematics 17717  
school under section 3326.33 of the Revised Code the entire 17718  
amounts due to the school employees retirement system from such 17719  
school or school district upon the certification to the 17720  
superintendent by the secretary thereof. 17721

(C) Where an employer fails or has failed or refuses to make 17722

payments to the employers' trust fund, as provided for under 17723  
Chapter 3309. of the Revised Code, the secretary of the school 17724  
employees retirement system may certify to the state 17725  
superintendent of public instruction, monthly or at such times as 17726  
is determined by the school employees retirement board, the amount 17727  
due from such employer, and the superintendent shall deduct from 17728  
the amount allocated to ~~each district or community school~~ the 17729  
employer under section 3314.08 or 3326.33 or Chapter 3317. of the 17730  
Revised Code, as applicable, the entire amounts due to the system 17731  
from ~~such districts or schools~~ the employer upon the certification 17732  
to the superintendent by the secretary of the school employees 17733  
retirement system. 17734

(D) The superintendent shall certify to the director of 17735  
budget and management the amounts thus due the system for payment. 17736  
17737

**Sec. 3310.41.** (A) As used in this section: 17738

(1) "Alternative public provider" means either of the 17739  
following providers that agrees to enroll a child in the 17740  
provider's special education program to implement the child's 17741  
individualized education program and to which the child's parent 17742  
owes fees for the services provided to the child: 17743

(a) A school district that is not the school district in 17744  
which the child is entitled to attend school; 17745

(b) A public entity other than a school district. 17746

(2) "Entitled to attend school" means entitled to attend 17747  
school in a school district under section 3313.64 or 3313.65 of 17748  
the Revised Code. 17749

(3) "Formula ADM" and "category six special education ADM" 17750  
have the same meanings as in section 3317.02 of the Revised Code. 17751

(4) "~~Handicapped preschool~~ Preschool child with a disability" 17752

and "individualized education program" have the same meanings as 17753  
in section 3323.01 of the Revised Code. 17754

(5) "Parent" has the same meaning as in section 3313.64 of 17755  
the Revised Code, except that "parent" does not mean a parent 17756  
whose custodial rights have been terminated. 17757

(6) "Preschool scholarship ADM" means the number of 17758  
~~handicapped~~ preschool children with disabilities reported under 17759  
division (B)(3)(h) of section 3317.03 of the Revised Code. 17760

(7) "Qualified special education child" is a child for whom 17761  
all of the following conditions apply: 17762

(a) The school district in which the child is entitled to 17763  
attend school has identified the child as autistic. A child who 17764  
has been identified as having a "pervasive developmental disorder 17765  
- not otherwise specified (PPD-NOS)" shall be considered to be an 17766  
autistic child for purposes of this section. 17767

(b) The school district in which the child is entitled to 17768  
attend school has developed an individualized education program 17769  
under Chapter 3323. of the Revised Code for the child. 17770

(c) The child either: 17771

(i) Was enrolled in the school district in which the child is 17772  
entitled to attend school in any grade from preschool through 17773  
twelve in the school year prior to the year in which a scholarship 17774  
under this section is first sought for the child; or 17775

(ii) Is eligible to enter school in any grade preschool 17776  
through twelve in the school district in which the child is 17777  
entitled to attend school in the school year in which a 17778  
scholarship under this section is first sought for the child. 17779

(8) "Registered private provider" means a nonpublic school or 17780  
other nonpublic entity that has been approved by the ~~Department~~ 17781  
department of Education education to participate in the program 17782

established under this section. 17783

(9) "Special education program" means a school or facility 17784  
that provides special education and related services to children 17785  
with disabilities. 17786

(B) There is hereby established the autism scholarship 17787  
program. Under the program, the department of education shall pay 17788  
a scholarship to the parent of each qualified special education 17789  
child upon application of that parent pursuant to procedures and 17790  
deadlines established by rule of the state board of education. 17791  
Each scholarship shall be used only to pay tuition for the child 17792  
on whose behalf the scholarship is awarded to attend a special 17793  
education program that implements the child's individualized 17794  
education program and that is operated by an alternative public 17795  
provider or by a registered private provider. Each scholarship 17796  
shall be in an amount not to exceed the lesser of the tuition 17797  
charged for the child by the special education program or twenty 17798  
thousand dollars. The purpose of the scholarship is to permit the 17799  
parent of a qualified special education child the choice to send 17800  
the child to a special education program, instead of the one 17801  
operated by or for the school district in which the child is 17802  
entitled to attend school, to receive the services prescribed in 17803  
the child's individualized education program once the 17804  
individualized education program is finalized. A scholarship under 17805  
this section shall not be awarded to the parent of a child while 17806  
the child's individualized education program is being developed by 17807  
the school district in which the child is entitled to attend 17808  
school, or while any administrative or judicial mediation or 17809  
proceedings with respect to the content of the child's 17810  
individualized education program are pending. A scholarship under 17811  
this section shall not be used for a child to attend a public 17812  
special education program that operates under a contract, compact, 17813  
or other bilateral agreement between the school district in which 17814

the child is entitled to attend school and another school district 17815  
or other public provider, or for a child to attend a community 17816  
school established under Chapter 3314. of the Revised Code. 17817  
However, nothing in this section or in any rule adopted by the 17818  
state board shall prohibit a parent whose child attends a public 17819  
special education program under a contract, compact, or other 17820  
bilateral agreement, or a parent whose child attends a community 17821  
school, from applying for and accepting a scholarship under this 17822  
section so that the parent may withdraw the child from that 17823  
program or community school and use the scholarship for the child 17824  
to attend a special education program for which the parent is 17825  
required to pay for services for the child. A child attending a 17826  
special education program with a scholarship under this section 17827  
shall continue to be entitled to transportation to and from that 17828  
program in the manner prescribed by law. 17829

(C)(1) As prescribed in divisions (A)(2)(h), (B)(3)(g), and 17830  
(B)(10) of section 3317.03 of the Revised Code, a child who is not 17831  
a ~~handicapped~~ preschool child with a disability for whom a 17832  
scholarship is awarded under this section shall be counted in the 17833  
formula ADM and the category six special education ADM of the 17834  
district in which the child is entitled to attend school and not 17835  
in the formula ADM and the category six special education ADM of 17836  
any other school district. As prescribed in divisions (B)(3)(h) 17837  
and (B)(10) of section 3317.03 of the Revised Code, a child who is 17838  
a ~~handicapped~~ preschool child with a disability for whom a 17839  
scholarship is awarded under this section shall be counted in the 17840  
preschool scholarship ADM and category six special education ADM 17841  
of the school district in which the child is entitled to attend 17842  
school and not in the preschool scholarship ADM or category six 17843  
special education ADM of any other school district. 17844

(2) In each fiscal year, the department shall deduct from the 17845  
amounts paid to each school district under Chapter 3317. of the 17846

Revised Code, and, if necessary, sections 321.24 and 323.156 of 17847  
the Revised Code, the aggregate amount of scholarships awarded 17848  
under this section for qualified special education children 17849  
included in the formula ADM, or preschool scholarship ADM, and in 17850  
the category six special education ADM of that school district as 17851  
provided in division (C)(1) of this section. The scholarships 17852  
deducted shall be considered as an approved special education and 17853  
related services expense for the purpose of the school district's 17854  
compliance with division (C)(5) of section 3317.022 of the Revised 17855  
Code. 17856

(3) From time to time, the department shall make a payment to 17857  
the parent of each qualified special education child for whom a 17858  
scholarship has been awarded under this section. The scholarship 17859  
amount shall be proportionately reduced in the case of any such 17860  
child who is not enrolled in the special education program for 17861  
which a scholarship was awarded under this section for the entire 17862  
school year. The department shall make no payments to the parent 17863  
of a child while any administrative or judicial mediation or 17864  
proceedings with respect to the content of the child's 17865  
individualized education program are pending. 17866

(D) A scholarship shall not be paid to a parent for payment 17867  
of tuition owed to a nonpublic entity unless that entity is a 17868  
registered private provider. The department shall approve entities 17869  
that meet the standards established by rule of the state board for 17870  
the program established under this section. 17871

(E) The state board shall adopt rules under Chapter 119. of 17872  
the Revised Code prescribing procedures necessary to implement 17873  
this section, including, but not limited to, procedures and 17874  
deadlines for parents to apply for scholarships, standards for 17875  
registered private providers, and procedures for approval of 17876  
entities as registered private providers. 17877

<u>Sec. 3310.51. As used in sections 3310.51 to 3310.63 of the</u>	17878
<u>Revised Code:</u>	17879
<u>(A) "Alternative public provider" means either of the</u>	17880
<u>following providers that agrees to enroll a child in the</u>	17881
<u>provider's special education program to implement the child's</u>	17882
<u>individualized education program and to which the eligible</u>	17883
<u>applicant owes fees for the services provided to the child:</u>	17884
<u>(1) A school district that is not the school district in</u>	17885
<u>which the child is entitled to attend school or the child's school</u>	17886
<u>district of residence, if different;</u>	17887
<u>(2) A public entity other than a school district.</u>	17888
<u>(B) "Applicable special education weight" means the multiple</u>	17889
<u>specified in section 3317.013 of the Revised Code for a disability</u>	17890
<u>described in that section.</u>	17891
<u>(C) "Category one through six special education ADM" means</u>	17892
<u>the respective categories prescribed in divisions (F)(1) to (6) of</u>	17893
<u>section 3317.02 of the Revised Code.</u>	17894
<u>(D) "Child with a disability" and "individualized education</u>	17895
<u>program" have the same meanings as in section 3323.01 of the</u>	17896
<u>Revised Code.</u>	17897
<u>(E) "Eligible applicant" means any of the following:</u>	17898
<u>(1) Either of the natural or adoptive parents of a qualified</u>	17899
<u>special education child, except as otherwise specified in this</u>	17900
<u>division. When the marriage of the natural or adoptive parents of</u>	17901
<u>the student has been terminated by a divorce, dissolution of</u>	17902
<u>marriage, or annulment, or when the natural or adoptive parents of</u>	17903
<u>the student are living separate and apart under a legal separation</u>	17904
<u>decree, and a court has issued an order allocating the parental</u>	17905
<u>rights and responsibilities with respect to the child, "eligible</u>	17906
<u>applicant" means the residential parent as designated by the</u>	17907

court. If the court issues a shared parenting decree, "eligible applicant" means either parent. "Eligible applicant" does not mean a parent whose custodial rights have been terminated. 17908  
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(2) The custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency; 17911  
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(3) The guardian of a qualified special education child, when a court has appointed a guardian for the child; 17915  
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(4) The grandparent of a qualified special education child, when the grandparent is the child's attorney in fact under a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code or when the grandparent has executed a caregiver authorization affidavit under sections 3109.65 to 3109.73 of the Revised Code; 17917  
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(5) The surrogate parent appointed for a qualified special education child pursuant to division (B) of section 3323.05 and section 3323.051 of the Revised Code; 17923  
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(6) A qualified special education child, if the child does not have a custodian or guardian and the child is at least eighteen years of age. 17926  
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(F) "Entitled to attend school" means entitled to attend school in a school district under sections 3313.64 and 3313.65 of the Revised Code. 17929  
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(G) "Formula ADM" and "formula amount" have the same meanings as in section 3317.02 of the Revised Code. 17932  
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(H) "Qualified special education child" is a child for whom all of the following conditions apply: 17934  
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(1) The child is at least five years of age and less than twenty-two years of age; 17936  
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<u>(2) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has identified the child as a child with a disability;</u>	17938
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<u>(3) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has developed an individualized education program under Chapter 3323. of the Revised Code for the child;</u>	17941
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<u>(4) The child either:</u>	17945
<u>(a) Was enrolled in the schools of the school district in which the child is entitled to attend school in any grade from kindergarten through twelve in the school year prior to the school year in which a scholarship is first sought for the child;</u>	17946
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<u>(b) Is eligible to enter school in any grade kindergarten through twelve in the school district in which the child is entitled to attend school in the school year in which a scholarship is first sought for the child.</u>	17950
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<u>(I) "Registered private provider" means a nonpublic school or other nonpublic entity that has been registered by the superintendent of public instruction under section 3310.58 of the Revised Code.</u>	17954
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<u>(J) "Scholarship" means a scholarship awarded under the special education scholarship pilot program pursuant to sections 3310.51 to 3310.63 of the Revised Code.</u>	17958
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<u>(K) "School district of residence" has the same meaning as in section 3323.01 of the Revised Code. A community school established under Chapter 3314. of the Revised Code is not a "school district of residence" for purposes of sections 3310.51 to 3310.63 of the Revised Code.</u>	17961
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<u>(L) "School year" has the same meaning as in section 3313.62 of the Revised Code.</u>	17966
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(M) "Special education program" means a school or facility that provides special education and related services to children with disabilities. 17968  
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Sec. 3310.52. (A) The special education scholarship pilot program is hereby established. Under the program, in fiscal years 2009 through 2014, subject to division (B) of this section, the department of education annually shall pay a scholarship to an alternative public provider or a registered private provider on behalf of an eligible applicant for services provided for a qualified special education child. The scholarship shall be used only to pay all or part of the fees for the child to attend the special education program operated by the alternative public provider or registered private provider to implement the child's individualized education program in lieu of the child's attending the special education program operated by the school district in which the child is entitled to attend school. 17971  
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(B) The number of scholarships awarded under the pilot program in any fiscal year shall not exceed three per cent of the total number of students residing in the state identified as children with disabilities during the previous fiscal year. 17984  
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(C) No scholarship or renewal of a scholarship shall be awarded to an eligible applicant on behalf of a qualified special education child for the next school year, unless on or before the fifteenth day of April the eligible applicant completes the application for the scholarship or renewal, in the manner prescribed by the department, and notifies the school district in which the child is entitled to attend school that the eligible applicant has applied for the scholarship or renewal. 17988  
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Sec. 3310.53. (A) Except for development of the child's individualized education program, as specified in division (B) of 17996  
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this section, the school district in which a qualified special 17998  
education child is entitled to attend school and the child's 17999  
school district of residence, if different, are not obligated to 18000  
provide the child with a free appropriate public education under 18001  
Chapter 3323. of the Revised Code for as long as the child 18002  
continues to attend the special education program operated by 18003  
either an alternative public provider or a registered private 18004  
provider for which a scholarship is awarded under the special 18005  
education scholarship pilot program. If at any time, the eligible 18006  
applicant for the child decides no longer to accept scholarship 18007  
payments and enrolls the child in the special education program of 18008  
the school district in which the child is entitled to attend 18009  
school, that district shall provide the child with a free 18010  
appropriate public education under Chapter 3323. of the Revised 18011  
Code. 18012

(B) Each eligible applicant and each qualified special 18013  
education child have a continuing right to the development of an 18014  
individualized education program for the child that complies with 18015  
Chapter 3323. of the Revised Code, 20 U.S.C. 1400 et seq., and 18016  
administrative rules or guidelines adopted by the Ohio department 18017  
of education or the United States department of education. The 18018  
school district in which a qualified special education child is 18019  
entitled to attend school, or the child's school district of 18020  
residence if different, shall develop each individualized 18021  
education program for the child in accordance with those 18022  
provisions. 18023

(C) Each school district shall notify an eligible applicant 18024  
of the applicant's and qualified special education child's rights 18025  
under sections 3310.51 to 3310.63 of the Revised Code by providing 18026  
to each eligible applicant the comparison document prescribed in 18027  
section 3323.052 of the Revised Code. An eligible applicant's 18028  
receipt of that document, as acknowledged in a format prescribed 18029

by the department of education, shall constitute notice that the 18030  
eligible applicant has been informed of those rights. Upon receipt 18031  
of that document, subsequent acceptance of a scholarship 18032  
constitutes the eligible applicant's informed consent to the 18033  
provisions of sections 3310.51 to 3310.63 of the Revised Code. 18034

**Sec. 3310.54.** As prescribed in divisions (A)(2)(h), 18035  
(B)(3)(g), and (B)(5) to (10) of section 3317.03 of the Revised 18036  
Code, a qualified special education child in any of grades 18037  
kindergarten through twelve for whom a scholarship is awarded 18038  
under the special education scholarship pilot program shall be 18039  
counted in the formula ADM and category one through six special 18040  
education ADM, as appropriate, of the school district in which the 18041  
child is entitled to attend school. A qualified special education 18042  
child shall not be counted in the formula ADM or category one 18043  
through six special education ADM of any other school district. 18044

**Sec. 3310.55.** The department of education shall deduct from a 18045  
school district's state education aid, as defined in section 18046  
3317.02 of the Revised Code, and, if necessary, from its payment 18047  
under sections 321.24 and 323.156 of the Revised Code, the 18048  
aggregate amount of scholarships paid under section 3310.57 of the 18049  
Revised Code for qualified special education children included in 18050  
the formula ADM and the category one through six special education 18051  
ADM of that school district. 18052

**Sec. 3310.56.** The amount of the scholarship awarded and paid 18053  
on behalf of an eligible applicant for services for a qualified 18054  
special education child under the special education scholarship 18055  
pilot program in each school year shall be the least of the 18056  
following: 18057

(A) The amount of fees charged for that school year by the 18058  
alternative public provider or registered private provider; 18059

(B) The sum of the amounts calculated under divisions (B)(1) and (2) of this section: 18060  
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(1) The sum of the formula amount 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; 18062  
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(2) The formula amount times the applicable special education weight for the child's disability; 18065  
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(C) Twenty thousand dollars. 18067

**Sec. 3310.57.** The department of education shall make periodic payments to an alternative public provider or a registered private provider on behalf of an eligible applicant for services for each qualified special education child for whom a scholarship has been awarded. The total of all payments made on behalf of an applicant in each school year shall not exceed the amount calculated for the child under section 3310.56 of the Revised Code. 18068  
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The scholarship amount shall be proportionately reduced in the case of a child who is not enrolled in the special education program of an alternative public provider or a registered private provider for the entire school year. 18075  
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In accordance with division (A) of section 3310.62 of the Revised Code, the department shall make no payments on behalf of an applicant for a first-time scholarship for a qualified special education child while any administrative or judicial mediation or proceedings with respect to the content of the child's individualized education program are pending. 18080  
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**Sec. 3310.58.** No nonpublic school or entity shall receive payments for services for a qualified special education child under the special education scholarship pilot program until the school or entity registers with the superintendent of public 18086  
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instruction. The superintendent shall register and designate as a 18090  
registered private provider any nonpublic school or entity that 18091  
meets the following requirements: 18092

(A) The special education program operated by the school or 18093  
entity meets the minimum education standards established by the 18094  
state board of education. 18095

(B) The school or entity complies with the antidiscrimination 18096  
provisions of 42 U.S.C. 2000d, regardless of whether the school or 18097  
entity receives federal financial assistance. 18098

(C) If the school or entity is not chartered by the state 18099  
board under section 3301.16 of the Revised Code, the school or 18100  
entity agrees to comply with section 3319.39 of the Revised Code 18101  
as if it were a school district. 18102

(D) The teaching and nonteaching professionals employed by 18103  
the school or entity, or employed by any subcontractors of the 18104  
school or entity, hold credentials determined by the state board 18105  
to be appropriate for the qualified special education children 18106  
enrolled in the special education program it operates. 18107

(E) The school or entity meets applicable health and safety 18108  
standards established by law for school buildings. 18109

(F) The school or entity agrees to retain on file 18110  
documentation as required by the department of education. 18111

(G) The school or entity demonstrates fiscal soundness to the 18112  
satisfaction of the department. 18113

(H) The school or entity agrees to meet other requirements 18114  
established by rule of the state board under section 3310.63 of 18115  
the Revised Code. 18116

**Sec. 3310.59.** The superintendent of public instruction shall 18117  
revoke the registration of any school or entity if, after a 18118  
hearing, the superintendent determines that the school or entity 18119

is in violation of any provision of section 3310.58 of the Revised Code. 18120  
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Sec. 3310.60. A qualified special education child attending a special education program at an alternative public provider or a registered private provider with a scholarship shall be entitled to transportation to and from that program in the manner prescribed by law for any child with a disability attending a nonpublic special education program. 18122  
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Sec. 3310.61. An eligible applicant on behalf of a child who currently attends a public special education program under a contract, compact, or other bilateral agreement, or on behalf of a child who currently attends a community school, shall not be prohibited from applying for and accepting a scholarship so that the applicant may withdraw the child from that program or community school and use the scholarship for the child to attend a special education program operated by an alternative public provider or a registered private provider. 18128  
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Sec. 3310.62. (A) A scholarship under the special education scholarship pilot program shall not be awarded for the first time to an eligible applicant on behalf of a qualified special education child while the child's individualized education program is being developed by the school district in which the child is entitled to attend school, or by the child's school district of residence if different, or while any administrative or judicial mediation or proceedings with respect to the content of that individualized education program are pending. 18137  
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(B) Development of individualized education programs subsequent to the one developed for the child the first time a scholarship was awarded on behalf of the child and the prosecuting, by the eligible applicant on behalf of the child, of 18146  
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administrative or judicial mediation or proceedings with respect 18150  
to any of those subsequent individualized education programs do 18151  
not affect the applicant's and the child's continued eligibility 18152  
for scholarship payments. 18153

(C) In the case of any child for whom a scholarship has been 18154  
awarded, if the school district in which the child is entitled to 18155  
attend school has agreed to provide some services for the child 18156  
under an agreement entered into with the eligible applicant or 18157  
with the alternative public provider or registered private 18158  
provider implementing the child's individualized education 18159  
program, or if the district is required by law to provide some 18160  
services for the child, including transportation services under 18161  
sections 3310.60 and 3327.01 of the Revised Code, the district 18162  
shall not discontinue the services it is providing pending 18163  
completion of any administrative proceedings regarding those 18164  
services. The prosecuting, by the eligible applicant on behalf of 18165  
the child, of administrative proceedings regarding the services 18166  
provided by the district does not affect the applicant's and the 18167  
child's continued eligibility for scholarship payments. 18168

(D) The department of education shall continue to make 18169  
payments to the alternative public provider or registered private 18170  
provider on behalf of the eligible applicant under section 3310.57 18171  
of the Revised Code while either of the following are pending: 18172

(1) Administrative or judicial mediation or proceedings with 18173  
respect to a subsequent individualized education program for the 18174  
child referred to in division (B) of this section; 18175

(2) Administrative proceedings regarding services provided by 18176  
the district under division (C) of this section. 18177

**Sec. 3310.63.** The state board of education shall adopt rules 18178  
in accordance with Chapter 119. of the Revised Code prescribing 18179  
procedures necessary to implement sections 3310.51 to 3310.62 of 18180

the Revised Code including, but not limited to, procedures for 18181  
parents to apply for scholarships, standards for registered 18182  
private providers, and procedures for registration of private 18183  
providers. 18184

**Sec. 3311.24.** (A)~~(1)~~ Except as provided in division (B) of 18185  
this section, ~~if~~ the board of education of a city, exempted 18186  
village, or local school district ~~deems it advisable~~ shall file 18187  
with the state board of education a proposal to transfer territory 18188  
from such district to an adjoining city, exempted village, or 18189  
local school district, ~~or if a~~ in any of the following 18190  
circumstances: 18191

(a) The district board deems the transfer advisable; 18192

(b) A petition, signed by seventy-five per cent of the 18193  
qualified electors residing within that portion of a city, 18194  
exempted village, or local school district proposed to be 18195  
transferred voting at the last general election, requests such a 18196  
transfer, ~~the;~~ 18197

(c) If no qualified electors reside in that portion of the 18198  
district proposed to be transferred, a petition, signed by 18199  
seventy-five per cent of the owners of parcels of real property on 18200  
the tax duplicate within that portion of the district, requests 18201  
such a transfer. 18202

(2) The board of education of the district in which such 18203  
proposal originates shall file such proposal, together with a map 18204  
showing the boundaries of the territory proposed to be 18205  
transferred, with the state board of education prior to the first 18206  
day of April in any even-numbered year. The state board of 18207  
education may, if it is advisable, provide for a hearing in any 18208  
suitable place in any of the school districts affected by such 18209  
proposed transfer of territory. The state board of education or 18210  
its representatives shall preside at any such hearing. 18211

(3) A board of education of a city, exempted village, or local school district that receives a petition of transfer signed by electors of the district under ~~this~~ division (A)(1)(b) of this section shall cause the board of elections to check the sufficiency of signatures on the petition. A board of education of a city, exempted village, or local school district that receives a petition of transfer signed by owners of parcels of real property under division (A)(1)(c) of this section shall cause the county auditor to check the sufficiency of signatures on the petition.

(4) Not later than the first day of September the state board of education shall either approve or disapprove a proposed transfer of territory filed with it as provided by this section and shall notify, in writing, the boards of education of the districts affected by such proposed transfer of territory of its decision.

If the decision of the state board of education is an approval of the proposed transfer of territory then the board of education of the district in which the territory is located shall, within thirty days after receiving the state board of education's decision, adopt a resolution transferring the territory and shall forthwith submit a copy of such resolution to the treasurer of the board of education of the city, exempted village, or local school district to which the territory is transferred. Such transfer shall not be complete however, until:

~~(1)~~(a) A resolution accepting the transfer has been passed by a majority vote of the full membership of the board of education of the city, exempted village, or local school district to which the territory is transferred;

~~(2)~~(b) An equitable division of the funds and indebtedness between the districts involved has been made by the board of education making the transfer;

~~(3)~~(c) A map showing the boundaries of the territory 18243  
transferred has been filed, by the board of education accepting 18244  
the transfer, with the county auditor of each county affected by 18245  
the transfer. 18246

When such transfer is complete the legal title of the school 18247  
property in the territory transferred shall be vested in the board 18248  
of education or governing board of the school district to which 18249  
the territory is transferred. 18250

(B) Whenever the transfer of territory pursuant to this 18251  
section is initiated by a board of education, the board shall, 18252  
before filing a proposal for transfer with the state board of 18253  
education under this section, make a good faith effort to 18254  
negotiate the terms of transfer with any other school district 18255  
whose territory would be affected by the transfer. Before the 18256  
state board may hold a hearing on the transfer, or approve or 18257  
disapprove any such transfer, it must receive the following: 18258

(1) A resolution requesting approval of the transfer, passed 18259  
by the school district submitting the proposal; 18260

(2) Evidence determined to be sufficient by the state board 18261  
to show that good faith negotiations have taken place or that the 18262  
district requesting the transfer has made a good faith effort to 18263  
hold such negotiations; 18264

(3) If any negotiations took place, a statement signed by all 18265  
boards that participated in the negotiations, listing the terms 18266  
agreed on and the points on which no agreement could be reached. 18267

Negotiations held pursuant to this section shall be governed 18268  
by the rules adopted by the state board under division (D) of 18269  
section 3311.06 of the Revised Code. Districts involved in a 18270  
transfer under division (B) of this section may agree to share 18271  
revenues from the property included in the territory to be 18272  
transferred, establish cooperative programs between the 18273

participating districts, and establish mechanisms for the 18274  
settlement of any future boundary disputes. 18275

**Sec. 3311.51.** Nothing in this section or sections 3311.50 and 18276  
5705.215 of the Revised Code shall be construed to permit or 18277  
require the education of ~~handicapped~~ children with disabilities 18278  
other than in the manner required by Chapter 3323. of the Revised 18279  
Code. To the maximum extent appropriate, ~~handicapped~~ children with 18280  
disabilities shall be educated with ~~nonhandicapped~~ nondisabled 18281  
children. 18282

The governing board that is taxing authority of a county 18283  
school financing district that levies a tax pursuant to section 18284  
5705.215 of the Revised Code may, by resolution adopted by 18285  
majority vote of its members, expend the proceeds of such tax for 18286  
the benefit of school districts with territory in the county 18287  
school financing district in accordance with this section and the 18288  
resolution to levy the tax. 18289

(A) In the case of a district created for special education, 18290  
as described in division (B)(1) of section 3311.50 of the Revised 18291  
Code, the proceeds may be expended either: 18292

(1) To pay for operating costs and permanent improvements 18293  
necessary to implement and maintain special education programs and 18294  
related services in accordance with a contract or agreement 18295  
entered into under section 3313.92 or 3323.08 of the Revised Code; 18296

(2) To make grants or otherwise distribute funds to boards of 18297  
education with territory in the county school financing district 18298  
for special education programs and related services. 18299

(B) In the case of a district created for the provision of 18300  
specified educational programs and services as described in 18301  
division (B)(2) of section 3311.50 of the Revised Code, the 18302  
proceeds may be expended either: 18303

(1) To pay for operating costs and permanent improvements 18304  
necessary to implement and maintain specified educational programs 18305  
in accordance with a contract or agreement entered into under 18306  
section 3313.812, 3313.842, or division (A)(3) of section 3313.90 18307  
of the Revised Code; 18308

(2) To make grants or otherwise distribute funds for those 18309  
programs to boards of education with territory in the county 18310  
school financing district. 18311

(C) In the case of a district created for the making of 18312  
permanent improvements under division (B)(3) of section 3311.50 of 18313  
the Revised Code, the proceeds shall be expended either: 18314

(1) To pay for the permanent improvements in accordance with 18315  
a contract entered into under section 3313.92 of the Revised Code; 18316

(2) To make grants or otherwise distribute funds for those 18317  
permanent improvements to boards of education with territory in 18318  
the county school financing district. 18319

**Sec. 3311.521.** (A) The boards of education of any two or more 18320  
contiguous city, exempted village, or local school districts may 18321  
establish a cooperative education school district in accordance 18322  
with this section for the purpose of operating a joint high school 18323  
in lieu of each of such boards operating any high school. Such a 18324  
cooperative education school district shall only be established 18325  
pursuant to the adoption of identical resolutions in accordance 18326  
with this section within a sixty-day period by a majority of the 18327  
members of the board of education of all such boards. Upon the 18328  
adoption of all such resolutions, a copy of each resolution shall 18329  
be filed with the state board of education. 18330

The territory of any cooperative education school district 18331  
established pursuant to this section shall consist of the 18332  
territory of all of the school districts whose boards of education 18333

adopt identical resolutions under this section. 18334

(B) Any resolutions adopted under division (A) of this 18335  
section shall include all of the following: 18336

(1) Provision for the date on which the cooperative district 18337  
will be created, which date shall be the first day of July in the 18338  
year specified in the resolution; 18339

(2) Provision for the composition, selection, and terms of 18340  
office of the board of education of the cooperative district, 18341  
which provision shall include but not necessarily be limited to 18342  
both of the following: 18343

(a) A requirement that the board include at least two members 18344  
selected from or by the members of the board of education of each 18345  
city, local, and exempted village school district within the 18346  
territory of the cooperative district; 18347

(b) Specification of the date by which the initial members of 18348  
the board must be selected, which date shall be the same as the 18349  
date specified pursuant to division (B)(1) of this section. 18350

(3) Provision for the selection of a superintendent and 18351  
treasurer of the cooperative school district, which provision 18352  
shall require one of the following: 18353

(a) The selection of one person as both the superintendent 18354  
and treasurer of the cooperative district, which provision may 18355  
require such person to be the superintendent or treasurer of any 18356  
city, local, or exempted village school district within the 18357  
territory of the cooperative district; 18358

(b) The selection of one person as the superintendent and 18359  
another person as the treasurer of the cooperative district, which 18360  
provision may require either one or both such persons to be 18361  
superintendents or treasurers of any city, local, or exempted 18362  
village school district within the territory of the cooperative 18363

district. 18364

(4) A statement of the high school education program the 18365  
board of education of the cooperative education school district 18366  
will conduct in lieu of any high school education program being 18367  
operated by the boards of education of the city, local, and 18368  
exempted village school districts within the territory of the 18369  
cooperative district, which statement shall include but not 18370  
necessarily be limited to the high school grade levels to be 18371  
operated in the program, the timetable for commencing operation of 18372  
the program, and the facilities proposed to be used or constructed 18373  
to be used by the program; 18374

(5) A statement that the boards of education of the city, 18375  
local, and exempted village school districts within the territory 18376  
of the cooperative district will not operate any high school 18377  
education program for the grade levels operated by the cooperative 18378  
district; 18379

(6) A statement of how special education and related services 18380  
will be provided in accordance with Chapter 3323. of the Revised 18381  
Code to the ~~handicapped~~ children with disabilities who are 18382  
identified by each city, exempted village, or local school 18383  
district with territory in the cooperative district and who are in 18384  
the grade levels to be operated by the cooperative district; 18385

(7) A statement of how transportation of students to and from 18386  
school will be provided in the cooperative district, which 18387  
statement shall include but not be necessarily limited to both of 18388  
the following: 18389

(a) How special education students will be transported as 18390  
required by their individualized education program adopted 18391  
pursuant to section 3323.08 of the Revised Code; 18392

(b) Whether transportation to and from school will be 18393  
provided to any other students of the cooperative district and, if 18394

so, the manner in which this transportation will be provided. 18395

(8) A statement of the annual amount, or the method for 18396  
determining the annual amount, of funds or services or facilities 18397  
that each city, local, and exempted village school district is 18398  
required to pay to or provide for the use of the board of 18399  
education of the cooperative education school district; 18400

(9) Provision for adopting amendments to the provisions 18401  
adopted pursuant to divisions (B)(3) to (8) of this section, which 18402  
provision shall require that any such amendments comply with 18403  
divisions (B)(3) to (8) of this section. 18404

(C) Upon the adoption of identical resolutions in accordance 18405  
with this section, the cooperative education school district and 18406  
board of education of that district specified in and selected in 18407  
accordance with such resolutions shall be established on the date 18408  
specified in the resolutions. Upon the establishment of the 18409  
district and board, the board of the cooperative district shall 18410  
give written notice of the creation of the district to the county 18411  
auditor and the board of elections of each county having any 18412  
territory in the new district. 18413

**Sec. 3313.532.** (A) Any person twenty-two or more years of age 18414  
and enrolled in an adult highschool continuation program 18415  
established pursuant to section 3313.531 of the Revised Code may 18416  
request the board of education operating the program to conduct an 18417  
evaluation in accordance with division (C) of this section. 18418

(B) Any applicant to a board of education for a diploma of 18419  
adult education under division (B) of section 3313.611 of the 18420  
Revised Code may request the board to conduct an evaluation in 18421  
accordance with division (C) of this section. 18422

(C) Upon the request of any person pursuant to division (A) 18423  
or (B) of this section, the board of education to which the 18424

request is made shall evaluate the person to determine whether the 18425  
person is ~~handicapped~~ disabled, in accordance with rules adopted 18426  
by the state board of education. If the evaluation indicates that 18427  
the person is ~~handicapped~~ disabled, the board shall determine 18428  
whether to excuse the person from taking any of the tests required 18429  
by division (B) of section 3301.0710 of the Revised Code as a 18430  
requirement for receiving a diploma under section 3313.611 of the 18431  
Revised Code. The board may require the person to take an 18432  
alternate assessment in place of any test from which the person is 18433  
so excused. 18434

**Sec. 3313.537.** (A) As used in this section, "extracurricular 18435  
activity" means a pupil activity program that a school or school 18436  
district operates and is not included in the school district's 18437  
graded course of study, including an interscholastic 18438  
extracurricular activity that a school or school district sponsors 18439  
or participates in and that has participants from more than one 18440  
school or school district. 18441

(B)(1) A student in grades seven to twelve who is enrolled in 18442  
a community school established under Chapter 3314. of the Revised 18443  
Code that is sponsored by the city, local, or exempted village 18444  
school district in which the student is entitled to attend school 18445  
pursuant to section 3313.64 or 3313.65 of the Revised Code shall 18446  
be afforded the opportunity to participate in any extracurricular 18447  
activities offered at the traditional public school that is 18448  
operated by the school district and to which the student otherwise 18449  
would be assigned. If more than one such school operated by the 18450  
school district serves the student's grade level, the student 18451  
shall be afforded the opportunity to participate in any 18452  
extracurricular activities offered at the school to which the 18453  
student would be assigned by the district superintendent pursuant 18454  
to section 3319.01 of the Revised Code. 18455

(2) A student who is enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code shall be afforded the opportunity to participate in any extracurricular activities offered at the traditional public school that is operated by the school district in which the student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code and to which the student otherwise would be assigned. If more than one such school operated by the school district serves the student's grade level, the student shall be afforded the opportunity to participate in any extracurricular activities offered at the school to which the student would be assigned by the district superintendent pursuant to section 3319.01 of the Revised Code.

(C) In order to participate in any extracurricular activity under this section, the student shall fulfill the same academic, nonacademic, and financial requirements as any other participant, including the rules and policies adopted by the school district under section 3313.535 of the Revised Code. The school district board of education may require ~~the~~ a community school student to enroll and participate in no more than one academic course at the school offering the extracurricular activity as a condition to participating in the activity. In that case, the board shall admit students seeking to enroll in an academic course to fulfill the requirement as space allows after first enrolling students assigned to that school.

(D) No school or school district shall impose fees for a student to participate under this section that exceed any fees charged to other students participating in the same extracurricular activity.

(E) No school district, interscholastic conference, or organization that regulates interscholastic conferences or events shall require a student who is eligible to participate in

extracurricular activities under this section to meet eligibility 18488  
requirements that conflict with this section. 18489

**Sec. 3313.603.** (A) As used in this section: 18490

(1) "One unit" means a minimum of one hundred twenty hours of 18491  
course instruction, except that for a laboratory course, "one 18492  
unit" means a minimum of one hundred fifty hours of course 18493  
instruction. 18494

(2) "One-half unit" means a minimum of sixty hours of course 18495  
instruction, except that for physical education courses, "one-half 18496  
unit" means a minimum of one hundred twenty hours of course 18497  
instruction. 18498

(B) Beginning September 15, 2001, except as required in 18499  
division (C) of this section and division (C) of section 3313.614 18500  
of the Revised Code, the requirements for graduation from every 18501  
high school shall include twenty units earned in grades nine 18502  
through twelve and shall be distributed as follows: 18503

(1) English language arts, four units; 18504

(2) Health, one-half unit; 18505

(3) Mathematics, three units; 18506

(4) Physical education, one-half unit; 18507

(5) Science, two units until September 15, 2003, and three 18508  
units thereafter, which at all times shall include both of the 18509  
following: 18510

(a) Biological sciences, one unit; 18511

(b) Physical sciences, one unit. 18512

(6) Social studies, three units, which shall include both of 18513  
the following: 18514

(a) American history, one-half unit; 18515

(b) American government, one-half unit.	18516
(7) Elective units, seven units until September 15, 2003, and six units thereafter.	18517 18518
Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.	18519 18520 18521
(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:	18522 18523 18524 18525 18526 18527 18528
(1) English language arts, four units;	18529
(2) Health, one-half unit;	18530
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II;	18531 18532
(4) Physical education, one-half unit;	18533
(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:	18534 18535 18536 18537
(a) Physical sciences, one unit;	18538
(b) <del>Biology</del> <u>Life sciences</u> , one unit;	18539
(c) Advanced study in one or more of the following sciences, one unit:	18540 18541
(i) Chemistry, physics, or other physical science;	18542
(ii) Advanced biology or other life science;	18543
(iii) Astronomy, physical geology, or other earth or space	18544

science. 18545

(6) Social studies, three units, which shall include both of 18546  
the following: 18547

(a) American history, one-half unit; 18548

(b) American government, one-half unit. 18549

Each school shall integrate the study of economics and 18550  
financial literacy, as expressed in the social studies academic 18551  
content standards adopted by the state board of education under 18552  
section 3301.079 of the Revised Code, into one or more existing 18553  
social studies credits required under division (C)(6) of this 18554  
section, or into the content of another class, so that every high 18555  
school student receives instruction in those concepts. In 18556  
developing the curriculum required by this paragraph, schools 18557  
shall use available public-private partnerships and resources and 18558  
materials that exist in business, industry, and through the 18559  
centers for economics education at institutions of higher 18560  
education in the state. 18561

(7) Five units consisting of one or any combination of 18562  
foreign language, fine arts, business, career-technical education, 18563  
family and consumer sciences, technology, agricultural education, 18564  
or English language arts, mathematics, science, or social studies 18565  
courses not otherwise required under division (C) of this section. 18566

Ohioans must be prepared to apply increased knowledge and 18567  
skills in the workplace and to adapt their knowledge and skills 18568  
quickly to meet the rapidly changing conditions of the 18569  
twenty-first century. National studies indicate that all high 18570  
school graduates need the same academic foundation, regardless of 18571  
the opportunities they pursue after graduation. The goal of Ohio's 18572  
system of elementary and secondary education is to prepare all 18573  
students for and seamlessly connect all students to success in 18574  
life beyond high school graduation, regardless of whether the next 18575

step is entering the workforce, beginning an apprenticeship, 18576  
engaging in post-secondary training, serving in the military, or 18577  
pursuing a college degree. 18578

The Ohio core curriculum is the standard expectation for all 18579  
students entering ninth grade for the first time at a public or 18580  
chartered nonpublic high school on or after July 1, 2010. A 18581  
student may satisfy this expectation through a variety of methods, 18582  
including, but not limited to, integrated, applied, 18583  
career-technical, and traditional coursework. 18584

Whereas teacher quality is essential for student success in 18585  
completing the Ohio core curriculum, the general assembly shall 18586  
appropriate funds for strategic initiatives designed to strengthen 18587  
schools' capacities to hire and retain highly qualified teachers 18588  
in the subject areas required by the curriculum. Such initiatives 18589  
are expected to require an investment of \$120,000,000 over five 18590  
years. 18591

Stronger coordination between high schools and institutions 18592  
of higher education is necessary to prepare students for more 18593  
challenging academic endeavors and to lessen the need for academic 18594  
remediation in college, thereby reducing the costs of higher 18595  
education for Ohio's students, families, and the state. The state 18596  
board of education, the Ohio board of regents, and the partnership 18597  
for continued learning shall develop policies to ensure that only 18598  
in rare instances will students who complete the Ohio core 18599  
curriculum require academic remediation after high school. 18600

School districts, community schools, and chartered nonpublic 18601  
schools shall integrate technology into learning experiences 18602  
whenever practicable across the curriculum in order to maximize 18603  
efficiency, enhance learning, and prepare students for success in 18604  
the technology-driven twenty-first century. Districts and schools 18605  
may use distance and web-based course delivery as a method of 18606  
providing or augmenting all instruction required under this 18607

division, including laboratory experience in science. Districts 18608  
and schools shall whenever practicable utilize technology access 18609  
and electronic learning opportunities provided by the eTech Ohio 18610  
commission, the Ohio learning network, education technology 18611  
centers, public television stations, and other public and private 18612  
providers. 18613

(D) Except as provided in division (E) of this section, a 18614  
student who enters ninth grade on or after July 1, 2010, and 18615  
before July 1, 2014, may qualify for graduation from a public or 18616  
chartered nonpublic high school even though the student has not 18617  
completed the Ohio core curriculum prescribed in division (C) of 18618  
this section if all of the following conditions are satisfied: 18619

(1) After the student has attended high school for two years, 18620  
as determined by the school, the student and the student's parent, 18621  
guardian, or custodian sign and file with the school a written 18622  
statement asserting the parent's, guardian's, or custodian's 18623  
consent to the student's graduating without completing the Ohio 18624  
core curriculum and acknowledging that one consequence of not 18625  
completing the Ohio core curriculum is ineligibility to enroll in 18626  
most state universities in Ohio without further coursework. 18627

(2) The student and parent, guardian, or custodian fulfill 18628  
any procedural requirements the school stipulates to ensure the 18629  
student's and parent's, guardian's, or custodian's informed 18630  
consent and to facilitate orderly filing of statements under 18631  
division (D)(1) of this section. 18632

(3) The student and the student's parent, guardian, or 18633  
custodian and a representative of the student's high school 18634  
jointly develop an individual career plan for the student that 18635  
specifies the student matriculating to a two-year degree program, 18636  
acquiring a business and industry credential, or entering an 18637  
apprenticeship. 18638

(4) The student's high school provides counseling and support 18639  
for the student related to the plan developed under division 18640  
(D)(3) of this section during the remainder of the student's high 18641  
school experience. 18642

(5) The student successfully completes, at a minimum, the 18643  
curriculum prescribed in division (B) of this section. 18644

The partnership for continued learning, in collaboration with 18645  
the department of education and the Ohio board of regents, shall 18646  
analyze student performance data to determine if there are 18647  
mitigating factors that warrant extending the exception permitted 18648  
by division (D) of this section to high school classes beyond 18649  
those entering ninth grade before July 1, 2014. The partnership 18650  
shall submit its findings and any recommendations not later than 18651  
August 1, 2014, to the speaker and minority leader of the house of 18652  
representatives, the president and minority leader of the senate, 18653  
the chairpersons and ranking minority members of the standing 18654  
committees of the house of representatives and the senate that 18655  
consider education legislation, the state board of education, and 18656  
the superintendent of public instruction. 18657

(E) Each school district and chartered nonpublic school 18658  
retains the authority to require an even more rigorous minimum 18659  
curriculum for high school graduation than specified in division 18660  
(B) or (C) of this section. A school district board of education, 18661  
through the adoption of a resolution, or the governing authority 18662  
of a chartered nonpublic school may stipulate any of the 18663  
following: 18664

(1) A minimum high school curriculum that requires more than 18665  
twenty units of academic credit to graduate; 18666

(2) An exception to the district's or school's minimum high 18667  
school curriculum that is comparable to the exception provided in 18668  
division (D) of this section but with additional requirements, 18669

which may include a requirement that the student successfully 18670  
complete more than the minimum curriculum prescribed in division 18671  
(B) of this section; 18672

(3) That no exception comparable to that provided in division 18673  
(D) of this section is available. 18674

(F) A student enrolled in a dropout prevention and recovery 18675  
program, which program has received a waiver from the department 18676  
of education, may qualify for graduation from high school by 18677  
successfully completing a competency-based instructional program 18678  
administered by the dropout prevention and recovery program in 18679  
lieu of completing the Ohio core curriculum prescribed in division 18680  
(C) of this section. The department shall grant a waiver to a 18681  
dropout prevention and recovery program, within sixty days after 18682  
the program applies for the waiver, if the program meets all of 18683  
the following conditions: 18684

(1) The program serves only students not younger than sixteen 18685  
years of age and not older than twenty-one years of age. 18686

(2) The program enrolls students who, at the time of their 18687  
initial enrollment, either, or both, are at least one grade level 18688  
behind their cohort age groups or experience crises that 18689  
significantly interfere with their academic progress such that 18690  
they are prevented from continuing their traditional programs. 18691

(3) The program requires students to attain at least the 18692  
applicable score designated for each of the tests prescribed under 18693  
division (B) of section 3301.0710 of the Revised Code. 18694

(4) The program develops an individual career plan for the 18695  
student that specifies the student's matriculating to a two-year 18696  
degree program, acquiring a business and industry credential, or 18697  
entering an apprenticeship. 18698

(5) The program provides counseling and support for the 18699  
student related to the plan developed under division (F)(4) of 18700

this section during the remainder of the student's high school 18701  
experience. 18702

(6) The program requires the student and the student's 18703  
parent, guardian, or custodian to sign and file, in accordance 18704  
with procedural requirements stipulated by the program, a written 18705  
statement asserting the parent's, guardian's, or custodian's 18706  
consent to the student's graduating without completing the Ohio 18707  
core curriculum and acknowledging that one consequence of not 18708  
completing the Ohio core curriculum is ineligibility to enroll in 18709  
most state universities in Ohio without further coursework. 18710

(7) Prior to receiving the waiver, the program has submitted 18711  
to the department an instructional plan that demonstrates how the 18712  
academic content standards adopted by the state board of education 18713  
under section 3301.079 of the Revised Code will be taught and 18714  
assessed. 18715

If the department does not act either to grant the waiver or 18716  
to reject the program application for the waiver within sixty days 18717  
as required under this section, the waiver shall be considered to 18718  
be granted. 18719

(G) Every high school may permit students below the ninth 18720  
grade to take advanced work for high school credit. A high school 18721  
shall count such advanced work toward the graduation requirements 18722  
of division (B) or (C) of this section if the advanced work was 18723  
both: 18724

(1) Taught by a person who possesses a license or certificate 18725  
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 18726  
Code that is valid for teaching high school; 18727

(2) Designated by the board of education of the city, local, 18728  
or exempted village school district, the board of the cooperative 18729  
education school district, or the governing authority of the 18730  
chartered nonpublic school as meeting the high school curriculum 18731

requirements. 18732

Each high school shall record on the student's high school transcript all high school credit awarded under division (G) of this section. In addition, if the student completed a seventh- or eighth-grade fine arts course described in division (K) of this section and the course qualified for high school credit under that division, the high school shall record that course on the student's high school transcript. 18733  
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(H) The department shall make its individual academic career plan available through its Ohio career information system web site for districts and schools to use as a tool for communicating with and providing guidance to students and families in selecting high school courses. 18740  
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(I) Units earned in English language arts, mathematics, science, and social studies that are delivered through integrated academic and career-technical instruction are eligible to meet the graduation requirements of division (B) or (C) of this section. 18745  
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(J) The state board of education, in consultation with the Ohio board of regents and the partnership for continued learning, shall adopt a statewide plan implementing methods for students to earn units of high school credit based on a demonstration of subject area competency, instead of or in combination with completing hours of classroom instruction. The state board shall adopt the plan not later than March 31, 2009, and commence phasing in the plan during the 2009-2010 school year. The plan shall include a standard method for recording demonstrated proficiency on high school transcripts. Each school district, community school, and chartered nonpublic school shall comply with the state board's plan adopted under this division and award units of high school credit in accordance with the plan. The state board may adopt existing methods for earning high school credit based on a demonstration of subject area competency as necessary prior to the 18749  
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2009-2010 school year. 18764

(K) This division does not apply to students who qualify for 18765  
graduation from high school under division (D) or (F) of this 18766  
section, or to students pursuing a career-technical instructional 18767  
track as determined by the school district board of education or 18768  
the chartered nonpublic school's governing authority. 18769  
Nevertheless, the general assembly encourages such students to 18770  
consider enrolling in a fine arts course as an elective. 18771

Beginning with students who enter ninth grade for the first 18772  
time on or after July 1, 2010, each student enrolled in a public 18773  
or chartered nonpublic high school shall complete two semesters or 18774  
the equivalent of fine arts to graduate from high school. The 18775  
coursework may be completed in any of grades seven to twelve. Each 18776  
student who completes a fine arts course in grade seven or eight 18777  
may elect to count that course toward the five units of electives 18778  
required for graduation under division (C)(7) of this section, if 18779  
the course satisfied the requirements of division (G) of this 18780  
section. In that case, the high school shall award the student 18781  
high school credit for the course and count the course toward the 18782  
five units required under division (C)(7) of this section. If the 18783  
course in grade seven or eight did not satisfy the requirements of 18784  
division (G) of this section, the high school shall not award the 18785  
student high school credit for the course but shall count the 18786  
course toward the two semesters or the equivalent of fine arts 18787  
required by this division. 18788

(L) Notwithstanding anything to the contrary in this section, 18789  
the board of education of each school district and the governing 18790  
authority of each chartered nonpublic school may adopt a policy to 18791  
excuse from the high school physical education requirement each 18792  
student who, during high school, has participated in 18793  
interscholastic athletics, marching band, or cheerleading for at 18794  
least two full seasons. If the board or authority adopts such a 18795

policy, the board or authority shall not require the student to 18796  
complete any physical education course as a condition to graduate. 18797  
However, the student shall be required to complete one-half unit, 18798  
consisting of at least sixty hours of instruction, in another 18799  
course of study. 18800

**Sec. 3313.615.** This section shall apply to diplomas awarded 18801  
after September 15, 2006, to students who are required to take the 18802  
five Ohio graduation tests prescribed by division (B) of section 18803  
3301.0710 of the Revised Code. 18804

(A) As an alternative to the requirement that a person attain 18805  
the scores designated under division (B) of section 3301.0710 of 18806  
the Revised Code on all the tests required under that division in 18807  
order to be eligible for a high school diploma or an honors 18808  
diploma under sections 3313.61, 3313.612, or 3325.08 of the 18809  
Revised Code or for a diploma of adult education under section 18810  
3313.611 of the Revised Code, a person who has attained at least 18811  
the applicable scores designated under division (B) of section 18812  
3301.0710 of the Revised Code on all but one of the tests required 18813  
by that division and from which the person was not excused or 18814  
exempted, pursuant to division ~~(H)~~ (L) of section 3313.61, 18815  
division (B)(1) of section 3313.612, or section 3313.532 of the 18816  
Revised Code, may be awarded a diploma or honors diploma if the 18817  
person has satisfied all of the following conditions: 18818

(1) On the one test required under division (B) of section 18819  
3301.0710 of the Revised Code for which the person failed to 18820  
attain the designated score, the person missed that score by ten 18821  
points or less; 18822

(2) Has a ninety-seven per cent school attendance rate in 18823  
each of the last four school years, excluding any excused 18824  
absences; 18825

(3) Has not been expelled from school under section 3313.66 18826

of the Revised Code in any of the last four school years; 18827

(4) Has a grade point average of at least 2.5 out of 4.0, or 18828  
its equivalent as designated in rules adopted by the state board 18829  
of education, in the subject area of the test required under 18830  
division (B) of section 3301.0710 of the Revised Code for which 18831  
the person failed to attain the designated score; 18832

(5) Has completed the high school curriculum requirements 18833  
prescribed in section 3313.603 of the Revised Code or has 18834  
qualified under division (D) or (F) of that section; 18835

(6) Has taken advantage of any intervention programs provided 18836  
by the school district or school in the subject area described in 18837  
division (A)(4) of this section and has a ninety-seven per cent 18838  
attendance rate, excluding any excused absences, in any of those 18839  
programs that are provided at times beyond the normal school day, 18840  
school week, or school year or has received comparable 18841  
intervention services from a source other than the school district 18842  
or school; 18843

(7) Holds a letter recommending graduation from each of the 18844  
person's high school teachers in the subject area described in 18845  
division (A)(4) of this section and from the person's high school 18846  
principal. 18847

(B) The state board of education shall establish rules 18848  
designating grade point averages equivalent to the average 18849  
specified in division (A)(4) of this section for use by school 18850  
districts and schools with different grading systems. 18851

(C) Any student who is exempt from attaining the applicable 18852  
score designated under division (B) of section 3301.0710 of the 18853  
Revised Code on the Ohio graduation test in social studies 18854  
pursuant to division (H) of section 3313.61 or division (B)(2) of 18855  
section 3313.612 of the Revised Code shall not qualify for a high 18856  
school diploma under this section, unless, notwithstanding the 18857

exemption, the student attains the applicable score on that test. 18858  
If the student attains the applicable score on that test, the 18859  
student may qualify for a diploma under this section in the same 18860  
manner as any other student who is required to take the five Ohio 18861  
graduation tests prescribed by division (B) of section 3301.0710 18862  
of the Revised Code. 18863

**Sec. 3313.64.** (A) As used in this section and in section 18864  
3313.65 of the Revised Code: 18865

(1)(a) Except as provided in division (A)(1)(b) of this 18866  
section, "parent" means either parent, unless the parents are 18867  
separated or divorced or their marriage has been dissolved or 18868  
annulled, in which case "parent" means the parent who is the 18869  
residential parent and legal custodian of the child. When a child 18870  
is in the legal custody of a government agency or a person other 18871  
than the child's natural or adoptive parent, "parent" means the 18872  
parent with residual parental rights, privileges, and 18873  
responsibilities. When a child is in the permanent custody of a 18874  
government agency or a person other than the child's natural or 18875  
adoptive parent, "parent" means the parent who was divested of 18876  
parental rights and responsibilities for the care of the child and 18877  
the right to have the child live with the parent and be the legal 18878  
custodian of the child and all residual parental rights, 18879  
privileges, and responsibilities. 18880

(b) When a child is the subject of a power of attorney 18881  
executed under sections 3109.51 to 3109.62 of the Revised Code, 18882  
"parent" means the grandparent designated as attorney in fact 18883  
under the power of attorney. When a child is the subject of a 18884  
caretaker authorization affidavit executed under sections 3109.64 18885  
to 3109.73 of the Revised Code, "parent" means the grandparent 18886  
that executed the affidavit. 18887

(2) "Legal custody," "permanent custody," and "residual 18888

parental rights, privileges, and responsibilities" have the same 18889  
meanings as in section 2151.011 of the Revised Code. 18890

(3) "School district" or "district" means a city, local, or 18891  
exempted village school district and excludes any school operated 18892  
in an institution maintained by the department of youth services. 18893

(4) Except as used in division (C)(2) of this section, "home" 18894  
means a home, institution, foster home, group home, or other 18895  
residential facility in this state that receives and cares for 18896  
children, to which any of the following applies: 18897

(a) The home is licensed, certified, or approved for such 18898  
purpose by the state or is maintained by the department of youth 18899  
services. 18900

(b) The home is operated by a person who is licensed, 18901  
certified, or approved by the state to operate the home for such 18902  
purpose. 18903

(c) The home accepted the child through a placement by a 18904  
person licensed, certified, or approved to place a child in such a 18905  
home by the state. 18906

(d) The home is a children's home created under section 18907  
5153.21 or 5153.36 of the Revised Code. 18908

(5) "Agency" means all of the following: 18909

(a) A public children services agency; 18910

(b) An organization that holds a certificate issued by the 18911  
Ohio department of job and family services in accordance with the 18912  
requirements of section 5103.03 of the Revised Code and assumes 18913  
temporary or permanent custody of children through commitment, 18914  
agreement, or surrender, and places children in family homes for 18915  
the purpose of adoption; 18916

(c) Comparable agencies of other states or countries that 18917  
have complied with applicable requirements of section 2151.39, or 18918

sections 5103.20 to 5103.22 of the Revised Code. 18919

(6) A child is placed for adoption if either of the following 18920  
occurs: 18921

(a) An agency to which the child has been permanently 18922  
committed or surrendered enters into an agreement with a person 18923  
pursuant to section 5103.16 of the Revised Code for the care and 18924  
adoption of the child. 18925

(b) The child's natural parent places the child pursuant to 18926  
section 5103.16 of the Revised Code with a person who will care 18927  
for and adopt the child. 18928

(7) "~~Handicapped preschool~~ Preschool child with a disability" 18929  
~~means a handicapped child, as defined by division (A) of~~ has the 18930  
same meaning as in section 3323.01 of the Revised Code, ~~who is at~~ 18931  
~~least three years of age but is not of compulsory school age, as~~ 18932  
~~defined in section 3321.01 of the Revised Code, and who is not~~ 18933  
~~currently enrolled in kindergarten.~~ 18934

(8) "Child," unless otherwise indicated, includes ~~handicapped~~ 18935  
preschool children with disabilities. 18936

(9) "Active duty" means active duty pursuant to an executive 18937  
order of the president of the United States, an act of the 18938  
congress of the United States, or section 5919.29 or 5923.21 of 18939  
the Revised Code. 18940

(B) Except as otherwise provided in section 3321.01 of the 18941  
Revised Code for admittance to kindergarten and first grade, a 18942  
child who is at least five but under twenty-two years of age and 18943  
any ~~handicapped~~ preschool child with a disability shall be 18944  
admitted to school as provided in this division. 18945

(1) A child shall be admitted to the schools of the school 18946  
district in which the child's parent resides. 18947

(2) A child who does not reside in the district where the 18948

child's parent resides shall be admitted to the schools of the 18949  
district in which the child resides if any of the following 18950  
applies: 18951

(a) The child is in the legal or permanent custody of a 18952  
government agency or a person other than the child's natural or 18953  
adoptive parent. 18954

(b) The child resides in a home. 18955

(c) The child requires special education. 18956

(3) A child who is not entitled under division (B)(2) of this 18957  
section to be admitted to the schools of the district where the 18958  
child resides and who is residing with a resident of this state 18959  
with whom the child has been placed for adoption shall be admitted 18960  
to the schools of the district where the child resides unless 18961  
either of the following applies: 18962

(a) The placement for adoption has been terminated. 18963

(b) Another school district is required to admit the child 18964  
under division (B)(1) of this section. 18965

Division (B) of this section does not prohibit the board of 18966  
education of a school district from placing a ~~handicapped~~ child 18967  
with a disability who resides in the district in a special 18968  
education program outside of the district or its schools in 18969  
compliance with Chapter 3323. of the Revised Code. 18970

(C) A district shall not charge tuition for children admitted 18971  
under division (B)(1) or (3) of this section. If the district 18972  
admits a child under division (B)(2) of this section, tuition 18973  
shall be paid to the district that admits the child as follows: 18974

(1) If the child receives special education in accordance 18975  
with Chapter 3323. of the Revised Code, the school district of 18976  
residence, as defined in section 3323.01 of the Revised Code, 18977  
shall pay tuition for the child in accordance with section 18978

3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 18979  
regardless of who has custody of the child or whether the child 18980  
resides in a home. 18981

(2) For a child that does not receive special education in 18982  
accordance with Chapter 3323. of the Revised Code, except as 18983  
otherwise provided in division (C)(2)(d) of this section, if the 18984  
child is in the permanent or legal custody of a government agency 18985  
or person other than the child's parent, tuition shall be paid by: 18986

(a) The district in which the child's parent resided at the 18987  
time the court removed the child from home or at the time the 18988  
court vested legal or permanent custody of the child in the person 18989  
or government agency, whichever occurred first; 18990

(b) If the parent's residence at the time the court removed 18991  
the child from home or placed the child in the legal or permanent 18992  
custody of the person or government agency is unknown, tuition 18993  
shall be paid by the district in which the child resided at the 18994  
time the child was removed from home or placed in legal or 18995  
permanent custody, whichever occurred first; 18996

(c) If a school district cannot be established under division 18997  
(C)(2)(a) or (b) of this section, tuition shall be paid by the 18998  
district determined as required by section 2151.362 of the Revised 18999  
Code by the court at the time it vests custody of the child in the 19000  
person or government agency; 19001

(d) If at the time the court removed the child from home or 19002  
vested legal or permanent custody of the child in the person or 19003  
government agency, whichever occurred first, one parent was in a 19004  
residential or correctional facility or a juvenile residential 19005  
placement and the other parent, if living and not in such a 19006  
facility or placement, was not known to reside in this state, 19007  
tuition shall be paid by the district determined under division 19008  
(D) of section 3313.65 of the Revised Code as the district 19009

required to pay any tuition while the parent was in such facility 19010  
or placement; 19011

(e) If the ~~court has modified its order as to which district~~ 19012  
department of education has determined, pursuant to division 19013  
(A)(2) of section 2151.362 of the Revised Code, that a school 19014  
district other than the one named in the court's initial order, or 19015  
in a prior determination of the department, is responsible to bear 19016  
the cost of educating the child ~~pursuant to division (A)(2) of~~ 19017  
~~section 2151.362 of the Revised Code,~~ the district so determined 19018  
~~to shall~~ be responsible for that cost ~~in the order so modified.~~ 19019

(3) If the child is not in the permanent or legal custody of 19020  
a government agency or person other than the child's parent and 19021  
the child resides in a home, tuition shall be paid by one of the 19022  
following: 19023

(a) The school district in which the child's parent resides; 19024

(b) If the child's parent is not a resident of this state, 19025  
the home in which the child resides. 19026

(D) Tuition required to be paid under divisions (C)(2) and 19027  
(3)(a) of this section shall be computed in accordance with 19028  
section 3317.08 of the Revised Code. Tuition required to be paid 19029  
under division (C)(3)(b) of this section shall be computed in 19030  
accordance with section 3317.081 of the Revised Code. If a home 19031  
fails to pay the tuition required by division (C)(3)(b) of this 19032  
section, the board of education providing the education may 19033  
recover in a civil action the tuition and the expenses incurred in 19034  
prosecuting the action, including court costs and reasonable 19035  
attorney's fees. If the prosecuting attorney or city director of 19036  
law represents the board in such action, costs and reasonable 19037  
attorney's fees awarded by the court, based upon the prosecuting 19038  
attorney's, director's, or one of their designee's time spent 19039  
preparing and presenting the case, shall be deposited in the 19040

county or city general fund. 19041

(E) A board of education may enroll a child free of any 19042  
tuition obligation for a period not to exceed sixty days, on the 19043  
sworn statement of an adult resident of the district that the 19044  
resident has initiated legal proceedings for custody of the child. 19045

(F) In the case of any individual entitled to attend school 19046  
under this division, no tuition shall be charged by the school 19047  
district of attendance and no other school district shall be 19048  
required to pay tuition for the individual's attendance. 19049  
Notwithstanding division (B), (C), or (E) of this section: 19050

(1) All persons at least eighteen but under twenty-two years 19051  
of age who live apart from their parents, support themselves by 19052  
their own labor, and have not successfully completed the high 19053  
school curriculum or the individualized education program 19054  
developed for the person by the high school pursuant to section 19055  
3323.08 of the Revised Code, are entitled to attend school in the 19056  
district in which they reside. 19057

(2) Any child under eighteen years of age who is married is 19058  
entitled to attend school in the child's district of residence. 19059

(3) A child is entitled to attend school in the district in 19060  
which either of the child's parents is employed if the child has a 19061  
medical condition that may require emergency medical attention. 19062  
The parent of a child entitled to attend school under division 19063  
(F)(3) of this section shall submit to the board of education of 19064  
the district in which the parent is employed a statement from the 19065  
child's physician certifying that the child's medical condition 19066  
may require emergency medical attention. The statement shall be 19067  
supported by such other evidence as the board may require. 19068

(4) Any child residing with a person other than the child's 19069  
parent is entitled, for a period not to exceed twelve months, to 19070  
attend school in the district in which that person resides if the 19071

child's parent files an affidavit with the superintendent of the 19072  
district in which the person with whom the child is living resides 19073  
stating all of the following: 19074

(a) That the parent is serving outside of the state in the 19075  
armed services of the United States; 19076

(b) That the parent intends to reside in the district upon 19077  
returning to this state; 19078

(c) The name and address of the person with whom the child is 19079  
living while the parent is outside the state. 19080

(5) Any child under the age of twenty-two years who, after 19081  
the death of a parent, resides in a school district other than the 19082  
district in which the child attended school at the time of the 19083  
parent's death is entitled to continue to attend school in the 19084  
district in which the child attended school at the time of the 19085  
parent's death for the remainder of the school year, subject to 19086  
approval of that district board. 19087

(6) A child under the age of twenty-two years who resides 19088  
with a parent who is having a new house built in a school district 19089  
outside the district where the parent is residing is entitled to 19090  
attend school for a period of time in the district where the new 19091  
house is being built. In order to be entitled to such attendance, 19092  
the parent shall provide the district superintendent with the 19093  
following: 19094

(a) A sworn statement explaining the situation, revealing the 19095  
location of the house being built, and stating the parent's 19096  
intention to reside there upon its completion; 19097

(b) A statement from the builder confirming that a new house 19098  
is being built for the parent and that the house is at the 19099  
location indicated in the parent's statement. 19100

(7) A child under the age of twenty-two years residing with a 19101

parent who has a contract to purchase a house in a school district 19102  
outside the district where the parent is residing and who is 19103  
waiting upon the date of closing of the mortgage loan for the 19104  
purchase of such house is entitled to attend school for a period 19105  
of time in the district where the house is being purchased. In 19106  
order to be entitled to such attendance, the parent shall provide 19107  
the district superintendent with the following: 19108

(a) A sworn statement explaining the situation, revealing the 19109  
location of the house being purchased, and stating the parent's 19110  
intent to reside there; 19111

(b) A statement from a real estate broker or bank officer 19112  
confirming that the parent has a contract to purchase the house, 19113  
that the parent is waiting upon the date of closing of the 19114  
mortgage loan, and that the house is at the location indicated in 19115  
the parent's statement. 19116

The district superintendent shall establish a period of time 19117  
not to exceed ninety days during which the child entitled to 19118  
attend school under division (F)(6) or (7) of this section may 19119  
attend without tuition obligation. A student attending a school 19120  
under division (F)(6) or (7) of this section shall be eligible to 19121  
participate in interscholastic athletics under the auspices of 19122  
that school, provided the board of education of the school 19123  
district where the student's parent resides, by a formal action, 19124  
releases the student to participate in interscholastic athletics 19125  
at the school where the student is attending, and provided the 19126  
student receives any authorization required by a public agency or 19127  
private organization of which the school district is a member 19128  
exercising authority over interscholastic sports. 19129

(8) A child whose parent is a full-time employee of a city, 19130  
local, or exempted village school district, or of an educational 19131  
service center, may be admitted to the schools of the district 19132  
where the child's parent is employed, or in the case of a child 19133

whose parent is employed by an educational service center, in the 19134  
district that serves the location where the parent's job is 19135  
primarily located, provided the district board of education 19136  
establishes such an admission policy by resolution adopted by a 19137  
majority of its members. Any such policy shall take effect on the 19138  
first day of the school year and the effective date of any 19139  
amendment or repeal may not be prior to the first day of the 19140  
subsequent school year. The policy shall be uniformly applied to 19141  
all such children and shall provide for the admission of any such 19142  
child upon request of the parent. No child may be admitted under 19143  
this policy after the first day of classes of any school year. 19144

(9) A child who is with the child's parent under the care of 19145  
a shelter for victims of domestic violence, as defined in section 19146  
3113.33 of the Revised Code, is entitled to attend school free in 19147  
the district in which the child is with the child's parent, and no 19148  
other school district shall be required to pay tuition for the 19149  
child's attendance in that school district. 19150

The enrollment of a child in a school district under this 19151  
division shall not be denied due to a delay in the school 19152  
district's receipt of any records required under section 3313.672 19153  
of the Revised Code or any other records required for enrollment. 19154  
Any days of attendance and any credits earned by a child while 19155  
enrolled in a school district under this division shall be 19156  
transferred to and accepted by any school district in which the 19157  
child subsequently enrolls. The state board of education shall 19158  
adopt rules to ensure compliance with this division. 19159

(10) Any child under the age of twenty-two years whose parent 19160  
has moved out of the school district after the commencement of 19161  
classes in the child's senior year of high school is entitled, 19162  
subject to the approval of that district board, to attend school 19163  
in the district in which the child attended school at the time of 19164  
the parental move for the remainder of the school year and for one 19165

additional semester or equivalent term. A district board may also 19166  
adopt a policy specifying extenuating circumstances under which a 19167  
student may continue to attend school under division (F)(10) of 19168  
this section for an additional period of time in order to 19169  
successfully complete the high school curriculum for the 19170  
individualized education program developed for the student by the 19171  
high school pursuant to section 3323.08 of the Revised Code. 19172

(11) As used in this division, "grandparent" means a parent 19173  
of a parent of a child. A child under the age of twenty-two years 19174  
who is in the custody of the child's parent, resides with a 19175  
grandparent, and does not require special education is entitled to 19176  
attend the schools of the district in which the child's 19177  
grandparent resides, provided that, prior to such attendance in 19178  
any school year, the board of education of the school district in 19179  
which the child's grandparent resides and the board of education 19180  
of the school district in which the child's parent resides enter 19181  
into a written agreement specifying that good cause exists for 19182  
such attendance, describing the nature of this good cause, and 19183  
consenting to such attendance. 19184

In lieu of a consent form signed by a parent, a board of 19185  
education may request the grandparent of a child attending school 19186  
in the district in which the grandparent resides pursuant to 19187  
division (F)(11) of this section to complete any consent form 19188  
required by the district, including any authorization required by 19189  
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 19190  
Code. Upon request, the grandparent shall complete any consent 19191  
form required by the district. A school district shall not incur 19192  
any liability solely because of its receipt of a consent form from 19193  
a grandparent in lieu of a parent. 19194

Division (F)(11) of this section does not create, and shall 19195  
not be construed as creating, a new cause of action or substantive 19196  
legal right against a school district, a member of a board of 19197

education, or an employee of a school district. This section does 19198  
not affect, and shall not be construed as affecting, any 19199  
immunities from defenses to tort liability created or recognized 19200  
by Chapter 2744. of the Revised Code for a school district, 19201  
member, or employee. 19202

(12) A child under the age of twenty-two years is entitled to 19203  
attend school in a school district other than the district in 19204  
which the child is entitled to attend school under division (B), 19205  
(C), or (E) of this section provided that, prior to such 19206  
attendance in any school year, both of the following occur: 19207

(a) The superintendent of the district in which the child is 19208  
entitled to attend school under division (B), (C), or (E) of this 19209  
section contacts the superintendent of another district for 19210  
purposes of this division; 19211

(b) The superintendents of both districts enter into a 19212  
written agreement that consents to the attendance and specifies 19213  
that the purpose of such attendance is to protect the student's 19214  
physical or mental well-being or to deal with other extenuating 19215  
circumstances deemed appropriate by the superintendents. 19216

While an agreement is in effect under this division for a 19217  
student who is not receiving special education under Chapter 3323. 19218  
of the Revised Code and notwithstanding Chapter 3327. of the 19219  
Revised Code, the board of education of neither school district 19220  
involved in the agreement is required to provide transportation 19221  
for the student to and from the school where the student attends. 19222

A student attending a school of a district pursuant to this 19223  
division shall be allowed to participate in all student 19224  
activities, including interscholastic athletics, at the school 19225  
where the student is attending on the same basis as any student 19226  
who has always attended the schools of that district while of 19227  
compulsory school age. 19228

(13) All school districts shall comply with the 19229  
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 19230  
seq., for the education of homeless children. Each city, local, 19231  
and exempted village school district shall comply with the 19232  
requirements of that act governing the provision of a free, 19233  
appropriate public education, including public preschool, to each 19234  
homeless child. 19235

When a child loses permanent housing and becomes a homeless 19236  
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 19237  
such a homeless person changes temporary living arrangements, the 19238  
child's parent or guardian shall have the option of enrolling the 19239  
child in either of the following: 19240

(a) The child's school of origin, as defined in 42 U.S.C.A. 19241  
11432(g)(3)(C); 19242

(b) The school that is operated by the school district in 19243  
which the shelter where the child currently resides is located and 19244  
that serves the geographic area in which the shelter is located. 19245

(14) A child under the age of twenty-two years who resides 19246  
with a person other than the child's parent is entitled to attend 19247  
school in the school district in which that person resides if both 19248  
of the following apply: 19249

(a) That person has been appointed, through a military power 19250  
of attorney executed under section 574(a) of the "National Defense 19251  
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 19252  
U.S.C. 1044b, or through a comparable document necessary to 19253  
complete a family care plan, as the parent's agent for the care, 19254  
custody, and control of the child while the parent is on active 19255  
duty as a member of the national guard or a reserve unit of the 19256  
armed forces of the United States or because the parent is a 19257  
member of the armed forces of the United States and is on a duty 19258  
assignment away from the parent's residence. 19259

(b) The military power of attorney or comparable document 19260  
includes at least the authority to enroll the child in school. 19261

The entitlement to attend school in the district in which the 19262  
parent's agent under the military power of attorney or comparable 19263  
document resides applies until the end of the school year in which 19264  
the military power of attorney or comparable document expires. 19265

(G) A board of education, after approving admission, may 19266  
waive tuition for students who will temporarily reside in the 19267  
district and who are either of the following: 19268

(1) Residents or domiciliaries of a foreign nation who 19269  
request admission as foreign exchange students; 19270

(2) Residents or domiciliaries of the United States but not 19271  
of Ohio who request admission as participants in an exchange 19272  
program operated by a student exchange organization. 19273

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 19274  
3327.04, and 3327.06 of the Revised Code, a child may attend 19275  
school or participate in a special education program in a school 19276  
district other than in the district where the child is entitled to 19277  
attend school under division (B) of this section. 19278

(I)(1) Notwithstanding anything to the contrary in this 19279  
section or section 3313.65 of the Revised Code, a child under 19280  
twenty-two years of age may attend school in the school district 19281  
in which the child, at the end of the first full week of October 19282  
of the school year, was entitled to attend school as otherwise 19283  
provided under this section or section 3313.65 of the Revised 19284  
Code, if at that time the child was enrolled in the schools of the 19285  
district but since that time the child or the child's parent has 19286  
relocated to a new address located outside of that school district 19287  
and within the same county as the child's or parent's address 19288  
immediately prior to the relocation. The child may continue to 19289  
attend school in the district, and at the school to which the 19290

child was assigned at the end of the first full week of October of 19291  
the current school year, for the balance of the school year. 19292  
Division (I)(1) of this section applies only if both of the 19293  
following conditions are satisfied: 19294

(a) The board of education of the school district in which 19295  
the child was entitled to attend school at the end of the first 19296  
full week in October and of the district to which the child or 19297  
child's parent has relocated each has adopted a policy to enroll 19298  
children described in division (I)(1) of this section. 19299

(b) The child's parent provides written notification of the 19300  
relocation outside of the school district to the superintendent of 19301  
each of the two school districts. 19302

(2) At the beginning of the school year following the school 19303  
year in which the child or the child's parent relocated outside of 19304  
the school district as described in division (I)(1) of this 19305  
section, the child is not entitled to attend school in the school 19306  
district under that division. 19307

(3) Any person or entity owing tuition to the school district 19308  
on behalf of the child at the end of the first full week in 19309  
October, as provided in division (C) of this section, shall 19310  
continue to owe such tuition to the district for the child's 19311  
attendance under division (I)(1) of this section for the lesser of 19312  
the balance of the school year or the balance of the time that the 19313  
child attends school in the district under division (I)(1) of this 19314  
section. 19315

(4) A pupil who may attend school in the district under 19316  
division (I)(1) of this section shall be entitled to 19317  
transportation services pursuant to an agreement between the 19318  
district and the district in which the child or child's parent has 19319  
relocated unless the districts have not entered into such 19320  
agreement, in which case the child shall be entitled to 19321

transportation services in the same manner as a pupil attending 19322  
school in the district under interdistrict open enrollment as 19323  
described in division (H) of section 3313.981 of the Revised Code, 19324  
regardless of whether the district has adopted an open enrollment 19325  
policy as described in division (B)(1)(b) or (c) of section 19326  
3313.98 of the Revised Code. 19327

(J) This division does not apply to a child receiving special 19328  
education. 19329

A school district required to pay tuition pursuant to 19330  
division (C)(2) or (3) of this section or section 3313.65 of the 19331  
Revised Code shall have an amount deducted under division (F) of 19332  
section 3317.023 of the Revised Code equal to its own tuition rate 19333  
for the same period of attendance. A school district entitled to 19334  
receive tuition pursuant to division (C)(2) or (3) of this section 19335  
or section 3313.65 of the Revised Code shall have an amount 19336  
credited under division (F) of section 3317.023 of the Revised 19337  
Code equal to its own tuition rate for the same period of 19338  
attendance. If the tuition rate credited to the district of 19339  
attendance exceeds the rate deducted from the district required to 19340  
pay tuition, the department of education shall pay the district of 19341  
attendance the difference from amounts deducted from all 19342  
districts' payments under division (F) of section 3317.023 of the 19343  
Revised Code but not credited to other school districts under such 19344  
division and from appropriations made for such purpose. The 19345  
treasurer of each school district shall, by the fifteenth day of 19346  
January and July, furnish the superintendent of public instruction 19347  
a report of the names of each child who attended the district's 19348  
schools under divisions (C)(2) and (3) of this section or section 19349  
3313.65 of the Revised Code during the preceding six calendar 19350  
months, the duration of the attendance of those children, the 19351  
school district responsible for tuition on behalf of the child, 19352  
and any other information that the superintendent requires. 19353

Upon receipt of the report the superintendent, pursuant to 19354  
division (F) of section 3317.023 of the Revised Code, shall deduct 19355  
each district's tuition obligations under divisions (C)(2) and (3) 19356  
of this section or section 3313.65 of the Revised Code and pay to 19357  
the district of attendance that amount plus any amount required to 19358  
be paid by the state. 19359

(K) In the event of a disagreement, the superintendent of 19360  
public instruction shall determine the school district in which 19361  
the parent resides. 19362

(L) Nothing in this section requires or authorizes, or shall 19363  
be construed to require or authorize, the admission to a public 19364  
school in this state of a pupil who has been permanently excluded 19365  
from public school attendance by the superintendent of public 19366  
instruction pursuant to sections 3301.121 and 3313.662 of the 19367  
Revised Code. 19368

(M) In accordance with division (B)(1) of this section, a 19369  
child whose parent is a member of the national guard or a reserve 19370  
unit of the armed forces of the United States and is called to 19371  
active duty, or a child whose parent is a member of the armed 19372  
forces of the United States and is ordered to a temporary duty 19373  
assignment outside of the district, may continue to attend school 19374  
in the district in which the child's parent lived before being 19375  
called to active duty or ordered to a temporary duty assignment 19376  
outside of the district, as long as the child's parent continues 19377  
to be a resident of that district, and regardless of where the 19378  
child lives as a result of the parent's active duty status or 19379  
temporary duty assignment. However, the district is not 19380  
responsible for providing transportation for the child if the 19381  
child lives outside of the district as a result of the parent's 19382  
active duty status or temporary duty assignment. 19383

**Sec. 3313.646.** (A) The board of education of a school 19384

district, except a cooperative education district established 19385  
pursuant to section 3311.521 of the Revised Code, may establish 19386  
and operate a preschool program ~~except that no such program shall~~ 19387  
~~be established after March 17, 1989, unless both of the following~~ 19388  
~~apply at the time the program is established.~~ 19389

~~(1) The, provided the~~ board has demonstrated a need for the 19390  
program. 19391

~~(2) Unless it is a cooperative education district established~~ 19392  
~~pursuant to divisions (A) to (C) of section 3311.52 of the Revised~~ 19393  
~~Code, the school district is eligible for moneys distributed by~~ 19394  
~~the department of education pursuant to section 3317.029 of the~~ 19395  
Revised Code. A board may use school funds in support of preschool 19396  
programs. The board shall maintain, operate, and admit children to 19397  
any such program pursuant to rules adopted by such board and the 19398  
rules of the state board of education adopted under sections 19399  
3301.52 to 3301.57 of the Revised Code. 19400

A board of education may establish fees or tuition, which may 19401  
be graduated in proportion to family income, for participation in 19402  
a preschool program. In cases where payment of fees or tuition 19403  
would create a hardship for the child's parent or guardian, the 19404  
board may waive any such fees or tuition. 19405

(B) No board of education that is not receiving funds under 19406  
the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, on 19407  
March 17, 1989, shall compete for funds under the "Head Start Act" 19408  
with any grantee receiving funds under that act. 19409

(C) A board of education may contract with any of the 19410  
following preschool providers to provide preschool programs, other 19411  
than programs for units described by divisions (B) and (C) of 19412  
section 3317.05 of the Revised Code, for children of the school 19413  
district: 19414

(1) Any organization receiving funds under the "Head Start 19415

Act";	19416
(2) Any nonsectarian eligible nonpublic school as defined in division (H) of section 3301.52 of the Revised Code;	19417 19418
(3) Any child care provider licensed under Chapter 5104. of the Revised Code.	19419 19420
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.	19421 19422 19423 19424 19425
(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.	19426 19427 19428 19429
(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 <del>he</del> <u>the treasurer</u> would any other funds of the district pursuant to this chapter.	19430 19431 19432 19433 19434
<b>Sec. 3313.66.</b> (A) Except as provided under division (B)(2) of this section, the superintendent of schools of a city, exempted village, or local school district, or the principal of a public school may suspend a pupil from school for not more than ten school days. The board of education of a city, exempted village, or local school district may adopt a policy granting assistant principals and other administrators the authority to suspend a pupil from school for a period of time as specified in the policy of the board of education, not to exceed ten school days. If at the time a suspension is imposed there are fewer than ten school days remaining in the school year in which the incident that gives	19435 19436 19437 19438 19439 19440 19441 19442 19443 19444 19445

rise to the suspension takes place, the superintendent may apply 19446  
any remaining part or all of the period of the suspension to the 19447  
following school year. Except in the case of a pupil given an 19448  
in-school suspension, no pupil shall be suspended unless prior to 19449  
the suspension such superintendent or principal does both of the 19450  
following: 19451

(1) Gives the pupil written notice of the intention to 19452  
suspend the pupil and the reasons for the intended suspension and, 19453  
if the proposed suspension is based on a violation listed in 19454  
division (A) of section 3313.662 of the Revised Code and if the 19455  
pupil is sixteen years of age or older, includes in the notice a 19456  
statement that the superintendent may seek to permanently exclude 19457  
the pupil if the pupil is convicted of or adjudicated a delinquent 19458  
child for that violation; 19459

(2) Provides the pupil an opportunity to appear at an 19460  
informal hearing before the principal, assistant principal, 19461  
superintendent, or superintendent's designee and challenge the 19462  
reason for the intended suspension or otherwise to explain the 19463  
pupil's actions. 19464

(B)(1) Except as provided under division (B)(2), (3), or (4) 19465  
of this section, the superintendent of schools of a city, exempted 19466  
village, or local school district may expel a pupil from school 19467  
for a period not to exceed the greater of eighty school days or 19468  
the number of school days remaining in the semester or term in 19469  
which the incident that gives rise to the expulsion takes place, 19470  
unless the expulsion is extended pursuant to division (F) of this 19471  
section. If at the time an expulsion is imposed there are fewer 19472  
than eighty school days remaining in the school year in which the 19473  
incident that gives rise to the expulsion takes place, the 19474  
superintendent may apply any remaining part or all of the period 19475  
of the expulsion to the following school year. 19476

(2)(a) Unless a pupil is permanently excluded pursuant to 19477

section 3313.662 of the Revised Code, the superintendent of 19478  
schools of a city, exempted village, or local school district 19479  
shall expel a pupil from school for a period of one year for 19480  
bringing a firearm to a school operated by the board of education 19481  
of the district or onto any other property owned or controlled by 19482  
the board, except that the superintendent may reduce this 19483  
requirement on a case-by-case basis in accordance with the policy 19484  
adopted by the board under section 3313.661 of the Revised Code. 19485

(b) The superintendent of schools of a city, exempted 19486  
village, or local school district may expel a pupil from school 19487  
for a period of one year for bringing a firearm to an 19488  
interscholastic competition, an extracurricular event, or any 19489  
other school program or activity that is not located in a school 19490  
or on property that is owned or controlled by the district. The 19491  
superintendent may reduce this disciplinary action on a 19492  
case-by-case basis in accordance with the policy adopted by the 19493  
board under section 3313.661 of the Revised Code. 19494

(c) Any expulsion pursuant to division (B)(2) of this section 19495  
shall extend, as necessary, into the school year following the 19496  
school year in which the incident that gives rise to the expulsion 19497  
takes place. As used in this division, "firearm" has the same 19498  
meaning as provided pursuant to the "Gun-Free Schools Act of 1994," ~~108~~ 115 Stat. ~~270~~ 1762, 20 U.S.C. ~~8001(a)(2)~~ 7151. 19499  
19500

(3) The board of education of a city, exempted village, or 19501  
local school district may adopt a resolution authorizing the 19502  
superintendent of schools to expel a pupil from school for a 19503  
period not to exceed one year for bringing a knife to a school 19504  
operated by the board, onto any other property owned or controlled 19505  
by the board, or to an interscholastic competition, an 19506  
extracurricular event, or any other program or activity sponsored 19507  
by the school district or in which the district is a participant, 19508  
or for possessing a firearm or knife at a school, on any other 19509

property owned or controlled by the board, or at an 19510  
interscholastic competition, an extracurricular event, or any 19511  
other school program or activity, which firearm or knife was 19512  
initially brought onto school board property by another person. 19513  
The resolution may authorize the superintendent to extend such an 19514  
expulsion, as necessary, into the school year following the school 19515  
year in which the incident that gives rise to the expulsion takes 19516  
place. 19517

(4) The board of education of a city, exempted village, or 19518  
local school district may adopt a resolution establishing a policy 19519  
under section 3313.661 of the Revised Code that authorizes the 19520  
superintendent of schools to expel a pupil from school for a 19521  
period not to exceed one year for committing an act that is a 19522  
criminal offense when committed by an adult and that results in 19523  
serious physical harm to persons as defined in division (A)(5) of 19524  
section 2901.01 of the Revised Code or serious physical harm to 19525  
property as defined in division (A)(6) of section 2901.01 of the 19526  
Revised Code while the pupil is at school, on any other property 19527  
owned or controlled by the board, or at an interscholastic 19528  
competition, an extracurricular event, or any other school program 19529  
or activity. Any expulsion under this division shall extend, as 19530  
necessary, into the school year following the school year in which 19531  
the incident that gives rise to the expulsion takes place. 19532

(5) The board of education of any city, exempted village, or 19533  
local school district may adopt a resolution establishing a policy 19534  
under section 3313.661 of the Revised Code that authorizes the 19535  
superintendent of schools to expel a pupil from school for a 19536  
period not to exceed one year for making a bomb threat to a school 19537  
building or to any premises at which a school activity is 19538  
occurring at the time of the threat. Any expulsion under this 19539  
division shall extend, as necessary, into the school year 19540  
following the school year in which the incident that gives rise to 19541

the expulsion takes place. 19542

(6) No pupil shall be expelled under division (B)(1), (2), 19543  
(3), (4), or (5) of this section unless, prior to the pupil's 19544  
expulsion, the superintendent does both of the following: 19545

(a) Gives the pupil and the pupil's parent, guardian, or 19546  
custodian written notice of the intention to expel the pupil; 19547

(b) Provides the pupil and the pupil's parent, guardian, 19548  
custodian, or representative an opportunity to appear in person 19549  
before the superintendent or the superintendent's designee to 19550  
challenge the reasons for the intended expulsion or otherwise to 19551  
explain the pupil's actions. 19552

The notice required in this division shall include the 19553  
reasons for the intended expulsion, notification of the 19554  
opportunity of the pupil and the pupil's parent, guardian, 19555  
custodian, or representative to appear before the superintendent 19556  
or the superintendent's designee to challenge the reasons for the 19557  
intended expulsion or otherwise to explain the pupil's action, and 19558  
notification of the time and place to appear. The time to appear 19559  
shall not be earlier than three nor later than five school days 19560  
after the notice is given, unless the superintendent grants an 19561  
extension of time at the request of the pupil or the pupil's 19562  
parent, guardian, custodian, or representative. If an extension is 19563  
granted after giving the original notice, the superintendent shall 19564  
notify the pupil and the pupil's parent, guardian, custodian, or 19565  
representative of the new time and place to appear. If the 19566  
proposed expulsion is based on a violation listed in division (A) 19567  
of section 3313.662 of the Revised Code and if the pupil is 19568  
sixteen years of age or older, the notice shall include a 19569  
statement that the superintendent may seek to permanently exclude 19570  
the pupil if the pupil is convicted of or adjudicated a delinquent 19571  
child for that violation. 19572

(7) A superintendent of schools of a city, exempted village, 19573  
or local school district shall initiate expulsion proceedings 19574  
pursuant to this section with respect to any pupil who has 19575  
committed an act warranting expulsion under the district's policy 19576  
regarding expulsion even if the pupil has withdrawn from school 19577  
for any reason after the incident that gives rise to the hearing 19578  
but prior to the hearing or decision to impose the expulsion. If, 19579  
following the hearing, the pupil would have been expelled for a 19580  
period of time had the pupil still been enrolled in the school, 19581  
the expulsion shall be imposed for the same length of time as on a 19582  
pupil who has not withdrawn from the school. 19583

(C) If a pupil's presence poses a continuing danger to 19584  
persons or property or an ongoing threat of disrupting the 19585  
academic process taking place either within a classroom or 19586  
elsewhere on the school premises, the superintendent or a 19587  
principal or assistant principal may remove a pupil from 19588  
curricular activities or from the school premises, and a teacher 19589  
may remove a pupil from curricular activities under the teacher's 19590  
supervision, without the notice and hearing requirements of 19591  
division (A) or (B) of this section. As soon as practicable after 19592  
making such a removal, the teacher shall submit in writing to the 19593  
principal the reasons for such removal. 19594

If a pupil is removed under this division from a curricular 19595  
activity or from the school premises, written notice of the 19596  
hearing and of the reason for the removal shall be given to the 19597  
pupil as soon as practicable prior to the hearing, which shall be 19598  
held within three school days from the time the initial removal is 19599  
ordered. The hearing shall be held in accordance with division (A) 19600  
of this section unless it is probable that the pupil may be 19601  
subject to expulsion, in which case a hearing in accordance with 19602  
division (B) of this section shall be held, except that the 19603  
hearing shall be held within three school days of the initial 19604

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 division (A) of section 3313.662 of the Revised Code that was committed when the child was sixteen years of age or older and if the pupil is convicted of or adjudicated a delinquent child for that violation.

In accordance with the policy adopted by the board of education under section 3313.661 of the Revised Code, the notice provided under this division shall specify the manner and date by which the pupil or the pupil's parent, guardian, or custodian shall notify the board of the pupil's, parent's, guardian's, or

custodian's intent to appeal the expulsion or suspension to the 19637  
board or its designee. 19638

Any superintendent expelling a pupil under this section for 19639  
more than twenty school days or for any period of time if the 19640  
expulsion will extend into the following semester or school year 19641  
shall, in the notice required under this division, provide the 19642  
pupil and the pupil's parent, guardian, or custodian with 19643  
information about services or programs offered by public and 19644  
private agencies that work toward improving those aspects of the 19645  
pupil's attitudes and behavior that contributed to the incident 19646  
that gave rise to the pupil's expulsion. The information shall 19647  
include the names, addresses, and phone numbers of the appropriate 19648  
public and private agencies. 19649

(E) A pupil or the pupil's parent, guardian, or custodian may 19650  
appeal the pupil's expulsion by a superintendent or suspension by 19651  
a superintendent, principal, assistant principal, or other 19652  
administrator to the board of education or to its designee. If the 19653  
pupil or the pupil's parent, guardian, or custodian intends to 19654  
appeal the expulsion or suspension to the board or its designee, 19655  
the pupil or the pupil's parent, guardian, or custodian shall 19656  
notify the board in the manner and by the date specified in the 19657  
notice provided under division (D) of this section. The pupil or 19658  
the pupil's parent, guardian, or custodian may be represented in 19659  
all appeal proceedings and shall be granted a hearing before the 19660  
board or its designee in order to be heard against the suspension 19661  
or expulsion. At the request of the pupil or of the pupil's 19662  
parent, guardian, custodian, or attorney, the board or its 19663  
designee may hold the hearing in executive session but shall act 19664  
upon the suspension or expulsion only at a public meeting. The 19665  
board, by a majority vote of its full membership or by the action 19666  
of its designee, may affirm the order of suspension or expulsion, 19667  
reinstate the pupil, or otherwise reverse, vacate, or modify the 19668

order of suspension or expulsion. 19669

The board or its designee shall make a verbatim record of 19670  
hearings held under this division. The decisions of the board or 19671  
its designee may be appealed under Chapter 2506. of the Revised 19672  
Code. 19673

This section shall not be construed to require notice and 19674  
hearing in accordance with division (A), (B), or (C) of this 19675  
section in the case of normal disciplinary procedures in which a 19676  
pupil is removed from a curricular activity for a period of less 19677  
than one school day and is not subject to suspension or expulsion. 19678

(F)(1) If a pupil is expelled pursuant to division (B) of 19679  
this section for committing any violation listed in division (A) 19680  
of section 3313.662 of the Revised Code and the pupil was sixteen 19681  
years of age or older at the time of committing the violation, if 19682  
a complaint, indictment, or information is filed alleging that the 19683  
pupil is a delinquent child based upon the commission of the 19684  
violation or the pupil is prosecuted as an adult for the 19685  
commission of the violation, and if the resultant juvenile court 19686  
or criminal proceeding is pending at the time that the expulsion 19687  
terminates, the superintendent of schools that expelled the pupil 19688  
may file a motion with the court in which the proceeding is 19689  
pending requesting an order extending the expulsion for the lesser 19690  
of an additional eighty days or the number of school days 19691  
remaining in the school year. Upon the filing of the motion, the 19692  
court immediately shall schedule a hearing and give written notice 19693  
of the time, date, and location of the hearing to the 19694  
superintendent and to the pupil and the pupil's parent, guardian, 19695  
or custodian. At the hearing, the court shall determine whether 19696  
there is reasonable cause to believe that the pupil committed the 19697  
alleged violation that is the basis of the expulsion and, upon 19698  
determining that reasonable cause to believe the pupil committed 19699  
the violation does exist, shall grant the requested extension. 19700

(2) If a pupil has been convicted of or adjudicated a delinquent child for a violation listed in division (A) of section 3313.662 of the Revised Code for an act that was committed when the child was sixteen years of age or older, if the pupil has been expelled pursuant to division (B) of this section for that violation, and if the board of education of the school district of the school from which the pupil was expelled has adopted a resolution seeking the pupil's permanent exclusion, the superintendent may file a motion with the court that convicted the pupil or adjudicated the pupil a delinquent child requesting an order to extend the expulsion until an adjudication order or other determination regarding permanent exclusion is issued by the superintendent of public instruction pursuant to section 3301.121 and division (D) of section 3313.662 of the Revised Code. Upon the filing of the motion, the court immediately shall schedule a hearing and give written notice of the time, date, and location of the hearing to the superintendent of the school district, the pupil, and the pupil's parent, guardian, or custodian. At the hearing, the court shall determine whether there is reasonable cause to believe the pupil's continued attendance in the public school system may endanger the health and safety of other pupils or school employees and, upon making that determination, shall grant the requested extension.

(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 19733  
divisions (A) and (B) of this section by the board of education of 19734  
any city, exempted village, or local school district, this section 19735  
shall apply to any student, whether or not the student is enrolled 19736  
in the district, attending or otherwise participating in any 19737  
curricular program provided in a school operated by the board or 19738  
provided on any other property owned or controlled by the board. 19739

(I) Whenever a student is expelled under this section, the 19740  
expulsion shall result in removal of the student from the 19741  
student's regular school setting. However, during the period of 19742  
the expulsion, the board of education of the school district that 19743  
expelled the student or any board of education admitting the 19744  
student during that expulsion period may provide educational 19745  
services to the student in an alternative setting. 19746

(J)(1) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 19747  
and 3313.65 of the Revised Code, any school district, after 19748  
offering an opportunity for a hearing, may temporarily deny 19749  
admittance to any pupil if one of the following applies: 19750

(a) The pupil has been suspended from the schools of another 19751  
district under division (A) of this section and the period of 19752  
suspension, as established under that division, has not expired; 19753

(b) The pupil has been expelled from the schools of another 19754  
district under division (B) of this section and the period of the 19755  
expulsion, as established under that division or as extended under 19756  
division (F) of this section, has not expired. 19757

If a pupil is temporarily denied admission under this 19758  
division, the pupil shall be admitted to school in accordance with 19759  
sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the Revised 19760  
Code no later than upon expiration of the suspension or expulsion 19761  
period, as applicable. 19762

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, and 19763

3313.65 of the Revised Code, any school district, after offering 19764  
an opportunity for a hearing, may temporarily deny admittance to 19765  
any pupil if the pupil has been expelled or otherwise removed for 19766  
disciplinary purposes from a public school in another state and 19767  
the period of expulsion or removal has not expired. If a pupil is 19768  
temporarily denied admission under this division, the pupil shall 19769  
be admitted to school in accordance with sections 3109.51 to 19770  
3109.80, 3313.64, or 3313.65 of the Revised Code no later than the 19771  
earlier of the following: 19772

(a) Upon expiration of the expulsion or removal period 19773  
imposed by the out-of-state school; 19774

(b) Upon expiration of a period established by the district, 19775  
beginning with the date of expulsion or removal from the 19776  
out-of-state school, that is no greater than the period of 19777  
expulsion that the pupil would have received under the policy 19778  
adopted by the district under section 3313.661 of the Revised Code 19779  
had the offense that gave rise to the expulsion or removal by the 19780  
out-of-state school been committed while the pupil was enrolled in 19781  
the district. 19782

(K) As used in this section: 19783

(1) "Permanently exclude" and "permanent exclusion" have the 19784  
same meanings as in section 3313.662 of the Revised Code. 19785

(2) "In-school suspension" means the pupil will serve all of 19786  
the suspension in a school setting. 19787

**Sec. 3313.661.** (A) The board of education of each city, 19788  
exempted village, and local school district shall adopt a policy 19789  
regarding suspension, expulsion, removal, and permanent exclusion 19790  
that specifies the types of misconduct for which a pupil may be 19791  
suspended, expelled, or removed. The types of misconduct may 19792  
include misconduct by a pupil that occurs off of property owned or 19793

controlled by the district but that is connected to activities or 19794  
incidents that have occurred on property owned or controlled by 19795  
that district and misconduct by a pupil that, regardless of where 19796  
it occurs, is directed at a district official or employee, or the 19797  
property of such official or employee. The policy shall specify 19798  
the reasons for which the superintendent of the district may 19799  
reduce the expulsion requirement in division (B)(2) of section 19800  
3313.66 of the Revised Code. If a board of education adopts a 19801  
resolution pursuant to division (B)(3) of section 3313.66 of the 19802  
Revised Code, the policy shall define the term "knife" or 19803  
"firearm," as applicable, for purposes of expulsion under that 19804  
resolution and shall specify any reasons for which the 19805  
superintendent of the district may reduce any required expulsion 19806  
period on a case-by-case basis. If a board of education adopts a 19807  
resolution pursuant to division (B)(4) or (5) of section 3313.66 19808  
of the Revised Code, the policy shall specify any reasons for 19809  
which the superintendent of the district may reduce any required 19810  
expulsion period on a case-by-case basis. The policy also shall 19811  
set forth the acts listed in section 3313.662 of the Revised Code 19812  
for which a pupil may be permanently excluded. 19813

The policy adopted under this division shall specify the date 19814  
and manner by which a pupil or a pupil's parent, guardian, or 19815  
custodian may notify the board of the pupil's, parent's, 19816  
guardian's, or custodian's intent to appeal an expulsion or 19817  
suspension to the board or its designee pursuant to division (E) 19818  
of section 3313.66 of the Revised Code. In the case of any 19819  
expulsion, the policy shall not specify a date that is less than 19820  
fourteen days after the date of the notice provided to the pupil 19821  
or the pupil's parent, guardian, or custodian under division (D) 19822  
of that section. 19823

A copy of the policy shall be posted in a central location in 19824  
the school and made available to pupils upon request. No pupil 19825

shall be suspended, expelled, or removed except in accordance with 19826  
the policy adopted by the board of education of the school 19827  
district in which the pupil attends school, and no pupil shall be 19828  
permanently excluded except in accordance with sections 3301.121 19829  
and 3313.662 of the Revised Code. 19830

(B) A board of education may establish a program and adopt 19831  
guidelines under which a superintendent may require a pupil to 19832  
perform community service in conjunction with a suspension or 19833  
expulsion imposed under section 3313.66 of the Revised Code or in 19834  
place of a suspension or expulsion imposed under section 3313.66 19835  
of the Revised Code except for an expulsion imposed pursuant to 19836  
division (B)(2) of that section. If a board adopts guidelines 19837  
under this division, they shall permit, except with regard to an 19838  
expulsion pursuant to division (B)(2) of section 3313.66 of the 19839  
Revised Code, a superintendent to impose a community service 19840  
requirement beyond the end of the school year in lieu of applying 19841  
the suspension or expulsion into the following school year. Any 19842  
guidelines adopted shall be included in the policy adopted under 19843  
this section. 19844

(C) The written policy of each board of education that is 19845  
adopted pursuant to section 3313.20 of the Revised Code shall be 19846  
posted in a central location in each school that is subject to the 19847  
policy and shall be made available to pupils upon request. 19848

(D) Any policy, program, or guideline adopted by a board of 19849  
education under this section with regard to suspensions or 19850  
expulsions pursuant to division (A) or (B) of section 3313.66 of 19851  
the Revised Code shall apply to any student, whether or not the 19852  
student is enrolled in the district, attending or otherwise 19853  
participating in any curricular program provided in a school 19854  
operated by the board or provided on any other property owned or 19855  
controlled by the board. 19856

(E) As used in this section, "permanently exclude" and 19857

"permanent exclusion" have the same meanings as in section 19858  
3313.662 of the Revised Code. 19859

Sec. 3313.82. (A)(1) The boards of education of two or more 19860  
city, local, or exempted village school districts each having a 19861  
majority of its territory in a county with a population greater 19862  
than one million two hundred thousand, by adopting identical 19863  
resolutions, may enter into an agreement providing for the 19864  
creation of a student special services district for the purpose of 19865  
funding the following for students enrolled in those school 19866  
districts, including students diagnosed as autistic and students 19867  
with special needs, and their immediate family members: 19868

(a) Special education services; 19869

(b) Behavioral health services for persons with special 19870  
needs. 19871

If more than eight boards of education adopt resolutions to 19872  
form a student special services district, the boards may meet at 19873  
facilities of the educational service center of the county to 19874  
discuss membership in the district. 19875

(2) The territory of a student special services district at 19876  
any time shall be composed of the combined territories of the 19877  
school districts that are parties to the agreement at that time. 19878  
Services funded by a student special services district shall be 19879  
available to all individuals enrolled in a school district that is 19880  
a part of the student special services district and members of 19881  
their immediate family. 19882

(3) The agreement may be amended pursuant to terms and 19883  
procedures mutually agreed to by the boards of education that are 19884  
parties to the agreement. 19885

(B) Each student special services district shall be governed 19886  
by a board of directors. The superintendent of each board of 19887

education that is a party to the agreement shall serve on the 19888  
board of directors. The agreement shall provide for the terms of 19889  
office of directors. Directors shall receive no compensation, but 19890  
shall be reimbursed, from the special fund of the student special 19891  
services district, for the reasonable and necessary expenses they 19892  
incur in the performance of their duties for the district. The 19893  
agreement shall provide for the conduct of the board's initial 19894  
organizational meeting and for the frequency of subsequent 19895  
meetings and quorum requirements. At its first meeting, the board 19896  
shall designate from among its members a president and secretary 19897  
in the manner provided in the agreement. 19898

The board of directors of a student special services district 19899  
is a body corporate and politic, is capable of suing and being 19900  
sued, is capable of contracting within the limits of this section 19901  
and the agreement governing the district, and is capable of 19902  
accepting gifts, donations, bequests, or other grants of money for 19903  
use in paying its expenses. The district is a public office and 19904  
its directors are public officials within the meaning of section 19905  
117.01 of the Revised Code, the board of directors is a public 19906  
body within the meaning of section 121.22 of the Revised Code, and 19907  
records of the board and of the district are public records within 19908  
the meaning of section 149.43 of the Revised Code. 19909

The agreement shall require the board to designate a 19910  
permanent location for its offices and meeting place, and may 19911  
provide for the use of such facilities and property for the 19912  
provision of services by the agencies with which the board 19913  
contracts under division (C) of this section. 19914

(C)(1) To provide the services identified in division (A)(1) 19915  
of this section, the board of directors of a student special 19916  
services district shall provide for the hiring of employees or 19917  
shall contract with one or more entities. Except as provided in 19918  
division (C)(2) of this section, any entity with which the board 19919

of directors contracts to provide the services identified in 19920  
division (A)(1)(b) of this section shall be a qualified nonprofit, 19921  
nationally accredited agency to which all of the following apply: 19922

(a) The agency is licensed or certified by the departments of 19923  
mental health, job and family services, and alcohol and drug 19924  
addiction services. 19925

(b) The agency is chartered by the department of education 19926  
and provides services to persons diagnosed with autism. 19927

(c) The agency provides school-based behavioral health 19928  
services. 19929

(2) The board of directors may contract with an entity that 19930  
does not meet the conditions stated in division (C)(1) of this 19931  
section if the services to be provided by the entity are only 19932  
incidental to the services identified in division (A)(1)(b) of 19933  
this section. 19934

(3) The board of directors may levy a tax throughout the 19935  
district as provided in section 5705.219 of the Revised Code. The 19936  
board of directors shall provide for the creation of a special 19937  
fund to hold the proceeds of any tax levied under section 5705.219 19938  
of the Revised Code and any gifts, donations, bequests, or other 19939  
grants of money coming into the possession of the district. A 19940  
student special services district is a subdivision, and the board 19941  
of directors is a governing body, within the meaning of section 19942  
135.01 of the Revised Code. The board of directors may not issue 19943  
securities or otherwise incur indebtedness. 19944

(4) The adoption or rejection by electors of a tax levy to 19945  
fund a student special services district pursuant to section 19946  
5705.219 of the Revised Code does not alter the duty of each 19947  
school district member of the student special services district to 19948  
provide special education and related services as required under 19949  
Chapter 3323. of the Revised Code. On the expiration of a student 19950

special services district levy, the state, member school districts 19951  
of the student special services district, and any other 19952  
governmental entity shall not be obligated to provide replacement 19953  
funding for the revenues under the expired levy. The tax levy, in 19954  
whole or in part, shall not be considered a levy for current 19955  
operating expenses pursuant to division (A) of section 3317.01 of 19956  
the Revised Code for any of the school districts that are members 19957  
of the student special services district. 19958

(D)(1) The agreement shall provide for the manner of 19959  
appointing an individual or entity to perform the duties of fiscal 19960  
officer of the student special services district. The agreement 19961  
shall specify the length of time the individual or entity shall 19962  
perform those duties and whether the individual or entity may be 19963  
reappointed upon the completion of a term. The fiscal officer may 19964  
receive compensation for performing the duties of the position and 19965  
be reimbursed for reasonable expenses of performing those duties 19966  
from the student special services district's special fund. 19967

(2) The legal advisor of the board of directors of a student 19968  
special services district shall be the prosecuting attorney of the 19969  
most populous county containing a school district that is a member 19970  
of the student special services district. The prosecuting attorney 19971  
shall prosecute all actions against a member of the board of 19972  
directors for malfeasance or misfeasance in office and shall be 19973  
the legal counsel for the board and its members in all other 19974  
actions brought by or against them and shall conduct those actions 19975  
in the prosecuting attorney's official capacity. No compensation 19976  
in addition to the prosecuting attorney's regular salary shall be 19977  
allowed. 19978

(E) The board of directors of a student special services 19979  
district shall procure a policy or policies of insurance insuring 19980  
the board, the fiscal officer, and the legal representative 19981  
against liability on account of damage or injury to persons and 19982

property. Before procuring such insurance the board shall adopt a 19983  
resolution setting forth the amount of insurance to be purchased, 19984  
the necessity of the insurance, and a statement of its estimated 19985  
premium cost. Insurance procured pursuant to this section shall be 19986  
from one or more recognized insurance companies authorized to do 19987  
business in this state. The cost of the insurance shall be paid 19988  
from the district's special fund. 19989

A student special services district is a political 19990  
subdivision within the meaning of section 2744.01 of the Revised 19991  
Code. 19992

(F)(1) The board of education of a school district having a 19993  
majority of its territory in the county may join an existing 19994  
student special services district by adopting a resolution 19995  
requesting to join as a party to the agreement and upon approval 19996  
by the boards of education that currently are parties to the 19997  
agreement. If a tax is levied in the student special services 19998  
district under section 5705.219 of the Revised Code, a board of 19999  
education may join the district only after a majority of qualified 20000  
electors in the school district voting on the question vote in 20001  
favor of levying the tax throughout the school district. A board 20002  
of education joining an existing district shall have the same 20003  
powers, rights, and obligations under the agreement as other 20004  
boards of education that are parties to the agreement. 20005

(2) A board of education that is a party to an agreement 20006  
under this section may withdraw the school district from a student 20007  
special services district by adopting a resolution. The withdrawal 20008  
shall take effect on the date provided in the resolution. If a tax 20009  
is levied in the student special services district under section 20010  
5705.219 of the Revised Code, the resolution shall take effect not 20011  
later than the first day of January following adoption of the 20012  
resolution. Beginning with the first day of January following 20013  
adoption of the resolution, any tax levied under section 5705.219 20014

of the Revised Code shall not be levied within the territory of 20015  
the withdrawing school district. Any collection of tax levied in 20016  
the territory of the withdrawing school district under that 20017  
section that has not been settled and distributed when the 20018  
resolution takes effect shall be credited to the district's 20019  
special fund. 20020

(G) An agreement entered into under this section shall 20021  
provide for the manner of the student special services district's 20022  
dissolution. The district shall cease to exist when not more than 20023  
one school district remains in the district, and the levy of any 20024  
tax under section 5705.219 of the Revised Code shall not be 20025  
extended on the tax lists in any tax year beginning after the 20026  
dissolution of the district. The agreement shall provide that, 20027  
upon dissolution of the district, any unexpended balance in the 20028  
district's special fund shall be divided among the school 20029  
districts that are parties to the agreement immediately before 20030  
dissolution in proportion to the taxable valuation of taxable 20031  
property in the districts, and credited to their respective 20032  
general funds. 20033

**Sec. 3313.841.** The boards of education and governing boards 20034  
of two or more city, local, joint vocational, or exempted village 20035  
school districts or educational service centers may contract in 20036  
accordance with the terms of this section for the sharing on a 20037  
cooperative basis of the services of supervisory teachers, special 20038  
instruction teachers, special education teachers, and other 20039  
licensed personnel necessary to conduct approved cooperative 20040  
classes for special education and related services and gifted 20041  
education. 20042

The boards of two or more districts or service centers 20043  
desiring to enroll students in such classes shall each adopt 20044  
resolutions indicating such desire and designating one of the 20045

participating districts or service centers as the funding agent 20046  
for purposes of this section. The district or service center 20047  
designated as the funding agent shall enter into an employment 20048  
contract with each licensed teacher whose services are to be 20049  
shared among the participating districts and service centers. In 20050  
turn, the funding agent shall enter into contracts with each of 20051  
the districts and service centers which have adopted resolutions 20052  
agreeing to participate in the cooperative program upon terms 20053  
agreed to by all parties to such contract. Such contracts between 20054  
districts and service centers shall set forth the services to be 20055  
provided by the licensed teacher employed by the funding agent 20056  
whose services are to be shared by the participating districts and 20057  
service centers and the basis for computing the amounts to be paid 20058  
for such services to the funding agent by the participating 20059  
districts and service centers. 20060

For purposes of division (B) of section 3317.05 of the 20061  
Revised Code, the funding agent shall count all pupils enrolled in 20062  
cooperative programs for ~~handicapped~~ pupils with disabilities as 20063  
pupils enrolled in such programs in the funding agent district. 20064  
Upon receipt of payment for such programs, the funding agent 20065  
district shall credit the account of districts participating in 20066  
the cooperative program for the amounts due under contracts 20067  
entered into under the terms of this section in proportion to the 20068  
number of resident students enrolled in the cooperative program 20069  
from each participating district and service center. 20070

In determining the terms of the contract entered into by the 20071  
funding agent district or service center and the participating 20072  
districts and service centers, the superintendent of schools of 20073  
each participating board of education and governing board shall 20074  
serve as a committee which shall recommend such terms to such 20075  
boards. 20076

Sec. 3313.843. (A) Notwithstanding division (D) of section 20077  
3311.52 of the Revised Code, this section does not apply to either 20078  
of the following: 20079

(1) Any cooperative education school district; 20080

(2) Any city or exempted village school district with a total 20081  
student count of thirteen thousand or more determined pursuant to 20082  
section 3317.03 of the Revised Code that has not entered into one 20083  
or more agreements pursuant to this section prior to July 1, 1993, 20084  
unless the district's total student count did not exceed thirteen 20085  
thousand at the time it entered into an initial agreement under 20086  
this section. 20087

(B) The board of education of a city or exempted village 20088  
school district and the governing board of an educational service 20089  
center may enter into an agreement, through adoption of identical 20090  
resolutions, under which the educational service center governing 20091  
board will provide services to the city or exempted village school 20092  
district. 20093

Services provided under the agreement shall be specified in 20094  
the agreement, and may include any one or a combination of the 20095  
following: supervisory teachers; in-service and continuing 20096  
education programs for city or exempted village school district 20097  
personnel; curriculum services as provided to the local school 20098  
districts under the supervision of the service center governing 20099  
board; research and development programs; academic instruction for 20100  
which the governing board employs teachers pursuant to section 20101  
3319.02 of the Revised Code; and assistance in the provision of 20102  
special accommodations and classes for ~~handicapped~~ students with 20103  
disabilities. Services included in the agreement shall be provided 20104  
to the city or exempted village district in the same manner they 20105  
are provided to local school districts under the governing board's 20106  
supervision, unless otherwise specified in the agreement. The city 20107

or exempted village board of education shall reimburse the 20108  
educational service center governing board pursuant to section 20109  
3317.11 of the Revised Code. 20110

(C) If an educational service center received funding under 20111  
division (B) of former section 3317.11 or division (F) of section 20112  
3317.11 of the Revised Code for an agreement under this section 20113  
involving a city school district whose total student count was 20114  
less than thirteen thousand, the service center may continue to 20115  
receive funding under that division for such an agreement in any 20116  
subsequent year if the city district's total student count exceeds 20117  
thirteen thousand. However, only the first thirteen thousand 20118  
pupils in the formula ADM of such district shall be included in 20119  
determining the amount of the per pupil subsidy the service center 20120  
shall receive under division (F) of section 3317.11 of the Revised 20121  
Code. 20122

(D) Any agreement entered into pursuant to this section shall 20123  
be valid only if a copy is filed with the department of education 20124  
by the first day of the school year for which the agreement is in 20125  
effect. 20126

**Sec. 3313.97.** Notwithstanding division (D) of section 3311.19 20127  
and division (D) of section 3311.52 of the Revised Code, this 20128  
section does not apply to any joint vocational or cooperative 20129  
education school district. 20130

(A) As used in this section: 20131

(1) "Parent" has the same meaning as in section 3313.64 of 20132  
the Revised Code. 20133

(2) "Alternative school" means a school building other than 20134  
the one to which a student is assigned by the district 20135  
superintendent. 20136

(3) "IEP" ~~means an individualized education program defined~~ 20137

by ~~division (E)~~ of has the same meaning as in section 3323.01 of 20138  
the Revised Code. 20139

(B) The board of education of each city, local, and exempted 20140  
village school district shall adopt an open enrollment policy 20141  
allowing students entitled to attend school in the district 20142  
pursuant to section 3313.64 or 3313.65 of the Revised Code to 20143  
enroll in an alternative school. Each policy shall provide for the 20144  
following: 20145

(1) Application procedures, including deadlines for 20146  
application and for notification of students and principals of 20147  
alternative schools whenever a student's application is accepted. 20148  
The policy shall require a student to apply only if the student 20149  
wishes to attend an alternative school. 20150

(2) The establishment of district capacity limits by grade 20151  
level, school building, and education program; 20152

(3) A requirement that students enrolled in a school building 20153  
or living in any attendance area of the school building 20154  
established by the superintendent or board be given preference 20155  
over applicants; 20156

(4) Procedures to ensure that an appropriate racial balance 20157  
is maintained in the district schools. 20158

(C) Except as provided in section 3313.982 of the Revised 20159  
Code, the procedures for admitting applicants to alternative 20160  
schools shall not include: 20161

(1) Any requirement of academic ability, or any level of 20162  
athletic, artistic, or other extracurricular skills; 20163

(2) Limitations on admitting applicants because of 20164  
~~handicapping~~ disabling conditions, except that a board may require 20165  
a student receiving services under Chapter 3323. of the Revised 20166  
Code to attend school where the services described in the 20167

student's IEP are available; 20168

(3) A requirement that the student be proficient in the 20169  
English language; 20170

(4) Rejection of any applicant because the student has been 20171  
subject to disciplinary proceedings, except that if an applicant 20172  
has been suspended or expelled for ten consecutive days or more in 20173  
the term for which admission is sought or in the term immediately 20174  
preceding the term for which admission is sought, the procedures 20175  
may include a provision denying admission of such applicant to an 20176  
alternative school. 20177

(D)(1) Notwithstanding Chapter 3327. of the Revised Code, and 20178  
except as provided in division (D)(2) of this section, a district 20179  
board is not required to provide transportation to a 20180  
~~nonhandicapped~~ nondisabled student enrolled in an alternative 20181  
school unless such student can be picked up and dropped off at a 20182  
regular school bus stop designated in accordance with the board's 20183  
transportation policy or unless the board is required to provide 20184  
additional transportation to the student in accordance with a 20185  
court-approved desegregation plan. 20186

(2) A district board shall provide transportation to any 20187  
student enrolled in an alternative school pursuant to division (E) 20188  
of section 3302.04 of the Revised Code to the extent required by 20189  
that division, except that no district board shall be required to 20190  
provide transportation to any student enrolled in an alternative 20191  
school pursuant to division (E) of section 3302.04 of the Revised 20192  
Code after the date the school in which the student was enrolled 20193  
immediately prior to enrolling in the alternative school ceases to 20194  
be subject to that division. 20195

(E) Each school board shall provide information about the 20196  
policy adopted under this section and the application procedures 20197  
and deadlines to the parent of each student in the district and to 20198

the general public.	20199
(F) The state board of education shall monitor school districts to ensure compliance with this section and the districts' policies.	20200 20201 20202
<b>Sec. 3313.974.</b> As used in this section and in sections 3313.975 to 3313.979 of the Revised Code:	20203 20204
(A) "Individualized education program" and " <del>handicapped</del> child <u>with a disability</u> " have the same meanings as in section 3323.01 of the Revised Code.	20205 20206 20207
(B) "Mainstreamed <del>handicapped</del> student <u>with a disability</u> " means a <del>handicapped</del> child <u>with a disability</u> who has an individualized education program providing for the student to spend more than half of each school day in a regular school setting with <del>nonhandicapped</del> <u>nondisabled</u> students.	20208 20209 20210 20211 20212
(C) "Separately educated <del>handicapped</del> student <u>with a disability</u> " means a <del>handicapped</del> child <u>with a disability</u> who has an individualized education program providing for the student to spend at least half of each school day in a class or setting separated from <del>nonhandicapped</del> <u>nondisabled</u> students.	20213 20214 20215 20216 20217
(D) "Low-income family" means a family whose income is below the level which the superintendent of public instruction shall establish.	20218 20219 20220
(E) "Parent" has the same meaning as in section 3313.98 of the Revised Code.	20221 20222
(F) "Registered private school" means a school registered with the superintendent of public instruction pursuant to section 3313.976 of the Revised Code.	20223 20224 20225
(G) "Alternative school" means a registered private school located in a school district or a public school located in an adjacent school district.	20226 20227 20228

(H) "Tutorial assistance" means instructional services 20229  
provided to a student outside of regular school hours approved by 20230  
the commission on school choice pursuant to section 3313.976 of 20231  
the Revised Code. 20232

**Sec. 3313.977.** (A)(1) Each registered private school shall 20233  
admit students to kindergarten and first, second, and third grades 20234  
in accordance with the following priorities: 20235

(a) Students who were enrolled in the school during the 20236  
preceding year; 20237

(b) Siblings of students enrolled in the school during the 20238  
preceding year, at the discretion of the school; 20239

(c) Children from low-income families attending school or 20240  
residing in the school district in which the school is located 20241  
until the number of such students in each grade equals the number 20242  
that constituted twenty per cent of the total number of students 20243  
enrolled in the school during the preceding year in such grade. 20244  
Admission of such twenty per cent shall be by lot from among all 20245  
low-income family applicants who apply prior to the fifteenth day 20246  
of February prior to admission. 20247

(d) All other applicants residing anywhere, provided that all 20248  
remaining available spaces shall be filled from among such 20249  
applicants by lot. 20250

Children from low-income families not selected by lot under 20251  
division (A)(1)(c) of this section shall be included in the 20252  
lottery of all remaining applicants pursuant to division (A)(1)(d) 20253  
of this section. 20254

(2) Each registered private school shall first admit to 20255  
grades four through twelve students who were enrolled in the 20256  
school during the preceding year. Any remaining spaces for 20257  
students in these grades may be filled as determined by the 20258

school. 20259

(B) Notwithstanding division (A) of this section, except 20260  
where otherwise prohibited by federal law, a registered private 20261  
school may elect to admit students of only one gender and may deny 20262  
admission to any separately educated ~~handicapped~~ student with a 20263  
disability. 20264

(C) If a scholarship student who has been accepted in 20265  
accordance with this section fails to enroll in the school for any 20266  
reason or withdraws from the school during the school year for any 20267  
reason, the school may elect to replace such student with another 20268  
scholarship student only by first offering the admission to any 20269  
low-income scholarship students who filed applications by the 20270  
preceding fifteenth day of February and who were not accepted at 20271  
that time due to space limitations. 20272

**Sec. 3313.978.** (A) Annually by the first day of November, the 20273  
superintendent of public instruction shall notify the pilot 20274  
project school district of the number of initial scholarships that 20275  
the state superintendent will be awarding in each of grades 20276  
kindergarten through eight. 20277

The state superintendent shall provide information about the 20278  
scholarship program to all students residing in the district, 20279  
shall accept applications from any such students until such date 20280  
as shall be established by the state superintendent as a deadline 20281  
for applications, and shall establish criteria for the selection 20282  
of students to receive scholarships from among all those applying 20283  
prior to the deadline, which criteria shall give preference to 20284  
students from low-income families. For each student selected, the 20285  
state superintendent shall also determine whether the student 20286  
qualifies for seventy-five or ninety per cent of the scholarship 20287  
amount. Students whose family income is at or above two hundred 20288  
per cent of the maximum income level established by the state 20289

superintendent for low-income families shall qualify for 20290  
seventy-five per cent of the scholarship amount and students whose 20291  
family income is below two hundred per cent of that maximum income 20292  
level shall qualify for ninety per cent of the scholarship amount. 20293  
The state superintendent shall notify students of their selection 20294  
prior to the fifteenth day of January and whether they qualify for 20295  
seventy-five or ninety per cent of the scholarship amount. 20296

(1) A student receiving a pilot project scholarship may 20297  
utilize it at an alternative public school by notifying the 20298  
district superintendent, at any time before the beginning of the 20299  
school year, of the name of the public school in an adjacent 20300  
school district to which the student has been accepted pursuant to 20301  
section 3327.06 of the Revised Code. 20302

(2) A student may decide to utilize a pilot project 20303  
scholarship at a registered private school in the district if all 20304  
of the following conditions are met: 20305

(a) By the fifteenth day of February of the preceding school 20306  
year, or at any time prior to the start of the school year, the 20307  
parent makes an application on behalf of the student to a 20308  
registered private school. 20309

(b) The registered private school notifies the parent and the 20310  
state superintendent as follows that the student has been 20311  
admitted: 20312

(i) By the fifteenth day of March of the preceding school 20313  
year if the student filed an application by the fifteenth day of 20314  
February and was admitted by the school pursuant to division (A) 20315  
of section 3313.977 of the Revised Code; 20316

(ii) Within one week of the decision to admit the student if 20317  
the student is admitted pursuant to division (C) of section 20318  
3313.977 of the Revised Code. 20319

(c) The student actually enrolls in the registered private 20320

school to which the student was first admitted or in another 20321  
registered private school in the district or in a public school in 20322  
an adjacent school district. 20323

(B) The state superintendent shall also award in any school 20324  
year tutorial assistance grants to a number of students equal to 20325  
the number of students who receive scholarships under division (A) 20326  
of this section. Tutorial assistance grants shall be awarded 20327  
solely to students who are enrolled in the public schools of the 20328  
district in a grade level covered by the pilot project. Tutorial 20329  
assistance grants may be used solely to obtain tutorial assistance 20330  
from a provider approved pursuant to division (D) of section 20331  
3313.976 of the Revised Code. 20332

All students wishing to obtain tutorial assistance grants 20333  
shall make application to the state superintendent by the first 20334  
day of the school year in which the assistance will be used. The 20335  
state superintendent shall award assistance grants in accordance 20336  
with criteria the superintendent shall establish. For each student 20337  
awarded a grant, the state superintendent shall also determine 20338  
whether the student qualifies for seventy-five or ninety per cent 20339  
of the grant amount and so notify the student. Students whose 20340  
family income is at or above two hundred per cent of the maximum 20341  
income level established by the state superintendent for 20342  
low-income families shall qualify for seventy-five per cent of the 20343  
grant amount and students whose family income is below two hundred 20344  
per cent of that maximum income level shall qualify for ninety per 20345  
cent of the grant amount. 20346

(C)(1) In the case of basic scholarships for students in 20347  
grades kindergarten through eight, the scholarship amount shall 20348  
not exceed the lesser of the tuition charges of the alternative 20349  
school the scholarship recipient attends or three thousand dollars 20350  
before fiscal year 2007 and three thousand four hundred fifty 20351  
dollars in fiscal year 2007 and thereafter. 20352

In the case of basic scholarships for students in grades nine through twelve, the scholarship amount shall not exceed the lesser of the tuition charges of the alternative school the scholarship recipient attends or two thousand seven hundred dollars before fiscal year 2007 and three thousand four hundred fifty dollars in fiscal year 2007 and thereafter.

(2) The state superintendent shall provide for an increase in the basic scholarship amount in the case of any student who is a mainstreamed ~~handicapped~~ student with a disability and shall further increase such amount in the case of any separately educated ~~handicapped child~~ student with a disability. Such increases shall take into account the instruction, related services, and transportation costs of educating such students.

(3) In the case of tutorial assistance grants, the grant amount shall not exceed the lesser of the provider's actual charges for such assistance or:

(a) Before fiscal year 2007, a percentage established by the state superintendent, not to exceed twenty per cent, of the amount of the pilot project school district's average basic scholarship amount;

(b) In fiscal year 2007 and thereafter, four hundred dollars.

(4) No scholarship or tutorial assistance grant shall be awarded unless the state superintendent determines that twenty-five or ten per cent, as applicable, of the amount specified for such scholarship or grant pursuant to division (C)(1), (2), or (3) of this section will be furnished by a political subdivision, a private nonprofit or for profit entity, or another person. Only seventy-five or ninety per cent of such amounts, as applicable, shall be paid from state funds pursuant to section 3313.979 of the Revised Code.

(D)(1) Annually by the first day of November, the state

superintendent shall estimate the maximum per-pupil scholarship 20384  
amounts for the ensuing school year. The state superintendent 20385  
shall make this estimate available to the general public at the 20386  
offices of the district board of education together with the forms 20387  
required by division (D)(2) of this section. 20388

(2) Annually by the fifteenth day of January, the chief 20389  
administrator of each registered private school located in the 20390  
pilot project district and the principal of each public school in 20391  
such district shall complete a parental information form and 20392  
forward it to the president of the board of education. The 20393  
parental information form shall be prescribed by the department of 20394  
education and shall provide information about the grade levels 20395  
offered, the numbers of students, tuition amounts, achievement 20396  
test results, and any sectarian or other organizational 20397  
affiliations. 20398

**Sec. 3313.98.** Notwithstanding division (D) of section 3311.19 20399  
and division (D) of section 3311.52 of the Revised Code, the 20400  
provisions of this section and sections 3313.981 to 3313.983 of 20401  
the Revised Code that apply to a city school district do not apply 20402  
to a joint vocational or cooperative education school district 20403  
unless expressly specified. 20404

(A) As used in this section and sections 3313.981 to 3313.983 20405  
of the Revised Code: 20406

(1) "Parent" means either of the natural or adoptive parents 20407  
of a student, except under the following conditions: 20408

(a) When the marriage of the natural or adoptive parents of 20409  
the student has been terminated by a divorce, dissolution of 20410  
marriage, or annulment or the natural or adoptive parents of the 20411  
student are living separate and apart under a legal separation 20412  
decree and the court has issued an order allocating the parental 20413  
rights and responsibilities with respect to the student, "parent" 20414

means the residential parent as designated by the court except 20415  
that "parent" means either parent when the court issues a shared 20416  
parenting decree. 20417

(b) When a court has granted temporary or permanent custody 20418  
of the student to an individual or agency other than either of the 20419  
natural or adoptive parents of the student, "parent" means the 20420  
legal custodian of the child. 20421

(c) When a court has appointed a guardian for the student, 20422  
"parent" means the guardian of the student. 20423

(2) "Native student" means a student entitled under section 20424  
3313.64 or 3313.65 of the Revised Code to attend school in a 20425  
district adopting a resolution under this section. 20426

(3) "Adjacent district" means a city, exempted village, or 20427  
local school district having territory that abuts the territory of 20428  
a district adopting a resolution under this section. 20429

(4) "Adjacent district student" means a student entitled 20430  
under section 3313.64 or 3313.65 of the Revised Code to attend 20431  
school in an adjacent district. 20432

(5) "Adjacent district joint vocational student" means an 20433  
adjacent district student who enrolls in a city, exempted village, 20434  
or local school district pursuant to this section and who also 20435  
enrolls in a joint vocational school district that does not 20436  
contain the territory of the district for which that student is a 20437  
native student and does contain the territory of the city, 20438  
exempted village, or local district in which the student enrolls. 20439

(6) "Formula amount" has the same meaning as in section 20440  
3317.02 of the Revised Code. 20441

(7) "Adjusted formula amount" means the ~~greater of the~~ 20442  
~~following:~~ 20443

~~(a) The fiscal year 2005 formula amount multiplied by the~~ 20444

~~fiscal year 2005 cost of doing business factor for a district 20445  
defined in the version of section 3317.02 of the Revised Code in 20446  
effect that year; 20447~~

~~(b) The sum of (the current formula amount times the current 20448  
cost of doing business factor as defined in section 3317.02 of the 20449  
Revised Code) plus the per pupil amount of the base funding 20450  
supplements specified in divisions (C)(1) to (4) of section 20451  
3317.012 of the Revised Code. 20452~~

(8) "Poverty line" means the poverty line established by the 20453  
director of the United States office of management and budget as 20454  
revised by the director of the office of community services in 20455  
accordance with section 673(2) of the "Community Services Block 20456  
Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 20457

~~(9) "IEP" means an individualized education program defined 20458  
by division (E) of has the same meaning as in section 3323.01 of 20459  
the Revised Code. 20460~~

(10) "Other district" means a city, exempted village, or 20461  
local school district having territory outside of the territory of 20462  
a district adopting a resolution under this section. 20463

(11) "Other district student" means a student entitled under 20464  
section 3313.64 or 3313.65 of the Revised Code to attend school in 20465  
an other district. 20466

(12) "Other district joint vocational student" means a 20467  
student who is enrolled in any city, exempted village, or local 20468  
school district and who also enrolls in a joint vocational school 20469  
district that does not contain the territory of the district for 20470  
which that student is a native student in accordance with a policy 20471  
adopted under section 3313.983 of the Revised Code. 20472

(B)(1) The board of education of each city, local, and 20473  
exempted village school district shall adopt a resolution 20474  
establishing for the school district one of the following 20475

policies:	20476
(a) A policy that entirely prohibits the enrollment of students from adjacent districts or other districts, other than students for whom tuition is paid in accordance with section 3317.08 of the Revised Code;	20477 20478 20479 20480
(b) A policy that permits enrollment of students from all adjacent districts in accordance with policy statements contained in the resolution;	20481 20482 20483
(c) A policy that permits enrollment of students from all other districts in accordance with policy statements contained in the resolution.	20484 20485 20486
(2) A policy permitting enrollment of students from adjacent or from other districts, as applicable, shall provide for all of the following:	20487 20488 20489
(a) Application procedures, including deadlines for application and for notification of students and the superintendent of the applicable district whenever an adjacent or other district student's application is approved.	20490 20491 20492 20493
(b) Procedures for admitting adjacent or other district applicants free of any tuition obligation to the district's schools, including, but not limited to:	20494 20495 20496
(i) The establishment of district capacity limits by grade level, school building, and education program;	20497 20498
(ii) A requirement that all native students wishing to be enrolled in the district will be enrolled and that any adjacent or other district students previously enrolled in the district shall receive preference over first-time applicants;	20499 20500 20501 20502
(iii) Procedures to ensure that an appropriate racial balance is maintained in the district schools.	20503 20504
(C) Except as provided in section 3313.982 of the Revised	20505

Code, the procedures for admitting adjacent or other district students, as applicable, shall not include: 20506  
20507

(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills; 20508  
20509

(2) Limitations on admitting applicants because of ~~handicapping conditions~~ disability, except that a board may refuse to admit a student receiving services under Chapter 3323. of the Revised Code, if the services described in the student's IEP are not available in the district's schools; 20510  
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(3) A requirement that the student be proficient in the English language; 20515  
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(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled by the student's district for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant. 20517  
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(D)(1) Each school board permitting only enrollment of adjacent district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, to the superintendent and the board of education of each adjacent district and, upon request, to the parent of any adjacent district student. 20524  
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(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. 20530  
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(E) Any school board shall accept all credits toward graduation earned in adjacent or other district schools by an 20535  
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adjacent or other district student or a native student. 20537

(F)(1) No board of education may adopt a policy discouraging 20538  
or prohibiting its native students from applying to enroll in the 20539  
schools of an adjacent or any other district that has adopted a 20540  
policy permitting such enrollment, except that: 20541

(a) A district may object to the enrollment of a native 20542  
student in an adjacent or other district in order to maintain an 20543  
appropriate racial balance. 20544

(b) The board of education of a district receiving funds 20545  
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 20546  
may adopt a resolution objecting to the enrollment of its native 20547  
students in adjacent or other districts if at least ten per cent 20548  
of its students are included in the determination of the United 20549  
States secretary of education made under section 20 U.S.C.A. 20550  
238(a). 20551

(2) If a board objects to enrollment of native students under 20552  
this division, any adjacent or other district shall refuse to 20553  
enroll such native students unless tuition is paid for the 20554  
students in accordance with section 3317.08 of the Revised Code. 20555  
An adjacent or other district enrolling such students may not 20556  
receive funding for those students in accordance with section 20557  
3313.981 of the Revised Code. 20558

(G) The state board of education shall monitor school 20559  
districts to ensure compliance with this section and the 20560  
districts' policies. The board may adopt rules requiring uniform 20561  
application procedures, deadlines for application, notification 20562  
procedures, and record-keeping requirements for all school boards 20563  
that adopt policies permitting the enrollment of adjacent or other 20564  
district students, as applicable. If the state board adopts such 20565  
rules, no school board shall adopt a policy that conflicts with 20566  
those rules. 20567

(H) A resolution adopted by a board of education under this 20568  
section that entirely prohibits the enrollment of students from 20569  
adjacent and from other school districts does not abrogate any 20570  
agreement entered into under section 3313.841 or 3313.92 of the 20571  
Revised Code or any contract entered into under section 3313.90 of 20572  
the Revised Code between the board of education adopting the 20573  
resolution and the board of education of any adjacent or other 20574  
district or prohibit these boards of education from entering into 20575  
any such agreement or contract. 20576

(I) Nothing in this section shall be construed to permit or 20577  
require the board of education of a city, exempted village, or 20578  
local school district to exclude any native student of the 20579  
district from enrolling in the district. 20580

**Sec. 3313.983.** (A) The board of education of each joint 20581  
vocational school district shall adopt a policy pertaining to 20582  
enrollment of students who, upon enrollment, will be adjacent 20583  
district joint vocational students except that, in lieu of such a 20584  
policy, a board may adopt a policy pertaining to enrollment of 20585  
students who, upon enrollment, will be other district joint 20586  
vocational students. Any such policy to enroll other district 20587  
joint vocational students shall apply beginning with the school 20588  
year that commences July 1, 1998. 20589

A policy adopted under this section shall provide for all of 20590  
the following: 20591

(1) Application procedures, including procedures for 20592  
notifying any future adjacent district or other district joint 20593  
vocational students, as applicable, and the superintendent of the 20594  
city, exempted village, or local school districts in which they 20595  
are also enrolled whenever their applications are approved; 20596

(2) Procedures for admitting to the district applicants who 20597  
will be, as applicable, adjacent district or other district joint 20598

vocational students, including, but not limited to:	20599
(a) The establishment of district capacity limits by grade level, school building, and education program;	20600 20601
(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;	20602 20603 20604 20605 20606
(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.	20607 20608 20609 20610 20611
(B) The procedures for admitting students who will be, as applicable, adjacent district or other district joint vocational students shall not include:	20612 20613 20614
(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;	20615 20616
(2) Limitations on admitting applicants because of <del>handicapping conditions</del> <u>disability</u> , 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;	20617 20618 20619 20620 20621
(3) A requirement that the student be proficient in the English language;	20622 20623
(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	20624 20625 20626 20627 20628

is sought, the procedures may include a provision denying 20629  
admission of such applicant. 20630

(C) The board of education of each joint vocational school 20631  
district shall provide information about the policy it adopts 20632  
under this section, including the application procedures, to the 20633  
superintendent and the board of education of each city, exempted 20634  
village, and local school district with territory in the district 20635  
and, upon request, to the parent of any student who could become, 20636  
as applicable, an adjacent district or other district joint 20637  
vocational student of the district. 20638

**Sec. 3314.015.** (A) The department of education shall be 20639  
responsible for the oversight of sponsors of the community schools 20640  
established under this chapter and shall provide technical 20641  
assistance to schools and sponsors in their compliance with 20642  
applicable laws and the terms of the contracts entered into under 20643  
section 3314.03 of the Revised Code and in the development and 20644  
start-up activities of those schools. In carrying out its duties 20645  
under this section, the department shall do all of the following: 20646

(1) In providing technical assistance to proposing parties, 20647  
governing authorities, and sponsors, conduct training sessions and 20648  
distribute informational materials; 20649

(2) Approve entities to be sponsors of community schools and 20650  
monitor the effectiveness of those sponsors in their oversight of 20651  
the schools with which they have contracted; 20652

(3) By December thirty-first of each year, issue a report to 20653  
the governor, the speaker of the house of representatives, the 20654  
president of the senate, and the chairpersons of the house and 20655  
senate committees principally responsible for education matters 20656  
regarding the effectiveness of academic programs, operations, and 20657  
legal compliance and of the financial condition of all community 20658  
schools established under this chapter; 20659

(4) From time to time, make legislative recommendations to 20660  
the general assembly designed to enhance the operation and 20661  
performance of community schools. 20662

(B)(1) No entity listed in division (C)(1) of section 3314.02 20663  
of the Revised Code shall enter into a preliminary agreement under 20664  
division (C)(2) of section 3314.02 of the Revised Code until it 20665  
has received approval from the department of education to sponsor 20666  
community schools under this chapter and has entered into a 20667  
written agreement with the department regarding the manner in 20668  
which the entity will conduct such sponsorship. The department 20669  
shall adopt in accordance with Chapter 119. of the Revised Code 20670  
rules containing criteria, procedures, and deadlines for 20671  
processing applications for such approval, for oversight of 20672  
sponsors, for revocation of the approval of sponsors, and for 20673  
entering into written agreements with sponsors. The rules shall 20674  
require an entity to submit evidence of the entity's ability and 20675  
willingness to comply with the provisions of division (D) of 20676  
section 3314.03 of the Revised Code. The rules also shall require 20677  
entities approved as sponsors on and after June 30, 2005, to 20678  
demonstrate a record of financial responsibility and successful 20679  
implementation of educational programs. If an entity seeking 20680  
approval on or after June 30, 2005, to sponsor community schools 20681  
in this state sponsors or operates schools in another state, at 20682  
least one of the schools sponsored or operated by the entity must 20683  
be comparable to or better than the performance of Ohio schools in 20684  
~~a state of academic watch~~ need of continuous improvement under 20685  
section 3302.03 of the Revised Code, as determined by the 20686  
department. 20687

An entity that sponsors community schools may enter into 20688  
preliminary agreements and sponsor schools as follows, provided 20689  
each school and the contract for sponsorship meets the 20690  
requirements of this chapter: 20691

(a) An entity that sponsored fifty or fewer schools that were open for operation as of May 1, 2005, may sponsor not more than fifty schools.

(b) An entity that sponsored more than fifty but not more than seventy-five schools that were open for operation as of May 1, 2005, may sponsor not more than the number of schools the entity sponsored that were open for operation as of May 1, 2005.

(c) Until June 30, 2006, an entity that sponsored more than seventy-five schools that were open for operation as of May 1, 2005, may sponsor not more than the number of schools the entity sponsored that were open for operation as of May 1, 2005. After June 30, 2006, such an entity may sponsor not more than seventy-five schools.

Upon approval of an entity to be a sponsor under this division, the department shall notify the entity of the number of schools the entity may sponsor.

The limit imposed on an entity to which division (B)(1) of this section applies shall be decreased by one for each school sponsored by the entity that permanently closes.

If at any time an entity exceeds the number of schools it may sponsor under this division, the department shall assist the schools in excess of the entity's limit in securing new sponsors. If a school is unable to secure a new sponsor, the department shall assume sponsorship of the school in accordance with division (C) of this section. Those schools for which another sponsor or the department assumes sponsorship shall be the schools that most recently entered into contracts with the entity under section 3314.03 of the Revised Code.

(2) The department of education shall determine, pursuant to criteria adopted by rule of the department, whether the mission proposed to be specified in the contract of a community school to

be sponsored by a state university board of trustees or the 20723  
board's designee under division (C)(1)(e) of section 3314.02 of 20724  
the Revised Code complies with the requirements of that division. 20725  
Such determination of the department is final. 20726

(3) The department of education shall determine, pursuant to 20727  
criteria adopted by rule of the department, if any tax-exempt 20728  
entity under section 501(c)(3) of the Internal Revenue Code that 20729  
is proposed to be a sponsor of a community school is an 20730  
education-oriented entity for purpose of satisfying the condition 20731  
prescribed in division (C)(1)(f)(iii) of section 3314.02 of the 20732  
Revised Code. Such determination of the department is final. 20733

(C) If at any time the state board of education finds that a 20734  
sponsor is not in compliance or is no longer willing to comply 20735  
with its contract with any community school or with the 20736  
department's rules for sponsorship, the state board or designee 20737  
shall conduct a hearing in accordance with Chapter 119. of the 20738  
Revised Code on that matter. If after the hearing, the state board 20739  
or designee has confirmed the original finding, the department of 20740  
education may revoke the sponsor's approval to sponsor community 20741  
schools and may assume the sponsorship of any schools with which 20742  
the sponsor has contracted until the earlier of the expiration of 20743  
two school years or until a new sponsor as described in division 20744  
(C)(1) of section 3314.02 of the Revised Code is secured by the 20745  
school's governing authority. The department may extend the term 20746  
of the contract in the case of a school for which it has assumed 20747  
sponsorship under this division as necessary to accommodate the 20748  
term of the department's authorization to sponsor the school 20749  
specified in this division. 20750

(D) The decision of the department to disapprove an entity 20751  
for sponsorship of a community school or to revoke approval for 20752  
such sponsorship, as provided in division (C) of this section, may 20753  
be appealed by the entity in accordance with section 119.12 of the 20754

Revised Code. 20755

(E) The department shall adopt procedures for use by a 20756  
community school governing authority and sponsor when the school 20757  
permanently closes and ceases operation, which shall include at 20758  
least procedures for data reporting to the department, handling of 20759  
student records, distribution of assets in accordance with section 20760  
3314.074 of the Revised Code, and other matters related to ceasing 20761  
operation of the school. 20762

(F) In carrying out its duties under this chapter, the 20763  
department shall not impose requirements on community schools or 20764  
their sponsors that are not permitted by law or duly adopted 20765  
rules. 20766

Sec. 3314.016. (A) After June 30, 2007, a new start-up school 20767  
may be established under this chapter only if the school's 20768  
governing authority enters into a contract with an operator that 20769  
manages other schools in the United States that perform at a level 20770  
higher than academic watch. The governing authority of the 20771  
community school may sign a contract with an operator only if the 20772  
operator has fewer contracts with the governing authorities of new 20773  
start-up schools established under this chapter after June 30, 20774  
2007, than the number of schools managed by the operator in the 20775  
United States that perform at a level higher than academic watch, 20776  
as determined by the department of education. 20777

(B) Notwithstanding division (A) of this section, the 20778  
governing authority of a start-up school sponsored by an entity 20779  
described in divisions (C)(1)(b) to (f) of section 3314.02 of the 20780  
Revised Code may establish one additional school serving the same 20781  
grade levels and providing the same educational program as the 20782  
current start-up school and may open that additional school in the 20783  
2007-2008 school year, if both of the following conditions are 20784  
met: 20785

(1) The governing authority entered into another contract 20786  
with the same sponsor or a different sponsor described in 20787  
divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code 20788  
and filed a copy of that contract with the superintendent of 20789  
public instruction prior to March 15, 2006. 20790

(2) The governing authority's current school satisfies all of 20791  
the following conditions: 20792

(a) The school currently is rated as excellent or effective 20793  
pursuant to section 3302.03 of the Revised Code. 20794

(b) The school made adequate yearly progress, as defined in 20795  
section 3302.01 of the Revised Code, for the previous school year. 20796

(c) The school has been in operation for at least four school 20797  
years. 20798

(d) The school is not managed by an operator. 20799

**Sec. 3314.017.** Notwithstanding division (A) of section 20800  
3314.016 of the Revised Code, the governing authority of a 20801  
start-up school sponsored by an entity described in divisions 20802  
(C)(1)(b) to (f) of section 3314.02 of the Revised Code may 20803  
establish one additional start-up school that is located in the 20804  
same school district as the current start-up school, regardless of 20805  
whether that district is a challenged school district as otherwise 20806  
required by division (C)(1) of section 3314.02 of the Revised 20807  
Code, and that provides a general educational program to students 20808  
in grades kindergarten through six to facilitate their transition 20809  
to the current start-up school, and may open the additional 20810  
start-up school in the 2008-2009 school year, if both of the 20811  
following conditions are met: 20812

(A) The governing authority enters into another contract with 20813  
the same sponsor, which is hereby authorized to sponsor the 20814  
additional start-up school and to continue that sponsorship as 20815

long as the entity sponsors the current start-up school, and files 20816  
a copy of the contract with the superintendent of public 20817  
instruction prior to March 15, 2008. 20818

(B) The governing authority's current school satisfies all of 20819  
the following conditions: 20820

(1) The school was rated excellent or effective pursuant to 20821  
section 3302.03 of the Revised Code for three of the four school 20822  
years beginning with the 2002-2003 school year and ending with the 20823  
2005-2006 school year. 20824

(2) The school made adequate yearly progress, as defined in 20825  
section 3302.01 of the Revised Code, for each of the four school 20826  
years beginning with the 2002-2003 school year and ending with the 20827  
2005-2006 school year. 20828

(3) The school was recognized by the superintendent of public 20829  
instruction as a school of promise for three of the four school 20830  
years beginning with the 2002-2003 school year and ending with the 20831  
2005-2006 school year. 20832

(4) The school has been in operation for at least five school 20833  
years. 20834

(5) The school is not managed by an operator. 20835

**Sec. 3314.02.** (A) As used in this chapter: 20836

(1) "Sponsor" means an entity listed in division (C)(1) of 20837  
this section, which has been approved by the department of 20838  
education to sponsor community schools and with which the 20839  
governing authority of the proposed community school enters into a 20840  
contract pursuant to this section. 20841

(2) "Pilot project area" means the school districts included 20842  
in the territory of the former community school pilot project 20843  
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 20844  
the 122nd general assembly. 20845

- (3) "Challenged school district" means any of the following: 20846
- (a) A school district that is part of the pilot project area; 20847
- (b) A school district that is either in a state of academic 20848  
emergency or in a state of academic watch under section 3302.03 of 20849  
the Revised Code; 20850
- (c) A big eight school district. 20851
- (4) "Big eight school district" means a school district that 20852  
for fiscal year 1997 had both of the following: 20853
- (a) A percentage of children residing in the district and 20854  
participating in the predecessor of Ohio works first greater than 20855  
thirty per cent, as reported pursuant to section 3317.10 of the 20856  
Revised Code; 20857
- (b) An average daily membership greater than twelve thousand, 20858  
as reported pursuant to former division (A) of section 3317.03 of 20859  
the Revised Code. 20860
- (5) "New start-up school" means a community school other than 20861  
one created by converting all or part of an existing public 20862  
school, as designated in the school's contract pursuant to 20863  
division (A)(17) of section 3314.03 of the Revised Code. 20864
- (6) "Urban school district" means one of the state's 20865  
twenty-one urban school districts as defined in division (O) of 20866  
section 3317.02 of the Revised Code as that section existed prior 20867  
to July 1, 1998. 20868
- (7) "Internet- or computer-based community school" means a 20869  
community school established under this chapter in which the 20870  
enrolled students work primarily from their residences on 20871  
assignments in nonclassroom-based learning opportunities provided 20872  
via an internet- or other computer-based instructional method that 20873  
does not rely on regular classroom instruction or via 20874  
comprehensive instructional methods that include internet-based, 20875

other computer-based, and noncomputer-based learning 20876  
opportunities. 20877

(B) Any person or group of individuals may initially propose 20878  
under this division the conversion of all or a portion of a public 20879  
school to a community school. The proposal shall be made to the 20880  
board of education of the city, local, or exempted village school 20881  
district in which the public school is proposed to be converted. 20882  
Upon receipt of a proposal, a board may enter into a preliminary 20883  
agreement with the person or group proposing the conversion of the 20884  
public school, indicating the intention of the board of education 20885  
to support the conversion to a community school. A proposing 20886  
person or group that has a preliminary agreement under this 20887  
division may proceed to finalize plans for the school, establish a 20888  
governing authority for the school, and negotiate a contract with 20889  
the board of education. Provided the proposing person or group 20890  
adheres to the preliminary agreement and all provisions of this 20891  
chapter, the board of education shall negotiate in good faith to 20892  
enter into a contract in accordance with section 3314.03 of the 20893  
Revised Code and division (C) of this section. 20894

(C)(1) Any person or group of individuals may propose under 20895  
this division the establishment of a new start-up school to be 20896  
located in a challenged school district. The proposal may be made 20897  
to any of the following entities: 20898

(a) The board of education of the district in which the 20899  
school is proposed to be located; 20900

(b) The board of education of any joint vocational school 20901  
district with territory in the county in which is located the 20902  
majority of the territory of the district in which the school is 20903  
proposed to be located; 20904

(c) The board of education of any other city, local, or 20905  
exempted village school district having territory in the same 20906

county where the district in which the school is proposed to be 20907  
located has the major portion of its territory; 20908

(d) The governing board of any educational service center, as 20909  
long as the proposed school will be located in a county within the 20910  
territory of the service center or in a county contiguous to such 20911  
county; 20912

(e) A sponsoring authority designated by the board of 20913  
trustees of any of the thirteen state universities listed in 20914  
section 3345.011 of the Revised Code or the board of trustees 20915  
itself as long as a mission of the proposed school to be specified 20916  
in the contract under division (A)(2) of section 3314.03 of the 20917  
Revised Code and as approved by the department of education under 20918  
division (B)(2) of section 3314.015 of the Revised Code will be 20919  
the practical demonstration of teaching methods, educational 20920  
technology, or other teaching practices that are included in the 20921  
curriculum of the university's teacher preparation program 20922  
approved by the state board of education; 20923

(f) Any qualified tax-exempt entity under section 501(c)(3) 20924  
of the Internal Revenue Code as long as all of the following 20925  
conditions are satisfied: 20926

(i) The entity has been in operation for at least five years 20927  
prior to applying to be a community school sponsor. 20928

(ii) The entity has assets of at least five hundred thousand 20929  
dollars and a demonstrated record of financial responsibility. 20930

(iii) The department of education has determined that the 20931  
entity is an education-oriented entity under division (B)(3) of 20932  
section 3314.015 of the Revised Code and the entity has a 20933  
demonstrated record of successful implementation of educational 20934  
programs. 20935

(iv) The entity is not a community school. 20936

Any entity described in division (C)(1) of this section may 20937  
enter into a preliminary agreement pursuant to division (C)(2) of 20938  
this section with the proposing person or group. 20939

(2) A preliminary agreement indicates the intention of an 20940  
entity described in division (C)(1) of this section to sponsor the 20941  
community school. A proposing person or group that has such a 20942  
preliminary agreement may proceed to finalize plans for the 20943  
school, establish a governing authority as described in division 20944  
(E) of this section for the school, and negotiate a contract with 20945  
the entity. Provided the proposing person or group adheres to the 20946  
preliminary agreement and all provisions of this chapter, the 20947  
entity shall negotiate in good faith to enter into a contract in 20948  
accordance with section 3314.03 of the Revised Code. 20949

(3) A new start-up school that is established in a school 20950  
district while that district is either in a state of academic 20951  
emergency or in a state of academic watch under section 3302.03 of 20952  
the Revised Code may continue in existence once the school 20953  
district is no longer in a state of academic emergency or academic 20954  
watch, provided there is a valid contract between the school and a 20955  
sponsor. 20956

(4) A copy of every preliminary agreement entered into under 20957  
this division shall be filed with the superintendent of public 20958  
instruction. 20959

(D) A majority vote of the board of a sponsoring entity and a 20960  
majority vote of the members of the governing authority of a 20961  
community school shall be required to adopt a contract and convert 20962  
the public school to a community school or establish the new 20963  
start-up school. Beginning September 29, 2005, adoption of the 20964  
contract shall occur not later than the fifteenth day of March, 20965  
and signing of the contract shall occur not later than the 20966  
fifteenth day of May, prior to the school year in which the school 20967  
will open. The governing authority shall notify the department of 20968

education when the contract has been signed. Subject to sections 20969  
3314.013 ~~and~~, 3314.014, 3314.016, and 3314.017 of the Revised 20970  
Code, an unlimited number of community schools may be established 20971  
in any school district provided that a contract is entered into 20972  
for each community school pursuant to this chapter. 20973

(E)(1) As used in this division, "immediate relatives" are 20974  
limited to spouses, children, parents, grandparents, siblings, and 20975  
in-laws. 20976

Each new start-up community school established under this 20977  
chapter shall be under the direction of a governing authority 20978  
which shall consist of a board of not less than five individuals . 20979

No person shall serve on the governing authority or operate 20980  
the community school under contract with the governing authority 20981  
so long as the person owes the state any money or is in a dispute 20982  
over whether the person owes the state any money concerning the 20983  
operation of a community school that has closed. 20984

(2) No person shall serve on the governing authorities of 20985  
more than two start-up community schools at the same time. 20986

(3) No present or former member, or immediate relative of a 20987  
present or former member, of the governing authority of any 20988  
community school established under this chapter shall be an owner, 20989  
employee, or consultant of any nonprofit or for-profit operator of 20990  
a community school, ~~as defined in section 3314.014 of the Revised~~ 20991  
~~Code,~~ unless at least one year has elapsed since the conclusion of 20992  
the person's membership. 20993

(F) Nothing in this chapter shall be construed to permit the 20994  
establishment of a community school in more than one school 20995  
district under the same contract. 20996

(G)(1) A new start-up school that is established prior to 20997  
August 15, 2003, in an urban school district that is not also a 20998  
big-eight school district may continue to operate after that date 20999

and the contract between the school's governing authority and the 21000  
school's sponsor may be renewed, as provided under this chapter, 21001  
after that date, but no additional new start-up schools may be 21002  
established in such a district unless the district is a challenged 21003  
school district as defined in this section as it exists on and 21004  
after that date. 21005

(2) A community school that was established prior to June 29, 21006  
1999, and is located in a county contiguous to the pilot project 21007  
area and in a school district that is not a challenged school 21008  
district may continue to operate after that date, provided the 21009  
school complies with all provisions of this chapter. The contract 21010  
between the school's governing authority and the school's sponsor 21011  
may be renewed, but no additional start-up community school may be 21012  
established in that district unless the district is a challenged 21013  
school district. 21014

(3) Any educational service center that, on the effective 21015  
date of this amendment, sponsors a community school that is not 21016  
located in a county within the territory of the service center or 21017  
in a county contiguous to such county may continue to sponsor that 21018  
community school on and after the effective date of this amendment 21019  
and may renew its contract with the school. However, the 21020  
educational service center shall not enter into a contract with 21021  
any additional community school unless the school is located in a 21022  
county within the territory of the service center or in a county 21023  
contiguous to such county. 21024

**Sec. 3314.06.** The governing authority of each community 21025  
school established under this chapter shall adopt admission 21026  
procedures that specify the following: 21027

(A) That except as otherwise provided in this section, 21028  
admission to the school shall be open to any individual age five 21029  
to twenty-two entitled to attend school pursuant to section 21030

3313.64 or 3313.65 of the Revised Code in a school district in the state. 21031  
21032

(B)(1) That admission to the school may be limited to 21033  
students who have attained a specific grade level or are within a 21034  
specific age group; to students that meet a definition of 21035  
"at-risk," as defined in the contract; to residents of a specific 21036  
geographic area within the district, as defined in the contract; 21037  
or to separate groups of autistic students and ~~nonhandicapped~~ 21038  
nondisabled students, as authorized in section 3314.061 of the 21039  
Revised Code and as defined in the contract. 21040

(2) For purposes of division (B)(1) of this section, 21041  
"at-risk" students may include those students identified as gifted 21042  
students under section 3324.03 of the Revised Code. 21043

(C) Whether enrollment is limited to students who reside in 21044  
the district in which the school is located or is open to 21045  
residents of other districts, as provided in the policy adopted 21046  
pursuant to the contract. 21047

(D)(1) That there will be no discrimination in the admission 21048  
of students to the school on the basis of race, creed, color, 21049  
~~handicapping condition~~ disability, or sex except that: 21050

(a) The governing authority may establish single-gender 21051  
schools for the purpose described in division (G) of this section 21052  
provided comparable facilities and learning opportunities are 21053  
offered for both boys and girls. Such comparable facilities and 21054  
opportunities may be offered for each sex at separate locations. 21055

(b) The governing authority may establish a school that 21056  
simultaneously serves a group of students identified as autistic 21057  
and a group of students who are not ~~handicapped~~ disabled, as 21058  
authorized in section 3314.061 of the Revised Code. However, 21059  
unless the total capacity established for the school has been 21060  
filled, no student with any ~~handicap~~ disability shall be denied 21061

admission on the basis of that ~~handicap~~ disability. 21062

(2) That upon admission of any ~~handicapped~~ student with a 21063  
disability, the community school will comply with all federal and 21064  
state laws regarding the education of ~~handicapped~~ students with 21065  
disabilities. 21066

(E) That the school may not limit admission to students on 21067  
the basis of intellectual ability, measures of achievement or 21068  
aptitude, or athletic ability, except that a school may limit its 21069  
enrollment to students as described in division (B) of this 21070  
section. 21071

(F) That the community school will admit the number of 21072  
students that does not exceed the capacity of the school's 21073  
programs, classes, grade levels, or facilities. 21074

(G) That the purpose of single-gender schools that are 21075  
established shall be to take advantage of the academic benefits 21076  
some students realize from single-gender instruction and 21077  
facilities and to offer students and parents residing in the 21078  
district the option of a single-gender education. 21079

(H) That, except as otherwise provided under division (B) of 21080  
this section or section 3314.061 of the Revised Code, if the 21081  
number of applicants exceeds the capacity restrictions of division 21082  
(F) of this section, students shall be admitted by lot from all 21083  
those submitting applications, except preference shall be given to 21084  
students attending the school the previous year and to students 21085  
who reside in the district in which the school is located. 21086  
Preference may be given to siblings of students attending the 21087  
school the previous year. 21088

Notwithstanding divisions (A) to (H) of this section, in the 21089  
event the racial composition of the enrollment of the community 21090  
school is violative of a federal desegregation order, the 21091  
community school shall take any and all corrective measures to 21092

comply with the desegregation order. 21093

**Sec. 3314.061.** A governing authority may establish a 21094  
community school under this chapter that is limited to providing 21095  
simultaneously special education and related services to a 21096  
specified number of students identified as autistic and regular 21097  
educational programs to a specified number of students who are not 21098  
~~handicapped~~ disabled. The contract between the governing authority 21099  
and the school's sponsor shall specify the target ratio of number 21100  
of autistic students to number of ~~nonhandicapped~~ nondisabled 21101  
students in the school's population, the total number of autistic 21102  
students that may be enrolled in the school, and the total number 21103  
of ~~nonhandicapped~~ nondisabled students that may be enrolled in the 21104  
school. A school established in accordance with this section is 21105  
subject to division (H) of section 3314.06 of the Revised Code, 21106  
except that because the governing authority establishes a separate 21107  
capacity for autistic students and ~~nonhandicapped~~ nondisabled 21108  
students, if the number of applicants among the group of autistic 21109  
students or the group of ~~nonhandicapped~~ students with disabilities 21110  
exceeds the capacity restrictions for that group, students shall 21111  
be admitted by lot from all those of that same group submitting 21112  
applications. However, unless the total capacity established for 21113  
the school has been filled, no student with any ~~handicap~~ 21114  
disability shall be denied admission on the basis of that ~~handicap~~ 21115  
disability. 21116

**Sec. 3314.074.** Divisions (A) and (B) of this section apply 21117  
only to the extent permitted under Chapter 1702. of the Revised 21118  
Code. 21119

(A) If any community school established under this chapter 21120  
permanently closes and ceases its operation as a community school, 21121  
the assets of that school shall be distributed first to the 21122  
retirement funds of employees of the school, employees of the 21123

school, and private creditors who are owed compensation, and then 21124  
any remaining funds shall be paid to the ~~state treasury to the~~ 21125  
~~credit of the general revenue fund~~ department of education for 21126  
redistribution to the school districts in which the students who 21127  
were enrolled in the school at the time it ceased operation were 21128  
entitled to attend school under section 3313.64 or 3313.65 of the 21129  
Revised Code. The amount distributed to each school district shall 21130  
be proportional to the district's share of the total enrollment in 21131  
the community school. 21132

(B) If a community school closes and ceases to operate as a 21133  
community school and the school has received computer hardware or 21134  
software from the former Ohio SchoolNet commission or the eTech 21135  
Ohio commission, such hardware or software shall be returned to 21136  
the eTech Ohio commission, and the eTech Ohio commission shall 21137  
redistribute the hardware and software, to the extent such 21138  
redistribution is possible, to school districts in conformance 21139  
with the provisions of the programs operated and administered by 21140  
the eTech Ohio commission. 21141

(C) If the assets of the school are insufficient to pay all 21142  
persons or entities to whom compensation is owed, the 21143  
prioritization of the distribution of the assets to individual 21144  
persons or entities within each class of payees may be determined 21145  
by decree of a court in accordance with this section and Chapter 21146  
1702. of the Revised Code. 21147

**Sec. 3314.08.** (A) As used in this section: 21148

(1) "Base formula amount" means the amount specified as such 21149  
in a community school's financial plan for a school year pursuant 21150  
to division (A)(15) of section 3314.03 of the Revised Code. 21151

(2) ~~"Cost of doing business factor" has the same meaning as~~ 21152  
~~in section 3317.02 of the Revised Code.~~ 21153

<del>(3)</del> "IEP" means <del>an individualized education program as</del> <u>defined has the same meaning as</u> in section 3323.01 of the Revised Code.	21154 21155 21156
<del>(4)</del> <u>(3)</u> "Applicable special education weight" means the multiple specified in section 3317.013 of the Revised Code for a <del>handicap</del> <u>disability</u> described in that section.	21157 21158 21159
<del>(5)</del> <u>(4)</u> "Applicable vocational education weight" means:	21160
(a) For a student enrolled in vocational education programs or classes described in division (A) of section 3317.014 of the Revised Code, the multiple specified in that division;	21161 21162 21163
(b) For a student enrolled in vocational education programs or classes described in division (B) of section 3317.014 of the Revised Code, the multiple specified in that division.	21164 21165 21166
<del>(6)</del> <u>(5)</u> "Entitled to attend school" means entitled to attend school in a district under section 3313.64 or 3313.65 of the Revised Code.	21167 21168 21169
<del>(7)</del> <u>(6)</u> A community school student is "included in the poverty student count" of a school district if the student is entitled to attend school in the district and the student's family receives assistance under the Ohio works first program.	21170 21171 21172 21173
<del>(8)</del> <u>(7)</u> "Poverty-based assistance reduction factor" means the percentage figure, if any, for reducing the per pupil amount of poverty-based assistance a community school is entitled to receive pursuant to divisions (D)(5) <del>and</del> <del>(6)</del> <u>to (9)</u> of this section in any year, as specified in the school's financial plan for the year pursuant to division (A)(15) of section 3314.03 of the Revised Code.	21174 21175 21176 21177 21178 21179 21180
<del>(9)</del> <u>(8)</u> "All-day kindergarten" has the same meaning as in section 3317.029 of the Revised Code.	21181 21182
<del>(10)</del> "SF-3 payment" means <del>the sum of the payments to a school</del>	21183

~~district in a fiscal year under divisions (A), (C)(1), (C)(4), 21184  
(D), (E), and (F) of section 3317.022, divisions (G), (L), and (N) 21185  
of section 3317.024, and sections 3317.029, 3317.0216, 3317.0217, 21186  
3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code after 21187  
making the adjustments required by sections 3313.981 and 3313.979, 21188  
divisions (B), (C), (D), (E), (K), (L), (M), (N), and (O) of 21189  
section 3317.023, and division (C) of section 3317.20 (9) "State 21190  
education aid" has the same meaning as in section 5751.20 of the 21191  
Revised Code. 21192~~

(B) The state board of education shall adopt rules requiring 21193  
both of the following: 21194

(1) The board of education of each city, exempted village, 21195  
and local school district to annually report the number of 21196  
students entitled to attend school in the district who are 21197  
enrolled in grades one through twelve in a community school 21198  
established under this chapter, the number of students entitled to 21199  
attend school in the district who are enrolled in kindergarten in 21200  
a community school, the number of those kindergartners who are 21201  
enrolled in all-day kindergarten in their community school, and 21202  
for each child, the community school in which the child is 21203  
enrolled. 21204

(2) The governing authority of each community school 21205  
established under this chapter to annually report all of the 21206  
following: 21207

(a) The number of students enrolled in grades one through 21208  
twelve and the number of students enrolled in kindergarten in the 21209  
school who are not receiving special education and related 21210  
services pursuant to an IEP; 21211

(b) The number of enrolled students in grades one through 21212  
twelve and the number of enrolled students in kindergarten, who 21213  
are receiving special education and related services pursuant to 21214

an IEP;	21215
(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;	21216 21217 21218 21219
(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;	21220 21221 21222 21223 21224
(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;	21225 21226 21227 21228 21229 21230 21231 21232 21233 21234
(f) The number of enrolled preschool <del>handicapped students</del> <u>children with disabilities</u> receiving special education services in a state-funded unit;	21235 21236 21237
(g) The community school's base formula amount;	21238
(h) For each student, the city, exempted village, or local school district in which the student is entitled to attend school;	21239 21240
(i) Any poverty-based assistance reduction factor that applies to a school year.	21241 21242
(C) From the <del>SF-3 payment made to</del> <u>state education aid</u> <u>calculated for</u> a city, exempted village, or local school district	21243 21244

and, if necessary, from the payment made to the district under 21245  
sections 321.24 and 323.156 of the Revised Code, the department of 21246  
education shall annually subtract the sum of the amounts described 21247  
in divisions (C)(1) to (9) of this section. However, when 21248  
deducting payments on behalf of students enrolled in internet- or 21249  
computer-based community schools, the department shall deduct only 21250  
those amounts described in divisions (C)(1) and (2) of this 21251  
section. Furthermore, the aggregate amount deducted under this 21252  
division shall not exceed the sum of the district's ~~SF-3 payment~~ 21253  
state education aid and its payment under sections 321.24 and 21254  
323.156 of the Revised Code. 21255

(1) An amount equal to the sum of the amounts obtained when, 21256  
for each community school where the district's students are 21257  
enrolled, the number of the district's students reported under 21258  
divisions (B)(2)(a), (b), and (e) of this section who are enrolled 21259  
in grades one through twelve, and one-half the number of students 21260  
reported under those divisions who are enrolled in kindergarten, 21261  
in that community school is multiplied by the ~~greater of the~~ 21262  
~~following:~~ 21263

~~(a) The fiscal year 2005 base formula amount of that 21264  
community school as adjusted by the school district's fiscal year 21265  
2005 cost of doing business factor;~~ 21266

~~(b) The sum of (the ~~current~~ base formula amount of that 21267  
community school ~~times the school district's current~~ 21268  
~~cost of doing business factor~~) plus the per pupil amount of the 21269  
base funding supplements specified in divisions (C)(1) to (4) of 21270  
section 3317.012 of the Revised Code. 21271~~

(2) The sum of the amounts calculated under divisions 21272  
(C)(2)(a) and (b) of this section: 21273

(a) For each of the district's students reported under 21274  
division (B)(2)(c) of this section as enrolled in a community 21275

school in grades one through twelve and receiving special 21276  
education and related services pursuant to an IEP for a ~~handicap~~ 21277  
disability described in section 3317.013 of the Revised Code, the 21278  
product of the applicable special education weight times the 21279  
community school's base formula amount; 21280

(b) For each of the district's students reported under 21281  
division (B)(2)(c) of this section as enrolled in kindergarten in 21282  
a community school and receiving special education and related 21283  
services pursuant to an IEP for a ~~handicap~~ disability described in 21284  
section 3317.013 of the Revised Code, one-half of the amount 21285  
calculated as prescribed in division (C)(2)(a) of this section. 21286

(3) For each of the district's students reported under 21287  
division (B)(2)(d) of this section for whom payment is made under 21288  
division (D)(4) of this section, the amount of that payment; 21289

(4) An amount equal to the sum of the amounts obtained when, 21290  
for each community school where the district's students are 21291  
enrolled, the number of the district's students enrolled in that 21292  
community school who are included in the district's poverty 21293  
student count is multiplied by the per pupil amount of 21294  
poverty-based assistance the school district receives that year 21295  
pursuant to division ~~(B) or~~ (C) of section 3317.029 of the Revised 21296  
Code, as adjusted by any poverty-based assistance reduction factor 21297  
of that community school. ~~If the district receives poverty based~~ 21298  
~~assistance under division (B) of that section, the per pupil~~ 21299  
~~amount of that aid is the quotient of the amount the district~~ 21300  
~~received under that division divided by the district's poverty~~ 21301  
~~student count, as defined in that section. If the district~~ 21302  
~~receives poverty based assistance under division (C) of section~~ 21303  
~~3317.029 of the Revised Code, the~~ The per pupil amount of that aid 21304  
for the district shall be calculated by the department. 21305

(5) An amount equal to the sum of the amounts obtained when, 21306  
for each community school where the district's students are 21307

enrolled, the district's per pupil amount of aid received under 21308  
division (E) of section 3317.029 of the Revised Code, as adjusted 21309  
by any poverty-based assistance reduction factor of the community 21310  
school, is multiplied by the sum of the following: 21311

(a) The number of the district's students reported under 21312  
division (B)(2)(a) of this section who are enrolled in grades one 21313  
to three in that community school and who are not receiving 21314  
special education and related services pursuant to an IEP; 21315

(b) One-half of the district's students who are enrolled in 21316  
all-day or any other kindergarten class in that community school 21317  
and who are not receiving special education and related services 21318  
pursuant to an IEP; 21319

(c) One-half of the district's students who are enrolled in 21320  
all-day kindergarten in that community school and who are not 21321  
receiving special education and related services pursuant to an 21322  
IEP. 21323

The district's per pupil amount of aid under division (E) of 21324  
section 3317.029 of the Revised Code is the quotient of the amount 21325  
the district received under that division divided by the 21326  
district's kindergarten through third grade ADM, as defined in 21327  
that section. 21328

(6) An amount equal to the sum of the amounts obtained when, 21329  
for each community school where the district's students are 21330  
enrolled, the district's per pupil amount received under division 21331  
(F) of section 3317.029 of the Revised Code, as adjusted by any 21332  
poverty-based assistance reduction factor of that community 21333  
school, is multiplied by the number of the district's students 21334  
enrolled in the community school who are identified as 21335  
limited-English proficient. 21336

(7) An amount equal to the sum of the amounts obtained when, 21337  
for each community school where the district's students are 21338

enrolled, the district's per pupil amount received under division 21339  
(G) of section 3317.029 of the Revised Code, as adjusted by any 21340  
poverty-based assistance reduction factor of that community 21341  
school, is multiplied by the sum of the following: 21342

(a) The number of the district's students enrolled in grades 21343  
one through twelve in that community school; 21344

(b) One-half of the number of the district's students 21345  
enrolled in kindergarten in that community school. 21346

The district's per pupil amount under division (G) of section 21347  
3317.029 of the Revised Code is the district's amount per teacher 21348  
calculated under division (G)(1) or (2) of that section divided by 21349  
~~17, times a multiple of 0.40 in fiscal year 2006 and 0.70 in~~ 21350  
~~fiscal year 2007.~~ 21351

(8) An amount equal to the sum of the amounts obtained when, 21352  
for each community school where the district's students are 21353  
enrolled, the district's per pupil amount received under divisions 21354  
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 21355  
by any poverty-based assistance reduction factor of that community 21356  
school, is multiplied by the sum of the following: 21357

(a) The number of the district's students enrolled in grades 21358  
one through twelve in that community school; 21359

(b) One-half of the number of the district's students 21360  
enrolled in kindergarten in that community school. 21361

The district's per pupil amount under divisions (H) and (I) 21362  
of section 3317.029 of the Revised Code is the amount calculated 21363  
under each division divided by the district's formula ADM, as 21364  
defined in section 3317.02 of the Revised Code. 21365

(9) An amount equal to the per pupil state parity aid funding 21366  
calculated for the school district under either division (C) or 21367  
(D) of section 3317.0217 of the Revised Code multiplied by the sum 21368

of the number of students in grades one through twelve, and 21369  
one-half of the number of students in kindergarten, who are 21370  
entitled to attend school in the district and are enrolled in a 21371  
community school as reported under division (B)(1) of this 21372  
section. 21373

(D) The department shall annually pay to a community school 21374  
established under this chapter the sum of the amounts described in 21375  
divisions (D)(1) to (10) of this section. However, the department 21376  
shall calculate and pay to each internet- or computer-based 21377  
community school only the amounts described in divisions (D)(1) to 21378  
(3) of this section. Furthermore, the sum of the payments to all 21379  
community schools under divisions (D)(1), (2), and (4) to (10) of 21380  
this section for the students entitled to attend school in any 21381  
particular school district shall not exceed the sum of that 21382  
district's ~~SF-3 payment~~ state education aid and its payment under 21383  
sections 321.24 and 323.156 of the Revised Code. If the sum of the 21384  
payments calculated under those divisions for the students 21385  
entitled to attend school in a particular school district exceeds 21386  
the sum of that district's ~~SF-3 payment~~ state education aid and 21387  
its payment under sections 321.24 and 323.156 of the Revised Code, 21388  
the department shall calculate and apply a proration factor to the 21389  
payments to all community schools under those divisions for the 21390  
students entitled to attend school in that district. 21391

(1) Subject to section 3314.085 of the Revised Code, an 21392  
amount equal to the sum of the amounts obtained when the number of 21393  
students enrolled in grades one through twelve, plus one-half of 21394  
the kindergarten students in the school, reported under divisions 21395  
(B)(2)(a), (b), and (e) of this section who are not receiving 21396  
special education and related services pursuant to an IEP for a 21397  
~~handicap~~ disability described in section 3317.013 of the Revised 21398  
Code is multiplied by the ~~greater of the following:~~ 21399

~~(a) The community school's fiscal year 2005 base formula~~ 21400

~~amount, as adjusted by the fiscal year 2005 cost of doing business~~ 21401  
~~factor of the school district in which the student is entitled to~~ 21402  
~~attend school;~~ 21403

~~(b) The sum of (the community school's current base formula~~ 21404  
~~amount times the current cost of doing business factor of the~~ 21405  
~~school district in which the student is entitled to attend school)~~ 21406  
plus the per pupil amount of the base funding supplements 21407  
specified in divisions (C)(1) to (4) of section 3317.012 of the 21408  
Revised Code. 21409

(2) Prior to fiscal year 2007, the greater of the amount 21410  
calculated under division (D)(2)(a) or (b) of this section, and in 21411  
fiscal year 2007 and thereafter, the amount calculated under 21412  
division (D)(2)(b) of this section: 21413

(a) The aggregate amount that the department paid to the 21414  
community school in fiscal year 1999 for students receiving 21415  
special education and related services pursuant to IEPs, excluding 21416  
federal funds and state disadvantaged pupil impact aid funds; 21417

(b) The sum of the amounts calculated under divisions 21418  
(D)(2)(b)(i) and (ii) of this section: 21419

(i) For each student reported under division (B)(2)(c) of 21420  
this section as enrolled in the school in grades one through 21421  
twelve and receiving special education and related services 21422  
pursuant to an IEP for a handicap disability described in section 21423  
3317.013 of the Revised Code, the following amount: 21424

~~the greater of (the community school's fiscal year 2005~~ 21425  
~~base formula amount X the fiscal year 2005~~ 21426  
~~cost of doing business factor of the district~~ 21427  
~~where the student is entitled to attend school)~~ 21428  
~~or [(the school's current base formula amount times~~ 21429  
~~the current cost of doing business factor of the school district~~ 21430  
~~where the student is entitled to attend school) plus~~ 21431

the per pupil amount of the base funding supplements specified in 21432  
divisions (C)(1) to (4) of section 3317.012 of the Revised Code~~)~~ 21433  
+ (the applicable special education weight X the 21434  
community school's base formula amount); 21435

(ii) For each student reported under division (B)(2)(c) of 21436  
this section as enrolled in kindergarten and receiving special 21437  
education and related services pursuant to an IEP for a ~~handicap~~ 21438  
disability described in section 3317.013 of the Revised Code, 21439  
one-half of the amount calculated under the formula prescribed in 21440  
division (D)(2)(b)(i) of this section. 21441

(3) An amount received from federal funds to provide special 21442  
education and related services to students in the community 21443  
school, as determined by the superintendent of public instruction. 21444

(4) For each student reported under division (B)(2)(d) of 21445  
this section as enrolled in vocational education programs or 21446  
classes that are described in section 3317.014 of the Revised 21447  
Code, are provided by the community school, and are comparable as 21448  
determined by the superintendent of public instruction to school 21449  
district vocational education programs and classes eligible for 21450  
state weighted funding under section 3317.014 of the Revised Code, 21451  
an amount equal to the applicable vocational education weight 21452  
times the community school's base formula amount times the 21453  
percentage of time the student spends in the vocational education 21454  
programs or classes. 21455

(5) An amount equal to the sum of the amounts obtained when, 21456  
for each school district where the community school's students are 21457  
entitled to attend school, the number of that district's students 21458  
enrolled in the community school who are included in the 21459  
district's poverty student count is multiplied by the per pupil 21460  
amount of poverty-based assistance that school district receives 21461  
that year pursuant to division ~~(B)~~ (C) of section 3317.029 of 21462  
the Revised Code, as adjusted by any poverty-based assistance 21463

reduction factor of the community school. The per pupil amount of 21464  
aid shall be determined as described in division (C)(4) of this 21465  
section. 21466

(6) An amount equal to the sum of the amounts obtained when, 21467  
for each school district where the community school's students are 21468  
entitled to attend school, the district's per pupil amount of aid 21469  
received under division (E) of section 3317.029 of the Revised 21470  
Code, as adjusted by any poverty-based assistance reduction factor 21471  
of the community school, is multiplied by the sum of the 21472  
following: 21473

(a) The number of the district's students reported under 21474  
division (B)(2)(a) of this section who are enrolled in grades one 21475  
to three in that community school and who are not receiving 21476  
special education and related services pursuant to an IEP; 21477

(b) One-half of the district's students who are enrolled in 21478  
all-day or any other kindergarten class in that community school 21479  
and who are not receiving special education and related services 21480  
pursuant to an IEP; 21481

(c) One-half of the district's students who are enrolled in 21482  
all-day kindergarten in that community school and who are not 21483  
receiving special education and related services pursuant to an 21484  
IEP. 21485

The district's per pupil amount of aid under division (E) of 21486  
section 3317.029 of the Revised Code shall be determined as 21487  
described in division (C)(5) of this section. 21488

(7) An amount equal to the sum of the amounts obtained when, 21489  
for each school district where the community school's students are 21490  
entitled to attend school, the number of that district's students 21491  
enrolled in the community school who are identified as 21492  
limited-English proficient is multiplied by the district's per 21493  
pupil amount received under division (F) of section 3317.029 of 21494

the Revised Code, as adjusted by any poverty-based assistance 21495  
reduction factor of the community school. 21496

(8) An amount equal to the sum of the amounts obtained when, 21497  
for each school district where the community school's students are 21498  
entitled to attend school, the district's per pupil amount 21499  
received under division (G) of section 3317.029 of the Revised 21500  
Code, as adjusted by any poverty-based assistance reduction factor 21501  
of the community school, is multiplied by the sum of the 21502  
following: 21503

(a) The number of the district's students enrolled in grades 21504  
one through twelve in that community school; 21505

(b) One-half of the number of the district's students 21506  
enrolled in kindergarten in that community school. 21507

The district's per pupil amount under division (G) of section 21508  
3317.029 of the Revised Code shall be determined as described in 21509  
division (C)(7) of this section. 21510

(9) An amount equal to the sum of the amounts obtained when, 21511  
for each school district where the community school's students are 21512  
entitled to attend school, the district's per pupil amount 21513  
received under divisions (H) and (I) of section 3317.029 of the 21514  
Revised Code, as adjusted by any poverty-based assistance 21515  
reduction factor of the community school, is multiplied by the sum 21516  
of the following: 21517

(a) The number of the district's students enrolled in grades 21518  
one through twelve in that community school; 21519

(b) One-half of the number of the district's students 21520  
enrolled in kindergarten in that community school. 21521

The district's per pupil amount under divisions (H) and (I) 21522  
of section 3317.029 of the Revised Code shall be determined as 21523  
described in division (C)(8) of this section. 21524

(10) An amount equal to the sum of the amounts obtained when, 21525  
for each school district where the community school's students are 21526  
entitled to attend school, the district's per pupil amount of 21527  
state parity aid funding calculated under either division (C) or 21528  
(D) of section 3317.0217 of the Revised Code is multiplied by the 21529  
sum of the number of that district's students enrolled in grades 21530  
one through twelve, and one-half of the number of that district's 21531  
students enrolled in kindergarten, in the community school as 21532  
reported under division (B)(2)(a) and (b) of this section. 21533

(E)(1) If a community school's costs for a fiscal year for a 21534  
student receiving special education and related services pursuant 21535  
to an IEP for a ~~handicap~~ disability described in divisions (B) to 21536  
(F) of section 3317.013 of the Revised Code exceed the threshold 21537  
catastrophic cost for serving the student as specified in division 21538  
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 21539  
submit to the superintendent of public instruction documentation, 21540  
as prescribed by the superintendent, of all its costs for that 21541  
student. Upon submission of documentation for a student of the 21542  
type and in the manner prescribed, the department shall pay to the 21543  
community school an amount equal to the school's costs for the 21544  
student in excess of the threshold catastrophic costs. 21545

(2) The community school shall only report under division 21546  
(E)(1) of this section, and the department shall only pay for, the 21547  
costs of educational expenses and the related services provided to 21548  
the student in accordance with the student's individualized 21549  
education program. Any legal fees, court costs, or other costs 21550  
associated with any cause of action relating to the student may 21551  
not be included in the amount. 21552

(F) A community school may apply to the department of 21553  
education for preschool ~~handicapped~~ children with disabilities or 21554  
gifted unit funding the school would receive if it were a school 21555  
district. Upon request of its governing authority, a community 21556

school that received unit funding as a school district-operated 21557  
school before it became a community school shall retain any units 21558  
awarded to it as a school district-operated school provided the 21559  
school continues to meet eligibility standards for the unit. 21560

A community school shall be considered a school district and 21561  
its governing authority shall be considered a board of education 21562  
for the purpose of applying to any state or federal agency for 21563  
grants that a school district may receive under federal or state 21564  
law or any appropriations act of the general assembly. The 21565  
governing authority of a community school may apply to any private 21566  
entity for additional funds. 21567

(G) A board of education sponsoring a community school may 21568  
utilize local funds to make enhancement grants to the school or 21569  
may agree, either as part of the contract or separately, to 21570  
provide any specific services to the community school at no cost 21571  
to the school. 21572

(H) A community school may not levy taxes or issue bonds 21573  
secured by tax revenues. 21574

(I) No community school shall charge tuition for the 21575  
enrollment of any student. 21576

(J)(1)(a) A community school may borrow money to pay any 21577  
necessary and actual expenses of the school in anticipation of the 21578  
receipt of any portion of the payments to be received by the 21579  
school pursuant to division (D) of this section. The school may 21580  
issue notes to evidence such borrowing. The proceeds of the notes 21581  
shall be used only for the purposes for which the anticipated 21582  
receipts may be lawfully expended by the school. 21583

(b) A school may also borrow money for a term not to exceed 21584  
fifteen years for the purpose of acquiring facilities. 21585

(2) Except for any amount guaranteed under section 3318.50 of 21586  
the Revised Code, the state is not liable for debt incurred by the 21587

governing authority of a community school. 21588

(K) For purposes of determining the number of students for 21589  
which divisions (D)(5) and (6) of this section applies in any 21590  
school year, a community school may submit to the department of 21591  
job and family services, no later than the first day of March, a 21592  
list of the students enrolled in the school. For each student on 21593  
the list, the community school shall indicate the student's name, 21594  
address, and date of birth and the school district where the 21595  
student is entitled to attend school. Upon receipt of a list under 21596  
this division, the department of job and family services shall 21597  
determine, for each school district where one or more students on 21598  
the list is entitled to attend school, the number of students 21599  
residing in that school district who were included in the 21600  
department's report under section 3317.10 of the Revised Code. The 21601  
department shall make this determination on the basis of 21602  
information readily available to it. Upon making this 21603  
determination and no later than ninety days after submission of 21604  
the list by the community school, the department shall report to 21605  
the state department of education the number of students on the 21606  
list who reside in each school district who were included in the 21607  
department's report under section 3317.10 of the Revised Code. In 21608  
complying with this division, the department of job and family 21609  
services shall not report to the state department of education any 21610  
personally identifiable information on any student. 21611

(L) The department of education shall adjust the amounts 21612  
subtracted and paid under divisions (C) and (D) of this section to 21613  
reflect any enrollment of students in community schools for less 21614  
than the equivalent of a full school year. The state board of 21615  
education within ninety days after April 8, 2003, shall adopt in 21616  
accordance with Chapter 119. of the Revised Code rules governing 21617  
the payments to community schools under this section and section 21618  
3314.13 of the Revised Code including initial payments in a school 21619

year and adjustments and reductions made in subsequent periodic 21620  
payments to community schools and corresponding deductions from 21621  
school district accounts as provided under divisions (C) and (D) 21622  
of this section and section 3314.13 of the Revised Code. For 21623  
purposes of this section and section 3314.13 of the Revised Code: 21624

(1) A student shall be considered enrolled in the community 21625  
school for any portion of the school year the student is 21626  
participating at a college under Chapter 3365. of the Revised 21627  
Code. 21628

(2) A student shall be considered to be enrolled in a 21629  
community school during a school year for the period of time 21630  
beginning on the later of the date on which the school both has 21631  
received documentation of the student's enrollment from a parent 21632  
and the student has commenced participation in learning 21633  
opportunities as defined in the contract with the sponsor, or 21634  
thirty days prior to the date on which the student is entered into 21635  
the education management information system established under 21636  
section 3301.0714 of the Revised Code. For purposes of applying 21637  
this division and division (L)(3) of this section to a community 21638  
school student, "learning opportunities" shall be defined in the 21639  
contract, which shall describe both classroom-based and 21640  
non-classroom-based learning opportunities and shall be in 21641  
compliance with criteria and documentation requirements for 21642  
student participation which shall be established by the 21643  
department. Any student's instruction time in non-classroom-based 21644  
learning opportunities shall be certified by an employee of the 21645  
community school. A student's enrollment shall be considered to 21646  
cease on the date on which any of the following occur: 21647

(a) The community school receives documentation from a parent 21648  
terminating enrollment of the student. 21649

(b) The community school is provided documentation of a 21650  
student's enrollment in another public or private school. 21651

(c) The community school ceases to offer learning 21652  
opportunities to the student pursuant to the terms of the contract 21653  
with the sponsor or the operation of any provision of this 21654  
chapter. 21655

(3) ~~A~~ The department shall determine each community school 21656  
student's percentage of full-time equivalency ~~shall be considered~~ 21657  
~~to be based on~~ the percentage ~~the hours~~ of learning ~~opportunity~~ 21658  
~~offered~~ opportunities offered by the community school to that 21659  
student, reported either as number of hours or number of days, is 21660  
of ~~nine hundred and twenty hours~~ the total learning opportunities 21661  
offered by the community school to a student who attends for the 21662  
school's entire school year. However, no internet- or 21663  
computer-based community school shall be credited for any time a 21664  
student spends participating in learning opportunities beyond ten 21665  
hours within any period of twenty-four consecutive hours. Whether 21666  
it reports hours or days of learning opportunities, each community 21667  
school shall offer not less than nine hundred twenty hours of 21668  
learning opportunities during the school year. 21669

(M) The department of education shall reduce the amounts paid 21670  
under division (D) of this section to reflect payments made to 21671  
colleges under division (B) of section 3365.07 of the Revised 21672  
Code. 21673

(N)(1) No student shall be considered enrolled in any 21674  
internet- or computer-based community school or, if applicable to 21675  
the student, in any community school that is required to provide 21676  
the student with a computer pursuant to division (C) of section 21677  
3314.22 of the Revised Code, unless both of the following 21678  
conditions are satisfied: 21679

(a) The student possesses or has been provided with all 21680  
required hardware and software materials and all such materials 21681  
are operational so that the student is capable of fully 21682  
participating in the learning opportunities specified in the 21683

contract between the school and the school's sponsor as required 21684  
by division (A)(23) of section 3314.03 of the Revised Code; 21685

(b) The school is in compliance with division (A) of section 21686  
3314.22 of the Revised Code, relative to such student. 21687

(2) In accordance with policies adopted jointly by the 21688  
superintendent of public instruction and the auditor of state, the 21689  
department shall reduce the amounts otherwise payable under 21690  
division (D) of this section to any community school that includes 21691  
in its program the provision of computer hardware and software 21692  
materials to any student, if such hardware and software materials 21693  
have not been delivered, installed, and activated for each such 21694  
student in a timely manner or other educational materials or 21695  
services have not been provided according to the contract between 21696  
the individual community school and its sponsor. 21697

The superintendent of public instruction and the auditor of 21698  
state shall jointly establish a method for auditing any community 21699  
school to which this division pertains to ensure compliance with 21700  
this section. 21701

The superintendent, auditor of state, and the governor shall 21702  
jointly make recommendations to the general assembly for 21703  
legislative changes that may be required to assure fiscal and 21704  
academic accountability for such schools. 21705

(O)(1) The department shall not withhold payments to a 21706  
community school based on a challenge brought by a school district 21707  
concerning the community school's enrollment and student residency 21708  
reports submitted to the department without first providing the 21709  
governing authority of the community school written notice stating 21710  
the specific grounds for the challenge and requiring the school 21711  
district to submit evidence supporting its claim that a particular 21712  
student should not be included in the community school's 21713  
enrollment or that payment for that student otherwise should be 21714

denied. The department also shall permit the governing authority 21715  
to submit documentation the governing authority believes confirms 21716  
or corrects its earlier reports that are subject to challenge. The 21717  
school district bears the burden of proof. The department shall 21718  
set a reasonable deadline for the school district and community 21719  
school to submit documentation regarding the challenge. The 21720  
department shall not withhold payments pending that deadline. The 21721  
department immediately shall dismiss any challenge regarding a 21722  
particular student if the department finds that the school 21723  
district has not timely submitted evidence as required under this 21724  
division or otherwise has not met its burden of proof or that the 21725  
documentation submitted by the governing authority confirms or 21726  
corrects its earlier reports regarding that student. 21727

21728  
(2) If the department finds that the school district has 21729  
timely submitted evidence and has met its burden of proof and, 21730  
accordingly, that the particular student for which the district 21731  
brought the challenge should not be included in the community 21732  
school's enrollment or that payment otherwise should be denied for 21733  
that student, the department shall withhold payments to the 21734  
community school for that student. 21735

If the governing authority of the community school 21736  
subsequently submits documentation that the department finds 21737  
confirms or corrects the earlier reports regarding that student, 21738  
the department shall resume payments to the community school for 21739  
that student and, if appropriate, shall include payment for the 21740  
prior months that were withheld. 21741

(3) The department shall not withhold any other payments from 21742  
a community school without first providing to the governing 21743  
authority of the community school written notice stating the 21744  
amount to be withheld, reasons for withholding, and offering an 21745  
opportunity for a hearing in accordance with division (P)(2) of 21746

this section. 21747

(P) (1) If the department determines that a review of a 21748  
community school's enrollment is necessary, such review shall be 21749  
completed and written notice of the findings shall be provided to 21750  
the governing authority of the community school and its sponsor 21751  
within ninety days of the end of the community school's fiscal 21752  
year, unless extended for a period not to exceed thirty additional 21753  
days for one of the following reasons: 21754

(a) The department and the community school mutually agree to 21755  
the extension. 21756

(b) Delays in data submission caused by either a community 21757  
school or its sponsor. 21758

(2) If the review results in a finding that additional 21759  
funding is owed to the school, such payment shall be made within 21760  
thirty days of the written notice. If the review results in a 21761  
finding that the community school owes moneys to the state, the 21762  
following procedure shall apply: 21763

(a) Within ten business days of the receipt of the notice of 21764  
findings, the community school may appeal the department's 21765  
determination to the state board of education or its designee. 21766

(b) The board or its designee shall conduct an informal 21767  
hearing on the matter within thirty days of receipt of such an 21768  
appeal and shall issue a decision within fifteen days of the 21769  
conclusion of the hearing. 21770

(c) If the board has enlisted a designee to conduct the 21771  
hearing, the designee shall certify its decision to the board. The 21772  
board may accept the decision of the designee or may reject the 21773  
decision of the designee and issue its own decision on the matter. 21774

(d) Any decision made by the board under this division is 21775  
final. 21776

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

~~(P)~~(Q) The department shall not subtract from a school district's state aid account under division (C) of this section and shall not pay to a community school under division (D) of this section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when tests were administered under section 3301.0711 of the Revised Code but did not take one or more of the tests required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the test and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for enrollment in a community school not later than four years after termination of war or their honorable discharge. If, however, any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under federal law, or otherwise, the department shall not subtract from a school district's state aid account under division

(C) of this section and shall not pay to a community school under 21808  
division (D) of this section any amount for that veteran. 21809

**Sec. 3314.083.** If the department of education pays a joint 21810  
vocational school district under division (G)(4) of section 21811  
3317.16 of the Revised Code for excess costs of providing special 21812  
education and related services to a ~~handicapped~~ student with a 21813  
disability who is enrolled in a community school, as calculated 21814  
under division (G)(2) of that section, the department shall deduct 21815  
the amount of that payment from the amount calculated for payment 21816  
to the community school under section 3314.08 of the Revised Code. 21817

Sec. 3314.086. If the department of education is required to 21818  
pay an amount under section 3353.25 of the Revised Code to a 21819  
school district delivering a course included in the clearinghouse 21820  
established under section 3353.21 of the Revised Code for a 21821  
student enrolled in a community school established under this 21822  
chapter, the department shall deduct the amount of that payment 21823  
from the amount calculated for payment to the community school 21824  
under section 3314.08 of the Revised Code. 21825

Sec. 3314.087. (A) As used in this section: 21826

(1) "Career-technical program" means vocational programs or 21827  
classes described in division (A) or (B) of section 3317.014 of 21828  
the Revised Code in which a student is enrolled. 21829

(2) "Formula ADM," "category one or two vocational education 21830  
ADM," and "FTE basis" have the same meanings as in section 3317.02 21831  
of the Revised Code. 21832

(3) "Resident school district" means the city, exempted 21833  
village, or local school district in which a student is entitled 21834  
to attend school under section 3313.64 or 3313.65 of the Revised 21835  
Code. 21836

(B) Notwithstanding anything to the contrary in this chapter or Chapter 3317. of the Revised Code, a student enrolled in a community school may simultaneously enroll in the career-technical program operated by the student's resident school district. On an FTE basis, the student's resident school district shall count the student in the category one or two vocational education ADM for the proportion of the time the student is enrolled in the district's career-technical program and, accordingly, the department of education shall calculate funds under Chapter 3317. for the district attributable to the student for the proportion of time the student attends the career-technical program. The community school shall count the student in its enrollment report under section 3314.08 of the Revised Code and shall report to the department the proportion of time that the student attends classes at the community school. The department shall pay the community school and deduct from the student's resident school district the amount computed for the student under section 3314.08 of the Revised Code in proportion to the fraction of the time on an FTE basis that the student attends classes at the community school. "Full-time equivalency" for a community school student, as defined in division (L) of section 3314.08 of the Revised Code, does not apply to the student.

**Sec. 3314.091.** (A) A school district is not required to provide transportation for any native student enrolled in a community school if the district board of education has entered into an agreement with the community school's governing authority that designates the community school as responsible for providing or arranging for the transportation of the district's native students to and from the community school. For any such agreement to be effective, it must be certified by the superintendent of public instruction as having met all of the following requirements:

(1) It is submitted to the department of education by a 21869  
deadline which shall be established by the department. 21870

(2) ~~It~~ In accordance with divisions (C)(1) and (2) of this 21871  
section, it specifies qualifications, such as residing a minimum 21872  
distance from the school, for students to have their 21873  
transportation provided or arranged. 21874

(3) The transportation provided by the community school is 21875  
subject to all provisions of the Revised Code and all rules 21876  
adopted under the Revised Code pertaining to pupil transportation. 21877

(4) The sponsor of the community school also has signed the 21878  
agreement. 21879

(B)(1) For the school year that begins on July 1, 2007, a 21880  
school district is not required to provide transportation for any 21881  
native student enrolled in a community school, if the community 21882  
school during the previous school year transported the students 21883  
enrolled in the school or arranged for the students' 21884  
transportation, even if that arrangement consisted of having 21885  
parents transport their children to and from the school, but did 21886  
not enter into an agreement to transport or arrange for 21887  
transportation for those students under division (A) of this 21888  
section, and if the governing authority of the community school by 21889  
July 15, 2007, submits written notification to the district board 21890  
of education stating that the governing authority is accepting 21891  
responsibility for providing or arranging for the transportation 21892  
of the district's native students to and from the community 21893  
school. 21894

(2) For any school year subsequent to the school year that 21895  
begins on July 1, 2007, a school district is not required to 21896  
provide transportation for any native student enrolled in a 21897  
community school if the governing authority of the community 21898  
school, by the thirty-first day of January of the previous school 21899

year, submits written notification to the district board of 21900  
education stating that the governing authority is accepting 21901  
responsibility for providing or arranging for the transportation 21902  
of the district's native students to and from the community 21903  
school. If the governing authority of the community school has 21904  
previously accepted responsibility for providing or arranging for 21905  
the transportation of a district's native students to and from the 21906  
community school, under division (B)(1) or (2) of this section, 21907  
and has since relinquished that responsibility under division 21908  
(B)(3) of this section, the governing authority shall not accept 21909  
that responsibility again unless the district board consents to 21910  
the governing authority's acceptance of that responsibility. 21911

(3) A governing authority's acceptance of responsibility 21912  
under division (B)(1) or (2) of this section shall cover an entire 21913  
school year, and shall remain in effect for subsequent school 21914  
years unless the governing authority submits written notification 21915  
to the district board that the governing authority is 21916  
relinquishing the responsibility. However, a governing authority 21917  
shall not relinquish responsibility for transportation before the 21918  
end of a school year, and shall submit the notice relinquishing 21919  
responsibility by the thirty-first day of January, in order to 21920  
allow the school district reasonable time to prepare 21921  
transportation for its native students enrolled in the school. 21922

(C)(1) A community school governing authority that enters 21923  
into an agreement to ~~provide transportation~~ under division (A) of 21924  
this section, or that accepts responsibility under division (B) of 21925  
this section, shall provide or arrange transportation free of any 21926  
charge for each of its enrolled students ~~eligible for~~ 21927  
~~transportation as specified in~~ who is required to be transported 21928  
under section 3327.01 of the Revised Code or who would otherwise 21929  
be transported by the school district under the district's 21930  
transportation policy. The governing authority shall report to the 21931

department of education the number of students transported or for 21932  
whom transportation is arranged under this section in accordance 21933  
with rules adopted by the state board of education. 21934

(2) The governing authority may provide or arrange 21935  
transportation for any other enrolled student who is not eligible 21936  
for transportation in accordance with division (C)(1) of this 21937  
section and may charge a fee for such service up to the actual 21938  
cost of the service. 21939

~~(2)~~(3) Notwithstanding anything to the contrary in division 21940  
~~(B)~~(C)(1) or (2) of this section, a community school governing 21941  
authority shall provide or arrange transportation free of any 21942  
charge for any disabled student enrolled in the school for whom 21943  
the student's individualized education program developed under 21944  
Chapter 3323. of the Revised Code specifies transportation. 21945

~~(C)~~(D)(1) If a school district board and a community school 21946  
governing authority elect to enter into an agreement under 21947  
division (A) of this section, the department of education ~~annually~~ 21948  
shall ~~pay~~ make payments to the community school ~~the amount~~ 21949  
~~specified in division (C)(2) of this section for each of the~~ 21950  
~~enrolled students for whom the school's governing authority~~ 21951  
~~provides or arranges transportation to and from school. The~~ 21952  
according to the terms of the agreement for each student actually 21953  
transported under division (C)(1) of this section. 21954

If a community school governing authority accepts 21955  
transportation responsibility under division (B) of this section, 21956  
the department shall make payments to the community school for 21957  
each student actually transported or for whom transportation is 21958  
arranged by the community school under division (C)(1) of this 21959  
section, calculated as follows: 21960

(a) For any fiscal year which the general assembly has 21961  
specified that transportation payments to school districts be 21962

based on an across-the-board percentage of the district's payment 21963  
for the previous school year, the per pupil payment to the 21964  
community school shall be the following quotient: 21965

(i) The total amount calculated for the school district in 21966  
which the child is entitled to attend school for student 21967  
transportation other than transportation of children with 21968  
disabilities; divided by 21969

(ii) The number of students included in the district's 21970  
transportation ADM for the current fiscal year, as reported under 21971  
division (B)(13) of section 3317.03 of the Revised Code, plus the 21972  
number of students enrolled in the community school not counted in 21973  
the district's transportation ADM who are transported under 21974  
division (B)(1) or (2) of this section. 21975

(b) For any fiscal year which the general assembly has 21976  
specified that the transportation payments to school districts be 21977  
calculated in accordance with division (D) of section 3317.022 of 21978  
the Revised Code and any rules of the state board of education 21979  
implementing that division, the payment to the community school 21980  
shall be the amount so calculated that otherwise would be paid to 21981  
the school district in which the student is entitled to attend 21982  
school by the method of transportation the district would have 21983  
used. The community school, however, is not required to use the 21984  
same method to transport that student. 21985

As used in this division "entitled to attend school" means 21986  
entitled to attend school under section 3313.64 or 3313.65 of the 21987  
Revised Code. 21988

(2) The department shall deduct the payment under division 21989  
(D)(1) of this section from the ~~state payment under Chapter 3317.~~ 21990  
~~state education aid, as defined in section 3314.08 of the Revised~~ 21991  
~~Code, and, if necessary, the payment under sections 321.14 and~~ 21992  
~~323.156 of the Revised Code, that is otherwise paid to the school~~ 21993

district in which the student enrolled in the community school 21994  
resides is entitled to attend school. The department shall include 21995  
the number of the district's native students for whom payment is 21996  
made to a community school under ~~this~~ division (D)(1) of this 21997  
section in the calculation of the district's transportation 21998  
payment under division (D) of section 3317.022 of the Revised Code 21999  
and the operating appropriations act. 22000

(3) A community school shall be paid under ~~this~~ division 22001  
(D)(1) of this section only for students who are eligible as 22002  
specified in section 3327.01 of the Revised Code ~~or who are~~ 22003  
~~disabled and whose individualized education program requires~~ 22004  
transportation and division (C)(1) of this section, and whose 22005  
transportation to and from school is actually provided ~~or,~~ who 22006  
actually utilized transportation arranged, or for whom a payment 22007  
in lieu of transportation is made by the community school's 22008  
governing authority. To qualify for the payments, the community 22009  
school shall report to the department, in the form and manner 22010  
required by the department, data on the number of students 22011  
transported or whose transportation is arranged, the number of 22012  
miles traveled, cost to transport, and any other information 22013  
requested by the department. 22014

(4) A community school shall use payments received under this 22015  
~~division~~ section solely to pay the costs of providing or arranging 22016  
for the transportation of students who are eligible as specified 22017  
in section 3327.01 of the Revised Code ~~or who are disabled and~~ 22018  
~~whose individualized education program requires transportation and~~ 22019  
division (C)(1) of this section, which may include payments to a 22020  
parent, guardian, or other person in charge of a child in lieu of 22021  
transportation. 22022

~~(2) The payment to a community school governing authority~~ 22023  
~~under this section for eligible students shall be made according~~ 22024  
~~to the terms of the agreement entered into under this section.~~ 22025

~~(D)~~(E) Except when arranged through payment to a parent, guardian, or person in charge of a child, transportation provided or arranged for by a community school pursuant to an agreement under this section is subject to all provisions of the Revised Code, and all rules adopted under the Revised Code, pertaining to the construction, design, equipment, and operation of school buses and other vehicles transporting students to and from school. The drivers and mechanics of the vehicles are subject to all provisions of the Revised Code, and all rules adopted under the Revised Code, pertaining to drivers and mechanics of such vehicles. The community school also shall comply with sections 3313.201, 3327.09, and 3327.10 ~~and of the Revised Code,~~ division (B) of section 3327.16 of the Revised Code ~~and, subject to division (C)(1) of this section, sections 3327.01 and 3327.02 of the Revised Code,~~ as if it were a school district. ~~For purposes of complying with section 3327.10 of the Revised Code, the educational service center that serves the county in which the community school is located shall be the certifying agency, unless the agreement designates the school district as the certifying agency.~~

**Sec. 3314.19.** The sponsor of each community school annually shall provide the following assurances in writing to the department of education not later than ten business days prior to the opening of the school:

(A) That a current copy of the contract between the sponsor and the governing authority of the school entered into under section 3314.03 of the Revised Code has been filed with the state office of community schools established under section 3314.11 of the Revised Code and that any subsequent modifications to that contract will be filed with the office;

(B) That the school has submitted to the sponsor a plan for

providing special education and related services to students with 22057  
disabilities and has demonstrated the capacity to provide those 22058  
services in accordance with Chapter 3323. of the Revised Code and 22059  
federal law; 22060

(C) That the school has a plan and procedures for 22061  
administering the achievement tests and diagnostic assessments 22062  
prescribed by sections 3301.0710 and 3301.0715 of the Revised 22063  
Code; 22064

(D) That school personnel have the necessary training, 22065  
knowledge, and resources to properly use and submit information to 22066  
all databases maintained by the department for the collection of 22067  
education data, including the education management information 22068  
system established under section 3301.0714 of the Revised Code in 22069  
accordance with methods and timelines established under section 22070  
3314.17 of the Revised Code; 22071

(E) That all required information about the school has been 22072  
submitted to the Ohio education directory system or any successor 22073  
system; 22074

(F) That the school will enroll at least the minimum number 22075  
of students required by division (A)(11)(a) of section 3314.03 of 22076  
the Revised Code in the school year for which the assurances are 22077  
provided; 22078

(G) That all classroom teachers are licensed in accordance 22079  
with sections 3319.22 to 3319.31 of the Revised Code, except for 22080  
noncertificated persons engaged to teach up to twelve hours per 22081  
week pursuant to section 3319.301 of the Revised Code; 22082

(H) That the school's fiscal officer is in compliance with 22083  
section 3314.011 of the Revised Code; 22084

(I) That the school has complied with section 3319.39 of the 22085  
Revised Code with respect to all employees who are responsible for 22086  
the care, custody, or control of a child and that the school has 22087

<u>conducted a criminal records check of each of its governing</u>	22088
<u>authority members;</u>	22089
<u>(J) That the school holds all of the following:</u>	22090
<u>(1) Proof of property ownership or a lease for the facilities</u>	22091
<u>used by the school;</u>	22092
<u>(2) A certificate of occupancy;</u>	22093
<u>(3) Liability insurance for the school, as required by</u>	22094
<u>division (A)(11)(b) of section 3314.03 of the Revised Code, that</u>	22095
<u>the sponsor considers sufficient to indemnify the school's</u>	22096
<u>facilities, staff, and governing authority against risk;</u>	22097
<u>(4) A satisfactory health and safety inspection;</u>	22098
<u>(5) A satisfactory fire inspection;</u>	22099
<u>(6) A valid food permit, if applicable.</u>	22100
<u>(K) That the sponsor has conducted a pre-opening site visit</u>	22101
<u>to the school for the school year for which the assurances are</u>	22102
<u>provided;</u>	22103
<u>(L) That the school has designated a date it will open for</u>	22104
<u>the school year for which the assurances are provided that is in</u>	22105
<u>compliance with division (A)(25) of section 3314.03 of the Revised</u>	22106
<u>Code;</u>	22107
<u>(M) That the school has met all of the sponsor's requirements</u>	22108
<u>for opening and any other requirements of the sponsor.</u>	22109
<b>Sec. 3314.26.</b> (A) Each internet- or computer-based community	22110
school shall withdraw from the school any student who, for two	22111
consecutive school years, has failed to participate in the spring	22112
administration of any test prescribed under section 3301.0710 or	22113
3301.0712 of the Revised Code for the student's grade level and	22114
was not excused from the test pursuant to division (C)(1) or (3)	22115
of section 3301.0711 of the Revised Code, regardless of whether a	22116

waiver was granted for the student under division ~~(P)~~(Q)(3) of 22117  
section 3314.08 of the Revised Code. The school shall report any 22118  
such student's data verification code, as assigned pursuant to 22119  
section 3301.0714 of the Revised Code, to the department of 22120  
education. The department shall maintain a list of all data 22121  
verification codes reported under this division and section 22122  
3313.6410 of the Revised Code and provide that list to each 22123  
internet- or computer-based community school and to each school to 22124  
which section 3313.6410 of the Revised Code applies. 22125

(B) No internet- or computer-based community school shall 22126  
receive any state funds under this chapter for any enrolled 22127  
student whose data verification code appears on the list 22128  
maintained by the department under division (A) of this section. 22129

Notwithstanding any provision of the Revised Code to the 22130  
contrary, the parent of any such student shall pay tuition to the 22131  
internet- or computer-based community school in an amount equal to 22132  
the state funds the school otherwise would receive for that 22133  
student, as determined by the department. An internet- or 22134  
computer-based community school may withdraw any student for whom 22135  
the parent does not pay tuition as required by this division. 22136

**Sec. 3317.01.** As used in this section and section 3317.011 of 22137  
the Revised Code, "school district," unless otherwise specified, 22138  
means any city, local, exempted village, joint vocational, or 22139  
cooperative education school district and any educational service 22140  
center. 22141

This chapter shall be administered by the state board of 22142  
education. The superintendent of public instruction shall 22143  
calculate the amounts payable to each school district and shall 22144  
certify the amounts payable to each eligible district to the 22145  
treasurer of the district as provided by this chapter. As soon as 22146  
possible after such amounts are calculated, the superintendent 22147

shall certify to the treasurer of each school district the 22148  
district's adjusted charge-off increase, as defined in section 22149  
5705.211 of the Revised Code. No moneys shall be distributed 22150  
pursuant to this chapter without the approval of the controlling 22151  
board. 22152

The state board of education shall, in accordance with 22153  
appropriations made by the general assembly, meet the financial 22154  
obligations of this chapter. 22155

Annually, the department of education shall calculate and 22156  
report to each school district the district's total state and 22157  
local funds for providing an adequate basic education to the 22158  
district's ~~nonhandicapped~~ nondisabled students, utilizing the 22159  
determination in section 3317.012 of the Revised Code. In 22160  
addition, the department shall calculate and report separately for 22161  
each school district the district's total state and local funds 22162  
for providing an adequate education for its ~~handicapped~~ 22163  
with disabilities, utilizing the determinations in both sections 22164  
3317.012 and 3317.013 of the Revised Code. 22165

Not later than the thirty-first day of August of each fiscal 22166  
year, the department of education shall provide to each school 22167  
district and county MR/DD board a preliminary estimate of the 22168  
amount of funding that the department calculates the district will 22169  
receive under each of divisions (C)(1) and (4) of section 3317.022 22170  
of the Revised Code. No later than the first day of December of 22171  
each fiscal year, the department shall update that preliminary 22172  
estimate. 22173

Moneys distributed pursuant to this chapter shall be 22174  
calculated and paid on a fiscal year basis, beginning with the 22175  
first day of July and extending through the thirtieth day of June. 22176  
The moneys appropriated for each fiscal year shall be distributed 22177  
at least monthly to each school district unless otherwise provided 22178  
for. The state board shall submit a yearly distribution plan to 22179

the controlling board at its first meeting in July. The state 22180  
board shall submit any proposed midyear revision of the plan to 22181  
the controlling board in January. Any year-end revision of the 22182  
plan shall be submitted to the controlling board in June. If 22183  
moneys appropriated for each fiscal year are distributed other 22184  
than monthly, such distribution shall be on the same basis for 22185  
each school district. 22186

The total amounts paid each month shall constitute, as nearly 22187  
as possible, one-twelfth of the total amount payable for the 22188  
entire year. 22189

Until fiscal year 2007, payments made during the first six 22190  
months of the fiscal year may be based on an estimate of the 22191  
amounts payable for the entire year. Payments made in the last six 22192  
months shall be based on the final calculation of the amounts 22193  
payable to each school district for that fiscal year. Payments 22194  
made in the last six months may be adjusted, if necessary, to 22195  
correct the amounts distributed in the first six months, and to 22196  
reflect enrollment increases when such are at least three per 22197  
cent. 22198

Beginning in fiscal year 2007, payments shall be calculated 22199  
to reflect the biannual reporting of average daily membership. In 22200  
fiscal year 2007 and in each fiscal year thereafter, annualized 22201  
periodic payments for each school district shall be based on the 22202  
district's final student counts ~~certified pursuant to~~ verified by 22203  
the superintendent of public instruction based on reports under 22204  
section 3317.03 of the Revised Code, as adjusted, if so ordered, 22205  
under division (K) of that section, as follows: 22206

the sum of one-half of the number of students ~~reported~~ verified 22207  
and adjusted 22208

for the first full week in October plus one-half of the 22209  
average of the numbers ~~reported~~ verified and adjusted for the 22210  
first full week 22211

in October and for the first full week in February 22212

Except as otherwise provided, payments under this chapter 22213  
shall be made only to those school districts in which: 22214

(A) The school district, except for any educational service 22215  
center and any joint vocational or cooperative education school 22216  
district, levies for current operating expenses at least twenty 22217  
mills. Levies for joint vocational or cooperative education school 22218  
districts or county school financing districts, limited to or to 22219  
the extent apportioned to current expenses, shall be included in 22220  
this qualification requirement. School district income tax levies 22221  
under Chapter 5748. of the Revised Code, limited to or to the 22222  
extent apportioned to current operating expenses, shall be 22223  
included in this qualification requirement to the extent 22224  
determined by the tax commissioner under division (D) of section 22225  
3317.021 of the Revised Code. 22226

(B) The school year next preceding the fiscal year for which 22227  
such payments are authorized meets the requirement of section 22228  
3313.48 or 3313.481 of the Revised Code, with regard to the 22229  
minimum number of days or hours school must be open for 22230  
instruction with pupils in attendance, for individualized 22231  
parent-teacher conference and reporting periods, and for 22232  
professional meetings of teachers. This requirement shall be 22233  
waived by the superintendent of public instruction if it had been 22234  
necessary for a school to be closed because of disease epidemic, 22235  
hazardous weather conditions, inoperability of school buses or 22236  
other equipment necessary to the school's operation, damage to a 22237  
school building, or other temporary circumstances due to utility 22238  
failure rendering the school building unfit for school use, 22239  
provided that for those school districts operating pursuant to 22240  
section 3313.48 of the Revised Code the number of days the school 22241  
was actually open for instruction with pupils in attendance and 22242  
for individualized parent-teacher conference and reporting periods 22243

is not less than one hundred seventy-five, or for those school 22244  
districts operating on a trimester plan the number of days the 22245  
school was actually open for instruction with pupils in attendance 22246  
not less than seventy-nine days in any trimester, for those school 22247  
districts operating on a quarterly plan the number of days the 22248  
school was actually open for instruction with pupils in attendance 22249  
not less than fifty-nine days in any quarter, or for those school 22250  
districts operating on a pentamester plan the number of days the 22251  
school was actually open for instruction with pupils in attendance 22252  
not less than forty-four days in any pentamester. 22253

A school district shall not be considered to have failed to 22254  
comply with this division or section 3313.481 of the Revised Code 22255  
because schools were open for instruction but either twelfth grade 22256  
students were excused from attendance for up to three days or only 22257  
a portion of the kindergarten students were in attendance for up 22258  
to three days in order to allow for the gradual orientation to 22259  
school of such students. 22260

The superintendent of public instruction shall waive the 22261  
requirements of this section with reference to the minimum number 22262  
of days or hours school must be in session with pupils in 22263  
attendance for the school year succeeding the school year in which 22264  
a board of education initiates a plan of operation pursuant to 22265  
section 3313.481 of the Revised Code. The minimum requirements of 22266  
this section shall again be applicable to such a district 22267  
beginning with the school year commencing the second July 22268  
succeeding the initiation of one such plan, and for each school 22269  
year thereafter. 22270

A school district shall not be considered to have failed to 22271  
comply with this division or section 3313.48 or 3313.481 of the 22272  
Revised Code because schools were open for instruction but the 22273  
length of the regularly scheduled school day, for any number of 22274  
days during the school year, was reduced by not more than two 22275

hours due to hazardous weather conditions.	22276
(C) The school district has on file, and is paying in accordance with, a teachers' salary schedule which complies with section 3317.13 of the Revised Code.	22277 22278 22279
A board of education or governing board of an educational service center which has not conformed with other law and the rules pursuant thereto, shall not participate in the distribution of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 3317.16, 3317.17, and 3317.19 of the Revised Code, except for good and sufficient reason established to the satisfaction of the state board of education and the state controlling board.	22280 22281 22282 22283 22284 22285 22286
All funds allocated to school districts under this chapter, except those specifically allocated for other purposes, shall be used to pay current operating expenses only.	22287 22288 22289
<b>Sec. 3317.012.</b> (A) The general assembly, having deliberated on the model with which to calculate the base cost of an adequate education per pupil, has made a policy decision to calculate that amount as consisting of the following building blocks:	22290 22291 22292 22293
(1) Base classroom teachers;	22294
(2) Other personnel support, which includes additional teachers, such as music, arts, and physical education teachers funded by state, local, or federal funds or other funds that are above the base cost funding level, and other school personnel including administrators;	22295 22296 22297 22298 22299
(3) Nonpersonnel support.	22300
This model reflects policy decisions made by the general assembly concerning the cost of base classroom teachers, which decisions entail two policy variables: the number of students per base classroom teacher necessary for an adequate education and the average compensation for a base classroom teacher necessary for an	22301 22302 22303 22304 22305

adequate education. The model requires the general assembly to 22306  
decide the amount of other personnel support necessary for an 22307  
adequate education, ~~and increase that amount from year to year by~~ 22308  
~~the same percentage as it increases the average compensation for~~ 22309  
~~base classroom teachers.~~ The model finally requires the general 22310  
assembly to decide the nonpersonnel costs necessary for an 22311  
adequate education and to inflate the nonpersonnel costs from year 22312  
to year using the projected inflationary measure for the gross 22313  
domestic product deflator (all items) prepared by the bureau of 22314  
labor statistics of the United States department of labor. 22315

(B)(1) For fiscal year ~~2006~~ 2008, the general assembly has 22316  
resolved that a ratio of one base classroom teacher per twenty 22317  
students is necessary for an adequate education. The general 22318  
assembly has made a policy decision that the average compensation 22319  
for base classroom teachers is ~~\$53,680~~ \$56,754 for fiscal year 22320  
~~2006~~ 2008, which includes an amount for the value of fringe 22321  
benefits. For fiscal year ~~2007~~ 2009, the general assembly has 22322  
resolved that a ratio of one base classroom teacher per twenty 22323  
students is necessary for an adequate education. The general 22324  
assembly has made a policy decision that the average compensation 22325  
for base classroom teachers is ~~\$54,941~~ \$58,621 for fiscal year 22326  
2009, which includes an amount for the value of fringe benefits. 22327  
Based on a ratio of twenty students per base classroom teacher, 22328  
these amounts equal ~~\$2,684~~ \$2,838 per pupil in fiscal year ~~2006~~ 22329  
2008 and ~~\$2,747~~ \$2,931 per pupil in fiscal year ~~2007~~ 2009. 22330

(2) The general assembly has made a policy decision that the 22331  
per pupil cost of salary and benefits of other personnel support 22332  
is ~~\$1,807~~ \$1,905 in fiscal year ~~2006~~ 2008. Based on the percentage 22333  
increase for the ~~average compensation of base classroom teachers~~ 22334  
per pupil cost of salary and benefits of other personnel support 22335  
from fiscal year ~~2006~~ 2007 to fiscal year ~~2007~~ 2008, the per pupil 22336  
cost of other personnel support is ~~\$1,850~~ \$1,962 in fiscal year 22337

~~2007~~ 2009. 22338

(3) The general assembly has made a policy decision that the 22339  
per pupil cost of nonpersonnel support is ~~\$792~~ \$822 in fiscal year 22340  
~~2006~~ 2008 and ~~\$806~~ \$839 in fiscal year ~~2007~~ 2009. The amount for 22341  
fiscal year ~~2007~~ 2009 reflects the projected inflationary measure 22342  
for the gross domestic product deflator (all items) of ~~1.80%~~ 22343  
2.00%. 22344

(4) Based on the determinations specified in divisions (B)(1) 22345  
to (3) of this section, the per-pupil base cost is ~~\$5,283~~ \$5,565 22346  
in fiscal year ~~2006~~ 2008 and ~~\$5,403~~ \$5,732 in fiscal year ~~2007~~ 22347  
2009. 22348

(C) In addition to the per-pupil base cost as determined 22349  
under divisions (A) and (B) of this section, the general assembly 22350  
determines that the following base funding supplements shall be 22351  
paid to each school district: 22352

(1) Base funding for large-group academic intervention for 22353  
all students, based on 25 hours per group of students per year at 22354  
an hourly rate of ~~\$20.00~~ \$21.01 in fiscal year ~~2006~~ 2008 and 22355  
~~\$20.40~~ \$21.64 in fiscal year ~~2007~~ 2009, as follows: 22356

large-group intervention units X 25 hours X hourly rate 22357

Where: 22358

(a) "Large-group intervention units" equals the district's 22359  
formula ADM divided by 20; 22360

(b) "Hourly rate" equals ~~\$20.00~~ \$21.01 in fiscal year ~~2006~~ 22361  
2008 and ~~\$20.40~~ \$21.64 in fiscal year ~~2007~~ 2009. 22362

(2) Base funding for professional development, phased in 22363  
according to the following formula: 22364

district's teacher factor X 0.045 X 22365

formula amount X phase-in percentage 22366

Where: 22367

(a) For each school district, the district's "teacher factor" is the district's formula ADM divided by 17;	22368 22369
(b) "Phase-in percentage" equals <del>0.25 in fiscal year 2006 and 0.75 in fiscal year 2007.</del>	22370 22371
(3) Base funding for data-based decision making, calculated according to the following formula:	22372 22373
0.001 X formula amount X formula ADM	22374
(4) Base funding for professional development regarding data-based decision making, calculated according to the following formula:	22375 22376 22377
(0.20 X the district's teacher factor X 0.08 X formula amount) +	22378
(the district's principal factor X	22379
0.08 X formula amount)	22380
Where:	22381
(a) For each school district, the district's "teacher factor" is the district's formula ADM divided by 17;	22382 22383
(b) For each school district, the district's "principal factor" is the district's formula ADM divided by 340.	22384 22385
(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.	22386 22387 22388 22389 22390
<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>	22391 22392 22393 22394
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	22395 22396 22397

as a multiple of the base cost per pupil calculated under section 22398  
3317.012 of the Revised Code. The multiples for the following 22399  
categories of special education programs, as these programs are 22400  
defined for purposes of Chapter 3323. of the Revised Code, and 22401  
adjusted as provided in this section, are as follows: 22402

(A) A multiple of 0.2892 for students whose primary or only 22403  
identified ~~handicap~~ disability is a speech and language ~~handicap~~ 22404  
disability, as this term is defined pursuant to Chapter 3323. of 22405  
the Revised Code; 22406

(B) A multiple of 0.3691 for students identified as specific 22407  
learning disabled or developmentally ~~handicapped~~ disabled, as 22408  
these terms are defined pursuant to Chapter 3323. of the Revised 22409  
Code, or as having an other health ~~handicapped-minor~~ 22410  
impairment-minor; 22411

(C) A multiple of 1.7695 for students identified as hearing 22412  
~~handicapped~~ disabled, vision impaired, or severe behavior 22413  
~~handicapped~~ disabled, as these terms are defined pursuant to 22414  
Chapter 3323. of the Revised Code; 22415

(D) A multiple of 2.3646 for students identified as 22416  
orthopedically ~~handicapped~~ disabled, as this term is defined 22417  
pursuant to Chapter 3323. of the Revised Code or as having an 22418  
other health ~~handicapped—major~~ impairment-major; 22419

(E) A multiple of 3.1129 for students identified as 22420  
~~multihandicapped~~ having multiple disabilities, as this term is 22421  
defined pursuant to Chapter 3323. of the Revised Code; 22422

(F) A multiple of 4.7342 for students identified as autistic, 22423  
having traumatic brain injuries, or as both visually and hearing 22424  
~~disabled~~ impaired, as these terms are defined pursuant to Chapter 22425  
3323. of the Revised Code. 22426

In fiscal ~~year 2004~~ years 2008 and 2009, the multiples 22427  
specified in divisions (A) to (F) of this section ~~shall be~~ 22428

~~adjusted by multiplying them by 0.88. In fiscal years 2005, 2006,~~ 22429  
~~and 2007, the multiples specified in those divisions shall be~~ 22430  
adjusted by multiplying them by 0.90. 22431

Not later than the thirtieth day of ~~May~~ December in ~~2004,~~ 22432  
~~2005, 2006, and 2007, 2008, and 2009,~~ the department of education 22433  
shall submit to the office of budget and management a report that 22434  
specifies for each city, local, exempted village, and joint 22435  
vocational school district the fiscal year allocation of the state 22436  
and local shares of special education and related services 22437  
additional weighted funding and federal special education funds 22438  
passed through to the district. 22439

**Sec. 3317.014.** The average vocational education additional 22440  
cost per pupil can be expressed as a multiple of the base cost per 22441  
pupil calculated under section 3317.012 of the Revised Code. ~~the~~ 22442  
The multiples for the following categories of vocational education 22443  
programs are as follows: 22444

(A) A multiple of 0.57 for students enrolled in vocational 22445  
education job-training and workforce development programs approved 22446  
by the department of education in accordance with rules adopted 22447  
under section 3313.90 of the Revised Code. 22448

(B) A multiple of 0.28 for students enrolled in vocational 22449  
education classes other than job-training and workforce 22450  
development programs. 22451

Vocational education associated services costs can be 22452  
expressed as a multiple of 0.05 of the base cost per pupil 22453  
calculated under section 3317.012 of the Revised Code. 22454

~~The general assembly has adjusted the multiples specified in~~ 22455  
~~this section for calculating payments beginning in fiscal year~~ 22456  
~~2002 in recognition that its policy change regarding the~~ 22457  
~~application of the cost of doing business factor produces a higher~~ 22458

~~base cost amount than would exist if no change were made to its~~ 22459  
~~application. The adjustment maintains the same weighted costs as~~ 22460  
~~would exist if no change were made to the application of the~~ 22461  
~~cost of doing business factor.~~ 22462

~~The~~ By the thirtieth day of each December, the department of 22463  
education shall ~~annually~~ report to the governor office of budget 22464  
and management and the general assembly the amount of weighted 22465  
funding for vocational education and associated services that ~~is~~ 22466  
was spent by each city, local, exempted village, and joint 22467  
vocational school district specifically for vocational educational 22468  
and associated services during the previous fiscal year. 22469

**Sec. 3317.015.** (A) In addition to the information certified 22470  
to the department of education and the office of budget and 22471  
management under division (A) of section 3317.021 of the Revised 22472  
Code, the tax commissioner shall, at the same time, certify the 22473  
following information to the department and the office of budget 22474  
and management for each city, exempted village, and local school 22475  
district to be used for the same purposes as described under that 22476  
division: 22477

(1) The taxable value of the school district's carryover 22478  
property, as defined in section 319.301 of the Revised Code, for 22479  
the preceding tax year; 22480

(2) The increase in such carryover value, if any, between the 22481  
second preceding tax year and the preceding tax year as used in 22482  
calculating the percentage reduction under section 319.301 of the 22483  
Revised Code. 22484

(B) For each fiscal year the department of education shall 22485  
calculate each school district's recognized valuation in the 22486  
following manner: 22487

(1) For a school district located in a county in which a 22488

reappraisal or triennial update occurred in the preceding tax year, the recognized valuation equals the district's total taxable value for the preceding tax year minus two-thirds times the increase in the carryover value from the second preceding tax year to the preceding tax year.

(2) For a school district located in a county in which a reappraisal or triennial update occurred in the second preceding tax year, the recognized valuation equals the district's total taxable value for the preceding tax year minus one-third times the increase in the carryover value from the third preceding tax year to the second preceding tax year.

(3) For a school district located in a county in which a reappraisal or triennial update occurred in the third preceding tax year, the recognized valuation equals the district's total taxable value for the preceding tax year.

**Sec. 3317.016.** In addition to its form SF-3, or any successor to that form, the department of education shall publish on its web site a spreadsheet for each school district that specifies the constituent components of the district's "building blocks" funds, as follows:

(A) For compensation of base classroom teachers, as described in division (B)(1) of section 3317.012 of the Revised Code, each spreadsheet shall specify the district's aggregate and per pupil amounts of state funds and of combined state and local funds, the average compensation decided by the general assembly for base classroom teachers, as specified in that division, and the number of base classroom teachers attributable to the district based on the student-teacher ratio decided by the general assembly, as specified in that division.

(B) Each spreadsheet shall specify the district's aggregate and per pupil amounts of state funds and of combined state and

local funds for each of the following:	22520
(1) Other personnel support, as described in division (B)(2) of section 3317.012 of the Revised Code;	22521 22522
(2) Nonpersonnel support, as described in division (B)(3) of that section;	22523 22524
(3) Academic intervention services, as described in division (C)(1) of that section;	22525 22526
(4) Professional development, as described in division (C)(2) of that section;	22527 22528
(5) Data-based decision making, as described in division (C)(3) of that section;	22529 22530
(6) Professional development for data-based decision making, as described in division (C)(4) of that section.	22531 22532
(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:	22533 22534 22535 22536
<del>(1) Poverty based assistance guarantee payment under division (B) of that section;</del>	22537 22538
<del>(2)</del> Academic intervention funding under division (C) of that section;	22539 22540
<del>(3)</del> <u>(2)</u> All-day kindergarten under division (D) of that section;	22541 22542
<del>(4) Class size reduction</del> <u>(3) Increased classroom learning opportunities</u> under division (E) of that section;	22543 22544
<del>(5)</del> <u>(4)</u> Services to limited English proficient students under division (F) of that section;	22545 22546
<del>(6)</del> <u>(5)</u> Professional development, under division (G) of that section;	22547 22548

<del>(7)</del> (6) Dropout prevention under division (H) of that section;	22549
<del>(8)</del> (7) Community outreach under division (I) of that section;	22550
<u>(8) Assistance in closing the achievement gap under division</u>	22551
<u>(K) of that section.</u>	22552
<b>Sec. 3317.017.</b> (A) Not later than July 1, 2006, the	22553
superintendent of public instruction shall adopt a rule under	22554
which the superintendent may issue an order with respect to the	22555
spending, by a school district declared to be under an academic	22556
watch or in a state of academic emergency under section 3302.03 of	22557
the Revised Code, of the following state building block funds	22558
intended to pay instructional-related costs:	22559
(1) State funds for compensation of base classroom teachers,	22560
as described in division (B)(1) of section 3317.012 of the Revised	22561
Code;	22562
(2) State funds for academic intervention services under	22563
division (C)(1) of section 3317.012 and division (C) of section	22564
3317.029 of the Revised Code;	22565
(3) State funds for professional development under divisions	22566
(C)(2) and (4) of section 3317.012 and division (G) of section	22567
3317.029 of the Revised Code;	22568
(4) State funds for data based decision making under division	22569
(C)(3) of section 3317.012 of the Revised Code;	22570
<del>(5) The poverty based assistance guarantee payment under</del>	22571
<del>division (B) of section 3317.029 of the Revised Code;</del>	22572
<del>(6)</del> State funds for all-day kindergarten under division (D)	22573
of section 3317.029 of the Revised Code;	22574
<del>(7)</del> (6) State funds for <u>class-size reduction increased</u>	22575
<u>classroom learning opportunities</u> under division (E) of section	22576
3317.029 of the Revised Code;	22577

<del>(8)</del> (7) State funds for services to limited English proficient students under division (F) of section 3317.029 of the Revised Code;	22578 22579 22580
<del>(9)</del> (8) State funds for dropout prevention under division (H) of section 3317.029 of the Revised Code;	22581 22582
<del>(10)</del> (9) State funds for community outreach under division (I) of section 3317.029 of the Revised Code;	22583 22584
<u>(10) State funds for assistance in closing the achievement gap under division (K) of section 3317.029 of the Revised Code.</u>	22585 22586
(B) The rule shall authorize the superintendent of public instruction to issue an order that does one or a combination of the following:	22587 22588 22589
(1) Requires the school district to periodically report to the superintendent of public instruction on its spending of the state funds paid for each building blocks component described in divisions (A)(1) to (10) of this section;	22590 22591 22592 22593
(2) Requires the district to establish a separate account for each of the building blocks components described in divisions (A)(1) to (10) of this section to which the district shall credit the state funds paid for each;	22594 22595 22596 22597
(3) Directs the district's spending of any or all of the state funds paid for the components described in divisions (A)(1) to (10) of this section in accordance with the descriptions and requirements of sections 3317.012 and 3317.029 of the Revised Code.	22598 22599 22600 22601 22602
(C) The rule shall specify situations in which the superintendent may issue an order and the types of orders the superintendent will issue for each of those situations. The rule, however, shall authorize the superintendent to issue orders in situations that are not enumerated or described in the rule.	22603 22604 22605 22606 22607

(D) The board of education of each school district to which 22608  
the superintendent of public instruction issues an order pursuant 22609  
to the rule adopted under this section shall comply with that 22610  
order. 22611

**Sec. 3317.02.** As used in this chapter: 22612

(A) Unless otherwise specified, "school district" means city, 22613  
local, and exempted village school districts. 22614

(B) "Formula amount" means the base cost for the fiscal year 22615  
specified in division (B)(4) of section 3317.012 of the Revised 22616  
Code. 22617

(C) "FTE basis" means a count of students based on full-time 22618  
equivalency, in accordance with rules adopted by the department of 22619  
education pursuant to section 3317.03 of the Revised Code. In 22620  
adopting its rules under this division, the department shall 22621  
provide for counting any student in category one, two, three, 22622  
four, five, or six special education ADM or in category one or two 22623  
vocational education ADM in the same proportion the student is 22624  
counted in formula ADM. 22625

(D) "Formula ADM" means, for a city, local, or exempted 22626  
village school district, the final number verified by the 22627  
superintendent of public instruction, based on the number reported 22628  
pursuant to division (A) of section 3317.03 of the Revised Code, 22629  
and as adjusted, if so ordered, under division (K) of that 22630  
section. "Formula ADM" means, for a joint vocational school 22631  
district, the final number verified by the superintendent of 22632  
public instruction, based on the number reported pursuant to 22633  
division (D) of section 3317.03 of the Revised Code, as adjusted, 22634  
if so ordered, under division (K) of that section. Beginning in 22635  
fiscal year 2007, for payments in which formula ADM is a factor, 22636  
the formula ADM for each school district for the fiscal year is 22637  
the sum of one-half of the number ~~reported~~ verified and adjusted 22638

for October of that fiscal year plus one-half of the average of 22639  
the numbers ~~reported~~ verified and adjusted for October and 22640  
February of that fiscal year. 22641

(E) "Three-year average formula ADM" means the average of 22642  
formula ADMs for the ~~current and~~ preceding ~~two~~ three fiscal years. 22643

(F)(1) "Category one special education ADM" means the average 22644  
daily membership of ~~handicapped~~ children with disabilities 22645  
receiving special education services for the ~~handicap~~ disability 22646  
specified in division (A) of section 3317.013 of the Revised Code 22647  
and reported under division (B)(5) or (D)(2)(b) of section 3317.03 22648  
of the Revised Code. Beginning in fiscal year 2007, the district's 22649  
category one special education ADM for a fiscal year is the sum of 22650  
one-half of the number reported for October of that fiscal year 22651  
plus one-half of the average of the numbers reported for October 22652  
and February of that fiscal year. 22653

(2) "Category two special education ADM" means the average 22654  
daily membership of ~~handicapped~~ children with disabilities 22655  
receiving special education services for those ~~handicaps~~ 22656  
disabilities specified in division (B) of section 3317.013 of the 22657  
Revised Code and reported under division (B)(6) or (D)(2)(c) of 22658  
section 3317.03 of the Revised Code. Beginning in fiscal year 22659  
2007, the district's category two special education ADM for a 22660  
fiscal year is the sum of one-half of the number reported for 22661  
October of that fiscal year plus one-half of the average of the 22662  
numbers reported for October and February of that fiscal year. 22663

(3) "Category three special education ADM" means the average 22664  
daily membership of students receiving special education services 22665  
for those ~~handicaps~~ disabilities specified in division (C) of 22666  
section 3317.013 of the Revised Code, and reported under division 22667  
(B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code. 22668  
Beginning in fiscal year 2007, the district's category three 22669  
special education ADM for a fiscal year is the sum of one-half of 22670

the number reported for October of that fiscal year plus one-half 22671  
of the average of the numbers reported for October and February of 22672  
that fiscal year. 22673

(4) "Category four special education ADM" means the average 22674  
daily membership of students receiving special education services 22675  
for those ~~handicaps~~ disabilities specified in division (D) of 22676  
section 3317.013 of the Revised Code and reported under division 22677  
(B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code. 22678  
Beginning in fiscal year 2007, the district's category four 22679  
special education ADM for a fiscal year is the sum of one-half of 22680  
the number reported for October of that fiscal year plus one-half 22681  
of the average of the numbers reported for October and February of 22682  
that fiscal year. 22683

(5) "Category five special education ADM" means the average 22684  
daily membership of students receiving special education services 22685  
for the ~~handicap~~ disabilities specified in division (E) of section 22686  
3317.013 of the Revised Code and reported under division (B)(9) or 22687  
(D)(2)(f) of section 3317.03 of the Revised Code. Beginning in 22688  
fiscal year 2007, the district's category five special education 22689  
ADM for a fiscal year is the sum of one-half of the number 22690  
reported for October of that fiscal year plus one-half of the 22691  
average of the numbers reported for October and February of that 22692  
fiscal year. 22693

(6) "Category six special education ADM" means the average 22694  
daily membership of students receiving special education services 22695  
for the ~~handicap~~ disabilities specified in division (F) of section 22696  
3317.013 of the Revised Code and reported under division (B)(10) 22697  
or (D)(2)(g) of section 3317.03 of the Revised Code. Beginning in 22698  
fiscal year 2007, the district's category six special education 22699  
ADM for a fiscal year is the sum of one-half of the number 22700  
reported for October of that fiscal year plus one-half of the 22701  
average of the numbers reported for October and February of that 22702

fiscal year.	22703
(7) "Category one vocational education ADM" means the average	22704
daily membership of students receiving vocational education	22705
services described in division (A) of section 3317.014 of the	22706
Revised Code and reported under division (B)(11) or (D)(2)(h) of	22707
section 3317.03 of the Revised Code. Beginning in fiscal year	22708
2007, the district's category one vocational education ADM for a	22709
fiscal year is the sum of one-half of the number reported for	22710
October of that fiscal year plus one-half of the average of the	22711
numbers reported for October and February of that fiscal year.	22712
(8) "Category two vocational education ADM" means the average	22713
daily membership of students receiving vocational education	22714
services described in division (B) of section 3317.014 of the	22715
Revised Code and reported under division (B)(12) or (D)(2)(i) of	22716
section 3317.03 of the Revised Code. Beginning in fiscal year	22717
2007, the district's category two vocational education ADM for a	22718
fiscal year is the sum of one-half of the number reported for	22719
October of that fiscal year plus one-half of the average of the	22720
numbers reported for October and February of that fiscal year.	22721
(G) " <del>Handicapped preschool</del> <u>Preschool child with a disability</u> "	22722
means a <del>handicapped</del> child <u>with a disability</u> , as defined in section	22723
3323.01 of the Revised Code, who is at least age three but is not	22724
of compulsory school age, as defined in section 3321.01 of the	22725
Revised Code, and who is not currently enrolled in kindergarten.	22726
(H) "County MR/DD board" means a county board of mental	22727
retardation and developmental disabilities.	22728
(I) "Recognized valuation" means the amount calculated for a	22729
school district pursuant to section 3317.015 of the Revised Code.	22730
(J) "Transportation ADM" means the number of children	22731
reported under division (B)(13) of section 3317.03 of the Revised	22732
Code.	22733

(K) "Average efficient transportation use cost per student" 22734  
means a statistical representation of transportation costs as 22735  
calculated under division (D)(2) of section 3317.022 of the 22736  
Revised Code. 22737

(L) "Taxes charged and payable" means the taxes charged and 22738  
payable against real and public utility property after making the 22739  
reduction required by section 319.301 of the Revised Code, plus 22740  
the taxes levied against tangible personal property. 22741

(M) "Total taxable value" means the sum of the amounts 22742  
certified for a city, local, exempted village, or joint vocational 22743  
school district under divisions (A)(1) and (2) of section 3317.021 22744  
of the Revised Code. 22745

~~(N) "Cost of doing business factor" means the amount 22746  
indicated in division (N)(1) or (2) of this section for the county 22747  
in which a city, local, exempted village, or joint vocational 22748  
school district is located. If a city, local, or exempted village 22749  
school district is located in more than one county, the factor is 22750  
the amount indicated for the county to which the district is 22751  
assigned by the state department of education. If a joint 22752  
vocational school district is located in more than one county, the 22753  
factor is the amount indicated for the county in which the joint 22754  
vocational school with the greatest formula ADM operated by the 22755  
district is located. 22756~~

~~(1) In fiscal year 2006, the cost of doing business factor 22757  
for each county is: 22758~~

	<del>COST OF DOING BUSINESS</del>	22759
COUNTY	<del>FACTOR AMOUNT</del>	22760
Adams	1.00233	22761
Allen	1.01373	22762
Ashland	1.01980	22763
Ashtabula	1.02647	22764

Athens	1.00093	22765
Auglaize	1.01647	22766
Belmont	1.00427	22767
Brown	1.01180	22768
Butler	1.04307	22769
Carroll	1.00913	22770
Champaign	1.02973	22771
Clark	1.02980	22772
Clermont	1.03607	22773
Clinton	1.02193	22774
Columbiana	1.01427	22775
Coshocton	1.01153	22776
Crawford	1.01093	22777
Cuyahoga	1.04173	22778
Darke	1.02253	22779
Defiance	1.00973	22780
Delaware	1.03520	22781
Erie	1.02587	22782
Fairfield	1.02440	22783
Fayette	1.02127	22784
Franklin	1.04053	22785
Fulton	1.0220	22786
Gallia	1.00000	22787
Geauga	1.03340	22788
Greene	1.02960	22789
Guernsey	1.00440	22790
Hamilton	1.05000	22791
Hancock	1.01433	22792
Hardin	1.02373	22793
Harrison	1.00493	22794
Henry	1.02120	22795
Highland	1.00987	22796
Hocking	1.01253	22797

Holmes	1.01187	22798
Huron	1.01953	22799
Jackson	1.00920	22800
Jefferson	1.00487	22801
Knox	1.01860	22802
Lake	1.03493	22803
Lawrence	1.00540	22804
Licking	1.02540	22805
Logan	1.02567	22806
Lorain	1.03433	22807
Lucas	1.02600	22808
Madison	1.03253	22809
Mahoning	1.02307	22810
Marion	1.02040	22811
Medina	1.03573	22812
Meigs	1.00173	22813
Mercer	1.01353	22814
Miami	1.02740	22815
Monroe	1.00333	22816
Montgomery	1.03020	22817
Morgan	1.00593	22818
Morrow	1.02007	22819
Muskingum	1.00847	22820
Noble	1.00487	22821
Ottawa	1.03240	22822
Paulding	1.00767	22823
Perry	1.01067	22824
Pickaway	1.02607	22825
Pike	1.00687	22826
Portage	1.03147	22827
Preble	1.02947	22828
Putnam	1.01440	22829
Richland	1.01327	22830

Ross	1.01007	22831
Sandusky	1.02140	22832
Seneca	1.00080	22833
Shelby	1.01853	22835
Stark	1.01700	22836
Summit	1.03613	22837
Trumbull	1.02340	22838
Tuscarawas	1.00593	22839
Union	1.03333	22840
Van Wert	1.00887	22841
Vinton	1.00633	22842
Warren	1.04387	22843
Washington	1.00400	22844
Wayne	1.02320	22845
Williams	1.01520	22846
Wood	1.02400	22847
Wyandot	1.01140	22848

~~(2) In fiscal year 2007, the cost of doing business factor for each county is:~~ 22849  
22850

<del>COST OF DOING BUSINESS</del>		22851
<del>COUNTY</del>	<del>FACTOR AMOUNT</del>	22852
Adams	1.00117	22853
Allen	1.00687	22854
Ashland	1.00990	22855
Ashtabula	1.01323	22856
Athens	1.00047	22857
Auglaize	1.00823	22858
Belmont	1.00213	22859
Brown	1.00590	22860
Butler	1.02153	22861
Carroll	1.00457	22862
Champaign	1.01487	22863

Clark	1.01490	22864
Clermont	1.01803	22865
Clinton	1.01097	22866
Columbiana	1.00713	22867
Coshocton	1.00577	22868
Crawford	1.00547	22869
Cuyahoga	1.02087	22870
Darke	1.01127	22871
Defiance	1.00487	22872
Delaware	1.01760	22873
Erie	1.01293	22874
Fairfield	1.01220	22875
Fayette	1.01063	22876
Franklin	1.02027	22877
Fulton	1.01100	22878
Gallia	1.00000	22879
Geauga	1.01670	22880
Greene	1.01480	22881
Guernsey	1.00220	22882
Hamilton	1.02500	22883
Hancock	1.00717	22884
Hardin	1.01187	22885
Harrison	1.00247	22886
Henry	1.01060	22887
Highland	1.00493	22888
Hocking	1.00627	22889
Holmes	1.00593	22890
Huron	1.00977	22891
Jackson	1.00460	22892
Jefferson	1.00243	22893
Knox	1.00930	22894
Lake	1.01747	22895
Lawrence	1.00270	22896

Licking	1.01270	22897
Logan	1.01283	22898
Lorain	1.01717	22899
Lucas	1.01300	22900
Madison	1.01627	22901
Mahoning	1.01153	22902
Marion	1.01020	22903
Medina	1.01787	22904
Meigs	1.00087	22905
Mercer	1.00677	22906
Miami	1.01370	22907
Monroe	1.00167	22908
Montgomery	1.01510	22909
Morgan	1.00297	22910
Morrow	1.01003	22911
Muskingum	1.00423	22912
Noble	1.00243	22913
Ottawa	1.01620	22914
Paulding	1.00383	22915
Perry	1.00533	22916
Pickaway	1.01303	22917
Pike	1.00343	22918
Portage	1.01573	22919
Preble	1.01473	22920
Putnam	1.00720	22921
Richland	1.00663	22922
Ross	1.00503	22923
Sandusky	1.01070	22924
Scioto	1.00040	22925
Seneca	1.00743	22926
Shelby	1.00927	22927
Stark	1.00850	22928
Summit	1.01807	22929

Trumbull	<del>1.01170</del>	22930
Tuscarawas	<del>1.00297</del>	22931
Union	<del>1.01667</del>	22932
Van Wert	<del>1.00443</del>	22933
Vinton	<del>1.00317</del>	22934
Warren	<del>1.02193</del>	22935
Washington	<del>1.00200</del>	22936
Wayne	<del>1.01160</del>	22937
Williams	<del>1.00760</del>	22938
Wood	<del>1.01200</del>	22939
Wyandot	<del>1.00570</del>	22940

~~(O)~~ "Tax exempt value" of a school district means the amount certified for a school district under division (A)(4) of section 3317.021 of the Revised Code.

~~(P)~~(O) "Potential value" of a school district means the recognized valuation of a school district plus the tax exempt value of the district.

~~(Q)~~(P) "District median income" means the median Ohio adjusted gross income certified for a school district. On or before the first day of July of each year, the tax commissioner shall certify to the department of education and the office of budget and management for each city, exempted village, and local school district the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the residents of the district.

~~(R)~~(O) "Statewide median income" means the median district median income of all city, exempted village, and local school districts in the state.

~~(S)~~(R) "Income factor" for a city, exempted village, or local school district means the quotient obtained by dividing that district's median income by the statewide median income.

~~(T)~~(S) "Medically fragile child" means a child to whom all of the following apply:

(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition.

(2) The child requires the services of a registered nurse on a daily basis.

(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for the mentally retarded.

~~(U)~~(T) A child may be identified as having an "other health ~~handicapped-major impairment-major~~" if the child's condition meets the definition of "other health impaired" established in rules adopted by the state board of education prior to July 1, 2001, and if either of the following apply:

(1) The child is identified as having a medical condition that is among those listed by the superintendent of public instruction as conditions where a substantial majority of cases fall within the definition of "medically fragile child." The superintendent of public instruction shall issue an initial list no later than September 1, 2001.

(2) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public instruction for a determination that a child is a medically fragile child.

~~(V)~~(U) A child may be identified as having an "other health ~~handicapped-minor impairment-minor~~" if the child's condition meets the definition of "other health impaired" established in rules adopted by the state board of education prior to July 1, 2001, but the child's condition does not meet either of the conditions

specified in division ~~(U)~~(T)(1) or (2) of this section. 22993

~~(W) "SF 3 payment" means the sum of the payments to a school district in a fiscal year under divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022, divisions (G), (L), and (N) of section 3317.024, and sections 3317.029, 3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code after making the adjustments required by sections 3313.981 and 3313.979 of the Revised Code, divisions (B), (C), (D), (E), (K), (L), (M), (N), and (O) of section 3317.023, and division (C) of section 3317.20~~ (V) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 22994  
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~~(X)~~(W) "Property exemption value" means zero in fiscal year 2006, and in fiscal year 2007 and each fiscal year thereafter, the amount certified for a school district under divisions (A)(6) and (7) of section 3317.021 of the Revised Code. 23004  
23005  
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(X) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code. 23008  
23009

**Sec. 3317.021.** (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education and the office of budget and management the information described in divisions (A)(1) to (8) of this section for each city, exempted village, and local school district, and the information required by divisions (A)(1) and (2) of this section for each joint vocational school district, and it shall be used, along with the information certified under division (B) of this section, in making the computations for the district under sections 3317.022, 3317.0216, and 3317.0217 or section 3317.16 of the Revised Code. 23010  
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(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location. 23021  
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(2) The taxable value of tangible personal property,	23024
including public utility personal property, subject to taxation by	23025
the district for the preceding tax year.	23026
(3)(a) The total property tax rate and total taxes charged	23027
and payable for the current expenses for the preceding tax year	23028
and the total property tax rate and the total taxes charged and	23029
payable to a joint vocational district for the preceding tax year	23030
that are limited to or to the extent apportioned to current	23031
expenses.	23032
(b) The portion of the amount of taxes charged and payable	23033
reported for each city, local, and exempted village school	23034
district under division (A)(3)(a) of this section attributable to	23035
a joint vocational school district.	23036
(4) The value of all real and public utility real property in	23037
the school district exempted from taxation minus both of the	23038
following:	23039
(a) The value of real and public utility real property in the	23040
district owned by the United States government and used	23041
exclusively for a public purpose;	23042
(b) The value of real and public utility real property in the	23043
district exempted from taxation under Chapter 725. or 1728. or	23044
section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632,	23045
5709.73, or 5709.78 of the Revised Code.	23046
(5) The total federal adjusted gross income of the residents	23047
of the school district, based on tax returns filed by the	23048
residents of the district, for the most recent year for which this	23049
information is available.	23050
(6) The sum of the school district compensation value as	23051
indicated on the list of exempted property for the preceding tax	23052
year under section 5713.08 of the Revised Code as if such property	23053
had been assessed for taxation that year and the other	23054

compensation value for the school district, minus the amounts 23055  
described in divisions (A)(6)(c) to (i) of this section. The 23056  
portion of school district compensation value or other 23057  
compensation value attributable to an incentive district exemption 23058  
may be subtracted only once even if that incentive district 23059  
satisfies more than one of the criteria in divisions (A)(6)(c) to 23060  
(i) of this section. 23061

(a) "School district compensation value" means the aggregate 23062  
value of real property in the school district exempted from 23063  
taxation pursuant to an ordinance or resolution adopted under 23064  
division (C) of section 5709.40, division (C) of section 5709.73, 23065  
or division (B) of section 5709.78 of the Revised Code to the 23066  
extent that the exempted value results in the charging of payments 23067  
in lieu of taxes required to be paid to the school district under 23068  
division (D)(1) or (2) of section 5709.40, division (D) of section 23069  
5709.73, or division (C) of section 5709.78 of the Revised Code. 23070

(b) "Other compensation value" means the quotient that 23071  
results from dividing (i) the dollar value of compensation 23072  
received by the school district during the preceding tax year 23073  
pursuant to division (B), (C), or (D) of section 5709.82 of the 23074  
Revised Code and the amounts received pursuant to an agreement as 23075  
specified in division (D)(2) of section 5709.40, division (D) of 23076  
section 5709.73, or division (C) of section 5709.78 of the Revised 23077  
Code to the extent those amounts were not previously reported or 23078  
included in division (A)(6)(a) of this section, and so that any 23079  
such amount is reported only once under division (A)(6)(b) of this 23080  
section, in relation to exemptions from taxation granted pursuant 23081  
to an ordinance or resolution adopted under division (C) of 23082  
section 5709.40, division (C) of section 5709.73, or division (B) 23083  
of section 5709.78 of the Revised Code, by (ii) the real property 23084  
tax rate in effect for the preceding tax year for 23085  
nonresidential/agricultural real property after making the 23086

reductions required by section 319.301 of the Revised Code. 23087

(c) The portion of school district compensation value or 23088  
other compensation value that was exempted from taxation pursuant 23089  
to such an ordinance or resolution for the preceding tax year, if 23090  
the ordinance or resolution is adopted prior to January 1, 2006, 23091  
and the legislative authority or board of township trustees or 23092  
county commissioners, prior to January 1, 2006, executes a 23093  
contract or agreement with a developer, whether for-profit or 23094  
not-for-profit, with respect to the development of a project 23095  
undertaken or to be undertaken and identified in the ordinance or 23096  
resolution, and upon which parcels such project is being, or will 23097  
be, undertaken; 23098

(d) The portion of school district compensation value that 23099  
was exempted from taxation for the preceding tax year and for 23100  
which payments in lieu of taxes for the preceding tax year were 23101  
provided to the school district under division (D)(1) of section 23102  
5709.40 of the Revised Code. 23103

(e) The portion of school district compensation value that 23104  
was exempted from taxation for the preceding tax year pursuant to 23105  
such an ordinance or resolution, if and to the extent that, on or 23106  
before April 1, 2006, the fiscal officer of the municipal 23107  
corporation that adopted the ordinance, or of the township or 23108  
county that adopted the resolution, certifies and provides 23109  
appropriate supporting documentation to the tax commissioner and 23110  
the director of development that, based on hold-harmless 23111  
provisions in any agreement between the school district and the 23112  
legislative authority of the municipal corporation, board of 23113  
township trustees, or board of county commissioners that was 23114  
entered into on or before June 1, 2005, the ability or obligation 23115  
of the municipal corporation, township, or county to repay bonds, 23116  
notes, or other financial obligations issued or entered into prior 23117  
to January 1, 2006, will be impaired, including obligations to or 23118

of any other body corporate and politic with whom the legislative 23119  
authority of the municipal corporation or board of township 23120  
trustees or county commissioners has entered into an agreement 23121  
pertaining to the use of service payments derived from the 23122  
improvements exempted; 23123

(f) The portion of school district compensation value that 23124  
was exempted from taxation for the preceding tax year pursuant to 23125  
such an ordinance or resolution, if the ordinance or resolution is 23126  
adopted prior to January 1, 2006, in a municipal corporation with 23127  
a population that exceeds one hundred thousand, as shown by the 23128  
most recent federal decennial census, that includes a major 23129  
employment center and that is adjacent to historically distressed 23130  
neighborhoods, if the legislative authority of the municipal 23131  
corporation that exempted the property prepares an economic 23132  
analysis that demonstrates that all taxes generated within the 23133  
incentive district accruing to the state by reason of improvements 23134  
constructed within the district during its existence exceed the 23135  
amount the state pays the school district under section 3317.022 23136  
of the Revised Code attributable to such property exemption from 23137  
the school district's recognized valuation. The analysis shall be 23138  
submitted to and approved by the department of development prior 23139  
to January 1, 2006, and the department shall not unreasonably 23140  
withhold approval. 23141

(g) The portion of school district compensation value that 23142  
was exempted from taxation for the preceding tax year under such 23143  
an ordinance or resolution, if the ordinance or resolution is 23144  
adopted prior to January 1, 2006, and if service payments have 23145  
been pledged to be used for mixed-use riverfront entertainment 23146  
development in any county with a population that exceeds six 23147  
hundred thousand, as shown by the most recent federal decennial 23148  
census; 23149

(h) The portion of school district compensation value that 23150

was exempted from taxation for the preceding tax year under such 23151  
an ordinance or resolution, if, prior to January 1, 2006, the 23152  
legislative authority of a municipal corporation, board of 23153  
township trustees, or board of county commissioners has pledged 23154  
service payments for a designated transportation capacity project 23155  
approved by the transportation review advisory council under 23156  
Chapter 5512. of the Revised Code; 23157

(i) The portion of school district compensation value that 23158  
was exempted from taxation for the preceding tax year under such 23159  
an ordinance or resolution if the legislative authority of a 23160  
municipal corporation, board of township trustees, or board of 23161  
county commissioners have, by January 1, 2006, pledged proceeds 23162  
for designated transportation improvement projects that involve 23163  
federal funds for which the proceeds are used to meet a local 23164  
share match requirement for such funding. 23165

As used in division (A)(6) of this section, "project" has the 23166  
same meaning as in section 5709.40 of the Revised Code. 23167

(7) The aggregate value of real property in the school 23168  
district for which an exemption from taxation is granted by an 23169  
ordinance or resolution adopted on or after January 1, 2006, under 23170  
Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 23171  
5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised 23172  
Code, as indicated on the list of exempted property for the 23173  
preceding tax year under section 5713.08 of the Revised Code and 23174  
as if such property had been assessed for taxation that year, 23175  
minus the product determined by multiplying (a) the aggregate 23176  
value of the real property in the school district exempted from 23177  
taxation for the preceding tax year under any of the chapters or 23178  
sections specified in this division, by (b) a fraction, the 23179  
numerator of which is the difference between (i) the amount of 23180  
anticipated revenue such school district would have received for 23181  
the preceding tax year if the real property exempted from taxation 23182

had not been exempted from taxation and (ii) the aggregate amount 23183  
of payments in lieu of taxes on the exempt real property for the 23184  
preceding tax year and other compensation received for the 23185  
preceding tax year by the school district pursuant to any 23186  
agreements entered into on or after January 1, 2006, under section 23187  
5709.82 of the Revised Code between the school district and the 23188  
legislative authority of a political subdivision that acted under 23189  
the authority of a chapter or statute specified in this division, 23190  
that were entered into in relation to such exemption, and the 23191  
denominator of which is the amount of anticipated revenue such 23192  
school district would have received in the preceding fiscal year 23193  
if the real property exempted from taxation had not been exempted. 23194

(8) For each school district receiving payments under 23195  
division (B) or (C) of section 3317.0216 of the Revised Code 23196  
during the current fiscal year, as included on the most recent 23197  
list of such districts sent to the tax commissioner under division 23198  
(F) of that section, the following: 23199

(a) The portion of the total amount of taxes charged and 23200  
payable for current expenses certified under division (A)(3)(a) of 23201  
this section that is attributable to each new levy approved and 23202  
charged in the preceding tax year and the respective tax rate of 23203  
each of those new levies; 23204

(b) The portion of the total taxes collected for current 23205  
expenses under a school district income tax adopted pursuant to 23206  
section 5748.03 or 5748.08 of the Revised Code, as certified under 23207  
division (A)(2) of section 3317.08 of the Revised Code, that is 23208  
attributable to each new school district income tax first 23209  
effective in the current taxable year or in the preceding taxable 23210  
year. 23211

(B) On or before the first day of May each year, the tax 23212  
commissioner shall certify to the department of education and the 23213  
office of budget and management the total taxable real property 23214

value of railroads and, separately, the total taxable tangible 23215  
personal property value of all public utilities for the preceding 23216  
tax year, by school district and by county of location. 23217

(C) If a public utility has properly and timely filed a 23218  
petition for reassessment under section 5727.47 of the Revised 23219  
Code with respect to an assessment issued under section 5727.23 of 23220  
the Revised Code affecting taxable property apportioned by the tax 23221  
commissioner to a school district, the taxable value of public 23222  
utility tangible personal property included in the certification 23223  
under divisions (A)(2) and (B) of this section for the school 23224  
district shall include only the amount of taxable value on the 23225  
basis of which the public utility paid tax for the preceding year 23226  
as provided in division (B)(1) or (2) of section 5727.47 of the 23227  
Revised Code. 23228

(D) If on the basis of the information certified under 23229  
division (A) of this section, the department determines that any 23230  
district fails in any year to meet the qualification requirement 23231  
specified in division (A) of section 3317.01 of the Revised Code, 23232  
the department shall immediately request the tax commissioner to 23233  
determine the extent to which any school district income tax 23234  
levied by the district under Chapter 5748. of the Revised Code 23235  
shall be included in meeting that requirement. Within five days of 23236  
receiving such a request from the department, the tax commissioner 23237  
shall make the determination required by this division and report 23238  
the quotient obtained under division (D)(3) of this section to the 23239  
department and the office of budget and management. This quotient 23240  
represents the number of mills that the department shall include 23241  
in determining whether the district meets the qualification 23242  
requirement of division (A) of section 3317.01 of the Revised 23243  
Code. 23244

The tax commissioner shall make the determination required by 23245  
this division as follows: 23246

(1) Multiply one mill times the total taxable value of the district as determined in divisions (A)(1) and (2) of this section;

(2) Estimate the total amount of tax liability for the current tax year under taxes levied by Chapter 5748. of the Revised Code that are apportioned to current operating expenses of the district;

(3) Divide the amount estimated under division (D)(2) of this section by the product obtained under division (D)(1) of this section.

(E)(1) On or before June 1, 2006, and the first day of April of each year thereafter, the director of development shall report to the department of education ~~and~~, the tax commissioner, and the director of budget and management the total amounts of payments received by each city, local, exempted village, or joint vocational school district for the preceding tax year pursuant to division (D) of section 5709.40, division (D) of section 5709.73, division (C) of section 5709.78, or division (B)(1), (B)(2), (C), or (D) of section 5709.82 of the Revised Code in relation to exemptions from taxation granted pursuant to an ordinance adopted by the legislative authority of a municipal corporation under division (C) of section 5709.40 of the Revised Code, or a resolution adopted by a board of township trustees or board of county commissioners under division (C) of section 5709.73 or division (B) of section 5709.78 of the Revised Code, respectively. On or before April 1, 2006, and the first day of March of each year thereafter, the treasurer of each city, local, exempted village, or joint vocational school district that has entered into such an agreement shall report to the director of development the total amounts of such payments the district received for the preceding tax year as provided in this section. The state board of education, in accordance with sections 3319.31 and 3319.311 of the

Revised Code, may suspend or revoke the license of a treasurer 23279  
found to have willfully reported erroneous, inaccurate, or 23280  
incomplete data under this division. 23281

(2) On or before April 1, 2007, and the first day of April of 23282  
each year thereafter, the director of development shall report to 23283  
the department of education ~~and to~~, the tax commissioner, and the 23284  
director of budget and management the total amounts of payments 23285  
received by each city, local, exempted village, or joint 23286  
vocational school district for the preceding tax year pursuant to 23287  
divisions (B), (C), and (D) of section 5709.82 of the Revised Code 23288  
in relation to exemptions from taxation granted pursuant to 23289  
ordinances or resolutions adopted on or after January 1, 2006, 23290  
under Chapter 725. or 1728., sections 3735.65 to 3735.70, or 23291  
section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the 23292  
Revised Code. On or before March 1, 2007, and the first day of 23293  
March of each year thereafter, the treasurer of each city, local, 23294  
exempted village, or joint vocational school district that has 23295  
entered into such an agreement shall report to the director of 23296  
development the total amounts of such payments the district 23297  
received for the preceding tax year as provided by this section. 23298  
The state board of education, in accordance with sections 3319.31 23299  
and 3319.311 of the Revised Code, may suspend or revoke the 23300  
license of a treasurer found to have willfully reported erroneous, 23301  
inaccurate, or incomplete data under this division. 23302

**Sec. 3317.022.** (A) (1) The department of education shall 23303  
compute and distribute state base cost funding to each eligible 23304  
school district for the fiscal year, using the information 23305  
obtained under section 3317.021 of the Revised Code in the 23306  
calendar year in which the fiscal year begins. 23307

~~(1) Compute, according to the following for each eligible~~ 23308  
~~district formula:~~ 23309

~~{[cost of doing business factor X~~ 23310  
~~the formula amount X (formula ADM +~~ 23311  
~~preschool scholarship ADM)] +~~ 23312  
~~the sum of the base funding supplements~~ 23313  
~~prescribed in divisions (C)(1) to (4)~~ 23314  
~~of section 3317.012 of the Revised Code} -~~ 23315  
~~[.023 x (the sum of recognized valuation~~ 23316  
~~and property exemption value)] ±~~ 23317  
~~the amounts calculated for the district under~~ 23318  
~~sections 3317.029 and 3317.0217 of the Revised Code~~ 23319

If the difference obtained is a negative number, the 23320  
district's computation shall be zero. 23321

~~(2) Compute both of the following for each school district:~~ 23322

~~(a) The difference of (i) the district's fiscal year 2005~~ 23323  
~~base cost payment under the version of division (A)(1) of this~~ 23324  
~~section in effect in fiscal year 2005, minus (ii) the amount~~ 23325  
~~computed for the district for the current fiscal year under~~ 23326  
~~current division (A)(1) of this section;~~ 23327

~~(b) The following amount:~~ 23328

~~{(fiscal year 2005 base cost payment/fiscal~~ 23329  
~~year 2005 formula ADM) X~~ 23330  
~~(current year formula ADM + preschool scholarship ADM)}~~ 23331  
~~minus the amount computed for the district~~ 23332  
~~under current division (A)(1) of this section~~ 23333

~~If one of the amounts computed under division (A)(2)(a) or~~ 23334  
~~(b) of this section is a positive amount, the department shall pay~~ 23335  
~~the district that amount in addition to the amount calculated~~ 23336  
~~under division (A)(1) of this section. If both amounts are~~ 23337  
~~positive amounts, the department shall pay the district the lesser~~ 23338  
~~of the two amounts in addition to the amount calculated under~~ 23339  
~~division (A)(1) of this section.~~ 23340

~~(3)~~(a) For each school district for which the tax exempt value of the district equals or exceeds twenty-five per cent of the potential value of the district, the department of education shall calculate the difference between the district's tax exempt value and twenty-five per cent of the district's potential value. 23341  
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(b) For each school district to which division (A)~~(3)~~(2)(a) of this section applies, the department shall adjust the recognized valuation used in the calculation under division (A)(1) of this section by subtracting from it the amount calculated under division (A)~~(3)~~(2)(a) of this section. 23346  
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(B) As used in this section: 23351

(1) The "total special education weight" for a district means the sum of the following amounts: 23352  
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(a) The district's category one special education ADM multiplied by the multiple specified in division (A) of section 3317.013 of the Revised Code; 23354  
23355  
23356

(b) The district's category two special education ADM multiplied by the multiple specified in division (B) of section 3317.013 of the Revised Code; 23357  
23358  
23359

(c) The district's category three special education ADM multiplied by the multiple specified in division (C) of section 3317.013 of the Revised Code; 23360  
23361  
23362

(d) The district's category four special education ADM multiplied by the multiple specified in division (D) of section 3317.013 of the Revised Code; 23363  
23364  
23365

(e) The district's category five special education ADM multiplied by the multiple specified in division (E) of section 3317.013 of the Revised Code; 23366  
23367  
23368

(f) The district's category six special education ADM multiplied by the multiple specified in division (F) of section 23369  
23370

3317.013 of the Revised Code.	23371
(2) "State share percentage" means the percentage calculated for a district as follows:	23372 23373
(a) Calculate the state base cost funding amount for the district for the fiscal year under division (A) of this section. If the district would not receive any state base cost funding for that year under that division, the district's state share percentage is zero.	23374 23375 23376 23377 23378
(b) If the district would receive state base cost funding under that division, divide that amount by an amount equal to the following:	23379 23380 23381
<del>(Cost of doing business factor X</del>	23382
the formula amount X formula ADM) +	23383
the sum of the base funding supplements	23384
prescribed in divisions (C)(1) to (4)	23385
of section 3317.012 of the Revised Code ±	23386
<u>the sum of the amounts calculated for the district under</u>	23387
<u>sections 3317.029 and 3317.0217 of the Revised Code</u>	23388
The resultant number is the district's state share percentage.	23389 23390
(3) "Related services" includes:	23391
(a) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for <del>handicapped</del> children <u>with disabilities</u> whose <del>handicaps</del> <u>disabilities</u> are described in division (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;	23392 23393 23394 23395 23396 23397 23398 23399 23400
(b) Speech and language services provided to any student with	23401

a ~~handicap~~ disability, including any student whose primary or only  
~~handicap~~ disability is a speech and language ~~handicap~~ disability; 23402  
23403

(c) Any related service not specifically covered by other 23404  
state funds but specified in federal law, including but not 23405  
limited to, audiology and school psychological services; 23406

(d) Any service included in units funded under former 23407  
division (O)(1) of section ~~3317.023~~ 3317.024 of the Revised Code; 23408

(e) Any other related service needed by ~~handicapped~~ children 23409  
with disabilities in accordance with their individualized 23410  
education ~~plans~~ programs. 23411

(4) The "total vocational education weight" for a district 23412  
means the sum of the following amounts: 23413

(a) The district's category one vocational education ADM 23414  
multiplied by the multiple specified in division (A) of section 23415  
3317.014 of the Revised Code; 23416

(b) The district's category two vocational education ADM 23417  
multiplied by the multiple specified in division (B) of section 23418  
3317.014 of the Revised Code. 23419

(5) "Preschool scholarship ADM" means the number of 23420  
~~handicapped~~ preschool children with disabilities reported under 23421  
division (B)(3)(h) of section 3317.03 of the Revised Code. 23422

(C)(1) The department shall compute and distribute state 23423  
special education and related services additional weighted costs 23424  
funds to each school district in accordance with the following 23425  
formula: 23426

The district's state share percentage X 23427  
the formula amount for the year for which 23428  
the aid is calculated X the district's 23429  
total special education weight 23430

(2) The attributed local share of special education and 23431

related services additional weighted costs equals: 23432  
(1 - the district's state share percentage) X the district's 23433  
total special education weight X the formula amount 23434

(3)(a) The department shall compute and pay in accordance 23435  
with this division additional state aid to school districts for 23436  
students in categories two through six special education ADM. If a 23437  
district's costs for the fiscal year for a student in its 23438  
categories two through six special education ADM exceed the 23439  
threshold catastrophic cost for serving the student, the district 23440  
may submit to the superintendent of public instruction 23441  
documentation, as prescribed by the superintendent, of all its 23442  
costs for that student. Upon submission of documentation for a 23443  
student of the type and in the manner prescribed, the department 23444  
shall pay to the district an amount equal to the sum of the 23445  
following: 23446

(i) One-half of the district's costs for the student in 23447  
excess of the threshold catastrophic cost; 23448

(ii) The product of one-half of the district's costs for the 23449  
student in excess of the threshold catastrophic cost multiplied by 23450  
the district's state share percentage. 23451

(b) For purposes of division (C)(3)(a) of this section, the 23452  
threshold catastrophic cost for serving a student equals: 23453

(i) For a student in the school district's category two, 23454  
three, four, or five special education ADM, ~~twenty-five thousand~~ 23455  
~~dollars in fiscal year 2002, twenty-five thousand seven hundred~~ 23456  
~~dollars in fiscal years 2003, 2004, and 2005, and twenty six~~ 23457  
~~thousand five hundred dollars in fiscal years 2006 and 2007~~ 23458  
twenty-seven thousand three hundred seventy-five dollars in fiscal 23459  
years 2008 and 2009; 23460

(ii) For a student in the district's category six special 23461  
education ADM, ~~thirty thousand dollars in fiscal year 2002, thirty~~ 23462

~~thousand eight hundred forty dollars in fiscal years 2003, 2004,~~ 23463  
~~and 2005, and thirty one thousand eight hundred dollars in fiscal~~ 23464  
~~years 2006 and 2007~~ thirty-two thousand eight hundred fifty 23465  
dollars in fiscal years 2008 and 2009. 23466

(c) The district shall only report under division (C)(3)(a) 23467  
of this section, and the department shall only pay for, the costs 23468  
of educational expenses and the related services provided to the 23469  
student in accordance with the student's individualized education 23470  
program. Any legal fees, court costs, or other costs associated 23471  
with any cause of action relating to the student may not be 23472  
included in the amount. 23473

(4)(a) As used in this division, the "personnel allowance" 23474  
means thirty thousand dollars in fiscal years ~~2002, 2003, 2004,~~ 23475  
~~2005, 2006, and 2007~~ 2008 and 2009. 23476

(b) For the provision of speech language pathology services 23477  
to students, including students who do not have individualized 23478  
education programs prepared for them under Chapter 3323. of the 23479  
Revised Code, and for no other purpose, the department of 23480  
education shall pay each school district an amount calculated 23481  
under the following formula: 23482

(formula ADM divided by 2000) X 23483  
the personnel allowance X 23484  
the state share percentage 23485

(5) In any fiscal year, a school district shall spend for 23486  
purposes that the department designates as approved for special 23487  
education and related services expenses at least the amount 23488  
calculated as follows: 23489

~~(cost of doing business factor X~~ 23490  
formula amount X the sum of categories 23491  
one through six special education ADM) + 23492  
(total special education weight X formula amount) 23493

The purposes approved by the department for special education 23494  
expenses shall include, but shall not be limited to, 23495  
identification of ~~handicapped~~ children with disabilities, 23496  
compliance with state rules governing the education of ~~handicapped~~ 23497  
children with disabilities and prescribing the continuum of 23498  
program options for ~~handicapped~~ children with disabilities, 23499  
provision of speech language pathology services, and the portion 23500  
of the school district's overall administrative and overhead costs 23501  
that are attributable to the district's special education student 23502  
population. 23503

The scholarships deducted from the school district's account 23504  
under section 3310.41 or 3310.55 of the Revised Code shall be 23505  
considered to be an approved special education and related 23506  
services expense for the purpose of the school district's 23507  
compliance with division (C)(5) of this section. 23508

The department shall require school districts to report data 23509  
annually to allow for monitoring compliance with division (C)(5) 23510  
of this section. The department shall annually report to the 23511  
governor and the general assembly the amount of money spent by 23512  
each school district for special education and related services. 23513

(6) In any fiscal year, a school district shall spend for the 23514  
provision of speech language pathology services not less than the 23515  
sum of the amount calculated under division (C)(1) of this section 23516  
for the students in the district's category one special education 23517  
ADM and the amount calculated under division (C)(4) of this 23518  
section. 23519

The scholarships deducted from the school district's account 23520  
under section 3310.55 of the Revised Code for students counted in 23521  
the district's category one special education ADM shall be 23522  
considered to be an approved speech language pathology services 23523  
expense for the purpose of the school district's compliance with 23524  
division (C)(6) of this section. 23525

(D)(1) As used in this division:	23526
(a) "Daily bus miles per student" equals the number of bus miles traveled per day, divided by transportation base.	23527 23528
(b) "Transportation base" equals total student count as defined in section 3301.011 of the Revised Code, minus the number of students enrolled in <del>preschool-handicapped</del> units <u>for preschool children with disabilities</u> , plus the number of nonpublic school students included in transportation ADM.	23529 23530 23531 23532 23533
(c) "Transported student percentage" equals transportation ADM divided by transportation base.	23534 23535
(d) "Transportation cost per student" equals total operating costs for board-owned or contractor-operated school buses divided by transportation base.	23536 23537 23538
(2) Analysis of student transportation cost data has resulted in a finding that an average efficient transportation use cost per student can be calculated by means of a regression formula that has as its two independent variables the number of daily bus miles per student and the transported student percentage. For fiscal year 1998 transportation cost data, the average efficient transportation use cost per student is expressed as follows:	23539 23540 23541 23542 23543 23544 23545
51.79027 + (139.62626 X daily bus miles per student) + (116.25573 X transported student percentage)	23546 23547
The department of education shall annually determine the average efficient transportation use cost per student in accordance with the principles stated in division (D)(2) of this section, updating the intercept and regression coefficients of the regression formula modeled in this division, based on an annual statewide analysis of each school district's daily bus miles per student, transported student percentage, and transportation cost per student data. The department shall conduct the annual update using data, including daily bus miles per student, transported	23548 23549 23550 23551 23552 23553 23554 23555 23556

student percentage, and transportation cost per student data, from 23557  
the prior fiscal year. The department shall notify the office of 23558  
budget and management of such update by the fifteenth day of 23559  
February of each year. 23560

(3) In addition to funds paid under divisions (A), (C), and 23561  
(E) of this section, each district with a transported student 23562  
percentage greater than zero shall receive a payment equal to a 23563  
percentage of the product of the district's transportation base 23564  
from the prior fiscal year times the annually updated average 23565  
efficient transportation use cost per student, times an inflation 23566  
factor of two and eight tenths per cent to account for the 23567  
one-year difference between the data used in updating the formula 23568  
and calculating the payment and the year in which the payment is 23569  
made. The percentage shall be the following percentage of that 23570  
product specified for the corresponding fiscal year: 23571

FISCAL YEAR	PERCENTAGE	
2000	52.5%	23572
2001	55%	23573
2002	57.5%	23574
2003 and thereafter	The greater of 60% or the district's state share percentage	23575 23576 23577

The payments made under division (D)(3) of this section each 23577  
year shall be calculated based on all of the same prior year's 23578  
data used to update the formula. 23579

(4) In addition to funds paid under divisions (D)(2) and (3) 23580  
of this section, a school district shall receive a rough road 23581  
subsidy if both of the following apply: 23582

(a) Its county rough road percentage is higher than the 23583  
statewide rough road percentage, as those terms are defined in 23584  
division (D)(5) of this section; 23585

(b) Its district student density is lower than the statewide student density, as those terms are defined in that division. 23586  
23587

(5) The rough road subsidy paid to each district meeting the qualifications of division (D)(4) of this section shall be calculated in accordance with the following formula: 23588  
23589  
23590

(per rough mile subsidy X total rough road miles) 23591  
X density multiplier 23592

where: 23593

(a) "Per rough mile subsidy" equals the amount calculated in accordance with the following formula: 23594  
23595

0.75 - {0.75 X [(maximum rough road percentage - county rough road percentage)/(maximum rough road percentage - statewide rough road percentage)]} 23596  
23597  
23598

(i) "Maximum rough road percentage" means the highest county rough road percentage in the state. 23599  
23600

(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. 23601  
23602  
23603  
23604  
23605  
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23607

(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. 23608  
23609  
23610  
23611

(b) "Total rough road miles" means a school district's total bus miles traveled in one year times its county rough road percentage. 23612  
23613  
23614

(c) "Density multiplier" means a figure calculated in 23615

accordance with the following formula: 23616

1 - [(minimum student density - district student 23617  
density)/(minimum student density - 23618  
statewide student density)] 23619

(i) "Minimum student density" means the lowest district 23620  
student density in the state. 23621

(ii) "District student density" means a school district's 23622  
transportation base divided by the number of square miles in the 23623  
district. 23624

(iii) "Statewide student density" means the sum of the 23625  
transportation bases for all school districts divided by the sum 23626  
of the square miles in all school districts. 23627

(6) In addition to funds paid under divisions (D)(2) to (5) 23628  
of this section, each district shall receive in accordance with 23629  
rules adopted by the state board of education a payment for 23630  
students transported by means other than board-owned or 23631  
contractor-operated buses and whose transportation is not funded 23632  
under division (G) of section 3317.024 of the Revised Code. The 23633  
rules shall include provisions for school district reporting of 23634  
such students. 23635

(E)(1) The department shall compute and distribute state 23636  
vocational education additional weighted costs funds to each 23637  
school district in accordance with the following formula: 23638

state share percentage X 23639  
the formula amount X 23640  
total vocational education weight 23641

In any fiscal year, a school district receiving funds under 23642  
division (E)(1) of this section shall spend those funds only for 23643  
the purposes that the department designates as approved for 23644  
vocational education expenses. Vocational educational expenses 23645  
approved by the department shall include only expenses connected 23646

to the delivery of career-technical programming to 23647  
career-technical students. The department shall require the school 23648  
district to report data annually so that the department may 23649  
monitor the district's compliance with the requirements regarding 23650  
the manner in which funding received under division (E)(1) of this 23651  
section may be spent. 23652

(2) The department shall compute for each school district 23653  
state funds for vocational education associated services in 23654  
accordance with the following formula: 23655

state share percentage X .05 X the formula amount X 23656  
the sum of categories one and two vocational education ADM 23657

In any fiscal year, a school district receiving funds under 23658  
division (E)(2) of this section, or through a transfer of funds 23659  
pursuant to division (L) of section 3317.023 of the Revised Code, 23660  
shall spend those funds only for the purposes that the department 23661  
designates as approved for vocational education associated 23662  
services expenses, which may include such purposes as 23663  
apprenticeship coordinators, coordinators for other vocational 23664  
education services, vocational evaluation, and other purposes 23665  
designated by the department. The department may deny payment 23666  
under division (E)(2) of this section to any district that the 23667  
department determines is not operating those services or is using 23668  
funds paid under division (E)(2) of this section, or through a 23669  
transfer of funds pursuant to division (L) of section 3317.023 of 23670  
the Revised Code, for other purposes. 23671

(F) The actual local share in any fiscal year for the 23672  
combination of special education and related services additional 23673  
weighted costs funding calculated under division (C)(1) of this 23674  
section, transportation funding calculated under divisions (D)(2) 23675  
and (3) of this section, and vocational education and associated 23676  
services additional weighted costs funding calculated under 23677  
divisions (E)(1) and (2) of this section shall not exceed for any 23678

school district the product of three and three-tenths mills times 23679  
the district's recognized valuation. The department annually shall 23680  
pay each school district as an excess cost supplement any amount 23681  
by which the sum of the district's attributed local shares for 23682  
that funding exceeds that product. For purposes of calculating the 23683  
excess cost supplement: 23684

(1) The attributed local share for special education and 23685  
related services additional weighted costs funding is the amount 23686  
specified in division (C)(2) of this section. 23687

(2) The attributed local share of transportation funding 23688  
equals the difference of the total amount calculated for the 23689  
district using the formula developed under division (D)(2) of this 23690  
section minus the actual amount paid to the district after 23691  
applying the percentage specified in division (D)(3) of this 23692  
section. 23693

(3) The attributed local share of vocational education and 23694  
associated services additional weighted costs funding is the 23695  
amount determined as follows: 23696

(1 - state share percentage) X 23697  
[(total vocational education weight X 23698  
the formula amount) + the payment under 23699  
division (E)(2) of this section] 23700

**Sec. 3317.023.** (A) Notwithstanding section 3317.022 of the 23701  
Revised Code, the amounts required to be paid to a district under 23702  
this chapter shall be adjusted by the amount of the computations 23703  
made under divisions (B) to ~~(O)~~(P) of this section. 23704

As used in this section: 23705

(1) "Classroom teacher" means a licensed employee who 23706  
provides direct instruction to pupils, excluding teachers funded 23707  
from money paid to the district from federal sources; educational 23708

service personnel; and vocational and special education teachers. 23709

(2) "Educational service personnel" shall not include such 23710  
specialists funded from money paid to the district from federal 23711  
sources or assigned full-time to vocational or special education 23712  
students and classes and may only include those persons employed 23713  
in the eight specialist areas in a pattern approved by the 23714  
department of education under guidelines established by the state 23715  
board of education. 23716

(3) "Annual salary" means the annual base salary stated in 23717  
the state minimum salary schedule for the performance of the 23718  
teacher's regular teaching duties that the teacher earns for 23719  
services rendered for the first full week of October of the fiscal 23720  
year for which the adjustment is made under division (C) of this 23721  
section. It shall not include any salary payments for supplemental 23722  
teachers contracts. 23723

(4) "Regular student population" means the formula ADM plus 23724  
the number of students reported as enrolled in the district 23725  
pursuant to division (A)(1) of section 3313.981 of the Revised 23726  
Code; minus the number of students reported under division (A)(2) 23727  
of section 3317.03 of the Revised Code; minus the FTE of students 23728  
reported under division (B)(6), (7), (8), (9), (10), (11), or (12) 23729  
of that section who are enrolled in a vocational education class 23730  
or receiving special education; and minus twenty per cent of the 23731  
students enrolled concurrently in a joint vocational school 23732  
district. 23733

(5) "State share percentage" has the same meaning as in 23734  
section 3317.022 of the Revised Code. 23735

(6) "VEPD" means a school district or group of school 23736  
districts designated by the department of education as being 23737  
responsible for the planning for and provision of vocational 23738  
education services to students within the district or group. 23739

(7) "Lead district" means a school district, including a joint vocational school district, designated by the department as a VEPD, or designated to provide primary vocational education leadership within a VEPD composed of a group of districts.

(B) If the district employs less than one full-time equivalent classroom teacher for each twenty-five pupils in the regular student population in any school district, deduct the sum of the amounts obtained from the following computations:

(1) Divide the number of the district's full-time equivalent classroom teachers employed by one twenty-fifth;

(2) Subtract the quotient in (1) from the district's regular student population;

(3) Multiply the difference in (2) by seven hundred fifty-two dollars.

(C) If a positive amount, add one-half of the amount obtained by multiplying the number of full-time equivalent classroom teachers by:

(1) The mean annual salary of all full-time equivalent classroom teachers employed by the district at their respective training and experience levels minus;

(2) The mean annual salary of all such teachers at their respective levels in all school districts receiving payments under this section.

The number of full-time equivalent classroom teachers used in this computation shall not exceed one twenty-fifth of the district's regular student population. In calculating the district's mean salary under this division, those full-time equivalent classroom teachers with the highest training level shall be counted first, those with the next highest training level second, and so on, in descending order. Within the respective

training levels, teachers with the highest years of service shall 23770  
be counted first, the next highest years of service second, and so 23771  
on, in descending order. 23772

(D) This division does not apply to a school district that 23773  
has entered into an agreement under division (A) of section 23774  
3313.42 of the Revised Code. Deduct the amount obtained from the 23775  
following computations if the district employs fewer than five 23776  
full-time equivalent educational service personnel, including 23777  
elementary school art, music, and physical education teachers, 23778  
counselors, librarians, visiting teachers, school social workers, 23779  
and school nurses for each one thousand pupils in the regular 23780  
student population: 23781

(1) Divide the number of full-time equivalent educational 23782  
service personnel employed by the district by five 23783  
one-thousandths; 23784

(2) Subtract the quotient in (1) from the district's regular 23785  
student population; 23786

(3) Multiply the difference in (2) by ninety-four dollars. 23787

(E) If a local school district, or a city or exempted village 23788  
school district to which a governing board of an educational 23789  
service center provides services pursuant to section 3313.843 of 23790  
the Revised Code, deduct the amount of the payment required for 23791  
the reimbursement of the governing board under section 3317.11 of 23792  
the Revised Code. 23793

(F)(1) If the district is required to pay to or entitled to 23794  
receive tuition from another school district under division (C)(2) 23795  
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 23796  
or if the superintendent of public instruction is required to 23797  
determine the correct amount of tuition and make a deduction or 23798  
credit under section 3317.08 of the Revised Code, deduct and 23799  
credit such amounts as provided in division (J) of section 3313.64 23800

or section 3317.08 of the Revised Code. 23801

(2) For each child for whom the district is responsible for 23802  
tuition or payment under division (A)(1) of section 3317.082 or 23803  
section 3323.091 of the Revised Code, deduct the amount of tuition 23804  
or payment for which the district is responsible. 23805

(G) If the district has been certified by the superintendent 23806  
of public instruction under section 3313.90 of the Revised Code as 23807  
not in compliance with the requirements of that section, deduct an 23808  
amount equal to ten per cent of the amount computed for the 23809  
district under section 3317.022 of the Revised Code. 23810

(H) If the district has received a loan from a commercial 23811  
lending institution for which payments are made by the 23812  
superintendent of public instruction pursuant to division (E)(3) 23813  
of section 3313.483 of the Revised Code, deduct an amount equal to 23814  
such payments. 23815

(I)(1) If the district is a party to an agreement entered 23816  
into under division (D), (E), or (F) of section 3311.06 or 23817  
division (B) of section 3311.24 of the Revised Code and is 23818  
obligated to make payments to another district under such an 23819  
agreement, deduct an amount equal to such payments if the district 23820  
school board notifies the department in writing that it wishes to 23821  
have such payments deducted. 23822

(2) If the district is entitled to receive payments from 23823  
another district that has notified the department to deduct such 23824  
payments under division (I)(1) of this section, add the amount of 23825  
such payments. 23826

(J) If the district is required to pay an amount of funds to 23827  
a cooperative education district pursuant to a provision described 23828  
by division (B)(4) of section 3311.52 or division (B)(8) of 23829  
section 3311.521 of the Revised Code, deduct such amounts as 23830  
provided under that provision and credit those amounts to the 23831

cooperative education district for payment to the district under 23832  
division (B)(1) of section 3317.19 of the Revised Code. 23833

(K)(1) If a district is educating a student entitled to 23834  
attend school in another district pursuant to a shared education 23835  
contract, compact, or cooperative education agreement other than 23836  
an agreement entered into pursuant to section 3313.842 of the 23837  
Revised Code, credit to that educating district on an FTE basis 23838  
both of the following: 23839

(a) An amount equal to the ~~greater of the following:~~ 23840

~~(i) The fiscal year 2005 formula amount times the fiscal year 23841  
2005 cost of doing business factor of the school district where 23842  
the student is entitled to attend school pursuant to section 23843  
3313.64 or 3313.65 of the Revised Code;~~ 23844

~~(ii) The sum of (the current formula amount times the current 23845  
cost of doing business factor of the school district when the 23846  
student is entitled to attend school pursuant to section 3313.64 23847  
or 3313.65 of the Revised Code) plus the per pupil amount of the 23848  
base funding supplements specified in divisions (C)(1) to (4) of 23849  
section 3317.012 of the Revised Code. 23850~~

(b) An amount equal to the current formula amount times the 23851  
state share percentage times any multiple applicable to the 23852  
student pursuant to section 3317.013 or 3317.014 of the Revised 23853  
Code. 23854

(2) Deduct any amount credited pursuant to division (K)(1) of 23855  
this section from amounts paid to the school district in which the 23856  
student is entitled to attend school pursuant to section 3313.64 23857  
or 3313.65 of the Revised Code. 23858

(3) If the district is required by a shared education 23859  
contract, compact, or cooperative education agreement to make 23860  
payments to an educational service center, deduct the amounts from 23861  
payments to the district and add them to the amounts paid to the 23862

service center pursuant to section 3317.11 of the Revised Code. 23863

(L)(1) If a district, including a joint vocational school 23864  
district, is a lead district of a VEPD, credit to that district 23865  
the amounts calculated for all the school districts within that 23866  
VEPD pursuant to division (E)(2) of section 3317.022 of the 23867  
Revised Code. 23868

(2) Deduct from each appropriate district that is not a lead 23869  
district, the amount attributable to that district that is 23870  
credited to a lead district under division (L)(1) of this section. 23871

(M) If the department pays a joint vocational school district 23872  
under division (G)(4) of section 3317.16 of the Revised Code for 23873  
excess costs of providing special education and related services 23874  
to a ~~handicapped~~ student with a disability, as calculated under 23875  
division (G)(2) of that section, the department shall deduct the 23876  
amount of that payment from the city, local, or exempted village 23877  
school district that is responsible as specified in that section 23878  
for the excess costs. 23879

(N)(1) If the district reports an amount of excess cost for 23880  
special education services for a child under division (C) of 23881  
section 3323.14 of the Revised Code, the department shall pay that 23882  
amount to the district. 23883

(2) If the district reports an amount of excess cost for 23884  
special education services for a child under division (C) of 23885  
section 3323.14 of the Revised Code, the department shall deduct 23886  
that amount from the district of residence of that child. 23887

(O) If the department of job and family services presents to 23888  
the department of education a payment request through an 23889  
intrastate transfer voucher for the nonfederal share of 23890  
reimbursements made to a school district for medicaid services 23891  
provided by the district, the department of education shall pay 23892  
the amount of that request to the department of job and family 23893

services and shall deduct the amount of that payment from the 23894  
district. 23895

(P) If the department is required to pay an amount under 23896  
section 3353.25 of the Revised Code to a school district 23897  
delivering a course included in the clearinghouse established 23898  
under section 3353.21 of the Revised Code for a student enrolled 23899  
in a school district, the department shall deduct that amount from 23900  
the school district in which the student is enrolled. 23901

**Sec. 3317.024.** In addition to the moneys paid to eligible 23902  
school districts pursuant to section 3317.022 of the Revised Code, 23903  
moneys appropriated for the education programs in divisions (A) to 23904  
(I), (K), (L), and (N) of this section shall be distributed to 23905  
school districts meeting the requirements of section 3317.01 of 23906  
the Revised Code; in the case of divisions (G) and (L) of this 23907  
section, to educational service centers as provided in section 23908  
3317.11 of the Revised Code; in the case of divisions (D) and (J) 23909  
of this section, to county MR/DD boards; in the case of division 23910  
(N) of this section, to joint vocational school districts; in the 23911  
case of division (H) of this section, to cooperative education 23912  
school districts; and in the case of division (M) of this section, 23913  
to the institutions defined under section 3317.082 of the Revised 23914  
Code providing elementary or secondary education programs to 23915  
children other than children receiving special education under 23916  
section 3323.091 of the Revised Code. The following shall be 23917  
distributed monthly, quarterly, or annually as may be determined 23918  
by the state board of education: 23919

(A) An amount for each island school district and each joint 23920  
state school district for the operation of each high school and 23921  
each elementary school maintained within such district and for 23922  
capital improvements for such schools. Such amounts shall be 23923  
determined on the basis of standards adopted by the state board of 23924

education. 23925

(B) An amount for each school district operating classes for 23926  
children of migrant workers who are unable to be in attendance in 23927  
an Ohio school during the entire regular school year. The amounts 23928  
shall be determined on the basis of standards adopted by the state 23929  
board of education, except that payment shall be made only for 23930  
subjects regularly offered by the school district providing the 23931  
classes. 23932

(C) An amount for each school district with guidance, 23933  
testing, and counseling programs approved by the state board of 23934  
education. The amount shall be determined on the basis of 23935  
standards adopted by the state board of education. 23936

(D) An amount for the emergency purchase of school buses as 23937  
provided for in section 3317.07 of the Revised Code; 23938

(E) An amount for each school district required to pay 23939  
tuition for a child in an institution maintained by the department 23940  
of youth services pursuant to section 3317.082 of the Revised 23941  
Code, provided the child was not included in the calculation of 23942  
the district's average daily membership for the preceding school 23943  
year. 23944

(F) An amount for adult basic literacy education for each 23945  
district participating in programs approved by the state board of 23946  
education. The amount shall be determined on the basis of 23947  
standards adopted by the state board of education. 23948

(G) An amount for the approved cost of transporting eligible 23949  
pupils with disabilities attending a special education program 23950  
approved by the department of education whom it is impossible or 23951  
impractical to transport by regular school bus in the course of 23952  
regular route transportation provided by the district or service 23953  
center. No district or service center is eligible to receive a 23954  
payment under this division for the cost of transporting any pupil 23955

whom it transports by regular school bus and who is included in 23956  
the district's transportation ADM. The state board of education 23957  
shall establish standards and guidelines for use by the department 23958  
of education in determining the approved cost of such 23959  
transportation for each district or service center. 23960

(H) An amount to each school district, including each 23961  
cooperative education school district, pursuant to section 3313.81 23962  
of the Revised Code to assist in providing free lunches to needy 23963  
children and an amount to assist needy school districts in 23964  
purchasing necessary equipment for food preparation. The amounts 23965  
shall be determined on the basis of rules adopted by the state 23966  
board of education. 23967

(I) An amount to each school district, for each pupil 23968  
attending a chartered nonpublic elementary or high school within 23969  
the district. The amount shall equal the amount appropriated for 23970  
the implementation of section 3317.06 of the Revised Code divided 23971  
by the average daily membership in grades kindergarten through 23972  
twelve in nonpublic elementary and high schools within the state 23973  
as determined during the first full week in October of each school 23974  
year. 23975

(J) An amount for each county MR/DD board, distributed on the 23976  
basis of standards adopted by the state board of education, for 23977  
the approved cost of transportation required for children 23978  
attending special education programs operated by the county MR/DD 23979  
board under section 3323.09 of the Revised Code; 23980

(K) An amount for each school district that establishes a 23981  
mentor teacher program that complies with rules of the state board 23982  
of education. No school district shall be required to establish or 23983  
maintain such a program in any year unless sufficient funds are 23984  
appropriated to cover the district's total costs for the program. 23985

(L) An amount to each school district or educational service 23986

center for the total number of gifted units approved pursuant to 23987  
section 3317.05 of the Revised Code. The amount for each such unit 23988  
shall be the sum of the minimum salary for the teacher of the 23989  
unit, calculated on the basis of the teacher's training level and 23990  
years of experience pursuant to the salary schedule prescribed in 23991  
the version of section 3317.13 of the Revised Code in effect prior 23992  
to July 1, 2001, plus fifteen per cent of that minimum salary 23993  
amount, plus two thousand six hundred seventy-eight dollars. 23994

(M) An amount to each institution defined under section 23995  
3317.082 of the Revised Code providing elementary or secondary 23996  
education to children other than children receiving special 23997  
education under section 3323.091 of the Revised Code. This amount 23998  
for any institution in any fiscal year shall equal the total of 23999  
all tuition amounts required to be paid to the institution under 24000  
division (A)(1) of section 3317.082 of the Revised Code. 24001

(N) A grant to each school district and joint vocational 24002  
school district that operates a "graduation, reality, and 24003  
dual-role skills" (GRADS) program for pregnant and parenting 24004  
students that is approved by the department. The amount of the 24005  
payment shall be the district's state share percentage, as defined 24006  
in section 3317.022 or 3317.16 of the Revised Code, times the 24007  
GRADS personnel allowance times the full-time-equivalent number of 24008  
GRADS teachers approved by the department. The GRADS personnel 24009  
allowance is \$47,555 in fiscal years ~~2004, 2005, 2006, and 2007~~ 24010  
2008 and 2009. 24011

The state board of education or any other board of education 24012  
or governing board may provide for any resident of a district or 24013  
educational service center territory any educational service for 24014  
which funds are made available to the board by the United States 24015  
under the authority of public law, whether such funds come 24016  
directly or indirectly from the United States or any agency or 24017  
department thereof or through the state or any agency, department, 24018

or political subdivision thereof. 24019

**Sec. 3317.025.** On or before the first day of June of each 24020  
year, the tax commissioner shall certify the following information 24021  
to the department of education and the office of budget and 24022  
management, for each school district in which the value of the 24023  
property described under division (A) of this section exceeds one 24024  
per cent of the taxable value of all real and tangible personal 24025  
property in the district or in which is located tangible personal 24026  
property designed for use or used in strip mining operations, 24027  
whose taxable value exceeds five million dollars, and the taxes 24028  
upon which the district is precluded from collecting by virtue of 24029  
legal proceedings to determine the value of such property: 24030

(A) The total taxable value of all property in the district 24031  
owned by a public utility or railroad that has filed a petition 24032  
for reorganization under the "Bankruptcy Act," 47 Stat. 1474 24033  
(1898), 11 U.S.C. 205, as amended, and all tangible personal 24034  
property in the district designed for use or used in strip mining 24035  
operations whose taxable value exceeds five million dollars upon 24036  
which have not been paid in full on or before the first day of 24037  
April of that calendar year all real and tangible personal 24038  
property taxes levied for the preceding calendar year and which 24039  
the district was precluded from collecting by virtue of 24040  
proceedings under section 205 of said act or by virtue of legal 24041  
proceedings to determine the tax liability of such strip mining 24042  
equipment; 24043

(B) The percentage of the total operating taxes charged and 24044  
payable for school district purposes levied against such valuation 24045  
for the preceding calendar year that have not been paid by such 24046  
date; 24047

(C) The product obtained by multiplying the value certified 24048  
under division (A) of this section by the percentage certified 24049

under division (B) of this section. If the value certified under 24050  
division (A) of this section includes taxable property owned by a 24051  
public utility or railroad that has filed a petition for 24052  
reorganization under the bankruptcy act, the amount used in making 24053  
the calculation under this division shall be reduced by one per 24054  
cent of the total value of all real and tangible personal property 24055  
in the district or the value of the utility's or railroad's 24056  
property, whichever is less. 24057

Upon receipt of the certification, the department shall 24058  
recompute the payments required under section 3317.022 of the 24059  
Revised Code in the manner the payments would have been computed 24060  
if: 24061

(1) The amount certified under division (C) of this section 24062  
was not subject to taxation by the district and was not included 24063  
in the certification made under division (A)(1), (A)(2), or (D) of 24064  
section 3317.021 of the Revised Code. 24065

(2) The amount of taxes charged and payable and unpaid and 24066  
used to make the computation under division (B) of this section 24067  
had not been levied and had not been used in the computation 24068  
required by division (B) of section 3317.021 of the Revised Code. 24069  
The department shall pay the district that amount in the ensuing 24070  
fiscal year in lieu of the amounts computed under section 3317.022 24071  
of the Revised Code. 24072

If a school district received a grant from the catastrophic 24073  
expenditures account pursuant to division (C) of section 3316.20 24074  
of the Revised Code on the basis of the same circumstances for 24075  
which a recomputation is made under this section, the amount of 24076  
the recomputation shall be reduced and transferred in accordance 24077  
with division (C) of section 3316.20 of the Revised Code. 24078

**Sec. 3317.026.** (A) As used in this section, "refunded taxes" 24079  
means taxes charged and payable from real and tangible personal 24080

property, including public utility property, that have been found 24081  
to have been overpaid as the result of reductions in the taxable 24082  
value of such property and that have been refunded, including any 24083  
interest or penalty refunded with those taxes. If taxes are 24084  
refunded over a period of time pursuant to division (B)(2), (3), 24085  
or (4) of section 319.36 or division (C) of section 5727.471 of 24086  
the Revised Code, the total amount of taxes required to be 24087  
refunded, excluding any interest accruing after the day the 24088  
undertaking is entered into, shall be considered to have been 24089  
refunded on the day the first portion of the overpayment is paid 24090  
or credited. 24091

(B) Not later than the last day of February each year, each 24092  
county auditor shall certify to the tax commissioner, for each 24093  
school district in the county, the amount of refunded taxes 24094  
refunded in the preceding calendar year and the reductions in 24095  
taxable value that resulted in those refunds, except for 24096  
reductions in taxable value that previously have been reported to 24097  
the tax commissioner on an abstract. If the tax commissioner 24098  
determines that the amount of refunded taxes certified for a 24099  
school district exceeds three per cent of the total taxes charged 24100  
and payable for current expenses of the school district for the 24101  
calendar year in which those taxes were refunded, the tax 24102  
commissioner shall certify the reductions in taxable value that 24103  
resulted in those refunds on or before the first day of June to 24104  
the department of education and the office of budget and 24105  
management. Upon receiving the certification by the tax 24106  
commissioner, the department of education shall reduce the total 24107  
taxable value of the school district, as defined in section 24108  
3317.02 of the Revised Code, by the total amount of the reductions 24109  
in taxable value that resulted in those refunds for the purpose of 24110  
computing the ~~SF-3 payment~~ state education aid for the school 24111  
district for the current fiscal year. The increase in the amount 24112  
of such aid resulting from the adjustment required by this section 24113

shall be paid to the school district ~~on or before the thirty first~~ 24114  
~~day of July of the following fiscal year. The payment date shall~~ 24115  
~~be determined by the director of budget and management. The~~ 24116  
~~director shall select a payment date that is not earlier than the~~ 24117  
~~first day of June of the current fiscal year and not later than~~ 24118  
~~the thirty-first day of July of the following fiscal year. The~~ 24119  
~~department of education shall not pay the district under this~~ 24120  
~~section prior to approval by the director of budget and management~~ 24121  
~~to make that payment.~~ 24122

If an adjustment is made under this division in the amount of 24123  
state aid paid to a school district, the tax value reductions from 24124  
which that adjustment results shall not be used in recomputing aid 24125  
to a school district under section 3317.027 of the Revised Code. 24126

(C) If a school district received a grant from the 24127  
catastrophic expenditures account pursuant to division (C) of 24128  
section 3316.20 of the Revised Code on the basis of the same 24129  
circumstances for which an adjustment is made under this section, 24130  
the amount of the adjustment shall be reduced and transferred in 24131  
accordance with division (C) of section 3316.20 of the Revised 24132  
Code. 24133

(D) Not later than the first day of June each year, the tax 24134  
commissioner shall certify to the department of education and the 24135  
office of budget and management for each school district the total 24136  
of the increases in taxable value above the amount of taxable 24137  
value on which tax was paid, as provided in division (B)(1) or (2) 24138  
of section 5727.47 of the Revised Code, as determined by the 24139  
commissioner, and for which a notification was sent pursuant to 24140  
section 5727.471 of the Revised Code, in the preceding calendar 24141  
year. Upon receiving the certification, the department shall 24142  
increase the total taxable value, as defined in section 3317.02 of 24143  
the Revised Code, of the school district by the total amount of 24144  
the increase in taxable value certified by the commissioner for 24145

the school district for the purpose of computing the school 24146  
district's ~~SF-3 payment~~ state education aid for the following 24147  
fiscal year. 24148

**Sec. 3317.027.** On or before the fifteenth day of May of each 24149  
year, the tax commissioner shall certify to the department of 24150  
education and the office of budget and management: 24151

(A) The amount by which applications filed under section 24152  
5713.38 of the Revised Code or complaints filed under section 24153  
5715.19 of the Revised Code resulted in a reduction in the second 24154  
preceding year's taxable value in each school district in which 24155  
such a reduction occurred, and the amount by which such reduction 24156  
reduced the district's taxes charged and payable for such year; 24157  
and 24158

(B) The taxes charged and payable for the second preceding 24159  
tax year that were remitted under section 5713.081 of the Revised 24160  
Code and the taxable value against which such taxes were imposed. 24161

Upon receipt of such certifications, the department shall 24162  
recompute the district's ~~SF-3 payment~~ state education aid and 24163  
determine the amount that the ~~SF-3 payment~~ state education aid 24164  
would have been ~~paid~~ had the taxable value not been used in the 24165  
computation made under division (A)(1) of section 3317.021 of the 24166  
Revised Code and had the taxes charged and payable not been 24167  
included in the certification made under division (A)(3) of such 24168  
section. The department shall calculate the amount that the 24169  
remainder of the fiscal year's payments should have been for the 24170  
fiscal year including the amount of the ~~SF-3 payment~~ state 24171  
education aid as recomputed. The increase or decrease in the 24172  
amount of aid resulting from the adjustment required under this 24173  
section shall be paid to the school district ~~on or before the~~ 24174  
~~thirty first day of July of the following fiscal year.~~ The payment 24175  
date shall be determined by the director of budget and management. 24176

The director shall select a payment date that is not earlier than 24177  
the first day of June of the current fiscal year and not later 24178  
than the thirty-first day of July of the following fiscal year. 24179  
The department of education shall not pay the district under this 24180  
section prior to approval by the director of budget and management 24181  
to make that payment. 24182

If a school district received a grant from the catastrophic 24183  
expenditures account pursuant to division (C) of section 3316.20 24184  
of the Revised Code on the basis of the same circumstances for 24185  
which a recomputation is made under this section, the amount of 24186  
the recomputation shall be reduced and transferred in accordance 24187  
with division (C) of section 3316.20 of the Revised Code. 24188

**Sec. 3317.028.** (A) On or before the fifteenth day of May in 24189  
each calendar year prior to calendar year 2007, the tax 24190  
commissioner shall determine for each school district whether the 24191  
taxable value of all tangible personal property, including utility 24192  
tangible personal property, subject to taxation by the district in 24193  
the preceding tax year was less or greater than the taxable value 24194  
of such property during the second preceding tax year. If any such 24195  
decrease exceeds five per cent of the district's tangible personal 24196  
property taxable value included in the total taxable value used in 24197  
computing the district's ~~SF-3 payment~~ state education aid for the 24198  
fiscal year that ends in the current calendar year, or if any such 24199  
increase exceeds five per cent of the district's total taxable 24200  
value used in computing the district's ~~SF-3 payment~~ state 24201  
education aid for the fiscal year that ends in the current 24202  
calendar year, the tax commissioner shall certify both of the 24203  
following to the department of education and the office of budget 24204  
and management: 24205

(1) The taxable value of the tangible personal property 24206  
increase or decrease, including utility tangible personal property 24207

increase or decrease, which shall be considered a change in 24208  
valuation; 24209

(2) The decrease or increase in taxes charged and payable on 24210  
such change in taxable value calculated in the same manner as in 24211  
division (A)(3) of section 3317.021 of the Revised Code. 24212

(B) On or before May 15, 2007, and the fifteenth day of May 24213  
in each calendar year thereafter, the tax commissioner shall 24214  
determine for each school district whether the taxable value of 24215  
all utility tangible personal property subject to taxation by the 24216  
district in the preceding tax year was less or greater than the 24217  
taxable value of such property during the second preceding tax 24218  
year. If any decrease exceeds five per cent of the district's 24219  
tangible personal property taxable value included in the total 24220  
taxable value used in the district's state aid computation for the 24221  
fiscal year that ends in the current calendar year, or if any 24222  
increase exceeds five per cent of the district's total taxable 24223  
value used in the district's state education aid computation for 24224  
the fiscal year that ends in the current calendar year, the tax 24225  
commissioner shall certify both of the following to the department 24226  
of education and the office of budget and management: 24227

(1) The taxable value of the utility tangible personal 24228  
property increase or decrease, which shall be considered a change 24229  
in valuation; 24230

(2) The decrease or increase in taxes charged and payable on 24231  
such change in taxable value calculated in the same manner as in 24232  
division (A)(3) of section 3317.021 of the Revised Code. 24233

(C) Upon receipt of a certification specified in this 24234  
section, the department of education shall reduce or increase by 24235  
the respective amounts certified and the taxable value and the 24236  
taxes charged and payable that were used in computing the 24237  
district's ~~SF-3 payment~~ state education aid for the fiscal year 24238

that ends in the current calendar year and shall recompute the 24239  
~~SF-3 payment~~ state education aid for such fiscal year. The 24240  
department shall pay ~~the district a sum equal to one-half of the~~ 24241  
~~recomputed payments in lieu of the payments otherwise required~~ 24242  
~~under that section on or before the thirty first day of July of~~ 24243  
~~the following fiscal year~~ to or deduct from the district an amount 24244  
equal to one-half of the difference between the district's state 24245  
education aid prior to the recomputation under this section and 24246  
the district's recomputed state education aid. The payment date 24247  
shall be determined by the director of budget and management. The 24248  
director shall select a payment date that is not earlier than the 24249  
first day of June of the current fiscal year and not later than 24250  
the thirty-first day of July of the following fiscal year. The 24251  
department of education shall not pay the district under this 24252  
section prior to approval by the director of budget and management 24253  
to make that payment. 24254

(D) If a school district received a grant from the 24255  
catastrophic expenditures account pursuant to division (C) of 24256  
section 3316.20 of the Revised Code on the basis of the same 24257  
circumstances for which a recomputation is made under this 24258  
section, the amount of the recomputation shall be reduced and 24259  
transferred in accordance with division (C) of section 3316.20 of 24260  
the Revised Code. 24261

**Sec. 3317.029.** (A) As used in this section: 24262

(1) "Poverty percentage" means the quotient obtained by 24263  
dividing the ~~five-year~~ average number of children ages five to 24264  
seventeen residing in the school district and living in a family 24265  
receiving assistance under the Ohio works first program or an 24266  
antecedent program known as TANF or ADC for the preceding five 24267  
years, as certified or adjusted under section 3317.10 of the 24268  
Revised Code, by the district's three-year average formula ADM. 24269

(2) "Statewide poverty percentage" means the ~~five-year~~ average of the total number of children ages five to seventeen years residing in the state and receiving assistance under the Ohio works first program or an antecedent program known as TANF or ADC for the preceding five years, divided by the sum of the three-year average formula ADMs for all school districts in the state. 24270  
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(3) "Poverty index" means the quotient obtained by dividing the school district's poverty percentage by the statewide poverty percentage. 24277  
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(4) "Poverty student count" means the ~~five-year~~ average number of children ages five to seventeen residing in the school district and living in a family receiving assistance under the Ohio works first program or an antecedent program known as TANF or ADC for the preceding five years, as certified under section 3317.10 of the Revised Code. 24280  
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(5) "Kindergarten ADM" means the number of students reported under section 3317.03 of the Revised Code as enrolled in kindergarten, excluding any kindergarten students reported under division (B)(3)(e), (f), or (g) of section 3317.03 of the Revised Code. 24286  
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(6) "Kindergarten through third grade ADM" means the amount calculated as follows: 24291  
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(a) Multiply the kindergarten ADM by the sum of one plus the all-day kindergarten percentage; 24293  
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(b) Add the number of students in grades one through three; 24295

(c) Subtract from the sum calculated under division (A)(6)(b) of this section the number of special education students in grades kindergarten through three. 24296  
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"Kindergarten through third grade ADM" shall not include any 24299

students reported under division (B)(3)(e), (f), or (g) of section 24300  
3317.03 of the Revised Code. 24301

(7) "All-day kindergarten" means a kindergarten class that is 24302  
in session five days per week for not less than the same number of 24303  
clock hours each day as for pupils in grades one through six. 24304

(8) "All-day kindergarten percentage" means the percentage of 24305  
a district's actual total number of students enrolled in 24306  
kindergarten who are enrolled in all-day kindergarten. 24307

(9) "All-day kindergarten ADM" means the number of students 24308  
reported under section 3317.03 of the Revised Code as enrolled in 24309  
all-day kindergarten, excluding any kindergarten students reported 24310  
under division (B)(3)(e), (f), or (g) of that section. 24311

(10) "Academic distress percentage" means the quotient of the 24312  
number of district-operated buildings in the school district 24313  
designated under section 3302.03 of the Revised Code as in a state 24314  
of academic watch or academic emergency, divided by the total 24315  
number of buildings in the district that were open for instruction 24316  
during the same school year to which the ratings apply. 24317

(11) "Statewide academic distress percentage" means the 24318  
quotient of the statewide number of school district buildings and 24319  
community schools designated under section 3302.03 of the Revised 24320  
Code as in a state of academic watch or academic emergency, 24321  
divided by the statewide total number of school district buildings 24322  
and community schools that were open for instruction during the 24323  
same school year to which the ratings apply. 24324

(12) "Academic distress index" means the quotient of the 24325  
school district's academic distress percentage, divided by the 24326  
statewide academic distress percentage. 24327

(13) "Buildings with the highest concentration of need" means 24328  
the school buildings in a district with that meet either of the 24329  
following criteria: 24330

(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; 24331  
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(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. 24334  
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If, in any fiscal year, the information provided by the department of job and family services under section 3317.10 of the Revised Code is insufficient to determine the Ohio works first percentage in each building, "buildings with the highest concentration of need" has the meaning given in rules that the department of education shall adopt. The rules shall base the definition of "buildings with the highest concentration of need" on family income of students in grades kindergarten through three in a manner that, to the extent possible with available data, approximates the intent of this division and division (K) of this section to designate buildings where the Ohio works first percentage in those grades equals or exceeds the district-wide Ohio works first percentage. 24341  
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~~(B) In addition to the amounts required to be paid to a school district under section 3317.022 of the Revised Code, the~~ 24354  
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The department of education shall compute and distribute to for 24356  
each school district for poverty-based assistance the ~~greater of~~ 24357  
~~the following:~~ 24358

~~(1) The amount the district received in fiscal year 2005 for disadvantaged pupil impact aid pursuant to Section 41.10 of Am. Sub. H.B. 95 of the 125th general assembly, as amended, minus the amount deducted from the district under Section 16 of Am. Sub.~~ 24359  
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S.B. 2 of the 125th general assembly that year for payments to internet and computer based community schools; 24363  
24364

~~(2) The sum of the computations made under divisions (C) to (I) and (K) of this section and shall pay that sum to the district in accordance with division (A) of section 3317.022 of the Revised Code.~~ 24365  
24366  
24367  
24368

(C) A payment for academic intervention programs, if the district's poverty index is greater than or equal to 0.25, calculated as follows: 24369  
24370  
24371

(1) If the district's poverty index is greater than or equal to 0.25, calculate the district's level one amount for large-group academic intervention for all students as follows: 24372  
24373  
24374

(a) If the district's poverty index is greater than or equal to 0.25 but less than 0.75: 24375  
24376

large-group intervention units X hourly rate X 24377  
level one hours X [(poverty index - 0.25)/0.5] 24378  
~~X phase in percentage~~ 24379

Where: 24380

(i) "Large-group intervention units" equals the district's formula ADM divided by 20; 24381  
24382

(ii) "Hourly rate" equals ~~\$20.00~~ \$21.01 in fiscal year ~~2006~~ 24383  
2008 and ~~\$20.40~~ \$21.64 in fiscal year ~~2007~~ 2009; 24384

(iii) "Level one hours" equals 25 hours; 24385

~~(iv) "Phase in percentage" equals 0.60 in fiscal year 2006 and 1.00 in fiscal year 2007.~~ 24386  
24387

(b) If the district's poverty index is greater than or equal to 0.75: 24388  
24389

large-group intervention units X hourly rate X 24390  
level one hours ~~X phase in percentage~~ 24391

Where "large-group intervention units," "hourly rate," and 24392

"level one hours<sub>7</sub>" and "~~phase in percentage~~" have the same 24393  
meanings as in division (C)(1)(a) of this section. 24394

(2) If the district's poverty index is greater than or equal 24395  
to 0.75, calculate the district's level two amount for 24396  
medium-group academic intervention for all students as follows: 24397

(a) If the district's poverty index is greater than or equal 24398  
to 0.75 but less than 1.50: 24399

medium-group intervention units X hourly rate 24400  
X {level one hours + [25 hours X ((poverty index - 0.75)/0.75)]} 24401  
~~X phase in percentage~~ 24402

Where: 24403

(i) "Medium group intervention units" equals the district's 24404  
formula ADM divided by 15; 24405

(ii) "Hourly rate<sub>7</sub>" and "level one hours<sub>7</sub>" and "~~phase in~~  
~~percentage~~" have the same meanings as in division (C)(1)(a) of 24406  
this section. 24407  
24408

(b) If the district's poverty index is greater than or equal 24409  
to 1.50: 24410

medium-group intervention units X hourly rate X 24411  
level two hours ~~X phase in percentage~~ 24412

Where: 24413

(i) "Medium group intervention units" has the same meaning as 24414  
in division (C)(2)(a)(i) of this section; 24415

(ii) "Hourly rate" and "~~phase in percentage~~" have has the 24416  
same ~~meanings~~ meaning as in division (C)(1)(a) of this section; 24417

(iii) "Level two hours" equals 50 hours. 24418

(3) If the district's poverty index is greater than or equal 24419  
to 1.50, calculate the district's level three amount for 24420  
small-group academic intervention for impoverished students as 24421  
follows: 24422

(a) If the district's poverty index is greater than or equal to 1.50 but less than 2.50:

$$\text{small group intervention units} \times \text{hourly rate} \times \{ \text{level one hours} + [ \text{level three hours} \times (\text{poverty index} - 1.50) ] \} \times \text{phase in percentage}$$

Where:

(i) "Small group intervention units" equals the quotient of (the district's poverty student count times 3) divided by 10;

(ii) "Hourly rate," and "level one hours," and "~~phase in percentage~~" have the same meanings as in division (C)(1)(a) of this section;

(iii) "Level three hours" equals 135 hours.

(b) If the district's poverty index is greater than or equal to 2.50:

$$\text{small group intervention units} \times \text{hourly rate} \times \text{level three hours} \times \text{phase in percentage}$$

Where:

(i) "Small group intervention units" has the same meaning as in division (C)(3)(a)(i) of this section;

(ii) "Hourly rate" and "~~phase in percentage~~" have has the same ~~meanings~~ meaning as in division (C)(1)(a) of this section;

(iii) "Level three hours" equals 160 hours.

Any district that receives funds under division (C)(2) or (3) of this section annually shall submit to the department of education by a date established by the department a plan describing how the district will deploy those funds. The deployment measures described in that plan shall comply with any applicable spending requirements prescribed in division (J)(6) of this section or with any order issued by the superintendent of public instruction under section 3317.017 of the Revised Code.

(D) A payment for all-day kindergarten if the poverty index 24453  
of the school district is greater than or equal to 1.0 or if the 24454  
district's three-year average formula ADM exceeded seventeen 24455  
thousand five hundred. In addition, the department shall make a 24456  
payment under this division to any school district that, in a 24457  
prior fiscal year, qualified for this payment and provided all-day 24458  
kindergarten, regardless of changes to the district's poverty 24459  
index. The department shall calculate the payment under this 24460  
division by multiplying the all-day ~~kindergarten percentage by the~~ 24461  
~~kindergarten ADM and multiplying that product~~ by the formula 24462  
amount. 24463

(E) A ~~class size reduction~~ payment for increased classroom 24464  
learning opportunities based on calculating the number of new 24465  
teachers necessary to achieve a lower student-teacher ratio, as 24466  
follows: 24467

(1) Determine or calculate a formula number of teachers per 24468  
one thousand students based on the poverty index of the school 24469  
district as follows: 24470

(a) If the poverty index of the school district is less than 24471  
1.0, the formula number of teachers is 50.0, which is the number 24472  
of teachers per one thousand students at a student-teacher ratio 24473  
of twenty to one; 24474

(b) If the poverty index of the school district is greater 24475  
than or equal to 1.0, but less than 1.5, the formula number of 24476  
teachers is calculated as follows: 24477

$$50.0 + \{[(\text{poverty index} - 1.0)/0.5] \times 16.667\} \quad 24478$$

Where 50.0 is the number of teachers per one thousand 24479  
students at a student-teacher ratio of twenty to one; 0.5 is the 24480  
interval from a poverty index of 1.0 to a poverty index of 1.5; 24481  
and 16.667 is the difference in the number of teachers per one 24482  
thousand students at a student-teacher ratio of fifteen to one and 24483

the number of teachers per one thousand students at a 24484  
student-teacher ratio of twenty to one. 24485

(c) If the poverty index of the school district is greater 24486  
than or equal to 1.5, the formula number of teachers is 66.667, 24487  
which is the number of teachers per one thousand students at a 24488  
student-teacher ratio of fifteen to one. 24489

(2) Multiply the formula number of teachers determined or 24490  
calculated in division (E)(1) of this section by the kindergarten 24491  
through third grade ADM for the district and divide that product 24492  
by one thousand; 24493

(3) Calculate the number of new teachers as follows: 24494

(a) Multiply the kindergarten through third grade ADM by 24495  
50.0, which is the number of teachers per one thousand students at 24496  
a student-teacher ratio of twenty to one, and divide that product 24497  
by one thousand; 24498

(b) Subtract the quotient obtained in division (E)(3)(a) of 24499  
this section from the product in division (E)(2) of this section. 24500

(4) Multiply the greater of the difference obtained under 24501  
division (E)(3) of this section or zero by the statewide average 24502  
teachers compensation. For this purpose, the "statewide average 24503  
teacher compensation" is ~~\$53,680~~ \$56,754 in fiscal year ~~2006~~ 2008 24504  
and ~~\$54,941~~ \$58,621 in fiscal year ~~2007~~ 2009, which includes an 24505  
amount for the value of fringe benefits. 24506

(F) A payment for services to limited English proficient 24507  
students, if the district's poverty index is greater than or equal 24508  
to 1.0 and the proportion of its students who are limited English 24509  
proficient, as reported in 2003 on its school district report 24510  
issued under section 3302.03 of the Revised Code for the 2002-2003 24511  
school year, is greater than or equal to 2.0%, calculated as 24512  
follows: 24513

(1) If the district's poverty index is greater than or equal 24514  
to 1.0, but less than 1.75, determine the amount per limited 24515  
English proficient student as follows: 24516

$$\{0.125 + [0.125 \times ((\text{poverty index} - 1.0)/0.75)]\} \times \text{formula amount} \quad 24517$$

X formula amount 24518

(2) If the district's poverty index is greater than or equal 24519  
to 1.75, the amount per limited English proficient student equals: 24520  
0.25 X formula amount 24521

(3) Multiply the per student amount determined for the 24522  
district under division (F)(1) or (2) of this section by the 24523  
number of the district's limited English proficient students, 24524  
times a phase-in percentage of ~~0.40 in fiscal year 2006 and~~ 0.70 24525  
in fiscal ~~year 2007~~ years 2008 and 2009. For purposes of this 24526  
calculation, the number of limited English proficient students for 24527  
each district shall be the number determined by the department 24528  
when it calculated the district's percentage of limited English 24529  
proficient students for its school district report card issued in 24530  
2003 for the 2002-2003 school year. 24531

~~Not later than December 31, 2006, the department of education 24532  
shall recommend to the general assembly and the director of budget 24533  
and management a method of identifying the number of limited 24534  
English proficient students for purposes of calculating payments 24535  
under this division after fiscal year 2007. 24536~~

(G) A payment for professional development of teachers, if 24537  
the district's poverty index is greater than or equal to 1.0, 24538  
calculated as follows: 24539

(1) If the district's poverty index is greater than or equal 24540  
to 1.0, but less than 1.75, determine the amount per teacher as 24541  
follows: 24542

$$[(\text{poverty index} - 1.0)/0.75] \times 0.045 \times \text{formula amount} \quad 24543$$

(2) If the district's poverty index is greater than or equal 24544

to 1.75, the amount per teacher equals: 24545  
0.045 X formula amount 24546

(3) Determine the number of teachers, as follows: 24547  
(formula ADM/17) 24548

(4) Multiply the per teacher amount determined for the 24549  
district under division (G)(1) or (2) of this section by the 24550  
number of teachers determined under division (G)(3) of this 24551  
section, ~~times a phase in percentage of 0.40 in fiscal year 2006~~ 24552  
~~and 0.70 in fiscal year 2007.~~ 24553

(H) A payment for dropout prevention, if the district is a 24554  
big eight school district as defined in section 3314.02 of the 24555  
Revised Code, calculated as follows: 24556  
0.005 X formula amount X poverty index 24557  
X formula ADM ~~X phase in percentage~~ 24558

~~Where "phase in percentage" equals 0.40 in fiscal year 2006~~ 24559  
~~and 0.70 in fiscal year 2007.~~ 24560

(I) An amount for community outreach, if the district is an 24561  
urban school district as defined in section 3314.02 of the Revised 24562  
Code, calculated as follows: 24563  
0.005 X formula amount X poverty index X 24564  
formula ADM ~~X phase in percentage~~ 24565

~~Where "phase in percentage" equals 0.40 in fiscal year 2006~~ 24566  
~~and 0.70 in fiscal year 2007.~~ 24567

(J) This division applies only to school districts ~~whose~~ 24568  
~~poverty index is 1.0 or greater. that receive more than ten~~ 24569  
~~thousand dollars under this section. Each such district shall use~~ 24570  
~~funds paid under this section only for one or more of the~~ 24571  
~~following purposes:~~ 24572

(1) ~~Each school district subject to this division shall first~~ 24573  
~~utilize funds received under this section so that, when combined~~ 24574

~~with other funds of the district, sufficient funds exist to To~~ 24575  
~~provide all-day kindergarten to at least the number of children in~~ 24576  
~~the district's all-day kindergarten percentage. To satisfy this~~ 24577  
~~requirement, a district may use funds paid under division (C),~~ 24578  
~~(F), (G), (H), or (I) of this section to provide all day~~ 24579  
~~kindergarten in addition to the all-day kindergarten payment under~~ 24580  
~~division (D) of this section. ADM;~~ 24581

(2) ~~Except as permitted under division (J)(1) of this~~ 24582  
~~section, each school district shall use its payment under division~~ 24583  
~~(F) of this section for To provide services to students with~~ 24584  
~~limited English proficiency through one or more of the following~~ 24585  
~~purposes activities:~~ 24586

(a) ~~To hire~~ Hiring teachers for limited English proficient 24587  
students or other personnel to provide intervention services for 24588  
those students; 24589

(b) ~~To contract~~ Contracting for intervention services for 24590  
those students; 24591

(c) ~~To provide~~ Providing other services to assist those 24592  
students in passing the third-grade reading achievement test, and 24593  
to provide for those students the intervention services required 24594  
by section 3313.608 of the Revised Code. 24595

(3) ~~Except as permitted under division (J)(1) of this~~ 24596  
~~section, each school district shall use its payment under division~~ 24597  
~~(G) of this section for To provide professional development of~~ 24598  
~~teachers or other licensed personnel providing educational~~ 24599  
~~services to students only in one or more of the following areas:~~ 24600

(a) Data-based decision making; 24601

(b) Standards-based curriculum models; 24602

(c) ~~Job-embedded~~ High quality professional development 24603  
activities that are research-based, as defined ~~in federal law~~ by 24604

state standards developed under section 3319.61 of the Revised Code; 24605  
24606

(d) Professional learning communities. 24607

In addition, each district that elects to use funds paid 24608  
under this section for professional development shall use the 24609  
payment only to implement programs identified on a list of 24610  
eligible professional development programs provided by the 24611  
department of education. The department annually shall provide the 24612  
list to each district receiving a payment under ~~division (G) of~~ 24613  
this section. ~~However, a district may apply to the department for~~ 24614  
~~a waiver to implement an alternative professional development~~ 24615  
~~program in one or more of the areas specified in divisions~~ 24616  
~~(J)(3)(a) to (c) of this section. If the department grants the~~ 24617  
~~waiver, the district may use its payment under division (G) of~~ 24618  
~~this section to implement the alternative program.~~ 24619

(4) ~~Except as permitted under division (J)(1) of this~~ 24620  
~~section, each big eight school district shall use its payment~~ 24621  
~~under division (H) of this section either for~~ For preventing 24622  
at-risk students from dropping out of school, ~~for safety and~~ 24623  
~~security measures described in division (J)(5)(b) of this section,~~ 24624  
~~for academic intervention services described in division (J)(6) of~~ 24625  
~~this section, or for a combination of those purposes.~~ Not later 24626  
than September 1, ~~2005~~ 2007, the department of education shall 24627  
provide each ~~big eight~~ school district receiving a payment under 24628  
this section with a list of dropout prevention programs that it 24629  
has determined are successful. The department subsequently may 24630  
update the list. Each district that elects to use its payment 24631  
under ~~division (H) of~~ this section for dropout prevention shall 24632  
use the payment only to implement a dropout prevention program 24633  
specified on the department's list. ~~However, a district may apply~~ 24634  
~~to the department for a waiver to implement an alternative dropout~~ 24635  
~~prevention program. If the department grants the waiver, the~~ 24636

~~district may use its payment under division (H) of this section to  
implement the alternative program.~~ 24637  
24638

~~(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 24639  
purposes: 24640  
24641  
24642  
24643

(a) To hire or contract for community liaison officers, 24644  
attendance or truant officers, or safety and security personnel; 24645

(b) To implement programs designed to ensure that schools are 24646  
free of drugs and violence and have a disciplined environment 24647  
conducive to learning in accordance with safe school guidelines 24648  
adopted by the state board of education; 24649

(c) To implement academic intervention services described in 24650  
division (J)(6) of this section. 24651

(6) Except as permitted under division (J)(1) of this 24652  
section, each school district with a poverty index greater than or 24653  
equal to 1.0 shall use the amount of its payment under division 24654  
(C) of this section, ~~and may use any amount of its payment under~~ 24655  
~~division (H) or (I) of this section,~~ for academic intervention 24656  
services, designed in accordance with student intervention 24657  
guidelines adopted by the state board, for students who have 24658  
failed or are in danger of failing any of the tests administered 24659  
pursuant to section 3301.0710 of the Revised Code, including 24660  
intervention services required by section 3313.608 of the Revised 24661  
Code. Except as permitted under division (J)(1) of this section, 24662  
no district shall spend any portion of its payment under division 24663  
(C) of this section for any other purpose. Notwithstanding any 24664  
provision to the contrary in Chapter 4117. of the Revised Code, no 24665  
collective bargaining agreement entered into after June 30, 2005, 24666  
shall require use of the payment for any other purpose. 24667

(7) ~~Except as otherwise required by division (K) or permitted under division (O) of this section, all remaining funds distributed under this section to districts with a poverty index greater than or equal to 1.0 shall be utilized for the purpose of the third grade guarantee. The third grade guarantee consists of~~  
For increased classroom learning opportunities by increasing the amount of instructional attention received per pupil in kindergarten through third grade, either by reducing the ratio of students to instructional personnel or by increasing the amount of instruction and curriculum-related activities by extending the length of the school day or the school year.

School districts may implement a reduction of the ratio of students to instructional personnel through any or all of the following methods:

(a) Reducing the number of students in a classroom taught by a single teacher;

(b) Employing full-time educational aides or educational paraprofessionals, issued a permit or license under section 3319.088 of the Revised Code, who are engaged in classroom support activities;

(c) Instituting a team-teaching method that will result in a lower student-teacher ratio in a classroom.

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 24699  
fulfilling the work requirements of that program by volunteering 24700  
or working in that public school. If the work experience program 24701  
participant is compensated, the school district may use the funds 24702  
distributed under this section for all or part of the 24703  
compensation. 24704

Districts may extend the school year either through adding 24705  
regular days of instruction to the school calendar or by providing 24706  
summer programs. 24707

(8) For early childhood programs or early learning programs, 24708  
as defined by the department of education, for children age three 24709  
or four who are not eligible for kindergarten; 24710

(9) To furnish, free of charge, materials used in courses of 24711  
instruction, except for the necessary textbooks or electronic 24712  
textbooks required to be furnished without charge pursuant to 24713  
section 3329.06 of the Revised Code, to pupils living in families 24714  
participating in Ohio works first in accordance with section 24715  
3313.642 of the Revised Code; 24716

(10) For programs designed to reduce nonacademic barriers to 24717  
learning, in accordance with guidelines developed by the 24718  
department of education; 24719

(11) For start-up costs associated with school breakfast 24720  
programs provided pursuant to section 3313.813 of the Revised 24721  
Code. 24722

A school district may apply to the department, in the form 24723  
and manner prescribed by the department, for a waiver to spend 24724  
funds paid under this section for programs not described in 24725  
divisions (J)(1) to (11) of this section. The waiver application 24726  
shall specify the rationale for the alternative expenditure and 24727  
the intended benefits for disadvantaged students. If the 24728  
department grants the waiver, the district may use funds paid 24729

under this section to implement the alternative program. 24730

~~(K) Each district shall not expend any funds received under  
division (E) of this section in any school buildings that are not  
buildings with the highest concentration of need, unless there is  
a ratio of instructional personnel to students of no more than  
fifteen to one in each kindergarten and first grade class in all  
buildings with the highest concentration of need. This division  
does not require that the funds used in buildings with the highest  
concentration of need be spent solely to reduce the ratio of  
instructional personnel to students in kindergarten and first  
grade. A school district may spend the funds in those buildings in  
any manner permitted by division (J)(7) of this section, but may  
not spend the money in other buildings unless the fifteen to one  
ratio required by this division is attained. A payment for  
assistance in closing the achievement gap, calculated as follows:~~ 24731  
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(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: 24745  
24746  
24747  
24748  
24749  
24750

poverty index X academic distress index X 24751

(0.0015 X formula amount) X formula ADM 24752

(2) In fiscal year 2009: 24753

(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. 24754  
24755  
24756  
24757  
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24759  
24760  
24761

(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:

$$\frac{\text{poverty index} \times \text{academic distress index} \times (0.0015 \times \text{formula amount}) \times \text{formula ADM}}{\text{ADM}}$$

~~(L)(1) By the first day of August of each fiscal year, each~~  
This division applies only to funds paid under division (K)(2)(b) of this section.

(1) If applicable, each school district shall use the funds for any necessary expenses for the continued operation of a school district academic distress commission appointed under section 3302.10 of the Revised Code.

(2) After satisfying the requirement of division (L)(1) of this section, each district shall spend the remaining funds only for one or more of the following purposes and only in buildings with the highest concentration of need:

(a) Assistance in improving student performance;

(b) Professional development for teachers and administrators;

(c) Assistance in recruiting and retaining teachers and administrators. 24793  
24794

(M)(1) Each school district wishing to receive any funds 24795  
under division (D) of this section shall submit to the department 24796  
of education ~~an estimate of its~~ the number of students attending 24797  
all-day kindergarten ~~percentage~~ when reporting formula ADM under 24798  
section 3317.03 of the Revised Code. ~~Each district shall update~~ 24799  
~~its estimate throughout the fiscal year in the form and manner~~ 24800  
~~required by the department, and the department shall adjust~~ 24801  
~~payments under this section to reflect the updates.~~ 24802

~~(2) Annually by the end of December, the department of~~ 24803  
education, utilizing data from the information system established 24804  
under section 3301.0714 of the Revised Code, shall determine for 24805  
each school district subject to division (J) of this section 24806  
whether in the preceding fiscal year the district's ratio of 24807  
instructional personnel to students and its number of kindergarten 24808  
students receiving all day kindergarten appear reasonable, given 24809  
the amounts of money the district received for that fiscal year 24810  
pursuant to divisions (D) and (E) of this section. If the 24811  
department is unable to verify from the data available that 24812  
students are receiving reasonable amounts of instructional 24813  
attention and all day kindergarten, given the funds the district 24814  
has received under this section and that class size reduction 24815  
funds are being used in school buildings with the highest 24816  
concentration of need as required by division (K) of this section, 24817  
the department shall conduct a more intensive investigation to 24818  
ensure that funds have been expended as required by this section. 24819  
The department shall file an annual report of its findings under 24820  
this division with the chairpersons of the committees in each 24821  
house of the general assembly dealing with finance and education. 24822

~~(M)(1)(2) Each school district with a poverty index less than~~ 24823  
~~1.0~~ that receives a payment under division (D) of this section 24824

shall first utilize funds received under ~~this section so that~~ 24825  
~~when combined with other funds of the district, sufficient funds~~ 24826  
~~exist~~ division to provide all-day kindergarten ~~to at least the~~ 24827  
~~number of children in the district's all day kindergarten~~ 24828  
~~percentage. To satisfy this requirement, a district may use funds~~ 24829  
~~paid under division (C) or (I) of this section to provide all day~~ 24830  
~~kindergarten in addition to the all day kindergarten payment under~~ 24831  
~~division (D) of this section.~~ 24832

~~(2)~~(N) Except as permitted under division (M)(1) of this 24833  
section, each school district with a poverty index less than 1.0 24834  
that receives a payment under division (C) of this section shall 24835  
use its payment under that division in accordance with all 24836  
requirements of division (J)(6) of this section. 24837

~~(3) Except as permitted under division (M)(1) of this~~ 24838  
~~section, each school district with a poverty index less than 1.0~~ 24839  
~~that receives a payment under division (I) of this section shall~~ 24840  
~~use its payment under that division for one or a combination of~~ 24841  
~~the following purposes:~~ 24842

~~(a) To hire or contract for community liaison officers,~~ 24843  
~~attendance or truant officers, or safety and security personnel;~~ 24844

~~(b) To implement programs designed to ensure that schools are~~ 24845  
~~free of drugs and violence and have a disciplined environment~~ 24846  
~~conducive to learning;~~ 24847

~~(c) To implement academic intervention services described in~~ 24848  
~~division (J)(6) of this section.~~ 24849

~~(4) Each school district to which division (M)(1), (2), or~~ 24850  
~~(3) of this section applies shall expend the remaining funds~~ 24851  
~~received under this section, and any other district with a poverty~~ 24852  
~~index less than 1.0 shall expend all funds received under this~~ 24853  
~~section, for any of the following purposes:~~ 24854

~~(a) The purchase of technology for instructional purposes for~~ 24855

<del>remediation;</del>	24856
<del>(b) All day kindergarten;</del>	24857
<del>(c) Reduction of class sizes in grades kindergarten through three, as described in division (J)(7) of this section;</del>	24858 24859
<del>(d) Summer school remediation;</del>	24860
<del>(e) Dropout prevention programs approved by the department of education under division (J)(4) of this section;</del>	24861 24862
<del>(f) Guaranteeing that all third graders are ready to progress to more advanced work;</del>	24863 24864
<del>(g) Summer education and work programs;</del>	24865
<del>(h) Adolescent pregnancy programs;</del>	24866
<del>(i) Head start, preschool, early childhood education, or early learning programs;</del>	24867 24868
<del>(j) Reading improvement and remediation programs described by the department of education;</del>	24869 24870
<del>(k) Programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;</del>	24871 24872 24873
<del>(l) Furnishing, free of charge, materials used in courses of instruction, except for the necessary textbooks or electronic textbooks required to be furnished without charge pursuant to section 3329.06 of the Revised Code, to pupils living in families participating in Ohio works first in accordance with section 3313.642 of the Revised Code;</del>	24874 24875 24876 24877 24878 24879
<del>(m) School breakfasts provided pursuant to section 3313.813 of the Revised Code.</del>	24880 24881
<del>(N)(O) If at any time the superintendent of public instruction determines that a school district receiving funds under division (D) of this section has enrolled <del>less</del> <u>fewer</u> than</del>	24882 24883 24884

the number of all-day kindergarten percentage students reported 24885  
for that fiscal year, the superintendent shall withhold from the 24886  
funds otherwise due the district under this section a proportional 24887  
amount as determined by the difference in the certified all-day 24888  
kindergarten ~~percentage~~ ADM and the ~~percentage actually enrolled~~ 24889  
~~in actual~~ all-day kindergarten ADM. 24890

The superintendent shall also withhold an appropriate amount 24891  
of funds otherwise due a district for any other misuse of funds 24892  
not in accordance with this section. 24893

~~(O)(P)~~(1) A district may use a portion of the funds 24894  
~~calculated for it paid~~ under ~~division (D)~~ of this section to 24895  
modify or purchase classroom space to provide all-day 24896  
kindergarten, if both of the following conditions are met: 24897

(a) The district certifies to the department, in a manner 24898  
acceptable to the department, that it has a shortage of space for 24899  
providing all-day kindergarten. 24900

(b) The district provides all-day kindergarten to the number 24901  
of children in the all-day kindergarten percentage it certified 24902  
under this section. 24903

(2) A district may use a portion of the funds ~~described in~~ 24904  
~~division (J)(7)~~ of paid under this section to modify or purchase 24905  
classroom space to enable it to further reduce class size in 24906  
grades kindergarten through two with a goal of attaining class 24907  
sizes of fifteen students per licensed teacher. To do so, the 24908  
district must certify its need for additional space to the 24909  
department, in a manner satisfactory to the department. 24910

(O) Not later than the thirtieth day of September each year, 24911  
each school district paid more than ten thousand dollars under 24912  
this section shall report to the department, in the form and 24913  
manner prescribed by the department, how the district deployed 24914  
funds received under this section in the prior fiscal year. If a 24915

school district does not meet adequate progress standards as 24916  
defined by the department, the department shall make 24917  
recommendations to the district for deploying funds under this 24918  
section in a more effective manner. 24919

**Sec. 3317.0216.** (A) As used in this section: 24920

(1) "Total taxes charged and payable for current expenses" 24921  
means the sum of the taxes charged and payable as certified under 24922  
division (A)(3)(a) of section 3317.021 of the Revised Code less 24923  
any amounts reported under division (A)(3)(b) of that section, and 24924  
the tax distribution for the preceding year under any school 24925  
district income tax levied by the district pursuant to Chapter 24926  
5748. of the Revised Code to the extent the revenue from the 24927  
income tax is allocated or apportioned to current expenses. 24928

(2) "Charge-off amount" means two and three-tenths per cent 24929  
multiplied by (the sum of recognized valuation and property 24930  
exemption value). 24931

(3) Until fiscal year 2003, the "actual local share of 24932  
special education, transportation, and vocational education 24933  
funding" for any school district means the sum of the district's 24934  
attributed local shares described in divisions (F)(1) to (3) of 24935  
section 3317.022 of the Revised Code. Beginning in fiscal year 24936  
2003, the "actual local share of special education, 24937  
transportation, and vocational education funding" means that sum 24938  
minus the amount of any excess cost supplement payment calculated 24939  
for the district under division (F) of section 3317.022 of the 24940  
Revised Code. 24941

~~(4) "Current expense revenues from the tangible property tax~~ 24942  
~~replacement fund" means payments received from the school district~~ 24943  
~~tangible property tax replacement fund or the general revenue fund~~ 24944  
~~under section 5751.21 of the Revised Code for fixed rate levies~~ 24945  
~~for current expenses and for fixed sum levies for current~~ 24946

~~expenses, including school district emergency levies under 24947  
sections 5705.194 to 5705.197 of the Revised Code. 24948~~

(B) Upon receiving the certifications under section 3317.021 24949  
of the Revised Code, the department of education shall determine 24950  
for each city, local, and exempted village school district whether 24951  
the district's charge-off amount is greater than ~~the sum of the~~ 24952  
district's total taxes charged and payable for current expenses 24953  
~~and current expense revenues from the tangible property tax~~ 24954  
~~replacement fund~~, and if the charge-off amount is greater, shall 24955  
pay the district the amount of the difference. A payment shall not 24956  
be made to any school district for which the computation under 24957  
division (A) of section 3317.022 of the Revised Code equals zero. 24958

(C)(1) If a district's charge-off amount is equal to or 24959  
greater than ~~the sum of~~ its total taxes charged and payable for 24960  
current expenses ~~and current expense revenues from the tangible~~ 24961  
~~property tax replacement fund~~, the department shall, in addition 24962  
to the payment required under division (B) of this section, pay 24963  
the district the amount of its actual local share of special 24964  
education, transportation, and vocational education funding. 24965

(2) If a district's charge-off amount is less than ~~the sum of~~ 24966  
its total taxes charged and payable for current expenses ~~and~~ 24967  
~~current expense revenues from the tangible property tax~~ 24968  
~~replacement fund~~, the department shall pay the district any amount 24969  
by which its actual local share of special education, 24970  
transportation, and vocational education funding exceeds ~~the sum~~ 24971  
~~of~~ its total taxes charged and payable for current expenses ~~and~~ 24972  
~~current expense revenues from the tangible property tax~~ 24973  
~~replacement fund~~ minus its charge-off amount. 24974

(D) If a school district that received a payment under 24975  
division (B) or (C) of this section in the prior fiscal year is 24976  
ineligible for payment under those divisions in the current fiscal 24977  
year, the department shall determine if the ineligibility is the 24978

result of a property tax or income tax levy approved by the 24979  
district's voters to take effect in tax year 2005 or thereafter. 24980  
If the department determines that is the case, and calculates that 24981  
the levy causing the ineligibility exceeded by at least one mill 24982  
the equivalent millage of the prior year's payment under divisions 24983  
(B) and (C) of this section, the department shall make a payment 24984  
to the district for the first three years that the district loses 24985  
eligibility for payment under divisions (B) and (C) of this 24986  
section, as follows: 24987

(1) In the first year of ineligibility, the department shall 24988  
pay the district seventy-five per cent of the amount it last paid 24989  
the district under divisions (B) and (C) of this section. 24990

(2) In the second year of ineligibility, the department shall 24991  
pay the district fifty per cent of the amount it last paid the 24992  
district under those divisions. 24993

(3) In the third year of ineligibility, the department shall 24994  
pay the district twenty-five per cent of the amount it last paid 24995  
the district under those divisions. 24996

(E) A district that receives payment under division (D) of 24997  
this section and subsequently qualifies for payment under division 24998  
(B) or (C) of this section is ineligible for future payments under 24999  
division (D) of this section. 25000

(F) To enable the department of education to make the 25001  
determinations and to calculate payments under division (D) of 25002  
this section, on ~~the effective date of this amendment~~ March 30, 25003  
2006, and on or before the first day of March of each year 25004  
thereafter, the department shall send to the tax commissioner a 25005  
list of school districts receiving payments under division (B) or 25006  
(C) of this section for the current fiscal year. On or before the 25007  
first day of the following June, the tax commissioner shall 25008  
certify to the department of education for those school districts 25009

the information required by division (A)(8) of section 3317.021 of 25010  
the Revised Code. 25011

**Sec. 3317.0217.** The payment of the amount calculated for a 25012  
school district under this section shall be made under division 25013  
(A) of section 3317.022 of the Revised Code. 25014

The department of education shall annually compute ~~and pay~~ 25015  
state parity aid to school districts, as follows: 25016

(A) Calculate the local wealth per pupil of each school 25017  
district, which equals the following sum: 25018

(1) Two-thirds times the quotient of (a) the district's 25019  
recognized valuation divided by (b) its formula ADM; plus 25020

(2) One-third times the quotient of (a) the average of the 25021  
total federal adjusted gross income of the school district's 25022  
residents for the three years most recently reported under section 25023  
3317.021 of the Revised Code divided by (b) its formula ADM. 25024

(B) Rank all school districts in order of local wealth per 25025  
pupil, from the district with the lowest local wealth per pupil to 25026  
the district with the highest local wealth per pupil. 25027

(C) Compute the per pupil state parity aid funding for each 25028  
eligible school district in accordance with the following formula: 25029

(threshold local wealth 25030  
per pupil - the district's local 25031  
wealth per pupil) X ~~0.0075~~ parity millage 25032

Where: 25033

(1) ~~Seven and one half mills (0.0075) is an adjustment to the 25034~~  
~~original parity aid standard of nine and one half mills, to 25035~~  
~~account for the general assembly's policy decision to phase out 25036~~  
~~use of the cost of doing business factor in the base cost formula 25037~~  
In fiscal year 2008, an "eligible school district" means a school 25038  
district with a local wealth per pupil less than that of the 25039

school district with the four-hundred-eleventh lowest local wealth 25040  
per pupil. In fiscal year 2009, an "eligible school district" 25041  
means a school district with a local wealth per pupil less than 25042  
that of the school district with the three-hundred-sixty-eighth 25043  
lowest local wealth per pupil. 25044

(2) The "threshold local wealth per pupil" is the local 25045  
wealth per pupil of the school district with the 25046  
four-hundred-ninetieth lowest local wealth per pupil. 25047

(3) "Parity millage," in fiscal year 2008, equals 0.0080 and, 25048  
in fiscal year 2009, equals 0.0085. 25049

If the result of the calculation for a school district under 25050  
division (C) of this section is less than zero, the district's per 25051  
pupil parity aid shall be zero. 25052

(D) Compute the per pupil alternative parity aid for each 25053  
school district that has a combination of an income factor of 1.0 25054  
or less, a poverty index of 1.0 or greater, and a fiscal year 2005 25055  
cost-of-doing-business factor of 1.0375 or greater, in accordance 25056  
with the following formula: 25057

$$\begin{aligned} & \text{Payment percentage X } \$60,000 \text{ X} & 25058 \\ & (1 - \text{income factor}) \text{ X } 4/15 \text{ X } 0.023 & 25059 \end{aligned}$$

Where: 25060

(1) "Poverty index" has the same meaning as in section 25061  
3317.029 of the Revised Code. 25062

(2) "Payment percentage," for purposes of division (D) of 25063  
this section, equals 50% in fiscal year 2002 and 100% after fiscal 25064  
year 2002. 25065

(3) "Fiscal year 2005 cost-of-doing-business factor" means 25066  
the cost-of-doing-business factor in effect for fiscal year 2005 25067  
designated under former division (N) of section 3317.02 of the 25068  
Revised Code as that division existed in fiscal year 2005. 25069

(E) Pay each district that has a combination of an income	25070
factor of 1.0 or less, a poverty index of 1.0 or greater, and a	25071
fiscal year 2005 cost-of-doing-business factor of 1.0375 or	25072
greater, the greater of the following:	25073
(1) The product of the district's per pupil parity aid	25074
calculated under division (C) of this section times its net	25075
formula ADM;	25076
(2) The product of its per pupil alternative parity aid	25077
calculated under division (D) of this section times its net	25078
formula ADM.	25079
(F) Pay every other district the product of its per pupil	25080
parity aid calculated under division (C) of this section times its	25081
net formula ADM.	25082
(G) As used in divisions (E) and (F) of this section, "net	25083
formula ADM" means formula ADM minus the number of internet- and	25084
computer-based community school students and scholarship students	25085
reported under divisions (B)(3)(e), (f), and (g) of section	25086
3317.03 of the Revised Code.	25087
<b>Sec. 3317.03.</b> Notwithstanding divisions (A)(1), (B)(1), and	25088
(C) of this section, except as provided in division (A)(2)(h) of	25089
this section, any student enrolled in kindergarten more than half	25090
time shall be reported as one-half student under this section.	25091
(A) The superintendent of each city and exempted village	25092
school district and of each educational service center shall, for	25093
the schools under the superintendent's supervision, certify to the	25094
state board of education on or before the fifteenth day of October	25095
in each year for the first full school week in October the formula	25096
ADM. Beginning in fiscal year 2007, each superintendent also shall	25097
certify to the state board, for the schools under the	25098
superintendent's supervision, the formula ADM for the first full	25099

week in February. If a school under the superintendent's 25100  
supervision is closed for one or more days during that week due to 25101  
hazardous weather conditions or other circumstances described in 25102  
the first paragraph of division (B) of section 3317.01 of the 25103  
Revised Code, the superintendent may apply to the superintendent 25104  
of public instruction for a waiver, under which the superintendent 25105  
of public instruction may exempt the district superintendent from 25106  
certifying the formula ADM for that school for that week and 25107  
specify an alternate week for certifying the formula ADM of that 25108  
school. 25109

The formula ADM shall consist of the average daily membership 25110  
during such week of the sum of the following: 25111

(1) On an FTE basis, the number of students in grades 25112  
kindergarten through twelve receiving any educational services 25113  
from the district, except that the following categories of 25114  
students shall not be included in the determination: 25115

(a) Students enrolled in adult education classes; 25116

(b) Adjacent or other district students enrolled in the 25117  
district under an open enrollment policy pursuant to section 25118  
3313.98 of the Revised Code; 25119

(c) Students receiving services in the district pursuant to a 25120  
compact, cooperative education agreement, or a contract, but who 25121  
are entitled to attend school in another district pursuant to 25122  
section 3313.64 or 3313.65 of the Revised Code; 25123

(d) Students for whom tuition is payable pursuant to sections 25124  
3317.081 and 3323.141 of the Revised Code; 25125

(e) Students receiving services in the district through a 25126  
scholarship awarded under either section 3310.41 or sections 25127  
3310.51 to 3310.63 of the Revised Code. 25128

(2) On an FTE basis, except as provided in division (A)(2)(h) 25129

of this section, the number of students entitled to attend school 25130  
in the district pursuant to section 3313.64 or 3313.65 of the 25131  
Revised Code, but receiving educational services in grades 25132  
kindergarten through twelve from one or more of the following 25133  
entities: 25134

(a) A community school pursuant to Chapter 3314. of the 25135  
Revised Code, including any participation in a college pursuant to 25136  
Chapter 3365. of the Revised Code while enrolled in such community 25137  
school; 25138

(b) An alternative school pursuant to sections 3313.974 to 25139  
3313.979 of the Revised Code as described in division (I)(2)(a) or 25140  
(b) of this section; 25141

(c) A college pursuant to Chapter 3365. of the Revised Code, 25142  
except when the student is enrolled in the college while also 25143  
enrolled in a community school pursuant to Chapter 3314. or a 25144  
science, technology, engineering, and mathematics school 25145  
established under Chapter 3326. of the Revised Code; 25146

(d) An adjacent or other school district under an open 25147  
enrollment policy adopted pursuant to section 3313.98 of the 25148  
Revised Code; 25149

(e) An educational service center or cooperative education 25150  
district; 25151

(f) Another school district under a cooperative education 25152  
agreement, compact, or contract; 25153

(g) A chartered nonpublic school with a scholarship paid 25154  
under section 3310.08 of the Revised Code; 25155

(h) An alternative public provider or a registered private 25156  
provider with a scholarship awarded under either section 3310.41 25157  
or sections 3310.51 to 3310.63 of the Revised Code. Each such 25158  
scholarship student who is enrolled in kindergarten shall be 25159

counted as one full-time-equivalent student. 25160

As used in this section, "alternative public provider" and 25161  
"registered private provider" have the same meanings as in section 25162  
3310.41 or 3310.51 of the Revised Code, as applicable. 25163

(i) A science, technology, engineering, and mathematics 25164  
school established under Chapter 3326. of the Revised Code, 25165  
including any participation in a college pursuant to Chapter 3365. 25166  
of the Revised Code while enrolled in the school. 25167

(3) Twenty per cent of the number of students enrolled in a 25168  
joint vocational school district or under a vocational education 25169  
compact, excluding any students entitled to attend school in the 25170  
district under section 3313.64 or 3313.65 of the Revised Code who 25171  
are enrolled in another school district through an open enrollment 25172  
policy as reported under division (A)(2)(d) of this section and 25173  
then enroll in a joint vocational school district or under a 25174  
vocational education compact; 25175

(4) The number of ~~handicapped~~ children with disabilities, 25176  
other than ~~handicapped~~ preschool children with disabilities, 25177  
entitled to attend school in the district pursuant to section 25178  
3313.64 or 3313.65 of the Revised Code who are placed by the 25179  
district with a county MR/DD board, minus the number of such 25180  
children placed with a county MR/DD board in fiscal year 1998. If 25181  
this calculation produces a negative number, the number reported 25182  
under division (A)(4) of this section shall be zero. 25183

(5) Beginning in fiscal year 2007, in the case of the report 25184  
submitted for the first full week in February, or the alternative 25185  
week if specified by the superintendent of public instruction, the 25186  
number of students reported under division (A)(1) or (2) of this 25187  
section for the first full week of the preceding October but who 25188  
since that week have received high school diplomas. 25189

(B) To enable the department of education to obtain the data 25190

needed to complete the calculation of payments pursuant to this 25191  
chapter, in addition to the formula ADM, each superintendent shall 25192  
report separately the following student counts for the same week 25193  
for which formula ADM is certified: 25194

(1) The total average daily membership in regular day classes 25195  
included in the report under division (A)(1) or (2) of this 25196  
section for kindergarten, and each of grades one through twelve in 25197  
schools under the superintendent's supervision; 25198

(2) The number of all ~~handicapped~~ preschool children with 25199  
disabilities enrolled as of the first day of December in classes 25200  
in the district that are eligible for approval under division (B) 25201  
of section 3317.05 of the Revised Code and the number of those 25202  
classes, which shall be reported not later than the fifteenth day 25203  
of December, in accordance with rules adopted under that section; 25204

(3) The number of children entitled to attend school in the 25205  
district pursuant to section 3313.64 or 3313.65 of the Revised 25206  
Code who are: 25207

(a) Participating in a pilot project scholarship program 25208  
established under sections 3313.974 to 3313.979 of the Revised 25209  
Code as described in division (I)(2)(a) or (b) of this section; 25210

(b) Enrolled in a college under Chapter 3365. of the Revised 25211  
Code, except when the student is enrolled in the college while 25212  
also enrolled in a community school pursuant to Chapter 3314. or a 25213  
science, technology, engineering, and mathematics school 25214  
established under Chapter 3326. of the Revised Code; 25215

(c) Enrolled in an adjacent or other school district under 25216  
section 3313.98 of the Revised Code; 25217

(d) Enrolled in a community school established under Chapter 25218  
3314. of the Revised Code that is not an internet- or 25219  
computer-based community school as defined in section 3314.02 of 25220  
the Revised Code, including any participation in a college 25221

pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	25222 25223
(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;	25224 25225 25226 25227
(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;	25228 25229
(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;	25230 25231 25232 25233
(h) Enrolled as a <del>handicapped</del> preschool child <u>with a</u> <u>disability</u> in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	25234 25235 25236 25237
(i) Participating in a program operated by a county MR/DD board or a state institution;	25238 25239
<u>(j) Enrolled in a science, technology, engineering, and</u> <u>mathematics school established under Chapter 3326. of the Revised</u> <u>Code, including any participation in a college pursuant to Chapter</u> <u>3365. of the Revised Code while enrolled in the school.</u>	25240 25241 25242 25243
(4) The number of pupils enrolled in joint vocational schools;	25244 25245
(5) The <u>combined</u> average daily membership of <del>handicapped</del> children <u>with disabilities</u> reported under division (A)(1) or (2) of this section receiving special education services for the category one <del>handicap</del> <u>disability</u> described in division (A) of section 3317.013 of the Revised Code, <u>including children attending</u> <u>a special education program operated by an alternative public</u>	25246 25247 25248 25249 25250 25251

<u>provider or a registered private provider with a scholarship</u>	25252
<u>awarded under sections 3310.51 to 3310.63 of the Revised Code;</u>	25253
(6) The <u>combined</u> average daily membership of <del>handicapped</del>	25254
children <u>with disabilities</u> reported under division (A)(1) or (2)	25255
of this section receiving special education services for category	25256
two <del>handicaps</del> <u>disabilities</u> described in division (B) of section	25257
3317.013 of the Revised Code, <u>including children attending a</u>	25258
<u>special education program operated by an alternative public</u>	25259
<u>provider or a registered private provider with a scholarship</u>	25260
<u>awarded under sections 3310.51 to 3310.63 of the Revised Code;</u>	25261
(7) The <u>combined</u> average daily membership of <del>handicapped</del>	25262
children <u>with disabilities</u> reported under division (A)(1) or (2)	25263
of this section receiving special education services for category	25264
three <del>handicaps</del> <u>disabilities</u> described in division (C) of section	25265
3317.013 of the Revised Code, <u>including children attending a</u>	25266
<u>special education program operated by an alternative public</u>	25267
<u>provider or a registered private provider with a scholarship</u>	25268
<u>awarded under sections 3310.51 to 3310.63 of the Revised Code;</u>	25269
(8) The <u>combined</u> average daily membership of <del>handicapped</del>	25270
children <u>with disabilities</u> reported under division (A)(1) or (2)	25271
of this section receiving special education services for category	25272
four <del>handicaps</del> <u>disabilities</u> described in division (D) of section	25273
3317.013 of the Revised Code, <u>including children attending a</u>	25274
<u>special education program operated by an alternative public</u>	25275
<u>provider or a registered private provider with a scholarship</u>	25276
<u>awarded under sections 3310.51 to 3310.63 of the Revised Code;</u>	25277
(9) The <u>combined</u> average daily membership of <del>handicapped</del>	25278
children <u>with disabilities</u> reported under division (A)(1) or (2)	25279
of this section receiving special education services for the	25280
category five <del>handicap</del> <u>disabilities</u> described in division (E) of	25281
section 3317.013 of the Revised Code, <u>including children attending</u>	25282
<u>a special education program operated by an alternative public</u>	25283

<u>provider or a registered private provider with a scholarship</u>	25284
<u>awarded under sections 3310.51 to 3310.63 of the Revised Code;</u>	25285
(10) The combined average daily membership of <del>handicapped</del>	25286
children <u>with disabilities</u> reported under division (A)(1) or (2)	25287
and under division (B)(3)(h) of this section receiving special	25288
education services for category six <del>handicaps</del> <u>disabilities</u>	25289
described in division (F) of section 3317.013 of the Revised Code,	25290
including children attending a special education program operated	25291
by an alternative public provider or a registered private provider	25292
with a scholarship awarded under <u>either</u> section 3310.41 <u>or</u>	25293
<u>sections 3310.51 to 3310.63</u> of the Revised Code;	25294
(11) The average daily membership of pupils reported under	25295
division (A)(1) or (2) of this section enrolled in category one	25296
vocational education programs or classes, described in division	25297
(A) of section 3317.014 of the Revised Code, operated by the	25298
school district or by another district, other than a joint	25299
vocational school district, or by an educational service center,	25300
excluding any student reported under division (B)(3)(e) of this	25301
section as enrolled in an internet- or computer-based community	25302
school, notwithstanding division (C) of section 3317.02 of the	25303
Revised Code and division (C)(3) of this section;	25304
(12) The average daily membership of pupils reported under	25305
division (A)(1) or (2) of this section enrolled in category two	25306
vocational education programs or services, described in division	25307
(B) of section 3317.014 of the Revised Code, operated by the	25308
school district or another school district, other than a joint	25309
vocational school district, or by an educational service center,	25310
excluding any student reported under division (B)(3)(e) of this	25311
section as enrolled in an internet- or computer-based community	25312
school, notwithstanding division (C) of section 3317.02 of the	25313
Revised Code and division (C)(3) of this section;	25314
(13) The average number of children transported by the school	25315

district on board-owned or contractor-owned and -operated buses, 25316  
reported in accordance with rules adopted by the department of 25317  
education; 25318

(14)(a) The number of children, other than ~~handicapped~~ 25319  
preschool children with disabilities, the district placed with a 25320  
county MR/DD board in fiscal year 1998; 25321

(b) The number of ~~handicapped~~ children with disabilities, 25322  
other than ~~handicapped~~ preschool children with disabilities, 25323  
placed with a county MR/DD board in the current fiscal year to 25324  
receive special education services for the category one ~~handicap~~ 25325  
disability described in division (A) of section 3317.013 of the 25326  
Revised Code; 25327

(c) The number of ~~handicapped~~ children with disabilities, 25328  
other than ~~handicapped~~ preschool children with disabilities, 25329  
placed with a county MR/DD board in the current fiscal year to 25330  
receive special education services for category two ~~handicaps~~ 25331  
disabilities described in division (B) of section 3317.013 of the 25332  
Revised Code; 25333

(d) The number of ~~handicapped~~ children with disabilities, 25334  
other than ~~handicapped~~ preschool children with disabilities, 25335  
placed with a county MR/DD board in the current fiscal year to 25336  
receive special education services for category three ~~handicaps~~ 25337  
disabilities described in division (C) of section 3317.013 of the 25338  
Revised Code; 25339

(e) The number of ~~handicapped~~ children with disabilities, 25340  
other than ~~handicapped~~ preschool children with disabilities, 25341  
placed with a county MR/DD board in the current fiscal year to 25342  
receive special education services for category four ~~handicaps~~ 25343  
disabilities described in division (D) of section 3317.013 of the 25344  
Revised Code; 25345

(f) The number of ~~handicapped~~ children with disabilities, 25346

other than ~~handicapped~~ preschool children with disabilities, 25347  
placed with a county MR/DD board in the current fiscal year to 25348  
receive special education services for the category five ~~handicap~~ 25349  
disabilities described in division (E) of section 3317.013 of the 25350  
Revised Code; 25351

(g) The number of ~~handicapped~~ children with disabilities, 25352  
other than ~~handicapped~~ preschool children with disabilities, 25353  
placed with a county MR/DD board in the current fiscal year to 25354  
receive special education services for category six ~~handicaps~~ 25355  
disabilities described in division (F) of section 3317.013 of the 25356  
Revised Code. 25357

(C)(1) Except as otherwise provided in this section for 25358  
kindergarten students, the average daily membership in divisions 25359  
(B)(1) to (12) of this section shall be based upon the number of 25360  
full-time equivalent students. The state board of education shall 25361  
adopt rules defining full-time equivalent students and for 25362  
determining the average daily membership therefrom for the 25363  
purposes of divisions (A), (B), and (D) of this section. 25364

(2) A student enrolled in a community school established 25365  
under Chapter 3314. or a science, technology, engineering, and 25366  
mathematics school established under Chapter 3326. of the Revised 25367  
Code shall be counted in the formula ADM and, if applicable, the 25368  
category one, two, three, four, five, or six special education ADM 25369  
of the school district in which the student is entitled to attend 25370  
school under section 3313.64 or 3313.65 of the Revised Code for 25371  
the same proportion of the school year that the student is counted 25372  
in the enrollment of the community school or the science, 25373  
technology, engineering, and mathematics school for purposes of 25374  
section 3314.08 or 3326.33 of the Revised Code. Notwithstanding 25375  
the number of students reported pursuant to division (B)(3)(d), 25376  
(e), or (j) of this section, the department may adjust the formula 25377  
ADM of a school district to account for students entitled to 25378

attend school in the district under section 3313.64 or 3313.65 of 25379  
the Revised Code who are enrolled in a community school or a 25380  
science, technology, engineering, and mathematics school for only 25381  
a portion of the school year. 25382

(3) No child shall be counted as more than a total of one 25383  
child in the sum of the average daily memberships of a school 25384  
district under division (A), divisions (B)(1) to (12), or division 25385  
(D) of this section, except as follows: 25386

(a) A child with a ~~handicap~~ disability described in section 25387  
3317.013 of the Revised Code may be counted both in formula ADM 25388  
and in category one, two, three, four, five, or six special 25389  
education ADM and, if applicable, in category one or two 25390  
vocational education ADM. As provided in division (C) of section 25391  
3317.02 of the Revised Code, such a child shall be counted in 25392  
category one, two, three, four, five, or six special education ADM 25393  
in the same proportion that the child is counted in formula ADM. 25394

(b) A child enrolled in vocational education programs or 25395  
classes described in section 3317.014 of the Revised Code may be 25396  
counted both in formula ADM and category one or two vocational 25397  
education ADM and, if applicable, in category one, two, three, 25398  
four, five, or six special education ADM. Such a child shall be 25399  
counted in category one or two vocational education ADM in the 25400  
same proportion as the percentage of time that the child spends in 25401  
the vocational education programs or classes. 25402

(4) Based on the information reported under this section, the 25403  
department of education shall determine the total student count, 25404  
as defined in section 3301.011 of the Revised Code, for each 25405  
school district. 25406

(D)(1) The superintendent of each joint vocational school 25407  
district shall certify to the superintendent of public instruction 25408  
on or before the fifteenth day of October in each year for the 25409

first full school week in October the formula ADM. Beginning in 25410  
fiscal year 2007, each superintendent also shall certify to the 25411  
state superintendent the formula ADM for the first full week in 25412  
February. If a school operated by the joint vocational school 25413  
district is closed for one or more days during that week due to 25414  
hazardous weather conditions or other circumstances described in 25415  
the first paragraph of division (B) of section 3317.01 of the 25416  
Revised Code, the superintendent may apply to the superintendent 25417  
of public instruction for a waiver, under which the superintendent 25418  
of public instruction may exempt the district superintendent from 25419  
certifying the formula ADM for that school for that week and 25420  
specify an alternate week for certifying the formula ADM of that 25421  
school. 25422

The formula ADM, except as otherwise provided in this 25423  
division, shall consist of the average daily membership during 25424  
such week, on an FTE basis, of the number of students receiving 25425  
any educational services from the district, including students 25426  
enrolled in a community school established under Chapter 3314. or 25427  
a science, technology, engineering, and mathematics school 25428  
established under Chapter 3326. of the Revised Code who are 25429  
attending the joint vocational district under an agreement between 25430  
the district board of education and the governing authority of the 25431  
community school or the science, technology, engineering, and 25432  
mathematics school and are entitled to attend school in a city, 25433  
local, or exempted village school district whose territory is part 25434  
of the territory of the joint vocational district. Beginning in 25435  
fiscal year 2007, in the case of the report submitted for the 25436  
first week in February, or the alternative week if specified by 25437  
the superintendent of public instruction, the superintendent of 25438  
the joint vocational school district may include the number of 25439  
students reported under division (D)(1) of this section for the 25440  
first full week of the preceding October but who since that week 25441  
have received high school diplomas. 25442

	25443
The following categories of students shall not be included in the determination made under division (D)(1) of this section:	25444 25445
(a) Students enrolled in adult education classes;	25446
(b) Adjacent or other district joint vocational students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;	25447 25448 25449
(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in a city, local, or exempted village school district whose territory is not part of the territory of the joint vocational district;	25450 25451 25452 25453 25454
(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.	25455 25456
(2) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, in addition to the formula ADM, each superintendent shall report separately the average daily membership included in the report under division (D)(1) of this section for each of the following categories of students for the same week for which formula ADM is certified:	25457 25458 25459 25460 25461 25462 25463
(a) Students enrolled in each grade included in the joint vocational district schools;	25464 25465
(b) <del>Handicapped children</del> <u>Children with disabilities</u> receiving special education services for the category one <del>handicap</del> <u>disability</u> described in division (A) of section 3317.013 of the Revised Code;	25466 25467 25468 25469
(c) <del>Handicapped children</del> <u>Children with disabilities</u> receiving special education services for the category two <del>handicaps</del> <u>disabilities</u> described in division (B) of section 3317.013 of the	25470 25471 25472

Revised Code;	25473
(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;	25474 25475 25476 25477
(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;	25478 25479 25480 25481
(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;	25482 25483 25484 25485
(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;	25486 25487 25488
(h) Students receiving category one vocational education services, described in division (A) of section 3317.014 of the Revised Code;	25489 25490 25491
(i) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code.	25492 25493 25494
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.	25495 25496 25497 25498 25499
(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	25500 25501 25502

shall accurately show, for each day the school is in session, the 25503  
actual membership enrolled in regular day classes. For the purpose 25504  
of determining average daily membership, the membership figure of 25505  
any school shall not include any pupils except those pupils 25506  
described by division (A) of this section. The record of 25507  
membership for each school shall be maintained in such manner that 25508  
no pupil shall be counted as in membership prior to the actual 25509  
date of entry in the school and also in such manner that where for 25510  
any cause a pupil permanently withdraws from the school that pupil 25511  
shall not be counted as in membership from and after the date of 25512  
such withdrawal. There shall not be included in the membership of 25513  
any school any of the following: 25514

(1) Any pupil who has graduated from the twelfth grade of a 25515  
public or nonpublic high school; 25516

(2) Any pupil who is not a resident of the state; 25517

(3) Any pupil who was enrolled in the schools of the district 25518  
during the previous school year when tests were administered under 25519  
section 3301.0711 of the Revised Code but did not take one or more 25520  
of the tests required by that section and was not excused pursuant 25521  
to division (C)(1) or (3) of that section; 25522

(4) Any pupil who has attained the age of twenty-two years, 25523  
except for veterans of the armed services whose attendance was 25524  
interrupted before completing the recognized twelve-year course of 25525  
the public schools by reason of induction or enlistment in the 25526  
armed forces and who apply for reenrollment in the public school 25527  
system of their residence not later than four years after 25528  
termination of war or their honorable discharge. 25529

If, however, any veteran described by division (E)(4) of this 25530  
section elects to enroll in special courses organized for veterans 25531  
for whom tuition is paid under the provisions of federal laws, or 25532  
otherwise, that veteran shall not be included in average daily 25533

membership. 25534

Notwithstanding division (E)(3) of this section, the 25535  
membership of any school may include a pupil who did not take a 25536  
test required by section 3301.0711 of the Revised Code if the 25537  
superintendent of public instruction grants a waiver from the 25538  
requirement to take the test to the specific pupil and a parent is 25539  
not paying tuition for the pupil pursuant to section 3313.6410 of 25540  
the Revised Code. The superintendent may grant such a waiver only 25541  
for good cause in accordance with rules adopted by the state board 25542  
of education. 25543

Except as provided in divisions (B)(2) and (F) of this 25544  
section, the average daily membership figure of any local, city, 25545  
exempted village, or joint vocational school district shall be 25546  
determined by dividing the figure representing the sum of the 25547  
number of pupils enrolled during each day the school of attendance 25548  
is actually open for instruction during the week for which the 25549  
formula ADM is being certified by the total number of days the 25550  
school was actually open for instruction during that week. For 25551  
purposes of state funding, "enrolled" persons are only those 25552  
pupils who are attending school, those who have attended school 25553  
during the current school year and are absent for authorized 25554  
reasons, and those ~~handicapped~~ children with disabilities 25555  
currently receiving home instruction. 25556

The average daily membership figure of any cooperative 25557  
education school district shall be determined in accordance with 25558  
rules adopted by the state board of education. 25559

(F)(1) If the formula ADM for the first full school week in 25560  
February is at least three per cent greater than that certified 25561  
for the first full school week in the preceding October, the 25562  
superintendent of schools of any city, exempted village, or joint 25563  
vocational school district or educational service center shall 25564  
certify such increase to the superintendent of public instruction. 25565

Such certification shall be submitted no later than the fifteenth 25566  
day of February. For the balance of the fiscal year, beginning 25567  
with the February payments, the superintendent of public 25568  
instruction shall use the increased formula ADM in calculating or 25569  
recalculating the amounts to be allocated in accordance with 25570  
section 3317.022 or 3317.16 of the Revised Code. In no event shall 25571  
the superintendent use an increased membership certified to the 25572  
superintendent after the fifteenth day of February. Division 25573  
(F)(1) of this section does not apply after fiscal year 2006. 25574

(2) If on the first school day of April the total number of 25575  
classes or units for ~~handicapped~~ preschool children with 25576  
disabilities that are eligible for approval under division (B) of 25577  
section 3317.05 of the Revised Code exceeds the number of units 25578  
that have been approved for the year under that division, the 25579  
superintendent of schools of any city, exempted village, or 25580  
cooperative education school district or educational service 25581  
center shall make the certifications required by this section for 25582  
that day. If the department determines additional units can be 25583  
approved for the fiscal year within any limitations set forth in 25584  
the acts appropriating moneys for the funding of such units, the 25585  
department shall approve additional units for the fiscal year on 25586  
the basis of such average daily membership. For each unit so 25587  
approved, the department shall pay an amount computed in the 25588  
manner prescribed in section 3317.052 or 3317.19 and section 25589  
3317.053 of the Revised Code. 25590

(3) If a student attending a community school under Chapter 25591  
3314. or a science, technology, engineering, and mathematics 25592  
school established under Chapter 3326. of the Revised Code is not 25593  
included in the formula ADM certified for the school district in 25594  
which the student is entitled to attend school under section 25595  
3313.64 or 3313.65 of the Revised Code, the department of 25596  
education shall adjust the formula ADM of that school district to 25597

include the ~~community school~~ student in accordance with division 25598  
(C)(2) of this section, and shall recalculate the school 25599  
district's payments under this chapter for the entire fiscal year 25600  
on the basis of that adjusted formula ADM. This requirement 25601  
applies regardless of whether the student was enrolled, as defined 25602  
in division (E) of this section, in the community school or the 25603  
science, technology, engineering, and mathematics school during 25604  
the week for which the formula ADM is being certified. 25605

(4) If a student awarded an educational choice scholarship is 25606  
not included in the formula ADM of the school district from which 25607  
the department deducts funds for the scholarship under section 25608  
3310.08 of the Revised Code, the department shall adjust the 25609  
formula ADM of that school district to include the student to the 25610  
extent necessary to account for the deduction, and shall 25611  
recalculate the school district's payments under this chapter for 25612  
the entire fiscal year on the basis of that adjusted formula ADM. 25613  
This requirement applies regardless of whether the student was 25614  
enrolled, as defined in division (E) of this section, in the 25615  
chartered nonpublic school, the school district, or a community 25616  
school during the week for which the formula ADM is being 25617  
certified. 25618

(G)(1)(a) The superintendent of an institution operating a 25619  
special education program pursuant to section 3323.091 of the 25620  
Revised Code shall, for the programs under such superintendent's 25621  
supervision, certify to the state board of education, in the 25622  
manner prescribed by the superintendent of public instruction, 25623  
both of the following: 25624

(i) The average daily membership of all ~~handicapped~~ children 25625  
with disabilities other than ~~handicapped~~ preschool children with 25626  
disabilities receiving services at the institution for each 25627  
category of ~~handicap~~ disability described in divisions (A) to (F) 25628  
of section 3317.013 of the Revised Code; 25629

(ii) The average daily membership of all ~~handicapped~~ 25630  
preschool children with disabilities in classes or programs 25631  
approved annually by the department of education for unit funding 25632  
under section 3317.05 of the Revised Code. 25633

(b) The superintendent of an institution with vocational 25634  
education units approved under division (A) of section 3317.05 of 25635  
the Revised Code shall, for the units under the superintendent's 25636  
supervision, certify to the state board of education the average 25637  
daily membership in those units, in the manner prescribed by the 25638  
superintendent of public instruction. 25639

(2) The superintendent of each county MR/DD board that 25640  
maintains special education classes under section 3317.20 of the 25641  
Revised Code or units approved pursuant to section 3317.05 of the 25642  
Revised Code shall do both of the following: 25643

(a) Certify to the state board, in the manner prescribed by 25644  
the board, the average daily membership in classes under section 25645  
3317.20 of the Revised Code for each school district that has 25646  
placed children in the classes; 25647

(b) Certify to the state board, in the manner prescribed by 25648  
the board, the number of all ~~handicapped~~ preschool children with 25649  
disabilities enrolled as of the first day of December in classes 25650  
eligible for approval under division (B) of section 3317.05 of the 25651  
Revised Code, and the number of those classes. 25652

(3)(a) If on the first school day of April the number of 25653  
classes or units maintained for ~~handicapped~~ preschool children 25654  
with disabilities by the county MR/DD board that are eligible for 25655  
approval under division (B) of section 3317.05 of the Revised Code 25656  
is greater than the number of units approved for the year under 25657  
that division, the superintendent shall make the certification 25658  
required by this section for that day. 25659

(b) If the department determines that additional classes or 25660

units can be approved for the fiscal year within any limitations 25661  
set forth in the acts appropriating moneys for the funding of the 25662  
classes and units described in division (G)(3)(a) of this section, 25663  
the department shall approve and fund additional units for the 25664  
fiscal year on the basis of such average daily membership. For 25665  
each unit so approved, the department shall pay an amount computed 25666  
in the manner prescribed in sections 3317.052 and 3317.053 of the 25667  
Revised Code. 25668

(H) Except as provided in division (I) of this section, when 25669  
any city, local, or exempted village school district provides 25670  
instruction for a nonresident pupil whose attendance is 25671  
unauthorized attendance as defined in section 3327.06 of the 25672  
Revised Code, that pupil's membership shall not be included in 25673  
that district's membership figure used in the calculation of that 25674  
district's formula ADM or included in the determination of any 25675  
unit approved for the district under section 3317.05 of the 25676  
Revised Code. The reporting official shall report separately the 25677  
average daily membership of all pupils whose attendance in the 25678  
district is unauthorized attendance, and the membership of each 25679  
such pupil shall be credited to the school district in which the 25680  
pupil is entitled to attend school under division (B) of section 25681  
3313.64 or section 3313.65 of the Revised Code as determined by 25682  
the department of education. 25683

(I)(1) A city, local, exempted village, or joint vocational 25684  
school district admitting a scholarship student of a pilot project 25685  
district pursuant to division (C) of section 3313.976 of the 25686  
Revised Code may count such student in its average daily 25687  
membership. 25688

(2) In any year for which funds are appropriated for pilot 25689  
project scholarship programs, a school district implementing a 25690  
state-sponsored pilot project scholarship program that year 25691  
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 25692

count in average daily membership: 25693

(a) All children residing in the district and utilizing a 25694  
scholarship to attend kindergarten in any alternative school, as 25695  
defined in section 3313.974 of the Revised Code; 25696

(b) All children who were enrolled in the district in the 25697  
preceding year who are utilizing a scholarship to attend any such 25698  
alternative school. 25699

(J) The superintendent of each cooperative education school 25700  
district shall certify to the superintendent of public 25701  
instruction, in a manner prescribed by the state board of 25702  
education, the applicable average daily memberships for all 25703  
students in the cooperative education district, also indicating 25704  
the city, local, or exempted village district where each pupil is 25705  
entitled to attend school under section 3313.64 or 3313.65 of the 25706  
Revised Code. 25707

(K) If the superintendent of public instruction determines 25708  
that a component of the formula ADM certified or reported by a 25709  
district superintendent, or other reporting entity, is not 25710  
correct, the superintendent of public instruction may order that 25711  
the formula ADM used for the purposes of payments under any 25712  
section of Title XXXVIII of the Revised Code be adjusted in the 25713  
amount of the error. 25714

**Sec. 3317.031.** A membership record shall be kept by grade 25715  
level in each city, local, exempted village, joint vocational, and 25716  
cooperative education school district and such a record shall be 25717  
kept by grade level in each educational service center that 25718  
provides academic instruction to pupils, classes for ~~handicapped~~ 25719  
pupils with disabilities, or any other direct instructional 25720  
services to pupils. Such membership record shall show the 25721  
following information for each pupil enrolled: Name, date of 25722  
birth, name of parent, date entered school, date withdrawn from 25723

school, days present, days absent, and the number of days school 25724  
was open for instruction while the pupil was enrolled. At the end 25725  
of the school year this membership record shall show the total 25726  
days present, the total days absent, and the total days due for 25727  
all pupils in each grade. Such membership record shall show the 25728  
pupils that are transported to and from school and it shall also 25729  
show the pupils that are transported living within one mile of the 25730  
school attended. This membership record shall also show any other 25731  
information prescribed by the state board of education. 25732

This membership record shall be kept intact for at least five 25733  
years and shall be made available to the state board of education 25734  
or its representative in making an audit of the average daily 25735  
membership or the transportation of the district or educational 25736  
service center. The membership records of local school districts 25737  
shall be filed at the close of each school year in the office of 25738  
the educational service center superintendent. 25739

The state board of education may withhold any money due any 25740  
school district or educational service center under sections 25741  
3317.022 to 3317.0211, 3317.11, 3317.16, 3317.17, or 3317.19 of 25742  
the Revised Code until it has satisfactory evidence that the board 25743  
of education or educational service center governing board has 25744  
fully complied with all of the provisions of this section. 25745

Nothing in this section shall require any person to release, 25746  
or to permit access to, public school records in violation of 25747  
section 3319.321 of the Revised Code. 25748

**Sec. 3317.032.** (A) Each city, local, exempted village, and 25749  
cooperative education school district, each educational service 25750  
center, each county MR/DD board, and each institution operating a 25751  
special education program pursuant to section 3323.091 of the 25752  
Revised Code shall, in accordance with procedures adopted by the 25753  
state board of education, maintain a record of district membership 25754

of both of the following: 25755

(1) All ~~handicapped~~ preschool children with disabilities in 25756  
units approved under division (B) of section 3317.05 of the 25757  
Revised Code; 25758

(2) All ~~handicapped~~ preschool children with disabilities who 25759  
are not in units approved under division (B) of section 3317.05 of 25760  
the Revised Code but who are otherwise served by a special 25761  
education program. 25762

(B) The superintendent of each district, board, or 25763  
institution subject to division (A) of this section shall certify 25764  
to the state board of education, in accordance with procedures 25765  
adopted by that board, membership figures of all ~~handicapped~~ 25766  
preschool children with disabilities whose membership is 25767  
maintained under division (A)(2) of this section. The figures 25768  
certified under this division shall be used in the determination 25769  
of the ADM used to compute funds for educational service center 25770  
governing boards under section 3317.11 of the Revised Code. 25771

**Sec. 3317.04.** The amount paid to school districts in each 25772  
fiscal year under Chapter 3317. of the Revised Code shall not be 25773  
less than the following: 25774

(A) In the case of a district created under section 3311.26 25775  
or 3311.37 of the Revised Code, the amount paid shall not be less, 25776  
in any of the three succeeding fiscal years following the 25777  
creation, than the sum of the amounts allocated under Chapter 25778  
3317. of the Revised Code to the districts separately in the year 25779  
of the creation. 25780

(B) In the case of a school district which is transferred to 25781  
another school district or districts, pursuant to section 3311.22, 25782  
3311.231, or 3311.38 of the Revised Code, the amount paid to the 25783  
district accepting the transferred territory shall not be less, in 25784

any of the three succeeding fiscal years following the transfer, 25785  
than the sum of the amounts allocated under Chapter 3317. of the 25786  
Revised Code to the districts separately in the year of the 25787  
consummation of the transfer. 25788

~~(C) In the case of any school district, the amount paid under 25789  
Chapter 3317. of the Revised Code to the district in the fiscal 25790  
year of distribution shall not be less than that paid under such 25791  
chapter in the preceding fiscal year, less any amount paid in that 25792  
preceding fiscal year under section 3317.0216 of the Revised Code, 25793  
if in the calendar year ending the thirty first day of December 25794  
preceding the fiscal year of distribution, the county auditor of 25795  
the county to which the district has been assigned by the 25796  
department of education for administrative purposes has completed 25797  
reassessment of all real estate within the county, or the tax 25798  
duplicate of that county was increased by the application of a 25799  
uniform taxable value per cent of true value pursuant to a rule or 25800  
order of the tax commissioner and the revised valuations were 25801  
entered on the tax list and duplicate. Notwithstanding sections 25802  
3311.22, 3311.231, 3311.26, 3311.37, and 3311.38 of the Revised 25803  
Code, this minimum guarantee is applicable only during the fiscal 25804  
year immediately following the reassessment or application. 25805~~

~~(D) In the case of any school district that has territory in 25806  
three or more counties, each of which contains at least twenty per 25807  
cent of the district's territory, the amount paid under Chapter 25808  
3317. of the Revised Code to the district in the fiscal year of 25809  
distribution shall not be less than that paid under such chapter 25810  
in the preceding fiscal year, less any amount paid in that 25811  
preceding fiscal year under section 3317.0216 of the Revised Code, 25812  
if in the calendar year ending the thirty first day of December 25813  
preceding the fiscal year of distribution, the county auditor of 25814  
any such county completed reassessment of all real estate within 25815  
the county, or the tax duplicate of any such county was increased 25816~~

~~by the application of a uniform taxable value per cent of true 25817  
value pursuant to a rule or order of the tax commissioner and the 25818  
revised valuations were entered on the tax list and duplicate. 25819  
Notwithstanding sections 3311.22, 3311.231, 3311.26, 3311.37, and 25820  
3311.38 of the Revised Code, this minimum guarantee is applicable 25821  
only during the fiscal year immediately following the reassessment 25822  
or application. 25823~~

Notwithstanding sections 3311.22, 3311.231, 3311.26, 3311.37, 25824  
and 3311.38 of the Revised Code, the minimum guarantees prescribed 25825  
by divisions (A) and (B) of this section shall not affect the 25826  
amount of aid received by a school district for more than three 25827  
consecutive years. 25828

**Sec. 3317.05.** (A) For the purpose of calculating payments 25829  
under sections 3317.052 and 3317.053 of the Revised Code, the 25830  
department of education shall determine for each institution, by 25831  
the last day of January of each year and based on information 25832  
certified under section 3317.03 of the Revised Code, the number of 25833  
vocational education units or fractions of units approved by the 25834  
department on the basis of standards and rules adopted by the 25835  
state board of education. As used in this division, "institution" 25836  
means an institution operated by a department specified in section 25837  
3323.091 of the Revised Code and that provides vocational 25838  
education programs under the supervision of the division of 25839  
vocational education of the department that meet the standards and 25840  
rules for these programs, including licensure of professional 25841  
staff involved in the programs, as established by the state board. 25842  
25843

(B) For the purpose of calculating payments under sections 25844  
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 25845  
department shall determine, based on information certified under 25846  
section 3317.03 of the Revised Code, the following by the last day 25847

of January of each year for each educational service center, for 25848  
each school district, including each cooperative education school 25849  
district, for each institution eligible for payment under section 25850  
3323.091 of the Revised Code, and for each county MR/DD board: the 25851  
number of classes operated by the school district, service center, 25852  
institution, or county MR/DD board for ~~handicapped~~ preschool 25853  
children with disabilities, or fraction thereof, including in the 25854  
case of a district or service center that is a funding agent, 25855  
classes taught by a licensed teacher employed by that district or 25856  
service center under section 3313.841 of the Revised Code, 25857  
approved annually by the department on the basis of standards and 25858  
rules adopted by the state board. 25859

(C) For the purpose of calculating payments under sections 25860  
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 25861  
department shall determine, based on information certified under 25862  
section 3317.03 of the Revised Code, the following by the last day 25863  
of January of each year for each school district, including each 25864  
cooperative education school district, for each institution 25865  
eligible for payment under section 3323.091 of the Revised Code, 25866  
and for each county MR/DD board: the number of ~~preschool~~ 25867  
~~handicapped~~ units for related services, as defined in section 25868  
3323.01 of the Revised Code, for preschool children with 25869  
disabilities approved annually by the department on the basis of 25870  
standards and rules adopted by the state board. 25871

(D) All of the arithmetical calculations made under this 25872  
section shall be carried to the second decimal place. The total 25873  
number of units for school districts, service centers, and 25874  
institutions approved annually under this section shall not exceed 25875  
the number of units included in the estimate of cost for these 25876  
units and appropriations made for them by the general assembly. 25877

In the case of ~~handicapped preschool~~ units for preschool 25878  
children with disabilities described in division (B) of this 25879

section, the department shall approve only preschool units for 25880  
children who are under age six on the thirtieth day of September 25881  
of the academic year, or on the first day of August of the 25882  
academic year if the school district in which the child is 25883  
enrolled has adopted a resolution under division (A)(3) of section 25884  
3321.01 of the Revised Code, but not less than age three on the 25885  
first day of December of the academic year, except that such a 25886  
unit may include one or more children who are under age three or 25887  
are age six or over on the applicable date, as reported under 25888  
division (B)(2) or (G)(2)(b) of section 3317.03 of the Revised 25889  
Code, if such children have been admitted to the unit pursuant to 25890  
rules of the state board. The number of units for county MR/DD 25891  
boards and institutions eligible for payment under section 25892  
3323.091 of the Revised Code approved under this section shall not 25893  
exceed the number that can be funded with appropriations made for 25894  
such purposes by the general assembly. 25895

No unit shall be approved under divisions (B) and (C) of this 25896  
section unless a plan has been submitted and approved under 25897  
Chapter 3323. of the Revised Code. 25898

(E) The department shall approve units or fractions thereof 25899  
for gifted children on the basis of standards and rules adopted by 25900  
the state board. 25901

**Sec. 3317.051.** (A)(1) Notwithstanding sections 3317.05 and 25902  
3317.11 of the Revised Code, a unit funded pursuant to division 25903  
(L) of section 3317.024 or division (A)(2) of section 3317.052 of 25904  
the Revised Code shall not be approved for state funding in one 25905  
school district, including any cooperative education school 25906  
district or any educational service center, to the extent that 25907  
such unit provides programs in or services to another district 25908  
which receives payment pursuant to section 3317.04 of the Revised 25909  
Code. 25910

(2) Any city, local, exempted village, or cooperative education school district or any educational service center may combine partial unit eligibility for ~~handicapped preschool~~ programs for preschool children with disabilities pursuant to section 3317.05 of the Revised Code, and such combined partial units may be approved for state funding in one school district or service center.

(B) After units have been initially approved for any fiscal year under section 3317.05 of the Revised Code, no unit shall be subsequently transferred from a school district or educational service center to another city, exempted village, local, or cooperative education school district or educational service center or to an institution or county MR/DD board solely for the purpose of reducing the financial obligations of the school district in a fiscal year it receives payment pursuant to section 3317.04 of the Revised Code.

**Sec. 3317.052.** As used in this section, "institution" means an institution operated by a department specified in division (A) of section 3323.091 of the Revised Code.

(A)(1) The department of education shall pay each school district, educational service center, institution eligible for payment under section 3323.091 of the Revised Code, or county MR/DD board an amount for the total of all classroom units for ~~handicapped~~ preschool children with disabilities approved under division (B) of section 3317.05 of the Revised Code. For each unit, the amount shall be the sum of the minimum salary for the teacher of the unit, calculated on the basis of the teacher's training level and years of experience pursuant to the salary schedule prescribed in the version of section 3317.13 of the Revised Code in effect prior to July 1, 2001, plus fifteen per cent of that minimum salary amount, and eight thousand

twenty-three dollars. 25942

(2) The department shall pay each school district, 25943  
educational service center, institution eligible for payment under 25944  
section 3323.091 of the Revised Code, or county MR/DD board an 25945  
amount for the total of all related services units for ~~handicapped~~ 25946  
preschool children with disabilities approved under division (C) 25947  
of section 3317.05 of the Revised Code. For each such unit, the 25948  
amount shall be the sum of the minimum salary for the teacher of 25949  
the unit calculated on the basis of the teacher's training level 25950  
and years of experience pursuant to the salary schedule prescribed 25951  
in the version of section 3317.13 of the Revised Code in effect 25952  
prior to July 1, 2001, fifteen per cent of that minimum salary 25953  
amount, and two thousand one hundred thirty-two dollars. 25954

(B) If a school district, educational service center, or 25955  
county MR/DD board has had additional ~~handicapped preschool~~ units 25956  
for preschool children with disabilities approved for the year 25957  
under division (F)(2) or (G)(3) of section 3317.03 of the Revised 25958  
Code, the district, educational service center, or board shall 25959  
receive an additional amount during the last half of the fiscal 25960  
year. For each district, center, or board, the additional amount 25961  
for each unit shall equal fifty per cent of the amounts computed 25962  
for the unit in the manner prescribed by division (A) of this 25963  
section and division (C) of section 3317.053 of the Revised Code. 25964

(C) The department shall pay each institution approved for 25965  
vocational education units under division (A) of section 3317.05 25966  
of the Revised Code an amount for the total of all the units 25967  
approved under that division. The amount for each unit shall be 25968  
the sum of the minimum salary for the teacher of the unit, 25969  
calculated on the basis of the teacher's training level and years 25970  
of experience pursuant to the salary schedule prescribed in the 25971  
version of section 3317.13 of the Revised Code in effect prior to 25972  
July 1, 2001, plus fifteen per cent of that minimum salary amount, 25973

and nine thousand five hundred ten dollars. Each institution that 25974  
receives units funds under this division annually shall report to 25975  
the department on the delivery of services and the performance of 25976  
students and any other information required by the department to 25977  
evaluate the institution's vocational education program. 25978

**Sec. 3317.06.** Moneys paid to school districts under division 25979  
(I) of section 3317.024 of the Revised Code shall be used for the 25980  
following independent and fully severable purposes: 25981

(A) To purchase such secular textbooks or electronic 25982  
textbooks as have been approved by the superintendent of public 25983  
instruction for use in public schools in the state and to loan 25984  
such textbooks or electronic textbooks to pupils attending 25985  
nonpublic schools within the district or to their parents and to 25986  
hire clerical personnel to administer such lending program. Such 25987  
loans shall be based upon individual requests submitted by such 25988  
nonpublic school pupils or parents. Such requests shall be 25989  
submitted to the school district in which the nonpublic school is 25990  
located. Such individual requests for the loan of textbooks or 25991  
electronic textbooks shall, for administrative convenience, be 25992  
submitted by the nonpublic school pupil or the pupil's parent to 25993  
the nonpublic school, which shall prepare and submit collective 25994  
summaries of the individual requests to the school district. As 25995  
used in this section: 25996

(1) "Textbook" means any book or book substitute that a pupil 25997  
uses as a consumable or nonconsumable text, text substitute, or 25998  
text supplement in a particular class or program in the school the 25999  
pupil regularly attends. 26000

(2) "Electronic textbook" means computer software, 26001  
interactive videodisc, magnetic media, CD-ROM, computer 26002  
courseware, local and remote computer assisted instruction, 26003  
on-line service, electronic medium, or other means of conveying 26004

information to the student or otherwise contributing to the 26005  
learning process through electronic means. 26006

(B) To provide speech and hearing diagnostic services to 26007  
pupils attending nonpublic schools within the district. Such 26008  
service shall be provided in the nonpublic school attended by the 26009  
pupil receiving the service. 26010

(C) To provide physician, nursing, dental, and optometric 26011  
services to pupils attending nonpublic schools within the 26012  
district. Such services shall be provided in the school attended 26013  
by the nonpublic school pupil receiving the service. 26014

(D) To provide diagnostic psychological services to pupils 26015  
attending nonpublic schools within the district. Such services 26016  
shall be provided in the school attended by the pupil receiving 26017  
the service. 26018

(E) To provide therapeutic psychological and speech and 26019  
hearing services to pupils attending nonpublic schools within the 26020  
district. Such services shall be provided in the public school, in 26021  
nonpublic schools, in public centers, or in mobile units located 26022  
on or off of the nonpublic premises. If such services are provided 26023  
in the public school or in public centers, transportation to and 26024  
from such facilities shall be provided by the school district in 26025  
which the nonpublic school is located. 26026

(F) To provide guidance ~~and~~, counseling, and social work 26027  
services to pupils attending nonpublic schools within the 26028  
district. Such services shall be provided in the public school, in 26029  
nonpublic schools, in public centers, or in mobile units located 26030  
on or off of the nonpublic premises. If such services are provided 26031  
in the public school or in public centers, transportation to and 26032  
from such facilities shall be provided by the school district in 26033  
which the nonpublic school is located. 26034

(G) To provide remedial services to pupils attending 26035

nonpublic schools within the district. Such services shall be 26036  
provided in the public school, in nonpublic schools, in public 26037  
centers, or in mobile units located on or off of the nonpublic 26038  
premises. If such services are provided in the public school or in 26039  
public centers, transportation to and from such facilities shall 26040  
be provided by the school district in which the nonpublic school 26041  
is located. 26042

(H) To supply for use by pupils attending nonpublic schools 26043  
within the district such standardized tests and scoring services 26044  
as are in use in the public schools of the state; 26045

(I) To provide programs for children who attend nonpublic 26046  
schools within the district and are ~~handicapped~~ children with 26047  
disabilities as defined in ~~division (A)~~ of section 3323.01 of the 26048  
Revised Code or gifted children. Such programs shall be provided 26049  
in the public school, in nonpublic schools, in public centers, or 26050  
in mobile units located on or off of the nonpublic premises. If 26051  
such programs are provided in the public school or in public 26052  
centers, transportation to and from such facilities shall be 26053  
provided by the school district in which the nonpublic school is 26054  
located. 26055

(J) To hire clerical personnel to assist in the 26056  
administration of programs pursuant to divisions (B), (C), (D), 26057  
(E), (F), (G), and (I) of this section and to hire supervisory 26058  
personnel to supervise the providing of services and textbooks 26059  
pursuant to this section. 26060

(K) To purchase or lease any secular, neutral, and 26061  
nonideological computer software (including site-licensing), 26062  
prerecorded video laserdiscs, digital video on demand (DVD), 26063  
compact discs, and video cassette cartridges, wide area 26064  
connectivity and related technology as it relates to internet 26065  
access, mathematics or science equipment and materials, 26066  
instructional materials, and school library materials that are in 26067

general use in the public schools of the state and loan such items 26068  
to pupils attending nonpublic schools within the district or to 26069  
their parents, and to hire clerical personnel to administer the 26070  
lending program. Only such items that are incapable of diversion 26071  
to religious use and that are susceptible of loan to individual 26072  
pupils and are furnished for the use of individual pupils shall be 26073  
purchased and loaned under this division. As used in this section, 26074  
"instructional materials" means prepared learning materials that 26075  
are secular, neutral, and nonideological in character and are of 26076  
benefit to the instruction of school children, and may include 26077  
educational resources and services developed by the eTech Ohio 26078  
commission. 26079

(L) To purchase or lease instructional equipment, including 26080  
computer hardware and related equipment in general use in the 26081  
public schools of the state, for use by pupils attending nonpublic 26082  
schools within the district and to loan such items to pupils 26083  
attending nonpublic schools within the district or to their 26084  
parents, and to hire clerical personnel to administer the lending 26085  
program. 26086

(M) To purchase mobile units to be used for the provision of 26087  
services pursuant to divisions (E), (F), (G), and (I) of this 26088  
section and to pay for necessary repairs and operating costs 26089  
associated with these units. 26090

(N) To reimburse costs the district incurred to store the 26091  
records of a chartered nonpublic school that closes. 26092  
Reimbursements under this division shall be made one time only for 26093  
each chartered nonpublic school that closes. 26094

Clerical and supervisory personnel hired pursuant to division 26095  
(J) of this section shall perform their services in the public 26096  
schools, in nonpublic schools, public centers, or mobile units 26097  
where the services are provided to the nonpublic school pupil, 26098  
except that such personnel may accompany pupils to and from the 26099

service sites when necessary to ensure the safety of the children 26100  
receiving the services. 26101

All services provided pursuant to this section may be 26102  
provided under contract with educational service centers, the 26103  
department of health, city or general health districts, or private 26104  
agencies whose personnel are properly licensed by an appropriate 26105  
state board or agency. 26106

Transportation of pupils provided pursuant to divisions (E), 26107  
(F), (G), and (I) of this section shall be provided by the school 26108  
district from its general funds and not from moneys paid to it 26109  
under division (I) of section 3317.024 of the Revised Code unless 26110  
a special transportation request is submitted by the parent of the 26111  
child receiving service pursuant to such divisions. If such an 26112  
application is presented to the school district, it may pay for 26113  
the transportation from moneys paid to it under division (I) of 26114  
section 3317.024 of the Revised Code. 26115

No school district shall provide health or remedial services 26116  
to nonpublic school pupils as authorized by this section unless 26117  
such services are available to pupils attending the public schools 26118  
within the district. 26119

Materials, equipment, computer hardware or software, 26120  
textbooks, electronic textbooks, and health and remedial services 26121  
provided for the benefit of nonpublic school pupils pursuant to 26122  
this section and the admission of pupils to such nonpublic schools 26123  
shall be provided without distinction as to race, creed, color, or 26124  
national origin of such pupils or of their teachers. 26125

No school district shall provide services, materials, or 26126  
equipment that contain religious content for use in religious 26127  
courses, devotional exercises, religious training, or any other 26128  
religious activity. 26129

As used in this section, "parent" includes a person standing 26130

in loco parentis to a child. 26131

Notwithstanding section 3317.01 of the Revised Code, payments 26132  
shall be made under this section to any city, local, or exempted 26133  
village school district within which is located one or more 26134  
nonpublic elementary or high schools and any payments made to 26135  
school districts under division (I) of section 3317.024 of the 26136  
Revised Code for purposes of this section may be disbursed without 26137  
submission to and approval of the controlling board. 26138

The allocation of payments for materials, equipment, 26139  
textbooks, electronic textbooks, health services, and remedial 26140  
services to city, local, and exempted village school districts 26141  
shall be on the basis of the state board of education's estimated 26142  
annual average daily membership in nonpublic elementary and high 26143  
schools located in the district. 26144

Payments made to city, local, and exempted village school 26145  
districts under this section shall be equal to specific 26146  
appropriations made for the purpose. All interest earned by a 26147  
school district on such payments shall be used by the district for 26148  
the same purposes and in the same manner as the payments may be 26149  
used. 26150

The department of education shall adopt guidelines and 26151  
procedures under which such programs and services shall be 26152  
provided, under which districts shall be reimbursed for 26153  
administrative costs incurred in providing such programs and 26154  
services, and under which any unexpended balance of the amounts 26155  
appropriated by the general assembly to implement this section may 26156  
be transferred to the auxiliary services personnel unemployment 26157  
compensation fund established pursuant to section 4141.47 of the 26158  
Revised Code. The department shall also adopt guidelines and 26159  
procedures limiting the purchase and loan of the items described 26160  
in division (K) of this section to items that are in general use 26161  
in the public schools of the state, that are incapable of 26162

diversion to religious use, and that are susceptible to individual 26163  
use rather than classroom use. Within thirty days after the end of 26164  
each biennium, each board of education shall remit to the 26165  
department all moneys paid to it under division (I) of section 26166  
3317.024 of the Revised Code and any interest earned on those 26167  
moneys that are not required to pay expenses incurred under this 26168  
section during the biennium for which the money was appropriated 26169  
and during which the interest was earned. If a board of education 26170  
subsequently determines that the remittal of moneys leaves the 26171  
board with insufficient money to pay all valid expenses incurred 26172  
under this section during the biennium for which the remitted 26173  
money was appropriated, the board may apply to the department of 26174  
education for a refund of money, not to exceed the amount of the 26175  
insufficiency. If the department determines the expenses were 26176  
lawfully incurred and would have been lawful expenditures of the 26177  
refunded money, it shall certify its determination and the amount 26178  
of the refund to be made to the director of job and family 26179  
services who shall make a refund as provided in section 4141.47 of 26180  
the Revised Code. 26181

Each school district shall label materials, equipment, 26182  
computer hardware or software, textbooks, and electronic textbooks 26183  
purchased or leased for loan to a nonpublic school under this 26184  
section, acknowledging that they were purchased or leased with 26185  
state funds under this section. However, a district need not label 26186  
materials, equipment, computer hardware or software, textbooks, or 26187  
electronic textbooks that the district determines are consumable 26188  
in nature or have a value of less than two hundred dollars. 26189

**Sec. 3317.063.** The superintendent of public instruction, in 26190  
accordance with rules adopted by the department of education, 26191  
shall annually reimburse each chartered nonpublic school for the 26192  
actual mandated service administrative and clerical costs incurred 26193  
by such school during the preceding school year in preparing, 26194

maintaining, and filing reports, forms, and records, and in 26195  
providing such other administrative and clerical services that are 26196  
not an integral part of the teaching process as may be required by 26197  
state law or rule or by requirements duly promulgated by city, 26198  
exempted village, or local school districts. The mandated service 26199  
costs reimbursed pursuant to this section shall include, but are 26200  
not limited to, the preparation, filing and maintenance of forms, 26201  
reports, or records and other clerical and administrative services 26202  
relating to state chartering or approval of the nonpublic school, 26203  
pupil attendance, pupil health and health testing, transportation 26204  
of pupils, federally funded education programs, pupil appraisal, 26205  
pupil progress, educator licensure, unemployment and workers' 26206  
compensation, transfer of pupils, and such other education related 26207  
data which are now or hereafter shall be required of such 26208  
nonpublic school by state law or rule, or by requirements of the 26209  
state department of education, other state agencies, or city, 26210  
exempted village, or local school districts. 26211

The reimbursement required by this section shall be for 26212  
school years beginning on or after July 1, 1981. 26213

Each nonpublic school which seeks reimbursement pursuant to 26214  
this section shall submit to the superintendent of public 26215  
instruction an application together with such additional reports 26216  
and documents as the department of education may require. Such 26217  
application, reports, and documents shall contain such information 26218  
as the department of education may prescribe in order to carry out 26219  
the purposes of this section. No payment shall be made until the 26220  
superintendent of public instruction has approved such 26221  
application. 26222

Each nonpublic school which applies for reimbursement 26223  
pursuant to this section shall maintain a separate account or 26224  
system of accounts for the expenses incurred in rendering the 26225  
required services for which reimbursement is sought. Such accounts 26226

shall contain such information as is required by the department of 26227  
education and shall be maintained in accordance with rules adopted 26228  
by the department of education. 26229

Reimbursement payments to a nonpublic school pursuant to this 26230  
section shall not exceed an amount for each school year equal to 26231  
~~two~~ three hundred ~~seventy-five~~ dollars per pupil enrolled in that 26232  
nonpublic school. 26233

The superintendent of public instruction may, from time to 26234  
time, examine any and all accounts and records of a nonpublic 26235  
school which have been maintained pursuant to this section in 26236  
support of an application for reimbursement, for the purpose of 26237  
determining the costs to such school of rendering the services for 26238  
which reimbursement is sought. If after such audit it is 26239  
determined that any school has received funds in excess of the 26240  
actual cost of providing such services, said school shall 26241  
immediately reimburse the state in such excess amount. 26242

Any payments made to chartered nonpublic schools under this 26243  
section may be disbursed without submission to and approval of the 26244  
controlling board. 26245

**Sec. 3317.07.** The state board of education shall establish 26246  
rules for the purpose of distributing subsidies for the purchase 26247  
of school buses under division (D) of section 3317.024 of the 26248  
Revised Code. 26249

No school bus subsidy payments shall be paid to any district 26250  
unless such district can demonstrate that pupils residing more 26251  
than one mile from the school could not be transported without 26252  
such additional aid. 26253

The amount paid to a county MR/DD board for buses purchased 26254  
for transportation of children in special education programs 26255  
operated by the board shall be based on a per pupil allocation for 26256

eligible students. 26257

The amount paid to a school district for buses purchased for 26258  
transportation of ~~handicapped~~ pupils with disabilities and 26259  
nonpublic school pupils shall be determined by a per pupil 26260  
allocation based on the number of special education and nonpublic 26261  
school pupils for whom transportation is provided. 26262

The state board of education shall adopt a formula to 26263  
determine the amount of payments that shall be distributed to 26264  
school districts to purchase school buses for pupils other than 26265  
~~handicapped~~ pupils with disabilities or nonpublic school pupils. 26266

If any district or MR/DD board obtains bus services for pupil 26267  
transportation pursuant to a contract, such district or board may 26268  
use payments received under this section to defray the costs of 26269  
contracting for bus services in lieu of for purchasing buses. 26270

If the department of education determines that a county MR/DD 26271  
board no longer needs a school bus because the board no longer 26272  
transports children to a special education program operated by the 26273  
board, or if the department determines that a school district no 26274  
longer needs a school bus to transport pupils to a nonpublic 26275  
school or special education program, the department may reassign a 26276  
bus that was funded with payments provided pursuant to this 26277  
section for the purpose of transporting such pupils. The 26278  
department may reassign a bus to a county MR/DD board or school 26279  
district that transports children to a special education program 26280  
designated in the children's individualized education plans, or to 26281  
a school district that transports pupils to a nonpublic school, 26282  
and needs an additional school bus. 26283

**Sec. 3317.08.** A board of education may admit to its schools a 26284  
child it is not required by section 3313.64 or 3313.65 of the 26285  
Revised Code to admit, if tuition is paid for the child. 26286

Unless otherwise provided by law, tuition shall be computed 26287  
in accordance with this section. A district's tuition charge for a 26288  
school year shall be one of the following: 26289

(A) For any child, except a ~~handicapped~~ preschool child with 26290  
a disability described in division (B) of this section, the 26291  
quotient obtained by dividing the sum of the amounts described in 26292  
divisions (A)(1) and (2) of this section by the district's formula 26293  
ADM. 26294

(1) The district's total taxes charged and payable for 26295  
current expenses for the tax year preceding the tax year in which 26296  
the school year begins as certified under division (A)(3) of 26297  
section 3317.021 of the Revised Code. 26298

(2) The district's total taxes collected for current expenses 26299  
under a school district income tax adopted pursuant to section 26300  
5748.03 or 5748.08 of the Revised Code that are disbursed to the 26301  
district during the fiscal year. On or before the first day of 26302  
June of each year, the tax commissioner shall certify the amount 26303  
to be used in the calculation under this division for the next 26304  
fiscal year to the department of education and the office of 26305  
budget and management for each city, local, and exempted village 26306  
school district that levies a school district income tax. 26307

(B) For any ~~handicapped~~ preschool child with a disability not 26308  
included in a unit approved under division (B) of section 3317.05 26309  
of the Revised Code, an amount computed for the school year as 26310  
follows: 26311

(1) For each type of special education service provided to 26312  
the child for whom tuition is being calculated, determine the 26313  
amount of the district's operating expenses in providing that type 26314  
of service to all ~~handicapped~~ preschool children with disabilities 26315  
not included in units approved under division (B) of section 26316  
3317.05 of the Revised Code; 26317

(2) For each type of special education service for which 26318  
operating expenses are determined under division (B)(1) of this 26319  
section, determine the amount of such operating expenses that was 26320  
paid from any state funds received under this chapter; 26321

(3) For each type of special education service for which 26322  
operating expenses are determined under division (B)(1) of this 26323  
section, divide the difference between the amount determined under 26324  
division (B)(1) of this section and the amount determined under 26325  
division (B)(2) of this section by the total number of ~~handicapped~~ 26326  
preschool children with disabilities not included in units 26327  
approved under division (B) of section 3317.05 of the Revised Code 26328  
who received that type of service; 26329

(4) Determine the sum of the quotients obtained under 26330  
division (B)(3) of this section for all types of special education 26331  
services provided to the child for whom tuition is being 26332  
calculated. 26333

The state board of education shall adopt rules defining the 26334  
types of special education services and specifying the operating 26335  
expenses to be used in the computation under this section. 26336

If any child for whom a tuition charge is computed under this 26337  
section for any school year is enrolled in a district for only 26338  
part of that school year, the amount of the district's tuition 26339  
charge for the child for the school year shall be computed in 26340  
proportion to the number of school days the child is enrolled in 26341  
the district during the school year. 26342

Except as otherwise provided in division (J) of section 26343  
3313.64 of the Revised Code, whenever a district admits a child to 26344  
its schools for whom tuition computed in accordance with this 26345  
section is an obligation of another school district, the amount of 26346  
the tuition shall be certified by the treasurer of the board of 26347  
education of the district of attendance, to the board of education 26348

of the district required to pay tuition for its approval and 26349  
payment. If agreement as to the amount payable or the district 26350  
required to pay the tuition cannot be reached, or the board of 26351  
education of the district required to pay the tuition refuses to 26352  
pay that amount, the board of education of the district of 26353  
attendance shall notify the superintendent of public instruction. 26354  
The superintendent shall determine the correct amount and the 26355  
district required to pay the tuition and shall deduct that amount, 26356  
if any, under division (G) of section 3317.023 of the Revised 26357  
Code, from the district required to pay the tuition and add that 26358  
amount to the amount allocated to the district attended under such 26359  
division. The superintendent of public instruction shall send to 26360  
the district required to pay the tuition an itemized statement 26361  
showing such deductions at the time of such deduction. 26362

When a political subdivision owns and operates an airport, 26363  
welfare, or correctional institution or other project or facility 26364  
outside its corporate limits, the territory within which the 26365  
facility is located is exempt from taxation by the school district 26366  
within which such territory is located, and there are school age 26367  
children residing within such territory, the political subdivision 26368  
owning such tax exempt territory shall pay tuition to the district 26369  
in which such children attend school. The tuition for these 26370  
children shall be computed as provided for in this section. 26371

**Sec. 3317.15.** (A) As used in this section, "~~handicapped~~ child 26372  
with a disability" has the same meaning as in section 3323.01 of 26373  
the Revised Code. 26374

(B) Each city, exempted village, local, and joint vocational 26375  
school district shall continue to comply with all requirements of 26376  
federal statutes and regulations, the Revised Code, and rules 26377  
adopted by the state board of education governing education of 26378  
~~handicapped~~ children with disabilities, including, but not limited 26379

to, requirements that ~~handicapped~~ children with disabilities be 26380  
served by appropriately licensed or certificated education 26381  
personnel. 26382

(C) Each city, exempted village, local, and joint vocational 26383  
school district shall consult with the educational service center 26384  
serving the county in which the school district is located and, if 26385  
it elects to participate pursuant to section 5126.04 of the 26386  
Revised Code, the county MR/DD board of that county, in providing 26387  
services that serve the best interests of ~~handicapped~~ children 26388  
with disabilities. 26389

(D) Each school district shall annually provide documentation 26390  
to the department of education that it employs the appropriate 26391  
number of licensed or certificated personnel to serve the 26392  
district's ~~handicapped~~ students with disabilities. 26393

(E) The department annually shall audit a sample of school 26394  
districts to ensure that ~~handicapped~~ children with disabilities 26395  
are being appropriately reported. 26396

(F) Each school district shall provide speech-language 26397  
pathology services at a ratio of one speech-language pathologist 26398  
per two thousand students receiving any educational services from 26399  
the district other than adult education. Each district shall 26400  
provide school psychological services at a ratio of one school 26401  
psychologist per two thousand five hundred students receiving any 26402  
educational services from the district other than adult education. 26403  
A district may obtain the services of speech-language pathologists 26404  
and school psychologists by any means permitted by law, including 26405  
contracting with an educational service center. If, however, a 26406  
district is unable to obtain the services of the required number 26407  
of speech-language pathologists or school psychologists, the 26408  
district may request from the superintendent of public 26409  
instruction, and the superintendent may grant, a waiver of this 26410  
provision for a period of time established by the superintendent. 26411

Sec. 3317.16. (A) As used in this section:	26412
(1) "State share percentage" means the percentage calculated for a joint vocational school district as follows:	26413 26414
(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.	26415 26416 26417 26418
(b) If the district would receive base cost funding under that division, divide that base cost amount by an amount equal to the following:	26419 26420 26421
<del>cost of doing business factor X</del>	26422
the formula amount X	26423
formula ADM	26424
The resultant number is the district's state share percentage.	26425 26426
(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.	26427 26428 26429 26430
(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.	26431 26432 26433 26434
(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.	26435 26436 26437 26438
(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.	26439 26440 26441

(6) "Community school" means a community school established under Chapter 3314. of the Revised Code. 26442  
26443

(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.~~ 26444  
26445  
26446  
26447

~~(1) Compute the following for each eligible district formula:~~ 26448  
~~(cost of doing business factor X~~ 26449  
~~formula amount X~~ 26450  
~~formula ADM) -~~ 26451  
~~(.0005 X total recognized valuation)~~ 26452

If the difference obtained under this division is a negative number, the district's computation shall be zero. 26453  
26454

~~(2) Compute both of the following for each district:~~ 26455

~~(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;~~ 26456  
26457  
26458  
26459  
26460

~~(b) The following amount:~~ 26461

~~[(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~~ 26462  
26463  
26464

~~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.~~ 26465  
26466  
26467  
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(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:

$$\frac{\text{state share percentage} \times \text{formula amount}}{\text{total vocational education weight}}$$

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:

$$\frac{\text{state share percentage} \times .05 \times \text{the formula amount}}{\text{the sum of categories one and two vocational education ADM}}$$

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 26504  
payment under division (C)(2) of this section to any district that 26505  
the department determines is not operating those services or is 26506  
using funds paid under division (C)(2) of this section, or through 26507  
a transfer of funds pursuant to division (L) of section 3317.023 26508  
of the Revised Code, for other purposes. 26509

(D)(1) The department shall compute and distribute state 26510  
special education and related services additional weighted costs 26511  
funds to each joint vocational school district in accordance with 26512  
the following formula: 26513

state share percentage X formula amount X 26514  
total special education weight 26515

(2)(a) As used in this division, the "personnel allowance" 26516  
means thirty thousand dollars in fiscal years ~~2002, 2003, 2004,~~ 26517  
~~2005, 2006, and 2007~~ 2008 and 2009. 26518

(b) For the provision of speech language pathology services 26519  
to students, including students who do not have individualized 26520  
education programs prepared for them under Chapter 3323. of the 26521  
Revised Code, and for no other purpose, the department shall pay 26522  
each joint vocational school district an amount calculated under 26523  
the following formula: 26524

(formula ADM divided by 2000) X the personnel 26525  
allowance X state share percentage 26526

(3) In any fiscal year, a joint vocational school district 26527  
shall spend for purposes that the department designates as 26528  
approved for special education and related services expenses at 26529  
least the amount calculated as follows: 26530

~~(cost of doing business factor X formula amount~~ 26531  
X the sum of categories one through 26532  
six special education ADM) + 26533  
(total special education weight X 26534

formula amount) 26535

The purposes approved by the department for special education 26536  
expenses shall include, but shall not be limited to, compliance 26537  
with state rules governing the education of ~~handicapped~~ children 26538  
with disabilities, providing services identified in a student's 26539  
individualized education program as defined in section 3323.01 of 26540  
the Revised Code, provision of speech language pathology services, 26541  
and the portion of the district's overall administrative and 26542  
overhead costs that are attributable to the district's special 26543  
education student population. 26544

The department shall require joint vocational school 26545  
districts to report data annually to allow for monitoring 26546  
compliance with division (D)(3) of this section. The department 26547  
shall annually report to the governor and the general assembly the 26548  
amount of money spent by each joint vocational school district for 26549  
special education and related services. 26550

(4) In any fiscal year, a joint vocational school district 26551  
shall spend for the provision of speech language pathology 26552  
services not less than the sum of the amount calculated under 26553  
division (D)(1) of this section for the students in the district's 26554  
category one special education ADM and the amount calculated under 26555  
division (D)(2) of this section. 26556

(E)(1) If a joint vocational school district's costs for a 26557  
fiscal year for a student in its categories two through six 26558  
special education ADM exceed the threshold catastrophic cost for 26559  
serving the student, as specified in division (C)(3)(b) of section 26560  
3317.022 of the Revised Code, the district may submit to the 26561  
superintendent of public instruction documentation, as prescribed 26562  
by the superintendent, of all of its costs for that student. Upon 26563  
submission of documentation for a student of the type and in the 26564  
manner prescribed, the department shall pay to the district an 26565  
amount equal to the sum of the following: 26566

(a) One-half of the district's costs for the student in excess of the threshold catastrophic cost; 26567  
26568

(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. 26569  
26570  
26571

(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. 26572  
26573  
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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. 26579  
26580  
26581

(G)(1) A joint vocational school district's local share of special education and related services additional weighted costs equals: 26582  
26583  
26584

(1 - state share percentage) X 26585

Total special education weight X 26586

the formula amount 26587

(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. 26588  
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Those excess costs shall be calculated by subtracting the sum 26598  
of the following from the actual cost to provide special education 26599  
and related services to the student: 26600

(a) The ~~product of the~~ formula amount ~~times the~~ 26601  
~~cost of doing business factor;~~ 26602

(b) The product of the formula amount times the applicable 26603  
multiple specified in section 3317.013 of the Revised Code; 26604

(c) Any funds paid under division (E) of this section for the 26605  
student; 26606

(d) Any other funds received by the joint vocational school 26607  
district under this chapter to provide special education and 26608  
related services to the student, not including the amount 26609  
calculated under division (G)(2) of this section. 26610

(3) The board of education of the joint vocational school 26611  
district may report the excess costs calculated under division 26612  
(G)(2) of this section to the department of education. 26613

(4) If the board of education of the joint vocational school 26614  
district reports excess costs under division (G)(3) of this 26615  
section, the department shall pay the amount of excess cost 26616  
calculated under division (G)(2) of this section to the joint 26617  
vocational school district and shall deduct that amount as 26618  
provided in division (G)(4)(a) or (b) of this section, as 26619  
applicable: 26620

(a) If the student is not enrolled in a community school, the 26621  
department shall deduct the amount from the account of the 26622  
student's resident district pursuant to division (M) of section 26623  
3317.023 of the Revised Code. 26624

(b) If the student is enrolled in a community school, the 26625  
department shall deduct the amount from the account of the 26626  
community school pursuant to section 3314.083 of the Revised Code. 26627

Sec. 3317.161. If the department of education is required to 26628  
pay an amount under section 3353.25 of the Revised Code to a 26629  
school district delivering a course included in the clearinghouse 26630  
established under section 3353.21 of the Revised Code for a 26631  
student enrolled in a joint vocational school district, the 26632  
department shall deduct the amount of that payment from the amount 26633  
calculated for the joint vocational school district under section 26634  
3317.16 of the Revised Code. 26635

**Sec. 3317.19.** (A) As used in this section, "total unit 26636  
allowance" means an amount equal to the sum of the following: 26637

(1) The total of the salary allowances for the teachers 26638  
employed in the cooperative education school district for all 26639  
units approved under division (B) or (C) of section 3317.05 of the 26640  
Revised Code. The salary allowance for each unit shall equal the 26641  
minimum salary for the teacher of the unit calculated on the basis 26642  
of the teacher's training level and years of experience pursuant 26643  
to the salary schedule prescribed in the version of section 26644  
3317.13 of the Revised Code in effect prior to July 1, 2001. 26645

(2) Fifteen per cent of the total computed under division 26646  
(A)(1) of this section; 26647

(3) The total of the unit operating allowances for all 26648  
approved units. The amount of each allowance shall equal one of 26649  
the following: 26650

(a) Eight thousand twenty-three dollars times the number of 26651  
~~preschool handicapped~~ units for preschool children with 26652  
disabilities or fraction thereof approved for the year under 26653  
division (B) of section 3317.05 of the Revised Code; 26654

(b) Two thousand one hundred thirty-two dollars times the 26655  
number of units or fraction thereof approved for the year under 26656  
division (C) of section 3317.05 of the Revised Code. 26657

(B) The state board of education shall compute and distribute 26658  
to each cooperative education school district for each fiscal year 26659  
an amount equal to the sum of the following: 26660

(1) An amount equal to the total of the amounts credited to 26661  
the cooperative education school district pursuant to division (K) 26662  
of section 3317.023 of the Revised Code; 26663

(2) The total unit allowance; 26664

(3) An amount for assisting in providing free lunches to 26665  
needy children and an amount for assisting needy school districts 26666  
in purchasing necessary equipment for food preparation pursuant to 26667  
division (H) of section 3317.024 of the Revised Code. 26668

(C) If a cooperative education school district has had 26669  
additional special education units approved for the year under 26670  
division (F)(2) of section 3317.03 of the Revised Code, the 26671  
district shall receive an additional amount during the last half 26672  
of the fiscal year. For each unit, the additional amount shall 26673  
equal fifty per cent of the amount computed under division (A) of 26674  
this section for a unit approved under division (B) of section 26675  
3317.05 of the Revised Code. 26676

**Sec. 3317.20.** This section does not apply to ~~handicapped~~ 26677  
preschool children with disabilities. 26678

(A) As used in this section: 26679

(1) "Applicable weight" means the multiple specified in 26680  
section 3317.013 of the Revised Code for a ~~handicap~~ disability 26681  
described in that section. 26682

(2) "Child's school district" means the school district in 26683  
which a child is entitled to attend school pursuant to section 26684  
3313.64 or 3313.65 of the Revised Code. 26685

(3) "State share percentage" means the state share percentage 26686  
of the child's school district as defined in section 3317.022 of 26687

the Revised Code. 26688

(B) Except as provided in division (C) of this section, the 26689  
department shall annually pay each county MR/DD board for each 26690  
~~handicapped~~ child with a disability, other than a ~~handicapped~~ 26691  
preschool child with a disability, for whom the county MR/DD board 26692  
provides special education and related services ~~the greater of the~~ 26693  
~~amount calculated under division (B)(1) or (2) of this section:~~ 26694

~~(1) (The formula amount for fiscal year 2005 X the 26695  
cost of doing business factor for the child's school district for 26696  
fiscal year 2005) + (state share percentage for fiscal year 2005 X 26697  
formula amount for fiscal year 2005 X the applicable weight); 26698~~

~~(2) (The current an amount equal to the formula amount ~~times~~ 26699  
~~the current cost of doing business factor for the child's school~~ 26700  
~~district) + (state share percentage X current formula amount X the~~ 26701  
applicable weight). 26702~~

(C) If any school district places with a county MR/DD board 26703  
more ~~handicapped~~ children with disabilities than it had placed 26704  
with a county MR/DD board in fiscal year 1998, the department 26705  
shall not make a payment under division (B) of this section for 26706  
the number of children exceeding the number placed in fiscal year 26707  
1998. The department instead shall deduct from the district's 26708  
payments under this chapter, and pay to the county MR/DD board, an 26709  
amount calculated in accordance with the formula prescribed in 26710  
division (B) of this section for each child over the number of 26711  
children placed in fiscal year 1998. 26712

(D) The department shall calculate for each county MR/DD 26713  
board receiving payments under divisions (B) and (C) of this 26714  
section the following amounts: 26715

(1) The amount received by the county MR/DD board for 26716  
approved special education and related services units, other than 26717  
~~preschool handicapped units~~ for preschool children with 26718

disabilities, in fiscal year 1998, divided by the total number of 26719  
children served in the units that year; 26720

(2) The product of the quotient calculated under division 26721  
(D)(1) of this section times the number of children for whom 26722  
payments are made under divisions (B) and (C) of this section. 26723

If the amount calculated under division (D)(2) of this 26724  
section is greater than the total amount calculated under 26725  
divisions (B) and (C) of this section, the department shall pay 26726  
the county MR/DD board one hundred per cent of the difference in 26727  
addition to the payments under divisions (B) and (C) of this 26728  
section. 26729

**Sec. 3317.201.** This section does not apply to ~~handicapped~~ 26730  
preschool children with disabilities. 26731

(A) As used in this section, the "total special education 26732  
weight" for an institution means the sum of the following amounts: 26733

(1) The number of children reported by the institution under 26734  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 26735  
receiving services for a ~~handicap~~ disability described in division 26736  
(A) of section 3317.013 of the Revised Code multiplied by the 26737  
multiple specified in that division; 26738

(2) The number of children reported by the institution under 26739  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 26740  
receiving services for a ~~handicap~~ disability described in division 26741  
(B) of section 3317.013 of the Revised Code multiplied by the 26742  
multiple specified in that division; 26743

(3) The number of children reported by the institution under 26744  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 26745  
receiving services for a ~~handicap~~ disability described in division 26746  
(C) of section 3317.013 of the Revised Code multiplied by the 26747  
multiple specified in that division; 26748

(4) The number of children reported by the institution under 26749  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 26750  
receiving services for a ~~handicap~~ disability described in division 26751  
(D) of section 3317.013 of the Revised Code multiplied by the 26752  
multiple specified in that division; 26753

(5) The number of children reported by the institution under 26754  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 26755  
receiving services for a ~~handicap~~ disability described in division 26756  
(E) of section 3317.013 of the Revised Code multiplied by the 26757  
multiple specified in that division; 26758

(6) The number of children reported by the institution under 26759  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 26760  
receiving services for a ~~handicap~~ disability described in division 26761  
(F) of section 3317.013 of the Revised Code multiplied by the 26762  
multiple specified in that division. 26763

(B) ~~The~~ For each fiscal year, the department of education 26764  
~~annually~~ shall pay each state institution required to provide 26765  
special education services under division (A) of section 3323.091 26766  
of the Revised Code an amount equal to the greater of: 26767

(1) The formula amount times the institution's total special 26768  
education weight; 26769

(2) The aggregate amount of special education and related 26770  
services unit funding the institution received for all ~~handicapped~~ 26771  
children with disabilities other than ~~handicapped~~ preschool 26772  
children with disabilities in fiscal year 2005 under sections 26773  
3317.052 and 3317.053 of the Revised Code, as those sections 26774  
existed prior to ~~the effective date of this section~~ June 30, 2005. 26775

**Sec. 3318.01.** As used in sections 3318.01 to 3318.20 of the 26776  
Revised Code: 26777

(A) "Ohio school facilities commission" means the commission 26778

created pursuant to section 3318.30 of the Revised Code. 26779

(B) "Classroom facilities" means rooms in which pupils 26780  
regularly assemble in public school buildings to receive 26781  
instruction and education and such facilities and building 26782  
improvements for the operation and use of such rooms as may be 26783  
needed in order to provide a complete educational program, and may 26784  
include space within which a child care facility or a community 26785  
resource center is housed. "Classroom facilities" includes any 26786  
space necessary for the operation of a vocational education 26787  
program for secondary students in any school district that 26788  
operates such a program. 26789

(C) "Project" means a project to construct or acquire 26790  
classroom facilities, or to reconstruct or make additions to 26791  
existing classroom facilities, to be used for housing the 26792  
applicable school district and its functions. 26793

(D) "School district" means a local, exempted village, or 26794  
city school district as such districts are defined in Chapter 26795  
3311. of the Revised Code, acting as an agency of state 26796  
government, performing essential governmental functions of state 26797  
government pursuant to sections 3318.01 to 3318.20 of the Revised 26798  
Code. 26799

For purposes of assistance provided under sections 3318.40 to 26800  
3318.45 of the Revised Code, the term "school district" as used in 26801  
this section and in divisions (A), (C), and (D) of section 3318.03 26802  
and in sections 3318.031, 3318.042, 3318.07, 3318.08, 3318.083, 26803  
3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 3318.13, 26804  
3318.14, 3318.15, 3318.16, 3318.19, and 3318.20 of the Revised 26805  
Code means a joint vocational school district established pursuant 26806  
to section 3311.18 of the Revised Code. 26807

(E) "School district board" means the board of education of a 26808  
school district. 26809

(F) "Net bonded indebtedness" means the difference between 26810  
the sum of the par value of all outstanding and unpaid bonds and 26811  
notes which a school district board is obligated to pay and any 26812  
amounts the school district is obligated to pay under 26813  
lease-purchase agreements entered into under section 3313.375 of 26814  
the Revised Code, and the amount held in the sinking fund and 26815  
other indebtedness retirement funds for their redemption. Notes 26816  
issued for school buses in accordance with section 3327.08 of the 26817  
Revised Code, notes issued in anticipation of the collection of 26818  
current revenues, and bonds issued to pay final judgments shall 26819  
not be considered in calculating the net bonded indebtedness. 26820

"Net bonded indebtedness" does not include indebtedness 26821  
arising from the acquisition of land to provide a site for 26822  
classroom facilities constructed, acquired, or added to pursuant 26823  
to sections 3318.01 to 3318.20 of the Revised Code or the par 26824  
value of bonds that have been authorized by the electors and the 26825  
proceeds of which will be used by the district to provide any part 26826  
of its portion of the basic project cost. 26827

(G) "Board of elections" means the board of elections of the 26828  
county containing the most populous portion of the school 26829  
district. 26830

(H) "County auditor" means the auditor of the county in which 26831  
the greatest value of taxable property of such school district is 26832  
located. 26833

(I) "Tax duplicates" means the general tax lists and 26834  
duplicates prescribed by sections 319.28 and 319.29 of the Revised 26835  
Code. 26836

(J) "Required level of indebtedness" means: 26837

(1) In the case of school districts in the first percentile, 26838  
five per cent of the district's valuation for the year preceding 26839  
the year in which the controlling board approved the project under 26840

section 3318.04 of the Revised Code. 26841

(2) In the case of school districts ranked in a subsequent 26842  
percentile, five per cent of the district's valuation for the year 26843  
preceding the year in which the controlling board approved the 26844  
project under section 3318.04 of the Revised Code, plus [two 26845  
one-hundredths of one per cent multiplied by (the percentile in 26846  
which the district ranks for the fiscal year preceding the fiscal 26847  
year in which the controlling board approved the district's 26848  
project minus one)]. 26849

(K) "Required percentage of the basic project costs" means 26850  
one per cent of the basic project costs times the percentile in 26851  
which the school district ranks for the fiscal year preceding the 26852  
fiscal year in which the controlling board approved the district's 26853  
project. 26854

(L) "Basic project cost" means a cost amount determined in 26855  
accordance with rules adopted under section 111.15 of the Revised 26856  
Code by the Ohio school facilities commission. The basic project 26857  
cost calculation shall take into consideration the square footage 26858  
and cost per square foot necessary for the grade levels to be 26859  
housed in the classroom facilities, the variation across the state 26860  
in construction and related costs, the cost of the installation of 26861  
site utilities and site preparation, the cost of demolition of all 26862  
or part of any existing classroom facilities that are abandoned 26863  
under the project, the cost of insuring the project until it is 26864  
completed, any contingency reserve amount prescribed by the 26865  
commission under section 3318.086 of the Revised Code, and the 26866  
professional planning, administration, and design fees that a 26867  
school district may have to pay to undertake a classroom 26868  
facilities project. 26869

For a joint vocational school district that receives 26870  
assistance under sections 3318.40 to 3318.45 of the Revised Code, 26871  
the basic project cost calculation for a project under those 26872

sections shall also take into account the types of laboratory 26873  
spaces and program square footages needed for the vocational 26874  
education programs for high school students offered by the school 26875  
district. 26876

(M)(1) Except for a joint vocational school district that 26877  
receives assistance under sections 3318.40 to 3318.45 of the 26878  
Revised Code, a "school district's portion of the basic project 26879  
cost" means the amount determined under section 3318.032 of the 26880  
Revised Code. 26881

(2) For a joint vocational school district that receives 26882  
assistance under sections 3318.40 to 3318.45 of the Revised Code, 26883  
a "school district's portion of the basic project cost" means the 26884  
amount determined under division (C) of section 3318.42 of the 26885  
Revised Code. 26886

(N) "Child care facility" means space within a classroom 26887  
facility in which the needs of infants, toddlers, preschool 26888  
children, and school children are provided for by persons other 26889  
than the parent or guardian of such children for any part of the 26890  
day, including persons not employed by the school district 26891  
operating such classroom facility. 26892

(O) "Community resource center" means space within a 26893  
classroom facility in which comprehensive services that support 26894  
the needs of families and children are provided by community-based 26895  
social service providers. 26896

(P) "Valuation" means the total value of all property in the 26897  
school district as listed and assessed for taxation on the tax 26898  
duplicates. 26899

(Q) "Percentile" means the percentile in which the school 26900  
district is ranked pursuant to ~~division (D)~~ of section 3318.011 of 26901  
the Revised Code. 26902

(R) "Installation of site utilities" means the installation 26903

of a site domestic water system, site fire protection system, site 26904  
gas distribution system, site sanitary system, site storm drainage 26905  
system, and site telephone and data system. 26906

(S) "Site preparation" means the earthwork necessary for 26907  
preparation of the building foundation system, the paved 26908  
pedestrian and vehicular circulation system, playgrounds on the 26909  
project site, and lawn and planting on the project site. 26910

**Sec. 3318.011.** For purposes of providing assistance under 26911  
sections 3318.01 to 3318.20 of the Revised Code, the department of 26912  
education shall annually do all of the following: 26913

(A) Calculate the adjusted valuation per pupil of each city, 26914  
local, and exempted village school district according to the 26915  
following formula: 26916

The district's valuation per pupil - 26917

[\$30,000 X (1 - the district's income factor)]. 26918

For purposes of this calculation: 26919

(1) "Valuation Except for a district with an open enrollment 26920  
net gain that is ten per cent or more of its formula ADM, 26921  
"valuation per pupil" for a district means its average taxable 26922  
value, divided by its formula ADM reported under section 3317.03 26923  
of the Revised Code for the previous fiscal year. "Valuation per 26924  
pupil," for a district with an open enrollment net gain that is 26925  
ten per cent or more of its formula ADM, means its average taxable 26926  
value, divided by the sum of its formula ADM for the previous 26927  
fiscal year plus its open enrollment net gain for the previous 26928  
fiscal year. 26929

(2) "Average taxable value" means the average of the amounts 26930  
certified for a district in the second, third, and fourth 26931  
preceding fiscal years under divisions (A)(1) and (2) of section 26932  
3317.021 of the Revised Code. 26933

- (3) "Income Entitled to attend school" means entitled to attend school in a city, local, or exempted village school district under section 3313.64 or 3313.65 of the Revised Code. 26934  
26935  
26936
- (4) "Formula ADM" and "income factor" ~~has~~ have the same meaning meanings as in section 3317.02 of the Revised Code. 26937  
26938
- (5) "Native student" has the same meaning as in section 3313.98 of the Revised Code. 26939  
26940
- (6) "Open enrollment net gain" for a district means (a) the number of the students entitled to attend school in another district but who are enrolled in the schools of the district under its open enrollment policy minus (b) the number of the district's native students who are enrolled in the schools of another district under the other district's open enrollment policy, both numbers as certified to the department under section 3313.981 of the Revised Code. If the difference is a negative number, the district's "open enrollment net gain" is zero. 26941  
26942  
26943  
26944  
26945  
26946  
26947  
26948  
26949
- (7) "Open enrollment policy" means an interdistrict open enrollment policy adopted under section 3313.98 of the Revised Code. 26950  
26951  
26952
- (B) Calculate for each district the three-year average of the adjusted valuations per pupil calculated for the district for the current and two preceding fiscal years; 26953  
26954  
26955
- (C) Rank all such districts in order of adjusted valuation per pupil from the district with the lowest three-year average adjusted valuation per pupil to the district with the highest three-year average adjusted valuation per pupil; 26956  
26957  
26958  
26959
- (D) Divide such ranking into percentiles with the first percentile containing the one per cent of school districts having the lowest three-year average adjusted valuations per pupil and the one-hundredth percentile containing the one per cent of school districts having the highest three-year average adjusted 26960  
26961  
26962  
26963  
26964

valuations per pupil; 26965

(E) Determine the school districts that have three-year 26966  
average adjusted valuations per pupil that are greater than the 26967  
median three-year average adjusted valuation per pupil for all 26968  
school districts in the state; 26969

(F) On or before the first day of September, certify the 26970  
information described in divisions (A) to (E) of this section to 26971  
the Ohio school facilities commission. 26972

Notwithstanding anything in this section to the contrary, the 26973  
department shall not rank any school district subject to division 26974  
(F) of section 3318.36 of the Revised Code in a higher percentile 26975  
than the percentile in which the district was ranked on the date 26976  
the electors of the district approved a bond issue to pay the 26977  
district's portion of the basic project cost. The percentile 26978  
ranking resulting from this paragraph shall be used by the 26979  
commission only to determine when the district is eligible for 26980  
assistance under sections 3318.01 to 3318.20 of the Revised Code 26981  
and shall not be used to calculate the district's portion of the 26982  
basic project cost. For this purpose, the commission annually 26983  
shall notify the department of all school districts that have 26984  
become subject to division (F) of section 3318.36 of the Revised 26985  
Code since the department completed its most recent school 26986  
district rankings under this section. 26987

**Sec. 3318.023.** Notwithstanding anything to the contrary in 26988  
section 3318.02 of the Revised Code, each fiscal year, at the time 26989  
that the Ohio school facilities commission conditionally approves 26990  
projects of school districts under ~~section~~ sections 3318.01 to 26991  
3318.20 of the Revised Code for which it plans to provide 26992  
assistance under those sections for that fiscal year, the 26993  
commission also shall identify the next ten school districts from 26994  
lowest to highest in order of the ranking calculated for the 26995

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 27027  
project cost but that are related to the district's project. If 27028  
the district board adopts a resolution in favor of using those 27029  
investment earnings as authorized under division (B)(2) of this 27030  
section, the treasurer shall disburse the amount as designated and 27031  
directed by the board. However, if the district board chooses to 27032  
use any part of the investment earnings for classroom facilities 27033  
or portions or components of classroom facilities that are not 27034  
included in the basic project cost, as authorized under division 27035  
(B)(2) of this section, and, subsequently, the cost of the project 27036  
exceeds the amount in the project construction fund, the district 27037  
board shall restore to the project construction fund the full 27038  
amount of the investment earnings used under division (B)(2) of 27039  
this section before any additional state moneys shall be released 27040  
for the project. 27041

(C) After the project has been completed: 27042

(1) ~~Any~~ At the discretion of the school district board, any 27043  
investment earnings remaining in the project construction fund 27044  
that are attributable to the school district's contribution to the 27045  
fund shall be ~~transferred~~: 27046

(a) Retained in the project construction fund for future 27047  
projects; 27048

(b) Transferred to the district's maintenance fund required 27049  
by division (B) of section 3318.05 or section 3318.43 of the 27050  
Revised Code, and the money so transferred shall be used solely 27051  
for maintaining the classroom facilities included in the project; 27052

(c) Transferred to the district's permanent improvement fund. 27053

(2) Any investment earnings remaining in the project 27054  
construction fund that are attributable to the state's 27055  
contribution to the fund shall be transferred to the commission 27056  
for expenditure pursuant to sections 3318.01 to 3318.20 or 27057

sections 3318.40 to 3318.45 of the Revised Code. 27058

(3) Any other surplus remaining in the school district's 27059  
project construction fund after the project has been completed 27060  
shall be transferred to the commission and the school district 27061  
board in proportion to their respective contributions to the fund. 27062  
The commission shall use the money transferred to it under this 27063  
division for expenditure pursuant to sections 3318.01 to 3318.20 27064  
or sections 3318.40 to 3318.45 of the Revised Code. 27065

(D) Pursuant to appropriations of the general assembly, any 27066  
moneys transferred to the commission under division (C)(2) or (3) 27067  
of this section from a project construction fund for a project 27068  
under sections 3318.40 to 3318.45 of the Revised Code may be used 27069  
for future expenditures for projects under sections 3318.40 to 27070  
3318.45 of the Revised Code, notwithstanding the two per cent 27071  
annual limit specified in division (B) of section 3318.40 of the 27072  
Revised Code. 27073

**Sec. 3318.15.** There is hereby created the public school 27074  
building fund within the state treasury consisting of any moneys 27075  
transferred or appropriated to the fund by the general assembly, 27076  
moneys paid into or transferred in accordance with section 3318.47 27077  
of the Revised Code, and any grants, gifts, or contributions 27078  
received by the Ohio school facilities commission to be used for 27079  
the purposes of the fund. All investment earnings of the fund 27080  
shall be credited to the fund. 27081

Moneys transferred or appropriated to the fund by the general 27082  
assembly and moneys in the fund from grants, gifts, and 27083  
contributions shall be used for the purposes of Chapter 3318. of 27084  
the Revised Code as prescribed by the general assembly. 27085

**Sec. 3318.26.** (A) The provisions of this section apply only 27086  
to obligations issued by the issuing authority prior to December 27087

1, 1999. 27088

(B) Subject to the limitations provided in section 3318.29 of 27089  
the Revised Code, the issuing authority, upon the certification by 27090  
the Ohio school facilities commission to the issuing authority of 27091  
the amount of moneys or additional moneys needed in the school 27092  
building program assistance fund for the purposes of sections 27093  
3318.01 to 3318.20 and sections 3318.40 to 3318.45 of the Revised 27094  
Code, or needed for capitalized interest, for funding reserves, 27095  
and for paying costs and expenses incurred in connection with the 27096  
issuance, carrying, securing, paying, redeeming, or retirement of 27097  
the obligations or any obligations refunded thereby, including 27098  
payment of costs and expenses relating to letters of credit, lines 27099  
of credit, insurance, put agreements, standby purchase agreements, 27100  
indexing, marketing, remarketing and administrative arrangements, 27101  
interest swap or hedging agreements, and any other credit 27102  
enhancement, liquidity, remarketing, renewal, or refunding 27103  
arrangements, all of which are authorized by this section, shall 27104  
issue obligations of the state under this section in the required 27105  
amount. The proceeds of such obligations, except for obligations 27106  
issued to provide moneys for the school building program 27107  
assistance fund shall be deposited by the treasurer of state in 27108  
special funds, including reserve funds, as provided in the bond 27109  
proceedings. The issuing authority may appoint trustees, paying 27110  
agents, and transfer agents and may retain the services of 27111  
financial advisors and accounting experts and retain or contract 27112  
for the services of marketing, remarketing, indexing, and 27113  
administrative agents, other consultants, and independent 27114  
contractors, including printing services, as are necessary in the 27115  
issuing authority's judgment to carry out this section. The costs 27116  
of such services are payable from the school building program 27117  
assistance fund or any special fund determined by the issuing 27118  
authority. 27119

(C) The holders or owners of such obligations shall have no 27120  
right to have moneys raised by taxation obligated or pledged, and 27121  
moneys raised by taxation shall not be obligated or pledged, for 27122  
the payment of bond service charges. Such holders or owners shall 27123  
have no rights to payment of bond service charges from any money 27124  
or property received by the commission, treasurer of state, or the 27125  
state, or from any other use of the proceeds of the sale of the 27126  
obligations, and no such moneys may be used for the payment of 27127  
bond service charges, except for accrued interest, capitalized 27128  
interest, and reserves funded from proceeds received upon the sale 27129  
of the obligations and except as otherwise expressly provided in 27130  
the applicable bond proceedings pursuant to written directions by 27131  
the treasurer of state. The right of such holders and owners to 27132  
payment of bond service charges shall be limited to all or that 27133  
portion of the pledged receipts and those special funds pledged 27134  
thereto pursuant to the bond proceedings in accordance with this 27135  
section, and each such obligation shall bear on its face a 27136  
statement to that effect. 27137

(D) Obligations shall be authorized by resolution or order of 27138  
the issuing authority and the bond proceedings shall provide for 27139  
the purpose thereof and the principal amount or amounts, and shall 27140  
provide for or authorize the manner or agency for determining the 27141  
principal maturity or maturities, not exceeding the limits 27142  
specified in section 3318.29 of the Revised Code, the interest 27143  
rate or rates or the maximum interest rate, the date of the 27144  
obligations and the dates of payment of interest thereon, their 27145  
denomination, and the establishment within or without the state of 27146  
a place or places of payment of bond service charges. Sections 27147  
9.98 to 9.983 of the Revised Code are applicable to obligations 27148  
issued under this section, subject to any applicable limitation 27149  
under section 3318.29 of the Revised Code. The purpose of such 27150  
obligations may be stated in the bond proceedings in terms 27151  
describing the general purpose or purposes to be served. The bond 27152

proceedings shall also provide, subject to the provisions of any 27153  
other applicable bond proceedings, for the pledge of all, or such 27154  
part as the issuing authority may determine, of the pledged 27155  
receipts and the applicable special fund or funds to the payment 27156  
of bond service charges, which pledges may be made either prior or 27157  
subordinate to other expenses, claims, or payments, and may be 27158  
made to secure the obligations on a parity with obligations 27159  
theretofore or thereafter issued, if and to the extent provided in 27160  
the bond proceedings. The pledged receipts and special funds so 27161  
pledged and thereafter received by the state are immediately 27162  
subject to the lien of such pledge without any physical delivery 27163  
thereof or further act, and the lien of any such pledges is valid 27164  
and binding against all parties having claims of any kind against 27165  
the state or any governmental agency of the state, irrespective of 27166  
whether such parties have notice thereof, and shall create a 27167  
perfected security interest for all purposes of Chapter 1309. of 27168  
the Revised Code, without the necessity for separation or delivery 27169  
of funds or for the filing or recording of the bond proceedings by 27170  
which such pledge is created or any certificate, statement or 27171  
other document with respect thereto; and the pledge of such 27172  
pledged receipts and special funds is effective and the money 27173  
therefrom and thereof may be applied to the purposes for which 27174  
pledged without necessity for any act of appropriation, except as 27175  
required by section 3770.06 of the Revised Code. Every pledge, and 27176  
every covenant and agreement made with respect thereto, made in 27177  
the bond proceedings may therein be extended to the benefit of the 27178  
owners and holders of obligations authorized by this section, and 27179  
to any trustee therefor, for the further security of the payment 27180  
of the bond service charges. 27181

(E) The bond proceedings may contain additional provisions as 27182  
to: 27183

(1) The redemption of obligations prior to maturity at the 27184

option of the issuing authority at such price or prices and under	27185
such terms and conditions as are provided in the bond proceedings;	27186
(2) Other terms of the obligations;	27187
(3) Limitations on the issuance of additional obligations;	27188
(4) The terms of any trust agreement or indenture securing	27189
the obligations or under which the same may be issued;	27190
(5) The deposit, investment and application of special funds,	27191
and the safeguarding of moneys on hand or on deposit, without	27192
regard to Chapter 131., 133., or 135. of the Revised Code, but	27193
subject to any special provisions of sections 3318.21 to 3318.29	27194
of the Revised Code, with respect to particular funds or moneys,	27195
provided that any bank or trust company that acts as depository of	27196
any moneys in the special funds may furnish such indemnifying	27197
bonds or may pledge such securities as required by the issuing	27198
authority;	27199
(6) Any or every provision of the bond proceedings being	27200
binding upon such officer, board, commission, authority, agency,	27201
department, or other person or body as may from time to time have	27202
the authority under law to take such actions as may be necessary	27203
to perform all or any part of the duty required by such provision;	27204
(7) Any provision that may be made in a trust agreement or	27205
indenture;	27206
(8) The lease or sublease of any interest of the school	27207
district or the state in one or more projects as defined in	27208
division (C) of section 3318.01 of the Revised Code, or in one or	27209
more permanent improvements, to or from the issuing authority, as	27210
provided in one or more lease or sublease agreements between the	27211
school or the state and the issuing authority;	27212
(9) Any other or additional agreements with the holders of	27213
the obligations, or the trustee therefor, relating to the	27214

obligations or the security therefor. 27215

(F) The obligations may have the great seal of the state or a 27216  
facsimile thereof affixed thereto or printed thereon. The 27217  
obligations and any coupons pertaining to obligations shall be 27218  
signed or bear the facsimile signature of the issuing authority. 27219  
Any obligations or coupons may be executed by the person who, on 27220  
the date of execution, is the proper issuing authority although on 27221  
the date of such bonds or coupons such person was not the issuing 27222  
authority. In case the issuing authority whose signature or a 27223  
facsimile of whose signature appears on any such obligation or 27224  
coupon ceases to be the issuing authority before delivery thereof, 27225  
such signature or facsimile is nevertheless valid and sufficient 27226  
for all purposes as if the issuing authority had remained the 27227  
issuing authority until such delivery; and in case the seal to be 27228  
affixed to obligations has been changed after a facsimile of the 27229  
seal has been imprinted on such obligations, such facsimile seal 27230  
shall continue to be sufficient as to such obligations and 27231  
obligations issued in substitution or exchange therefor. 27232

(G) All obligations are negotiable instruments and securities 27233  
under Chapter 1308. of the Revised Code, subject to the provisions 27234  
of the bond proceedings as to registration. The obligations may be 27235  
issued in coupon or in registered form, or both, as the issuing 27236  
authority determines. Provision may be made for the registration 27237  
of any obligations with coupons attached thereto as to principal 27238  
alone or as to both principal and interest, their exchange for 27239  
obligations so registered, and for the conversion or reconversion 27240  
into obligations with coupons attached thereto of any obligations 27241  
registered as to both principal and interest, and for reasonable 27242  
charges for such registration, exchange, conversion, and 27243  
reconversion. 27244

(H) Obligations may be sold at public sale or at private 27245  
sale, as determined in the bond proceedings. 27246

(I) Pending preparation of definitive obligations, the 27247  
issuing authority may issue interim receipts or certificates which 27248  
shall be exchanged for such definitive obligations. 27249

(J) In the discretion of the issuing authority, obligations 27250  
may be secured additionally by a trust agreement or indenture 27251  
between the issuing authority and a corporate trustee which may be 27252  
any trust company or bank having ~~its principal~~ a place of business 27253  
within the state. Any such agreement or indenture may contain the 27254  
resolution or order authorizing the issuance of the obligations, 27255  
any provisions that may be contained in any bond proceedings, and 27256  
other provisions that are customary or appropriate in an agreement 27257  
or indenture of such type, including, but not limited to: 27258

(1) Maintenance of each pledge, trust agreement, indenture, 27259  
or other instrument comprising part of the bond proceedings until 27260  
the state has fully paid the bond service charges on the 27261  
obligations secured thereby, or provision therefor has been made; 27262

(2) In the event of default in any payments required to be 27263  
made by the bond proceedings, or any other agreement of the 27264  
issuing authority made as a part of the contract under which the 27265  
obligations were issued, enforcement of such payments or agreement 27266  
by mandamus, the appointment of a receiver, suit in equity, action 27267  
at law, or any combination of the foregoing; 27268

(3) The rights and remedies of the holders of obligations and 27269  
of the trustee, and provisions for protecting and enforcing them, 27270  
including limitations on rights of individual holders of 27271  
obligations; 27272

(4) The replacement of any obligations that become mutilated 27273  
or are destroyed, lost, or stolen; 27274

(5) Such other provisions as the trustee and the issuing 27275  
authority agree upon, including limitations, conditions, or 27276  
qualifications relating to any of the foregoing. 27277

(K) Any holder of obligations or a trustee under the bond 27278  
proceedings, except to the extent that the holder's or trustee's 27279  
rights are restricted by the bond proceedings, may by any suitable 27280  
form of legal proceedings, protect and enforce any rights under 27281  
the laws of this state or granted by such bond proceedings. Such 27282  
rights include the right to compel the performance of all duties 27283  
of the issuing authority, the commission, or the director of 27284  
budget and management required by sections 3318.21 to 3318.29 of 27285  
the Revised Code or the bond proceedings; to enjoin unlawful 27286  
activities; and in the event of default with respect to the 27287  
payment of any bond service charges on any obligations or in the 27288  
performance of any covenant or agreement on the part of the 27289  
issuing authority, the commission, or the director of budget and 27290  
management in the bond proceedings, to apply to a court having 27291  
jurisdiction of the cause to appoint a receiver to receive and 27292  
administer the pledged receipts and special funds, other than 27293  
those in the custody of the treasurer of state or the commission, 27294  
which are pledged to the payment of the bond service charges on 27295  
such obligations or which are the subject of the covenant or 27296  
agreement, with full power to pay, and to provide for payment of 27297  
bond service charges on, such obligations, and with such powers, 27298  
subject to the direction of the court, as are accorded receivers 27299  
in general equity cases, excluding any power to pledge additional 27300  
revenues or receipts or other income or moneys of the issuing 27301  
authority or the state or governmental agencies of the state to 27302  
the payment of such principal and interest and excluding the power 27303  
to take possession of, mortgage, or cause the sale or otherwise 27304  
dispose of any permanent improvement. 27305

Each duty of the issuing authority and the issuing 27306  
authority's officers and employees, and of each governmental 27307  
agency and its officers, members, or employees, undertaken 27308  
pursuant to the bond proceedings or any agreement or loan made 27309  
under authority of sections 3318.21 to 3318.29 of the Revised 27310

Code, and in every agreement by or with the issuing authority, is 27311  
hereby established as a duty of the issuing authority, and of each 27312  
such officer, member, or employee having authority to perform such 27313  
duty, specifically enjoined by the law resulting from an office, 27314  
trust, or station within the meaning of section 2731.01 of the 27315  
Revised Code. 27316

The person who is at the time the issuing authority, or the 27317  
issuing authority's officers or employees, are not liable in their 27318  
personal capacities on any obligations issued by the issuing 27319  
authority or any agreements of or with the issuing authority. 27320

(L) Obligations issued under this section are lawful 27321  
investments for banks, societies for savings, savings and loan 27322  
associations, deposit guarantee associations, trust companies, 27323  
trustees, fiduciaries, insurance companies, including domestic for 27324  
life and domestic not for life, trustees or other officers having 27325  
charge of sinking and bond retirement or other special funds of 27326  
political subdivisions and taxing districts of this state, the 27327  
commissioners of the sinking fund of the state, the administrator 27328  
of workers' compensation, the state teachers retirement system, 27329  
the public employees retirement system, the school employees 27330  
retirement system, and the Ohio police and fire pension fund, 27331  
notwithstanding any other provisions of the Revised Code or rules 27332  
adopted pursuant thereto by any governmental agency of the state 27333  
with respect to investments by them, and also are acceptable as 27334  
security for the deposit of public moneys. 27335

(M) Unless otherwise provided in any applicable bond 27336  
proceedings, moneys to the credit of or in the special funds 27337  
established by or pursuant to this section may be invested by or 27338  
on behalf of the issuing authority only in notes, bonds, or other 27339  
obligations of the United States, or of any agency or 27340  
instrumentality of the United States, obligations guaranteed as to 27341  
principal and interest by the United States, obligations of this 27342

state or any political subdivision of this state, and certificates 27343  
of deposit of any national bank located in this state and any 27344  
bank, as defined in section 1101.01 of the Revised Code, subject 27345  
to inspection by the superintendent of financial institutions. If 27346  
the law or the instrument creating a trust pursuant to division 27347  
(J) of this section expressly permits investment in direct 27348  
obligations of the United States or an agency of the United 27349  
States, unless expressly prohibited by the instrument, such moneys 27350  
also may be invested in no front end load money market mutual 27351  
funds consisting exclusively of obligations of the United States 27352  
or an agency of the United States and in repurchase agreements, 27353  
including those issued by the fiduciary itself, secured by 27354  
obligations of the United States or an agency of the United 27355  
States; and in collective investment funds established in 27356  
accordance with section 1111.14 of the Revised Code and consisting 27357  
exclusively of any such securities, notwithstanding division 27358  
(B)(1)(c) of that section. The income from such investments shall 27359  
be credited to such funds as the issuing authority determines, and 27360  
such investments may be sold at such times as the issuing 27361  
authority determines or authorizes. 27362

(N) Provision may be made in the applicable bond proceedings 27363  
for the establishment of separate accounts in the bond service 27364  
fund and for the application of such accounts only to the 27365  
specified bond service charges on obligations pertinent to such 27366  
accounts and bond service fund and for other accounts therein 27367  
within the general purposes of such fund. Unless otherwise 27368  
provided in any applicable bond proceedings, moneys to the credit 27369  
of or in the several special funds established pursuant to this 27370  
section shall be disbursed on the order of the treasurer of state, 27371  
provided that no such order is required for the payment from the 27372  
bond service fund when due of bond service charges on obligations. 27373

(O) The issuing authority may pledge all, or such portion as 27374

the issuing authority determines, of the pledged receipts to the 27375  
payment of bond service charges on obligations issued under this 27376  
section, and for the establishment and maintenance of any 27377  
reserves, as provided in the bond proceedings, and make other 27378  
provisions therein with respect to pledged receipts as authorized 27379  
by this chapter, which provisions shall be controlling 27380  
notwithstanding any other provisions of law pertaining thereto. 27381

(P) The issuing authority may covenant in the bond 27382  
proceedings, and any such covenants shall be controlling 27383  
notwithstanding any other provision of law, that the state and 27384  
applicable officers and governmental agencies of the state, 27385  
including the general assembly, so long as any obligations are 27386  
outstanding, shall: 27387

(1) Maintain statutory authority for and cause to be operated 27388  
the state lottery, including the transfers to and from the lottery 27389  
profits education fund created in section 3770.06 of the Revised 27390  
Code so that the pledged receipts shall be sufficient in amount to 27391  
meet bond service charges, and the establishment and maintenance 27392  
of any reserves and other requirements provided for in the bond 27393  
proceedings; 27394

(2) Take or permit no action, by statute or otherwise, that 27395  
would impair the exclusion from gross income for federal income 27396  
tax purposes of the interest on any obligations designated by the 27397  
bond proceeding as tax-exempt obligations. 27398

(Q) There is hereby created the school building program bond 27399  
service fund, which shall be in the custody of the treasurer of 27400  
state but shall be separate and apart from and not a part of the 27401  
state treasury. All moneys received by or on account of the 27402  
issuing authority or state agencies and required by the applicable 27403  
bond proceedings, consistent with this section, to be deposited, 27404  
transferred, or credited to the school building program bond 27405  
service fund, and all other moneys transferred or allocated to or 27406

received for the purposes of the fund, shall be deposited and 27407  
credited to such fund and to any separate accounts therein, 27408  
subject to applicable provisions of the bond proceedings, but 27409  
without necessity for any act of appropriation, except as required 27410  
by section 3770.06 of the Revised Code. During the period 27411  
beginning with the date of the first issuance of obligations and 27412  
continuing during such time as any such obligations are 27413  
outstanding, and so long as moneys in the school building program 27414  
bond service fund are insufficient to pay all bond service charges 27415  
on such obligations becoming due in each year, a sufficient amount 27416  
of the moneys from the lottery profits education fund included in 27417  
pledged receipts, subject to appropriation for such purpose as 27418  
provided in section 3770.06 of the Revised Code, are committed and 27419  
shall be paid to the school building program bond service fund in 27420  
each year for the purpose of paying the bond service charges 27421  
becoming due in that year. The school building program bond 27422  
service fund is a trust fund and is hereby pledged to the payment 27423  
of bond service charges solely on obligations issued to provide 27424  
moneys for the school building program assistance fund to the 27425  
extent provided in the applicable bond proceedings, and payment 27426  
thereof from such fund shall be made or provided for by the 27427  
treasurer of state in accordance with such bond proceedings 27428  
without necessity for any act of appropriation except as required 27429  
by section 3770.06 of the Revised Code. 27430

(R) The obligations, the transfer thereof, and the income 27431  
therefrom, including any profit made on the sale thereof, at all 27432  
times shall be free from taxation within the state. 27433

**Sec. 3318.36.** (A)(1) As used in this section: 27434

(a) "Ohio school facilities commission," "classroom 27435  
facilities," "school district," "school district board," "net 27436  
bonded indebtedness," "required percentage of the basic project 27437

costs," "basic project cost," "valuation," and "percentile" have 27438  
the same meanings as in section 3318.01 of the Revised Code. 27439

(b) "Required level of indebtedness" means five per cent of 27440  
the school district's valuation for the year preceding the year in 27441  
which the commission and school district enter into an agreement 27442  
under division (B) of this section, plus [two one-hundredths of 27443  
one per cent multiplied by (the percentile in which the district 27444  
ranks minus one)]. 27445

(c) "Local resources" means any moneys generated in any 27446  
manner permitted for a school district board to raise the school 27447  
district portion of a project undertaken with assistance under 27448  
sections 3318.01 to 3318.20 of the Revised Code. 27449

(2) For purposes of determining either the required level of 27450  
indebtedness, as defined in division (A)(1)(b) of this section, or 27451  
the required percentage of the basic project costs, under division 27452  
(C)(1) of this section, the percentile ranking of a school 27453  
district with which the commission has entered into an agreement 27454  
under this section between the first day of July and the 27455  
thirty-first day of August in each fiscal year is the percentile 27456  
ranking calculated for that district for the immediately preceding 27457  
fiscal year, and the percentile ranking of a school district with 27458  
which the commission has entered into such agreement between the 27459  
first day of September and the thirtieth day of June in each 27460  
fiscal year is the percentile ranking calculated for that district 27461  
for the current fiscal year. 27462

(B)(1) There is hereby established the school building 27463  
assistance expedited local partnership program. Under the program, 27464  
the Ohio school facilities commission may enter into an agreement 27465  
with the school district board of any school district under which 27466  
the school district board may proceed with the new construction or 27467  
major repairs of a part of the school district's classroom 27468  
facilities needs, as determined under sections 3318.01 to 3318.20 27469

of the Revised Code, through the expenditure of local resources 27470  
prior to the school district's eligibility for state assistance 27471  
under sections 3318.01 to 3318.20 of the Revised Code and may 27472  
apply that expenditure toward meeting the school district's 27473  
portion of the basic project cost of the total of the school 27474  
district's classroom facilities needs, as determined under 27475  
sections 3318.01 to 3318.20 of the Revised Code and as 27476  
recalculated under division (E) of this section, that are eligible 27477  
for state assistance under sections 3318.01 to 3318.20 of the 27478  
Revised Code when the school district becomes eligible for such 27479  
state assistance. Any school district that is reasonably expected 27480  
to receive assistance under sections 3318.01 to 3318.20 of the 27481  
Revised Code within two fiscal years from the date the school 27482  
district adopts its resolution under division (B) of this section 27483  
shall not be eligible to participate in the program. 27484

(2) To participate in the program, a school district board 27485  
shall first adopt a resolution certifying to the commission the 27486  
board's intent to participate in the program. 27487

The resolution shall specify the approximate date that the 27488  
board intends to seek elector approval of any bond or tax measures 27489  
or to apply other local resources to use to pay the cost of 27490  
classroom facilities to be constructed under this section. The 27491  
resolution may specify the application of local resources or 27492  
elector-approved bond or tax measures after the resolution is 27493  
adopted by the board, and in such case the board may proceed with 27494  
a discrete portion of its project under this section as soon as 27495  
the commission and the controlling board have approved the basic 27496  
project cost of the district's classroom facilities needs as 27497  
specified in division (D) of this section. The board shall submit 27498  
its resolution to the commission not later than ten days after the 27499  
date the resolution is adopted by the board. 27500

The commission shall not consider any resolution that is 27501

submitted pursuant to division (B)(2) of this section, as amended 27502  
by this amendment, sooner than September 14, 2000. 27503

(3) Any project under this section shall comply with section 27504  
3318.03 of the Revised Code and with any specifications for plans 27505  
and materials for classroom facilities adopted by the commission 27506  
under section 3318.04 of the Revised Code. 27507

(4) If a school district that enters into an agreement under 27508  
this section has not begun a project applying local resources as 27509  
provided for under that agreement at the time the district is 27510  
notified by the commission that it is eligible to receive state 27511  
assistance under sections 3318.01 to 3318.20 of the Revised Code, 27512  
all assessment and agreement documents entered into under this 27513  
section are void. 27514

(5) Only construction of or repairs to classroom facilities 27515  
that have been approved by the commission and have been therefore 27516  
included as part of a district's basic project cost qualify for 27517  
application of local resources under this section. 27518

(C) Based on the results of the on-site visits and assessment 27519  
conducted under division (B)(2) of this section, the commission 27520  
shall determine the basic project cost of the school district's 27521  
classroom facilities needs. The commission shall determine the 27522  
school district's portion of such basic project cost, which shall 27523  
be the greater of: 27524

(1) The required percentage of the basic project costs, 27525  
determined based on the school district's percentile ranking; 27526

(2) An amount necessary to raise the school district's net 27527  
bonded indebtedness, as of the fiscal year the commission and the 27528  
school district enter into the agreement under division (B) of 27529  
this section, to within five thousand dollars of the required 27530  
level of indebtedness. 27531

(D)(1) When the commission determines the basic project cost 27532

of the classroom facilities needs of a school district and the 27533  
school district's portion of that basic project cost under 27534  
division (C) of this section, the project shall be conditionally 27535  
approved. Such conditional approval shall be submitted to the 27536  
controlling board for approval thereof. The controlling board 27537  
shall forthwith approve or reject the commission's determination, 27538  
conditional approval, and the amount of the state's portion of the 27539  
basic project cost; however, no state funds shall be encumbered 27540  
under this section. Upon approval by the controlling board, the 27541  
school district board may identify a discrete part of its 27542  
classroom facilities needs, which shall include only new 27543  
construction of or additions or major repairs to a particular 27544  
building, to address with local resources. Upon identifying a part 27545  
of the school district's basic project cost to address with local 27546  
resources, the school district board may allocate any available 27547  
school district moneys to pay the cost of that identified part, 27548  
including the proceeds of an issuance of bonds if approved by the 27549  
electors of the school district. 27550

All local resources utilized under this division shall first 27551  
be deposited in the project construction account required under 27552  
section 3318.08 of the Revised Code. 27553

(2) Unless the school district board exercises its option 27554  
under division (D)(3) of this section, for a school district to 27555  
qualify for participation in the program authorized under this 27556  
section, one of the following conditions shall be satisfied: 27557

(a) The electors of the school district by a majority vote 27558  
shall approve the levy of taxes outside the ten-mill limitation 27559  
for a period of twenty-three years at the rate of not less than 27560  
one-half mill for each dollar of valuation to be used to pay the 27561  
cost of maintaining the classroom facilities included in the basic 27562  
project cost as determined by the commission. The form of the 27563  
ballot to be used to submit the question whether to approve the 27564

tax required under this division to the electors of the school 27565  
district shall be the form for an additional levy of taxes 27566  
prescribed in section 3318.361 of the Revised Code, which may be 27567  
combined in a single ballot question with the questions prescribed 27568  
under section 5705.218 of the Revised Code. 27569

(b) As authorized under division (C) of section 3318.05 of 27570  
the Revised Code, the school district board shall earmark from the 27571  
proceeds of a permanent improvement tax levied under section 27572  
5705.21 of the Revised Code, an amount equivalent to the 27573  
additional tax otherwise required under division (D)(2)(a) of this 27574  
section for the maintenance of the classroom facilities included 27575  
in the basic project cost as determined by the commission. 27576

(c) As authorized under section 3318.051 of the Revised Code, 27577  
the school district board shall, if approved by the commission, 27578  
annually transfer into the maintenance fund required under section 27579  
3318.05 of the Revised Code the amount prescribed in section 27580  
3318.051 of the Revised Code in lieu of the tax otherwise required 27581  
under division (D)(2)(a) of this section for the maintenance of 27582  
the classroom facilities included in the basic project cost as 27583  
determined by the commission. 27584

(d) If the school district board has rescinded the agreement 27585  
to make transfers under section 3318.051 of the Revised Code, as 27586  
provided under division (F) of that section, the electors of the 27587  
school district, in accordance with section 3318.063 of the 27588  
Revised Code, first shall approve the levy of taxes outside the 27589  
ten-mill limitation for the period specified in that section at a 27590  
rate of not less than one-half mill for each dollar of valuation. 27591

(e) The school district board shall apply the proceeds of a 27592  
tax to leverage bonds as authorized under section 3318.052 of the 27593  
Revised Code or dedicate a local donated contribution in the 27594  
manner described in division (B) of section 3318.084 of the 27595  
Revised Code in an amount equivalent to the additional tax 27596

otherwise required under division (D)(2)(a) of this section for 27597  
the maintenance of the classroom facilities included in the basic 27598  
project cost as determined by the commission. 27599

(3) A school district board may opt to delay taking any of 27600  
the actions described in division (D)(2) of this section until 27601  
such time as the school district becomes eligible for state 27602  
assistance under sections 3318.01 to 3318.20 of the Revised Code. 27603  
In order to exercise this option, the board shall certify to the 27604  
commission a resolution indicating the board's intent to do so 27605  
prior to entering into an agreement under division (B) of this 27606  
section. 27607

(4) If pursuant to division (D)(3) of this section a district 27608  
board opts to delay levying an additional tax until the district 27609  
becomes eligible for state assistance, it shall submit the 27610  
question of levying that tax to the district electors as follows: 27611

(a) In accordance with section 3318.06 of the Revised Code if 27612  
it will also be necessary pursuant to division (E) of this section 27613  
to submit a proposal for approval of a bond issue; 27614

(b) In accordance with section 3318.361 of the Revised Code 27615  
if it is not necessary to also submit a proposal for approval of a 27616  
bond issue pursuant to division (E) of this section. 27617

(5) No state assistance under sections 3318.01 to 3318.20 of 27618  
the Revised Code shall be released until a school district board 27619  
that adopts and certifies a resolution under division (D) of this 27620  
section also demonstrates to the satisfaction of the commission 27621  
compliance with the provisions of division (D)(2) of this section. 27622

Any amount required for maintenance under division (D)(2) of 27623  
this section shall be deposited into a separate fund as specified 27624  
in division (B) of section 3318.05 of the Revised Code. 27625

(E)(1) If the school district becomes eligible for state 27626  
assistance under sections 3318.01 to 3318.20 of the Revised Code 27627

based on its percentile ranking as determined under division (B) 27628  
of this section, the commission shall conduct a new assessment of 27629  
the school district's classroom facilities needs and shall 27630  
recalculate the basic project cost based on this new assessment. 27631  
The basic project cost recalculated under this division shall 27632  
include the amount of expenditures made by the school district 27633  
board under division (D)(1) of this section. The commission shall 27634  
then recalculate the school district's portion of the new basic 27635  
project cost, which shall be the percentage of the original basic 27636  
project cost assigned to the school district as its portion under 27637  
division (C) of this section. The commission shall deduct the 27638  
expenditure of school district moneys made under division (D)(1) 27639  
of this section from the school district's portion of the basic 27640  
project cost as recalculated under this division. If the amount of 27641  
school district resources applied by the school district board to 27642  
the school district's portion of the basic project cost under this 27643  
section is less than the total amount of such portion as 27644  
recalculated under this division, the school district board by a 27645  
majority vote of all of its members shall, if it desires to seek 27646  
state assistance under sections 3318.01 to 3318.20 of the Revised 27647  
Code, adopt a resolution as specified in section 3318.06 of the 27648  
Revised Code to submit to the electors of the school district the 27649  
question of approval of a bond issue in order to pay any 27650  
additional amount of school district portion required for state 27651  
assistance. Any tax levy approved under division (D) of this 27652  
section satisfies the requirements to levy the additional tax 27653  
under section 3318.06 of the Revised Code. 27654

(2) If the amount of school district resources applied by the 27655  
school district board to the school district's portion of the 27656  
basic project cost under this section is more than the total 27657  
amount of such portion as recalculated under this division, within 27658  
one year after the school district's portion is recalculated under 27659  
division (E)(1) of this section the commission may grant to the 27660

school district the difference between the two calculated 27661  
portions, but at no time shall the commission expend any state 27662  
funds on a project in an amount greater than the state's portion 27663  
of the basic project cost as recalculated under this division. 27664

Any reimbursement under this division shall be only for local 27665  
resources the school district has applied toward construction cost 27666  
expenditures for the classroom facilities approved by the 27667  
commission, which shall not include any financing costs associated 27668  
with that construction. 27669

The school district board shall use any moneys reimbursed to 27670  
the district under this division to pay off any debt service the 27671  
district owes for classroom facilities constructed under its 27672  
project under this section before such moneys are applied to any 27673  
other purpose. However, the district board first may deposit 27674  
moneys reimbursed under this division into the district's general 27675  
fund or a permanent improvement fund to replace local resources 27676  
the district withdrew from those funds, as long as, and to the 27677  
extent that, those local resources were used by the district for 27678  
constructing classroom facilities included in the district's basic 27679  
project cost. 27680

(F) If a school district has entered into an agreement with 27681  
the commission under this section and the electors of the district 27682  
have approved a bond issue to pay the district's portion of the 27683  
basic project cost, the district shall not be ranked in a higher 27684  
percentile under section 3318.011 of the Revised Code than the 27685  
percentile in which the district was ranked on the date that the 27686  
bond issue was approved, regardless of the district's three-year 27687  
average adjusted valuation per pupil calculated under that section 27688  
for any subsequent fiscal year. 27689

Sec. 3318.47. (A) On the effective date of this section, the 27690  
director of budget and management shall transfer any amount on 27691

hand in the fund established under former section 3318.47 of the 27692  
Revised Code, as that section existed prior to the effective date 27693  
of this section, into the fund established under section 3318.15 27694  
of the Revised Code. 27695

(B) On or after the effective date of this section, any 27696  
amounts received from school districts in repayment of loans made 27697  
under former sections 3318.47 to 3318.49, as those sections 27698  
existed prior to the effective date of this section, shall be 27699  
deposited into the fund established under section 3318.15 of the 27700  
Revised Code. 27701

**Sec. 3319.28.** (A) As used in this section, "STEM school" 27702  
means a science, technology, engineering, and mathematics school 27703  
established under Chapter 3326. of the Revised Code. 27704

(B) Notwithstanding any other provision of the Revised Code 27705  
or any rule adopted by the state board of education to the 27706  
contrary, the state board shall issue a two-year provisional 27707  
educator license for teaching science, technology, engineering, or 27708  
mathematics in grades six through twelve in a STEM school to any 27709  
applicant who meets the following conditions: 27710

(1) Holds a bachelor's degree from an accredited institution 27711  
of higher education in a field related to the subject area to be 27712  
taught; 27713

(2) Has passed an examination prescribed by the state board 27714  
in the subject area to be taught. 27715

(C) The holder of a provisional educator license issued under 27716  
this section shall complete a structured apprenticeship program 27717  
provided by an educational service center or a teacher preparation 27718  
program approved under section 3319.23 of the Revised Code, in 27719  
partnership with the STEM school that employs the license holder. 27720  
The apprenticeship program shall include the following: 27721

<u>(1) Mentoring by a teacher or administrator who regularly</u>	27722
<u>observes the license holder's classroom instruction, provides</u>	27723
<u>feedback on the license holder's teaching strategies and classroom</u>	27724
<u>management, and engages the license holder in discussions about</u>	27725
<u>methods for fostering and measuring student learning;</u>	27726
<u>(2) Regularly scheduled seminars or meetings that address the</u>	27727
<u>following topics:</u>	27728
<u>(a) The statewide academic standards adopted by the state</u>	27729
<u>board under section 3301.079 of the Revised Code and the</u>	27730
<u>importance of aligning curriculum with those standards;</u>	27731
<u>(b) The achievement tests prescribed by section 3301.0710 of</u>	27732
<u>the Revised Code;</u>	27733
<u>(c) The school district and building accountability system</u>	27734
<u>established under Chapter 3302. of the Revised Code;</u>	27735
<u>(d) Instructional methods and strategies;</u>	27736
<u>(e) Student development;</u>	27737
<u>(f) Assessing student progress and providing remediation and</u>	27738
<u>intervention, as necessary, to meet students' special needs;</u>	27739
<u>(g) Classroom management and record keeping.</u>	27740
<u>(D) After two years of teaching under a provisional educator</u>	27741
<u>license issued under this section, a person may apply for a</u>	27742
<u>five-year professional educator license in the same subject area</u>	27743
<u>named in the provisional license. The state board shall issue the</u>	27744
<u>applicant a professional educator license if the applicant meets</u>	27745
<u>the following conditions:</u>	27746
<u>(1) The applicant completed the apprenticeship program</u>	27747
<u>described in division (C) of this section.</u>	27748
<u>(2) The applicant receives a positive recommendation</u>	27749
<u>indicating that the applicant is an effective teacher from both of</u>	27750
<u>the following:</u>	27751

(a) The chief administrative officer of the STEM school that 27752  
most recently employed the applicant as a classroom teacher; 27753

(b) The educational service center or teacher preparation 27754  
program administrator in charge of the apprenticeship program 27755  
completed by the applicant. 27756

(E) The department of education shall evaluate the 27757  
experiences of STEM schools with classroom teachers holding 27758  
provisional educator licenses issued under this section. The 27759  
evaluation shall cover the first two school years for which 27760  
licenses are issued and shall consider at least the schools' 27761  
satisfaction with the teachers and the operation of the 27762  
apprenticeship programs. 27763

**Sec. 3319.29.** Each application for any license ~~or~~, 27764  
certificate ~~pursuant to sections 3319.22 to 3319.27 of the Revised~~ 27765  
~~Code or for any, or permit pursuant to section 3319.301, 3319.302,~~ 27766  
~~3319.303, or 3319.304 of the Revised Code~~ under this chapter, or 27767  
renewal or duplicate of such a license, certificate, or permit, 27768  
shall be accompanied by the payment of a fee in the amount 27769  
established under division (A) of section 3319.51 of the Revised 27770  
Code. Any fees received under this section shall be paid into the 27771  
state treasury to the credit of the state board of education 27772  
licensure fund established under division (B) of section 3319.51 27773  
of the Revised Code. 27774

Any person applying for or holding a license, certificate, or 27775  
permit ~~pursuant to this section and sections 3319.22 to 3319.27 or~~ 27776  
~~section 3319.301, 3319.302, 3319.303, or 3319.304 of the Revised~~ 27777  
~~Code~~ under this chapter is subject to sections 3123.41 to 3123.50 27778  
of the Revised Code and any applicable rules adopted under section 27779  
3123.63 of the Revised Code and sections 3319.31 and 3319.311 of 27780  
the Revised Code. 27781

Sec. 3319.291. (A) The state board of education shall require 27782  
each of the following persons, at the times prescribed by division 27783  
(A) of this section, to submit two complete sets of fingerprints 27784  
and written permission that authorizes the superintendent of 27785  
public instruction to forward the fingerprints to the bureau of 27786  
criminal identification and investigation pursuant to division (F) 27787  
of section 109.57 of the Revised Code and that authorizes that 27788  
bureau to forward the fingerprints to the federal bureau of 27789  
investigation for purposes of obtaining any criminal records that 27790  
the federal bureau maintains on the person: 27791

(1) Any person initially applying for any certificate, 27792  
license, or permit described in this chapter or in division (B) of 27793  
section 3301.071, or in section 3301.074, ~~3319.088, 3319.29,~~ 27794  
~~3319.302, or 3319.304, or in division (A) of section 3319.303~~ of 27795  
the Revised Code at the time that application is made; 27796

(2) Any person applying for renewal of any certificate, 27797  
license, or permit described in division (A)(1) of this section at 27798  
the time that application is made; 27799

(3) Any person who is teaching under a professional teaching 27800  
certificate issued under former section 3319.22 or under section 27801  
3319.222 of the Revised Code upon a date prescribed by the state 27802  
board that is not later than five years after the date that the 27803  
certificate was issued or renewed; 27804

(4) Any person who is teaching under a permanent teaching 27805  
certificate issued under former section 3319.22 or under section 27806  
3319.222 of the Revised Code upon a date prescribed by the state 27807  
board and every five years thereafter. 27808

(B) Except as provided in division (C) of this section, prior 27809  
to issuing or renewing any certificate, license, or permit 27810  
described in division (A)(1) or (2) of this section and in the 27811  
case of a person required to submit fingerprints and written 27812

permission under division (A)(3) or (4) of this section, the state board or the superintendent of public instruction shall request the superintendent of the bureau of criminal identification and investigation to investigate and determine whether the bureau has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, pertaining to any person submitting fingerprints and written permission under this section. If the person does not present proof that the person has been a resident of this state for the five-year period immediately prior to the date upon which the investigation described in this division is requested, or does not provide evidence that within that five-year period the superintendent of the bureau of criminal identification and investigation has requested information about the person from the federal bureau of investigation, the state board or the superintendent of public instruction shall request the superintendent of the bureau of criminal identification and investigation to obtain any criminal records that the federal bureau of investigation has on the person. If the person presents proof that the person has been a resident of this state for that five-year period, the state board or the superintendent of public instruction may request the superintendent of the bureau of criminal identification and investigation to obtain any criminal records that the federal bureau of investigation has on the person.

(C) The state board or the superintendent of public instruction may choose not to request any information required by division (B) of this section if the person applying for the issuance or renewal of a certificate, license, or permit described in division (A)(1) or (2) of this section or the person required to submit fingerprints and written permission under division (A)(3) or (4) of this section provides proof that a criminal records check was conducted on the person as a condition of employment pursuant to section 3319.39 of the Revised Code within

the immediately preceding year. The state board or the 27846  
superintendent of public instruction may accept a certified copy 27847  
of records that were issued by the bureau of criminal 27848  
identification and investigation and that are presented by a 27849  
person applying for the issuance or renewal of a certificate, 27850  
license, or permit described in this section in lieu of requesting 27851  
that information under division (B) of this section if the records 27852  
were issued by the bureau within the immediately preceding year. 27853

**Sec. 3319.301.** (A) As used in this section, "STEM school" 27854  
means a science, technology, engineering, and mathematics school 27855  
established under Chapter 3326. of the Revised Code. 27856

(B) The state board of education shall issue permits to 27857  
individuals who are not licensed as required by sections 3319.22 27858  
to 3319.30 of the Revised Code, but who are otherwise qualified, 27859  
to teach classes for not more than a total of twelve hours a week, 27860  
except that an individual teaching in a STEM school may teach 27861  
classes for not more than a total of forty hours a week. The state 27862  
board, by rule, shall set forth the qualifications, other than 27863  
licensure under sections 3319.22 to 3319.30 of the Revised Code, 27864  
to be met by individuals in order to be issued a permit as 27865  
provided in this section. Such qualifications shall include the 27866  
possession of a baccalaureate, master's, or doctoral degree in, or 27867  
significant experience related to, the subject the individual is 27868  
to teach. Applications for permits pursuant to this section shall 27869  
be made in accordance with section 3319.29 of the Revised Code. 27870

The state board, by rule, shall authorize the board of 27871  
education of each school district and each STEM school to engage 27872  
individuals holding permits issued under this section to teach 27873  
classes for not more than a the total number of ~~twelve~~ hours a 27874  
week specified in the permit. The rules shall include provisions 27875  
with regard to each of the following: 27876

(1) That a board of education or STEM school shall engage a nonlicensed individual to teach pursuant to this section on a volunteer basis, or by entering into a contract with the individual or the individual's employer on such terms and conditions as are agreed to between the board or school and the individual or the individual's employer;

(2) That an employee of the board of education or STEM school who is licensed under sections 3319.22 to 3319.30 of the Revised Code shall directly supervise a nonlicensed individual who is engaged to teach pursuant to this section until the superintendent of the school district or the chief administrative officer of the STEM school is satisfied that the nonlicensed individual has sufficient understanding of, and experience in, effective teaching methods to teach without supervision.

~~(B)~~(C) A nonlicensed individual engaged to teach pursuant to this section is a teacher for the purposes of Title XXXIII of the Revised Code except for the purposes of Chapters 3307. and 3317. and sections 3319.07 to 3319.31 of the Revised Code. Such an individual is not an employee of the ~~school district~~ board of education or STEM school for the purpose of Titles I or XLI or Chapter 3309. of the Revised Code.

~~(C)~~(D) Students enrolled in a class taught by a nonlicensed individual pursuant to this section and rules adopted thereunder shall receive the same credit as if the class had been taught by an employee licensed pursuant to sections 3319.22 to 3319.30 of the Revised Code.

~~(D)~~(E) No board of education of any school district shall engage any one or more nonlicensed individuals if such employment displaces from employment an existing licensed employee of the district.

**Sec. 3319.31.** (A) As used in this section and sections

3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 27908  
means a certificate, license, or permit described in this chapter 27909  
or in division (B) of section 3301.071, or in section 3301.074, 27910  
~~3319.088, 3319.29, 3319.302, or 3319.304, or in division (A) of~~ 27911  
~~section 3319.303~~ of the Revised Code. 27912

(B) For any of the following reasons, the state board of 27913  
education, in accordance with Chapter 119. and section 3319.311 of 27914  
the Revised Code, may refuse to issue a license to an applicant, 27915  
may limit a license it issues to an applicant, or may suspend, 27916  
revoke, or limit a license that has been issued to any person: 27917

(1) Engaging in an immoral act, incompetence, negligence, or 27918  
conduct that is unbecoming to the applicant's or person's 27919  
position; 27920

(2) A plea of guilty to, a finding of guilt by a jury or 27921  
court of, or a conviction of any of the following: 27922

(a) A felony; 27923

(b) A violation of section 2907.04 or 2907.06 or division (A) 27924  
or (B) of section 2907.07 of the Revised Code; 27925

(c) An offense of violence; 27926

(d) A theft offense, as defined in section 2913.01 of the 27927  
Revised Code; 27928

(e) A drug abuse offense, as defined in section 2925.01 of 27929  
the Revised Code, that is not a minor misdemeanor; 27930

(f) A violation of an ordinance of a municipal corporation 27931  
that is substantively comparable to an offense listed in divisions 27932  
(B)(2)(a) to (e) of this section. 27933

(C) The state board may take action under division (B) of 27934  
this section on the basis of substantially comparable conduct 27935  
occurring in a jurisdiction outside this state or occurring before 27936  
a person applies for or receives any license. 27937

(D) The state board may adopt rules in accordance with 27938  
Chapter 119. of the Revised Code to carry out this section and 27939  
section 3319.311 of the Revised Code. 27940

**Sec. 3319.55.** (A) A grant program is hereby established to 27941  
recognize and reward teachers in public and chartered nonpublic 27942  
schools who hold valid teaching certificates or licenses issued by 27943  
the national board for professional teaching standards. The 27944  
superintendent of public instruction shall administer this program 27945  
in accordance with this section and rules which the state board of 27946  
education shall adopt in accordance with Chapter 119. of the 27947  
Revised Code. 27948

In each fiscal year that the general assembly appropriates 27949  
funds for purposes of this section, the superintendent of public 27950  
instruction shall award a grant to each person who, by the first 27951  
day of April of that year and in accordance with the rules adopted 27952  
under this section, submits to the superintendent evidence 27953  
indicating ~~all~~ both of the following: 27954

(1) The person holds a valid certificate or license issued by 27955  
the national board for professional teaching standards; 27956

(2) The person has been employed full-time as a teacher by 27957  
the board of education of a school district or by a chartered 27958  
nonpublic school in this state during the current school year; 27959

~~(3) The date the person was accepted into the national board 27960  
certification or licensure program. 27961~~

An individual may receive a grant under this section in each 27962  
fiscal year the person is eligible for a grant and submits 27963  
evidence of that eligibility in accordance with this section. No 27964  
person may receive a grant after the expiration of the person's 27965  
initial certification or license issued by the national board. 27966

(B) The amount of the grant awarded to each eligible person 27967

under division (A) of this section in any fiscal year shall equal 27968  
~~the following:~~ 27969

~~(1) Two two thousand five hundred dollars for any teacher 27970  
accepted as a candidate for certification or licensure by the 27971  
national board on or before May 31, 2003, and issued a certificate 27972  
or license by the national board on or before December 31, 2004;~~ 27973

~~(2) One thousand dollars for any other teacher issued a 27974  
certificate or license by the national board.~~ 27975

~~However.~~ However, if the funds appropriated for purposes of 27976  
this section in any fiscal year are not sufficient to award the 27977  
full grant amount to each person who is eligible in that fiscal 27978  
year, the superintendent shall prorate the amount of the grant 27979  
awarded in that fiscal year to each eligible person. 27980

**Sec. 3321.03.** ~~Except~~ As used in this section and section 27981  
3321.04 of the Revised Code, "special education program" means a 27982  
school or the educational agency that provides special education 27983  
and related services to children with disabilities in accordance 27984  
with Chapter 3323. of the Revised Code. 27985

Except as provided in this section, the parent of a child of 27986  
compulsory school age shall cause such child to attend a school in 27987  
the school district in which the child is entitled to attend 27988  
school under division (B) or (F) of section 3313.64 or section 27989  
3313.65 of the Revised Code, to participate in a special education 27990  
program under Chapter 3323. of the Revised Code, or to otherwise 27991  
cause ~~him~~ the child to be instructed in accordance with law. Every 27992  
child of compulsory school age shall attend a school or 27993  
participate in a special education program that conforms to the 27994  
minimum standards prescribed by the state board of education until 27995  
the child: 27996

(A) Receives a diploma granted by the board of education or 27997

other governing authority, successfully completes the curriculum 27998  
of any high school, or successfully completes the individualized 27999  
education program developed for the student by any high school 28000  
pursuant to ~~section 3323.08~~ Chapter 3323. of the Revised Code; 28001

(B) Receives an age and schooling certificate as provided in 28002  
section 3331.01 of the Revised Code; or 28003

(C) Is excused from school under standards adopted by the 28004  
state board of education pursuant to section 3321.04 of the 28005  
Revised Code, or if in need of special education, ~~he~~ the child is 28006  
excused from such programs pursuant to section 3321.04 of the 28007  
Revised Code. 28008

Sec. 3323.01. As used in this chapter: 28009

(A) "Child with a disability" means a child who is at least 28010  
three years of age and less than twenty-two years of age; who has 28011  
mental retardation, a hearing impairment (including deafness), a 28012  
speech or language impairment, a visual impairment (including 28013  
blindness), a serious emotional disturbance, an orthopedic 28014  
impairment, autism, traumatic brain injury, an other health 28015  
impairment, a specific learning disability, deaf-blindness, or 28016  
multiple disabilities; and who, by reason thereof, needs special 28017  
education and related services. 28018

A "child with a disability" may include a child who is at 28019  
least three years of age and less than six years of age; who is 28020  
experiencing developmental delays, as defined by standards adopted 28021  
by the state board of education and as measured by appropriate 28022  
diagnostic instruments and procedures in one or more of the 28023  
following areas: physical development, cognitive development, 28024  
communication development, social or emotional development, or 28025  
adaptive development; and who, by reason thereof, needs special 28026  
education and related services. 28027

<u>(B) "County MR/DD board" means a county board of mental</u>	28028
<u>retardation and developmental disabilities.</u>	28029
<u>(C) "Free appropriate public education" means special</u>	28030
<u>education and related services that meet all of the following:</u>	28031
<u>(1) Are provided at public expense, under public supervision</u>	28032
<u>and direction, and without charge;</u>	28033
<u>(2) Meet the standards of the state board of education;</u>	28034
<u>(3) Include an appropriate preschool, elementary, or</u>	28035
<u>secondary education as otherwise provided by the law of this</u>	28036
<u>state;</u>	28037
<u>(4) Are provided for each child with a disability in</u>	28038
<u>conformity with the child's individualized education program.</u>	28039
<u>(D) "Homeless children" means "homeless children and youths"</u>	28040
<u>as defined in section 725 of the "McKinney-Vento Homeless</u>	28041
<u>Assistance Act," 42 U.S.C. 11434a.</u>	28042
<u>(E) "Individualized education program" or "IEP" means the</u>	28043
<u>written statement described in section 3323.011 of the Revised</u>	28044
<u>Code.</u>	28045
<u>(F) "Individualized education program team" or "IEP team"</u>	28046
<u>means a group of individuals composed of:</u>	28047
<u>(1) The parents of a child with a disability;</u>	28048
<u>(2) At least one regular education teacher of the child, if</u>	28049
<u>the child is or may be participating in the regular education</u>	28050
<u>environment;</u>	28051
<u>(3) At least one special education teacher, or where</u>	28052
<u>appropriate, at least one special education provider of the child;</u>	28053
<u>(4) A representative of the school district who meets all of</u>	28054
<u>the following:</u>	28055
<u>(a) Is qualified to provide, or supervise the provision of,</u>	28056

pecially designed instruction to meet the unique needs of 28057  
children with disabilities; 28058

(b) Is knowledgeable about the general education curriculum; 28059

(c) Is knowledgeable about the availability of resources of 28060  
the school district. 28061

(5) An individual who can interpret the instructional 28062  
implications of evaluation results, who may be a member of the 28063  
team as described in divisions (F)(2) to (4) of this section; 28064

(6) At the discretion of the parent or the school district, 28065  
other individuals who have knowledge or special expertise 28066  
regarding the child, including related services personnel as 28067  
appropriate; 28068

(7) Whenever appropriate, the child with a disability. 28069

(G) "Instruction in braille reading and writing" means the 28070  
teaching of the system of reading and writing through touch 28071  
commonly known as standard English braille. 28072

(H) "Other educational agency" means a department, division, 28073  
bureau, office, institution, board, commission, committee, 28074  
authority, or other state or local agency, which is not a city, 28075  
local, or exempted village school district or an agency 28076  
administered by the department of mental retardation and 28077  
developmental disabilities, that provides or seeks to provide 28078  
special education or related services to children with 28079  
disabilities. The term "other educational agency" includes a joint 28080  
vocational school district. 28081

(I) "Parent" of a child with a disability, except as used in 28082  
sections 3323.09 and 3323.141 of the Revised Code, means: 28083

(1) A natural or adoptive parent of a child but not a foster 28084  
parent of a child; 28085

(2) A guardian, but not the state if the child is a ward of 28086

the state; 28087

(3) An individual acting in the place of a natural or 28088  
adoptive parent, including a grandparent, stepparent, or other 28089  
relative, with whom the child lives, or an individual who is 28090  
legally responsible for the child's welfare; 28091

(4) An individual assigned to be a surrogate parent, provided 28092  
the individual is not prohibited by this chapter from serving as a 28093  
surrogate parent for a child. 28094

(J) "Preschool child with a disability" means a child with a 28095  
disability who is at least three years of age but is not of 28096  
compulsory school age, as defined under section 3321.01 of the 28097  
Revised Code, and who is not currently enrolled in kindergarten. 28098

(K) "Related services" means transportation, and such 28099  
developmental, corrective, and other supportive services 28100  
(including speech-language pathology and audiology services, 28101  
interpreting services, psychological services, physical and 28102  
occupational therapy, recreation, including therapeutic 28103  
recreation, school nurse services designed to enable a child with 28104  
a disability to receive a free appropriate public education as 28105  
described in the individualized education program of the child, 28106  
counseling services, including rehabilitation counseling, 28107  
orientation and mobility services, school health services, social 28108  
work services in schools, and parent counseling and training, and 28109  
medical services, except that such medical services shall be for 28110  
diagnostic and evaluation purposes only) as may be required to 28111  
assist a child with a disability to benefit from special 28112  
education, and includes the early identification and assessment of 28113  
disabling conditions in children. "Related services" does not 28114  
include a medical device that is surgically implanted, or the 28115  
replacement of such device. 28116

(L) "School district" means a city, local, or exempted 28117

<u>village school district.</u>	28118
<u>(M) "School district of residence," as used in sections 3323.09, 3323.091, 3323.13, and 3323.14 of the Revised Code, means:</u>	28119
<u>(1) The school district in which the child's natural or adoptive parents reside;</u>	28120
	28121
<u>(2) If the school district specified in division (M)(1) of this section cannot be determined, the last school district in which the child's natural or adoptive parents are known to have resided if the parents' whereabouts are unknown;</u>	28122
	28123
<u>(3) If the school district specified in division (M)(2) of this section cannot be determined, the school district determined under section 2151.362 of the Revised Code, or if no district has been so determined, the school district as determined by the probate court of the county in which the child resides.</u>	28124
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<u>(4) Notwithstanding divisions (M)(1) to (3) of this section, if a school district is required by section 3313.65 of the Revised Code to pay tuition for a child, that district shall be the child's school district of residence.</u>	28128
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<u>(N) "Special education" means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability. "Special education" includes instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings, including an early childhood education setting, and instruction in physical education.</u>	28133
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<u>(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.</u>	28137
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<u>(P) "Transition services" means a coordinated set of activities for a child with a disability that meet all of the</u>	28143
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following: 28148

(1) Is designed to be within a results-oriented process, that 28149  
is focused on improving the academic and functional achievement of 28150  
the child with a disability to facilitate the child's movement 28151  
from school to post-school activities, including post-secondary 28152  
education; vocational education; integrated employment (including 28153  
supported employment); continuing and adult education; adult 28154  
services; independent living; or community participation; 28155

(2) Is based on the individual child's needs, taking into 28156  
account the child's strengths, preferences, and interests; 28157

(3) Includes instruction, related services, community 28158  
experiences, the development of employment and other post-school 28159  
adult living objectives, and, when appropriate, acquisition of 28160  
daily living skills and functional vocational evaluation. 28161

"Transition services" for children with disabilities may be 28162  
special education, if provided as specially designed instruction, 28163  
or may be a related service, if required to assist a child with a 28164  
disability to benefit from special education. 28165

(0) "Visual impairment" for any individual means that one of 28166  
the following applies to the individual: 28167

(1) The individual has a visual acuity of 20/200 or less in 28168  
the better eye with correcting lenses or has a limited field of 28169  
vision in the better eye such that the widest diameter subtends an 28170  
angular distance of no greater than twenty degrees. 28171

(2) The individual has a medically indicated expectation of 28172  
meeting the requirements of division (0)(1) of this section over a 28173  
period of time. 28174

(3) The individual has a medically diagnosed and medically 28175  
uncorrectable limitation in visual functioning that adversely 28176  
affects the individual's ability to read and write standard print 28177

at levels expected of the individual's peers of comparable ability 28178  
and grade level. 28179

(R) "Ward of the state" has the same meaning as in section 28180  
602(36) of the "Individuals with Disabilities Education 28181  
Improvement Act of 2004," 20 U.S.C. 1401(36). 28182

**Sec. 3323.011.** As used in this chapter, "individualized 28183  
education program" or "IEP" means a written statement for each 28184  
child with a disability that is developed, reviewed, and revised 28185  
in accordance with this definition and that includes: 28186

(A) A statement of the child's present levels of academic 28187  
achievement and functional performance, including: 28188

(1) How the child's disability affects the child's 28189  
involvement and progress in the general education curriculum; 28190

(2) For a preschool child with a disability, as appropriate, 28191  
how the disability affects the child's participation in 28192  
appropriate activities; 28193

(3) For a child with a disability who is not a preschool 28194  
child and who will take alternate assessments aligned to alternate 28195  
achievement standards, a description of benchmarks or short-term 28196  
objectives. 28197

(B) A statement of measurable annual goals, including 28198  
academic and functional goals and, at the discretion of the 28199  
department of education, short-term instructional objectives that 28200  
are designed to: 28201

(1) Meet the child's needs that result from the child's 28202  
disability so as to enable the child to be involved in and make 28203  
progress in the general education curriculum; 28204

(2) Meet each of the child's other educational needs that 28205  
result from the child's disability. 28206

(C) A description of how the child's progress toward meeting the annual goals described pursuant to division (B) of this section will be measured and when periodic reports on the progress the child is making toward meeting the annual goals will be provided. Such reports may be quarterly or other periodic reports that are issued concurrent with the issuance of regular report cards. 28207  
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(D) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child so that the child may: 28214  
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(1) Advance appropriately toward attaining the annual goals described pursuant to division (B) of this section; 28220  
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(2) Be involved in and make progress in the general education curriculum and participate in extracurricular and other nonacademic activities; 28222  
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(3) Be educated with and participate with both other children with disabilities and nondisabled children in the specific activities described pursuant to division (D) of this section. 28225  
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(E) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class, including an early childhood education setting, and in the activities described pursuant to division (D) of this section; 28228  
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(F) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on state and districtwide assessments consistent with section 612(a)(16) of the "Individuals with Disabilities Education Improvement Act of 2004," 20 U.S.C. 1412(a)(16). If the IEP team determines that the child shall take 28232  
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an alternate assessment on a particular state or districtwide 28238  
assessment of student achievement, the IEP shall contain a 28239  
statement of why the child cannot participate in the regular 28240  
assessment and why the particular alternate assessment selected is 28241  
appropriate for the child. 28242

(G) The projected date for the beginning of the services and 28243  
modifications described pursuant to division (D) of this section 28244  
and the anticipated frequency, location, and duration of those 28245  
services and modifications; 28246

(H) Beginning not later than the first IEP to be in effect 28247  
when the child is sixteen years of age, and updated annually 28248  
thereafter, a statement describing: 28249

(1) Appropriate measurable post-secondary goals based upon 28250  
age-appropriate transition assessments related to training, 28251  
education, employment, and independent living skills; 28252

(2) The transition services, including courses of study, 28253  
needed to assist the child in reaching the goals described in 28254  
division (H)(1) of this section. 28255

(I) Beginning not later than one year before the child 28256  
reaches eighteen years of age, a statement that the child has been 28257  
informed of the child's rights under Title XX of the United States 28258  
Code that will transfer to the child on reaching eighteen years of 28259  
age in accordance with section 615(m) of the "Individuals with 28260  
Disabilities Education Improvement Act of 2004," 20 U.S.C. 28261  
1415(m). 28262

Nothing in this section shall be construed to require that 28263  
additional information be included in a child's IEP beyond the 28264  
items explicitly required by this section and that the IEP team 28265  
include information under one component of a child's IEP that is 28266  
already contained under another component of the IEP. 28267

**Sec. ~~3323.011~~ 3323.013.** (A) The individualized education 28268  
program required for any student with a visual ~~disability~~ 28269  
impairment under this chapter shall include the following, in 28270  
addition to the statements required pursuant to ~~division (E) of~~ 28271  
section ~~3323.01~~ 3323.011 of the Revised Code: 28272

(1) A statement that instruction in braille reading and 28273  
writing was carefully considered for the student and that 28274  
pertinent literature describing the educational benefits of 28275  
instruction in braille reading and writing was reviewed by the 28276  
persons developing the student's individualized education program; 28277

(2) A statement specifying the one or more reading and 28278  
writing media in which instruction is appropriate for the 28279  
student's educational needs; 28280

(3) If instruction in braille reading and writing is 28281  
specified as appropriate for the student pursuant to division 28282  
(A)(2) of this section, a statement of the instruction in braille 28283  
reading and writing that is to be provided to the student. This 28284  
statement shall specify the date on which the instruction is to 28285  
commence, the frequency and duration of instruction sessions, the 28286  
level of competency in braille reading and writing expected to be 28287  
achieved annually, and the objective assessment measures to be 28288  
used. Whenever appropriate, the expected level of braille 28289  
competency for the student shall be to enable the student to 28290  
communicate effectively and efficiently with the same level of 28291  
proficiency expected of the student's peers of comparable ability 28292  
and grade level and the instruction in braille reading and writing 28293  
that is to be provided shall be designed accordingly. 28294

(B) If the individualized education program for any student 28295  
with a visual ~~disability~~ impairment does not specify instruction 28296  
in braille reading and writing as appropriate for the student 28297  
pursuant to division (A)(2) of this section, each annual review of 28298

that student's individualized education program, ~~as provided~~ 28299  
~~pursuant to division (C) of section 3323.08 of the Revised Code,~~ 28300  
shall include a written statement specifying the reasons why 28301  
instruction in braille reading and writing is not appropriate for 28302  
the student. 28303

(C)(1) No student with a visual ~~disability~~ impairment shall 28304  
be denied instruction in braille reading and writing pursuant to 28305  
this section solely because the student has some remaining vision 28306  
or because the student is to receive reading and writing 28307  
instruction in another medium. 28308

(2) Nothing in this section shall be construed to require the 28309  
exclusive use of instruction through the medium of braille reading 28310  
and writing if other reading and writing media are appropriate to 28311  
a student's educational needs. 28312

(D) Any instruction in braille reading and writing provided 28313  
to any student with a visual ~~disability~~ impairment pursuant to 28314  
division (A)(3) of this section shall be provided by a teacher 28315  
licensed to teach students with visual ~~disabilities~~ impairments. 28316

Sec. 3323.014. If an agency other than the school district 28317  
responsible for a child's IEP fails to provide the transition 28318  
services described in the IEP, the school district that is 28319  
responsible for the IEP shall reconvene the IEP team to identify 28320  
alternative strategies to meet the transition objectives for the 28321  
child set out in the child's IEP. 28322

Sec. 3323.02. ~~It~~ As used in this section, "IDEIA" means the 28323  
"Individuals with Disabilities Education Improvement Act of 2004," 28324  
Pub. L. No. 108-446. 28325

It is the purpose of this chapter to ~~assure~~ ensure that all 28326  
~~handicapped~~ children ~~three to twenty one years of age in this~~ 28327  
~~state shall be provided with an~~ with disabilities residing in this 28328

state who are at least three years of age and less than twenty-two 28329  
years of age, including children with disabilities who have been 28330  
suspended or expelled from school, have available to them a free 28331  
appropriate public education. No educational program for 28332  
~~handicapped children shall be operated except in accordance with~~ 28333  
~~procedures, standards, and guidelines adopted by the state board~~ 28334  
~~of education, and no school district, county board of mental~~ 28335  
~~retardation and developmental disabilities, or other educational~~ 28336  
~~agency shall receive state or federal funds for a special~~ 28337  
~~education program unless such program is operated in accordance~~ 28338  
~~with all procedures, standards, and guidelines adopted by the~~ 28339  
~~state board. The state board of education shall establish~~ 28340  
~~standards for special education and related services for all~~ 28341  
~~handicapped children in the state, regardless of the severity of~~ 28342  
~~their handicap~~ school district, county MR/DD board, or other 28343  
educational agency shall receive state or federal funds for 28344  
special education and related services unless those services for 28345  
children with disabilities are provided in accordance with IDEIA 28346  
and related provisions of the Code of Federal Regulations, the 28347  
provisions of this chapter, rules and standards adopted by the 28348  
state board of education, and any procedures or guidelines issued 28349  
by the superintendent of public instruction. Any options or 28350  
discretion provided to the state by IDEIA may be exercised in 28351  
state law or in rules or standards adopted by the state board of 28352  
education. 28353

The state board of education shall establish rules or 28354  
standards for the provision of special education and related 28355  
services for all children with disabilities who are at least three 28356  
years of age and less than twenty-two years of age residing in the 28357  
state, regardless of the severity of their disabilities, including 28358  
children with disabilities who have been suspended or expelled 28359  
from school. The state law and the rules or standards of the state 28360  
board of education may impose requirements that are not required 28361

by IDEIA or related provisions of the Code of Federal Regulations. 28362  
The school district of residence is responsible, in all instances, 28363  
for ensuring that the requirements of Part B of IDEIA are met for 28364  
every eligible child in its jurisdiction, regardless of whether 28365  
services are provided by another school district, other 28366  
educational agency, or other agency, department, or entity, unless 28367  
IDEIA or related provisions of the Code of Federal Regulations, 28368  
another section of this chapter, or a rule adopted by the state 28369  
board of education specifies that another school district, other 28370  
educational agency, or other agency, department, or entity is 28371  
responsible for ensuring compliance with Part B of IDEIA. 28372

Notwithstanding division (A)(4) of section 3301.53 of the 28373  
Revised Code and any rules adopted pursuant to that section and 28374  
division (A) of section 3313.646 of the Revised Code, a board of 28375  
education of a school district may ~~operate an educational program~~ 28376  
~~for handicapped~~ provide special education and related services for 28377  
preschool children with disabilities in accordance with this 28378  
chapter and section 3301.52, divisions (A)(1) to (3) and (A)(5) 28379  
and (6) of section 3301.53, and sections 3301.54 to ~~3301.57~~ 28380  
3301.59 of the Revised Code. 28381

The ~~state board of education~~ superintendent of public 28382  
instruction may require any state or local agency to provide 28383  
documentation that ~~programs for handicapped children operated~~ 28384  
special education and related services for children with 28385  
disabilities provided by the agency are in compliance with the 28386  
requirements of this chapter. 28387

Not later than the first day of February of each year the 28388  
superintendent of public instruction shall furnish the ~~chairmen~~ 28389  
chairpersons of the education committees of the house of 28390  
representatives and the senate with a report on the status of 28391  
implementation of ~~programs and~~ special education and related 28392  
services for ~~handicapped~~ children with disabilities required by 28393

this chapter. The report shall include but shall not be limited to 28394  
the following items: the most recent available figures on the 28395  
number of children identified as ~~handicapped, the number of~~ 28396  
~~persons placed in appropriate special education programs, and a~~ 28397  
~~summary of the reasons for nonplacement of identified persons~~ 28398  
children with disabilities and the number of identified children 28399  
receiving special education and related services. The information 28400  
contained in these reports shall be public information. 28401

**Sec. 3323.03.** The state board of education shall, in 28402  
consultation with the department of health, the department of 28403  
mental health, and the department of mental retardation and 28404  
developmental disabilities, establish standards and procedures for 28405  
the identification, location, and evaluation of all ~~handicapped~~ 28406  
children with disabilities residing in the state, including 28407  
children with disabilities who are homeless children or are wards 28408  
of the state and children with disabilities attending nonpublic 28409  
schools, regardless of the severity of their ~~handicap. No single~~ 28410  
~~method, device, or evaluation criterion shall be the sole~~ 28411  
~~eriterion for determining an appropriate educational program for a~~ 28412  
~~handicapped child. The state board shall require the~~ disabilities, 28413  
and who are in need of special education and related services. The 28414  
state board shall develop and implement a practical method to 28415  
determine which children with disabilities are currently receiving 28416  
needed special education and related services. 28417

In conducting the evaluation, the board of education of each 28418  
school district shall use a variety of assessment tools and 28419  
strategies to gather relevant functional, developmental, and 28420  
academic information about the child, including information 28421  
provided by the child's parent. The board of education of each 28422  
school district, in consultation with the county ~~boards of mental~~ 28423  
~~retardation and developmental disabilities and the boards~~ MR/DD 28424  
board, the county family and children first council, and the board 28425

of alcohol, drug addiction, and mental health services of each 28426  
county in which the school district has territory, ~~to~~ shall 28427  
identify, locate, and evaluate all ~~handicapped~~ children with 28428  
disabilities residing within the district to determine which 28429  
~~handicapped~~ children with disabilities are not receiving 28430  
appropriate special education and related services. In addition, 28431  
the board of education of each school district, in consultation 28432  
with such county boards or council, shall identify, locate, and 28433  
evaluate all children with disabilities who are enrolled by their 28434  
parents in nonpublic elementary and secondary schools located 28435  
within the public school district, without regard to where those 28436  
children reside in accordance with rules of the state board of 28437  
education or guidelines of the superintendent of public 28438  
instruction. 28439

~~County boards of mental retardation and developmental~~ 28440  
~~disabilities and boards~~ Each county MR/DD board, county family and 28441  
children first council, and board of alcohol, drug addiction, and 28442  
mental health services and ~~their~~ the board's or council's contract 28443  
agencies may transmit to boards of education the names and 28444  
addresses of ~~handicapped~~ children with disabilities who are not 28445  
receiving appropriate special education and related services. 28446

**Sec. 3323.031.** The board of education of each school district 28447  
shall annually assess the reading and writing skills of each 28448  
student with a visual ~~disability~~ impairment enrolled in the 28449  
district in each medium in which instruction is specified as 28450  
appropriate for the student pursuant to division (A)(2) of section 28451  
~~3323.011~~ 3323.013 of the Revised Code. The results of each 28452  
assessment shall be provided in a written statement that specifies 28453  
the student's strengths and weaknesses in each medium assessed. 28454

**Sec. 3323.04.** The state board of education, in consultation 28455  
with the department of mental health and the department of mental 28456

retardation and developmental disabilities, shall establish 28457  
procedures and standards for the ~~placement of handicapped children~~ 28458  
~~in appropriate educational programs~~ development of individualized 28459  
education programs for children with disabilities. 28460

The state board shall require the board of education of each 28461  
school district to ~~place each handicapped child three to~~ 28462  
~~twenty one years of age residing within the district in an~~ 28463  
~~appropriate education program in accordance with section 3319.01~~ 28464  
~~of the Revised Code, which may include instruction in regular~~ 28465  
~~classes, a special education program, or any combination thereof.~~ 28466  
Prior develop an individualized education program for each child 28467  
with a disability who is at least three years of age and less than 28468  
twenty-two years of age residing in the district in a manner that 28469  
is in accordance with rules of the state board. 28470

Prior to the placement of a handicapped child with a 28471  
disability in a program operated under section 3323.09 of the 28472  
Revised Code, the district board of education shall consult the 28473  
county MR/DD board of ~~mental retardation and developmental~~ 28474  
~~disabilities~~ of the county in which the child resides. ~~The board~~ 28475  
~~of education shall evaluate the educational placement of each~~ 28476  
~~handicapped child at least once each year~~ regarding the proposed 28477  
placement. 28478

A child with a disability enrolled in a nonpublic school or 28479  
facility shall be provided special education and related services, 28480  
in accordance with an individualized education program, at no cost 28481  
for those services, if the child is placed in, or referred to, 28482  
that nonpublic school or facility by the department of education 28483  
or a school district. 28484

The IEP team shall review the individualized education 28485  
program of each child with a disability periodically, but at least 28486  
annually, to determine whether the annual goals for the child are 28487  
being achieved, and shall revise the individualized education 28488

program as appropriate. 28489

The state board shall establish procedures and standards to 28490  
assure that to the maximum extent appropriate, ~~handicapped~~ 28491  
children with disabilities, including children in public or 28492  
private institutions or other care facilities, shall be educated 28493  
with children who are not ~~handicapped disabled~~. Special classes, 28494  
separate schools, or other removal of children with disabilities 28495  
from the regular educational environment shall be used only when 28496  
the nature or severity of a child's disability is such that 28497  
education in regular classes with supplementary aids and services 28498  
cannot be achieved satisfactorily. 28499

If an agency directly affected by a placement decision 28500  
objects to such decision, an ~~independent~~ impartial hearing 28501  
officer, appointed by the ~~school district and the objecting agency~~ 28502  
department of education from a list prepared by the ~~state~~ 28503  
~~department of education in consultation with the department of~~ 28504  
~~mental health or the department of mental retardation and~~ 28505  
~~developmental disabilities~~, shall conduct a hearing to review the 28506  
placement decision. The agencies that are parties to a hearing 28507  
shall divide the costs of such hearing equally. The decision of 28508  
the hearing officer shall be final, except that any party to the 28509  
hearing who is aggrieved by the findings or the decision of the 28510  
hearing officer may appeal the findings or decision in accordance 28511  
with division (H) of section 3323.05 of the Revised Code or the 28512  
parent of any child affected by such decision ~~or his parents~~ may 28513  
present a complaint in accordance with that ~~section 3323.05 of the~~ 28514  
~~Revised Code.~~ 28515

**Sec. 3323.041.** To the extent consistent with the number and 28516  
location of children with disabilities in the state who are 28517  
enrolled by their parents in nonpublic elementary and secondary 28518  
schools in the school district served by a board of education of a 28519

school district, provision is made for the participation of those 28520  
children in the program for the education of children with 28521  
disabilities which is assisted or carried out under Part B of the 28522  
Individuals with Disabilities Education Improvement Act of 2004, 28523  
P.L. 108-446. The district in which the nonpublic elementary or 28524  
secondary school is located shall provide for such children 28525  
special education and related services in accordance with Section 28526  
612(a)(10) of the Individuals with Disabilities Education 28527  
Improvement Act of 2004, 20 U.S.C. 1412(a)(10) and related 28528  
provisions of the Code of Federal Regulations and in accordance 28529  
with any rules adopted by the state board of education or 28530  
guidelines issued by the superintendent of public instruction. 28531

Amounts to be expended for the provision of those services, 28532  
including direct services to parentally placed nonpublic school 28533  
children, by the school district shall be equal to a proportionate 28534  
amount of federal funds made available under Part B of the 28535  
Individuals with Disabilities Education Improvement Act of 2004. 28536  
The school district shall exercise the following responsibilities 28537  
towards parentally placed children with disabilities who attend 28538  
nonpublic schools located in the school district: child find, 28539  
timely and meaningful consultation, written affirmation of timely 28540  
and meaningful consultation, compliance, and provision of 28541  
equitable services, as provided by the Individuals with 28542  
Disabilities Education Improvement Act of 2004 and related 28543  
provisions of the Code of Federal Regulations and in accordance 28544  
with any rules adopted by the state board of education or 28545  
guidelines issued by the superintendent of public instruction. 28546

**Sec. 3323.05.** The state board of education shall establish 28547  
procedures to ~~assure~~ ensure that ~~handicapped~~ children with 28548  
disabilities and their parents are guaranteed procedural 28549  
safeguards ~~in decisions~~ under this chapter ~~relating to the~~ 28550  
~~identification, evaluation, or educational placement of a~~ 28551

~~handicapped child or the provision of education or related services under this chapter with respect to a free appropriate public education.~~ 28552  
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The procedures shall include, but need not be limited to: 28555

(A) An opportunity for the parents of a child with a disability to examine all ~~relevant~~ records related to the child and to participate in meetings with respect to identification, evaluation, ~~or~~ and educational placement of the child, and to obtain ~~at their own expense~~ an independent educational evaluation of the child; 28556  
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(B) Procedures to protect the rights of the child ~~when~~ whenever the parents of the child are ~~unknown or unavailable~~ not known, an agency after making reasonable efforts cannot find the parents, or ~~when~~ the child is a ward of the state, including the assignment, in accordance with section 3323.051 of the Revised Code, of an individual to act as a surrogate for the parents; 28562  
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(C) Prior written notice to the child's parents of ~~any a~~ a ~~school district's~~ proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child, ~~including notice of all procedures available under this section.~~ ~~The state board of education may establish procedures to provide for the written acknowledgment by the parent of a notice of a child's placement or change of placement. In cases when no written acknowledgment has been obtained, notice of placement or change of placement shall be made by certified mail. A parent's acknowledgment under this division does not negate his rights to present complaints and appeal a placement decision under this section or the provision of a free appropriate education for the child. The procedures established under this division shall:~~ 28568  
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(1) Be designed to ensure that the written prior notice is in the native language of the parents, unless it clearly is not 28581  
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feasible to do so. 28583

(2) Specify that the prior written notice shall include: 28584

(a) A description of the action proposed or refused by the district; 28585  
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(b) An explanation of why the district proposes or refuses to take the action and a description of each evaluation procedure, assessment, record, or report the district used as a basis for the proposed or refused action; 28587  
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(c) A statement that the parents of a child with a disability have protection under the procedural safeguards and, if the notice is not in regard to an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; 28591  
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(d) Sources for parents to contact to obtain assistance in understanding the provisions of Part B of the "Individuals with Disabilities Education Improvement Act of 2004"; 28596  
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(e) A description of other options considered by the IEP team and the reason why those options were rejected; 28599  
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(f) A description of the factors that are relevant to the agency's proposal or refusal. 28601  
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(D) An opportunity for the ~~child or his~~ child's parents to present complaints to the superintendent of the child's school district of residence with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of ~~special education~~ a free appropriate public education under this chapter ~~to the superintendent of the school district of the child's residence.~~ Upon presentation of a complaint, the superintendent shall review the case, may conduct an informal hearing, and shall notify all parties of his decision. Where the child is placed in a program operated by a county board 28603  
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~~of mental retardation and developmental disabilities or other 28613  
educational agency, the superintendent shall consult with the 28614  
administrator of the agency involved. Any party aggrieved by the 28615  
decision of the superintendent may present a formal complaint in 28616  
writing to the board of education. 28617~~

~~(E) When a formal written complaint is received, an 28618  
opportunity for the aggrieved party to receive a due process 28619  
hearing conducted by an impartial hearing officer in accordance 28620  
with standards and procedures adopted by the state board of 28621  
education. No hearing shall be conducted by an employee of the 28622  
board of education or any agency involved in the education or care 28623  
of the child. 28624~~

A Within twenty school days after receipt of a complaint, the 28625  
district superintendent or the superintendent's designee, without 28626  
undue delay and at a time and place convenient to all parties, 28627  
shall review the case, may conduct an administrative review, and 28628  
shall notify all parties in writing of the superintendent's or 28629  
designee's decision. Where the child is placed in a program 28630  
operated by a county MR/DD board or other educational agency, the 28631  
superintendent shall consult with the administrator of that county 28632  
MR/DD board or agency. 28633

Any party aggrieved by the decision of the district 28634  
superintendent or the superintendent's designee may file a 28635  
complaint with the state board as provided under division (E) of 28636  
this section, request mediation as provided under division (F) of 28637  
this section, or present a due process complaint notice and 28638  
request for a due process hearing in writing to the superintendent 28639  
of the district, with a copy to the state board, as provided under 28640  
division (G) of this section. 28641

(E) An opportunity for a party to file a complaint with the 28642  
state board of education with respect to the identification, 28643  
evaluation, or educational placement of the child, or the 28644

provision of a free appropriate public education to such child. 28645

The department of education shall review and, where appropriate, 28646

investigate the complaint and issue findings. 28647

(F) An opportunity for parents and a school district to 28648

resolve through mediation disputes involving any matter. 28649

(1) The procedures established under this section shall 28650

ensure that the mediation process is voluntary on the part of the 28651

parties, is not used to deny or delay a parent's right to a due 28652

process hearing or to deny any other rights afforded under this 28653

chapter, and is conducted by a qualified and impartial mediator 28654

who is trained in effective mediation techniques. 28655

(2) A school district may establish procedures to offer to 28656

parents and schools that choose not to use the mediation process, 28657

an opportunity to meet, at a time and location convenient to the 28658

parents, with a disinterested party to encourage the use, and 28659

explain the benefits, of the mediation process to the parents. The 28660

disinterested party shall be an individual who is under contract 28661

with a parent training and information center or community parent 28662

resource center in the state or is under contract with an 28663

appropriate alternative dispute resolution entity. 28664

(3) The department shall maintain a list of individuals who 28665

are qualified mediators and knowledgeable in laws and regulations 28666

relating to the provision of special education and related 28667

services. 28668

(4) The department shall bear the cost of the mediation 28669

process, including the costs of meetings described in division 28670

(F)(2) of this section. 28671

(5) Each session in the mediation process shall be scheduled 28672

in a timely manner and shall be held in a location that is 28673

convenient to the parties to the dispute. 28674

(6) Discussions that occur during the mediation process shall 28675

be confidential and shall not be used as evidence in any 28676  
subsequent due process hearing or civil proceeding. 28677

(7) In the case that a resolution is reached to resolve the 28678  
complaint through the mediation process, the parties shall execute 28679  
a legally binding agreement that sets forth the resolution and 28680  
that: 28681

(a) States that all discussions that occurred during the 28682  
mediation process shall be confidential and shall not be used as 28683  
evidence in any subsequent due process hearing or civil 28684  
proceeding; 28685

(b) Is signed by both the parent and a representative for the 28686  
school district who has the authority to bind the district; 28687

(c) Is enforceable in any state court of competent 28688  
jurisdiction or in a district court of the United States. 28689

(G)(1) An opportunity for parents or a school district to 28690  
present a due process complaint and request for a due process 28691  
hearing to the superintendent of the school district of the 28692  
child's residence with respect to the identification, evaluation, 28693  
or educational placement of the child, or the provision of a free 28694  
appropriate public education to the child. The party presenting 28695  
the due process complaint and request for a due process hearing 28696  
shall provide due process complaint notice to the other party and 28697  
forward a copy of the notice to the state board. The due process 28698  
complaint notice shall include: 28699

(a) The name of the child, the address of the residence of 28700  
the child, or the available contact information in the case of a 28701  
homeless child, and the name of the school the child is attending; 28702

(b) A description of the nature of the problem of the child 28703  
relating to the proposed initiation or change, including facts 28704  
relating to the problem; 28705

(c) A proposed resolution of the problem to the extent known 28706  
and available to the party at the time. 28707

A party shall not have a due process hearing until the party, 28708  
or the attorney representing the party, files a notice that meets 28709  
the requirement for filing a due process complaint notice. 28710

A due process hearing shall be conducted by an impartial 28711  
hearing officer in accordance with standards and procedures 28712  
adopted by the state board. A hearing officer shall not be an 28713  
employee of the state board or any agency involved in the 28714  
education or care of the child or a person having a personal or 28715  
professional interest that conflicts with the person's objectivity 28716  
in the hearing. A hearing officer shall possess knowledge of, and 28717  
the ability to understand, the provisions of the "Individuals with 28718  
Disabilities Education Improvement Act of 2004," federal and state 28719  
regulations pertaining to that act, and legal interpretations of 28720  
that act by federal and state courts; possess the knowledge and 28721  
ability to conduct hearings in accordance with appropriate 28722  
standard legal practice; and possess the knowledge and ability to 28723  
render and write decisions in accordance with appropriate standard 28724  
legal practice. The due process requirements of section 615 of the 28725  
"Individuals with Disabilities Education Improvement Act of 2004," 28726  
20 U.S.C. 1415, apply to due process complaint notices and 28727  
requests for due process hearings and to due process hearings held 28728  
under division (G) of this section, including, but not limited to, 28729  
timelines for requesting hearings, requirements for sufficient 28730  
complaint notices, resolution sessions, and sufficiency and 28731  
hearing decisions. 28732

(2) Discussions that occur during a resolution session shall 28733  
be confidential and shall not be used as evidence in any 28734  
subsequent due process hearing or civil proceeding. If a 28735  
resolution to the dispute is reached at a resolution session, the 28736  
parties must execute a legally binding written settlement 28737

agreement which shall state that all discussions that occurred 28738  
during the resolution process shall be confidential and shall not 28739  
be used as evidence in any subsequent due process hearing or civil 28740  
proceeding. 28741

(3) A party to a hearing under ~~this~~ division (G) of this 28742  
section shall be accorded: 28743

~~(1)~~(a) The right to be accompanied and advised by counsel and 28744  
by individuals with special knowledge or training with respect to 28745  
the problems of ~~handicapped~~ children with disabilities; 28746

~~(2)~~(b) The right to present evidence and confront, 28747  
cross-examine, and compel the attendance of witnesses; 28748

~~(3)~~(c) The right to a written or electronic verbatim record 28749  
of ~~such~~ the hearing; 28750

~~(4)~~(d) The right to written findings of fact and decisions, 28751  
which findings of fact and decisions shall be made available to 28752  
the public consistent with the requirements relating to the 28753  
confidentiality of personally identifiable data, information, and 28754  
records collected and maintained by state educational agencies and 28755  
local educational agencies; and shall be transmitted to the 28756  
advisory panel established and maintained by the department for 28757  
the purpose of providing policy guidance with respect to special 28758  
education and related services for children with disabilities in 28759  
the state. 28760

~~(F)~~(H) An opportunity for any party aggrieved by the findings 28761  
and decision rendered in a hearing under division ~~(E)~~(G) of this 28762  
section to appeal within forty-five days of notification of the 28763  
decision to the state board ~~of education~~, which shall appoint a 28764  
~~reviewing~~ state level officer who shall review the case and issue 28765  
a final order. The ~~reviewing~~ state level officer shall be 28766  
appointed and shall review the case in accordance with standards 28767  
and procedures adopted by the state board. 28768

Any party aggrieved by the final order of the ~~reviewing state~~ 28769  
level officer may appeal the final order, in accordance with 28770  
Chapter 119. of the Revised Code, within forty-five days ~~of~~ after 28771  
notification of the order to the court of common pleas of the 28772  
county in which the child's school district of residence is 28773  
located, ~~under Chapter 119. of the Revised Code~~ or to a district 28774  
court of the United States within ninety days after the date of 28775  
the decision of the state level review officer, as provided in 28776  
section 615(i)(2) of the "Individuals with Disabilities Education 28777  
Improvement Act of 2004," 20 U.S.C. 1415(i)(2). 28778

**Sec. 3323.051.** No individual shall be assigned to act as a 28779  
surrogate ~~parent~~ for the parents of a child with a disability 28780  
under division (B) of section 3323.05 of the Revised Code if ~~he~~ 28781  
the individual is an employee of the department of education or 28782  
the school district or any other agency involved in the education 28783  
or care of the child or if ~~he~~ the individual has any interest that 28784  
conflicts with the interests of the child. If a conflict of 28785  
interest arises subsequent to the assignment of a surrogate 28786  
~~parent~~, the authority that made the assignment shall terminate it 28787  
and assign another surrogate ~~parent~~. Neither the surrogate ~~parent~~ 28788  
nor the authority that assigned ~~him~~ the surrogate shall be liable 28789  
in civil damages for acts of the surrogate ~~parent~~ unless such acts 28790  
constitute willful or wanton misconduct. 28791

**Sec. 3323.052.** Not later than January 31, 2008, the 28792  
department of education shall develop a document that compares a 28793  
parent's and child's rights under this chapter and 20 U.S.C. 1400 28794  
et seq. with the parent's and child's rights under the special 28795  
education scholarship pilot program, established in sections 28796  
3310.51 to 3310.63 of the Revised Code, including the deadline for 28797  
application for a scholarship or renewal of a scholarship and 28798  
notice of that application to the child's school district, 28799

prescribed in division (C) of section 3310.52 of the Revised Code, 28800  
and the provisions of divisions (A) and (B) of section 3310.53 of 28801  
the Revised Code. The department shall revise that document as 28802  
necessary to reflect any pertinent changes in state or federal 28803  
statutory law, rule, or regulation enacted or adopted after the 28804  
initial document is developed. The department and each school 28805  
district shall ensure that the document prescribed in this section 28806  
is included in, appended to, or otherwise distributed in 28807  
conjunction with the notice required under 20 U.S.C. 1415(d), and 28808  
any provision of the Code of Federal Regulations implementing that 28809  
requirement, in the manner and at all the times specified for such 28810  
notice in federal law or regulation. As used in this section, a 28811  
"child's school district" means the school district in which the 28812  
child is entitled to attend school under section 3313.64 or 28813  
3313.65 of the Revised Code. 28814

**Sec. 3323.06.** (A) The state board of education shall develop, 28815  
implement, provide general supervision of, and assure compliance 28816  
with a state plan for the following: 28817

(1) The identification, location, and evaluation of all 28818  
children with disabilities in the state; 28819

(2) The provision of special education and related services 28820  
to ensure a free appropriate public education for all children 28821  
with disabilities at least three years of age and less than 28822  
twenty-two years of age, including children with disabilities who 28823  
have been suspended or expelled from school; 28824

(3) The availability of special education and related 28825  
services for children with disabilities under three years of age, 28826  
as authorized by division (C) of this section and as specified in 28827  
rules of the state board. 28828

The state plan shall provide assurances that the state board 28829  
has in effect policies and procedures to ensure that the state 28830

meets the conditions specified in section 612 of the "Individuals with Disabilities Education Improvement Act of 2004," 20 U.S.C. 1412. 28831  
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(B) The state board shall establish and maintain an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the state. A majority of the members of the panel shall be individuals with disabilities or parents of children with disabilities representing all ages, birth through twenty-six years of age. The advisory panel shall meet the requirements of section 612(a)(21) of the "Individuals with Disabilities Education Improvement Act of 2004," 20 U.S.C. 1412(a)(21), and related provisions of the Code of Federal Regulations. The panel shall advise the Ohio department of education of unmet needs within the state in the education of children with disabilities; comment publicly on rules proposed by that department regarding the education of children with disabilities; advise that department in developing evaluations and reporting on data to the United States secretary of education under section 618 of the act, 20 U.S.C. 1418; advise the Ohio department in developing corrective action plans to address findings identified in federal monitoring reports under Part B of the act; and advise the Ohio department in developing and implementing policies relating to the coordination of services for children with disabilities. 28834  
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(C) In addition to the policies and procedures authorized under division (A) of this section, the state board may authorize school districts to establish and maintain special education and related services for children less than three years of age as specified in rules of the state board. 28855  
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(D) In the exercise of its general supervisory responsibility, the state board shall monitor the implementation of Part B of the "Individuals with Disabilities Education 28860  
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Improvement Act of 2004" by school districts. Monitoring 28863  
activities shall include, but are not limited to, focused 28864  
monitoring, investigations of complaints, and technical 28865  
assistance. The primary focus of the state board's monitoring 28866  
activities shall be improving educational results and functional 28867  
outcomes for all children with disabilities and ensuring that the 28868  
state board meets the program requirements under Part B, with a 28869  
particular emphasis on those requirements that are most closely 28870  
related to improving educational results for children with 28871  
disabilities. 28872

**Sec. 3323.07.** The state board of education shall authorize 28873  
the establishment and maintenance of ~~programs for the education of~~ 28874  
~~all handicapped children three to twenty one years of age, and may~~ 28875  
~~authorize such programs for handicapped children under three years~~ 28876  
~~of age~~ special education and related services for all children 28877  
with disabilities who are at least three years of age and less 28878  
than twenty-two years of age, including children with disabilities 28879  
who have been suspended or expelled from school, and may authorize 28880  
special education and related services for children with 28881  
disabilities who are less than three years of age in accordance 28882  
with rules adopted by the state board. The state board shall 28883  
require the boards of education of school districts, shall 28884  
authorize the department of mental health and the department of 28885  
mental retardation and developmental disabilities, and may 28886  
authorize any other educational agency, to establish and maintain 28887  
such special ~~educational programs~~ education and related services 28888  
in accordance with standards adopted by the state board ~~of~~ 28889  
education. 28890

**Sec. 3323.08.** (A) Each school district shall submit a plan to 28891  
the superintendent of public instruction that provides assurances 28892  
that the school district will provide for the education of 28893

children with disabilities within its jurisdiction and has in 28894  
effect policies, procedures, and programs that are consistent with 28895  
the policies and procedures adopted by the state board of 28896  
education in accordance with section 612 of the "Individuals with 28897  
Disabilities Education Improvement Act of 2004," 20 U.S.C. 1412, 28898  
and that meet the conditions applicable to school districts under 28899  
section 613 of that act, 20 U.S.C. 1413. 28900

Each district's plan shall do all of the following: 28901

(1) Provide, as specified in section 3323.11 of the Revised 28902  
Code and in accordance with standards established by the state 28903  
board, for an organizational structure and necessary and qualified 28904  
staffing and supervision for the identification of and provision 28905  
of special education and related services for children with 28906  
disabilities; 28907

(2) Provide, as specified by section 3323.03 of the Revised 28908  
Code and in accordance with standards established by the state 28909  
board, for the identification, location, and evaluation of all 28910  
children with disabilities residing in the district, including 28911  
children with disabilities who are homeless children or are wards 28912  
of the state and children with disabilities attending private 28913  
schools and who are in need of special education and related 28914  
services. A practical method shall be developed and implemented to 28915  
determine which children with disabilities are currently receiving 28916  
needed special education and related services. 28917

(3) Provide, as specified by section 3323.07 of the Revised 28918  
Code and standards established by the state board, for the 28919  
establishment and maintenance of special education and related 28920  
services for children with disabilities who are at least three 28921  
years of age and less than twenty-two years of age, including 28922  
children with disabilities who have been suspended or expelled 28923  
from school. 28924

(4) Provide, as specified by section 3323.04 of the Revised Code and in accordance with standards adopted by the state board, for an individualized education program for each child with a disability who is at least three years of age and less than twenty-two years of age residing within the district; 28925  
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(5) Provide, as specified by section 3323.02 of the Revised Code and in accordance with standards established by the state board, for special education and related services and a free appropriate public education for every child with a disability who is at least three years of age and less than twenty-two years of age, including children with disabilities who have been suspended or expelled from school; 28930  
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(6) Provide procedural safeguards and prior written notice as required under section 3323.05 of the Revised Code and the standards established by the state board; 28937  
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(7) Outline the steps that have been or are being taken to comply with standards established by the state board. 28940  
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(B)(1) A school district may arrange, by a cooperative agreement or contract with one or more school districts or with a cooperative education or joint vocational school district or an educational service center, to provide for the identification, location, and evaluation of children with disabilities, and to provide special education and related services for such children that meet the standards established by the state board. A school district may arrange, by a cooperative agreement or contract, for the provision of related services for children with disabilities that meet the standards established by the state board. 28942  
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(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 28952  
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for the identification, location, evaluation of children with 28956  
disabilities of ages birth through five years of age and for the 28957  
transition of children with disabilities at age three in 28958  
accordance with the standards established by the state board. A 28959  
school district may arrange by interagency agreement with 28960  
providers of early learning services to provide special education 28961  
and related services for such children that meet the standards 28962  
established by the state board. 28963

(3) If at the time an individualized education program is 28964  
developed for a child a school district is not providing special 28965  
education and related services required by that individualized 28966  
education program, the school district may arrange by contract 28967  
with a nonpublic entity for the provision of the special education 28968  
and related services, provided the special education and related 28969  
services meet the standards for special education and related 28970  
services established by the state board and is provided within the 28971  
state. 28972

(4) Any cooperative agreement or contract under division 28973  
(B)(1) or (2) of this section involving a local school district 28974  
shall be approved by the governing board of the educational 28975  
service center which serves that district. 28976

(C) No plan of a local school district shall be submitted to 28977  
the superintendent of public instruction until it has been 28978  
approved by the superintendent of the educational service center 28979  
which serves that district. 28980

(D) Upon approval of a school district's plan by the 28981  
superintendent of public instruction, the district shall 28982  
immediately certify students for state funds under section 3317.03 28983  
of the Revised Code to implement and maintain such plan. The 28984  
district also shall request approval of classroom units under 28985  
division (B) of section 3317.05 of the Revised Code for which the 28986  
district has adequately identified preschool children with 28987

disabilities and shall, in accordance with procedures adopted by 28988  
the state board, request approval of units under division (C) of 28989  
section 3317.05 of the Revised Code. The district shall, in 28990  
accordance with guidelines adopted by the state board, identify 28991  
problems relating to the provision of qualified personnel and 28992  
adequate facilities, and indicate the extent to which the cost of 28993  
programs required under the plan will exceed anticipated state 28994  
reimbursement. Each school district shall immediately implement 28995  
the identification, location, and evaluation of children with 28996  
disabilities in accordance with this chapter, and shall implement 28997  
those parts of the plan involving placement and provision of 28998  
special education and related services. 28999

**Sec. 3323.09.** (A) As used in this section: 29000

(1) "Home" has the meaning given in section 3313.64 of the 29001  
Revised Code. 29002

(2) "Preschool child" means a child who is at least age three 29003  
but under age six on the thirtieth day of September of an academic 29004  
year. 29005

(B) Each county MR/DD board shall establish special education 29006  
programs for all ~~handicapped~~ children with disabilities who in 29007  
accordance with section 3323.04 of the Revised Code have been 29008  
placed in special education programs operated by the county board 29009  
and for preschool children who are developmentally delayed or at 29010  
risk of being developmentally delayed. The board annually shall 29011  
submit to the department of education a plan for the provision of 29012  
these programs and, if applicable, a request for approval of units 29013  
under section 3317.05 of the Revised Code. The superintendent of 29014  
public instruction shall review the plan and approve or modify it 29015  
in accordance with rules adopted by the state board of education 29016  
under section 3301.07 of the Revised Code. The superintendent of 29017  
public instruction shall compile the plans submitted by county 29018

boards and shall submit a comprehensive plan to the state board of  
education. 29019  
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A county MR/DD board may combine transportation for children 29021  
enrolled in classes funded under section 3317.20 or units approved 29022  
under section 3317.05 with transportation for children and adults 29023  
enrolled in programs and services offered by the board under 29024  
section 5126.12 of the Revised Code. 29025

(C) A county MR/DD board that during the school year provided 29026  
special education pursuant to this section for any ~~mentally~~ 29027  
~~handicapped~~ child with mental disabilities under twenty-two years 29028  
of age shall prepare and submit the following reports and 29029  
statements: 29030

(1) The board shall prepare a statement for each child who at 29031  
the time of receiving such special education was a resident of a 29032  
home and was not in the legal or permanent custody of an Ohio 29033  
resident or a government agency in this state, and whose natural 29034  
or adoptive parents are not known to have been residents of this 29035  
state subsequent to the child's birth. The statement shall contain 29036  
the child's name, the name of the child's school district of 29037  
residence, the name of the county board providing the special 29038  
education, and the number of months, including any fraction of a 29039  
month, it was provided. Not later than the thirtieth day of June, 29040  
the board shall forward a certified copy of such statement to both 29041  
the director of mental retardation and developmental disabilities 29042  
and to the home. 29043

Within thirty days after its receipt of a statement, the home 29044  
shall pay tuition to the county board computed in the manner 29045  
prescribed by section 3323.141 of the Revised Code. 29046

(2) The board shall prepare a report for each school district 29047  
that is the school district of residence of one or more of such 29048  
children for whom statements are not required by division (C)(1) 29049

of this section. The report shall contain the name of the county 29050  
board providing special education, the name of each child 29051  
receiving special education, the number of months, including 29052  
fractions of a month, that the child received it, and the name of 29053  
the child's school district of residence. Not later than the 29054  
thirtieth day of June, the board shall forward certified copies of 29055  
each report to the school district named in the report, the 29056  
superintendent of public instruction, and the director of mental 29057  
retardation and developmental disabilities. 29058

**Sec. 3323.091.** (A) The department of mental health, the 29059  
department of mental retardation and developmental disabilities, 29060  
the department of youth services, and the department of 29061  
rehabilitation and correction shall establish and maintain special 29062  
education programs for ~~handicapped~~ children with disabilities in 29063  
institutions under their jurisdiction according to standards 29064  
adopted by the state board of education. 29065

(B) The superintendent of each state institution required to 29066  
provide services under division (A) of this section, and each 29067  
county MR/DD board, providing special education for ~~handicapped~~ 29068  
preschool children with disabilities under this chapter may apply 29069  
to the state department of education for unit funding, which shall 29070  
be paid in accordance with sections 3317.052 and 3317.053 of the 29071  
Revised Code. 29072

The superintendent of each state institution required to 29073  
provide services under division (A) of this section may apply to 29074  
the department of education for special education and related 29075  
services weighted funding for ~~handicapped~~ children with 29076  
disabilities other than ~~handicapped~~ preschool children with 29077  
disabilities, calculated in accordance with section 3317.201 of 29078  
the Revised Code. 29079

Each county MR/DD board providing special education for 29080

~~handicapped~~ children with disabilities other than ~~handicapped~~ 29081  
preschool children with disabilities may apply to the department 29082  
of education for base cost and special education and related 29083  
services weighted funding calculated in accordance with section 29084  
3317.20 of the Revised Code. 29085

(C) In addition to the authorization to apply for state 29086  
funding described in division (B) of this section, each state 29087  
institution required to provide services under division (A) of 29088  
this section is entitled to tuition payments calculated in the 29089  
manner described in division (C) of this section. 29090

On or before the thirtieth day of June of each year, the 29091  
superintendent of each institution that during the school year 29092  
provided special education pursuant to this section shall prepare 29093  
a statement for each ~~handicapped~~ child with a disability under 29094  
twenty-two years of age who has received special education. The 29095  
statement shall contain the child's data verification code 29096  
assigned pursuant to division (D)(2) of section 3301.0714 of the 29097  
Revised Code and the name of the child's school district of 29098  
residence. Within sixty days after receipt of such statement, the 29099  
department of education shall perform one of the following: 29100

(1) For any child except a ~~handicapped~~ preschool child with a 29101  
disability described in division (C)(2) of this section, pay to 29102  
the institution submitting the statement an amount equal to the 29103  
tuition calculated under division (A) of section 3317.08 of the 29104  
Revised Code for the period covered by the statement, and deduct 29105  
the same from the amount of state funds, if any, payable under 29106  
sections 3317.022 and 3317.023 of the Revised Code, to the child's 29107  
school district of residence or, if the amount of such state funds 29108  
is insufficient, require the child's school district of residence 29109  
to pay the institution submitting the statement an amount equal to 29110  
the amount determined under this division. 29111

(2) For any ~~handicapped~~ preschool child with a disability not 29112

included in a unit approved under division (B) of section 3317.05 29113  
of the Revised Code, perform the following: 29114

(a) Pay to the institution submitting the statement an amount 29115  
equal to the tuition calculated under division (B) of section 29116  
3317.08 of the Revised Code for the period covered by the 29117  
statement, except that in calculating the tuition under that 29118  
section the operating expenses of the institution submitting the 29119  
statement under this section shall be used instead of the 29120  
operating expenses of the school district of residence; 29121

(b) Deduct from the amount of state funds, if any, payable 29122  
under sections 3317.022 and 3317.023 of the Revised Code to the 29123  
child's school district of residence an amount equal to the amount 29124  
paid under division (C)(2)(a) of this section. 29125

Sec. 3323.11. Each school district shall employ, as 29126  
necessary, the personnel to meet the needs of the children with 29127  
disabilities enrolled in its schools. Personnel shall possess 29128  
appropriate qualifications and certificates or licenses as 29129  
prescribed in rules of the state board of education. Teachers 29130  
shall be "highly qualified," as that term is defined in section 29131  
602(10) of the "Individuals with Disabilities Education 29132  
Improvement Act of 2004," 20 U.S.C.1401(10). 29133

**Sec. 3323.12.** The board of education of a school district 29134  
shall provide home instruction for ~~handicapped~~ children ~~three to~~ 29135  
~~twenty-one~~ with disabilities who are at least three years of age 29136  
and less than twenty-two years of age and who are unable to attend 29137  
school, even with the help of special transportation. The board 29138  
may arrange for the provision of home instruction for a child by a 29139  
cooperative agreement or contract with a county MR/DD board ~~of~~ 29140  
~~mental retardation and developmental disabilities~~ or other 29141  
educational agency. For the purposes of determining formula ADM 29142

under section 3317.03 of the Revised Code, five hours of home 29143  
instruction shall be equivalent to attendance for five school 29144  
days. 29145

**Sec. 3323.13.** (A) If a child who is a school resident of one 29146  
school district receives special education from another district, 29147  
the board of education of the district providing the education, 29148  
subject to division (C) of this section, may require the payment 29149  
by the board of education of the district of residence of a sum 29150  
not to exceed one of the following, as applicable: 29151

(1) For any child except a ~~handicapped~~ preschool child with a 29152  
disability described in division (A)(2) of this section, the 29153  
tuition of the district providing the education for a child of 29154  
normal needs of the same school grade. The determination of the 29155  
amount of such tuition shall be in the manner provided for by 29156  
division (A) of section 3317.08 of the Revised Code. 29157

(2) For any ~~handicapped~~ preschool child with a disability not 29158  
included in a unit approved under division (B) of section 3317.05 29159  
of the Revised Code, the tuition of the district providing the 29160  
education for the child as calculated under division (B) of 29161  
section 3317.08 of the Revised Code. 29162

(B) The board of the district of residence may contract with 29163  
the board of another district for the transportation of such child 29164  
into any school in such other district, on terms agreed upon by 29165  
such boards. Upon direction of the state board of education, the 29166  
board of the district of residence shall pay for the child's 29167  
transportation and the tuition. 29168

(C) The board of education of a district providing the 29169  
education for a child shall be entitled to require payment from 29170  
the district of residence under this section or section 3323.14 of 29171  
the Revised Code only if the district providing the education has 29172  
done at least one of the following: 29173

(1) Invited the district of residence to send representatives 29174  
to attend the meetings of the team developing the child's 29175  
individualized education program; 29176

(2) Received from the district of residence a copy of the 29177  
individualized education program or a ~~multi-factored~~ multifactored 29178  
evaluation developed for the child by the district of residence; 29179

(3) Informed the district of residence in writing that the 29180  
district is providing the education for the child. 29181

As used in division (C)(2) of this section, "~~multi-factored~~ 29182  
multifactored evaluation" means an evaluation, conducted by a 29183  
~~multi-disciplinary~~ multidisciplinary team, of more than one area 29184  
of the child's functioning so that no single procedure shall be 29185  
the sole criterion for determining an appropriate educational 29186  
program placement for the child. 29187

**Sec. 3323.14.** This section does not apply to any ~~handicapped~~ 29188  
preschool child with a disability except if included in a unit 29189  
approved under division (B) of section 3317.05 of the Revised 29190  
Code. 29191

(A) Where a child who is a school resident of one school 29192  
district receives special education from another district and the 29193  
per capita cost to the educating district for that child exceeds 29194  
the sum of the amount received by the educating district for that 29195  
child under division (A) of section 3317.08 of the Revised Code 29196  
and the amount received by the district from the state board of 29197  
education for that child, then the board of education of the 29198  
district of residence shall pay to the board of the school 29199  
district that is providing the special education such excess cost 29200  
as is determined by using a formula approved by the department of 29201  
education and agreed upon in contracts entered into by the boards 29202  
of the ~~district~~ districts concerned at the time the district 29203  
providing such special education accepts the child for enrollment. 29204

The department ~~of education~~ shall certify the amount of the 29205  
payments under Chapter 3317. of the Revised Code for such 29206  
~~handicapped~~ pupils with disabilities for each school year ending 29207  
on the thirtieth day of July. 29208

(B) In the case of a child described in division (A) of this 29209  
section who has been placed in a home, as defined in section 29210  
3313.64 of the Revised Code, pursuant to the order of a court and 29211  
who is not subject to section 3323.141 of the Revised Code, the 29212  
district providing the child with special education and related 29213  
services may charge to the child's district of residence the 29214  
excess cost determined by formula approved by the department, 29215  
regardless of whether the district of residence has entered into a 29216  
contract with the district providing the services. If the district 29217  
providing the services chooses to charge excess costs, the 29218  
district may report the amount calculated under this division to 29219  
the department. 29220

(C) If a district providing special education for a child 29221  
reports an amount for the excess cost of those services, as 29222  
authorized and calculated under division (A) or (B) of this 29223  
section, the department shall pay that amount of excess cost to 29224  
the district providing the services and shall deduct that amount 29225  
from the child's district of residence in accordance with division 29226  
(N) of section 3317.023 of the Revised Code. 29227

**Sec. 3323.141.** (A) When a child who is not in the legal or 29228  
permanent custody of an Ohio resident or a government agency in 29229  
this state and whose natural or adoptive parents are not known to 29230  
have been residents of this state subsequent to the child's birth 29231  
is a resident of a home as defined in section 3313.64 of the 29232  
Revised Code and receives special education and related services 29233  
from a school district or county MR/DD board ~~of mental retardation~~ 29234  
~~and developmental disabilities~~, the home shall pay tuition to the 29235

board providing the special education. 29236

(B) In the case of a child described in division (A) of this 29237  
section who receives special education and related services from a 29238  
school district, tuition shall be the amount determined under 29239  
division (B)(1) or (2) of this section. 29240

(1) For a child other than a child described in division 29241  
(B)(2) of this section the tuition shall be an amount equal to the 29242  
sum of the following: 29243

(a) Tuition as determined in the manner provided for by 29244  
division (B) of section 3317.081 of the Revised Code for the 29245  
district that provides the special education; 29246

(b) Such excess cost as is determined by using a formula 29247  
established by rule of the department of education. The excess 29248  
cost computed in this section shall not be used as excess cost 29249  
computed under section 3323.14 of the Revised Code. 29250

(2) For a child who is a ~~handicapped~~ preschool child with a 29251  
disability not included in a unit approved under division (B) of 29252  
section 3317.05 of the Revised Code, the tuition shall be computed 29253  
as follows: 29254

(a) Determine the amount of the tuition of the district 29255  
providing the education for the child as calculated under division 29256  
(B) of section 3317.08 of the Revised Code; 29257

(b) For each type of special education service included in 29258  
the computation of the amount of tuition under division (B)(2)(a) 29259  
of this section, divide the amount determined for that computation 29260  
under division (B)(2) of section 3317.08 of the Revised Code by 29261  
the total number of ~~handicapped~~ preschool children with 29262  
disabilities used for that computation under division (B)(3) of 29263  
section 3317.08 of the Revised Code; 29264

(c) Determine the sum of the quotients obtained under 29265

division (B)(2)(b) of this section;	29266
(d) Determine the sum of the amounts determined under divisions (B)(2)(a) and (c) of this section.	29267 29268
(C) In the case of a child described in division (A) of this section who receives special education and related services from a county <u>MR/DD</u> board <del>of mental retardation and developmental disabilities</del> , tuition shall be the amount determined under division (C)(1) or (2) of this section.	29269 29270 29271 29272 29273
(1) For a child other than a child described in division (C)(2) of this section, the tuition shall be an amount equal to such board's per capita cost of providing special education and related services for children at least three but less than twenty-two years of age as determined by using a formula established by rule of the department of mental retardation and developmental disabilities.	29274 29275 29276 29277 29278 29279 29280
(2) For a child who is a <del>handicapped</del> preschool child <u>with a disability</u> not included in a unit approved under division (B) of section 3317.05 of the Revised Code, the tuition shall equal the sum of the amounts of each such board's per capita cost of providing each of the special education or related service that the child receives. The calculation of tuition shall be made by using a formula established by rule of the department of mental retardation and developmental disabilities. The formula for the calculation of per capita costs under division (C)(2) of this section shall be based only on each such MR/DD board's cost of providing each type of special education or related service to <del>handicapped</del> preschool children <u>with disabilities</u> not included in a unit approved under division (B) of section 3317.05 of the Revised Code.	29281 29282 29283 29284 29285 29286 29287 29288 29289 29290 29291 29292 29293 29294
(D) If a home fails to pay the tuition required under this section, the board of education or <u>county MR/DD</u> board <del>of mental</del>	29295 29296

~~retardation and developmental disabilities~~ providing the education 29297  
may recover in a civil action the tuition and the expenses 29298  
incurred in prosecuting the action, including court costs and 29299  
reasonable attorney's fees. If the prosecuting attorney or city 29300  
director of law represents the board in such action, costs and 29301  
reasonable attorney's fees awarded by the court, based upon the 29302  
time spent preparing and presenting the case by the prosecuting 29303  
attorney, director, or a designee of either, shall be deposited in 29304  
the county or city general fund. 29305

**Sec. 3323.142.** This section does not apply to any ~~handicapped~~ 29306  
preschool child with a disability except if included in a unit 29307  
approved under division (B) of section 3317.05 of the Revised 29308  
Code. 29309

As used in this section, "per pupil amount" for a ~~handicapped~~ 29310  
preschool child with a disability included in such an approved 29311  
unit means the amount determined by dividing the amount received 29312  
for the classroom unit in which the child has been placed by the 29313  
number of children in the unit. For any other child, "per pupil 29314  
amount" means the amount paid for the child under section 3317.20 29315  
of the Revised Code. 29316

When a school district places or has placed a child with a 29317  
county MR/DD board for special education, but another district is 29318  
responsible for tuition under section 3313.64 or 3313.65 of the 29319  
Revised Code and the child is not a resident of the territory 29320  
served by the county MR/DD board, the board may charge the 29321  
district responsible for tuition with the educational costs in 29322  
excess of the per pupil amount received by the board under Chapter 29323  
3317. of the Revised Code. The amount of the excess cost shall be 29324  
determined by the formula established by rule of the department of 29325  
education under section 3323.14 of the Revised Code, and the 29326  
payment for such excess cost shall be made by the school district 29327

directly to the county MR/DD board. 29328

A school district board of education and the county MR/DD 29329  
board that serves the school district may negotiate and contract, 29330  
at or after the time of placement, for payments by the board of 29331  
education to the county MR/DD board for additional services 29332  
provided to a child placed with the county MR/DD board and whose 29333  
individualized education program established pursuant to section 29334  
3323.08 of the Revised Code requires additional services that are 29335  
not routinely provided children in the county MR/DD board's 29336  
program but are necessary to maintain the child's enrollment and 29337  
participation in the program. Additional services may include, but 29338  
are not limited to, specialized supplies and equipment for the 29339  
benefit of the child and instruction, training, or assistance 29340  
provided by staff members other than staff members for which 29341  
funding is received under Chapter 3317. of the Revised Code. 29342

**Sec. 3323.143.** If a ~~handicapped child's~~ child with a 29343  
disability's custodial parent has made a unilateral placement of 29344  
the child, the parent shall be responsible for payment of tuition 29345  
to the program or facility the child is attending as a result of 29346  
that placement as long as the district of residence has offered a 29347  
free appropriate public education to that child. As used in this 29348  
section, "unilateral placement" means withdrawing a ~~handicapped~~ 29349  
child with a disability from a program or facility operated by the 29350  
district of residence or from a program or facility with which the 29351  
district of residence has arranged for education of the child and 29352  
instead enrolling that child in another program or facility that 29353  
is not a home, as defined in section 3313.64 of the Revised Code, 29354  
or that is not a facility or program available to the child 29355  
pursuant to an open enrollment policy under section 3313.98 or 29356  
3313.983 of the Revised Code. 29357

**Sec. 3323.15.** The state board of education may arrange to pay 29358

to any board of education, the board for any ~~handicapped~~ children 29359  
with disabilities who are not residents of the district but for 29360  
whom the district is providing special education. Payments shall 29361  
be made in accordance with rules and standards of the state board 29362  
of education. 29363

**Sec. 3323.17.** The department of education shall: 29364

(A) Provide supervision and technical assistance to school 29365  
districts in all accepted methods of educating ~~handicapped~~ 29366  
children with disabilities who ~~are deaf or hard of hearing~~ have 29367  
hearing impairments, including the oral, manual, and total 29368  
communication methods, with no demonstrable bias toward any one 29369  
method over another; 29370

(B) Consult with employees of school districts and chartered 29371  
nonpublic schools who confer with the parents of ~~deaf or hard of~~ 29372  
hearing ~~handicapped~~ impaired children about ~~such~~ their children's 29373  
education; 29374

(C) Consult with chartered nonpublic schools and consult with 29375  
and provide technical assistance to school districts that are or 29376  
may be interested in integrating sign language into their 29377  
curricula and that offer or may be interested in offering American 29378  
sign language as a foreign language; 29379

(D) Consult with school districts and chartered nonpublic 29380  
schools that use interpreters in classrooms and with any other 29381  
interested school districts or chartered nonpublic schools about 29382  
how to obtain the best interpreters and how interpreters can 29383  
improve their skills. 29384

**Sec. 3323.18.** If any special education program provided 29385  
pursuant to this chapter or Chapter 3325. of the Revised Code 29386  
serves a student with a visual ~~disability~~ impairment for whom 29387  
instruction in braille reading and writing is specified as 29388

appropriate pursuant to division (A)(2) of section 3323.011 of the Revised Code, the entity providing the program shall integrate the use of braille reading and writing into the student's entire curriculum and other classroom activities in such a manner that braille reading and writing becomes an effective learning tool for the student.

**Sec. 3323.20.** On July 1, 2006, and on each first day of July thereafter, the department of education shall electronically report to the general assembly the number of ~~handicapped~~ preschool children with disabilities who received services for which the department made a payment to any provider during the previous fiscal year, disaggregated according to each area of developmental deficiency identified by the department for the evaluation of such children.

**Sec. 3323.30.** The Ohio center for autism and low incidence is hereby established within the department of education's office for exceptional children, or any successor of that office. The center shall administer programs and coordinate services for infants, preschool and school-age children, and adults with autism and low incidence disabilities. The center's principal focus shall be programs and services for persons with autism. The center shall be under the direction of an executive director, appointed by the superintendent of public instruction in consultation with the advisory board established under section 3323.31 of the Revised Code. The department shall use state and federal funds appropriated to the department for operation of the center.

As used in this section and in sections 3323.31 to 3323.33 of the Revised Code, "autism and low incidence disabilities" includes any of the following:

(A) Autism;

- (B) ~~Deafness or hearing handicap~~ Hearing impairment; 29419
- (C) ~~Multihandicap~~ Multiple disabilities; 29420
- (D) Orthopedic ~~handicap~~ disability; 29421
- (E) Other health ~~handicap~~ impairment; 29422
- (F) Traumatic brain injury; 29423
- (G) Visual ~~disability~~ impairment. 29424

**Sec. 3325.011.** Subject to the regulations adopted by the 29425  
state board of education, the state school for the deaf shall be 29426  
open to receive persons who are deaf, partially deaf, and both 29427  
blind and deaf residents of this state, who, in the judgment of 29428  
the superintendent of public instruction and the superintendent of 29429  
the school for the deaf, due to such ~~handicap~~ disability, cannot 29430  
be educated in the public school system and are suitable persons 29431  
to receive instructions according to the methods employed in such 29432  
school. The superintendent of the school for the deaf may pay the 29433  
expenses necessary for the instruction of children who are both 29434  
blind and deaf, who are resident of this state, in any suitable 29435  
institution. 29436

**Sec. 3325.02.** Subject to the regulations adopted by the state 29437  
board of education, the state school for the blind shall be open 29438  
to receive such blind and partially blind persons, residents of 29439  
this state, who, in the judgment of the superintendent of public 29440  
instruction and the superintendent of the school for the blind, 29441  
due to such ~~handicap~~ disability, cannot be educated in the public 29442  
school system and are suitable persons to receive instructions 29443  
according to the methods employed in such school. 29444

**Sec. 3326.01.** As used in this chapter, "STEM" is an 29445  
abbreviation of "science, technology, engineering, and 29446  
mathematics." 29447

Sec. 3326.02. There is hereby established a STEM subcommittee 29448  
of the partnership for continued learning consisting of the 29449  
following members: 29450

(A) The superintendent of public instruction; 29451

(B) The chancellor of the Ohio board of regents; 29452

(C) The director of development; 29453

(D) Four members of the public, two of whom shall be 29454  
appointed by the governor, one of whom shall be appointed by the 29455  
speaker of the house of representatives, and one of whom shall be 29456  
appointed by the president of the senate. Members of the public 29457  
shall be appointed based on their expertise in business or in STEM 29458  
fields and shall not be at-large members of the partnership for 29459  
continued learning. The initial members of the subcommittee shall 29460  
be appointed under division (D) of this section not later than 29461  
forty-five days after the effective date of this section. 29462

All members of the subcommittee appointed under division (D) 29463  
of this section shall serve at the pleasure of their appointing 29464  
authority. 29465

Members of the subcommittee shall receive no compensation for 29466  
their services. 29467

Sec. 3326.03. (A) The STEM subcommittee shall authorize the 29468  
establishment of and award grants to science, technology, 29469  
engineering, and mathematics schools through a request for 29470  
proposals. 29471

The STEM subcommittee may approve up to five STEM schools to 29472  
operate under this chapter in the school year that begins July 1, 29473  
2008. The limit prescribed in this paragraph does not affect the 29474  
number of schools that may be approved for operation in subsequent 29475  
school years. 29476

No STEM school established under this chapter may open for instruction earlier than July 1, 2008. 29477  
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The subcommittee shall determine the criteria for the proposals, accept and evaluate the proposals, and choose which proposals to approve to become a STEM school and to receive grants. In approving proposals for STEM schools, the subcommittee shall consider locating the schools in diverse geographic regions of the state so that all students have access to a STEM school. 29479  
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(B) Proposals may be submitted only by a partnership of public and private entities consisting of at least all of the following: 29485  
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(1) A city, exempted village, local, or joint vocational school district; 29488  
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(2) Higher education entities; 29490

(3) Business organizations. 29491

(C) Each proposal shall include at least the following: 29492

(1) Assurances that the STEM school will be under the oversight of a governing body and a description of the members of that governing body and how they will be selected; 29493  
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(2) Assurances that the STEM school will operate in compliance with this chapter and the provisions of the proposal as accepted by the subcommittee; 29496  
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(3) Evidence that the school will offer a rigorous, diverse, integrated, and project-based curriculum to students in any of grades six through twelve, with the goal to prepare those students for college, the workforce, and citizenship, and that does all of the following: 29499  
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(a) Emphasizes the role of science, technology, engineering, and mathematics in promoting innovation and economic progress; 29504  
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(b) Incorporates scientific inquiry and technological design; 29506

<u>(c) Includes the arts and humanities;</u>	29507
<u>(d) Emphasizes personalized learning and teamwork skills.</u>	29508
<u>(4) Evidence that the school will attract school leaders who support the curriculum principles of division (C)(3) of this section;</u>	29509 29510 29511
<u>(5) A description of how the school's curriculum will be developed and approved in accordance with section 3326.09 of the Revised Code;</u>	29512 29513 29514
<u>(6) Evidence that the school will utilize an established capacity to capture and share knowledge for best practices and innovative professional development;</u>	29515 29516 29517
<u>(7) Evidence that the school will operate in collaboration with a partnership that includes institutions of higher education and businesses;</u>	29518 29519 29520
<u>(8) Assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities;</u>	29521 29522 29523
<u>(9) A description of how the school's assets will be distributed if the school closes for any reason.</u>	29524 29525
<b><u>Sec. 3326.04. (A) The STEM subcommittee shall award grants to support the operation of STEM programs of excellence to serve students in any of grades kindergarten through eight through a request for proposals.</u></b>	29526 29527 29528 29529
<u>(B) Proposals may be submitted by any of the following:</u>	29530
<u>(1) The board of education of a city, exempted village, or local school district;</u>	29531 29532
<u>(2) The governing authority of a community school established under Chapter 3314. of the Revised Code.</u>	29533 29534
<u>(C) Each proposal shall demonstrate to the satisfaction of</u>	29535

the STEM subcommittee that the program meets at least the 29536  
following standards: 29537

(1) The program will serve all students enrolled in the 29538  
district or school in the grades for which the program is 29539  
designed. 29540

(2) The program will offer a rigorous and diverse curriculum 29541  
that is based on scientific inquiry and technological design, that 29542  
emphasizes personalized learning and teamwork skills, and that 29543  
will expose students to advanced scientific concepts within and 29544  
outside the classroom. 29545

(3) The program will not limit participation of students on 29546  
the basis of intellectual ability, measures of achievement, or 29547  
aptitude. 29548

(4) The program will utilize an established capacity to 29549  
capture and share knowledge for best practices and innovative 29550  
professional development. 29551

(5) The program will operate in collaboration with a 29552  
partnership that includes institutions of higher education and 29553  
businesses. 29554

(6) The program will include teacher professional development 29555  
strategies that are augmented by community and business partners. 29556

(D) The STEM subcommittee shall give priority to proposals 29557  
for new or expanding innovative programs. 29558

**Sec. 3326.05.** The partnership for continued learning, through 29559  
the STEM subcommittee, may make recommendations to the general 29560  
assembly and the governor for the training of STEM educators. 29561

**Sec. 3326.06.** The partnership for continued learning, through 29562  
the STEM subcommittee, shall work with an Ohio-based nonprofit 29563  
enterprise selected by the subcommittee to support the strategic 29564

and operational coordination of public and private STEM education 29565  
initiatives and resources focused on curriculum development, 29566  
instruction, assessment, teacher quality enhancement, leadership 29567  
recruitment and training, and community engagement. The nonprofit 29568  
enterprise selected by the STEM subcommittee shall have the proven 29569  
ability to accumulate resources to enhance education quality 29570  
across the educational continuum, from preschool to college, shall 29571  
have experience in large-scale management of science and 29572  
technology resources, and shall have a documented institutional 29573  
mission to advance STEM education. 29574

Sec. 3326.07. Each science, technology, engineering, and 29575  
mathematics school established under this chapter is a public 29576  
school, is part of the state's program of education, and may 29577  
continue in operation for as long as the school is in compliance 29578  
with the provisions of this chapter and with the proposal for its 29579  
establishment as approved by the STEM subcommittee. If the school 29580  
closes for any reason, its assets shall be distributed in the 29581  
manner provided in the proposal for its establishment as required 29582  
by division (C)(9) of section 3326.03 of the Revised Code. 29583

Sec. 3326.08. (A) The governing body of each science, 29584  
technology, engineering, and mathematics school shall employ and 29585  
fix the compensation for the administrative officers, teachers, 29586  
and nonteaching employees of the STEM school necessary for the 29587  
school to carry out its mission and shall oversee the operations 29588  
of the school. The governing body of each STEM school shall employ 29589  
a chief administrative officer to serve as the school's 29590  
instructional and administrative leader. The chief administrative 29591  
officer shall be granted the authority to oversee the recruitment, 29592  
retention, and employment of teachers and nonteaching employees. 29593

(B) The department of education shall monitor the oversight 29594  
of each STEM school exercised by the school's governing body and 29595

shall monitor the school's compliance with this chapter and with 29596  
the proposal for the establishment of the school as it was 29597  
approved by the STEM subcommittee of the partnership for continued 29598  
learning under section 3326.04 of the Revised Code. If the 29599  
department finds that the school is not in compliance with this 29600  
chapter or with the proposal, the department shall consult with 29601  
the STEM subcommittee, and the subcommittee may order the school 29602  
to close on the last day of the school year in which the 29603  
subcommittee issues its order. 29604

(C) The governing body of each STEM school shall comply with 29605  
sections 121.22 and 149.43 of the Revised Code. 29606

**Sec. 3326.09.** Subject to approval by its governing body, the 29607  
curriculum of each science, technology, engineering, and 29608  
mathematics school shall be developed by a team that consists of 29609  
at least the school's chief administrative officer, a teacher, a 29610  
representative of the higher education institution that is a 29611  
collaborating partner in the school, described in the proposal for 29612  
establishment of the school as required by division (C)(7) of 29613  
section 3326.03 of the Revised Code, and a member of the public 29614  
with expertise in the application of science, technology, 29615  
engineering, or mathematics. 29616

**Sec. 3326.10.** Each science, technology, engineering, and 29617  
mathematics school shall adopt admission procedures that specify 29618  
the following: 29619

(A)(1) Admission shall be open to individuals entitled and 29620  
eligible to attend school pursuant to section 3313.64 or 3313.65 29621  
of the Revised Code in a school district in the state. 29622

(2) Students who are not residents of Ohio shall not be 29623  
permitted to enroll in a science, technology, engineering, and 29624  
mathematics school. 29625

(B) There will be no discrimination in the admission of students to the school on the basis of race, creed, color, disability, or sex. 29626  
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(C) The school will comply with all federal and state laws regarding the education of students with disabilities. 29629  
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(D) The school will not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, or athletic or artistic ability; the school will assert its best effort to attract a diverse student body that reflects the community; and the school will recruit students from disadvantaged and underrepresented groups. 29631  
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Sec. 3326.11. Each science, technology, engineering, and mathematics school established under this chapter and its governing body shall comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.18, 2921.42, 2921.43, 3301.0712, 3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.80, 3313.801, 3313.96, 3319.073, 3319.21, 3319.313, 3319.314, 3319.315, 3319.32, 3319.321, 3319.35, 3319.39, 3319.45, 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district. 29637  
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Sec. 3326.12. Each science, technology, engineering, and mathematics school and its governing body shall comply with Chapter 3323. of the Revised Code as if it were a school district. 29653  
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The school district in which a STEM school student is entitled to attend school and the student's school district of residence, if different, are not obligated to provide the student with a free appropriate public education under Chapter 3323. of the Revised Code for as long as the student attends a STEM school.

Sec. 3326.13. Teachers employed by a science, technology, engineering, and mathematics school shall be highly qualified teachers, as defined in section 3319.074 of the Revised Code, and shall be licensed under sections 3319.22 to 3319.31 of the Revised Code and rules of the state board of education implementing those sections.

Sec. 3326.14. Each science, technology, engineering, and mathematics school and its governing body shall administer the tests required by sections 3301.0710 and 3301.0711 of the Revised Code, as if it were a school district, except that, notwithstanding any provision of those sections to the contrary, any student enrolled in a grade lower than the tenth grade in a STEM school may take one or more of the Ohio graduation tests prescribed under division (B) of section 3301.0710 of the Revised Code on any of the dates prescribed in division (C)(3) of that section.

Sec. 3326.15. Each science, technology, engineering, and mathematics school and its governing body shall comply with section 3313.603 of the Revised Code as if it were a school district. However, a STEM school may permit a student to earn units of high school credit based on a demonstration of subject area competency instead of or in combination with completing hours of classroom instruction prior to the adoption by the state board of education of the plan for granting high school credit based on

competency, as required by division (J) of that section. Upon 29686  
adoption of the plan, each STEM school shall comply with that plan 29687  
and award units of high school credit in accordance with the plan. 29688

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Sec. 3326.16. Each science, technology, engineering, and 29690  
mathematics school and its governing body shall comply with all 29691  
health and safety provisions of law applicable to school 29692  
buildings. 29693

Sec. 3326.17. (A) The department of education shall issue an 29694  
annual report card for each science, technology, engineering, and 29695  
mathematics school that includes all information applicable to 29696  
school buildings under section 3302.03 of the Revised Code. 29697

(B) For each student enrolled in a STEM school, the 29698  
department shall combine data regarding the academic performance 29699  
of that student with comparable data from the school district in 29700  
which the student is entitled to attend school pursuant to section 29701  
3313.64 or 3313.65 of the Revised Code for the purpose of 29702  
calculating the performance of the district as a whole on the 29703  
report card issued for the district under section 3302.03 of the 29704  
Revised Code. 29705

(C) Each STEM school and its governing body shall comply with 29706  
section 3302.04 of the Revised Code, including division (E) of 29707  
that section to the extent possible, except that any action 29708  
required to be taken by a school district pursuant to that section 29709  
shall be taken by the school. However, the school shall not be 29710  
required to take any action described in division (F) of that 29711  
section. 29712

Sec. 3326.18. (A) Except as provided under division (B) of 29713  
this section, employees of a science, technology, engineering, and 29714

mathematics school may organize and collectively bargain pursuant 29715  
to Chapter 4117. of the Revised Code. Notwithstanding division 29716  
(D)(1) of section 4117.06 of the Revised Code, a unit containing 29717  
teaching and nonteaching employees employed under this section 29718  
shall be considered an appropriate unit. 29719

(B) If a science, technology, engineering, and mathematics 29720  
school is created by converting all or part of an existing school 29721  
operated by a school district or an existing conversion community 29722  
school established under Chapter 3314. of the Revised Code, at the 29723  
time of conversion, the employees assigned to the STEM school 29724  
shall remain part of any collective bargaining unit in which they 29725  
were included immediately prior to the conversion and shall remain 29726  
subject to any collective bargaining agreement for that unit in 29727  
effect on the first day of July of the year in which the STEM 29728  
school initially begins operation and shall be subject to any 29729  
subsequent collective bargaining agreement for that unit, unless a 29730  
petition is certified as sufficient under division (E) of this 29731  
section with regard to those employees. Any new employees assigned 29732  
to the STEM school also shall be included in the unit to which 29733  
they would have been assigned had the conversion not taken place 29734  
and shall be subject to the collective bargaining agreement for 29735  
that unit unless a petition is certified as sufficient under 29736  
division (E) of this section with regard to those employees. 29737

Notwithstanding division (B) of section 4117.01 of the 29738  
Revised Code, the board of education of the school district that 29739  
operated or sponsored the STEM school prior to conversion and not 29740  
the STEM school shall be regarded, for purposes of Chapter 4117. 29741  
of the Revised Code, as the "public employer" of the employees 29742  
assigned to a conversion STEM school subject to a collective 29743  
bargaining agreement pursuant to this division unless a petition 29744  
is certified under division (E) of this section with regard to 29745  
those employees. Only on and after the effective date of a 29746

petition certified as sufficient under division (E) of this 29747  
section shall division (A) of this section apply to those 29748  
employees and only on and after the effective date of that 29749  
petition shall Chapter 4117. of the Revised Code apply to the 29750  
school with regard to those employees. 29751

(C) Notwithstanding sections 4117.03 to 4117.18 of the 29752  
Revised Code and Section 4 of Amended Substitute Senate Bill No. 29753  
133 of the 115th general assembly, the employees assigned to a 29754  
conversion STEM school who are subject to a collective bargaining 29755  
agreement pursuant to division (B) of this section shall cease to 29756  
be subject to that agreement and all subsequent agreements 29757  
pursuant to that division and shall cease to be part of the 29758  
collective bargaining unit that is subject to that and all 29759  
subsequent agreements, if a majority of the employees assigned to 29760  
the STEM school who are subject to that collective bargaining 29761  
agreement sign and submit to the state employment relations board 29762  
a petition requesting all of the following: 29763

(1) That all the employees assigned to the STEM school who 29764  
are subject to that agreement be removed from the bargaining unit 29765  
that is subject to that agreement and be designated by the state 29766  
employment relations board as a new and separate bargaining unit 29767  
for purposes of Chapter 4117. of the Revised Code; 29768

(2) That the employee organization certified as the exclusive 29769  
representative of the employees of the bargaining unit from which 29770  
the employees are to be removed be certified as the exclusive 29771  
representative of the new and separate bargaining unit for 29772  
purposes of Chapter 4117. of the Revised Code; 29773

(3) That the STEM school be regarded as the "public employer" 29774  
of those employees for purposes of Chapter 4117. of the Revised 29775  
Code. 29776

(D) Notwithstanding sections 4117.03 to 4117.18 of the 29777

Revised Code and Section 4 of Amended Substitute Senate Bill No. 29778  
133 of the 115th general assembly, the employees assigned to a 29779  
conversion STEM school who are subject to a collective bargaining 29780  
agreement pursuant to division (B) of this section shall cease to 29781  
be subject to that agreement and all subsequent agreements 29782  
pursuant to that division, shall cease to be part of the 29783  
collective bargaining unit that is subject to that and all 29784  
subsequent agreements, and shall cease to be represented by any 29785  
exclusive representative of that collective bargaining unit, if a 29786  
majority of the employees assigned to the STEM school who are 29787  
subject to that collective bargaining agreement sign and submit to 29788  
the state employment relations board a petition requesting all of 29789  
the following: 29790

(1) That all the employees assigned to the STEM school who 29791  
are subject to that agreement be removed from the bargaining unit 29792  
that is subject to that agreement; 29793

(2) That any employee organization certified as the exclusive 29794  
representative of the employees of that bargaining unit be 29795  
decertified as the exclusive representative of the employees 29796  
assigned to the STEM school who are subject to that agreement; 29797

(3) That the STEM school be regarded as the "public employer" 29798  
of those employees for purposes of Chapter 4117. of the Revised 29799  
Code. 29800

(E) Upon receipt of a petition under division (C) or (D) of 29801  
this section, the state employment relations board shall check the 29802  
sufficiency of the signatures on the petition. If the signatures 29803  
are found sufficient, the board shall certify the sufficiency of 29804  
the petition and so notify the parties involved, including the 29805  
board of education of the school district that operated or 29806  
sponsored the STEM school prior to conversion, the STEM school, 29807  
and any exclusive representative of the bargaining unit. The 29808  
changes requested in a certified petition shall take effect on the 29809

first day of the month immediately following the date on which the 29810  
sufficiency of the petition is certified under this division. 29811

Sec. 3326.19. The provisions of Chapter 124. of the Revised 29812  
Code shall not apply to the employment of nonteaching employees by 29813  
a science, technology, engineering, and mathematics school. 29814

Sec. 3326.20. (A) As used in this section, "native student" 29815  
means a student entitled to attend school in the school district 29816  
under section 3313.64 or 3313.65 of the Revised Code. 29817

(B) Unless the proposal for the establishment of a science, 29818  
technology, engineering, and mathematics school, as it was 29819  
approved by the STEM subcommittee of the partnership for continued 29820  
learning under section 3326.03 of the Revised Code, otherwise 29821  
provides for the transportation of students to and from the STEM 29822  
school, the board of education of each city, local, and exempted 29823  
village school district shall provide transportation to and from 29824  
school for its district's native students enrolled in the STEM 29825  
school in the same manner that section 3327.01 of the Revised Code 29826  
requires for its native students enrolled in nonpublic schools. 29827

Sec. 3326.21. (A) Each science, technology, engineering, and 29829  
mathematics school shall have a treasurer who is licensed under 29830  
section 3301.074 of the Revised Code. The governing body of the 29831  
school and the treasurer shall comply with sections 3301.072, 29832  
3313.22 to 3313.32, 3313.51, and 3315.08 of the Revised Code in 29833  
the same manner as a school district board of education and a 29834  
district treasurer. 29835

(B) Financial records of each STEM school shall be maintained 29836  
in the same manner as are financial records of school districts, 29837  
pursuant to rules of the auditor of state. 29838

Sec. 3326.22. Each science, technology, engineering, and mathematics school and its governing body shall enforce sections 3321.13, 3321.19, and 3321.191 of the Revised Code as if it were a school district with regard to students who are truant or otherwise absent from the school without legitimate excuse.

Sec. 3326.23. The governing body of each science, technology, engineering, and mathematics school annually shall provide the following assurances in writing to the department of education not later than ten business days prior to the opening of the school:

(A) That the school has a plan for providing special education and related services to students with disabilities and has demonstrated the capacity to provide those services in accordance with Chapter 3323. of the Revised Code and federal law;

(B) That the school has a plan and procedures for administering the achievement tests and diagnostic assessments prescribed by sections 3301.0710 and 3301.0715 of the Revised Code;

(C) That school personnel have the necessary training, knowledge, and resources to properly use and submit information to all databases maintained by the department for the collection of education data, including the education management information system established under section 3301.0714 of the Revised Code;

(D) That all required information about the school has been submitted to the Ohio education directory system or any successor system;

(E) That all classroom teachers are licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code or are engaged to teach pursuant to section 3319.301 of the Revised Code;

<u>(F) That the school's treasurer is in compliance with section 3326.21 of the Revised Code;</u>	29869
	29870
<u>(G) That the school has complied with section 3319.39 of the Revised Code with respect to all employees who are responsible for the care, custody, or control of a child and that the school has conducted a criminal records check of each of its governing body members;</u>	29871
	29872
	29873
	29874
	29875
<u>(H) That the school holds all of the following:</u>	29876
<u>(1) Proof of property ownership or a lease for the facilities used by the school;</u>	29877
	29878
<u>(2) A certificate of occupancy;</u>	29879
<u>(3) Liability insurance for the school, as required by section 3326.11 of the Revised Code;</u>	29880
	29881
<u>(4) A satisfactory health and safety inspection;</u>	29882
<u>(5) A satisfactory fire inspection;</u>	29883
<u>(6) A valid food permit, if applicable.</u>	29884
<u>(I) That the governing body has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;</u>	29885
	29886
	29887
<u>(J) That the school has designated a date it will open for the school year for which the assurances are provided;</u>	29888
	29889
<u>(K) That the school has met all of the governing body's requirements for opening and any other requirements of the governing body.</u>	29890
	29891
	29892
<u>Sec. 3326.31. As used in sections 3326.31 to 3326.50 of the Revised Code:</u>	29893
	29894
<u>(A) "Applicable special education weight" means the multiple specified in section 3317.013 of the Revised Code for a disability</u>	29895
	29896

<u>described in that section.</u>	29897
<u>(B) "Applicable vocational education weight" means the multiple specified in section 3317.014 of the Revised Code for vocational education programs or classes described in that section.</u>	29898 29899 29900 29901
<u>(C) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.</u>	29902 29903
<u>(D) "IEP" means an individualized education program as defined in section 3323.01 of the Revised Code.</u>	29904 29905
<u>(E) A student is "included in the poverty student count of the student's resident district" if the student's family receives assistance under the Ohio works first program.</u>	29906 29907 29908
<u>(F) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.</u>	29909 29910 29911
<u>(G) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.</u>	29912 29913
<u><b>Sec. 3326.32.</b> Each science, technology, engineering, and mathematics school shall report to the department of education, in the form and manner required by the department, all of the following information:</u>	29914 29915 29916 29917
<u>(A) The total number of students enrolled in the school;</u>	29918
<u>(B) The number of students who are receiving special education and related services pursuant to an IEP;</u>	29919 29920
<u>(C) For each student reported under division (B) of this section, which category specified in divisions (A) to (F) of section 3317.013 of the Revised Code applies to the student;</u>	29921 29922 29923
<u>(D) The full-time equivalent number of students who are enrolled in vocational education programs or classes described in</u>	29924 29925

<u>each of divisions (A) and (B) of section 3317.014 of the Revised</u>	29926
<u>Code that are provided by the STEM school;</u>	29927
<u>(E) The resident district of each student;</u>	29928
<u>(F) Any additional information the department determines</u>	29929
<u>necessary to make payments under this chapter.</u>	29930
<u><b>Sec. 3326.33.</b> For each student enrolled in a science,</u>	29931
<u>technology, engineering, and mathematics school established under</u>	29932
<u>this chapter, the department of education annually shall deduct</u>	29933
<u>from the state education aid of a student's resident school</u>	29934
<u>district and, if necessary, from the payment made to the district</u>	29935
<u>under sections 321.24 and 323.156 of the Revised Code and pay to</u>	29936
<u>the school the sum of the following:</u>	29937
<u>(A) The sum of the formula amount plus the per pupil amount</u>	29938
<u>of the base funding supplements specified in divisions (C)(1) to</u>	29939
<u>(4) of section 3317.012 of the Revised Code.</u>	29940
<u>(B) If the student is receiving special education and related</u>	29941
<u>services pursuant to an IEP, the product of the applicable special</u>	29942
<u>education weight times the formula amount;</u>	29943
<u>(C) If the student is enrolled in vocational education</u>	29944
<u>programs or classes that are described in section 3317.014 of the</u>	29945
<u>Revised Code, are provided by the school, and are comparable as</u>	29946
<u>determined by the superintendent of public instruction to school</u>	29947
<u>district vocational education programs and classes eligible for</u>	29948
<u>state weighted funding under section 3317.014 of the Revised Code,</u>	29949
<u>the product of the applicable vocational education weight times</u>	29950
<u>the formula amount times the percentage of time the student spends</u>	29951
<u>in the vocational education programs or classes;</u>	29952
<u>(D) If the student is included in the poverty student count</u>	29953
<u>of the student's resident district, the per pupil amount of the</u>	29954
<u>district's payment under division (C) of section 3317.029 of the</u>	29955

<u>Revised Code;</u>	29956
<u>(E) If the student is identified as limited English</u>	29957
<u>proficient and the student's resident district receives a payment</u>	29958
<u>for services to limited English proficient students under division</u>	29959
<u>(F) of section 3317.029 of the Revised Code, the per pupil amount</u>	29960
<u>of the district's payment under that division, calculated in the</u>	29961
<u>same manner as per pupil payments are calculated under division</u>	29962
<u>(C)(6) of section 3314.08 of the Revised Code;</u>	29963
<u>(F) If the student's resident district receives a payment</u>	29964
<u>under division (G), (H), or (I) of section 3317.029 of the Revised</u>	29965
<u>Code, the per pupil amount of the district's payments under each</u>	29966
<u>division, calculated in the same manner as per pupil payments are</u>	29967
<u>calculated under divisions (C)(7) and (8) of section 3314.08 of</u>	29968
<u>the Revised Code;</u>	29969
<u>(G) If the student's resident district receives a parity aid</u>	29970
<u>payment under section 3317.0217 of the Revised Code, the per pupil</u>	29971
<u>amount calculated for the district under division (C) or (D) of</u>	29972
<u>that section.</u>	29973
<b><u>Sec. 3326.34.</u></b> <u>If a science, technology, engineering, and</u>	29974
<u>mathematics school established under this chapter incurs costs for</u>	29975
<u>a fiscal year for a student receiving special education and</u>	29976
<u>related services pursuant to an IEP for a disability described in</u>	29977
<u>divisions (B) to (F) of section 3317.013 of the Revised Code that</u>	29978
<u>exceed the threshold catastrophic cost for serving the student as</u>	29979
<u>specified in division (C)(3)(b) of section 3317.022 of the Revised</u>	29980
<u>Code, the STEM school may submit to the superintendent of public</u>	29981
<u>instruction documentation, as prescribed by the superintendent, of</u>	29982
<u>all its costs for that student. Upon submission of documentation</u>	29983
<u>for a student of the type and in the manner prescribed, the</u>	29984
<u>department of education shall pay to the school an amount equal to</u>	29985
<u>the school's costs for the student in excess of the threshold</u>	29986

catastrophic costs. 29987

The school shall only report under this section, and the 29988  
department shall only pay for, the costs of educational expenses 29989  
and the related services provided to the student in accordance 29990  
with the student's IEP. Any legal fees, court costs, or other 29991  
costs associated with any cause of action relating to the student 29992  
may not be included in the amount. 29993

Sec. 3326.35. The department of education shall adjust the 29994  
amounts paid under section 3326.33 of the Revised Code to reflect 29995  
any enrollment of students in science, technology, engineering, 29996  
and mathematics schools for less than the equivalent of a full 29997  
school year. 29998

Sec. 3326.36. The department of education shall reduce the 29999  
amounts paid to a science, technology, engineering, and 30000  
mathematics school under section 3326.33 of the Revised Code to 30001  
reflect payments made to colleges under division (B) of section 30002  
3365.07 of the Revised Code. A student shall be considered 30003  
enrolled in the school for any portion of the school year the 30004  
student is attending a college under Chapter 3365. of the Revised 30005  
Code. 30006

Sec. 3326.37. The department of education shall not pay to a 30007  
science, technology, engineering, and mathematics school any 30008  
amount for any of the following: 30009

(A) Any student who has graduated from the twelfth grade of a 30010  
public or nonpublic school; 30011

(B) Any student who is not a resident of the state; 30012

(C) Any student who was enrolled in a STEM school during the 30013  
previous school year when tests were administered under section 30014  
3301.0711 of the Revised Code but did not take one or more of the 30015

tests required by that section and was not excused pursuant to 30016  
division (C)(1) or (3) of that section, unless the superintendent 30017  
of public instruction grants the student a waiver from the 30018  
requirement to take the test. The superintendent may grant a 30019  
waiver only for good cause in accordance with rules adopted by the 30020  
state board of education. 30021

(D) Any student who has attained the age of twenty-two years, 30022  
except for veterans of the armed services whose attendance was 30023  
interrupted before completing the recognized twelve-year course of 30024  
the public schools by reason of induction or enlistment in the 30025  
armed forces and who apply for enrollment in a STEM school not 30026  
later than four years after termination of war or their honorable 30027  
discharge. If, however, any such veteran elects to enroll in 30028  
special courses organized for veterans for whom tuition is paid 30029  
under federal law, or otherwise, the department shall not pay to 30030  
the school any amount for that veteran. 30031

Sec. 3326.38. A science, technology, engineering, and 30032  
mathematics school may do all of the following: 30033

(A) Apply to the department of education for gifted unit 30034  
funding; 30035

(B) Apply to any state or federal agency for grants that a 30036  
school district or public school may receive under federal or 30037  
state law or any appropriations act of the general assembly; 30038

(C) Apply to any private entity or foundation for additional 30039  
funds. 30040

Sec. 3326.49. A science, technology, engineering, and 30041  
mathematics school may not levy taxes or issue bonds secured by 30042  
tax revenues. 30043

Sec. 3326.50. A science, technology, engineering, and 30044

mathematics school shall not charge tuition for any student 30045  
enrolled in the school. 30046

**Sec. 3327.01.** Notwithstanding division (D) of section 3311.19 30047  
and division (D) of section 3311.52 of the Revised Code, this 30048  
section and sections 3327.011, 3327.012, and 3327.02 of the 30049  
Revised Code do not apply to any joint vocational or cooperative 30050  
education school district. 30051

In all city, local, and exempted village school districts 30052  
where resident school pupils in grades kindergarten through eight 30053  
live more than two miles from the school for which the state board 30054  
of education prescribes minimum standards pursuant to division (D) 30055  
of section 3301.07 of the Revised Code and to which they are 30056  
assigned by the board of education of the district of residence or 30057  
to and from the nonpublic or community school which they attend 30058  
the board of education shall provide transportation for such 30059  
pupils to and from such school except as provided in section 30060  
3327.02 of the Revised Code. 30061

In all city, local, and exempted village school districts 30062  
where pupil transportation is required under a career-technical 30063  
plan approved by the state board of education under section 30064  
3313.90 of the Revised Code, for any student attending a 30065  
career-technical program operated by another school district, 30066  
including a joint vocational school district, as prescribed under 30067  
that section, the board of education of the student's district of 30068  
residence shall provide transportation from the public high school 30069  
operated by that district to which the student is assigned to the 30070  
career-technical program. 30071

In all city, local, and exempted village school districts the 30072  
board may provide transportation for resident school pupils in 30073  
grades nine through twelve to and from the high school to which 30074  
they are assigned by the board of education of the district of 30075

residence or to and from the nonpublic or community high school 30076  
which they attend for which the state board of education 30077  
prescribes minimum standards pursuant to division (D) of section 30078  
3301.07 of the Revised Code. 30079

A board of education shall not be required to transport 30080  
elementary or high school pupils to and from a nonpublic or 30081  
community school where such transportation would require more than 30082  
thirty minutes of direct travel time as measured by school bus 30083  
from the public school building to which the pupils would be 30084  
assigned if attending the public school designated by the district 30085  
of residence. 30086

Where it is impractical to transport a pupil by school 30087  
conveyance, a board of education may offer payment, in lieu of 30088  
providing such transportation in accordance with section 3327.02 30089  
of the Revised Code. 30090

In all city, local, and exempted village school districts the 30091  
board shall provide transportation for all children who are so 30092  
~~crippled~~ disabled that they are unable to walk to and from the 30093  
school for which the state board of education prescribes minimum 30094  
standards pursuant to division (D) of section 3301.07 of the 30095  
Revised Code and which they attend. In case of dispute whether the 30096  
child is able to walk to and from the school, the health 30097  
commissioner shall be the judge of such ability. In all city, 30098  
exempted village, and local school districts the board shall 30099  
provide transportation to and from school or special education 30100  
classes for educable mentally retarded children in accordance with 30101  
standards adopted by the state board of education. 30102

When transportation of pupils is provided the conveyance 30103  
shall be run on a time schedule that shall be adopted and put in 30104  
force by the board not later than ten days after the beginning of 30105  
the school term. 30106

The cost of any transportation service authorized by this 30107  
section shall be paid first out of federal funds, if any, 30108  
available for the purpose of pupil transportation, and secondly 30109  
out of state appropriations, in accordance with regulations 30110  
adopted by the state board of education. 30111

No transportation of any pupils shall be provided by any 30112  
board of education to or from any school which in the selection of 30113  
pupils, faculty members, or employees, practices discrimination 30114  
against any person on the grounds of race, color, religion, or 30115  
national origin. 30116

**Sec. 3327.05.** (A) Except as provided in division (B) of this 30117  
section, no board of education of any school district shall 30118  
provide transportation for any pupil who is a school resident of 30119  
another school district unless the pupil is enrolled pursuant to 30120  
section 3313.98 of the Revised Code or the board of the other 30121  
district has given its written consent thereto. If the board of 30122  
any school district files with the state board of education a 30123  
written complaint that transportation for resident pupils is being 30124  
provided by the board of another school district contrary to this 30125  
division, the state board of education shall make an investigation 30126  
of such complaint. If the state board of education finds that 30127  
transportation is being provided contrary to this section, it may 30128  
withdraw from state funds due the offending district any part of 30129  
the amount that has been approved for transportation pursuant to 30130  
division (D) of section 3317.022 of the Revised Code. 30131

(B) Notwithstanding division (D) of section 3311.19 and 30132  
division (D) of section 3311.52 of the Revised Code, this division 30133  
does not apply to any joint vocational or cooperative education 30134  
school district. 30135

A board of education may provide transportation to and from 30136  
the nonpublic high school of attendance if both of the following 30137

apply: 30138

(1) The parent, guardian, or other person in charge of the 30139  
pupil agrees to pay the board for all costs incurred in providing 30140  
the transportation that are not reimbursed pursuant to Chapter 30141  
3317. of the Revised Code; 30142

(2) The pupil's school district of residence does not provide 30143  
transportation for public school pupils of the same grade as the 30144  
pupil being transported under this division, or that district is 30145  
not required under section 3327.01 of the Revised Code to 30146  
transport the pupil to and from the nonpublic school because the 30147  
direct travel time to the nonpublic school is more than thirty 30148  
minutes. 30149

Upon receipt of the request to provide transportation, the 30150  
board shall review the request and determine whether the board 30151  
will accommodate the request. If the board agrees to transport the 30152  
pupil, the board may transport the pupil to and from the nonpublic 30153  
school and a collection point in the district, as determined by 30154  
the board. If the board transports the pupil, the board may 30155  
include the pupil in the district's transportation ADM reported to 30156  
the department of education under section 3317.03 of the Revised 30157  
Code and, accordingly, may receive a state payment under division 30158  
(D) of section 3317.022 of the Revised Code for transporting the 30159  
pupil. 30160

If the board declines to transport the pupil, the board, in a 30161  
written communication to the parent, guardian, or other person in 30162  
charge of the pupil, shall state the reasons for declining the 30163  
request. 30164

**Sec. 3327.16.** Notwithstanding division (D) of section 3311.19 30165  
and division (D) of section 3311.52 of the Revised Code, this 30166  
section does not apply to any joint vocational or cooperative 30167  
education school district or its superintendent. 30168

(A) The superintendent of each school district may establish a volunteer bus rider assistance program, under which qualified adults or responsible older pupils, as determined by the superintendent, may be authorized to ride on school buses with pupils during such periods of time that the buses are being used to transport pupils to and from schools. Volunteers shall not be compensated for their services, but older pupils may be excused early from school to participate in the program.

Volunteers may be assigned duties or responsibilities by the superintendent, including but not limited to, assisting younger pupils in embarking and disembarking from buses and in crossing streets where necessary to ensure the safety of the pupil, aiding the driver of the bus to maintain order on buses, assisting ~~handicapped~~ pupils with disabilities, and such other activities as the superintendent determines will aid in the safe and efficient transportation of pupils.

Volunteers serving under this section are not employees for purposes of Chapter 4117. or 4123. of the Revised Code. Nothing in this section shall authorize a board of education to adversely affect the employment of any employee of the board.

(B) The board of education of each city, local, or exempted village school district shall present a program to all pupils in kindergarten through third grade who are offered school bus transportation and who have not previously attended such program. The program shall consist of instruction in bus rider behavior, school bus safety, and the potential problems and hazards associated with school bus ridership. The department of education shall prescribe the content and length of such program, which shall be presented within two weeks after the commencement of classes each school year.

**Sec. 3327.17.** The department of development shall establish a

biodiesel school bus program under which the director of 30200  
development shall make grants to school districts that use 30201  
biodiesel fuel for pupil transportation to help offset incremental 30202  
costs incurred by using biodiesel instead of one hundred per cent 30203  
petroleum diesel. 30204

As used in this section, "biodiesel" has the same meaning as 30205  
in section 122.075 of the Revised Code. 30206

**Sec. 3333.04.** The chancellor of the Ohio board of regents 30207  
shall: 30208

(A) Make studies of state policy in the field of higher 30209  
education and formulate a master plan for higher education for the 30210  
state, considering the needs of the people, the needs of the 30211  
state, and the role of individual public and private institutions 30212  
within the state in fulfilling these needs; 30213

(B)(1) Report annually to the governor and the general 30214  
assembly on the findings from the chancellor's studies and the 30215  
master plan for higher education for the state; 30216

(2) Report at least semiannually to the general assembly and 30217  
the governor the enrollment numbers at each state-assisted 30218  
institution of higher education. 30219

(C) Approve or disapprove the establishment of new branches 30220  
or academic centers of state colleges and universities; 30221

(D) Approve or disapprove the establishment of state 30222  
technical colleges or any other state institution of higher 30223  
education; 30224

(E) Recommend the nature of the programs, undergraduate, 30225  
graduate, professional, state-financed research, and public 30226  
services which should be offered by the state colleges, 30227  
universities, and other state-assisted institutions of higher 30228  
education in order to utilize to the best advantage their 30229

facilities and personnel; 30230

(F) Recommend to the state colleges, universities, and other 30231  
state-assisted institutions of higher education graduate or 30232  
professional programs, including, but not limited to, doctor of 30233  
philosophy, doctor of education, and juris doctor programs, that 30234  
could be eliminated because they constitute unnecessary 30235  
duplication, as shall be determined using the process developed 30236  
pursuant to this division, or for other good and sufficient cause. 30237  
Prior to recommending a program for elimination, the chancellor 30238  
shall request the board of regents to hold at least one public 30239  
hearing on the matter and advise the chancellor on whether the 30240  
program should be recommended for elimination. The board shall 30241  
provide notice of each hearing within a reasonable amount of time 30242  
prior to its scheduled date. Following the hearing, the board 30243  
shall issue a recommendation to the chancellor. The chancellor 30244  
shall consider the board's recommendation but shall not be 30245  
required to accept it. 30246

For purposes of determining the amounts of any state 30247  
instructional subsidies paid to state colleges, universities, and 30248  
other state-assisted institutions of higher education, the 30249  
chancellor may exclude students enrolled in any program that the 30250  
chancellor has recommended for elimination pursuant to this 30251  
division except that the chancellor shall not exclude any such 30252  
student who enrolled in the program prior to the date on which the 30253  
chancellor initially commences to exclude students under this 30254  
division. 30255

The chancellor and state colleges, universities, and other 30256  
state-assisted institutions of higher education shall jointly 30257  
develop a process for determining which existing graduate or 30258  
professional programs constitute unnecessary duplication. 30259

(G) Recommend to the state colleges, universities, and other 30260  
state-assisted institutions of higher education programs which 30261

should be added to their present programs; 30262

(H) Conduct studies for the state colleges, universities, and 30263  
other state-assisted institutions of higher education to assist 30264  
them in making the best and most efficient use of their existing 30265  
facilities and personnel; 30266

(I) Make recommendations to the governor and general assembly 30267  
concerning the development of state-financed capital plans for 30268  
higher education; the establishment of new state colleges, 30269  
universities, and other state-assisted institutions of higher 30270  
education; and the establishment of new programs at the existing 30271  
state colleges, universities, and other institutions of higher 30272  
education; 30273

(J) Review the appropriation requests of the public community 30274  
colleges and the state colleges and universities and submit to the 30275  
office of budget and management and to the chairpersons of the 30276  
finance committees of the house of representatives and of the 30277  
senate the chancellor's recommendations in regard to the biennial 30278  
higher education appropriation for the state, including 30279  
appropriations for the individual state colleges and universities 30280  
and public community colleges. For the purpose of determining the 30281  
amounts of instructional subsidies to be paid to state-assisted 30282  
colleges and universities, the chancellor shall define "full-time 30283  
equivalent student" by program per academic year. The definition 30284  
may take into account the establishment of minimum enrollment 30285  
levels in technical education programs below which support 30286  
allowances will not be paid. Except as otherwise provided in this 30287  
section, the chancellor shall make no change in the definition of 30288  
"full-time equivalent student" in effect on November 15, 1981, 30289  
which would increase or decrease the number of subsidy-eligible 30290  
full-time equivalent students, without first submitting a fiscal 30291  
impact statement to the president of the senate, the speaker of 30292  
the house of representatives, the legislative service commission, 30293

and the director of budget and management. The chancellor shall 30294  
work in close cooperation with the director of budget and 30295  
management in this respect and in all other matters concerning the 30296  
expenditures of appropriated funds by state colleges, 30297  
universities, and other institutions of higher education. 30298

(K) Seek the cooperation and advice of the officers and 30299  
trustees of both public and private colleges, universities, and 30300  
other institutions of higher education in the state in performing 30301  
the chancellor's duties and making the chancellor's plans, 30302  
studies, and recommendations; 30303

(L) Appoint advisory committees consisting of persons 30304  
associated with public or private secondary schools, members of 30305  
the state board of education, or personnel of the state department 30306  
of education; 30307

(M) Appoint advisory committees consisting of college and 30308  
university personnel, or other persons knowledgeable in the field 30309  
of higher education, or both, in order to obtain their advice and 30310  
assistance in defining and suggesting solutions for the problems 30311  
and needs of higher education in this state; 30312

(N) Approve or disapprove all new degrees and new degree 30313  
programs at all state colleges, universities, and other 30314  
state-assisted institutions of higher education; 30315

(O) Adopt such rules as are necessary to carry out the 30316  
chancellor's duties and responsibilities. The rules shall 30317  
prescribe procedures for the chancellor to follow when taking 30318  
actions associated with the chancellor's duties and 30319  
responsibilities and shall indicate which types of actions are 30320  
subject to those procedures. The procedures adopted under this 30321  
division shall be in addition to any other procedures prescribed 30322  
by law for such actions. However, if any other provision of the 30323  
Revised Code or rule adopted by the chancellor prescribes 30324

different procedures for such an action, the procedures adopted 30325  
under this division shall not apply to that action to the extent 30326  
they conflict with the procedures otherwise prescribed by law. The 30327  
procedures adopted under this division shall include at least the 30328  
following: 30329

(1) Provision for public notice of the proposed action; 30330

(2) An opportunity for public comment on the proposed action, 30331  
which may include a public hearing on the action by the board of 30332  
regents; 30333

(3) Methods for parties that may be affected by the proposed 30334  
action to submit comments during the public comment period; 30335

(4) Submission of recommendations from the board of regents 30336  
regarding the proposed action, at the request of the chancellor; 30337

(5) Written publication of the final action taken by the 30338  
chancellor and the chancellor's rationale for the action; 30339

(6) A timeline for the process described in divisions (0)(1) 30340  
to (5) of this section. 30341

(P) Establish and submit to the governor and the general 30342  
assembly a clear and measurable set of goals and timetables for 30343  
their achievement for each program under the chancellor's 30344  
supervision that is designed to accomplish any of the following: 30345

(1) Increased access to higher education; 30346

(2) Job training; 30347

(3) Adult literacy; 30348

(4) Research; 30349

(5) Excellence in higher education; 30350

(6) Reduction in the number of graduate programs within the 30351  
same subject area. 30352

In July of each odd-numbered year, the chancellor shall 30353

submit to the governor and the general assembly a report on 30354  
progress made toward these goals. 30355

(Q) Make recommendations to the governor and the general 30356  
assembly regarding the design and funding of the student financial 30357  
aid programs specified in sections 3333.12, 3333.122, 3333.21 to 30358  
3333.27, and 5910.02 of the Revised Code; 30359

(R) Participate in education-related state or federal 30360  
programs on behalf of the state and assume responsibility for the 30361  
administration of such programs in accordance with applicable 30362  
state or federal law; 30363

(S) Adopt rules for student financial aid programs as 30364  
required by sections 3333.12, 3333.122, 3333.21 to 3333.27, 30365  
3333.28, ~~3333.29~~, and 5910.02 of the Revised Code, and perform any 30366  
other administrative functions assigned to the chancellor by those 30367  
sections; 30368

(T) Administer contracts under sections 3702.74 and 3702.75 30369  
of the Revised Code in accordance with rules adopted by the 30370  
director of health under section 3702.79 of the Revised Code; 30371

(U) Conduct enrollment audits of state-supported institutions 30372  
of higher education; 30373

(V) Appoint consortiums of college and university personnel 30374  
to participate in the development and operation of statewide 30375  
collaborative efforts, including the Ohio supercomputer center, 30376  
the Ohio academic resources network, OhioLink, and the Ohio 30377  
learning network. For each consortium, the chancellor shall 30378  
designate a college or university to serve as that consortium's 30379  
fiscal agent, financial officer, and employer. Any funds 30380  
appropriated for the consortiums shall be distributed to the 30381  
fiscal agents for the operation of the consortiums. A consortium 30382  
shall follow the rules of the college or university that serves as 30383  
its fiscal agent. 30384

(W) Adopt rules establishing advisory duties and 30385  
responsibilities of the board of regents not otherwise prescribed 30386  
by law; 30387

(X) Respond to requests for information about higher 30388  
education from members of the general assembly and direct staff to 30389  
conduct research or analysis as needed for this purpose. 30390

**Sec. 3333.122.** (A) As used in this section: 30391

(1) "Eligible student" means a student who is: 30392

(a) An Ohio resident who first enrolls in an undergraduate 30393  
program in the 2006-2007 academic year or thereafter; 30394

(b) ~~Enrolled~~ If the student first enrolled in an 30395  
undergraduate program in the 2006-2007 or 2007-2008 academic year, 30396  
the student is enrolled in either of the following: 30397

(i) An accredited institution of higher education in this 30398  
state that meets the requirements of Title VI of the Civil Rights 30399  
Act of 1964 and is state-assisted, is nonprofit and has a 30400  
certificate of authorization pursuant to Chapter 1713. of the 30401  
Revised Code, has a certificate of registration from the state 30402  
board of career colleges and schools and program authorization to 30403  
award an associate or bachelor's degree, or is a private 30404  
institution exempt from regulation under Chapter 3332. of the 30405  
Revised Code as prescribed in section 3333.046 of the Revised 30406  
Code. Students who attend an institution that holds a certificate 30407  
of registration shall be enrolled in a program leading to an 30408  
associate or bachelor's degree for which associate or bachelor's 30409  
degree program the institution has program authorization issued 30410  
under section 3332.05 of the Revised Code. 30411

(ii) A technical education program of at least two years 30412  
duration sponsored by a private institution of higher education in 30413  
this state that meets the requirements of Title VI of the Civil 30414

Rights Act of 1964.	30415
<u>(c) If the student first enrolled in an undergraduate program</u>	30416
<u>after the 2007-2008 academic year, the student is enrolled in</u>	30417
<u>either of the following:</u>	30418
<u>(i) An accredited institution of higher education in this</u>	30419
<u>state that meets the requirements of Title VI of the Civil Rights</u>	30420
<u>Act of 1964 and is state-assisted, is nonprofit and has a</u>	30421
<u>certificate of authorization pursuant to Chapter 1713. of the</u>	30422
<u>Revised Code, or is a private institution exempt from regulation</u>	30423
<u>under Chapter 3332. of the Revised Code as prescribed in section</u>	30424
<u>3333.046 of the Revised Code;</u>	30425
<u>(ii) An education program of at least two years duration</u>	30426
<u>sponsored by a private institution of higher education in this</u>	30427
<u>state that meets the requirements of Title VI of the Civil Rights</u>	30428
<u>Act of 1964 and has a certificate of authorization pursuant to</u>	30429
<u>Chapter 1713. of the Revised Code.</u>	30430
(2) A student who participated in either the early college	30431
high school program administered by the department of education or	30432
in the post-secondary enrollment options program pursuant to	30433
Chapter 3365. of the Revised Code before the 2006-2007 academic	30434
year shall not be excluded from eligibility for a needs-based	30435
financial aid grant under this section.	30436
(3) "Resident," "expected family contribution" or "EFC,"	30437
"full-time student," "three-quarters-time student," "half-time	30438
student," "one-quarter-time student," and "accredited" shall be	30439
defined by rules adopted by the chancellor of the Ohio board of	30440
regents.	30441
(B) The chancellor shall establish and administer a	30442
needs-based financial aid program based on the United States	30443
department of education's method of determining financial need and	30444
may adopt rules to carry out this section. The program shall be	30445

known as the Ohio college opportunity grant program. The general 30446  
assembly shall support the needs-based financial aid program by 30447  
such sums and in such manner as it may provide, but the chancellor 30448  
may also receive funds from other sources to support the program. 30449  
If the amounts available for support of the program are inadequate 30450  
to provide grants to all eligible students, preference in the 30451  
payment of grants shall be given in terms of expected family 30452  
contribution, beginning with the lowest expected family 30453  
contribution category and proceeding upward by category to the 30454  
highest expected family contribution category. 30455

A needs-based financial aid grant shall be paid to an 30456  
eligible student through the institution in which the student is 30457  
enrolled, except that no needs-based financial aid grant shall be 30458  
paid to any person serving a term of imprisonment. Applications 30459  
for such grants shall be made as prescribed by the chancellor, and 30460  
such applications may be made in conjunction with and upon the 30461  
basis of information provided in conjunction with student 30462  
assistance programs funded by agencies of the United States 30463  
government or from financial resources of the institution of 30464  
higher education. The institution shall certify that the student 30465  
applicant meets the requirements set forth in divisions (A)(1)(a) 30466  
and (b) of this section. Needs-based financial aid grants shall be 30467  
provided to an eligible student only as long as the student is 30468  
making appropriate progress toward a nursing diploma or an 30469  
associate or bachelor's degree. No student shall be eligible to 30470  
receive a grant for more than ten semesters, fifteen quarters, or 30471  
the equivalent of five academic years. A grant made to an eligible 30472  
student on the basis of less than full-time enrollment shall be 30473  
based on the number of credit hours for which the student is 30474  
enrolled and shall be computed in accordance with a formula 30475  
adopted by the chancellor. No student shall receive more than one 30476  
grant on the basis of less than full-time enrollment. 30477

A needs-based financial aid grant shall not exceed the total instructional and general charges of the institution. 30478  
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(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. 30480  
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As used in the tables in division (C) of this section: 30485

(1) "Private institution" means an institution that is nonprofit and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code. 30486  
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(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. 30489  
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Full-time students shall be eligible to receive awards according to the following table: 30494  
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Full-Time Enrollment 30496

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	30497
2,001	2,100	402	798	642	30498
1,901	2,000	498	1,002	798	30499
1,801	1,900	600	1,200	960	30500 30501

1,701	1,800	702	1,398	1,122	30502
1,601	1,700	798	1,602	1,278	30503
1,501	1,600	900	1,800	1,440	30504
1,401	1,500	1,002	1,998	1,602	30505
1,301	1,400	1,098	2,202	1,758	30506
1,201	1,300	1,200	2,400	1,920	30507
1,101	1,200	1,302	2,598	2,082	30508
1,001	1,100	1,398	2,802	2,238	30509
901	1,000	1,500	3,000	2,400	30510
801	900	1,602	3,198	2,562	30511
701	800	1,698	3,402	2,718	30512
601	700	1,800	3,600	2,280	30513
501	600	1,902	3,798	3,042	30514
401	500	1,998	4,002	3,198	30515
301	400	2,100	4,200	3,360	30516
201	300	2,202	4,398	3,522	30517
101	200	2,298	4,602	3,678	30518
1	100	2,400	4,800	3,840	30519
0	0	2,496	4,992	3,996	30520

Three-quarters-time students shall be eligible to receive 30521  
awards according to the following table: 30522

Three-Quarters-Time Enrollment 30523

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:	30524
\$2,101	\$2,190	\$228	\$450	\$360	30525
2,001	2,100	300	600	480	30526
1,901	2,000	372	750	600	30527

1,801	1,900	450	900	720	30528
1,701	1,800	528	1,050	840	30529
1,601	1,700	600	1,200	960	30530
1,501	1,600	678	1,350	1,080	30531
1,401	1,500	750	1,500	1,200	30532
1,301	1,400	822	1,650	1,320	30533
1,201	1,300	900	1,800	1,440	30534
1,101	1,200	978	1,950	1,560	30535
1,001	1,100	1,050	2,100	1,680	30536
901	1,000	1,128	2,250	1,800	30537
801	900	1,200	2,400	1,920	30538
701	800	1,272	2,550	2,040	30539
601	700	1,350	2,700	2,160	30540
501	600	1,428	2,850	2,280	30541
401	500	1,500	3,000	2,400	30542
301	400	1,578	3,150	2,520	30543
201	300	1,650	3,300	2,640	30544
101	200	1,722	3,450	2,760	30545
1	100	1,800	3,600	2,880	30546
0	0	1,872	3,744	3,000	30547

Half-time students shall be eligible to receive awards 30548  
according to the following table: 30549

Half-Time Enrollment 30550

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	30551
2,001	2,100	204	402	324	30552
					30553

1,901	2,000	252	504	402	30554
1,801	1,900	300	600	480	30555
1,701	1,800	354	702	564	30556
1,601	1,700	402	804	642	30557
1,501	1,600	450	900	720	30558
1,401	1,500	504	1,002	804	30559
1,301	1,400	552	1,104	882	30560
1,201	1,300	600	1,200	960	30561
1,101	1,200	654	1,302	1,044	30562
1,001	1,100	702	1,404	1,122	30563
901	1,000	750	1,500	1,200	30564
801	900	804	1,602	1,284	30565
701	800	852	1,704	1,362	30566
601	700	900	1,800	1,440	30567
501	600	954	1,902	1,524	30568
401	500	1,002	2,004	1,602	30569
301	400	1,050	2,100	1,680	30570
201	300	1,104	2,202	1,764	30571
101	200	1,152	2,304	1,842	30572
1	100	1,200	2,400	1,920	30573
0	0	1,248	2,496	1,998	30574

One-quarter-time students shall be eligible to receive awards 30575  
according to the following table: 30576

One-Quarter-Time Enrollment 30577

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:	30578
\$2,101	\$2,190	\$78	\$150	\$120	30579

2,001	2,100	102	198	162	30580
1,901	2,000	126	252	198	30581
1,801	1,900	150	300	240	30582
1,701	1,800	174	348	282	30583
1,601	1,700	198	402	318	30584
1,501	1,600	228	450	360	30585
1,401	1,500	252	498	402	30586
1,301	1,400	276	552	438	30587
1,201	1,300	300	600	480	30588
1,101	1,200	324	648	522	30589
1,001	1,100	348	702	558	30590
901	1,000	378	750	600	30591
801	900	402	798	642	30592
701	800	426	852	678	30593
601	700	450	900	720	30594
501	600	474	948	762	30595
401	500	498	1,002	798	30596
301	400	528	1,050	840	30597
201	300	552	1,098	882	30598
101	200	576	1,152	918	30599
1	100	600	1,200	960	30600
0	0	624	1,248	1,002	30601

(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 30613  
accredited bachelor of arts, bachelor of science, associate of 30614  
arts, or associate of science degree. 30615

(F)(1) Except as provided in division (F)(2) of this section, 30616  
no grant shall be made to any student for enrollment during a 30617  
fiscal year in an institution with a cohort default rate 30618  
determined by the United States secretary of education pursuant to 30619  
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 30620  
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 30621  
preceding the fiscal year, equal to or greater than thirty per 30622  
cent for each of the preceding two fiscal years. 30623

(2) Division (F)(1) of this section does not apply to the 30624  
following: 30625

(a) Any student enrolled in an institution that under the 30626  
federal law appeals its loss of eligibility for federal financial 30627  
aid and the United States secretary of education determines its 30628  
cohort default rate after recalculation is lower than the rate 30629  
specified in division (F)(1) of this section or the secretary 30630  
determines due to mitigating circumstances the institution may 30631  
continue to participate in federal financial aid programs. The 30632  
chancellor shall adopt rules requiring institutions to provide 30633  
information regarding an appeal to the chancellor. 30634

(b) Any student who has previously received a grant under 30635  
this section who meets all other requirements of this section. 30636

(3) The chancellor shall adopt rules for the notification of 30637  
all institutions whose students will be ineligible to participate 30638  
in the grant program pursuant to division (F)(1) of this section. 30639

(4) A student's attendance at an institution whose students 30640  
lose eligibility for grants under division (F)(1) of this section 30641  
shall not affect that student's eligibility to receive a grant 30642  
when enrolled in another institution. 30643

(G) Institutions of higher education that enroll students receiving needs-based financial aid grants under this section shall report to the chancellor all students who have received needs-based financial aid grants but are no longer eligible for all or part of such grants and shall refund any moneys due the state within thirty days after the beginning of the quarter or term immediately following the quarter or term in which the student was no longer eligible to receive all or part of the student's grant. There shall be an interest charge of one per cent per month on all moneys due and payable after such thirty-day period. The chancellor shall immediately notify the office of budget and management and the legislative service commission of all refunds so received.

**Sec. 3333.36.** Provided If the chancellor determines that sufficient ~~unencumbered and unexpended~~ funds are available from general revenue fund appropriations made to the Ohio board of regents or to the chancellor of the Ohio board of regents, the chancellor shall allocate ~~up~~ the following:

(A) Up to seventy thousand dollars in each fiscal year to make payments to the Columbus program in intergovernmental issues, an Ohio internship program at Kent state university, for scholarships of up to two thousand dollars for each student enrolled in the program. ~~The;~~

(B) Up to one hundred sixty-five thousand dollars in each fiscal year to make payments to the Washington center for scholarships provided to undergraduates of Ohio's four-year public and private institutions of higher education selected to participate in the Washington center internship program. The amount of a student's scholarship shall not exceed the amount specified for such scholarships in the biennial operating appropriations act.

The chancellor may utilize any general revenue funds 30675  
appropriated to the board of regents or to the chancellor that the 30676  
chancellor determines to be available for purposes of this 30677  
section. 30678

**Sec. 3333.38.** (A) As used in this section: 30679

(1) "Institution of higher education" includes all of the 30680  
following: 30681

(a) A state institution of higher education, as defined in 30682  
section 3345.011 of the Revised Code; 30683

(b) A nonprofit institution issued a certificate of 30684  
authorization under Chapter 1713. of the Revised Code; 30685

(c) A private institution exempt from regulation under 30686  
Chapter 3332. of the Revised Code, as prescribed in section 30687  
3333.046 of the Revised Code; 30688

(d) An institution of higher education with a certificate of 30689  
registration from the state board of career colleges and schools 30690  
under Chapter 3332. of the Revised Code. 30691

(2) "Student financial assistance supported by state funds" 30692  
includes assistance granted under sections 3315.33, 3333.12, 30693  
3333.122, 3333.21, 3333.26, 3333.27, 3333.28, ~~3333.29~~, 3333.372, 30694  
5910.03, 5910.032, and 5919.34 of the Revised Code or financed by 30695  
an award under the choose Ohio first scholarship program 30696  
established under section 3333.61 of the Revised Code and any 30697  
other post-secondary student financial assistance supported by 30698  
state funds. 30699

(B) An individual who is convicted of, pleads guilty to, or 30700  
is adjudicated a delinquent child for one of the following 30701  
violations shall be ineligible to receive any student financial 30702  
assistance supported by state funds at an institution of higher 30703  
education for two calendar years from the time the individual 30704

applies for assistance of that nature: 30705

(1) A violation of section 2917.02 or 2917.03 of the Revised Code; 30706  
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(2) A violation of section 2917.04 of the Revised Code that is a misdemeanor of the fourth degree; 30708  
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(3) A violation of section 2917.13 of the Revised Code that is a misdemeanor of the fourth or first degree and occurs within the proximate area where four or more others are acting in a course of conduct in violation of section 2917.11 of the Revised Code. 30710  
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(C) If an individual is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing a violation of section 2917.02 or 2917.03 of the Revised Code, and if the individual is enrolled in a state-supported institution of higher education, the institution in which the individual is enrolled shall immediately dismiss the individual. No state-supported institution of higher education shall admit an individual of that nature for one academic year after the individual applies for admission to a state-supported institution of higher education. This division does not limit or affect the ability of a state-supported institution of higher education to suspend or otherwise discipline its students. 30715  
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Sec. 3333.50. The Ohio board of regents, in consultation with the governor and the department of development, shall develop a critical needs rapid response system to respond quickly to critical workforce shortages in the state. Not later than ninety days after a critical workforce shortage is identified, the chancellor of the board shall submit to the governor a proposal for addressing the shortage through initiatives of the board or institutions of higher education. 30727  
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Sec. 3333.55. (A) The health information and imaging technology workforce development pilot project is hereby established. Under the project, in fiscal years 2008 through 2010, the Ohio board of regents shall design and implement a three-year pilot program to test, in the vicinity of Clark, Greene, and Montgomery counties, how a P-16 public-private education and workforce development collaborative may address each of the following goals:

(1) Increase the number of students taking and mastering high-level science, technology, engineering, or mathematics courses and pursuing careers in those subjects, in all demographic regions of the state;

(2) Increase the number of students pursuing professional careers in health information and imaging technology upon receiving related technical education and professional experience, in all demographic regions of the state;

(3) Unify efforts among schools, career centers, post-secondary programs, and employers in a region for career and workforce development, preservation, and public education.

(B) The project shall focus on enhancing P-16 education and workforce development in the field of health information and imaging technology through such activities as increased academic intervention in related areas of study, after-school and summer intervention programs, tutoring, career and job fairs and other promotional and recruitment activities, externships, professional development, field trips, academic competitions, development of related specialized study modules, development of honors programs, and development and enhancement of dual high school and college enrollment programs.

(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. 30766  
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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. 30772  
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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. 30775  
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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. 30778  
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Sec. 3333.60. As used in sections 3333.61 to 3333.70 of the Revised Code: 30783  
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(A) "State university or college" has the same meaning as in section 3345.12 of the Revised Code. 30785  
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(B) "State university" and "state institution of higher education" have the same meanings as in section 3345.011 of the Revised Code. 30787  
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Sec. 3333.61. The chancellor of the Ohio board of regents shall establish and administer the Ohio innovation partnership, which shall consist of the choose Ohio first scholarship program and the Ohio research scholars program. Under the programs, the chancellor, subject to approval by the controlling board, shall make awards to state universities or colleges for programs and 30790  
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initiatives that recruit students and scientists in the fields of 30796  
science, technology, engineering, mathematics, and medicine to 30797  
state universities or colleges, in order to enhance regional 30798  
educational and economic strengths and meet the needs of the 30799  
state's regional economies. Awards may be granted for programs and 30800  
initiatives to be implemented by a state university or college 30801  
alone or in collaboration with other state institutions of higher 30802  
education, nonpublic Ohio universities and colleges, or other 30803  
public or private Ohio entities. If the chancellor makes an award 30804  
to a program or initiative that is intended to be implemented by a 30805  
state university or college in collaboration with other state 30806  
institutions of higher education or nonpublic Ohio universities or 30807  
colleges, the chancellor may provide that some portion of the 30808  
award be received directly by the collaborating universities or 30809  
colleges consistent with all terms of the Ohio innovation 30810  
partnership. 30811

The choose Ohio first scholarship program shall assign a 30812  
number of scholarships to state universities and colleges to 30813  
recruit Ohio residents as undergraduate, or as provided in section 30814  
3333.66 of the Revised Code graduate, students in the fields of 30815  
science, technology, engineering, mathematics, and medicine, or in 30816  
science, technology, engineering, mathematics, or medical 30817  
education. Choose Ohio first scholarships shall be awarded to each 30818  
participating eligible student as a grant to the state university 30819  
or college the student is attending and shall be reflected on the 30820  
student's tuition bill. Choose Ohio first scholarships are 30821  
student-centered grants from the state to students to use to 30822  
attend a university or college and are not grants from the state 30823  
to universities or colleges. 30824

Notwithstanding any other provision of this section or 30825  
sections 3333.62 to 3333.70 of the Revised Code, a nonpublic 30826  
four-year Ohio institution of higher education may submit a 30827

proposal for choose Ohio first scholarships if the proposal is to 30828  
be implemented in collaboration with a state university or 30829  
college. If the chancellor grants a nonpublic institution an award 30830  
of scholarships, the nonpublic institution shall comply with all 30831  
requirements of this section, sections 3333.62 to 3333.70 of the 30832  
Revised Code, and the rules adopted under this section that apply 30833  
to state universities or colleges awarded choose Ohio first 30834  
scholarships. 30835

The Ohio research scholars program shall award grants to use 30836  
in recruiting scientists to the faculties of state universities or 30837  
colleges. 30838

The chancellor shall adopt rules in accordance with Chapter 30839  
119. of the Revised Code to administer the programs. 30840

**Sec. 3333.62.** The chancellor of the Ohio board of regents 30841  
shall establish a competitive process for making awards under the 30842  
choose Ohio first scholarship program and the Ohio research 30843  
scholars program. The chancellor, on completion of that process, 30844  
shall make a recommendation to the controlling board asking for 30845  
approval of each award selected by the chancellor. 30846

Any state university or college may apply for one or more 30847  
awards under one or both programs. The state university or college 30848  
shall submit a proposal and other documentation required by the 30849  
chancellor, in the form and manner prescribed by the chancellor, 30850  
for each award it seeks. A proposal may propose an initiative to 30851  
be implemented solely by the state university or college or in 30852  
collaboration with other state institutions of higher education, 30853  
nonpublic Ohio universities or colleges, or other public or 30854  
nonpublic Ohio entities. A single proposal may seek an award under 30855  
one or both programs. 30856

The chancellor shall determine which proposals will receive 30857  
awards each fiscal year, and the amount of each award, on the 30858

basis of the merit of each proposal, which the chancellor, subject to approval by the controlling board, shall determine based on one or more of the following criteria: 30859  
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(A) The quality of the program that is the subject of the proposal and the extent to which additional resources will enhance its quality; 30862  
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(B) The extent to which the proposal is integrated with the strengths of the regional economy; 30865  
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(C) The extent to which the proposal is integrated with centers of research excellence within the private sector; 30867  
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(D) The amount of other institutional, public, or private resources, whether monetary or nonmonetary, that the proposal pledges to leverage; 30869  
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(E) The extent to which the proposal is collaborative with other public or nonpublic Ohio institutions of higher education; 30872  
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(F) The extent to which the proposal is integrated with the university's or college's mission and does not displace existing resources already committed to the mission; 30874  
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(G) The extent to which the proposal facilitates a more efficient utilization of existing faculty and programs; 30877  
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(H) The extent to which the proposal meets a statewide educational need; 30879  
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(I) The demonstrated productivity or future capacity of the students or scientists to be recruited; 30881  
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(J) The extent to which the proposal will create additional capacity in educational or economic areas of need; 30883  
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(K) The extent to which the proposal will encourage students who received degrees in the fields of science, technology, engineering, mathematics, or medicine from two-year institutions to transfer to state universities or colleges to pursue 30885  
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baccalaureate degrees in science, technology, engineering, 30889  
mathematics, or medicine; 30890

(L) The extent to which the proposal encourages students 30891  
enrolled in state universities to transfer into science, 30892  
technology, engineering, mathematics, or medicine programs; 30893

(M) The extent to which the proposal facilitates the 30894  
completion of a baccalaureate degree in a cost-effective manner, 30895  
for example, by facilitating students' completing two years at a 30896  
two-year institution and two years at a state university or 30897  
college; 30898

(N) The extent to which the proposal allows attendance at a 30899  
state university or college of students who otherwise could not 30900  
afford to attend; 30901

(O) The extent to which other institutional, public, or 30902  
private resources pledged to the proposal will be deployed to 30903  
assist in sustaining students' scholarships over their academic 30904  
careers; 30905

(P) The extent to which the proposal increases the likelihood 30906  
that students will successfully complete their degree programs in 30907  
science, technology, engineering, mathematics, or medicine or in 30908  
science, technology, engineering, mathematics, or medical 30909  
education; 30910

(O) The extent to which the proposal ensures that a student 30911  
who is awarded a scholarship is appropriately qualified and 30912  
prepared to successfully complete a degree program in science, 30913  
technology, engineering, mathematics, or medicine or in science, 30914  
technology, engineering, mathematics, or medical education. 30915

**Sec. 3333.63.** The chancellor of the Ohio board of regents 30916  
shall conduct at least one public meeting annually, prior to 30917  
deciding awards under the Ohio innovation partnership. At the 30918

meeting, an employee of the chancellor shall summarize the 30919  
proposals submitted for consideration, and each state university 30920  
or college that has a proposal pending shall have the opportunity 30921  
to review the summary of their proposal prepared by the 30922  
chancellor's staff and answer questions or respond to concerns 30923  
about the proposal raised by the chancellor's staff. 30924

**Sec. 3333.64.** The chancellor of the Ohio board of regents 30925  
shall endeavor to make awards under the choose Ohio first 30926  
scholarship program and the Ohio research scholars program such 30927  
that the aggregate, statewide amount of other institutional, 30928  
public, and private money pledged to the proposals in each fiscal 30929  
year equals at least one hundred per cent of the aggregate amount 30930  
of the money awarded under both programs that year. The chancellor 30931  
shall endeavor to make awards under the choose Ohio first 30932  
scholarship program in such a way that at least fifty per cent of 30933  
the students receiving the scholarships are involved in a co-op or 30934  
internship program in a private industry or a university 30935  
laboratory. The value of institutional, public, or private 30936  
industry co-ops and internships shall count toward the statewide 30937  
aggregate amount of other institutional, public, or private money 30938  
specified in this paragraph. 30939

The chancellor also shall endeavor to distribute awards in 30940  
such a way that all regions of the state benefit from the economic 30941  
development impact of the programs and shall guarantee that 30942  
students from all regions of the state are able to participate in 30943  
the scholarship program. 30944

**Sec. 3333.65.** The chancellor of the Ohio board of regents 30945  
shall require each state university or college that the 30946  
controlling board approves to receive an award under the Ohio 30947  
innovation partnership to enter into an agreement governing the 30948  
use of the award. The agreement shall contain terms the chancellor 30949

determines to be necessary, which shall include performance 30950  
measures, reporting requirements, and an obligation to fulfill 30951  
pledges of other institutional, public, or nonpublic resources for 30952  
the proposal. 30953

The chancellor may require a state university or college that 30954  
violates the terms of its agreement to repay the award plus 30955  
interest at the rate required by section 5703.47 of the Revised 30956  
Code to the chancellor. 30957

If the chancellor makes an award to a program or initiative 30958  
that is intended to be implemented by a state university or 30959  
college in collaboration with other state institutions of higher 30960  
education or nonpublic Ohio universities or colleges, the 30961  
chancellor may enter into an agreement with the collaborating 30962  
universities or colleges that permits awards to be received 30963  
directly by the collaborating universities or colleges consistent 30964  
with the terms of the program or initiative. In that case, the 30965  
chancellor shall incorporate into the agreement terms consistent 30966  
with the requirements of this section. 30967

Sec. 3333.66. (A) In each academic year, no student who 30968  
receives a choose Ohio first scholarship shall receive less than 30969  
one thousand five hundred dollars or more than one-half of the 30970  
highest in-state undergraduate instructional and general fees 30971  
charged by all state universities. For this purpose, if Miami 30972  
university is implementing the pilot tuition restructuring plan 30973  
originally recognized in Am. Sub. H.B. 95 of the 125th general 30974  
assembly, that university's instructional and general fees shall 30975  
be considered to be the average full-time in-state undergraduate 30976  
instructional and general fee amount after taking into account the 30977  
Ohio resident and Ohio leader scholarships and any other credit 30978  
provided to all Ohio residents. 30979

(B) The chancellor of the Ohio board of regents shall 30980

encourage state universities and colleges, alone or in 30981  
collaboration with other state institutions of higher education, 30982  
nonpublic Ohio universities and colleges, or other public or 30983  
private Ohio entities, to submit proposals under the choose Ohio 30984  
first scholarship program for initiatives that recruit Ohio 30985  
residents enrolled in colleges and universities in other states or 30986  
other countries to return to Ohio and enroll in state universities 30987  
or colleges as graduate students in the fields of science, 30988  
technology, engineering, mathematics, and medicine, or in the 30989  
fields of science, technology, engineering, mathematics, or 30990  
medical education. If such proposals are submitted and meet the 30991  
chancellor's competitive criteria for awards, the chancellor, 30992  
subject to approval by the controlling board, shall give at least 30993  
one of the proposals preference for an award. 30994

(C) The general assembly intends that money appropriated for 30995  
the choose Ohio first scholarship program in each fiscal year be 30996  
used for scholarships in the following academic year. 30997

**Sec. 3333.67.** Each state university or college that receives 30998  
an award under the Ohio research scholars program shall deposit 30999  
the amount it receives into a new or existing endowment fund. The 31000  
university or college shall maintain the amount received and use 31001  
income generated from that amount, and other institutional, 31002  
public, or nonpublic resources, to finance the proposal approved 31003  
by the chancellor of the Ohio board of regents and the controlling 31004  
board. 31005

**Sec. 3333.68.** When making an award under the Ohio innovation 31006  
partnership, the chancellor of the Ohio board of regents, subject 31007  
to approval by the controlling board, may commit to giving a state 31008  
university's or college's proposal preference for future awards 31009  
after the current fiscal year or fiscal biennium. A proposal's 31010  
eligibility for future awards remains conditional on all of the 31011

<u>following:</u>	31012
<u>(A) Future appropriations of the general assembly;</u>	31013
<u>(B) The university's or college's adherence to the agreement</u>	31014
<u>entered into under section 3333.65 of the Revised Code, including</u>	31015
<u>its fulfillment of pledges of other institutional, public, or</u>	31016
<u>nonpublic resources;</u>	31017
<u>(C) With respect to the choose Ohio first scholarship</u>	31018
<u>program, a demonstration that the students receiving the</u>	31019
<u>scholarship are satisfied with the state universities or colleges</u>	31020
<u>selected by the chancellor to offer the scholarships.</u>	31021
<u>The chancellor and the controlling board shall not commit to</u>	31022
<u>awarding any proposal for more than five fiscal years at a time.</u>	31023
<u>However, when a commitment for future awards expires, a state</u>	31024
<u>university or college may reapply.</u>	31025
<u>Sec. 3333.69. The chancellor of the Ohio board of regents</u>	31026
<u>shall monitor each initiative for which an award is granted under</u>	31027
<u>the Ohio innovation partnership to ensure the following:</u>	31028
<u>(A) Fiscal accountability, so that the award is used in</u>	31029
<u>accordance with the agreement entered into under section 3333.65</u>	31030
<u>of the Revised Code;</u>	31031
<u>(B) Operating progress, so that the initiative is managed to</u>	31032
<u>achieve the goals stated in the proposal and in the agreement, and</u>	31033
<u>so that problems may be promptly identified and remedied;</u>	31034
<u>(C) Desired outcomes, so that the initiative contributes to</u>	31035
<u>the programs' goals of enhancing regional educational and economic</u>	31036
<u>strengths and meeting regional economic needs.</u>	31037
<u>Sec. 3333.70. Not later than December 31, 2008, and the</u>	31038
<u>thirty-first day of December of each year thereafter, the</u>	31039
<u>chancellor of the Ohio board of regents shall submit to the</u>	31040

general assembly in accordance with section 101.68 of the Revised Code a report on the academic and economic impact of the Ohio innovation partnership. At a minimum, the report shall include the following: 31041  
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(A) Progress and performance metrics for each initiative that received an award in the previous fiscal year; 31045  
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(B) Economic indicators of the impact of each initiative, and all initiatives as a whole, on the regional economies and the statewide economy; 31047  
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(C) The chancellor's strategy in assigning choose Ohio first scholarships among state universities and colleges and how the actual awards fit that strategy. 31050  
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**Sec. 3345.02.** As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 31053  
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Beginning in the 2008-2009 academic year, each state institution of higher education shall include in each statement of estimated or actual charges owed by a student enrolled in the institution an itemized list of the instructional fees, general fees, special purpose fees, service charges, fines, and any other fees or surcharges applicable to the student. 31056  
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**Sec. 3345.05.** (A) All registration fees, nonresident tuition fees, academic fees for the support of off-campus instruction, laboratory and course fees when so assessed and collected, student health fees for the support of a student health service, all other fees, deposits, charges, receipts, and income from all or part of the students, all subsidy or other payments from state appropriations, and all other fees, deposits, charges, receipts, ~~and income, and revenue~~ received by each ~~state-supported university and college~~ state institution of higher education, the 31062  
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Ohio state university hospitals and their ancillary facilities, 31071  
the Ohio agricultural research and development center, and the 31072  
Ohio state university cooperative extension service shall be held 31073  
and administered by the respective boards of trustees of the 31074  
~~state supported universities and colleges~~ state institution of 31075  
higher education; provided, that such fees, deposits, charges, 31076  
receipts, ~~and~~ income and revenue, to the extent required by 31077  
resolutions, trust agreements, indentures, leases, and agreements 31078  
adopted, made, or entered into under Chapter 154. or section 31079  
3345.07, 3345.11, or 3345.12 of the Revised Code, shall be held, 31080  
administered, transferred, and applied in accordance therewith. 31081

(B) The Ohio board of regents shall require annual reporting 31082  
by the Ohio agricultural research and development center and by 31083  
each university and college receiving state aid in such form and 31084  
detail as determined by the board in consultation with such 31085  
center, universities and colleges, and the director of budget and 31086  
management. 31087

(C) Notwithstanding any provision of the Revised Code to the 31088  
contrary, the title to investments made by the board of trustees 31089  
of a ~~state supported university or college~~ state institution of 31090  
higher education with funds derived from ~~revenues~~ any of the 31091  
sources described in division (A) of this section shall not be 31092  
vested in the state or the political subdivision but shall be held 31093  
in trust by the board. Such investments shall be made pursuant to 31094  
an investment policy adopted by the board in public session that 31095  
requires all fiduciaries to discharge their duties with the care, 31096  
skill, prudence, and diligence under the circumstances then 31097  
prevailing that a prudent person acting in like capacity and 31098  
familiar with such matters would use in the conduct of an 31099  
enterprise of a like character and with like aims. The policy also 31100  
shall require at least the following: 31101

(1) A stipulation that investment ~~be made only in publicly~~ 31102

~~traded securities averaging~~ of at least twenty-five per cent of 31103  
the average amount of the investment portfolio over the course of 31104  
the previous fiscal year be invested in securities of the United 31105  
States government or of its agencies or instrumentalities, the 31106  
treasurer of state's pooled investment program, obligations of 31107  
this state or any political subdivision of this state, 31108  
certificates of deposit of any national bank located in this 31109  
state, written repurchase agreements with any eligible Ohio 31110  
financial institution that is a member of the federal reserve 31111  
system or federal home loan bank, money market funds, or bankers 31112  
acceptances maturing in two hundred seventy days or less which are 31113  
eligible for purchase by the federal reserve system, as a reserve; 31114

(2) Eligible funds above those that meet the conditions of 31115  
division (C)(1) of this section may be pooled with other 31116  
institutional funds and invested in accordance with section 31117  
1715.54 of the Revised Code. 31118

(3) The establishment of an investment committee. 31119

(D) The investment committee established under division 31120  
(C)~~(2)~~(3) of this section shall meet at least quarterly. The 31121  
committee shall review and recommend revisions to the board's 31122  
investment policy and shall advise the board on its investments 31123  
made under division (C) of this section in an effort to assist it 31124  
in meeting its obligations as a fiduciary as described in division 31125  
(C) of this section. The committee shall be authorized to retain 31126  
the services of an investment advisor who meets both of the 31127  
following qualifications: 31128

(1) The advisor is either: 31129

(a) Licensed by the division of securities under section 31130  
1707.141 of the Revised Code; 31131

(b) Registered with the securities and exchange commission. 31132

(2) The advisor either: 31133

(a) Has experience in the management of investments of public funds, especially in the investment of state-government investment portfolios;	31134 31135 31136
(b) Is an eligible institution referenced in section 135.03 of the Revised Code.	31137 31138
<u>(E) As used in this section, "state institution of higher education" means a state institution of higher education as defined in section 3345.011 of the Revised Code.</u>	31139 31140 31141
<b>Sec. 3345.32.</b> (A) As used in this section:	31142
(1) "State university or college" means the institutions described in section 3345.27 of the Revised Code and the northeastern Ohio universities college of medicine.	31143 31144 31145
(2) "Resident" has the meaning specified by rule of the <u>chancellor of the</u> Ohio board of regents.	31146 31147
(3) "Statement of selective service status" means a statement certifying one of the following:	31148 31149
(a) That the individual filing the statement has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended;	31150 31151 31152 31153
(b) That the individual filing the statement is not required to register with the selective service for one of the following reasons:	31154 31155 31156
(i) The individual is under eighteen or over twenty-six years of age.	31157 31158
(ii) The individual is on active duty with the armed forces of the United States other than for training in a reserve or national guard unit.	31159 31160 31161
(iii) The individual is a nonimmigrant alien lawfully in the	31162

United States in accordance with section 101 (a)(15) of the 31163  
"Immigration and Nationality Act," 8 U.S.C. 1101, as amended. 31164

(iv) The individual is not a citizen of the United States and 31165  
is a permanent resident of the Trust Territory of the Pacific 31166  
Islands or the Northern Mariana Islands. 31167

(4) "Institution of higher education" means any eligible 31168  
institution approved by the United States department of education 31169  
pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as 31170  
amended, or any institution whose students are eligible for 31171  
financial assistance under any of the programs described by 31172  
division (E) of this section. 31173

(B) The ~~Ohio board of regents~~ chancellor shall, by rule, 31174  
specify the form of statements of selective service status to be 31175  
filed in compliance with divisions (C) to (F) of this section. 31176  
Each statement of selective service status shall contain a section 31177  
wherein a male student born after December 31, 1959, certifies 31178  
that the student has registered with the selective service system 31179  
in accordance with the "Military Selective Service Act," 62 Stat. 31180  
604, 50 U.S.C. App. 453, as amended. For those students not 31181  
required to register with the selective service, as specified in 31182  
divisions (A)(2)(b)(i) to (iv) of this section, a section shall be 31183  
provided on the statement of selective service status for the 31184  
certification of nonregistration and for an explanation of the 31185  
reason for the exemption. The ~~board of regents~~ chancellor may 31186  
require that such statements be accompanied by documentation 31187  
specified by rule of the ~~board~~ chancellor. 31188

(C) A state university or college that enrolls in any course, 31189  
class, or program a male student born after December 31, 1959, who 31190  
has not filed a statement of selective service status with the 31191  
university or college shall, regardless of the student's 31192  
residency, charge the student any tuition surcharge charged 31193  
students who are not residents of this state. 31194

(D) No male born after December 31, 1959, shall be eligible 31195  
to receive any loan, grant, scholarship, or other financial 31196  
assistance for educational expenses granted under section 3315.33, 31197  
3333.12, 3333.122, 3333.21, 3333.22, 3333.26, 3333.27, 5910.03, 31198  
5910.032, or 5919.34 of the Revised Code, or financed by an award 31199  
under the choose Ohio first scholarship program established under 31200  
section 3333.61 of the Revised Code, unless that person has filed 31201  
a statement of selective service status with that person's 31202  
institution of higher education. 31203

(E) If an institution of higher education receives a 31204  
statement from an individual certifying that the individual has 31205  
registered with the selective service system in accordance with 31206  
the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 31207  
453, as amended or that the individual is exempt from registration 31208  
for a reason other than that the individual is under eighteen 31209  
years of age, the institution shall not require the individual to 31210  
file any further statements. If it receives a statement certifying 31211  
that the individual is not required to register because the 31212  
individual is under eighteen years of age, the institution shall 31213  
require the individual to file a new statement of selective 31214  
service status each time the individual seeks to enroll for a new 31215  
academic term or makes application for a new loan or loan 31216  
guarantee or for any form of financial assistance for educational 31217  
expenses, until it receives a statement certifying that the 31218  
individual has registered with the selective service system or is 31219  
exempt from registration for a reason other than that the 31220  
individual is under eighteen years of age. 31221

Sec. 3345.35. (A) As used in this section, "state institution 31222  
of higher education" has the same meaning as section 3345.011 of 31223  
the Revised Code. 31224

(B) There is hereby created a higher education statewide 31225

purchasing consortium to be administered by the inter-university 31226  
council of Ohio. The consortium shall be comprised of the 31227  
purchasing officer of each state institution of higher education. 31228  
The board of trustees of each state institution of higher 31229  
education shall enter into price agreements offered and 31230  
administered by the consortium. 31231

(C) The consortium shall operate in accordance with sections 31232  
9.31, 9.311, 9.312, 9.313, 9.333, 125.09, 125.11, 125.111, 125.13, 31233  
127.16, 153.012, 153.54, 340.13, 1551.13, and 4115.31 to 4115.35 31234  
of the Revised Code and all provisions of the Revised Code 31235  
governing purchasing by state institutions of higher education. 31236

(D) The consortium annually shall report price agreement 31237  
usage and cost savings to the chancellor of the Ohio board of 31238  
regents. 31239

(E) Each state institution of higher education shall do all 31240  
of the following: 31241

(1) Enter into price agreements for the purpose of purchasing 31242  
services, supplies, and major items commonly purchased by state 31243  
institutions of higher education; 31244

(2) Double the amount of dollars the state institution of 31245  
higher education spends through the established price agreements 31246  
every biennium over the preceding biennium; 31247

(3) Report to the consortium monthly price agreement usage 31248  
and any savings that result from purchasing through consortium 31249  
initiated and approved price agreements. 31250

**Sec. 3353.03.** (A) The eTech Ohio commission shall appoint an 31251  
executive director, who shall serve at the pleasure of the 31252  
commission. The executive director shall have no authority other 31253  
than that provided by law or delegated to the executive director 31254  
by the commission. The executive director shall do all of the 31255

following:	31256
(1) Direct commission employees in the administration of all programs of the commission;	31257 31258
(2) Provide leadership and support in extending the knowledge of the citizens of this state by promoting equal access to and use of all forms of educational technology, as directed by the commission;	31259 31260 31261 31262
(3) Provide financial and other assistance to school districts, <u>educational television and radio stations, radio reading services, educational technology organizations,</u> and other educational institutions, <del>affiliates, and, if approved by the commission, educational technology organizations</del> for the acquisition and utilization of educational technology;	31263 31264 31265 31266 31267 31268
(4) Implement policies and directives issued by the commission;	31269 31270
(5) Perform other duties authorized by the commission.	31271
(B) The commission shall fix the compensation of the executive director. The executive director shall employ and fix the compensation for such employees as necessary to facilitate the activities and purposes of the commission. The employees shall serve at the pleasure of the executive director.	31272 31273 31274 31275 31276
(C) The employees of the commission shall be placed in the unclassified service.	31277 31278
(D)(1) Except as provided in division (D)(2) of this section, the employees of the commission shall be exempt from Chapter 4117. of the Revised Code and shall not be public employees as defined in section 4117.01 of the Revised Code.	31279 31280 31281 31282
(2) All employees of the commission who transferred to the commission from one of the commission's predecessor agencies upon the commission's creation and, when employed by the predecessor	31283 31284 31285

agency were included in a bargaining unit established under 31286  
Chapter 4117. of the Revised Code, shall continue to be included 31287  
in that bargaining unit, are public employees as defined in 31288  
section 4117.01 of the Revised Code, and may collectively bargain 31289  
with the commission in accordance with that chapter. Otherwise, 31290  
any employee hired by the commission after ~~the effective date of~~ 31291  
~~this section~~ July 1, 2005, either to fill vacancies or to fill new 31292  
positions, shall be exempt from Chapter 4117. of the Revised Code 31293  
and shall not be public employees as defined in section 4117.10 of 31294  
the Revised Code. 31295

Sec. 3353.20. As used in sections 3353.20 to 3353.30 of the 31296  
Revised Code: 31297

(A) "Clearinghouse" means the clearinghouse established under 31298  
section 3353.21 of the Revised Code. 31299

(B) "Data verification code" means the code assigned to a 31300  
student under division (D)(2) of section 3301.0714 of the Revised 31301  
Code. 31302

(C) "One-half unit" of instruction has the same meaning as in 31303  
section 3313.603 of the Revised Code. 31304

(D) A "student's community school" means the community school 31305  
established under Chapter 3314. of the Revised Code in which the 31306  
student is enrolled instead of being enrolled in a school operated 31307  
by a school district. 31308

(E) A "student's school district" means the school district 31309  
operating the school in which the student is lawfully enrolled. 31310

Sec. 3353.21. (A) The eTech Ohio commission shall establish a 31311  
clearinghouse of interactive distance learning courses and other 31312  
distance learning courses delivered via a computer-based method 31313  
offered by school districts for sharing with other school 31314  
districts and community schools for the fee set pursuant to 31315

section 3353.24 of the Revised Code. The commission shall not be 31316  
responsible for the content of courses offered through the 31317  
clearinghouse; however, all such courses shall be delivered only 31318  
in accordance with technical specifications approved by the 31319  
commission. 31320

(B) To offer a course through the clearinghouse, a school 31321  
district shall apply to the commission in a form and manner 31322  
prescribed by the commission. The application for each course 31323  
shall describe the course of study in as much detail as required 31324  
by the commission, the qualification and credentials of the 31325  
teacher, the number of hours of instruction, the technology 31326  
required to deliver and receive the course, the technical capacity 31327  
of the school district to deliver the course, the times that the 31328  
school district plans to deliver the course, and any other 31329  
information required by the commission. The commission may require 31330  
school districts to include in their applications information 31331  
recommended by the state board of education under section 3353.30 31332  
of the Revised Code. 31333

(C) The commission shall review the technical specifications 31334  
of each application submitted under division (B) of this section 31335  
and shall approve a course offered if the commission determines 31336  
that the school district can satisfactorily deliver the course 31337  
through the technology necessary for that delivery. In reviewing 31338  
applications, the commission may consult with the department of 31339  
education; however, the responsibility to either approve or not 31340  
approve a course for the clearinghouse belongs to the commission. 31341  
The commission may request additional information from a school 31342  
district that submits an application under division (B) of this 31343  
section, if the commission determines that such information is 31344  
necessary. The commission may negotiate changes in the proposal to 31345  
offer a course, if the commission determines that changes are 31346  
necessary in order to approve the course. 31347

(D) The commission shall catalog each course approved for the clearinghouse, through a print or electronic medium, displaying the following: 31348  
31349  
31350

(1) Information necessary for a student and the student's parent, guardian, or custodian and the student's school district or community school to decide whether to enroll in the course; 31351  
31352  
31353

(2) Instructions for enrolling in that course, including deadlines for enrollment. 31354  
31355

**Sec. 3353.22.** (A) A student who is enrolled in a school operated by a school district or in a community school may enroll in a course included in the clearinghouse only if both of the following conditions are satisfied: 31356  
31357  
31358  
31359

(1) The student's enrollment in the course is approved by the student's school district or the student's community school. 31360  
31361

(2) The student's school district or the student's community school agrees to accept for credit the grade assigned by the district that is delivering the course. 31362  
31363  
31364

(B) For each student enrolling in a course, the student's school district or the student's community school shall transmit the student's data verification code and the student's name to the school district delivering the course. 31365  
31366  
31367  
31368

The district delivering the course may request from the student's school district or the student's community school other information from the student's school record. The student's school district or the student's community school shall provide the requested information only in accordance with section 3319.321 of the Revised Code. 31369  
31370  
31371  
31372  
31373  
31374

(C) The student's school district or the student's community school shall determine the manner in which and facilities at which the student shall participate in the course consistent with 31375  
31376  
31377

specifications for technology and connectivity adopted by the 31378  
commission. 31379

(D) A student may withdraw from a course prior to the end of 31380  
the course only by a date and in a manner prescribed by the 31381  
student's school district or community school. 31382

(E) A student who is enrolled in a school operated by a 31383  
school district or in a community school and who takes a course 31384  
included in the clearinghouse shall be counted in the formula ADM 31385  
of a school district under section 3317.03 of the Revised Code as 31386  
if the student were taking the course from the student's school 31387  
district or the student's community school. 31388

Sec. 3353.23. For each student enrolled in a course included 31389  
in the clearinghouse, the student's school district or the 31390  
student's community school and the school district delivering the 31391  
course shall report to the department of education, in accordance 31392  
with the guidelines established under section 3301.0714 of the 31393  
Revised Code, the information the department determines is 31394  
necessary for the department to make the deductions and payments 31395  
required under section 3353.25 of the Revised Code. 31396

Sec. 3353.24. (A) Unless the eTech Ohio commission sets a 31397  
different fee amount pursuant to division (B) of this section, the 31398  
fee for each course that is the equivalent of one-half unit of 31399  
instruction offered through the clearinghouse shall be one hundred 31400  
seventy-five dollars per student. The commission shall set the fee 31401  
for a course that is either less than or greater than one-half 31402  
unit of instruction based on the proportional amount the course is 31403  
either less than or greater than one-half unit of instruction. 31404

(B) The commission, by rule adopted in accordance with 31405  
Chapter 119. of the Revised Code, may set a fee for courses 31406  
offered through the clearinghouse at a rate other than the one 31407

specified in division (A) of this section. 31408

(C) The commission shall proportionally reduce the fee for 31409  
any student who withdraws from a course prior to the end of the 31410  
course pursuant to division (D) of section 3353.22 of the Revised 31411  
Code. 31412

Sec. 3353.25. For each student enrolled in a course included 31413  
in the clearinghouse, in accordance with information reported 31414  
under section 3353.23 of the Revised Code and not later than the 31415  
last day of that course, the department of education shall deduct 31416  
the amount of the fee for that course from the student's school 31417  
district or the student's community school, under division (P) of 31418  
section 3317.023 or section 3314.086 or 3317.161 of the Revised 31419  
Code, and shall pay that amount to the school district delivering 31420  
the course. 31421

Sec. 3353.26. The grade for a student who enrolls in a course 31422  
included in the clearinghouse shall be assigned by the school 31423  
district that delivers the course and shall be transmitted by that 31424  
district to the student's school district or the student's 31425  
community school. 31426

Sec. 3353.27. The eTech Ohio commission may determine the 31427  
manner in which a course included in the clearinghouse may be 31428  
offered as a dual enrollment program as defined in section 31429  
3313.6013 of the Revised Code, may be offered to students who are 31430  
enrolled in nonpublic schools or are instructed at home pursuant 31431  
to section 3321.04 of the Revised Code, or may be offered at times 31432  
outside the normal school day or school week, including any 31433  
necessary additional fees and methods of payment for a course so 31434  
offered. 31435

Sec. 3353.28. The eTech Ohio commission shall adopt rules in 31436

accordance with Chapter 119. of the Revised Code prescribing 31437  
procedures for the implementation of sections 3353.20 to 3353.27 31438  
of the Revised Code. 31439

Sec. 3353.29. Nothing in sections 3353.20 to 3353.28 of the 31440  
Revised Code, or in rules implementing those sections, shall 31441  
prohibit a school district from offering an interactive distance 31442  
learning course or other distance learning course using a 31443  
computer-based method through any means other than the 31444  
clearinghouse established and maintained under those sections. 31445

Sec. 3353.30. Not later than six months after the effective 31446  
date of this section, the state board of education shall adopt a 31447  
resolution recommending to the eTech Ohio commission the types of 31448  
information about a distance learning course that the commission 31449  
might require school districts to submit with their applications 31450  
to include the course in the clearinghouse. 31451

Sec. 3354.10. (A) All funds under the control of a board of 31452  
trustees of a community college district, regardless of the source 31453  
thereof, may be deposited by such board to its credit in banks or 31454  
trust companies designated by it. Such banks or trust companies 31455  
shall furnish security for every such deposit to the extent and in 31456  
the manner provided in section 135.18 of the Revised Code, but no 31457  
such deposit shall otherwise be subject to sections 135.01 to 31458  
135.21 of the Revised Code. Thereupon, such funds may be disbursed 31459  
by the board of trustees for the uses and purposes of such 31460  
district. No contract of the board involving the expenditure of 31461  
money shall become effective until there is placed thereon by the 31462  
treasurer as fiscal officer of the district the certificate 31463  
provided for by section 5705.41 of the Revised Code. 31464

(B) The board of trustees of a community college district may 31465  
provide for the investment of district funds. Investments may be 31466

made in securities of the United States government or of its 31467  
agencies or instrumentalities, the treasurer of state's pooled 31468  
investment program, obligations of this state or any political 31469  
subdivision of this state, certificates of deposit of any national 31470  
bank located in this state, written repurchase agreements with any 31471  
eligible Ohio financial institution that is a member of the 31472  
federal reserve system or federal home loan bank, money market 31473  
funds, or bankers acceptances maturing in two hundred seventy days 31474  
or less which are eligible for purchase by the federal reserve 31475  
system, as a reserve. Notwithstanding the foregoing or any 31476  
provision of the Revised Code to the contrary, the board of 31477  
trustees of a community college district may provide for the 31478  
investment of district funds in any manner authorized under 31479  
section 3345.05 of the Revised Code. 31480

(C) Any community college district is subject to audit by the 31481  
auditor of state, who shall furnish to the county or counties 31482  
which created the district a copy of the audit report. 31483

**Sec. 3357.01.** As used in ~~sections 3357.01 to 3357.19,~~ 31484  
~~inclusive, of the Revised Code~~ this chapter: 31485

(A) "Technical college" means an institution of education 31486  
beyond the high school, including an institution of higher 31487  
education, organized for the principal purpose of providing for 31488  
the residents of the technical college district, wherein such 31489  
college is situated, any one or more of the instructional programs 31490  
defined in this section as "~~technical college~~ technical college," 31491  
or "adult-education technical programs," normally not exceeding 31492  
two years duration and not leading to a baccalaureate degree. 31493

(B) "Technical college district" means a political 31494  
subdivision of the state and a body corporate with all the powers 31495  
of a corporation, comprised of the territory of a city school 31496  
district or a county, or two or more contiguous school districts 31497

or counties, which meets the standards prescribed by the Ohio 31498  
board of regents pursuant to section 3357.02 of the Revised Code, 31499  
and which is organized for the purpose of establishing, owning, 31500  
and operating one or more technical colleges within the territory 31501  
of such district. 31502

(C) "Contiguous school districts or counties" means school 31503  
districts or counties so located that each such school district or 31504  
county shares at least one boundary or a portion thereof in common 31505  
with at least one other such school district or county in the 31506  
group of school districts or counties referred to as being 31507  
"contiguous." 31508

(D) "Technical college program" means a post high school 31509  
curricular program provided within a technical college, planned 31510  
and intended to qualify students, after satisfactory completion of 31511  
such a program normally two years in duration, to pursue careers 31512  
in which they provide immediate technical assistance to 31513  
professional or managerial persons generally required to hold 31514  
baccalaureate or higher academic degrees in technical or 31515  
professional fields. The technical and professional fields 31516  
referred to in this section include, but are not limited to, 31517  
engineering and physical, medical, or other sciences. 31518

(E) "Adult-education technical program" means the 31519  
dissemination of post high school technical education service and 31520  
knowledge, for the occupational, or general educational benefit of 31521  
adult persons. 31522

(F) "Charter amendment" means a change in the official plan 31523  
of a technical college for the purpose of acquiring additional 31524  
lands or structures, disposing of or transferring lands or 31525  
structures, erecting structures, creating or abolishing technical 31526  
college or adult education technical curricular programs. 31527

(G) "Baccalaureate-oriented associate degree program" means a 31528

curricular program of not more than two years' duration that is 31529  
planned and intended to enable students to gain academic credit 31530  
for courses comparable to first- and second-year courses offered 31531  
by accredited colleges and universities. The purpose of 31532  
baccalaureate-oriented associate degree coursework in technical 31533  
colleges is to enable students to transfer to colleges and 31534  
universities and earn baccalaureate degrees or to enable students 31535  
to terminate academic study after two years with a proportionate 31536  
recognition of academic achievement through receipt of an 31537  
associate degree. 31538

**Sec. 3357.10.** (A) The board of trustees of a technical 31539  
college district shall elect a treasurer, who is not a member of 31540  
the board, to serve at its pleasure. The treasurer may be the 31541  
person serving as secretary under section 3357.06 of the Revised 31542  
Code. The treasurer shall be the fiscal officer of the district 31543  
and shall receive and disburse all funds of the district under the 31544  
direction of the board. No contract of the board involving the 31545  
expenditure of money shall become effective until the treasurer 31546  
certifies that there are funds of the board otherwise 31547  
unappropriated sufficient to provide therefor. 31548

When the treasurer of the district ceases to hold such 31549  
office, the treasurer or the treasurer's legal representatives 31550  
shall deliver to the board or to the treasurer's successor all 31551  
moneys, books, papers, and other property of the district in the 31552  
treasurer's possession as treasurer. In case of the death or 31553  
incapacity of the treasurer, the treasurer's legal representatives 31554  
shall, in like manner, deliver all moneys, books, papers, and 31555  
other property of the district to the board or to the person named 31556  
as the treasurer's successor. 31557

(B) All funds under the control of a board of trustees of a 31558  
technical college district, regardless of the source of the funds, 31559

may be deposited by the board to its credit in banks or trust 31560  
companies designated by it. The banks or trust companies shall 31561  
furnish security for every deposit to the extent and in the manner 31562  
provided in section 135.18 of the Revised Code, but no deposit 31563  
shall otherwise be subject to sections 135.01 to 135.21 of the 31564  
Revised Code. Funds deposited in a bank or trust company may be 31565  
disbursed by the board of trustees for the uses and purposes of 31566  
the district. 31567

(C) The board may provide for the investment of district 31568  
funds. Investments may be made in securities of the United States 31569  
government or of its agencies or instrumentalities, the treasurer 31570  
of state's pooled investment program, obligations of this state or 31571  
any political subdivision of this state, certificates of deposit 31572  
of any national bank located in this state, written repurchase 31573  
agreements with any eligible Ohio financial institution that is a 31574  
member of the federal reserve system or federal home loan bank, 31575  
money market funds, or bankers acceptances maturing in two hundred 31576  
seventy days or less which are eligible for purchase by the 31577  
federal reserve system, as a reserve. Notwithstanding the 31578  
foregoing or any provision of the Revised Code to the contrary, 31579  
the board of trustees of a technical college district may provide 31580  
for the investment of district funds in any manner authorized 31581  
under section 3345.05 of the Revised Code. 31582

Sec. 3357.13. As used in this section, "state institution of 31583  
higher education" has the same meaning as in section 3345.011 of 31584  
the Revised Code. 31585

A technical college regardless of its co-location with 31586  
another state institution of higher education may offer any 31587  
baccalaureate-oriented associate degree program, provided however 31588  
that any new or expanded programs at co-located campuses must be 31589  
approved by the chancellor of the Ohio board of regents. In 31590

reviewing such programs, the chancellor shall determine whether 31591  
the proposed program would promote cooperation and collaboration 31592  
between co-located institutions while minimizing duplication. 31593

**Sec. 3358.06.** (A) The treasurer of each state community 31594  
college district shall be its fiscal officer, and the treasurer 31595  
shall receive and disburse all funds under the direction of the 31596  
college president. No contract of the college's board of trustees 31597  
involving the expenditure of money shall become effective until 31598  
the treasurer certifies that there are funds of the board 31599  
otherwise uncommitted and sufficient to provide therefor. 31600

When the treasurer ceases to hold the office, the treasurer 31601  
or the treasurer's legal representative shall deliver to the 31602  
treasurer's successor or the president all moneys, books, papers, 31603  
and other property of the college. 31604

Before entering upon the discharge of official duties, the 31605  
treasurer shall give bond to the state for the faithful 31606  
performance of official duties and the proper accounting for all 31607  
moneys coming into the treasurer's care. The amount of the bond 31608  
shall be determined by the board but shall not be for a sum less 31609  
than the estimated amount that may come into the treasurer's 31610  
control at any time. The bond shall be approved by the attorney 31611  
general. 31612

(B) The board of trustees may provide for the investment of 31613  
district funds. Investments may be made in securities of the 31614  
United States government or of its agencies or instrumentalities, 31615  
the treasurer of state's pooled investment program, obligations of 31616  
this state or any political subdivision of this state, 31617  
certificates of deposit of any national bank located in this 31618  
state, written repurchase agreements with any eligible Ohio 31619  
financial institution that is a member of the federal reserve 31620  
system or federal home loan bank, money market funds, or bankers 31621

acceptances maturing in two hundred seventy days or less which are 31622  
eligible for purchase by the federal reserve system, as a reserve. 31623  
Notwithstanding the foregoing or any provision of the Revised Code 31624  
to the contrary, the board of trustees of a state community 31625  
college district may provide for the investment of district funds 31626  
in any manner authorized under section 3345.05 of the Revised 31627  
Code. 31628

**Sec. 3365.01.** As used in this chapter: 31629

(A) "College" means any state-assisted college or university 31630  
described in section 3333.041 of the Revised Code, any nonprofit 31631  
institution holding a certificate of authorization pursuant to 31632  
Chapter 1713. of the Revised Code, any private institution exempt 31633  
from regulation under Chapter 3332. of the Revised Code as 31634  
prescribed in section 3333.046 of the Revised Code, and any 31635  
institution holding a certificate of registration from the state 31636  
board of career colleges and schools and program authorization for 31637  
an associate or bachelor's degree program issued under section 31638  
3332.05 of the Revised Code. 31639

(B) "School district," except as specified in division (G) of 31640  
this section, means any school district to which a student is 31641  
admitted under section 3313.64, 3313.65, 3313.98, or 3317.08 of 31642  
the Revised Code and does not include a joint vocational or 31643  
cooperative education school district. 31644

(C) "Parent" has the same meaning as in section 3313.64 of 31645  
the Revised Code. 31646

(D) "Participant" means a student enrolled in a college under 31647  
the post-secondary enrollment options program established by this 31648  
chapter. 31649

(E) "Secondary grade" means the ninth through twelfth grades. 31650

(F) "School foundation payments" means the amount required to 31651

be paid to a school district for a fiscal year under Chapter 3317. 31652  
of the Revised Code. 31653

(G) "Tuition base" means, with respect to a participant's 31654  
school district, the ~~greater of the following:~~ 31655

~~(1) The fiscal year 2005 formula amount defined in section 31656  
3317.02 of the Revised Code multiplied by the district's fiscal 31657  
year 2005 cost of doing business factor defined in that section:~~ 31658

~~(2) The sum of (the current formula amount times the current 31659  
cost of doing business factor defined in section 3317.02 of the 31660  
Revised Code)~~ plus the per pupil amount of the base funding 31661  
supplements specified in divisions (C)(1) to (4) of section 31662  
3317.012 of the Revised Code. 31663

The participant's "school district" in the case of a 31664  
participant enrolled in a community school shall be the school 31665  
district in which the student is entitled to attend school under 31666  
section 3313.64 or 3313.65 of the Revised Code. 31667

(H) "Educational program" means enrollment in one or more 31668  
school districts, in a nonpublic school, or in a college under 31669  
division (B) of section 3365.04 of the Revised Code. 31670

(I) "Nonpublic school" means a chartered or nonchartered 31671  
school for which minimum standards are prescribed by the state 31672  
board of education pursuant to division (D) of section 3301.07 of 31673  
the Revised Code. 31674

(J) "School year" means the year beginning on the first day 31675  
of July and ending on the thirtieth day of June. 31676

(K) "Community school" means any school established pursuant 31677  
to Chapter 3314. of the Revised Code that includes secondary 31678  
grades. 31679

~~(L) "Community school payments" means payments made by the 31680  
department of education to a community school pursuant to division 31681~~

~~(D) of section 3314.08~~ STEM school" means a science, technology,  
engineering, and mathematics school established under Chapter  
3326. of the Revised Code.

**Sec. 3365.02.** There is hereby established the post-secondary  
enrollment options program under which a secondary grade student  
who is a resident of this state may enroll at a college, on a  
full- or part-time basis, and complete nonsectarian courses for  
high school and college credit.

Secondary grade students in a nonpublic school may  
participate in the post-secondary enrollment options program if  
the chief administrator of such school notifies the department of  
education by the first day of April prior to the school year in  
which the school's students will participate.

The state board of education, after consulting with the board  
of regents, shall adopt rules governing the program. The rules  
shall include:

(A) Requirements for school districts, community schools, or  
participating nonpublic schools to provide information about the  
program prior to the first day of March of each year to all  
students enrolled in grades eight through eleven;

(B) A requirement that a student or the student's parent  
inform the district board of education, the governing authority of  
a community school, the STEM school chief administrative officer,  
or the nonpublic school administrator by the thirtieth day of  
March of the student's intent to participate in the program during  
the following school year. The rule shall provide that any student  
who fails to ~~notify a district board, the governing authority of a  
community school, or the nonpublic school administrator~~ provide  
the notification by the required date may not participate in the  
program during the following school year without the written  
consent of the district superintendent, the governing authority of

a community school, the STEM school chief administrative officer, 31713  
or the nonpublic school administrator. 31714

(C) Requirements that school districts ~~and~~, community 31715  
schools, and STEM schools provide counseling services to students 31716  
in grades eight through eleven and to their parents before the 31717  
students participate in the program under this chapter to ensure 31718  
that students and parents are fully aware of the possible risks 31719  
and consequences of participation. Counseling information shall 31720  
include without limitation: 31721

(1) Program eligibility; 31722

(2) The process for granting academic credits; 31723

(3) Financial arrangements for tuition, books, materials, and 31724  
fees; 31725

(4) Criteria for any transportation aid; 31726

(5) Available support services; 31727

(6) Scheduling; 31728

(7) The consequences of failing or not completing a course in 31729  
which the student enrolls and the effect of the grade attained in 31730  
the course being included in the student's grade point average, if 31731  
applicable; 31732

(8) The effect of program participation on the student's 31733  
ability to complete the district's, ~~community school's,~~ or 31734  
~~nonpublic~~ school's graduation requirements; 31735

(9) The academic and social responsibilities of students and 31736  
parents under the program; 31737

(10) Information about and encouragement to use the 31738  
counseling services of the college in which the student intends to 31739  
enroll. 31740

(D) A requirement that the student and the student's parent 31741

sign a form, provided by the school district or school, stating 31742  
that they have received the counseling required by division (C) of 31743  
this section and that they understand the responsibilities they 31744  
must assume in the program; 31745

(E) The options required by section 3365.04 of the Revised 31746  
Code; 31747

(F) A requirement that a student may not enroll in any 31748  
specific college course through the program if the student has 31749  
taken high school courses in the same subject area as that college 31750  
course and has failed to attain a cumulative grade point average 31751  
of at least 3.0 on a 4.0 scale, or the equivalent, in such 31752  
completed high school courses. 31753

**Sec. 3365.03.** (A) Notwithstanding any other provision of law, 31754  
a student enrolled in a school district, a community school, a 31755  
STEM school, or a participating nonpublic school may apply to a 31756  
college to enroll in it during the student's ninth, tenth, 31757  
eleventh, or twelfth grade school year under this chapter. For 31758  
purposes of this division, during the period of an expulsion 31759  
imposed under division (B) of section 3313.66 of the Revised Code 31760  
or extended under division (F) of that section, a student is 31761  
ineligible to apply to enroll in a college under this section, 31762  
unless the student is admitted to another school district or 31763  
community school, or a participating nonpublic school. If a 31764  
student is enrolled in a college under this section at the time 31765  
the student is expelled under division (B) of section 3313.66 of 31766  
the Revised Code, the student's status for the remainder of the 31767  
college term in which the expulsion is imposed shall be determined 31768  
under section 3365.041 of the Revised Code. 31769

(B) If a college accepts a student who applies under this 31770  
section, it shall send written notice to the student, the 31771  
student's school district, community school, STEM school, or 31772

nonpublic school, and the superintendent of public instruction 31773  
within ten days after acceptance. Within ten days after each 31774  
enrollment for a term, the college shall also send the student, 31775  
the student's school district, community school, STEM school, or 31776  
nonpublic school, and the superintendent of public instruction a 31777  
written notice indicating the courses and hours of enrollment of 31778  
the student and the option elected by the student under division 31779  
(A) or (B) of section 3365.04 of the Revised Code for each course. 31780

**Sec. 3365.04.** The rules adopted under section 3365.02 of the 31781  
Revised Code shall provide for students to enroll in courses under 31782  
either of the following options: 31783

(A) The student may elect at the time of enrollment to be 31784  
responsible for payment of all tuition and the cost of all 31785  
textbooks, materials, and fees associated with the course. The 31786  
college shall notify the student about payment of tuition and fees 31787  
in the customary manner followed by the college. A student 31788  
electing this option also shall elect, at the time of enrollment, 31789  
whether to receive only college credit or high school credit and 31790  
college credit for the course. 31791

(1) The student may elect to receive only college credit for 31792  
the course. Except as provided in section 3365.041 of the Revised 31793  
Code, if the student successfully completes the course, the 31794  
college shall award the student full credit for the course, but 31795  
the board of education, community school governing authority, STEM 31796  
school, or nonpublic participating school shall not award the high 31797  
school credit. 31798

(2) The student may elect to receive both high school credit 31799  
and college credit for the course. Except as provided in section 31800  
3365.041 of the Revised Code, if the student successfully 31801  
completes the course, the college shall award the student full 31802  
credit for the course and the board of education, community school 31803

governing authority, STEM school, or nonpublic school shall award 31804  
the student high school credit. 31805

(B) The student may elect at the time of enrollment for each 31806  
course to have the college reimbursed under section 3365.07 of the 31807  
Revised Code. Except as provided in section 3365.041 of the 31808  
Revised Code, if the student successfully completes the course, 31809  
the college shall award the student full credit for the course, 31810  
the board of education, community school governing authority, STEM 31811  
school, or nonpublic school shall award the student high school 31812  
credit, and the college shall be reimbursed in accordance with 31813  
section 3365.07 of the Revised Code. 31814

When determining a school district's formula ADM under 31815  
section 3317.03 of the Revised Code, the time a participant is 31816  
attending courses under division (A) of this section shall be 31817  
considered as time the participant is not attending or enrolled in 31818  
school anywhere, and the time a participant is attending courses 31819  
under division (B) of this section shall be considered as time the 31820  
participant is attending or enrolled in the district's schools. 31821

**Sec. 3365.041.** (A) When a school district superintendent ~~or,~~ 31822  
the governing authority of a community school, or the chief 31823  
administrative officer of a STEM school expels a student under 31824  
division (B) of section 3313.66 of the Revised Code, the district 31825  
superintendent, governing authority, or board chief administrative 31826  
officer shall send a written notice of the expulsion to any 31827  
college in which the expelled student is enrolled under section 31828  
3365.03 of the Revised Code at the time the expulsion is imposed. 31829  
The notice shall indicate the date the expulsion is scheduled to 31830  
expire. The notice also shall indicate whether the district board 31831  
of education ~~or,~~ community school governing authority, or the STEM 31832  
school has adopted a policy under section 3313.613 of the Revised 31833  
Code to deny high school credit for post-secondary courses taken 31834

during an expulsion. If the expulsion is extended under division 31835  
(F) of section 3313.66 of the Revised Code, the district 31836  
superintendent ~~or~~, community school governing authority, or STEM 31837  
school chief administrative officer shall notify the college of 31838  
the extension. 31839

(B) A college may withdraw its acceptance under section 31840  
3365.03 of the Revised Code of a student who is expelled from 31841  
school under division (B) of section 3313.66 of the Revised Code. 31842  
As provided in section 3365.03 of the Revised Code, regardless of 31843  
whether the college withdraws its acceptance of the student for 31844  
the college term in which the student is expelled, the student is 31845  
ineligible to enroll in a college under that section for 31846  
subsequent college terms during the period of the expulsion, 31847  
unless the student enrolls in another school district or community 31848  
school, or a participating nonpublic school during that period. 31849

If a college withdraws its acceptance of an expelled student 31850  
who elected either option of division (A)(1) or (2) of section 31851  
3365.04 of the Revised Code, the college shall refund tuition and 31852  
fees paid by the student in the same proportion that it refunds 31853  
tuition and fees to students who voluntarily withdraw from the 31854  
college at the same time in the term. 31855

If a college withdraws its acceptance of an expelled student 31856  
who elected the option of division (B) of section 3365.04 of the 31857  
Revised Code, the school district ~~or~~, community school, or STEM 31858  
school shall not award high school credit for the college courses 31859  
in which the student was enrolled at the time the college withdrew 31860  
its acceptance, and any reimbursement under section 3365.07 of the 31861  
Revised Code for the student's attendance prior to the withdrawal 31862  
shall be the same as would be paid for a student who voluntarily 31863  
withdrew from the college at the same time in the term. If the 31864  
withdrawal results in the college's receiving no reimbursement, 31865  
the college may require the student to return or pay for the 31866

textbooks and materials it provided the student free of charge 31867  
under section 3365.08 of the Revised Code. 31868

(C) When a student who elected the option of division (B) of 31869  
section 3365.04 of the Revised Code is expelled under division (B) 31870  
of section 3313.66 of the Revised Code from a school district ~~or~~ 31871  
community school, or STEM school that has adopted a policy under 31872  
section 3313.613 of the Revised Code, that election is 31873  
automatically revoked for all college courses in which the student 31874  
is enrolled during the college term in which the expulsion is 31875  
imposed. Any reimbursement under section 3365.07 of the Revised 31876  
Code for the student's attendance prior to the expulsion shall be 31877  
the same as would be paid for a student who voluntarily withdrew 31878  
from the college at the same time in the term. If the revocation 31879  
results in the college's receiving no reimbursement, the college 31880  
may require the student to return or pay for the textbooks and 31881  
materials it provided the student free of charge under section 31882  
3365.08 of the Revised Code. 31883

No later than five days after receiving an expulsion notice 31884  
from the superintendent of a district ~~or~~ the governing authority 31885  
of a community school, or the chief administrative officer of a 31886  
STEM school that has adopted a policy under section 3313.613 of 31887  
the Revised Code, the college shall send a written notice to the 31888  
expelled student that the student's election of division (B) of 31889  
section 3365.04 of the Revised Code is revoked. If the college 31890  
elects not to withdraw its acceptance of the student, the student 31891  
shall pay all applicable tuition and fees for the college courses 31892  
and shall pay for the textbooks and materials that the college 31893  
provided under section 3365.08 of the Revised Code. 31894

**Sec. 3365.05.** High school credit awarded for courses 31895  
successfully completed under this chapter shall count toward the 31896  
graduation requirements and subject area requirements of the 31897

school district, community school, STEM school, or nonpublic 31898  
school. If a course comparable to one a student completed at a 31899  
college is offered by the district, ~~community school~~, or ~~nonpublic~~ 31900  
school, the board or school shall award comparable credit for the 31901  
course completed at the college. If no comparable course is 31902  
offered by the district, ~~community school~~, or ~~nonpublic~~ school, 31903  
the board or school shall grant an appropriate number of credits 31904  
in a similar subject area to the student. 31905

If there is a dispute between a school district board ~~or~~, a 31906  
community school governing authority, or a STEM school and a 31907  
student regarding high school credits granted for a course, the 31908  
student may appeal the ~~board's or governing authority's~~ decision 31909  
to the state board of education. The state board's decision 31910  
regarding any high school credits granted under this section is 31911  
final. 31912

Evidence of successful completion of each course and the high 31913  
school credits awarded by the district, ~~community school~~, or 31914  
~~participating nonpublic~~ school shall be included in the student's 31915  
record. The record shall indicate that the credits were earned as 31916  
a participant under this chapter and shall include the name of the 31917  
college at which the credits were earned. The district ~~board~~, 31918  
~~community school governing authority~~, or ~~nonpublic~~ school shall 31919  
determine whether and the manner in which the grade achieved in a 31920  
course completed at a college under division (A)(2) or (B) of 31921  
section 3365.04 of the Revised Code will be counted in any 31922  
cumulative grade point average maintained for the student. 31923

**Sec. 3365.07.** (A) The rules adopted under section 3365.02 of 31924  
the Revised Code shall specify a method for each of the following: 31925

(1) Determining, with respect to any participant, the 31926  
percentage of a full-time educational program constituted by the 31927  
participant's total educational program. That percentage shall be 31928

the participant's full-time equivalency percentage for purposes of 31929  
the computation required by division (B)(1) of this section. 31930

(2) In the case of a participant who is not enrolled in a 31931  
participating nonpublic school, determining the percentage of a 31932  
participant's school day during which the participant is 31933  
participating in each of the following: 31934

(a) Programs provided by the city, local, or exempted village 31935  
school district, ~~or~~ a community school, or a STEM school; 31936

(b) Programs provided by a joint vocational school district; 31937

(c) Programs provided by a college under division (B) of 31938  
section 3365.04 of the Revised Code. 31939

The sum of divisions (A)(2)(a) to (c) of this section shall equal 31940  
one hundred per cent. 31941

(3) In the case of a participant who is not enrolled in a 31942  
participating nonpublic school, determining the percentage of a 31943  
participant's enrollment that shall be deemed to be enrollment in 31944  
a joint vocational school district and the percentage that shall 31945  
be deemed to be enrollment in a city, local, or exempted village 31946  
school district. The sum of such percentages shall equal one 31947  
hundred per cent. 31948

(4) In the case of a participant who is enrolled in a 31949  
participating nonpublic school, determining the percentage of a 31950  
participant's school day during which the participant is 31951  
participating in programs provided by a college under division (B) 31952  
of section 3365.04 of the Revised Code. 31953

(B) Each July, the department of education shall pay each 31954  
college for any participant enrolled in the college in the prior 31955  
school year under division (B) of section 3365.04 of the Revised 31956  
Code an amount computed as follows: 31957

(1) Multiply the tuition base by the participant's full-time 31958

equivalency percentage and multiply the resulting amount by a 31959  
percentage equal to the percentage of the participant's school day 31960  
apportioned to the college under division (A)(2)(c) or (4) of this 31961  
section, as applicable. 31962

(2) Pay the college the lesser of: 31963

(a) The amount computed under division (B)(1) of this 31964  
section; 31965

(b) The actual costs that would have been the responsibility 31966  
of the participant had the participant elected to enroll under 31967  
division (A) of section 3365.04 of the Revised Code, as verified 31968  
by the department, of tuition, textbooks, materials, and fees 31969  
directly related to any courses elected by the participant during 31970  
the prior school year under division (B) of section 3365.04 of the 31971  
Revised Code. 31972

(C) The department shall not reimburse any college for any 31973  
course taken by a participant under division (A) of section 31974  
3365.04 of the Revised Code. 31975

(D) If the participant was not enrolled in a participating 31976  
nonpublic school, the amount paid under division (B) of this 31977  
section for each participant shall be subtracted from the school 31978  
foundation payments made to the participant's school district or, 31979  
if the participant was enrolled in a community school or a STEM 31980  
school, from the ~~community school~~ payments made to the 31981  
participant's school under section 3314.08 or 3326.33 of the 31982  
Revised Code. If the participant was enrolled in a joint 31983  
vocational school district, a portion of the amount shall be 31984  
subtracted from the payments to the joint vocational school 31985  
district and a portion shall be subtracted from the payments to 31986  
the participant's city, local, or exempted village school 31987  
district. The amount of the payment subtracted from the city, 31988  
local, or exempted village school district shall be computed as 31989

follows:	31990
(1) Add the following:	31991
(a) The percentage of the participant's enrollment in the school district, determined under division (A)(3) of this section;	31992
and	31993
(b) Twenty-five per cent times the percentage of the participant's enrollment in the joint vocational school district, determined under division (A)(3) of this section.	31994
(2) Multiply the sum obtained under division (D)(1) of this section by the amount computed under division (B)(2) of this section.	31995
The balance of the payment shall be subtracted from the joint vocational district's school foundation payments.	31996
(E) If the participant was enrolled in a participating nonpublic school, the amount paid under division (B) of this section shall be subtracted from moneys set aside by the general assembly for such purpose from funds appropriated for the purposes of section 3317.06 of the Revised Code.	31997
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district or the chief administrator of the community school or 32019  
STEM school in which a participant is enrolled determines that the 32020  
participant has not attained a passing final grade in a college 32021  
course in which the participant enrolled under this chapter, the 32022  
superintendent or chief administrator shall seek reimbursement 32023  
from the participant or the participant's parent for the amount of 32024  
state funds paid to the college on behalf of the participant for 32025  
that college course. The board of education of the school district 32026  
~~or~~, the governing authority of the community school, or the STEM 32027  
school in accordance with division (C) of section 3313.642 of the 32028  
Revised Code, may withhold grades and credits received by the 32029  
participant for district or community school courses taken by the 32030  
participant until the participant or the participant's parent 32031  
provides reimbursement. 32032

(B) If the chief administrator of the nonpublic school in 32033  
which a participant is enrolled determines that the participant 32034  
has not attained a passing final grade in a college course in 32035  
which the participant enrolled under this chapter, the chief 32036  
administrator shall seek reimbursement from the participant or the 32037  
participant's parent for the amount of state funds paid to the 32038  
college on behalf of the participant for enrollment in that 32039  
college course. Upon the collection of any funds from a 32040  
participant or participant's parent under this division, the chief 32041  
administrator of a nonpublic school shall send an amount equal to 32042  
the funds collected to the superintendent of public instruction. 32043  
The superintendent of public instruction shall credit that amount 32044  
to the general revenue fund. 32045

**Sec. 3381.04.** (A) In lieu of the procedure set forth in 32046  
section 3381.03 of the Revised Code, any county with a population 32047  
of five hundred thousand or more, at any time before the creation 32048  
of a regional arts and cultural district under that section, may 32049  
create a regional arts and cultural district by adoption of a 32050

resolution by the board of county commissioners of that county. 32051  
The resolution shall state all of the following: 32052

(1) The purposes for the creation of the district; 32053

(2) That the territory of the district shall be coextensive 32054  
with the territory of the county; 32055

(3) The official name by which the district shall be known; 32056

(4) The location of the principal office of the district or 32057  
the manner in which the location shall be selected. 32058

(B) The district provided for in the resolution shall be 32059  
created upon the adoption of the resolution by the board of county 32060  
commissioners of that county. Upon the adoption of the resolution, 32061  
the county and the municipal corporations and townships contained 32062  
in the county shall not thereafter be a part of any other regional 32063  
arts and cultural district. 32064

(C) The board of trustees of any regional arts and cultural 32065  
district formed in accordance with this section shall be comprised 32066  
of ~~three~~ five members appointed by the board of county 32067  
commissioners. 32068

**Sec. 3501.01.** As used in the sections of the Revised Code 32069  
relating to elections and political communications: 32070

(A) "General election" means the election held on the first 32071  
Tuesday after the first Monday in each November. 32072

(B) "Regular municipal election" means the election held on 32073  
the first Tuesday after the first Monday in November in each 32074  
odd-numbered year. 32075

(C) "Regular state election" means the election held on the 32076  
first Tuesday after the first Monday in November in each 32077  
even-numbered year. 32078

(D) "Special election" means any election other than those 32079

elections defined in other divisions of this section. A special 32080  
election may be held only on the first Tuesday after the first 32081  
Monday in February, May, August, or November, or on the day 32082  
authorized by a particular municipal or county charter for the 32083  
holding of a primary election, except that in any year in which a 32084  
presidential primary election is held, no special election shall 32085  
be held in February or May, except as authorized by a municipal or 32086  
county charter, but may be held on the first Tuesday after the 32087  
first Monday in March. 32088

(E)(1) "Primary" or "primary election" means an election held 32089  
for the purpose of nominating persons as candidates of political 32090  
parties for election to offices, and for the purpose of electing 32091  
persons as members of the controlling committees of political 32092  
parties and as delegates and alternates to the conventions of 32093  
political parties. Primary elections shall be held on the first 32094  
Tuesday after the first Monday in May of each year except in years 32095  
in which a presidential primary election is held. 32096

(2) "Presidential primary election" means a primary election 32097  
as defined by division (E)(1) of this section at which an election 32098  
is held for the purpose of choosing delegates and alternates to 32099  
the national conventions of the major political parties pursuant 32100  
to section 3513.12 of the Revised Code. Unless otherwise 32101  
specified, presidential primary elections are included in 32102  
references to primary elections. In years in which a presidential 32103  
primary election is held, all primary elections shall be held on 32104  
the first Tuesday after the first Monday in March except as 32105  
otherwise authorized by a municipal or county charter. 32106

(F) "Political party" means any group of voters meeting the 32107  
requirements set forth in section 3517.01 of the Revised Code for 32108  
the formation and existence of a political party. 32109

(1) "Major political party" means any political party 32110  
organized under the laws of this state whose candidate for 32111

governor or nominees for presidential electors received no less 32112  
than twenty per cent of the total vote cast for such office at the 32113  
most recent regular state election. 32114

(2) "Intermediate political party" means any political party 32115  
organized under the laws of this state whose candidate for 32116  
governor or nominees for presidential electors received less than 32117  
twenty per cent but not less than ten per cent of the total vote 32118  
cast for such office at the most recent regular state election. 32119

(3) "Minor political party" means any political party 32120  
organized under the laws of this state whose candidate for 32121  
governor or nominees for presidential electors received less than 32122  
ten per cent but not less than five per cent of the total vote 32123  
cast for such office at the most recent regular state election or 32124  
which has filed with the secretary of state, subsequent to any 32125  
election in which it received less than five per cent of such 32126  
vote, a petition signed by qualified electors equal in number to 32127  
at least one per cent of the total vote cast for such office in 32128  
the last preceding regular state election, except that a newly 32129  
formed political party shall be known as a minor political party 32130  
until the time of the first election for governor or president 32131  
which occurs not less than twelve months subsequent to the 32132  
formation of such party, after which election the status of such 32133  
party shall be determined by the vote for the office of governor 32134  
or president. 32135

(G) "Dominant party in a precinct" or "dominant political 32136  
party in a precinct" means that political party whose candidate 32137  
for election to the office of governor at the most recent regular 32138  
state election at which a governor was elected received more votes 32139  
than any other person received for election to that office in such 32140  
precinct at such election. 32141

(H) "Candidate" means any qualified person certified in 32142  
accordance with the provisions of the Revised Code for placement 32143

on the official ballot of a primary, general, or special election 32144  
to be held in this state, or any qualified person who claims to be 32145  
a write-in candidate, or who knowingly assents to being 32146  
represented as a write-in candidate by another at either a 32147  
primary, general, or special election to be held in this state. 32148

(I) "Independent candidate" means any candidate who claims 32149  
not to be affiliated with a political party, and whose name has 32150  
been certified on the office-type ballot at a general or special 32151  
election through the filing of a statement of candidacy and 32152  
nominating petition, as prescribed in section 3513.257 of the 32153  
Revised Code. 32154

(J) "Nonpartisan candidate" means any candidate whose name is 32155  
required, pursuant to section 3505.04 of the Revised Code, to be 32156  
listed on the nonpartisan ballot, including all candidates for 32157  
judicial office, for member of any board of education, for 32158  
municipal or township offices in which primary elections are not 32159  
held for nominating candidates by political parties, and for 32160  
offices of municipal corporations having charters that provide for 32161  
separate ballots for elections for these offices. 32162

(K) "Party candidate" means any candidate who claims to be a 32163  
member of a political party, whose name has been certified on the 32164  
office-type ballot at a general or special election through the 32165  
filing of a declaration of candidacy and petition of candidate, 32166  
and who has won the primary election of the candidate's party for 32167  
the public office the candidate seeks or is selected by party 32168  
committee in accordance with section 3513.31 of the Revised Code. 32169

(L) "Officer of a political party" includes, but is not 32170  
limited to, any member, elected or appointed, of a controlling 32171  
committee, whether representing the territory of the state, a 32172  
district therein, a county, township, a city, a ward, a precinct, 32173  
or other territory, of a major, intermediate, or minor political 32174  
party. 32175

(M) "Question or issue" means any question or issue certified	32176
in accordance with the Revised Code for placement on an official	32177
ballot at a general or special election to be held in this state.	32178
(N) "Elector" or "qualified elector" means a person having	32179
the qualifications provided by law to be entitled to vote.	32180
(O) "Voter" means an elector who votes at an election.	32181
(P) "Voting residence" means that place of residence of an	32182
elector which shall determine the precinct in which the elector	32183
may vote.	32184
(Q) "Precinct" means a district within a county established	32185
by the board of elections of such county within which all	32186
qualified electors having a voting residence therein may vote at	32187
the same polling place.	32188
(R) "Polling place" means that place provided for each	32189
precinct at which the electors having a voting residence in such	32190
precinct may vote.	32191
(S) "Board" or "board of elections" means the board of	32192
elections appointed in a county pursuant to section 3501.06 of the	32193
Revised Code.	32194
(T) "Political subdivision" means a county, township, city,	32195
village, or school district.	32196
(U) "Election officer" or "election official" means any of	32197
the following:	32198
(1) Secretary of state;	32199
(2) Employees of the secretary of state serving the division	32200
of elections in the capacity of attorney, administrative officer,	32201
administrative assistant, elections administrator, office manager,	32202
or clerical supervisor;	32203
(3) Director of a board of elections;	32204

(4) Deputy director of a board of elections;	32205
(5) Member of a board of elections;	32206
(6) Employees of a board of elections;	32207
(7) Precinct polling place judges <del>and clerks</del> ;	32208
(8) Employees appointed by the boards of elections on a temporary or part-time basis.	32209 32210
(V) "Acknowledgment notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, informing a voter registration applicant or an applicant who wishes to change the applicant's residence or name of the status of the application; the information necessary to complete or update the application, if any; and if the application is complete, the precinct in which the applicant is to vote.	32211 32212 32213 32214 32215 32216 32217
(W) "Confirmation notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, to a registered elector to confirm the registered elector's current address.	32218 32219 32220 32221
(X) "Designated agency" means an office or agency in the state that provides public assistance or that provides state-funded programs primarily engaged in providing services to persons with disabilities and that is required by the National Voter Registration Act of 1993 to implement a program designed and administered by the secretary of state for registering voters, or any other public or government office or agency that implements a program designed and administered by the secretary of state for registering voters, including the department of job and family services, the program administered under section 3701.132 of the Revised Code by the department of health, the department of mental health, the department of mental retardation and developmental disabilities, the rehabilitation services commission, and any other agency the secretary of state designates. "Designated	32222 32223 32224 32225 32226 32227 32228 32229 32230 32231 32232 32233 32234 32235

agency" does not include public high schools and vocational	32236
schools, public libraries, or the office of a county treasurer.	32237
(Y) "National Voter Registration Act of 1993" means the	32238
"National Voter Registration Act of 1993," 107 Stat. 77, 42	32239
U.S.C.A. 1973gg.	32240
(Z) "Voting Rights Act of 1965" means the "Voting Rights Act	32241
of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended.	32242
(AA) "Photo identification" means a document that meets each	32243
of the following requirements:	32244
(1) It shows the name of the individual to whom it was	32245
issued, which shall conform to the name in the poll list or	32246
signature pollbook.	32247
(2) It shows the current address of the individual to whom it	32248
was issued, which shall conform to the address in the poll list or	32249
signature pollbook, except for a driver's license or a state	32250
identification card issued under section 4507.50 of the Revised	32251
Code, which may show either the current or former address of the	32252
individual to whom it was issued, regardless of whether that	32253
address conforms to the address in the poll list or signature	32254
pollbook.	32255
(3) It shows a photograph of the individual to whom it was	32256
issued.	32257
(4) It includes an expiration date that has not passed.	32258
(5) It was issued by the government of the United States or	32259
this state.	32260
<b>Sec. 3501.05.</b> The secretary of state shall do all of the	32261
following:	32262
(A) Appoint all members of boards of elections;	32263
(B) Issue instructions by directives and advisories to	32264

members of the boards as to the proper methods of conducting 32265  
elections. In addition to any other publication of those 32266  
directives and advisories, the secretary of state shall publish 32267  
those directives and advisories on a web site of the office of the 32268  
secretary of state as soon as is practicable after they are 32269  
issued, but not later than the close of business on the same day 32270  
as a directive or advisory is issued. The secretary of state shall 32271  
not remove from the web site any directives and advisories so 32272  
posted. The secretary of state shall provide on that web site 32273  
access to all directives and advisories currently in effect and ~~to~~ 32274  
maintain an archive of all directives and advisories previously 32275  
published on that web site. 32276

(C) Prepare rules and instructions for the conduct of 32277  
elections; 32278

(D) Publish and furnish to the boards from time to time a 32279  
sufficient number of indexed copies of all election laws then in 32280  
force; 32281

(E) Edit and issue all pamphlets concerning proposed laws or 32282  
amendments required by law to be submitted to the voters; 32283

(F) Prescribe the form of registration cards, blanks, and 32284  
records; 32285

(G) Determine and prescribe the forms of ballots and the 32286  
forms of all blanks, cards of instructions, pollbooks, tally 32287  
sheets, certificates of election, and forms and blanks required by 32288  
law for use by candidates, committees, and boards; 32289

(H) Prepare the ballot title or statement to be placed on the 32290  
ballot for any proposed law or amendment to the constitution to be 32291  
submitted to the voters of the state; 32292

(I) Except as otherwise provided in section 3519.08 of the 32293  
Revised Code, certify to the several boards the forms of ballots 32294  
and names of candidates for state offices, and the form and 32295

wording of state referendum questions and issues, as they shall appear on the ballot; 32296  
32297

(J) Except as otherwise provided in division (I)(2)(b) of section 3501.38 of the Revised Code, give final approval to ballot language for any local question or issue approved and transmitted by boards of elections under section 3501.11 of the Revised Code; 32298  
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32300  
32301

(K) Receive all initiative and referendum petitions on state questions and issues and determine and certify to the sufficiency of those petitions; 32302  
32303  
32304

(L) Require such reports from the several boards as are provided by law, or as the secretary of state considers necessary; 32305  
32306

(M) Compel the observance by election officers in the several counties of the requirements of the election laws; 32307  
32308

(N)(1) Except as otherwise provided in division (N)(2) of this section, investigate the administration of election laws, frauds, and irregularities in elections in any county, and report violations of election laws to the attorney general or prosecuting attorney, or both, for prosecution; 32309  
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32313

(2) On and after August 24, 1995, report a failure to comply with or a violation of a provision in sections 3517.08 to 3517.13, 3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, or 3599.031 of the Revised Code, whenever the secretary of state has or should have knowledge of a failure to comply with or a violation of a provision in one of those sections, by filing a complaint with the Ohio elections commission under section 3517.153 of the Revised Code; 32314  
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(O) Make an annual report to the governor containing the results of elections, the cost of elections in the various counties, a tabulation of the votes in the several political subdivisions, and other information and recommendations relative to elections the secretary of state considers desirable; 32322  
32323  
32324  
32325  
32326

(P) Prescribe and distribute to boards of elections a list of 32327  
instructions indicating all legal steps necessary to petition 32328  
successfully for local option elections under sections 4301.32 to 32329  
4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 32330

(Q) Adopt rules pursuant to Chapter 119. of the Revised Code 32331  
~~to require each board~~ for the removal by boards of elections ~~to~~ 32332  
~~remove of~~ ineligible voters from the statewide voter registration 32333  
database and, if ~~already prepared for a particular election~~ 32334  
applicable, from the poll list or signature pollbook used in each 32335  
precinct, which rules shall provide for all of the following: 32336

(1) A process for the removal of voters who have changed 32337  
residence, which shall be uniform, nondiscriminatory, and in 32338  
compliance with the Voting Rights Act of 1965 and the National 32339  
Voter Registration Act of 1993, including a program that uses the 32340  
national change of address service provided by the United States 32341  
postal system through its licensees; 32342

(2) A process for the removal of ineligible voters under 32343  
section 3503.21 of the Revised Code; 32344

(3) A uniform system for marking or removing the name of ~~an~~ 32345  
~~ineligible a voter~~ who is ineligible to vote from the statewide 32346  
voter registration database and, if ~~already prepared for a~~ 32347  
~~particular election~~ applicable, from the poll list or signature 32348  
pollbook used in each precinct and noting the reason for that mark 32349  
or removal. 32350

(R) Prescribe a general program for registering voters or 32351  
updating voter registration information, such as name and 32352  
residence changes, ~~at~~ by boards of elections, designated agencies, 32353  
~~the~~ offices of deputy registrars of motor vehicles, public high 32354  
schools and vocational schools, public libraries, and ~~the~~ offices 32355  
of county treasurers, ~~and prescribe~~ consistent with the 32356  
requirements of section 3503.09 of the Revised Code; 32357

(S) ~~Prescribe~~ a program of distribution of voter registration forms through ~~these~~ boards of elections, designated agencies, the offices of the registrar and deputy registrars of motor vehicles, public high schools and vocational schools, public libraries, and ~~the~~ offices of county treasurers;

~~(S)~~(T) To the extent feasible, provide copies, at no cost and upon request, of the voter registration form in post offices in this state;

~~(T)~~(U) Adopt rules pursuant to section 111.15 of the Revised Code for the purpose of implementing the program for registering voters ~~at~~ through boards of elections, designated agencies, and the offices of the registrar and deputy registrars of motor vehicles consistent with this chapter;

~~(U)~~(V) Establish the full-time position of Americans with Disabilities Act coordinator within the office of the secretary of state to do all of the following:

(1) Assist the secretary of state with ensuring that there is equal access to polling places for persons with disabilities;

(2) Assist the secretary of state with ensuring that each voter may cast the voter's ballot in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters;

(3) Advise the secretary of state in the development of standards for the certification of voting machines, marking devices, and automatic tabulating equipment.

~~(V)~~(W) Establish and maintain a computerized statewide database of all legally registered voters under section 3503.15 of the Revised Code that complies with the requirements of the "Help America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666, and provide training in the operation of that system;

~~(W)~~(X) Ensure that all directives, advisories, other 32388  
instructions, or decisions issued or made during or as a result of 32389  
any conference or teleconference call with a board of elections to 32390  
discuss the proper methods and procedures for conducting 32391  
elections, to answer questions regarding elections, or to discuss 32392  
the interpretation of directives, advisories, or other 32393  
instructions issued by the secretary of state are posted on a web 32394  
site of the office of the secretary of state as soon as is 32395  
practicable after the completion of the conference or 32396  
teleconference call, but not later than the close of business on 32397  
the same day as the conference or teleconference call takes place. 32398

~~(X)~~(Y) Publish a report on a web site of the office of the 32399  
secretary of state not later than one month after the completion 32400  
of the canvass of the election returns for each primary and 32401  
general election, identifying, by county, the number of absent 32402  
voter's ballots cast and the number of those ballots that were 32403  
counted, and the number of provisional ballots cast and the number 32404  
of those ballots that were counted, for that election. The 32405  
secretary of state shall maintain the information on the web site 32406  
in an archive format for each subsequent election. 32407

~~(Y)~~(Z) Conduct voter education outlining voter 32408  
identification, absent voters ballot, provisional ballot, and 32409  
other voting requirements; 32410

~~(Z)~~(AA) Establish a procedure by which a registered elector 32411  
may ~~update the elector's~~ make available to a board of elections a 32412  
more recent signature to be used in the poll list or signature 32413  
pollbook produced by the board of elections of the county in which 32414  
the elector resides; 32415

~~(AA)~~(BB) Disseminate information, which may include all or 32416  
part of the official explanations and arguments, by means of 32417  
direct mail or other written publication, broadcast, or other 32418  
means or combination of means, as directed by the Ohio ballot 32419

board under division (F) of section 3505.062 of the Revised Code, 32420  
in order to inform the voters as fully as possible concerning each 32421  
proposed constitutional amendment, proposed law, or referendum; 32422

32423

(CC) Perform other duties required by law. 32424

Whenever a primary election is held under section 3513.32 of 32425  
the Revised Code or a special election is held under section 32426  
3521.03 of the Revised Code to fill a vacancy in the office of 32427  
representative to congress, the secretary of state shall establish 32428  
a deadline, notwithstanding any other deadline required under the 32429  
Revised Code, by which any or all of the following shall occur: 32430  
the filing of a declaration of candidacy and petitions or a 32431  
statement of candidacy and nominating petition together with the 32432  
applicable filing fee; the filing of protests against the 32433  
candidacy of any person filing a declaration of candidacy or 32434  
nominating petition; the filing of a declaration of intent to be a 32435  
write-in candidate; the filing of campaign finance reports; the 32436  
preparation of, and the making of corrections or challenges to, 32437  
precinct voter registration lists; the receipt of applications for 32438  
absent voter's ballots or armed service absent voter's ballots; 32439  
the supplying of election materials to precincts by boards of 32440  
elections; the holding of hearings by boards of elections to 32441  
consider challenges to the right of a person to appear on a voter 32442  
registration list; and the scheduling of programs to instruct or 32443  
reinstruct election officers. 32444

In the performance of the secretary of state's duties as the 32445  
chief election officer, the secretary of state may administer 32446  
oaths, issue subpoenas, summon witnesses, compel the production of 32447  
books, papers, records, and other evidence, and fix the time and 32448  
place for hearing any matters relating to the administration and 32449  
enforcement of the election laws. 32450

In any controversy involving or arising out of the adoption 32451

of registration or the appropriation of funds for registration, 32452  
the secretary of state may, through the attorney general, bring an 32453  
action in the name of the state in the court of common pleas of 32454  
the county where the cause of action arose or in an adjoining 32455  
county, to adjudicate the question. 32456

In any action involving the laws in Title XXXV of the Revised 32457  
Code wherein the interpretation of those laws is in issue in such 32458  
a manner that the result of the action will affect the lawful 32459  
duties of the secretary of state or of any board of elections, the 32460  
secretary of state may, on the secretary of state's motion, be 32461  
made a party. 32462

The secretary of state may apply to any court that is hearing 32463  
a case in which the secretary of state is a party, for a change of 32464  
venue as a substantive right, and the change of venue shall be 32465  
allowed, and the case removed to the court of common pleas of an 32466  
adjoining county named in the application or, if there are cases 32467  
pending in more than one jurisdiction that involve the same or 32468  
similar issues, the court of common pleas of Franklin county. 32469

Public high schools and vocational schools, public libraries, 32470  
and the office of a county treasurer shall implement voter 32471  
registration programs as directed by the secretary of state 32472  
pursuant to this section. 32473

**Sec. 3501.11.** Each board of elections shall exercise by a 32474  
majority vote all powers granted to the board by Title XXXV of the 32475  
Revised Code, shall perform all the duties imposed by law, and 32476  
shall do all of the following: 32477

(A) Establish, define, provide, rearrange, and combine 32478  
election precincts; 32479

(B) Fix and provide the places for registration and for 32480  
holding primaries and elections; 32481

(C) Provide for the purchase, preservation, and maintenance	32482
of booths, ballot boxes, books, maps, flags, blanks, cards of	32483
instructions, and other forms, papers, and equipment used in	32484
registration, nominations, and elections;	32485
(D) Appoint and remove its director, deputy director, and	32486
employees and all registrars, judges, and other officers of	32487
elections, fill vacancies, and designate the ward or district and	32488
precinct in which each shall serve;	32489
(E) Make and issue rules and instructions, not inconsistent	32490
with law or the rules, directives, or advisories issued by the	32491
secretary of state, as it considers necessary for the guidance of	32492
election officers and voters;	32493
(F) Advertise and contract for the printing of all ballots	32494
and other supplies used in registrations and elections;	32495
(G) Provide for the issuance of all notices, advertisements,	32496
and publications concerning elections, except as otherwise	32497
provided in division (G) of section 3501.17 <u>and divisions (F) and</u>	32498
<u>(G) of section 3505.062</u> of the Revised Code;	32499
(H) Provide for the delivery of ballots, pollbooks, and other	32500
required papers and material to the polling places;	32501
(I) Cause the polling places to be suitably provided with	32502
voting machines, marking devices, automatic tabulating equipment,	32503
stalls, and other required supplies. In fulfilling this duty, each	32504
board of a county that uses voting machines, marking devices, or	32505
automatic tabulating equipment shall conduct a full vote of the	32506
board during a public session of the board on the allocation and	32507
distribution of voting machines, marking devices, and automatic	32508
tabulating equipment for each precinct in the county.	32509
(J) Investigate irregularities, nonperformance of duties, or	32510
violations of Title XXXV of the Revised Code by election officers	32511
and other persons; administer oaths, issue subpoenas, summon	32512

witnesses, and compel the production of books, papers, records, 32513  
and other evidence in connection with any such investigation; and 32514  
report the facts to the prosecuting attorney or the secretary of 32515  
state; 32516

(K) Review, examine, and certify the sufficiency and validity 32517  
of petitions and nomination papers, and, after certification, 32518  
return to the secretary of state all petitions and nomination 32519  
papers that the secretary of state forwarded to the board; 32520

(L) Receive the returns of elections, canvass the returns, 32521  
make abstracts of them, and transmit those abstracts to the proper 32522  
authorities; 32523

(M) Issue certificates of election on forms to be prescribed 32524  
by the secretary of state; 32525

(N) Make an annual report to the secretary of state, on the 32526  
form prescribed by the secretary of state, containing a statement 32527  
of the number of voters registered, elections held, votes cast, 32528  
appropriations received, expenditures made, and other data 32529  
required by the secretary of state; 32530

(O) Prepare and submit to the proper appropriating officer a 32531  
budget estimating the cost of elections for the ensuing fiscal 32532  
year; 32533

(P) Perform other duties as prescribed by law or the rules, 32534  
directives, or advisories of the secretary of state; 32535

(Q) Investigate and determine the residence qualifications of 32536  
electors; 32537

(R) Administer oaths in matters pertaining to the 32538  
administration of the election laws; 32539

(S) Prepare and submit to the secretary of state, whenever 32540  
the secretary of state requires, a report containing the names and 32541  
residence addresses of all incumbent county, municipal, township, 32542

and board of education officials serving in their respective 32543  
counties; 32544

(T) Establish and maintain a voter registration database of 32545  
all qualified electors in the county who offer to register; 32546

(U) Maintain voter registration records, make reports 32547  
concerning voter registration as required by the secretary of 32548  
state, and remove ineligible electors from voter registration 32549  
lists in accordance with law and directives of the secretary of 32550  
state; 32551

(V) Give approval to ballot language for any local question 32552  
or issue and transmit the language to the secretary of state for 32553  
the secretary of state's final approval; 32554

(W) Prepare and cause the following notice to be displayed in 32555  
a prominent location in every polling place: 32556

"NOTICE 32557

Ohio law prohibits any person from voting or attempting to 32558  
vote more than once at the same election. 32559

Violators are guilty of a felony of the fourth degree and 32560  
shall be imprisoned and additionally may be fined in accordance 32561  
with law." 32562

(X) In all cases of a tie vote or a disagreement in the 32563  
board, if no decision can be arrived at, the director or 32564  
chairperson shall submit the matter in controversy, not later than 32565  
fourteen days after the tie vote or the disagreement, to the 32566  
secretary of state, who shall summarily decide the question, and 32567  
the secretary of state's decision shall be final. 32568

(Y) Assist each designated agency, deputy registrar of motor 32569  
vehicles, public high school and vocational school, public 32570  
library, and office of a county treasurer in the implementation of 32571  
a program for registering voters at all voter registration 32572

locations as prescribed by the secretary of state. Under this 32573  
program, each board of elections shall direct to the appropriate 32574  
board of elections any voter registration applications for persons 32575  
residing outside the county where the board is located within five 32576  
days after receiving the applications. 32577

(Z) On any day on which an elector may vote in person at the 32578  
office of the board or at another site designated by the board, 32579  
consider the board or other designated site a polling place for 32580  
that day. All requirements or prohibitions of law that apply to a 32581  
polling place shall apply to the office of the board or other 32582  
designated site on that day. 32583

**Sec. 3501.17.** (A) The expenses of the board of elections 32584  
shall be paid from the county treasury, in pursuance of 32585  
appropriations by the board of county commissioners, in the same 32586  
manner as other county expenses are paid. If the board of county 32587  
commissioners fails to appropriate an amount sufficient to provide 32588  
for the necessary and proper expenses of the board of elections 32589  
pertaining to the conduct of elections, the board of elections may 32590  
apply to the court of common pleas within the county, which shall 32591  
fix the amount necessary to be appropriated and the amount shall 32592  
be appropriated. Payments shall be made upon vouchers of the board 32593  
of elections certified to by its chairperson or acting chairperson 32594  
and the director or deputy director, upon warrants of the county 32595  
auditor. 32596

The board of elections shall not incur any obligation 32597  
involving the expenditure of money unless there are moneys 32598  
sufficient in the funds appropriated therefor to meet the 32599  
obligation. If the board of elections requests a transfer of funds 32600  
from one of its appropriation items to another, the board of 32601  
county commissioners shall adopt a resolution providing for the 32602  
transfer except as otherwise provided in section 5705.40 of the 32603

Revised Code. The expenses of the board of elections shall be 32604  
apportioned among the county and the various subdivisions as 32605  
provided in this section, and the amount chargeable to each 32606  
subdivision shall be withheld by the auditor from the moneys 32607  
payable thereto at the time of the next tax settlement. At the 32608  
time of submitting budget estimates in each year, the board of 32609  
elections shall submit to the taxing authority of each 32610  
subdivision, upon the request of the subdivision, an estimate of 32611  
the amount to be withheld from the subdivision during the next 32612  
fiscal year. 32613

(B) Except as otherwise provided in division (F) of this 32614  
section, the ~~entire~~ compensation of the members of the board of 32615  
elections and of the director, deputy director, and ~~other~~ regular 32616  
employees in the board's offices, other than compensation for 32617  
overtime worked; the expenditures for the rental, furnishing, and 32618  
equipping of the office of the board and for the necessary office 32619  
supplies for the use of the board; the expenditures for the 32620  
acquisition, repair, care, and custody of the polling places, 32621  
booths, guardrails, and other equipment for polling places; the 32622  
cost of ~~pollbooks~~, tally sheets, maps, flags, ballot boxes, and 32623  
all other permanent records and equipment; the cost of all 32624  
elections held in and for the state and county; and all other 32625  
expenses of the board which are not chargeable to a political 32626  
subdivision in accordance with this section shall be paid in the 32627  
same manner as other county expenses are paid. 32628

(C) The compensation of judges ~~and clerks~~ of elections and 32629  
intermittent employees in the board's offices; the cost of 32630  
renting, moving, heating, and lighting polling places and of 32631  
placing and removing ballot boxes and other fixtures and equipment 32632  
thereof, including voting machines, marking devices, and automatic 32633  
tabulating equipment; the cost of printing and delivering ballots, 32634  
cards of instructions, registration lists required under section 32635

3503.23 of the Revised Code, and other election supplies, 32636  
including the supplies required to comply with division (H) of 32637  
section 3506.01 of the Revised Code; the cost of contractors 32638  
engaged by the board to prepare, program, test, and operate voting 32639  
machines, marking devices, and automatic tabulating equipment; and 32640  
all other expenses of conducting primaries and elections in the 32641  
odd-numbered years shall be charged to the subdivisions in and for 32642  
which such primaries or elections are held. The charge for each 32643  
primary or general election in odd-numbered years for each 32644  
subdivision shall be determined in the following manner: first, 32645  
the total cost of all chargeable items used in conducting such 32646  
elections shall be ascertained; second, the total charge shall be 32647  
divided by the number of precincts participating in such election, 32648  
in order to fix the cost per precinct; third, the cost per 32649  
precinct shall be prorated by the board of elections to the 32650  
subdivisions conducting elections for the nomination or election 32651  
of offices in such precinct; fourth, the total cost for each 32652  
subdivision shall be determined by adding the charges prorated to 32653  
it in each precinct within the subdivision. 32654

(D) The entire cost of special elections held on a day other 32655  
than the day of a primary or general election, both in 32656  
odd-numbered or in even-numbered years, shall be charged to the 32657  
subdivision. Where a special election is held on the same day as a 32658  
primary or general election in an even-numbered year, the 32659  
subdivision submitting the special election shall be charged only 32660  
for the cost of ballots and advertising. Where a special election 32661  
is held on the same day as a primary or general election in an 32662  
odd-numbered year, the subdivision submitting the special election 32663  
shall be charged for the cost of ballots and advertising for such 32664  
special election, in addition to the charges prorated to such 32665  
subdivision for the election or nomination of candidates in each 32666  
precinct within the subdivision, as set forth in the preceding 32667  
paragraph. 32668

(E) Where a special election is held on the day specified by 32669  
division (E) of section 3501.01 of the Revised Code for the 32670  
holding of a primary election, for the purpose of submitting to 32671  
the voters of the state constitutional amendments proposed by the 32672  
general assembly, and a subdivision conducts a special election on 32673  
the same day, the entire cost of the special election shall be 32674  
divided proportionally between the state and the subdivision based 32675  
upon a ratio determined by the number of issues placed on the 32676  
ballot by each, except as otherwise provided in division (G) of 32677  
this section. Such proportional division of cost shall be made 32678  
only to the extent funds are available for such purpose from 32679  
amounts appropriated by the general assembly to the secretary of 32680  
state. If a primary election is also being conducted in the 32681  
subdivision, the costs shall be apportioned as otherwise provided 32682  
in this section. 32683

(F) When a precinct is open during a general, primary, or 32684  
special election solely for the purpose of submitting to the 32685  
voters a statewide ballot issue, the state shall bear the entire 32686  
cost of the election in that precinct and shall reimburse the 32687  
county for all expenses incurred in opening the precinct. 32688

(G) The state shall bear the entire cost of advertising in 32689  
newspapers statewide ballot issues, explanations of those issues, 32690  
and arguments for or against those issues, as required by Section 32691  
1g of Article II and Section 1 of Article XVI, Ohio Constitution, 32692  
and any other section of law ~~and~~. The Ohio ballot board shall 32693  
reimburse the ~~counties~~ secretary of state for all expenses ~~they~~ 32694  
~~incur~~ the secretary of state incurs for such advertising under 32695  
division (G) of section 3505.062 of the Revised Code. 32696

(H) The cost of renting, heating, and lighting registration 32697  
places; the cost of the necessary books, forms, and supplies for 32698  
the conduct of registration; and the cost of printing and posting 32699  
precinct registration lists shall be charged to the subdivision in 32700

which such registration is held. 32701

(I) At the request of a majority of the members of the board 32702  
of elections, the board of county commissioners may, by 32703  
resolution, establish an elections revenue fund. Except as 32704  
otherwise provided in this division, the purpose of the fund shall 32705  
be to accumulate revenue withheld by or paid to the county under 32706  
this section for the payment of any expense related to the duties 32707  
of the board of elections specified in section 3501.11 of the 32708  
Revised Code, upon approval of a majority of the members of the 32709  
board of elections. The fund shall not accumulate any revenue 32710  
withheld by or paid to the county under this section for the 32711  
compensation of the members of the board of elections or of the 32712  
director, deputy director, or other regular employees in the 32713  
board's offices, other than compensation for overtime worked. 32714

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the 32715  
Revised Code, the board of county commissioners may, by 32716  
resolution, transfer money to the elections revenue fund from any 32717  
other fund of the political subdivision from which such payments 32718  
lawfully may be made. Following an affirmative vote of a majority 32719  
of the members of the board of elections, the board of county 32720  
commissioners may, by resolution, rescind an elections revenue 32721  
fund established under this division. If an elections revenue fund 32722  
is rescinded, money that has accumulated in the fund shall be 32723  
transferred to the county general fund. 32724

(J) As used in this section,—"statewide:" 32725

(1) "Political subdivision" and "subdivision" mean any board 32726  
of county commissioners, board of township trustees, legislative 32727  
authority of a municipal corporation, board of education, or any 32728  
other board, commission, district, or authority that is empowered 32729  
to levy taxes or permitted to receive the proceeds of a tax levy, 32730  
regardless of whether the entity receives tax settlement moneys as 32731  
described in division (A) of this section; 32732

(2) "Statewide ballot issue" means any ballot issue, whether 32733  
proposed by the general assembly or by initiative or referendum, 32734  
that is submitted to the voters throughout the state. 32735

**Sec. 3501.31.** The board of elections shall mail to each 32736  
precinct election official notice of the date, hours, and place of 32737  
holding each election in the official's respective precinct at 32738  
which it desires the official to serve. Each of such officials 32739  
shall notify the board immediately upon receipt of such notice of 32740  
any inability to serve. 32741

The election official designated as presiding judge under 32742  
section 3501.22 of the Revised Code shall call at the office of 32743  
the board at such time before the day of the election, not earlier 32744  
than the tenth day before the day of the election, as the board 32745  
designates to obtain the ballots, pollbooks, registration forms 32746  
and lists, and other material to be used in the official's polling 32747  
place on election day. 32748

The board may also provide for the delivery of such materials 32749  
to polling places in a municipal corporation by members of the 32750  
police department of such municipal corporation; or the board may 32751  
provide for the delivery of such materials to the presiding judge 32752  
not earlier than the tenth day before the election, in any manner 32753  
it finds to be advisable. 32754

On election day the precinct election officials shall 32755  
punctually attend the polling place one-half hour before the time 32756  
fixed for opening the polls. Each of the precinct election 32757  
officials shall thereupon make and subscribe to a statement which 32758  
shall be as follows: 32759

"State of Ohio 32760

County of ..... 32761

I do solemnly swear under the penalty of perjury that I will 32762

support the constitution of the United States of America and the 32763  
constitution of the state of Ohio and its laws; that I have not 32764  
been convicted of a felony or any violation of the election laws; 32765  
that I will discharge to the best of my ability the duties of 32766  
~~..... (judge or clerk) .....~~ judge 32767  
of election in and for precinct ..... in the 32768  
..... (township) or (ward and city or village) 32769  
..... in the county of ....., in the 32770  
election to be held on the ..... day of ....., 32771  
....., as required by law and the rules and instructions of the 32772  
board of elections of said county; and that I will endeavor to 32773  
prevent fraud in such election, and will report immediately to 32774  
said board any violations of the election laws which come to my 32775  
attention, and will not disclose any information as to how any 32776  
elector voted which is gained by me in the discharge of my 32777  
official duties. 32778

..... 32779  
..... 32780  
..... 32781  
..... 32782  
..... 32783  
..... 32784

(Signatures of precinct election officials)" 32785

If any of the other precinct officials is absent at that 32786  
time, the presiding judge, with the concurrence of a majority of 32787  
the precinct election officials present, shall appoint a qualified 32788  
elector who is a member of the same political party as the 32789  
political party of which such absent precinct election official is 32790  
a member to fill the vacancy until the board appoints a person to 32791  
fill such vacancy and the person so appointed reports for duty at 32792  
the polling place. The presiding judge shall promptly notify the 32793

board of such vacancy by telephone or otherwise. The presiding 32794  
judge also shall assign the precinct election officials to their 32795  
respective duties and shall have general charge of the polling 32796  
place. 32797

Sec. 3503.09. (A)(1) The secretary of state shall adopt rules 32798  
for the electronic transmission by boards of elections, designated 32799  
agencies, offices of deputy registrars of motor vehicles, public 32800  
high schools and vocational schools, public libraries, and offices 32801  
of county treasurers, where applicable, of name and residence 32802  
changes for voter registration records in the statewide voter 32803  
registration database. 32804

(2) The secretary of state shall adopt rules for the purpose 32805  
of improving the speed of processing new voter registrations that 32806  
permit information from a voter registration application received 32807  
by a designated agency or an office of deputy registrar of motor 32808  
vehicles to be made available electronically, in addition to 32809  
requiring the original voter registration application to be 32810  
transmitted to the applicable board of elections under division 32811  
(E)(2) of section 3503.10 or section 3503.11 of the Revised Code. 32812

(B) Rules adopted under division (A) of this section shall do 32813  
all of the following: 32814

(1) Prohibit any direct electronic connection between a 32815  
designated agency, office of deputy registrar of motor vehicles, 32816  
public high school or vocational school, public library, or office 32817  
of a county treasurer and the statewide voter registration 32818  
database; 32819

(2) Require any updated voter registration information to be 32820  
verified by the secretary of state or a board of elections before 32821  
the information is added to the statewide voter registration 32822  
database for the purpose of modifying an existing voter 32823  
registration; 32824

(3) Require each designated agency or office of deputy registrar of motor vehicles that transmits voter registration information electronically to transmit an identifier for data relating to each new voter registration that shall be used by the secretary of state or a board of elections to match the electronic data to the original voter registration application.

**Sec. 3505.062.** The Ohio ballot board shall do all of the following:

(A) Examine, within ten days after its receipt, each written initiative petition received from the attorney general under section 3519.01 of the Revised Code to determine whether it contains only one proposed law or constitutional amendment so as to enable the voters to vote on a proposal separately. If the board so determines, it shall certify its approval to the attorney general, who then shall file with the secretary of state in accordance with division (A) of section 3519.01 of the Revised Code a verified copy of the proposed law or constitutional amendment together with its summary and the attorney general's certification of it.

If the board determines that the initiative petition contains more than one proposed law or constitutional amendment, the board shall divide the initiative petition into individual petitions containing only one proposed law or constitutional amendment so as to enable the voters to vote on each proposal separately and certify its approval to the attorney general. If the board so divides an initiative petition and so certifies its approval to the attorney general, the petitioners shall resubmit to the attorney general appropriate summaries for each of the individual petitions arising from the board's division of the initiative petition, and the attorney general then shall review the resubmissions as provided in division (A) of section 3519.01 of

the Revised Code.	32856
(B) Prescribe the ballot language for constitutional amendments proposed by the general assembly to be printed on the questions and issues ballot, which language shall properly identify the substance of the proposal to be voted upon;	32857 32858 32859 32860
(C) Prepare an explanation of each constitutional amendment proposed by the general assembly, which explanation may include the purpose and effects of the proposed amendment;	32861 32862 32863
(D) Certify the ballot language and explanation, if any, to the secretary of state no later than seventy-five days before the election at which the proposed question or issue is to be submitted to the voters;	32864 32865 32866 32867
(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;	32868 32869 32870 32871 32872 32873 32874 32875
(F) Direct the means by which the secretary of state shall disseminate information concerning proposed constitutional amendments, <u>proposed laws, and referenda</u> to the voters;	32876 32877 32878
(G) Direct the <del>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</del> <u>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:</u>	32879 32880 32881 32882 32883 32884 32885
(1) <u>A constitutional amendment or law proposed by initiative</u>	32886

<u>petition under Section 1g of Article II of the Ohio Constitution;</u>	32887
<u>(2) A law, section, or item of law submitted to the electors</u>	32888
<u>by referendum petition under Section 1g of Article II of the Ohio</u>	32889
<u>Constitution;</u>	32890
<u>(3) A constitutional amendment submitted to the electors by</u>	32891
<u>the general assembly under Section 1 of Article XVI of the Ohio</u>	32892
<u>Constitution.</u>	32893
<b>Sec. 3505.063.</b> (A) When the general assembly adopts a	32894
resolution proposing a constitutional amendment, it may, by	32895
resolution, designate a group of members who voted in support of	32896
the resolution to prepare arguments for the proposed amendment,	32897
and a group of members who voted in opposition to the resolution	32898
to prepare arguments against the proposed amendment. If no members	32899
voted in opposition to the resolution, or if the general assembly	32900
chooses not to designate a group of members to prepare arguments	32901
for the proposed amendment or chooses not to designate a group of	32902
members to prepare arguments against the proposed amendment, the	32903
Ohio ballot board shall prepare or designate a group of persons to	32904
prepare the relevant arguments. All arguments prepared under this	32905
division shall be filed with the secretary of state not later than	32906
eighty days before the date of the election. No argument shall	32907
exceed three hundred words.	32908
(B)(1) If the group of members of the general assembly or	32909
other group of persons designated under division (A) of this	32910
section fail to prepare and file their arguments in support of or	32911
in opposition to the proposed amendment by the eightieth day	32912
before the date of the election, the secretary of state shall	32913
notify the Ohio ballot board that those arguments have not been so	32914
prepared and filed. The board then shall prepare the missing	32915
arguments or designate a group of persons to prepare those	32916
arguments. All arguments prepared under this division shall be	32917

filed with the secretary of state not later than seventy-five days 32918  
before the date of the election. No argument shall exceed three 32919  
hundred words. 32920

(2) If the Ohio ballot board fails to provide for the 32921  
preparation of missing arguments under division (B)(1) of this 32922  
section after being notified by the secretary of state that one or 32923  
more arguments have not been timely prepared and filed, the 32924  
positions of the four appointed members of the board shall be 32925  
considered vacant, and new members shall be appointed in the 32926  
manner provided for original appointments. 32927

~~(C) The secretary of state shall disseminate information, 32928  
which may include part or all of the official explanation and 32929  
arguments concerning proposed amendments, by means of direct mail 32930  
or other written publication, broadcast, or other means or 32931  
combination of means, as the Ohio ballot board may direct, in 32932  
order to inform the voters as fully as possible concerning 32933  
proposed amendments. 32934~~

**Sec. 3505.23.** No voter shall be allowed to occupy a voting 32935  
compartment or use a voting machine more than five minutes when 32936  
all the voting compartments or machines are in use and voters are 32937  
waiting to occupy them. Except as otherwise provided by section 32938  
3505.24 of the Revised Code, no voter shall occupy a voting 32939  
compartment or machine with another person or speak to anyone, nor 32940  
shall anyone speak to the voter, while the voter is in a voting 32941  
compartment or machine. 32942

In precincts that do not use voting machines the following 32943  
procedure shall be followed: 32944

If a voter tears, soils, defaces, or erroneously marks a 32945  
ballot the voter may return it to the precinct election officials 32946  
and a second ballot shall be issued to the voter. Before returning 32947  
a torn, soiled, defaced, or erroneously marked ballot, the voter 32948

shall fold it so as to conceal any marks the voter made upon it, 32949  
but the voter shall not remove Stub A therefrom. If the voter 32950  
tears, soils, defaces, or erroneously marks such second ballot, 32951  
the voter may return it to the precinct election officials, and a 32952  
third ballot shall be issued to the voter. In no case shall more 32953  
than three ballots be issued to a voter. Upon receiving a returned 32954  
torn, soiled, defaced, or erroneously marked ballot the precinct 32955  
election officials shall detach Stub A therefrom, write "Defaced" 32956  
on the back of such ballot, and place the stub and the ballot in 32957  
the separate containers provided therefor. 32958

No elector shall leave the polling place until the elector 32959  
returns to the precinct election officials every ballot issued to 32960  
the elector with Stub A on each ballot attached thereto, 32961  
regardless of whether the elector has or has not placed any marks 32962  
upon the ballot. 32963

Before leaving the voting compartment, the voter shall fold 32964  
each ballot marked by the voter so that no part of the face of the 32965  
ballot is visible, and so that the printing thereon indicating the 32966  
kind of ballot it is and the facsimile signatures of the members 32967  
of the board of elections are visible. The voter shall then leave 32968  
the voting compartment, deliver the voter's ballots, and state the 32969  
voter's name to the judge having charge of the ballot boxes, who 32970  
shall announce the name, detach Stub A from each ballot, and 32971  
announce the number on the stubs. The ~~clerks~~ judges in charge of 32972  
the poll lists or poll books shall check to ascertain whether the 32973  
number so announced is the number on Stub B of the ballots issued 32974  
to such voter, and if no discrepancy appears to exist, the judge 32975  
in charge of the ballot boxes shall, in the presence of the voter, 32976  
deposit each such ballot in the proper ballot box and shall place 32977  
Stub A from each ballot in the container provided therefor. The 32978  
voter shall then immediately leave the polling place. 32979

No ballot delivered by a voter to the judge in charge of the 32980

ballot boxes with Stub A detached therefrom, and only ballots 32981  
provided in accordance with Title XXXV of the Revised Code, shall 32982  
be voted or deposited in the ballot boxes. 32983

In marking a presidential ballot, the voter shall record the 32984  
vote in the manner provided on the ballot next to the names of the 32985  
candidates for the offices of president and vice-president. Such 32986  
ballot shall be considered and counted as a vote for each of the 32987  
candidates for election as presidential elector whose names were 32988  
certified to the secretary of state by the political party of such 32989  
nominees for president and vice-president. 32990

In marking an office type ballot or nonpartisan ballot, the 32991  
voter shall record the vote in the manner provided on the ballot 32992  
next to the name of each candidate for whom the voter desires to 32993  
vote. 32994

In marking a primary election ballot, the voter shall record 32995  
the vote in the manner provided on the ballot next to the name of 32996  
each candidate for whom the voter desires to vote. If the voter 32997  
desires to vote for the nomination of a person whose name is not 32998  
printed on the primary election ballot, the voter may do so by 32999  
writing such person's name on the ballot in the proper place 33000  
provided for such purpose. 33001

In marking a questions and issues ballot, the voter shall 33002  
record the vote in the manner provided on the ballot at the left 33003  
or at the right of "YES" or "NO" or other words of similar import 33004  
which are printed on the ballot to enable the voter to indicate 33005  
how the voter votes in connection with each question or issue upon 33006  
which the voter desires to vote. 33007

In marking any ballot on which a blank space has been 33008  
provided wherein an elector may write in the name of a person for 33009  
whom ~~he~~ the elector desires to vote, the elector shall write such 33010  
person's name in such blank space and on no other place on the 33011

ballot. Unless specific provision is made by statute, no blank 33012  
space shall be provided on a ballot for write-in votes, and any 33013  
names written on a ballot other than in a blank space provided 33014  
therefor shall not be counted or recorded. 33015

**Sec. 3509.08.** (A) Any qualified elector, who, on account of 33016  
the elector's own personal illness, physical disability, or 33017  
infirmity, or on account of the elector's confinement in a jail or 33018  
workhouse under sentence for a misdemeanor or awaiting trial on a 33019  
felony or misdemeanor, will be unable to travel from the elector's 33020  
home or place of confinement to the voting booth in the elector's 33021  
precinct on the day of any general, special, or primary election 33022  
may make application in writing for an absent voter's ballot to 33023  
the director of the board of elections of the elector's county. 33024  
The application shall include all of the information required 33025  
under section 3509.03 of the Revised Code and shall state the 33026  
nature of the elector's illness, physical disability, or 33027  
infirmity, or the fact that the elector is confined in a jail or 33028  
workhouse and the elector's resultant inability to travel to the 33029  
election booth in the elector's precinct on election day. The 33030  
application shall not be valid if it is delivered to the director 33031  
before the ninetieth day or after twelve noon of the third day 33032  
before the day of the election at which the ballot is to be voted. 33033

The absent voter's ballot may be mailed directly to the 33034  
applicant at the applicant's voting residence or place of 33035  
confinement as stated in the applicant's application, or the board 33036  
may designate two board employees belonging to the two major 33037  
political parties for the purpose of delivering the ballot to the 33038  
disabled or confined elector and returning it to the board, unless 33039  
the applicant is confined to a public or private institution 33040  
within the county, in which case the board shall designate two 33041  
board employees belonging to the two major political parties for 33042  
the purpose of delivering the ballot to the disabled or confined 33043

elector and returning it to the board. In all other instances, the 33044  
ballot shall be returned to the office of the board in the manner 33045  
prescribed in section 3509.05 of the Revised Code. 33046

Any disabled or confined elector who declares to the two 33047  
board employees belonging to the two major political parties that 33048  
the elector is unable to mark the elector's ballot by reason of 33049  
physical infirmity that is apparent to the employees to be 33050  
sufficient to incapacitate the voter from marking the elector's 33051  
ballot properly, may receive, upon request, the assistance of the 33052  
employees in marking the elector's ballot, and they shall 33053  
thereafter give no information in regard to this matter. Such 33054  
assistance shall not be rendered for any other cause. 33055

When two board employees belonging to the two major political 33056  
parties deliver a ballot to a disabled or confined elector, each 33057  
of the employees shall be present when the ballot is delivered, 33058  
when assistance is given, and when the ballot is returned to the 33059  
office of the board, and shall subscribe to the declaration on the 33060  
identification envelope. 33061

The secretary of state shall prescribe the form of 33062  
application for absent voter's ballots under this division. 33063

This chapter applies to disabled and confined absent voter's 33064  
ballots except as otherwise provided in this section. 33065

(B)(1) Any qualified elector who is unable to travel to the 33066  
voting booth in the elector's precinct on the day of any general, 33067  
special, or primary election ~~because of being~~ may apply to the 33068  
director of the board of elections of the county where the elector 33069  
is a qualified elector to vote in the election by absent voter's 33070  
ballot if either of the following apply: 33071

(a) The elector is confined in a hospital as a result of an 33072  
accident or unforeseeable medical emergency occurring before the 33073  
election, ~~may apply to the director of the board of elections of~~ 33074

~~the county where the elector is a qualified elector to vote in the~~ 33075  
~~election by absent voter's ballot. This application;~~ 33076

(b) The elector's minor child is confined in a hospital as a 33077  
result of an accident or unforeseeable medical emergency occurring 33078  
before the election. 33079

(2) The application authorized under division (B)(1) of this 33080  
section shall be made in writing, shall include all of the 33081  
information required under section 3509.03 of the Revised Code, 33082  
and shall be delivered to the director not later than three p.m. 33083  
on the day of the election. The application shall indicate the 33084  
hospital where the applicant or the applicant's child is confined, 33085  
the date of the applicant's or the applicant's child's admission 33086  
to the hospital, and the offices for which the applicant is 33087  
qualified to vote. The applicant may also request that a member of 33088  
the applicant's family, as listed in section 3509.05 of the 33089  
Revised Code, deliver the absent voter's ballot to the applicant. 33090  
The director, after establishing to the director's satisfaction 33091  
the validity of the circumstances claimed by the applicant, shall 33092  
supply an absent voter's ballot to be delivered to the applicant. 33093  
When the applicant or the applicant's child is in a hospital in 33094  
the county where the applicant is a qualified elector and no 33095  
request is made for a member of the family to deliver the ballot, 33096  
the director shall arrange for the delivery of an absent voter's 33097  
ballot to the applicant, and for its return to the office of the 33098  
board, by two board employees belonging to the two major political 33099  
parties according to the procedures prescribed in division (A) of 33100  
this section. When the applicant or the applicant's child is in a 33101  
hospital outside the county where the applicant is a qualified 33102  
elector and no request is made for a member of the family to 33103  
deliver the ballot, the director shall arrange for the delivery of 33104  
an absent voter's ballot to the applicant by mail, and the ballot 33105  
shall be returned to the office of the board in the manner 33106

prescribed in section 3509.05 of the Revised Code. 33107

~~(2)~~(3) Any qualified elector who is eligible to vote under 33108  
division (B) or (C) of section 3503.16 of the Revised Code but is 33109  
unable to do so because of the circumstances described in division 33110  
(B)~~(1)~~(2) of this section may vote in accordance with division 33111  
(B)(1) of this section if that qualified elector states in the 33112  
application for absent voter's ballots that that qualified elector 33113  
moved or had a change of name under the circumstances described in 33114  
division (B) or (C) of section 3503.16 of the Revised Code and if 33115  
that qualified elector complies with divisions (G)(1) to (4) of 33116  
section 3503.16 of the Revised Code. 33117

(C) Any qualified elector described in division (A) or (B)(1) 33118  
of this section who needs no assistance to vote or to return 33119  
absent voter's ballots to the board of elections may apply for 33120  
absent voter's ballots under section 3509.03 of the Revised Code 33121  
instead of applying for them under this section. 33122

**Sec. 3513.21.** At the close of the polls in a primary 33123  
election, the judges ~~and clerks~~ of election shall proceed without 33124  
delay to canvass the vote, sign and seal it, and make returns 33125  
thereof to the board of elections forthwith on the forms to be 33126  
provided by the board. The provisions of Title XXXV of the Revised 33127  
Code relating to the accounting for and return of all ballots at 33128  
general elections apply to primary ballots. 33129

If there is any disagreement as to how a ballot should be 33130  
counted it shall be submitted to all of the judges. If three of 33131  
the judges do not agree as to how any part of the ballot shall be 33132  
counted, that part of such ballot which three of the judges do 33133  
agree shall be counted and a notation made upon the ballot 33134  
indicating what part has not been counted, and shall be placed in 33135  
an envelope provided for that purpose, marked "Disputed Ballots" 33136  
and returned to the board. ~~When the board has, by the adoption of~~ 33137

~~a resolution, provided that the officials at a party primary 33138  
election when only one party primary is to be held for the 33139  
nomination of candidates for municipal office, shall be two judges 33140  
and two clerks, the clerks shall be considered judges for the 33141  
purposes of this section. 33142~~

The board shall, on the day when the vote is canvassed, open 33143  
such sealed envelopes, determine what ballots and for whom they 33144  
should be counted, and proceed to count and tally the votes on 33145  
such ballots. 33146

**Sec. 3517.093.** (A) As used in this section: 33147

(1) "Family member of the holder of the state contract" means 33148  
both of the following: 33149

(a) The spouse of any person identified in division (A)(3) of 33150  
this section; 33151

(b) Any child seven years of age through seventeen years of 33152  
age of any person identified in division (A)(3) of this section. 33153

(2) "Holder of the public office with ultimate responsibility 33154  
for the award of the contract" means all of the following: 33155

(a) The governor and lieutenant governor, if the contract is 33156  
awarded by the office of the governor; 33157

(b) The governor, if the governor appoints a public officer 33158  
who is responsible for the award of the contract, whether or not 33159  
the appointment is subject to the advice and consent of the 33160  
senate; 33161

(c) The secretary of state, auditor of state, treasurer of 33162  
state, and attorney general, if the contract is awarded by the 33163  
respective office; 33164

(d) The president of the senate, if the contract is awarded 33165  
by the senate; 33166

(e) The speaker of the house of representatives, if the contract is awarded by the house of representatives.	33167 33168
(3) "Holder of the state contract" means any of the following:	33169 33170
(a) An individual who has been awarded a state contract;	33171
(b) Any partner or owner of a partnership or other unincorporated business that has been awarded a state contract;	33172 33173
(c) Any shareholder of an association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, that has been awarded a state contract;	33174 33175 33176
(d) Any administrator of an estate that has been awarded a state contract;	33177 33178
(e) Any executor of an estate that has been awarded a state contract;	33179 33180
(f) Any trustee of a trust that has been awarded a state contract;	33181 33182
(g) Any owner of more than twenty per cent of a corporation or business trust, except a professional association organized under Chapter 1785. of the Revised Code, that has been awarded a state contract.	33183 33184 33185 33186
(h) In the case of a collective bargaining agreement with a labor organization representing employees where the holder of the public office with ultimate responsibility for the award of the state contract is a state official, the labor organization.	33187 33188 33189 33190
(4) "State contract" means a contract awarded by <del>any agency or department of this state, the administrator of workers' compensation, or the employees of the bureau of workers' compensation</del> <u>the holder of the public office with ultimate responsibility for the award of the contract</u> for the purchase of goods costing more than five hundred dollars or services costing	33191 33192 33193 33194 33195 33196

more than five hundred dollars. 33197

For the purposes of division (A)(4) of this section,~~a~~: 33198

(a) A contract for the purchase of services includes 33199  
collective bargaining agreements with a labor organization 33200  
representing employees where the holder of the public office with 33201  
ultimate responsibility for the award of the agreement is a state 33202  
official. 33203

(b) A contract shall be considered to be a contract for the 33204  
purchase of goods or a contract for the purchase of services if 33205  
the contract constitutes a contract for the purchase of goods or a 33206  
contract for the purchase of services under the rules adopted by 33207  
the secretary of state under division (L)(1)(c) of section 3517.13 33208  
of the Revised Code. 33209

(5) "Electioneering communication" has the same meaning as in 33210  
section 3517.1011 of the Revised Code. 33211

(B) Beginning on the date a state contract is awarded and 33212  
extending until one year following the conclusion of that 33213  
contract, the holder of the public office with ultimate 33214  
responsibility for the award of the contract, that officeholder's 33215  
campaign committee, and any person acting on behalf of that 33216  
officeholder shall not solicit a contribution from or direct a 33217  
contribution by the holder of the state contract or a family 33218  
member of the holder of the state contract to any of the 33219  
following: 33220

(1) Any candidate or the campaign committee of any candidate; 33221

(2) A political party; 33222

(3) A ballot issue committee or a political action committee 33223  
or other entity the primary purpose of which is to support or 33224  
oppose any ballot issue or question that will be presented to 33225  
voters throughout the entire state; 33226

(4) A legislative campaign fund;	33227
(5) Any person that the holder of the public office knows or should know has done either of the following during the current calendar year or during the two previous calendar years:	33228 33229 33230
(a) Made a disbursement or disbursements for the direct costs of producing or airing electioneering communications;	33231 33232
(b) Made a disbursement or disbursements for the direct costs of producing or airing communications that, if made in Ohio, would constitute electioneering communications.	33233 33234 33235
(C) No candidate, campaign committee, political party, ballot issue committee, political action committee, legislative campaign fund, person, or other entity shall knowingly accept a contribution that is solicited or directed in violation of division (B) of this section.	33236 33237 33238 33239 33240
(D) Division (B) of this section does not apply to solicitations made by the holder of the public office with ultimate responsibility for the award of the contract, that officeholder's campaign committee, or any person acting on behalf of that officeholder for contributions to the officeholder's campaign committee.	33241 33242 33243 33244 33245 33246
(E)(1) Division (B) of this section does not apply to solicitations of contributions from or the directing of contributions by the holder of the state contract before the person became a partner or owner of the partnership or other unincorporated business, shareholder of the association, administrator of the estate, executor of the estate, trustee of the trust, or owner of more than twenty per cent of a corporation or business trust or after the person ceased to hold any of those positions.	33247 33248 33249 33250 33251 33252 33253 33254 33255
(2) Division (B) of this section does not apply to solicitations of contributions from or the directing of	33256 33257

contributions by a spouse of the holder of the state contract in	33258
any of the following circumstances:	33259
(a) Before the holder of the state contract became a partner	33260
or owner of the partnership or other unincorporated business,	33261
shareholder of the association, administrator of the estate,	33262
executor of the estate, trustee of the trust, or owner of more	33263
than twenty per cent of a corporation or business trust;	33264
(b) After the holder of the state contract ceased to be a	33265
partner or owner of the partnership or other unincorporated	33266
business, shareholder of the association, administrator of the	33267
estate, executor of the estate, trustee of the trust, or owner of	33268
more than twenty per cent of a corporation or business trust;	33269
(c) Before the two were married;	33270
(d) After the granting of a decree of divorce, dissolution of	33271
marriage, or annulment;	33272
(e) After the granting of an order in an action brought	33273
solely for legal separation.	33274
(3) Division (B) of this section does not apply to	33275
solicitations of contributions from or the directing of	33276
contributions by a child seven years of age through seventeen	33277
years of age of the holder of the state contract in either of the	33278
following circumstances:	33279
(a) Before the holder of the state contract became a partner	33280
or owner of the partnership or other unincorporated business,	33281
shareholder of the association, administrator of the estate,	33282
executor of the estate, trustee of the trust, or owner of more	33283
than twenty per cent of a corporation or business trust;	33284
(b) After the holder of the state contract ceased to be a	33285
partner or owner of the partnership or other unincorporated	33286
business, shareholder of the association, administrator of the	33287

estate, executor of the estate, trustee of the trust, or owner of 33288  
more than twenty per cent of a corporation or business trust. 33289

**Sec. 3517.106.** (A) As used in this section: 33290

(1) "Statewide office" means any of the offices of governor, 33291  
lieutenant governor, secretary of state, auditor of state, 33292  
treasurer of state, attorney general, chief justice of the supreme 33293  
court, and justice of the supreme court. 33294

(2) "Addendum to a statement" includes an amendment or other 33295  
correction to that statement. 33296

(B)(1) The secretary of state shall store on computer the 33297  
information contained in statements of contributions and 33298  
expenditures and monthly statements required to be filed under 33299  
section 3517.10 of the Revised Code and in statements of 33300  
independent expenditures required to be filed under section 33301  
3517.105 of the Revised Code by any of the following: 33302

(a) The campaign committees of candidates for statewide 33303  
office; 33304

(b) The political action committees and political 33305  
contributing entities described in division (A)(1) of section 33306  
3517.11 of the Revised Code; 33307

(c) Legislative campaign funds; 33308

(d) State political parties; 33309

(e) Individuals, partnerships, corporations, labor 33310  
organizations, or other entities that make independent 33311  
expenditures in support of or opposition to a statewide candidate 33312  
or a statewide ballot issue or question; 33313

(f) The campaign committees of candidates for the office of 33314  
member of the general assembly; 33315

(g) County political parties, with respect to their state 33316

candidate funds. 33317

(2) The secretary of state shall store on computer the 33318  
information contained in disclosure of electioneering 33319  
communications statements required to be filed under section 33320  
3517.1011 of the Revised Code. 33321

(3) The secretary of state shall store on computer the 33322  
information contained in deposit and disbursement statements 33323  
required to be filed with the office of the secretary of state 33324  
under section 3517.1012 of the Revised Code. 33325

(4) The secretary of state shall store on computer the gift 33326  
and disbursement information contained in statements required to 33327  
be filed with the office of the secretary of state under section 33328  
3517.1013 of the Revised Code. 33329

(C)(1) The secretary of state shall make available to the 33330  
campaign committees, political action committees, political 33331  
contributing entities, legislative campaign funds, political 33332  
parties, individuals, partnerships, corporations, labor 33333  
organizations, and other entities described in division (B) of 33334  
this section, and to members of the news media and other 33335  
interested persons, for a reasonable fee, computer programs that 33336  
are compatible with the secretary of state's method of storing the 33337  
information contained in the statements. 33338

(2) The secretary of state shall make the information 33339  
required to be stored under division (B) of this section available 33340  
on computer at the secretary of state's office so that, to the 33341  
maximum extent feasible, individuals may obtain at the secretary 33342  
of state's office any part or all of that information for any 33343  
given year, subject to the limitation expressed in division (D) of 33344  
this section. 33345

(D) The secretary of state shall keep the information stored 33346  
on computer under division (B) of this section for at least six 33347

years. 33348

(E)(1) Subject to division (L) of this section and subject to 33349  
the secretary of state having implemented, tested, and verified 33350  
the successful operation of any system the secretary of state 33351  
prescribes pursuant to division (H)(1) of this section and 33352  
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 33353  
Code for the filing of campaign finance statements by electronic 33354  
means of transmission, the campaign committee of each candidate 33355  
for statewide office may file the statements prescribed by section 33356  
3517.10 of the Revised Code by electronic means of transmission 33357  
or, if the total amount of the contributions received or the total 33358  
amount of the expenditures made by the campaign committee for the 33359  
applicable reporting period as specified in division (A) of 33360  
section 3517.10 of the Revised Code exceeds ten thousand dollars, 33361  
shall file those statements by electronic means of transmission. 33362

Except as otherwise provided in this division, within five 33363  
business days after a statement filed by a campaign committee of a 33364  
candidate for statewide office is received by the secretary of 33365  
state by electronic or other means of transmission, the secretary 33366  
of state shall make available online to the public through the 33367  
internet, as provided in division (I) of this section, the 33368  
contribution and expenditure information in that statement. The 33369  
secretary of state shall not make available online to the public 33370  
through the internet any contribution or expenditure information 33371  
contained in a statement for any candidate until the secretary of 33372  
state is able to make available online to the public through the 33373  
internet the contribution and expenditure information for all 33374  
candidates for a particular office, or until the applicable filing 33375  
deadline for that statement has passed, whichever is sooner. As 33376  
soon as the secretary of state has available all of the 33377  
contribution and expenditure information for all candidates for a 33378  
particular office, or as soon as the applicable filing deadline 33379

for a statement has passed, whichever is sooner, the secretary of 33380  
state shall simultaneously make available online to the public 33381  
through the internet the information for all candidates for that 33382  
office. 33383

If a statement filed by electronic means of transmission is 33384  
found to be incomplete or inaccurate after the examination of the 33385  
statement for completeness and accuracy pursuant to division 33386  
(B)(3)(a) of section 3517.11 of the Revised Code, the campaign 33387  
committee shall file by electronic means of transmission any 33388  
addendum to the statement that provides the information necessary 33389  
to complete or correct the statement or, if required by the 33390  
secretary of state under that division, an amended statement. 33391

Within five business days after the secretary of state 33392  
receives from a campaign committee of a candidate for statewide 33393  
office an addendum to the statement or an amended statement by 33394  
electronic or other means of transmission under this division or 33395  
division (B)(3)(a) of section 3517.11 of the Revised Code, the 33396  
secretary of state shall make the contribution and expenditure 33397  
information in the addendum or amended statement available online 33398  
to the public through the internet as provided in division (I) of 33399  
this section. 33400

(2) Subject to the secretary of state having implemented, 33401  
tested, and verified the successful operation of any system the 33402  
secretary of state prescribes pursuant to division (H)(1) of this 33403  
section and divisions (C)(6)(b) and (D)(6) of section 3517.10 of 33404  
the Revised Code for the filing of campaign finance statements by 33405  
electronic means of transmission, a political action committee and 33406  
a political contributing entity described in division (B)(1)(b) of 33407  
this section, a legislative campaign fund, and a state political 33408  
party may file the statements prescribed by section 3517.10 of the 33409  
Revised Code by electronic means of transmission or, if the total 33410  
amount of the contributions received or the total amount of the 33411

expenditures made by the political action committee, political 33412  
contributing entity, legislative campaign fund, or state political 33413  
party for the applicable reporting period as specified in division 33414  
(A) of section 3517.10 of the Revised Code exceeds ten thousand 33415  
dollars, shall file those statements by electronic means of 33416  
transmission. 33417

Within five business days after a statement filed by a 33418  
political action committee or a political contributing entity 33419  
described in division (B)(1)(b) of this section, a legislative 33420  
campaign fund, or a state political party is received by the 33421  
secretary of state by electronic or other means of transmission, 33422  
the secretary of state shall make available online to the public 33423  
through the internet, as provided in division (I) of this section, 33424  
the contribution and expenditure information in that statement. 33425

If a statement filed by electronic means of transmission is 33426  
found to be incomplete or inaccurate after the examination of the 33427  
statement for completeness and accuracy pursuant to division 33428  
(B)(3)(a) of section 3517.11 of the Revised Code, the political 33429  
action committee, political contributing entity, legislative 33430  
campaign fund, or state political party shall file by electronic 33431  
means of transmission any addendum to the statement that provides 33432  
the information necessary to complete or correct the statement or, 33433  
if required by the secretary of state under that division, an 33434  
amended statement. 33435

Within five business days after the secretary of state 33436  
receives from a political action committee or a political 33437  
contributing entity described in division (B)(1)(b) of this 33438  
section, a legislative campaign fund, or a state political party 33439  
an addendum to the statement or an amended statement by electronic 33440  
or other means of transmission under this division or division 33441  
(B)(3)(a) of section 3517.11 of the Revised Code, the secretary of 33442  
state shall make the contribution and expenditure information in 33443

the addendum or amended statement available online to the public 33444  
through the internet as provided in division (I) of this section. 33445

(3) Subject to the secretary of state having implemented, 33446  
tested, and verified the successful operation of any system the 33447  
secretary of state prescribes pursuant to division (H)(1) of this 33448  
section and divisions (C)(6)(b) and (D)(6) of section 3517.10 of 33449  
the Revised Code for the filing of campaign finance statements by 33450  
electronic means of transmission, a county political party shall 33451  
file the statements prescribed by section 3517.10 of the Revised 33452  
Code with respect to its state candidate fund by electronic means 33453  
of transmission to the office of the secretary of state. 33454

Within five business days after a statement filed by a county 33455  
political party with respect to its state candidate fund is 33456  
received by the secretary of state by electronic means of 33457  
transmission, the secretary of state shall make available online 33458  
to the public through the internet, as provided in division (I) of 33459  
this section, the contribution and expenditure information in that 33460  
statement. 33461

If a statement is found to be incomplete or inaccurate after 33462  
the examination of the statement for completeness and accuracy 33463  
pursuant to division (B)(3)(a) of section 3517.11 of the Revised 33464  
Code, a county political party shall file by electronic means of 33465  
transmission any addendum to the statement that provides the 33466  
information necessary to complete or correct the statement or, if 33467  
required by the secretary of state under that division, an amended 33468  
statement. 33469

Within five business days after the secretary of state 33470  
receives from a county political party an addendum to the 33471  
statement or an amended statement by electronic means of 33472  
transmission under this division or division (B)(3)(a) of section 33473  
3517.11 of the Revised Code, the secretary of state shall make the 33474  
contribution and expenditure information in the addendum or 33475

amended statement available online to the public through the 33476  
internet as provided in division (I) of this section. 33477

(F)(1) Subject to division (L) of this section and subject to 33478  
the secretary of state having implemented, tested, and verified 33479  
the successful operation of any system the secretary of state 33480  
prescribes pursuant to division (H)(1) of this section and 33481  
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 33482  
Code for the filing of campaign finance statements by electronic 33483  
means of transmission, a campaign committee of a candidate for the 33484  
office of member of the general assembly or a campaign committee 33485  
of a candidate for the office of judge of a court of appeals may 33486  
file the statements prescribed by section 3517.10 of the Revised 33487  
Code in accordance with division (A)(2) of section 3517.11 of the 33488  
Revised Code or by electronic means of transmission to the office 33489  
of the secretary of state or, if the total amount of the 33490  
contributions received by the campaign committee for the 33491  
applicable reporting period as specified in division (A) of 33492  
section 3517.10 of the Revised Code exceeds ten thousand dollars, 33493  
shall file those statements by electronic means of transmission to 33494  
the office of the secretary of state. 33495

Except as otherwise provided in this division, within five 33496  
business days after a statement filed by a campaign committee of a 33497  
candidate for the office of member of the general assembly or a 33498  
campaign committee of a candidate for the office of judge of a 33499  
court of appeals is received by the secretary of state by 33500  
electronic or other means of transmission, the secretary of state 33501  
shall make available online to the public through the internet, as 33502  
provided in division (I) of this section, the contribution and 33503  
expenditure information in that statement. The secretary of state 33504  
shall not make available online to the public through the internet 33505  
any contribution or expenditure information contained in a 33506  
statement for any candidate until the secretary of state is able 33507

to make available online to the public through the internet the 33508  
contribution and expenditure information for all candidates for a 33509  
particular office, or until the applicable filing deadline for 33510  
that statement has passed, whichever is sooner. As soon as the 33511  
secretary of state has available all of the contribution and 33512  
expenditure information for all candidates for a particular 33513  
office, or as soon as the applicable filing deadline for a 33514  
statement has passed, whichever is sooner, the secretary of state 33515  
shall simultaneously make available online to the public through 33516  
the internet the information for all candidates for that office. 33517

If a statement filed by electronic means of transmission is 33518  
found to be incomplete or inaccurate after the examination of the 33519  
statement for completeness and accuracy pursuant to division 33520  
(B)(3)(a) of section 3517.11 of the Revised Code, the campaign 33521  
committee shall file by electronic means of transmission to the 33522  
office of the secretary of state any addendum to the statement 33523  
that provides the information necessary to complete or correct the 33524  
statement or, if required by the secretary of state under that 33525  
division, an amended statement. 33526

Within five business days after the secretary of state 33527  
receives from a campaign committee of a candidate for the office 33528  
of member of the general assembly or a campaign committee of a 33529  
candidate for the office of judge of a court of appeals an 33530  
addendum to the statement or an amended statement by electronic or 33531  
other means of transmission under this division or division 33532  
(B)(3)(a) of section 3517.11 of the Revised Code, the secretary of 33533  
state shall make the contribution and expenditure information in 33534  
the addendum or amended statement available online to the public 33535  
through the internet as provided in division (I) of this section. 33536

(2) If a statement, addendum, or amended statement is not 33537  
filed by electronic means of transmission to the office of the 33538  
secretary of state but is filed by printed version only under 33539

division (A)(2) of section 3517.11 of the Revised Code with the 33540  
appropriate board of elections, the campaign committee of a 33541  
candidate for the office of member of the general assembly or a 33542  
campaign committee of a candidate for the office of judge of a 33543  
court of appeals shall file two copies of the printed version of 33544  
the statement, addendum, or amended statement with the board of 33545  
elections. The board of elections shall send one of those copies 33546  
by ~~overnight delivery service~~ certified mail to the secretary of 33547  
state before the close of business on the day the board of 33548  
elections receives the statement, addendum, or amended statement. 33549

(G) Subject to the secretary of state having implemented, 33550  
tested, and verified the successful operation of any system the 33551  
secretary of state prescribes pursuant to division (H)(1) of this 33552  
section and divisions (C)(6)(b) and (D)(6) of section 3517.10 of 33553  
the Revised Code for the filing of campaign finance statements by 33554  
electronic means of transmission, any individual, partnership, or 33555  
other entity that makes independent expenditures in support of or 33556  
opposition to a statewide candidate or a statewide ballot issue or 33557  
question as provided in division (B)(2)(b) or (C)(2)(b) of section 33558  
3517.105 of the Revised Code may file the statement specified in 33559  
that division by electronic means of transmission or, if the total 33560  
amount of independent expenditures made during the reporting 33561  
period under that division exceeds ten thousand dollars, shall 33562  
file the statement specified in that division by electronic means 33563  
of transmission. 33564

Within five business days after a statement filed by an 33565  
individual, partnership, or other entity is received by the 33566  
secretary of state by electronic or other means of transmission, 33567  
the secretary of state shall make available online to the public 33568  
through the internet, as provided in division (I) of this section, 33569  
the expenditure information in that statement. 33570

If a statement filed by electronic means of transmission is 33571

found to be incomplete or inaccurate after the examination of the 33572  
statement for completeness and accuracy pursuant to division 33573  
(B)(3)(a) of section 3517.11 of the Revised Code, the individual, 33574  
partnership, or other entity shall file by electronic means of 33575  
transmission any addendum to the statement that provides the 33576  
information necessary to complete or correct the statement or, if 33577  
required by the secretary of state under that division, an amended 33578  
statement. 33579

Within five business days after the secretary of state 33580  
receives from an individual, partnership, or other entity 33581  
described in division (B)(2)(b) or (C)(2)(b) of section 3517.105 33582  
of the Revised Code an addendum to the statement or an amended 33583  
statement by electronic or other means of transmission under this 33584  
division or division (B)(3)(a) of section 3517.11 of the Revised 33585  
Code, the secretary of state shall make the expenditure 33586  
information in the addendum or amended statement available online 33587  
to the public through the internet as provided in division (I) of 33588  
this section. 33589

(H)(1) The secretary of state, by rule adopted pursuant to 33590  
section 3517.23 of the Revised Code, shall prescribe one or more 33591  
techniques by which a person who executes and transmits by 33592  
electronic means a statement of contributions and expenditures, a 33593  
statement of independent expenditures, a disclosure of 33594  
electioneering communications statement, a deposit and 33595  
disbursement statement, or a gift and disbursement statement, an 33596  
addendum to any of those statements, an amended statement of 33597  
contributions and expenditures, an amended statement of 33598  
independent expenditures, an amended disclosure of electioneering 33599  
communications statement, an amended deposit and disbursement 33600  
statement, or an amended gift and disbursement statement, under 33601  
this section or section 3517.10, 3517.105, 3517.1011, 3517.1012, 33602  
or 3517.1013 of the Revised Code shall electronically sign the 33603

statement, addendum, or amended statement. Any technique 33604  
prescribed by the secretary of state pursuant to this division 33605  
shall create an electronic signature that satisfies all of the 33606  
following: 33607

(a) It is unique to the signer. 33608

(b) It objectively identifies the signer. 33609

(c) It involves the use of a signature device or other means 33610  
or method that is under the sole control of the signer and that 33611  
cannot be readily duplicated or compromised. 33612

(d) It is created and linked to the electronic record to 33613  
which it relates in a manner that, if the record or signature is 33614  
intentionally or unintentionally changed after signing, the 33615  
electronic signature is invalidated. 33616

(2) An electronic signature prescribed by the secretary of 33617  
state under division (H)(1) of this section shall be attached to 33618  
or associated with the statement of contributions and 33619  
expenditures, the statement of independent expenditures, the 33620  
disclosure of electioneering communications statement, the deposit 33621  
and disbursement statement, or the gift and disbursement 33622  
statement, the addendum to any of those statements, the amended 33623  
statement of contributions and expenditures, the amended statement 33624  
of independent expenditures, the amended disclosure of 33625  
electioneering communications statement, the amended deposit and 33626  
disbursement statement, or the amended gift and disbursement 33627  
statement that is executed and transmitted by electronic means by 33628  
the person to whom the electronic signature is attributed. The 33629  
electronic signature that is attached to or associated with the 33630  
statement, addendum, or amended statement under this division 33631  
shall be binding on all persons and for all purposes under the 33632  
campaign finance reporting law as if the signature had been 33633  
handwritten in ink on a printed form. 33634

(I) The secretary of state shall make the contribution and expenditure, the contribution and disbursement, the deposit and disbursement, or the gift and disbursement information in all statements, all addenda to the statements, and all amended statements that are filed with the secretary of state by electronic or other means of transmission under this section or section 3517.10, 3517.105, 3517.1011, 3517.1012, 3517.1013, or 3517.11 of the Revised Code available online to the public by any means that are searchable, viewable, and accessible through the internet.

(J)(1) As used in this division, "library" means a library that is open to the public and that is one of the following:

(a) A library that is maintained and regulated under section 715.13 of the Revised Code;

(b) A library that is created, maintained, and regulated under Chapter 3375. of the Revised Code.

(2) The secretary of state shall notify all libraries of the location on the internet at which the contribution and expenditure, contribution and disbursement, deposit and disbursement, or gift and disbursement information in campaign finance statements required to be made available online to the public through the internet pursuant to division (I) of this section may be accessed.

If that location is part of the world wide web and if the secretary of state has notified a library of that world wide web location as required by this division, the library shall include a link to that world wide web location on each internet-connected computer it maintains that is accessible to the public.

(3) If the system the secretary of state prescribes for the filing of campaign finance statements by electronic means of transmission pursuant to division (H)(1) of this section and

divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised Code includes filing those statements through the internet via the world wide web, the secretary of state shall notify all libraries of the world wide web location at which those statements may be filed.

If those statements may be filed through the internet via the world wide web and if the secretary of state has notified a library of that world wide web location as required by this division, the library shall include a link to that world wide web location on each internet-connected computer it maintains that is accessible to the public.

(K) It is an affirmative defense to a complaint or charge brought against any campaign committee, political action committee, political contributing entity, legislative campaign fund, or political party, any individual, partnership, or other entity, or any person making disbursements to pay the direct costs of producing or airing electioneering communications, for the failure to file by electronic means of transmission a campaign finance statement as required by this section or section 3517.10, 3517.105, 3517.1011, 3517.1012, or 3517.1013 of the Revised Code that all of the following apply to the campaign committee, political action committee, political contributing entity, legislative campaign fund, or political party, the individual, partnership, or other entity, or the person making disbursements to pay the direct costs of producing or airing electioneering communications, that failed to so file:

(1) The campaign committee, political action committee, political contributing entity, legislative campaign fund, or political party, the individual, partnership, or other entity, or the person making disbursements to pay the direct costs of producing or airing electioneering communications attempted to file by electronic means of transmission the required statement

prior to the deadline set forth in the applicable section. 33698

(2) The campaign committee, political action committee, 33699  
political contributing entity, legislative campaign fund, or 33700  
political party, the individual, partnership, or other entity, or 33701  
the person making disbursements to pay the direct costs of 33702  
producing or airing electioneering communications was unable to 33703  
file by electronic means of transmission due to an expected or 33704  
unexpected shutdown of the whole or part of the electronic 33705  
campaign finance statement-filing system, such as for maintenance 33706  
or because of hardware, software, or network connection failure. 33707

(3) The campaign committee, political action committee, 33708  
political contributing entity, legislative campaign fund, or 33709  
political party, the individual, partnership, or other entity, or 33710  
the person making disbursements to pay the direct costs of 33711  
producing or airing electioneering communications filed by 33712  
electronic means of transmission the required statement within a 33713  
reasonable period of time after being unable to so file it under 33714  
the circumstance described in division (K)(2) of this section. 33715

(L)(1) The secretary of state shall adopt rules pursuant to 33716  
Chapter 119. of the Revised Code to permit a campaign committee of 33717  
a candidate for statewide office that makes expenditures of less 33718  
than twenty-five thousand dollars during the filing period or a 33719  
campaign committee for the office of member of the general 33720  
assembly or the office of judge of a court of appeals that would 33721  
otherwise be required to file campaign finance statements by 33722  
electronic means of transmission under division (E) or (F) of this 33723  
section to file those statements by paper with the office of the 33724  
secretary of state. Those rules shall provide for all of the 33725  
following: 33726

(a) An eligible campaign committee that wishes to file a 33727  
campaign finance statement by paper instead of by electronic means 33728  
of transmission shall file the statement on paper with the office 33729

of the secretary of state not sooner than twenty-four hours after 33730  
the end of the filing period set forth in section 3517.10 of the 33731  
Revised Code that is covered by the applicable statement. 33732

(b) The statement shall be accompanied by a fee, the amount 33733  
of which the secretary of state shall determine by rule. The 33734  
amount of the fee established under this division shall not exceed 33735  
the data entry and data verification costs the secretary of state 33736  
will incur to convert the information on the statement to an 33737  
electronic format as required under division (I) of this section. 33738

(c) The secretary of state shall arrange for the information 33739  
in campaign finance statements filed pursuant to division (L) of 33740  
this section to be made available online to the public through the 33741  
internet in the same manner, and at the same times, as information 33742  
is made available under divisions (E), (F), and (I) of this 33743  
section for candidates whose campaign committees file those 33744  
statements by electronic means of transmission. 33745

(d) The candidate of an eligible campaign committee that 33746  
intends to file a campaign finance statement pursuant to division 33747  
(L) of this section shall file a notice indicating that the 33748  
candidate's campaign committee intends to so file and stating that 33749  
filing the statement by electronic means of transmission would 33750  
constitute a hardship for the candidate or for the eligible 33751  
campaign committee. 33752

(e) An eligible campaign committee that files a campaign 33753  
finance statement on paper pursuant to division (L) of this 33754  
section shall review the contribution and information made 33755  
available online by the secretary of state with respect to that 33756  
paper filing and shall notify the secretary of state of any errors 33757  
with respect to that filing that appear in the data made available 33758  
on that web site. 33759

(f) If an eligible campaign committee whose candidate has 33760

filed a notice in accordance with rules adopted under division 33761  
(L)(1)(d) of this section subsequently fails to file that 33762  
statement on paper by the applicable deadline established in rules 33763  
adopted under division (L)(1)(a) of this section, penalties for 33764  
the late filing of the campaign finance statement shall apply to 33765  
that campaign committee for each day after that paper filing 33766  
deadline, as if the campaign committee had filed the statement 33767  
after the applicable deadline set forth in division (A) of section 33768  
3517.10 of the Revised Code. 33769

(2) The process for permitting campaign committees that would 33770  
otherwise be required to file campaign finance statements by 33771  
electronic means of transmission to file those statements on paper 33772  
with the office of the secretary of state that is required to be 33773  
developed under division (L)(1) of this section shall be in effect 33774  
and available for use by eligible campaign committees for all 33775  
campaign finance statements that are required to be filed on or 33776  
after June 30, 2005. Notwithstanding any provision of the Revised 33777  
Code to the contrary, if the process the secretary of state is 33778  
required to develop under division (L)(1) of this section is not 33779  
in effect and available for use on and after June 30, 2005, all 33780  
penalties for the failure of campaign committees to file campaign 33781  
finance statements by electronic means of transmission shall be 33782  
suspended until such time as that process is in effect and 33783  
available for use. 33784

(3) Notwithstanding any provision of the Revised Code to the 33785  
contrary, any eligible campaign committee that files campaign 33786  
finance statements on paper with the office of the secretary of 33787  
state pursuant to division (L)(1) of this section shall be deemed 33788  
to have filed those campaign finance statements by electronic 33789  
means of transmission to the office of the secretary of state. 33790

**Sec. 3517.11.** (A)(1) Campaign committees of candidates for 33791

statewide office or the state board of education, political action 33792  
committees or political contributing entities that make 33793  
contributions to campaign committees of candidates that are 33794  
required to file the statements prescribed by section 3517.10 of 33795  
the Revised Code with the secretary of state, political action 33796  
committees or political contributing entities that make 33797  
contributions to campaign committees of candidates for member of 33798  
the general assembly, political action committees or political 33799  
contributing entities that make contributions to state and 33800  
national political parties and to legislative campaign funds, 33801  
political action committees or political contributing entities 33802  
that receive contributions or make expenditures in connection with 33803  
a statewide ballot issue, political action committees or political 33804  
contributing entities that make contributions to other political 33805  
action committees or political contributing entities, political 33806  
parties, and campaign committees, except as set forth in division 33807  
(A)(3) of this section, legislative campaign funds, and state and 33808  
national political parties shall file the statements prescribed by 33809  
section 3517.10 of the Revised Code with the secretary of state. 33810

(2)(a) Except as otherwise provided in division (F) of 33811  
section 3517.106 of the Revised Code, campaign committees of 33812  
candidates for all other offices shall file the statements 33813  
prescribed by section 3517.10 of the Revised Code with the board 33814  
of elections where their candidates are required to file their 33815  
petitions or other papers for nomination or election. 33816

(b) A campaign committee of a candidate for office of member 33817  
of the general assembly or a campaign committee of a candidate for 33818  
the office of judge of a court of appeals shall file two copies of 33819  
the printed version of any statement, addendum, or amended 33820  
statement if the committee does not file pursuant to division 33821  
(F)(1) or (L) of section 3517.106 of the Revised Code but files by 33822  
printed version only with the appropriate board of elections. The 33823

board of elections shall send one of those copies by ~~overnight~~ 33824  
~~delivery service~~ certified mail to the secretary of state before 33825  
the close of business on the day the board of elections receives 33826  
the statement, addendum, or amended statement. 33827

(3) Political action committees or political contributing 33828  
entities that only contribute to a county political party, 33829  
contribute to campaign committees of candidates whose nomination 33830  
or election is to be submitted only to electors within a county, 33831  
subdivision, or district, excluding candidates for member of the 33832  
general assembly, and receive contributions or make expenditures 33833  
in connection with ballot questions or issues to be submitted only 33834  
to electors within a county, subdivision, or district shall file 33835  
the statements prescribed by section 3517.10 of the Revised Code 33836  
with the board of elections in that county or in the county 33837  
contained in whole or part within the subdivision or district 33838  
having a population greater than that of any other county 33839  
contained in whole or part within that subdivision or district, as 33840  
the case may be. 33841

(4) Except as otherwise provided in division (E)(3) of 33842  
section 3517.106 of the Revised Code with respect to state 33843  
candidate funds, county political parties shall file the 33844  
statements prescribed by section 3517.10 of the Revised Code with 33845  
the board of elections of their respective counties. 33846

(B)(1) The official with whom petitions and other papers for 33847  
nomination or election to public office are filed shall furnish 33848  
each candidate at the time of that filing a copy of sections 33849  
3517.01, 3517.08 to 3517.11, 3517.13 to 3517.993, 3599.03, and 33850  
3599.031 of the Revised Code and any other materials that the 33851  
secretary of state may require. Each candidate receiving the 33852  
materials shall acknowledge their receipt in writing. 33853

(2) On or before the tenth day before the dates on which 33854  
statements are required to be filed by section 3517.10 of the 33855

Revised Code, every candidate subject to the provisions of this 33856  
section and sections 3517.10 and 3517.106 of the Revised Code 33857  
shall be notified of the requirements and applicable penalties of 33858  
those sections. The secretary of state, by certified mail, return 33859  
receipt requested, shall notify all candidates required to file 33860  
those statements with the secretary of state's office. The board 33861  
of elections of every county shall notify by first class mail any 33862  
candidate who has personally appeared at the office of the board 33863  
on or before the tenth day before the statements are required to 33864  
be filed and signed a form, to be provided by the secretary of 33865  
state, attesting that the candidate has been notified of the 33866  
candidate's obligations under the campaign finance law. The board 33867  
shall forward the completed form to the secretary of state. The 33868  
board shall use certified mail, return receipt requested, to 33869  
notify all other candidates required to file those statements with 33870  
it. 33871

(3)(a) Any statement required to be filed under sections 33872  
3517.081 to 3517.17 of the Revised Code that is found to be 33873  
incomplete or inaccurate by the officer to whom it is submitted 33874  
shall be accepted on a conditional basis, and the person who filed 33875  
it shall be notified by certified mail as to the incomplete or 33876  
inaccurate nature of the statement. The secretary of state may 33877  
examine statements filed for candidates for the office of member 33878  
of the general assembly and candidates for the office of judge of 33879  
a court of appeals for completeness and accuracy. The secretary of 33880  
state shall examine for completeness and accuracy statements that 33881  
campaign committees of candidates for the office of member of the 33882  
general assembly and campaign committees of candidates for the 33883  
office of judge of a court of appeals file pursuant to division 33884  
(F) or (L) of section 3517.106 of the Revised Code. If an officer 33885  
at the board of elections where a statement filed for a candidate 33886  
for the office of member of the general assembly or for a 33887  
candidate for the office of judge of a court of appeals was 33888

submitted finds the statement to be incomplete or inaccurate, the 33889  
officer shall immediately notify the secretary of state of its 33890  
incomplete or inaccurate nature. If either an officer at the board 33891  
of elections or the secretary of state finds a statement filed for 33892  
a candidate for the office of member of the general assembly or 33893  
for a candidate for the office of judge of a court of appeals to 33894  
be incomplete or inaccurate, only the secretary of state shall 33895  
send the notification as to the incomplete or inaccurate nature of 33896  
the statement. 33897

Within twenty-one days after receipt of the notice, in the 33898  
case of a pre-election statement, a postelection statement, a 33899  
monthly statement, an annual statement, or a semiannual statement 33900  
prescribed by section 3517.10, an annual statement prescribed by 33901  
section 3517.101, or a statement prescribed by division (B)(2)(b) 33902  
or (C)(2)(b) of section 3517.105 or section 3517.107 of the 33903  
Revised Code, the recipient shall file an addendum, amendment, or 33904  
other correction to the statement providing the information 33905  
necessary to complete or correct the statement. The secretary of 33906  
state may require that, in lieu of filing an addendum, amendment, 33907  
or other correction to a statement that is filed by electronic 33908  
means of transmission to the office of the secretary of state 33909  
pursuant to section 3517.106 of the Revised Code, the recipient of 33910  
the notice described in this division file by electronic means of 33911  
transmission an amended statement that incorporates the 33912  
information necessary to complete or correct the statement. 33913

The secretary of state shall determine by rule when an 33914  
addendum, amendment, or other correction to any of the following 33915  
or when an amended statement of any of the following shall be 33916  
filed: 33917

(i) A two-business-day statement prescribed by section 33918  
3517.10 of the Revised Code; 33919

(ii) A disclosure of electioneering communications statement 33920

prescribed by division (D) of section 3517.1011 of the Revised Code; 33921  
33922

(iii) A deposit and disbursement statement prescribed under 33923  
division (B) of section 3517.1012 of the Revised Code; 33924

(iv) A gift and disbursement statement prescribed under 33925  
section 3517.1013 of the Revised Code. 33926

An addendum, amendment, or other correction to a statement 33927  
that is filed by electronic means of transmission pursuant to 33928  
section 3517.106 of the Revised Code shall be filed in the same 33929  
manner as the statement. 33930

The provisions of sections 3517.10, 3517.106, 3517.1011, 33931  
3517.1012, and 3517.1013 of the Revised Code pertaining to the 33932  
filing of statements of contributions and expenditures, statements 33933  
of independent expenditures, disclosure of electioneering 33934  
communications statements, deposit and disbursement statements, 33935  
and gift and disbursement statements by electronic means of 33936  
transmission apply to the filing of addenda, amendments, or other 33937  
corrections to those statements by electronic means of 33938  
transmission and the filing of amended statements by electronic 33939  
means of transmission. 33940

(b) Within five business days after the secretary of state 33941  
receives, by electronic or other means of transmission, an 33942  
addendum, amendment, or other correction to a statement or an 33943  
amended statement under division (B)(3)(a) of this section, the 33944  
secretary of state, pursuant to divisions (E), (F), (G), and (I) 33945  
of section 3517.106 or division (D) of section 3517.1011 of the 33946  
Revised Code, shall make the contribution and expenditure, 33947  
contribution and disbursement, deposit and disbursement, or gift 33948  
and disbursement information in that addendum, amendment, 33949  
correction, or amended statement available online to the public 33950  
through the internet. 33951

(4)(a) The secretary of state or the board of elections shall 33952  
examine all statements for compliance with sections 3517.08 to 33953  
3517.17 of the Revised Code. 33954

(b) The secretary of state may contract with an individual or 33955  
entity not associated with the secretary of state and experienced 33956  
in interpreting the campaign finance law of this state to conduct 33957  
examinations of statements filed by any statewide candidate, as 33958  
defined in section 3517.103 of the Revised Code. 33959

(c) The examination shall be conducted by a person or entity 33960  
qualified to conduct it. The results of the examination shall be 33961  
available to the public, and, when the examination is conducted by 33962  
an individual or entity not associated with the secretary of 33963  
state, the results of the examination shall be reported to the 33964  
secretary of state. 33965

(C)(1) In the event of a failure to file or a late filing of 33966  
a statement required to be filed under sections 3517.081 to 33967  
3517.17 of the Revised Code, or if a filed statement or any 33968  
addendum, amendment, or other correction to a statement or any 33969  
amended statement, if an addendum, amendment, or other correction 33970  
or an amended statement is required to be filed, is incomplete or 33971  
inaccurate or appears to disclose a failure to comply with or a 33972  
violation of law, the official whose duty it is to examine the 33973  
statement shall promptly file a complaint with the Ohio elections 33974  
commission under section 3517.153 of the Revised Code if the law 33975  
is one over which the commission has jurisdiction to hear 33976  
complaints, or the official shall promptly report the failure or 33977  
violation to the board of elections and the board shall promptly 33978  
report it to the prosecuting attorney in accordance with division 33979  
(J) of section 3501.11 of the Revised Code. If the official files 33980  
a complaint with the commission, the commission shall proceed in 33981  
accordance with sections 3517.154 to 3517.157 of the Revised Code. 33982

(2) For purposes of division (C)(1) of this section, a 33983

statement or an addendum, amendment, or other correction to a 33984  
statement or an amended statement required to be filed under 33985  
sections 3517.081 to 3517.17 of the Revised Code is incomplete or 33986  
inaccurate under this section if the statement, addendum, 33987  
amendment, other correction, or amended statement fails to 33988  
disclose substantially all contributions or gifts that are 33989  
received or deposits that are made that are required to be 33990  
reported under sections 3517.10, 3517.107, 3517.108, 3517.1011, 33991  
3517.1012, and 3517.1013 of the Revised Code or if the statement, 33992  
addendum, amendment, other correction, or amended statement fails 33993  
to disclose at least ninety per cent of the total contributions or 33994  
gifts received or deposits made or of the total expenditures or 33995  
disbursements made during the reporting period. 33996

(D) No certificate of nomination or election shall be issued 33997  
to a person, and no person elected to an office shall enter upon 33998  
the performance of the duties of that office, until that person or 33999  
that person's campaign committee, as appropriate, has fully 34000  
complied with this section and sections 3517.08, 3517.081, 34001  
3517.10, and 3517.13 of the Revised Code. 34002

**Sec. 3517.13.** (A)(1) No campaign committee of a statewide 34003  
candidate shall fail to file a complete and accurate statement 34004  
required under division (A)(1) of section 3517.10 of the Revised 34005  
Code. 34006

(2) No campaign committee of a statewide candidate shall fail 34007  
to file a complete and accurate monthly statement, and no campaign 34008  
committee of a statewide candidate or a candidate for the office 34009  
of chief justice or justice of the supreme court shall fail to 34010  
file a complete and accurate two-business-day statement, as 34011  
required under section 3517.10 of the Revised Code. 34012

As used in this division, "statewide candidate" has the same 34013  
meaning as in division (F)(2) of section 3517.10 of the Revised 34014

Code.	34015
(B) No campaign committee shall fail to file a complete and accurate statement required under division (A)(1) of section 3517.10 of the Revised Code.	34016 34017 34018
(C) No campaign committee shall fail to file a complete and accurate statement required under division (A)(2) of section 3517.10 of the Revised Code.	34019 34020 34021
(D) No campaign committee shall fail to file a complete and accurate statement required under division (A)(3) or (4) of section 3517.10 of the Revised Code.	34022 34023 34024
(E) No person other than a campaign committee shall knowingly fail to file a statement required under section 3517.10 or 3517.107 of the Revised Code.	34025 34026 34027
(F) No person shall make cash contributions to any person totaling more than one hundred dollars in each primary, special, or general election.	34028 34029 34030
(G)(1) No person shall knowingly conceal or misrepresent contributions given or received, expenditures made, or any other information required to be reported by a provision in sections 3517.08 to 3517.13 and 3517.17 of the Revised Code.	34031 34032 34033 34034
(2)(a) No person shall make a contribution to a campaign committee, political action committee, political contributing entity, legislative campaign fund, political party, or person making disbursements to pay the direct costs of producing or airing electioneering communications in the name of another person.	34035 34036 34037 34038 34039 34040
(b) A person does not make a contribution in the name of another when either of the following applies:	34041 34042
(i) An individual makes a contribution from a partnership or other unincorporated business account, if the contribution is	34043 34044

reported by listing both the name of the partnership or other 34045  
unincorporated business and the name of the partner or owner 34046  
making the contribution as required under division (I) of section 34047  
3517.10 of the Revised Code. 34048

(ii) A person makes a contribution in that person's spouse's 34049  
name or in both of their names. 34050

(H) No person within this state, publishing a newspaper or 34051  
other periodical, shall charge a campaign committee for political 34052  
advertising a rate in excess of the rate such person would charge 34053  
if the campaign committee were a general rate advertiser whose 34054  
advertising was directed to promoting its business within the same 34055  
area as that encompassed by the particular office that the 34056  
candidate of the campaign committee is seeking. The rate shall 34057  
take into account the amount of space used, as well as the type of 34058  
advertising copy submitted by or on behalf of the campaign 34059  
committee. All discount privileges otherwise offered by a 34060  
newspaper or periodical to general rate advertisers shall be 34061  
available upon equal terms to all campaign committees. 34062

No person within this state, operating a radio or television 34063  
station or network of stations in this state, shall charge a 34064  
campaign committee for political broadcasts a rate that exceeds: 34065

(1) During the forty-five days preceding the date of a 34066  
primary election and during the sixty days preceding the date of a 34067  
general or special election in which the candidate of the campaign 34068  
committee is seeking office, the lowest unit charge of the station 34069  
for the same class and amount of time for the same period; 34070

(2) At any other time, the charges made for comparable use of 34071  
that station by its other users. 34072

(I)(1)(a) Subject to divisions (K), (L), (M), and (N) of this 34073  
section, no agency or department of this state ~~or any political~~ 34074  
~~subdivision~~ shall award any contract for the purchase of goods 34075

costing more than five hundred dollars or services costing more 34076  
than five hundred dollars, and no political subdivision shall 34077  
award any contract for the purchase of goods with a cost 34078  
aggregating more than ten thousand dollars in a calendar year or 34079  
services with a cost aggregating more than ten thousand dollars in 34080  
a calendar year, to any individual, partnership or other 34081  
unincorporated business, association, including, without 34082  
limitation, a professional association organized under Chapter 34083  
1785. of the Revised Code, estate, or trust if any of the 34084  
following has made, as an individual, within the ~~two~~ previous 34085  
~~calendar years~~ twenty-four months, one or more contributions 34086  
totaling in excess of one thousand dollars to the holder of the 34087  
public office having ultimate responsibility for the award of the 34088  
contract or to the public officer's campaign committee: 34089

(i) The individual; 34090

(ii) Any partner or owner of the partnership or other 34091  
unincorporated business; 34092

(iii) Any shareholder of the association; 34093

(iv) Any administrator of the estate; 34094

(v) Any executor of the estate; 34095

(vi) Any trustee of the trust; 34096

(vii) The spouse of any person identified in divisions 34097  
(I)(1)(a)(i) to (vi) of this section; 34098

(viii) Any child seven years of age through seventeen years 34099  
of age of any person identified in divisions (I)(1)(a)(i) to (vi) 34100  
of this section. 34101

(b) Subject to divisions (K), (L), (M), and (N) of this 34102  
section, no agency or department of this state ~~or any political~~ 34103  
~~subdivision~~ shall award any contract for the purchase of goods 34104  
costing more than five hundred dollars or services costing more 34105

than five hundred dollars, and no political subdivision shall 34106  
award any contract for the purchase of goods with a cost 34107  
aggregating more than ten thousand dollars in a calendar year or 34108  
services with a cost aggregating more than ten thousand dollars in 34109  
a calendar year, to any individual, partnership or other 34110  
unincorporated business, association, including, without 34111  
limitation, a professional association organized under Chapter 34112  
1785. of the Revised Code, estate, or trust if any combination of 34113  
the following has made, within the ~~two previous calendar years~~ 34114  
twenty-four months, one or more contributions totaling in excess 34115  
of two thousand dollars to the holder of the public office having 34116  
ultimate responsibility for the award of the contract or to the 34117  
public officer's campaign committee: 34118

(i) The individual; 34119

(ii) Any partner or owner of the partnership or other 34120  
unincorporated business; 34121

(iii) Any shareholder of the association; 34122

(iv) Any administrator of the estate; 34123

(v) Any executor of the estate; 34124

(vi) Any trustee of the trust; 34125

(vii) The spouse of any person identified in divisions 34126  
(I)(1)(b)(i) to (vi) of this section; 34127

(viii) Any child seven years of age through seventeen years 34128  
of age of any person identified in divisions (I)(1)(b)(i) to (vi) 34129  
of this section; 34130

(ix) Any political action committee affiliated with the 34131  
partnership or other unincorporated business, association, estate, 34132  
or trust. 34133

(2)(a) Subject to divisions (K), (L), (M), and (N) of this 34134  
section, if any agency or department of this state ~~or any~~ 34135

~~political subdivision~~ has awarded a contract for the purchase of 34136  
goods costing more than five hundred dollars or services costing 34137  
more than five hundred dollars, or if any political subdivision 34138  
has awarded a contract for the purchase of goods with a cost 34139  
aggregating more than ten thousand dollars in a calendar year or 34140  
services with a cost aggregating more than ten thousand dollars in 34141  
a calendar year, to any individual, partnership or other 34142  
unincorporated business, association, including, without 34143  
limitation, a professional association organized under Chapter 34144  
1785. of the Revised Code, estate, or trust, none of the following 34145  
shall, beginning on the date the contract is awarded and extending 34146  
until one year following the conclusion of that contract, make one 34147  
or more contributions totaling in excess of one thousand dollars 34148  
to the holder of the public office having ultimate responsibility 34149  
for the award of that contract: 34150

- (i) The individual; 34151
- (ii) Any partner or owner of the partnership or other 34152  
unincorporated business; 34153
- (iii) Any shareholder of the association; 34154
- (iv) Any administrator of the estate; 34155
- (v) Any executor of the estate; 34156
- (vi) Any trustee of the trust; 34157
- (vii) The spouse of any person identified in divisions 34158  
(I)(2)(a)(i) to (vi) of this section; 34159
- (viii) Any child seven years of age through seventeen years 34160  
of age of any person identified in divisions (I)(2)(a)(i) to (vi) 34161  
of this section. 34162

(b) Subject to divisions (K), (L), (M), and (N) of this 34163  
section, if any agency or department of this state ~~or any~~ 34164  
~~political subdivision~~ has awarded a contract for the purchase of 34165

goods costing more than five hundred dollars or services costing	34166
more than five hundred dollars, <u>or if any political subdivision</u>	34167
<u>has awarded a contract for the purchase of goods with a cost</u>	34168
<u>aggregating more than ten thousand dollars in a calendar year or</u>	34169
<u>services with a cost aggregating more than ten thousand dollars in</u>	34170
<u>a calendar year,</u> to any individual, partnership or other	34171
unincorporated business, association, including, without	34172
limitation, a professional association organized under Chapter	34173
1785. of the Revised Code, estate, or trust, no combination of any	34174
of the following shall, beginning on the date the contract is	34175
awarded and extending until one year following the conclusion of	34176
that contract, make one or more contributions totaling in excess	34177
of two thousand dollars to the holder of the public office having	34178
ultimate responsibility for the award of that contract:	34179
(i) The individual;	34180
(ii) Any partner or owner of the partnership or other	34181
unincorporated business;	34182
(iii) Any shareholder of the association;	34183
(iv) Any administrator of the estate;	34184
(v) Any executor of the estate;	34185
(vi) Any trustee of the trust;	34186
(vii) The spouse of any person identified in divisions	34187
(I)(2)(b)(i) to (vi) of this section;	34188
(viii) Any child seven years of age through seventeen years	34189
of age of any person identified in divisions (I)(2)(b)(i) to (vi)	34190
of this section;	34191
(ix) Any political action committee affiliated with the	34192
partnership or other unincorporated business, association, estate,	34193
or trust.	34194
(3) Subject to divisions (L), (M), and (N) of this section,	34195

no agency or department of this state ~~or any political subdivision~~ 34196  
shall enter into any contract for the purchase of goods costing 34197  
more than five hundred dollars or services costing more than five 34198  
hundred dollars, and no political subdivision shall enter into any 34199  
contract for the purchase of goods with a cost aggregating more 34200  
than ten thousand dollars in a calendar year or services with a 34201  
cost aggregating more than ten thousand dollars in a calendar 34202  
year, with an individual, partnership or other unincorporated 34203  
business, association, including, without limitation, a 34204  
professional association organized under Chapter 1785. of the 34205  
Revised Code, estate, or trust unless the agency, department, or 34206  
political subdivision has received for that calendar year, or the 34207  
contract includes, a certification by the individual, partnership 34208  
or other unincorporated business, association, estate, or trust 34209  
that all of the following persons, if applicable, are in 34210  
compliance with division (I)(1) of this section: 34211

- (a) The individual; 34212
- (b) Each partner or owner of the partnership or other 34213  
unincorporated business; 34214
- (c) Each shareholder of the association; 34215
- (d) Each administrator of the estate; 34216
- (e) Each executor of the estate; 34217
- (f) Each trustee of the trust; 34218
- (g) Each spouse of any person identified in divisions 34219  
(I)(3)(a) to (f) of this section; 34220
- (h) Each child seven years of age to seventeen years of age 34221  
of any person identified in divisions (I)(3)(a) to (f) of this 34222  
section; 34223
- (i) Any combination of persons identified in divisions 34224  
(I)(3)(a) to (h) of this section. 34225

(4)(a) Subject to divisions (K), (L), (M), and (N) of this section, no agency or department of this state ~~or any political subdivision~~ shall award any contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars, and no political subdivision shall award any contract for the purchase of goods with a cost aggregating more than ten thousand dollars in a calendar year or services with a cost aggregating more than ten thousand dollars in a calendar year, to any partnership or other unincorporated business, association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, estate, or trust if a political action committee that is affiliated with the partnership or other unincorporated business, association, estate, or trust has made, within the ~~two~~ previous ~~calendar years~~ twenty-four months, one or more contributions totaling in excess of two thousand dollars to the holder of the public office having ultimate responsibility for the award of the contract or to the public officer's campaign committee.

(b) Subject to divisions (K), (L), (M), and (N) of this section, if any agency or department of this state ~~or any political subdivision~~ has awarded any contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars, or if any political subdivision has awarded a contract for the purchase of goods with a cost aggregating more than ten thousand dollars in a calendar year or services with a cost aggregating more than ten thousand dollars in a calendar year, to any partnership or other unincorporated business, association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, estate, or trust, no political action committee that is affiliated with the partnership or other unincorporated business, association, estate, or trust shall, beginning on the

date the contract is awarded and extending until one year 34259  
following the conclusion of that contract, make one or more 34260  
contributions totaling in excess of two thousand dollars to the 34261  
holder of the public office having ultimate responsibility for the 34262  
award of the contract or to the public officer's campaign 34263  
committee. 34264

(J)(1)(a) Subject to divisions (K), (L), (M), and (N) of this 34265  
section, no agency or department of this state ~~or any political~~ 34266  
~~subdivision~~ shall award any contract for the purchase of goods 34267  
costing more than five hundred dollars or services costing more 34268  
than five hundred dollars, and no political subdivision shall 34269  
award any contract for the purchase of goods with a cost 34270  
aggregating more than ten thousand dollars in a calendar year or 34271  
services with a cost aggregating more than ten thousand dollars in 34272  
a calendar year, to a corporation or business trust, except a 34273  
professional association organized under Chapter 1785. of the 34274  
Revised Code, if any of the following has made, as an individual, 34275  
within the ~~two previous calendar years~~ twenty-four months, taking 34276  
into consideration only owners for all of that period, one or more 34277  
contributions totaling in excess of one thousand dollars to the 34278  
holder of a public office having ultimate responsibility for the 34279  
award of the contract or to the public officer's campaign 34280  
committee: 34281

(i) An owner of more than twenty per cent of the corporation 34282  
or business trust; 34283

(ii) A spouse of an owner of more than twenty per cent of the 34284  
corporation or business trust; 34285

(iii) A child seven years of age through seventeen years of 34286  
age of an owner of more than twenty per cent of the corporation or 34287  
business trust. 34288

(b) Subject to divisions (K), (L), (M), and (N) of this 34289

section, no agency or department of this state ~~or any political~~ 34290  
~~subdivision~~ shall award any contract for the purchase of goods 34291  
costing more than five hundred dollars or services costing more 34292  
than five hundred dollars, and no political subdivision shall 34293  
award any contract for the purchase of goods with a cost 34294  
aggregating more than ten thousand dollars in a calendar year or 34295  
services with a cost aggregating more than ten thousand dollars in 34296  
a calendar year, to a corporation or business trust, except a 34297  
professional association organized under Chapter 1785. of the 34298  
Revised Code, if any combination of the following has made, within 34299  
the ~~two previous calendar years~~ twenty-four months, taking into 34300  
consideration only owners for all of that period, one or more 34301  
contributions totaling in excess of two thousand dollars to the 34302  
holder of the public office having ultimate responsibility for the 34303  
award of the contract or to the public officer's campaign 34304  
committee: 34305

(i) Owners of more than twenty per cent of the corporation or 34306  
business trust; 34307

(ii) Spouses of owners of more than twenty per cent of the 34308  
corporation or business trust; 34309

(iii) Children seven years of age through seventeen years of 34310  
age of owners of more than twenty per cent of the corporation or 34311  
business trust; 34312

(iv) Any political action committee affiliated with the 34313  
corporation or business trust. 34314

(2)(a) Subject to divisions (K), (L), (M), and (N) of this 34315  
section, if any agency or department of this state ~~or any~~ 34316  
~~political subdivision~~ has awarded a contract for the purchase of 34317  
goods costing more than five hundred dollars or services costing 34318  
more than five hundred dollars, or if any political subdivision 34319  
has awarded a contract for the purchase of goods with a cost 34320

aggregating more than ten thousand dollars in a calendar year or 34321  
services with a cost aggregating more than ten thousand dollars in 34322  
a calendar year, to a corporation or business trust, except a 34323  
professional association organized under Chapter 1785. of the 34324  
Revised Code, none of the following shall, beginning on the date 34325  
the contract is awarded and extending until one year following the 34326  
conclusion of that contract, make one or more contributions 34327  
totaling in excess of one thousand dollars to the holder of the 34328  
public office having ultimate responsibility for the award of that 34329  
contract: 34330

(i) An owner of more than twenty per cent of the corporation 34331  
or business trust; 34332

(ii) A spouse of an owner of more than twenty per cent of the 34333  
corporation or business trust; 34334

(iii) A child seven years of age through seventeen years of 34335  
age of an owner of more than twenty per cent of the corporation or 34336  
business trust. 34337

(b) Subject to divisions (K), (L), (M), and (N) of this 34338  
section, if any agency or department of this state ~~or any~~ 34339  
~~political subdivision~~ has awarded a contract for the purchase of 34340  
goods costing more than five hundred dollars or services costing 34341  
more than five hundred dollars, or if any political subdivision 34342  
has awarded a contract for the purchase of goods with a cost 34343  
aggregating more than ten thousand dollars in a calendar year or 34344  
services with a cost aggregating more than ten thousand dollars in 34345  
a calendar year, to a corporation or business trust, except a 34346  
professional association organized under Chapter 1785. of the 34347  
Revised Code, no combination of any of the following shall, 34348  
beginning on the date the contract is awarded and extending until 34349  
one year following the conclusion of that contract, make one or 34350  
more contributions totaling in excess of two thousand dollars to 34351  
the holder of the public office having ultimate responsibility for 34352

the award of that contract: 34353

(i) Owners of more than twenty per cent of the corporation or 34354  
business trust; 34355

(ii) Spouses of owners of more than twenty per cent of the 34356  
corporation or business trust; 34357

(iii) Children seven years of age through seventeen years of 34358  
age of owners of more than twenty per cent of the corporation or 34359  
business trust; 34360

(iv) Any political action committee affiliated with the 34361  
corporation or business trust. 34362

(3) Subject to divisions (L), (M), and (N) of this section, 34363  
no agency or department of this state ~~or any political subdivision~~ 34364  
shall enter into any contract for the purchase of goods costing 34365  
more than five hundred dollars or services costing more than five 34366  
hundred dollars, and no political subdivision shall enter into any 34367  
contract for the purchase of goods with a cost aggregating more 34368  
than ten thousand dollars in a calendar year or services with a 34369  
cost aggregating more than ten thousand dollars in a calendar 34370  
year, with a corporation or business trust, except a professional 34371  
association organized under Chapter 1785. of the Revised Code, 34372  
unless the agency, department, or political subdivision has 34373  
received for that calendar year, or the contract includes, a 34374  
certification by the corporation or business trust that all of the 34375  
following persons, if applicable, are in compliance with division 34376  
(J)(1) of this section: 34377

(a) Each owner of more than twenty per cent of the 34378  
corporation or business trust; 34379

(b) Each spouse of an owner of more than twenty per cent of 34380  
the corporation or business trust; 34381

(c) Each child seven years of age to seventeen years of age 34382

of an owner of more than twenty per cent of the corporation or 34383  
business trust; 34384

(d) Any combination of persons identified in divisions 34385  
(J)(3)(a) to (c) of this section. 34386

(4)(a) Subject to divisions (K), (L), (M), and (N) of this 34387  
section, no agency or department of this state ~~or any political~~ 34388  
~~subdivision~~ shall award any contract for the purchase of goods 34389  
costing more than five hundred dollars or services costing more 34390  
than five hundred dollars, and no political subdivision shall 34391  
award any contract for the purchase of goods with a cost 34392  
aggregating more than ten thousand dollars in a calendar year or 34393  
services with a cost aggregating more than ten thousand dollars in 34394  
a calendar year, to any corporation or business trust, except a 34395  
professional association organized under Chapter 1785. of the 34396  
Revised Code, if a political action committee that is affiliated 34397  
with the corporation or business trust has made, within the ~~two~~ 34398  
previous ~~calendar years~~ twenty-four months, one or more 34399  
contributions totaling in excess of two thousand dollars to the 34400  
holder of the public office having ultimate responsibility for the 34401  
award of the contract or to the public officer's campaign 34402  
committee. 34403

(b) Subject to divisions (K), (L), (M), and (N) of this 34404  
section, if any agency or department of this state ~~or any~~ 34405  
~~political subdivision~~ has awarded any contract for the purchase of 34406  
goods costing more than five hundred dollars or services costing 34407  
more than five hundred dollars, or if any political subdivision 34408  
has awarded a contract for the purchase of goods with a cost 34409  
aggregating more than ten thousand dollars in a calendar year or 34410  
services with a cost aggregating more than ten thousand dollars in 34411  
a calendar year, to any corporation or business trust, except a 34412  
professional association organized under Chapter 1785. of the 34413  
Revised Code, no political action committee that is affiliated 34414

with the corporation or business trust shall, beginning on the 34415  
date the contract is awarded and extending until one year 34416  
following the conclusion of that contract, make one or more 34417  
contributions totaling in excess of two thousand dollars to the 34418  
holder of the public office having ultimate responsibility for the 34419  
award of the contract or to the public officer's campaign 34420  
committee. 34421

(K)(1) For purposes of divisions (I) and (J) of this section, 34422  
if a public officer who is responsible for the award of a contract 34423  
is appointed by the governor, whether or not the appointment is 34424  
subject to the advice and consent of the senate, the office of the 34425  
governor is considered to have ultimate responsibility for the 34426  
award of the contract. 34427

(2) For purposes of divisions (I) and (J) of this section, if 34428  
a public officer who is responsible for the award of a contract is 34429  
appointed by the elected chief executive officer of a municipal 34430  
corporation, or appointed by the elected chief executive officer 34431  
of a county operating under an alternative form of county 34432  
government or county charter, the office of the chief executive 34433  
officer is considered to have ultimate responsibility for the 34434  
award of the contract. 34435

(L)(1)(a) Collective bargaining agreements with labor 34436  
organizations representing employees shall be considered to be 34437  
contracts for the purchase of services for the purpose of 34438  
divisions (I), (J), (Y), and (Z) of this section. The labor 34439  
organization shall be the recipient of the contract and considered 34440  
to be an unincorporated business for the purpose of divisions (I), 34441  
(J), (Y), and (Z) of this section. For purposes of divisions (I), 34442  
(J), (Y) and (Z) of this section, a political contributing entity 34443  
or political action committee of the labor organization shall be 34444  
subject to the same limits as applicable to an affiliated 34445  
political action committee of an incorporated business. 34446

(b) Divisions (I), (J), (Y), and (Z) of this section do not 34447  
apply to employment contracts entered into with a single employee. 34448

(c) The secretary of state shall adopt rules under Chapter 34449  
119. of the Revised Code that determine what constitutes a 34450  
contract for the purchase of goods and what constitutes a contract 34451  
for the purchase of services under divisions (I), (J), (Y), and 34452  
(Z) of this section and section 3517.093 of the Revised Code. 34453

(2)(a) For the purpose of divisions (I) and (Y) of this 34454  
section, a political action committee is affiliated with a 34455  
partnership or other unincorporated business, association, 34456  
including, without limitation, a professional association 34457  
organized under Chapter 1785. of the Revised Code, estate, or 34458  
trust if the political action committee received, as reported on 34459  
its most recent statement filed under section 3517.10 of the 34460  
Revised Code, more than fifty per cent of its contributions from 34461  
any combination of the persons identified in divisions 34462  
(I)(1)(~~a~~)(b)(ii) to (vi) of this section or divisions 34463  
(Y)(1)(~~a~~)(b)(ii) to (vi) of this section, respectively. 34464

(b) For the purpose of divisions (J) and (Z) of this section, 34465  
a political action committee is affiliated with a corporation or 34466  
business trust, except a professional association organized under 34467  
Chapter 1785. of the Revised Code, if the political action 34468  
committee received, as reported on its most recent statement filed 34469  
under section 3517.10 of the Revised Code, more than fifty per 34470  
cent of its contributions from any combination of the persons 34471  
identified in division (J)(1)(~~a~~)(b)(i) of this section or division 34472  
(Z)(1)(~~a~~)(b)(i) of this section, respectively. 34473

(c) A federal political committee registered with the 34474  
secretary of state pursuant to section 3517.107 of the Revised 34475  
Code is a political action committee affiliated with a partnership 34476  
or other unincorporated business, association, including, without 34477  
limitation, a professional association organized under Chapter 34478

1785. of the Revised Code, estate, or trust or with a corporation 34479  
or business trust if the federal political committee received more 34480  
than fifty per cent of its contributions as specified in divisions 34481  
(L)(2)(a) or (b) of this section in filings made with the federal 34482  
election commission. 34483

(M)(1) Divisions (I) and (J) of this section do not apply to 34484  
contracts awarded by the board of commissioners of the sinking 34485  
fund, by the supreme court or courts of appeals, by county courts 34486  
consisting of more than one judge, courts of common pleas 34487  
consisting of more than one judge, or municipal courts consisting 34488  
of more than one judge, or by a division of any court if the 34489  
division consists of more than one judge. This division shall 34490  
apply to the specified entity only if the members of the entity 34491  
act collectively in the award of a contract for goods or services. 34492

(2) For the purpose of divisions (I), (J), (Y), and (Z) of 34493  
this section, contracts approved by the controlling board shall be 34494  
considered to be awarded solely by the agency or department that 34495  
submitted the contract to the controlling board. 34496

(N)(1) Divisions (I), (J), (Y), and (Z) of this section apply 34497  
to contributions made to the holder of a public office having 34498  
ultimate responsibility for the award of a contract, or to the 34499  
public officer's campaign committee, during the time the person 34500  
holds the office and during any time such person was a candidate 34501  
for the office. Those divisions apply to contributions made to, or 34502  
to the campaign committee of, a candidate for the public office 34503  
having ultimate responsibility for the award of the contract 34504  
during any such time the person is a candidate for that office. 34505  
For the purpose of this division, a person becomes a candidate for 34506  
the public office having ultimate authority for the award of the 34507  
contract when the person becomes a candidate for that office by 34508  
filing a declaration of candidacy, a declaration of intent to be a 34509  
write-in candidate, or a nominating petition, through party 34510

nomination at a primary election, or by the filling of a vacancy 34511  
under section 3513.30 or 3513.31 of the Revised Code. 34512

(2) Divisions (I), (J), (Y), and (Z) of this section do not 34513  
apply to contributions of a partner, shareholder, administrator, 34514  
executor, trustee, or owner of more than twenty per cent of a 34515  
corporation or business trust made before the person held any of 34516  
those positions or after the person ceased to hold any of those 34517  
positions in the partnership or other unincorporated business, 34518  
association, estate, trust, corporation, or business trust whose 34519  
eligibility to be awarded a contract is being determined, nor to 34520  
contributions of the person's spouse made before the person held 34521  
any of those positions, after the person ceased to hold any of 34522  
those positions, before the two were married, after the granting 34523  
of a decree of divorce, dissolution of marriage, or annulment, or 34524  
after the granting of an order in an action brought solely for 34525  
legal separation. Those divisions do not apply to contributions of 34526  
the spouse of an individual whose eligibility to be awarded a 34527  
contract is being determined made before the two were married, 34528  
after the granting of a decree of divorce, dissolution of 34529  
marriage, or annulment, or after the granting of an order in an 34530  
action brought solely for legal separation. 34531

(0) No beneficiary of a campaign fund or other person shall 34532  
convert for personal use, and no person shall knowingly give to a 34533  
beneficiary of a campaign fund or any other person, for the 34534  
beneficiary's or any other person's personal use, anything of 34535  
value from the beneficiary's campaign fund, including, without 34536  
limitation, payments to a beneficiary for services the beneficiary 34537  
personally performs, except as reimbursement for any of the 34538  
following: 34539

(1) Legitimate and verifiable prior campaign expenses 34540  
incurred by the beneficiary; 34541

(2) Legitimate and verifiable ordinary and necessary prior 34542

expenses incurred by the beneficiary in connection with duties as 34543  
the holder of a public office, including, without limitation, 34544  
expenses incurred through participation in nonpartisan or 34545  
bipartisan events if the participation of the holder of a public 34546  
office would normally be expected; 34547

(3) Legitimate and verifiable ordinary and necessary prior 34548  
expenses incurred by the beneficiary while doing any of the 34549  
following: 34550

(a) Engaging in activities in support of or opposition to a 34551  
candidate other than the beneficiary, political party, or ballot 34552  
issue; 34553

(b) Raising funds for a political party, political action 34554  
committee, political contributing entity, legislative campaign 34555  
fund, campaign committee, or other candidate; 34556

(c) Participating in the activities of a political party, 34557  
political action committee, political contributing entity, 34558  
legislative campaign fund, or campaign committee; 34559

(d) Attending a political party convention or other political 34560  
meeting. 34561

For purposes of this division, an expense is incurred 34562  
whenever a beneficiary has either made payment or is obligated to 34563  
make payment, as by the use of a credit card or other credit 34564  
procedure or by the use of goods or services received on account. 34565

(P) No beneficiary of a campaign fund shall knowingly accept, 34566  
and no person shall knowingly give to the beneficiary of a 34567  
campaign fund, reimbursement for an expense under division (O) of 34568  
this section to the extent that the expense previously was 34569  
reimbursed or paid from another source of funds. If an expense is 34570  
reimbursed under division (O) of this section and is later paid or 34571  
reimbursed, wholly or in part, from another source of funds, the 34572  
beneficiary shall repay the reimbursement received under division 34573

(O) of this section to the extent of the payment made or 34574  
reimbursement received from the other source. 34575

(Q) No candidate or public official or employee shall accept 34576  
for personal or business use anything of value from a political 34577  
party, political action committee, political contributing entity, 34578  
legislative campaign fund, or campaign committee other than the 34579  
candidate's or public official's or employee's own campaign 34580  
committee, and no person shall knowingly give to a candidate or 34581  
public official or employee anything of value from a political 34582  
party, political action committee, political contributing entity, 34583  
legislative campaign fund, or such a campaign committee, except 34584  
for the following: 34585

(1) Reimbursement for legitimate and verifiable ordinary and 34586  
necessary prior expenses not otherwise prohibited by law incurred 34587  
by the candidate or public official or employee while engaged in 34588  
any legitimate activity of the political party, political action 34589  
committee, political contributing entity, legislative campaign 34590  
fund, or such campaign committee. Without limitation, reimbursable 34591  
expenses under this division include those incurred while doing 34592  
any of the following: 34593

(a) Engaging in activities in support of or opposition to 34594  
another candidate, political party, or ballot issue; 34595

(b) Raising funds for a political party, legislative campaign 34596  
fund, campaign committee, or another candidate; 34597

(c) Attending a political party convention or other political 34598  
meeting. 34599

(2) Compensation not otherwise prohibited by law for actual 34600  
and valuable personal services rendered under a written contract 34601  
to the political party, political action committee, political 34602  
contributing entity, legislative campaign fund, or such campaign 34603  
committee for any legitimate activity of the political party, 34604

political action committee, political contributing entity, 34605  
legislative campaign fund, or such campaign committee. 34606

Reimbursable expenses under this division do not include, and 34607  
it is a violation of this division for a candidate or public 34608  
official or employee to accept, or for any person to knowingly 34609  
give to a candidate or public official or employee from a 34610  
political party, political action committee, political 34611  
contributing entity, legislative campaign fund, or campaign 34612  
committee other than the candidate's or public official's or 34613  
employee's own campaign committee, anything of value for 34614  
activities primarily related to the candidate's or public 34615  
official's or employee's own campaign for election, except for 34616  
contributions to the candidate's or public official's or 34617  
employee's campaign committee. 34618

For purposes of this division, an expense is incurred 34619  
whenever a candidate or public official or employee has either 34620  
made payment or is obligated to make payment, as by the use of a 34621  
credit card or other credit procedure, or by the use of goods or 34622  
services on account. 34623

(R)(1) Division (O) or (P) of this section does not prohibit 34624  
a campaign committee from making direct advance or post payment 34625  
from contributions to vendors for goods and services for which 34626  
reimbursement is permitted under division (O) of this section, 34627  
except that no campaign committee shall pay its candidate or other 34628  
beneficiary for services personally performed by the candidate or 34629  
other beneficiary. 34630

(2) If any expense that may be reimbursed under division (O), 34631  
(P), or (Q) of this section is part of other expenses that may not 34632  
be paid or reimbursed, the separation of the two types of expenses 34633  
for the purpose of allocating for payment or reimbursement those 34634  
expenses that may be paid or reimbursed may be by any reasonable 34635  
accounting method, considering all of the surrounding 34636

circumstances. 34637

(3) For purposes of divisions (O), (P), and (Q) of this 34638  
section, mileage allowance at a rate not greater than that allowed 34639  
by the internal revenue service at the time the travel occurs may 34640  
be paid instead of reimbursement for actual travel expenses 34641  
allowable. 34642

(S)(1) As used in division (S) of this section: 34643

(a) "State elective office" has the same meaning as in 34644  
section 3517.092 of the Revised Code. 34645

(b) "Federal office" means a federal office as defined in the 34646  
Federal Election Campaign Act. 34647

(c) "Federal campaign committee" means a principal campaign 34648  
committee or authorized committee as defined in the Federal 34649  
Election Campaign Act. 34650

(2) No person who is a candidate for state elective office 34651  
and who previously sought nomination or election to a federal 34652  
office shall transfer any funds or assets from that person's 34653  
federal campaign committee for nomination or election to the 34654  
federal office to that person's campaign committee as a candidate 34655  
for state elective office. 34656

(3) No campaign committee of a person who is a candidate for 34657  
state elective office and who previously sought nomination or 34658  
election to a federal office shall accept any funds or assets from 34659  
that person's federal campaign committee for that person's 34660  
nomination or election to the federal office. 34661

(T)(1) Except as otherwise provided in division (B)(6)(c) of 34662  
section 3517.102 of the Revised Code, a state or county political 34663  
party shall not disburse moneys from any account other than a 34664  
state candidate fund to make contributions to any of the 34665  
following: 34666

(a) A state candidate fund;	34667
(b) A legislative campaign fund;	34668
(c) A campaign committee of a candidate for the office of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, member of the state board of education, or member of the general assembly.	34669 34670 34671 34672
(2) No state candidate fund, legislative campaign fund, or campaign committee of a candidate for any office described in division (T)(1)(c) of this section shall knowingly accept a contribution in violation of division (T)(1) of this section.	34673 34674 34675 34676
(U) No person shall fail to file a statement required under section 3517.12 of the Revised Code.	34677 34678
(V) No campaign committee shall fail to file a statement required under division (K)(3) of section 3517.10 of the Revised Code.	34679 34680 34681
(W)(1) No foreign national shall, directly or indirectly through any other person or entity, make a contribution, expenditure, or independent expenditure or promise, either expressly or implicitly, to make a contribution, expenditure, or independent expenditure in support of or opposition to a candidate for any elective office in this state, including an office of a political party.	34682 34683 34684 34685 34686 34687 34688
(2) No candidate, campaign committee, political action committee, political contributing entity, legislative campaign fund, state candidate fund, political party, or separate segregated fund shall solicit or accept a contribution, expenditure, or independent expenditure from a foreign national. The secretary of state may direct any candidate, committee, entity, fund, or party that accepts a contribution, expenditure, or independent expenditure in violation of this division to return the contribution, expenditure, or independent expenditure or, if	34689 34690 34691 34692 34693 34694 34695 34696 34697

it is not possible to return the contribution, expenditure, or 34698  
independent expenditure, then to return instead the value of it, 34699  
to the contributor. 34700

(3) As used in division (W) of this section, "foreign 34701  
national" has the same meaning as in section 441e(b) of the 34702  
Federal Election Campaign Act. 34703

(X)(1) No state or county political party shall transfer any 34704  
moneys from its restricted fund to any account of the political 34705  
party into which contributions may be made or from which 34706  
contributions or expenditures may be made. 34707

(2)(a) No state or county political party shall deposit a 34708  
contribution or contributions that it receives into its restricted 34709  
fund. 34710

(b) No state or county political party shall make a 34711  
contribution or an expenditure from its restricted fund. 34712

(3)(a) No corporation or labor organization shall make a gift 34713  
or gifts from the corporation's or labor organization's money or 34714  
property aggregating more than ten thousand dollars to any one 34715  
state or county political party for the party's restricted fund in 34716  
a calendar year. 34717

(b) No state or county political party shall accept a gift or 34718  
gifts for the party's restricted fund aggregating more than ten 34719  
thousand dollars from any one corporation or labor organization in 34720  
a calendar year. 34721

(4) No state or county political party shall transfer any 34722  
moneys in the party's restricted fund to any other state or county 34723  
political party. 34724

(5) No state or county political party shall knowingly fail 34725  
to file a statement required under section 3517.1012 of the 34726  
Revised Code. 34727

(Y)(1)(a) Subject to divisions (L), (M)(2), and (N) of this section, the administrator of workers' compensation and the employees of the bureau of workers' compensation shall not conduct any business with or award any contract for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to any individual, partnership or other unincorporated business, association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, estate, or trust, if any of the following has made, as an individual, within the ~~two~~ previous ~~calendar years~~ twenty-four months, one or more contributions totaling in excess of one thousand dollars to the campaign committee of the governor or lieutenant governor or to the campaign committee of any candidate for the office of governor or lieutenant governor:

- (i) The individual;
- (ii) Any partner or owner of the partnership or other unincorporated business;
- (iii) Any shareholder of the association;
- (iv) Any administrator of the estate;
- (v) Any executor of the estate;
- (vi) Any trustee of the trust;
- (vii) The spouse of any person identified in divisions (Y)(1)(a)(i) to (vi) of this section;
- (viii) Any child seven years of age through seventeen years of age of any person identified in divisions (Y)(1)(a)(i) to (vi) of this section.

(b) Subject to divisions (L), (M)(2), and (N) of this section, the administrator of workers' compensation and the employees of the bureau of workers' compensation shall not conduct

any business with or award any contract for the purchase of goods 34758  
costing more than five hundred dollars or services costing more 34759  
than five hundred dollars to any individual, partnership or other 34760  
unincorporated business, association, including, without 34761  
limitation, a professional association organized under Chapter 34762  
1785. of the Revised Code, estate, or trust if any combination of 34763  
the following has made, within the ~~two previous calendar years~~ 34764  
twenty-four months, one or more contributions totaling in excess 34765  
of two thousand dollars to the campaign committee of the governor 34766  
or lieutenant governor or to the campaign committee of any 34767  
candidate for the office of governor or lieutenant governor: 34768

(i) The individual; 34769

(ii) Any partner or owner of the partnership or other 34770  
unincorporated business; 34771

(iii) Any shareholder of the association; 34772

(iv) Any administrator of the estate; 34773

(v) Any executor of the estate; 34774

(vi) Any trustee of the trust; 34775

(vii) The spouse of any person identified in divisions 34776  
(Y)(1)(b)(i) to (vi) of this section; 34777

(viii) Any child seven years of age through seventeen years 34778  
of age of any person identified in divisions (Y)(1)(b)(i) to (vi) 34779  
of this section; 34780

(ix) Any political action committee affiliated with the 34781  
partnership or other unincorporated business, association, estate, 34782  
or trust. 34783

(2)(a) Subject to divisions (L), (M)(2), and (N) of this 34784  
section, if the administrator of workers' compensation or the 34785  
employees of the bureau of workers' compensation has awarded a 34786  
contract for the purchase of goods costing more than five hundred 34787

dollars or services costing more than five hundred dollars to any 34788  
individual, partnership or other unincorporated business, 34789  
association, including, without limitation, a professional 34790  
association organized under Chapter 1785. of the Revised Code, 34791  
estate, or trust, none of the following shall, beginning on the 34792  
date the contract is awarded and extending until one year 34793  
following the conclusion of that contract, make one or more 34794  
contributions totaling in excess of one thousand dollars to the 34795  
campaign committee of the governor or lieutenant governor or to 34796  
the campaign committee of any candidate for the office of governor 34797  
or lieutenant governor: 34798

(i) The individual; 34799

(ii) Any partner or owner of the partnership or other 34800  
unincorporated business; 34801

(iii) Any shareholder of the association; 34802

(iv) Any administrator of the estate; 34803

(v) Any executor of the estate; 34804

(vi) Any trustee of the trust; 34805

(vii) The spouse of any person identified in divisions 34806  
(Y)(2)(a)(i) to (vi) of this section; 34807

(viii) Any child seven years of age through seventeen years 34808  
of age of any person identified in divisions (Y)(2)(a)(i) to (vi) 34809  
of this section. 34810

(b) Subject to divisions (L), (M)(2), and (N) of this 34811  
section, if the administrator of workers' compensation or the 34812  
employees of the bureau of workers' compensation has awarded a 34813  
contract for the purchase of goods costing more than five hundred 34814  
dollars or services costing more than five hundred dollars to any 34815  
individual, partnership or other unincorporated business, 34816  
association, including, without limitation, a professional 34817

association organized under Chapter 1785. of the Revised Code, 34818  
estate, or trust, no combination of any of the following shall, 34819  
beginning on the date the contract is awarded and extending until 34820  
one year following the conclusion of that contract, make one or 34821  
more contributions totaling in excess of two thousand dollars to 34822  
the campaign committee of the governor or lieutenant governor or 34823  
to the campaign committee of any candidate for the office of 34824  
governor or lieutenant governor: 34825

(i) The individual; 34826

(ii) Any partner or owner of the partnership or other 34827  
unincorporated business; 34828

(iii) Any shareholder of the association; 34829

(iv) Any administrator of the estate; 34830

(v) Any executor of the estate; 34831

(vi) Any trustee of the trust; 34832

(vii) The spouse of any person identified in divisions 34833  
(Y)(2)(b)(i) to (vi) of this section; 34834

(viii) Any child seven years of age through seventeen years 34835  
of age of any person identified in divisions (Y)(2)(b)(i) to (vi) 34836  
of this section; 34837

(ix) Any political action committee affiliated with the 34838  
partnership or other unincorporated business, association, estate, 34839  
or trust. 34840

(3) Subject to divisions (L), (M)(2), and (N) of this 34841  
section, the administrator of workers' compensation and the 34842  
employees of the bureau of workers' compensation shall not enter 34843  
into any contract for the purchase of goods costing more than five 34844  
hundred dollars or services costing more than five hundred dollars 34845  
with an individual, partnership or other unincorporated business, 34846  
association, including, without limitation, a professional 34847

association organized under Chapter 1785. of the Revised Code, 34848  
estate, or trust unless the bureau has received for that calendar 34849  
year, or the contract includes, a certification by the individual, 34850  
partnership or other unincorporated business, association, estate, 34851  
or trust that all of the following persons, if applicable, are in 34852  
compliance with division (Y)(1) of this section: 34853  
34854

(a) The individual; 34855

(b) Each partner or owner of the partnership or other 34856  
unincorporated business; 34857

(c) Each shareholder of the association; 34858

(d) Each administrator of the estate; 34859

(e) Each executor of the estate; 34860

(f) Each trustee of the trust; 34861

(g) Each spouse of any person identified in divisions 34862  
(Y)(3)(a) to (f) of this section; 34863

(h) Each child seven years of age to seventeen years of age 34864  
of any person identified in divisions (Y)(3)(a) to (f) of this 34865  
section; 34866

(i) Any combination of persons identified in divisions 34867  
(Y)(3)(a) to (h) of this section. 34868

(4)(a) Subject to divisions (L), (M)(2), and (N) of this 34869  
section, the administrator of workers' compensation and the 34870  
employees of the bureau of workers' compensation shall not conduct 34871  
any business with or award any contract for the purchase of goods 34872  
costing more than five hundred dollars or services costing more 34873  
than five hundred dollars to any partnership or other 34874  
unincorporated business, association, including, without 34875  
limitation, a professional association organized under Chapter 34876  
1785. of the Revised Code, estate, or trust if a political action 34877

committee that is affiliated with the partnership or other 34878  
unincorporated business, association, estate, or trust has made, 34879  
within the ~~two previous calendar years~~ twenty-four months, one or 34880  
more contributions totaling in excess of two thousand dollars to 34881  
the campaign committee of the governor or lieutenant governor or 34882  
to the campaign committee of any candidate for the office of 34883  
governor or lieutenant governor. 34884

(b) Subject to divisions (L), (M)(2), and (N) of this 34885  
section, if the administrator of workers' compensation or the 34886  
employees of the bureau of workers' compensation has awarded any 34887  
contract for the purchase of goods costing more than five hundred 34888  
dollars or services costing more than five hundred dollars to any 34889  
partnership or other unincorporated business, association, 34890  
including, without limitation, a professional association 34891  
organized under Chapter 1785. of the Revised Code, estate, or 34892  
trust, no political action committee that is affiliated with the 34893  
partnership or other unincorporated business, association, estate, 34894  
or trust shall, beginning on the date the contract is awarded and 34895  
extending until one year following the conclusion of that 34896  
contract, make one or more contributions totaling in excess of two 34897  
thousand dollars to the campaign committee of the governor or 34898  
lieutenant governor or to the campaign committee of any candidate 34899  
for the office of governor or lieutenant governor. 34900

(Z)(1)(a) Subject to divisions (L), (M)(2), and (N) of this 34901  
section, the administrator of workers' compensation and the 34902  
employees of the bureau of workers' compensation shall not conduct 34903  
business with or award any contract for the purchase of goods 34904  
costing more than five hundred dollars or services costing more 34905  
than five hundred dollars to a corporation or business trust, 34906  
except a professional association organized under Chapter 1785. of 34907  
the Revised Code, if any of the following has made, as an 34908  
individual, within the ~~two previous calendar years~~ twenty-four 34909

months, taking into consideration only owners for all of such 34910  
period, one or more contributions totaling in excess of one 34911  
thousand dollars to the campaign committee of the governor or 34912  
lieutenant governor or to the campaign committee of any candidate 34913  
for the office of governor or lieutenant governor: 34914

(i) An owner of more than twenty per cent of the corporation 34915  
or business trust; 34916

(ii) A spouse of an owner of more than twenty per cent of the 34917  
corporation or business trust; 34918

(iii) A child seven years of age through seventeen years of 34919  
age of an owner of more than twenty per cent of the corporation or 34920  
business trust. 34921

(b) Subject to divisions (L), (M)(2), and (N) of this 34922  
section, the administrator of workers' compensation and the 34923  
employees of the bureau of workers' compensation shall not conduct 34924  
any business with or award any contract for the purchase of goods 34925  
costing more than five hundred dollars or services costing more 34926  
than five hundred dollars to a corporation or business trust, 34927  
except a professional association organized under Chapter 1785. of 34928  
the Revised Code, if any combination of the following has made, 34929  
within the ~~two~~ previous ~~calendar years~~ twenty-four months, taking 34930  
into consideration only owners for all of that period, one or more 34931  
contributions totaling in excess of two thousand dollars to the 34932  
campaign committee of the governor or lieutenant governor or to 34933  
the campaign committee of any candidate for the office of governor 34934  
or lieutenant governor: 34935

(i) Owners of more than twenty per cent of the corporation or 34936  
business trust; 34937

(ii) Spouses of owners of more than twenty per cent of the 34938  
corporation or business trust; 34939

(iii) Children seven years of age through seventeen years of 34940

age of owners of more than twenty per cent of the corporation or 34941  
business trust; 34942

(iv) Any political action committee affiliated with the 34943  
corporation or business trust. 34944

(2)(a) Subject to divisions (L), (M)(2), and (N) of this 34945  
section, if the administrator of workers' compensation or the 34946  
employees of the bureau of workers' compensation has awarded a 34947  
contract for the purchase of goods costing more than five hundred 34948  
dollars or services costing more than five hundred dollars to a 34949  
corporation or business trust, except a professional association 34950  
organized under Chapter 1785. of the Revised Code, none of the 34951  
following shall, beginning on the date the contract is awarded and 34952  
extending until one year following the conclusion of that 34953  
contract, make one or more contributions totaling in excess of one 34954  
thousand dollars to the campaign committee of the governor or 34955  
lieutenant governor or to the campaign committee of any candidate 34956  
for the office of governor or lieutenant governor: 34957

(i) An owner of more than twenty per cent of the corporation 34958  
or business trust; 34959

(ii) A spouse of an owner of more than twenty per cent of the 34960  
corporation or business trust; 34961

(iii) A child seven years of age through seventeen years of 34962  
age of an owner of more than twenty per cent of the corporation or 34963  
business trust. 34964

(b) Subject to divisions (L), (M)(2), and (N) of this 34965  
section, if the administrator of workers' compensation or the 34966  
employees of the bureau of workers' compensation has awarded a 34967  
contract for the purchase of goods costing more than five hundred 34968  
dollars or services costing more than five hundred dollars to a 34969  
corporation or business trust, except a professional association 34970  
organized under Chapter 1785. of the Revised Code, no combination 34971

of any of the following shall, beginning on the date the contract 34972  
is awarded and extending until one year following the conclusion 34973  
of that contract, make one or more contributions totaling in 34974  
excess of two thousand dollars to the campaign committee of the 34975  
governor or lieutenant governor or to the campaign committee of 34976  
any candidate for the office of governor or lieutenant governor: 34977

(i) Owners of more than twenty per cent of the corporation or 34978  
business trust; 34979

(ii) Spouses of owners of more than twenty per cent of the 34980  
corporation or business trust; 34981

(iii) Children seven years of age through seventeen years of 34982  
age of owners of more than twenty per cent of the corporation or 34983  
business trust; 34984

(iv) Any political action committee affiliated with the 34985  
corporation or business trust. 34986

(3) Subject to divisions (L), (M)(2), and (N) of this 34987  
section, the administrator of workers' compensation and the 34988  
employees of the bureau of workers' compensation shall not enter 34989  
into any contract for the purchase of goods costing more than five 34990  
hundred dollars or services costing more than five hundred dollars 34991  
with a corporation or business trust, except a professional 34992  
association organized under Chapter 1785. of the Revised Code, 34993  
unless the bureau has received for that calendar year, or the 34994  
contract includes, a certification by the corporation or business 34995  
trust that all of the following persons, if applicable, are in 34996  
compliance with division (Z)(1) of this section: 34997

(a) Each owner of more than twenty per cent of the 34998  
corporation or business trust; 34999

(b) Each spouse of an owner of more than twenty per cent of 35000  
the corporation or business trust; 35001

(c) Each child seven years of age to seventeen years of age 35002  
of an owner of more than twenty per cent of the corporation or 35003  
business trust; 35004

(d) Any combination of persons identified in divisions 35005  
(Z)(3)(a) to (c) of this section. 35006

(4)(a) Subject to divisions (L), (M)(2), and (N) of this 35007  
section, the administrator of workers' compensation and the 35008  
employees of the bureau of workers' compensation shall not conduct 35009  
business with or award any contract for the purchase of goods 35010  
costing more than five hundred dollars or services costing more 35011  
than five hundred dollars to any corporation or business trust, 35012  
except a professional association organized under Chapter 1785. of 35013  
the Revised Code, if a political action committee that is 35014  
affiliated with the corporation or business trust has made, within 35015  
the ~~two previous calendar years~~ twenty-four months, one or more 35016  
contributions totaling in excess of two thousand dollars to the 35017  
campaign committee of the governor or lieutenant governor or to 35018  
the campaign committee of any candidate for the office of governor 35019  
or lieutenant governor. 35020

(b) Subject to divisions (L), (M)(2), and (N) of this 35021  
section, if the administrator of workers' compensation or the 35022  
employees of the bureau of workers' compensation has awarded any 35023  
contract for the purchase of goods costing more than five hundred 35024  
dollars or services costing more than five hundred dollars to any 35025  
corporation or business trust, except a professional association 35026  
organized under Chapter 1785. of the Revised Code, no political 35027  
action committee that is affiliated with the corporation or 35028  
business trust shall, beginning on the date the contract is 35029  
awarded and extending until one year following the conclusion of 35030  
that contract, make one or more contributions totaling in excess 35031  
of two thousand dollars to the campaign committee of the governor 35032  
or lieutenant governor or to the campaign committee of any 35033

candidate for the office of governor or lieutenant governor. 35034

(AA) No individual, partnership or other incorporated 35035  
business, association, estate, trust, corporation, or business 35036  
trust shall knowingly make a false statement on a certification 35037  
required under division (I)(3), (J)(3), (Y)(3), or (Z)(3) of this 35038  
section. 35039

**Sec. 3517.992.** This section establishes penalties only with 35040  
respect to acts or failures to act that occur on and after August 35041  
24, 1995. 35042

(A)(1) A candidate whose campaign committee violates division 35043  
(A), (B), (C), (D), or (V) of section 3517.13 of the Revised Code, 35044  
or a treasurer of a campaign committee who violates any of those 35045  
divisions, shall be fined not more than one hundred dollars for 35046  
each day of violation. 35047

(2) Whoever violates division (E) or (X)(5) of section 35048  
3517.13 of the Revised Code shall be fined not more than one 35049  
hundred dollars for each day of violation. 35050

(B) A political party that violates division (F)(1) of 35051  
section 3517.101 of the Revised Code shall be fined not more than 35052  
one hundred dollars for each day of violation. 35053

(C) Whoever violates division (F)(2) of section 3517.101 or 35054  
division (G) of section 3517.13 of the Revised Code shall be fined 35055  
not more than ten thousand dollars or, if the offender is a person 35056  
who was nominated or elected to public office, shall forfeit the 35057  
nomination or the office to which the offender was elected, or 35058  
both. 35059

(D) Whoever violates division (F) of section 3517.13 of the 35060  
Revised Code shall be fined not more than three times the amount 35061  
contributed. 35062

(E) Whoever violates division (H) of section 3517.13 of the 35063

Revised Code shall be fined not more than one hundred dollars. 35064

(F) Whoever violates division (O), (P), or (Q) of section 3517.13 of the Revised Code is guilty of a misdemeanor of the first degree. 35065  
35066  
35067

(G) A state or county committee of a political party that violates division (B)(1) of section 3517.18 of the Revised Code shall be fined not more than twice the amount of the improper expenditure. 35068  
35069  
35070  
35071

(H) A state or county political party that violates division (G) of section 3517.101 of the Revised Code shall be fined not more than twice the amount of the improper expenditure or use. 35072  
35073  
35074

(I)(1) Any individual who violates division (B)(1) of section 3517.102 of the Revised Code and knows that the contribution the individual makes violates that division shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division. 35075  
35076  
35077  
35078  
35079

(2) Any political action committee that violates division (B)(2) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division. 35080  
35081  
35082  
35083

(3) Any campaign committee that violates division (B)(3) or (5) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division. 35084  
35085  
35086  
35087

(4)(a) Any legislative campaign fund that violates division (B)(6) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount transferred or contributed in excess of the amount permitted by that division, as applicable. 35088  
35089  
35090  
35091

(b) Any state political party, county political party, or state candidate fund of a state political party or county 35092  
35093

political party that violates division (B)(6) of section 3517.102 35094  
of the Revised Code shall be fined an amount equal to three times 35095  
the amount transferred or contributed in excess of the amount 35096  
permitted by that division, as applicable. 35097

(c) Any political contributing entity that violates division 35098  
(B)(7) of section 3517.102 of the Revised Code shall be fined an 35099  
amount equal to three times the amount contributed in excess of 35100  
the amount permitted by that division. 35101

(5) Any political party that violates division (B)(4) of 35102  
section 3517.102 of the Revised Code shall be fined an amount 35103  
equal to three times the amount contributed in excess of the 35104  
amount permitted by that division. 35105

(6) Notwithstanding divisions (I)(1), (2), (3), (4), and (5) 35106  
of this section, no violation of division (B) of section 3517.102 35107  
of the Revised Code occurs, and the secretary of state shall not 35108  
refer parties to the Ohio elections commission, if the amount 35109  
transferred or contributed in excess of the amount permitted by 35110  
that division meets either of the following conditions: 35111

(a) It is completely refunded within five business days after 35112  
it is accepted. 35113

(b) It is completely refunded on or before the tenth business 35114  
day after notification to the recipient of the excess transfer or 35115  
contribution by the board of elections or the secretary of state 35116  
that a transfer or contribution in excess of the permitted amount 35117  
has been received. 35118

(J)(1) Any campaign committee that violates division (C)(1), 35119  
(2), (3), or (6) of section 3517.102 of the Revised Code shall be 35120  
fined an amount equal to three times the amount accepted in excess 35121  
of the amount permitted by that division. 35122

(2)(a) Any county political party that violates division 35123  
(C)(4)(a)(ii) or (iii) of section 3517.102 of the Revised Code 35124

shall be fined an amount equal to three times the amount accepted. 35125

(b) Any county political party that violates division 35126  
(C)(4)(a)(i) of section 3517.102 of the Revised Code shall be 35127  
fined an amount from its state candidate fund equal to three times 35128  
the amount accepted in excess of the amount permitted by that 35129  
division. 35130

(c) Any state political party that violates division 35131  
(C)(4)(b) of section 3517.102 of the Revised Code shall be fined 35132  
an amount from its state candidate fund equal to three times the 35133  
amount accepted in excess of the amount permitted by that 35134  
division. 35135

(3) Any legislative campaign fund that violates division 35136  
(C)(5) of section 3517.102 of the Revised Code shall be fined an 35137  
amount equal to three times the amount accepted in excess of the 35138  
amount permitted by that division. 35139

(4) Any political action committee or political contributing 35140  
entity that violates division (C)(7) of section 3517.102 of the 35141  
Revised Code shall be fined an amount equal to three times the 35142  
amount accepted in excess of the amount permitted by that 35143  
division. 35144

(5) Notwithstanding divisions (J)(1), (2), (3), and (4) of 35145  
this section, no violation of division (C) of section 3517.102 of 35146  
the Revised Code occurs, and the secretary of state shall not 35147  
refer parties to the Ohio elections commission, if the amount 35148  
transferred or contributed in excess of the amount permitted to be 35149  
accepted by that division meets either of the following 35150  
conditions: 35151

(a) It is completely refunded within five business days after 35152  
its acceptance. 35153

(b) It is completely refunded on or before the tenth business 35154  
day after notification to the recipient of the excess transfer or 35155

contribution by the board of elections or the secretary of state 35156  
that a transfer or contribution in excess of the permitted amount 35157  
has been received. 35158

(K)(1) Any legislative campaign fund that violates division 35159  
(F)(1) of section 3517.102 of the Revised Code shall be fined 35160  
twenty-five dollars for each day of violation. 35161

(2) Any legislative campaign fund that violates division 35162  
(F)(2) of section 3517.102 of the Revised Code shall give to the 35163  
treasurer of state for deposit into the state treasury to the 35164  
credit of the Ohio elections commission fund all excess 35165  
contributions not disposed of as required by division (E) of 35166  
section 3517.102 of the Revised Code. 35167

(L) Whoever violates section 3517.105 of the Revised Code 35168  
shall be fined one thousand dollars. 35169

(M)(1) Whoever solicits a contribution in violation of 35170  
section 3517.092 or violates division (B) of section 3517.09 of 35171  
the Revised Code is guilty of a misdemeanor of the first degree. 35172

(2) Whoever knowingly accepts a contribution in violation of 35173  
division (B) or (C) of section 3517.092 of the Revised Code shall 35174  
be fined an amount equal to three times the amount accepted in 35175  
violation of either of those divisions and shall return to the 35176  
contributor any amount so accepted. Whoever unknowingly accepts a 35177  
contribution in violation of division (B) or (C) of section 35178  
3517.092 of the Revised Code shall return to the contributor any 35179  
amount so accepted. 35180

(N) Whoever violates division (S) of section 3517.13 of the 35181  
Revised Code shall be fined an amount equal to three times the 35182  
amount of funds transferred or three times the value of the assets 35183  
transferred in violation of that division. 35184

(O) Any campaign committee that accepts a contribution or 35185  
contributions in violation of section 3517.108 of the Revised 35186

Code, uses a contribution in violation of that section, or fails 35187  
to dispose of excess contributions in violation of that section 35188  
shall be fined an amount equal to three times the amount accepted, 35189  
used, or kept in violation of that section. 35190

(P) Any political party, state candidate fund, legislative 35191  
candidate fund, or campaign committee that violates division (T) 35192  
of section 3517.13 of the Revised Code shall be fined an amount 35193  
equal to three times the amount contributed or accepted in 35194  
violation of that section. 35195

(Q) A treasurer of a committee or another person who violates 35196  
division (U) of section 3517.13 of the Revised Code shall be fined 35197  
not more than two hundred fifty dollars. 35198

(R)(1) Whoever violates division (I)(1), (I)(4)(a), (J)(1), 35199  
(J)(4)(a), (Y)(1), (Y)(4)(a), (Z)(1), or (Z)(4)(a) of section 35200  
3517.13 of the Revised Code shall be fined not more than one 35201  
thousand dollars. Whenever a person is found guilty of violating 35202  
any of those divisions, the contract awarded in violation of the 35203  
applicable division shall be rescinded if its terms have not yet 35204  
been performed. 35205

(2) Whoever violates division (I)(2), (I)(4)(b), (J)(2), 35206  
(J)(4)(b), (Y)(2), (Y)(4)(b), (Z)(2), or (Z)(4)(b) of section 35207  
3517.13 of the Revised Code shall be fined an amount equal to 35208  
three times the amount contributed in excess of the amount 35209  
permitted by the applicable division. Whenever a person is found 35210  
guilty of violating any of those divisions, any contract that 35211  
makes the person subject to the applicable division may be 35212  
rescinded at the discretion of the elections commission. 35213

(3) Whoever violates division (AA) of section 3517.13 of the 35214  
Revised Code is guilty of a felony of the fifth degree, and ~~the~~ 35215  
any contract that includes, or is dependent upon, the 35216  
certification made in violation of that division shall be 35217

rescinded. 35218

(4) Notwithstanding divisions (R)(1), (2), and (3) of this 35219  
section, no fine shall be imposed and no contract shall be 35220  
rescinded if the amount contributed in excess of the amount 35221  
permitted under division (I), (J), (Y), or (Z) of section 3517.13 35222  
of the Revised Code, as applicable, meets both of the following 35223  
conditions: 35224

(a) It is contributed after the award of the contract for the 35225  
purchase of goods or services; 35226

(b) Either of the following applies: 35227

(i) It is completely refunded within five business days after 35228  
it is accepted; 35229

(ii) It is completely refunded on or before the tenth 35230  
business day after knowledge by the recipient of the excess 35231  
contribution or notification to the recipient of the excess 35232  
contribution by the board of elections or the secretary of state 35233  
that a contribution in excess of the permitted amount has been 35234  
received, whichever is earlier. 35235

(S) A candidate whose campaign committee violates or a 35236  
treasurer of a campaign committee who violates section 3517.081 of 35237  
the Revised Code, and a candidate whose campaign committee 35238  
violates or a treasurer of a campaign committee or another person 35239  
who violates division (C) of section 3517.10 of the Revised Code, 35240  
shall be fined not more than five hundred dollars. 35241

(T) A candidate whose campaign committee violates or a 35242  
treasurer of a committee who violates division (B) of section 35243  
3517.09 of the Revised Code, or a candidate whose campaign 35244  
committee violates or a treasurer of a campaign committee or 35245  
another person who violates division (C) of section 3517.09 of the 35246  
Revised Code shall be fined not more than one thousand dollars. 35247

(U) Whoever violates section 3517.20 of the Revised Code 35248  
shall be fined not more than five hundred dollars. 35249

(V) Whoever violates section 3517.21 or 3517.22 of the 35250  
Revised Code shall be imprisoned for not more than six months or 35251  
fined not more than five thousand dollars, or both. 35252

(W) A campaign committee that is required to file a 35253  
declaration of no limits under division (D)(2) of section 3517.103 35254  
of the Revised Code that, before filing that declaration, accepts 35255  
a contribution or contributions that exceed the limitations 35256  
prescribed in section 3517.102 of the Revised Code, shall return 35257  
that contribution or those contributions to the contributor. 35258

(X) Any campaign committee that fails to file the declaration 35259  
of filing-day finances required by division (F) of section 35260  
3517.109 or the declaration of primary-day finances or declaration 35261  
of year-end finances required by division (E) of section 3517.1010 35262  
of the Revised Code shall be fined twenty-five dollars for each 35263  
day of violation. 35264

(Y) Any campaign committee that fails to dispose of excess 35265  
funds or excess aggregate contributions under division (B) of 35266  
section 3517.109 of the Revised Code in the manner required by 35267  
division (C) of that section or under division (B) of section 35268  
3517.1010 of the Revised Code in the manner required by division 35269  
(C) of that section shall give to the treasurer of state for 35270  
deposit into the Ohio elections commission fund created under 35271  
division (I) of section 3517.152 of the Revised Code all funds not 35272  
disposed of pursuant to those divisions. 35273

(Z) Any individual, campaign committee, political action 35274  
committee, political contributing entity, legislative campaign 35275  
fund, political party, or other entity that violates any provision 35276  
of sections 3517.09 to 3517.12 of the Revised Code for which no 35277  
penalty is provided for under any other division of this section 35278

shall be fined not more than one thousand dollars. 35279

(AA)(1) Whoever knowingly violates division (W)(1) of section 35280  
3517.13 of the Revised Code shall be fined an amount equal to 35281  
three times the amount contributed, expended, or promised in 35282  
violation of that division or ten thousand dollars, whichever 35283  
amount is greater. 35284

(2) Whoever knowingly violates division (W)(2) of section 35285  
3517.13 of the Revised Code shall be fined an amount equal to 35286  
three times the amount solicited or accepted in violation of that 35287  
division or ten thousand dollars, whichever amount is greater. 35288

(BB) Whoever knowingly violates division (C) or (D) of 35289  
section 3517.1011 of the Revised Code shall be fined not more than 35290  
ten thousand dollars plus not more than one thousand dollars for 35291  
each day of violation. 35292

(CC)(1) Subject to division (CC)(2) of this section, whoever 35293  
violates division (H) of section 3517.1011 of the Revised Code 35294  
shall be fined an amount up to three times the amount disbursed 35295  
for the direct costs of airing the communication made in violation 35296  
of that division. 35297

(2) Whoever has been ordered by the Ohio elections commission 35298  
or by a court of competent jurisdiction to cease making 35299  
communications in violation of division (H) of section 3517.1011 35300  
of the Revised Code who again violates that division shall be 35301  
fined an amount equal to three times the amount disbursed for the 35302  
direct costs of airing the communication made in violation of that 35303  
division. 35304

(DD)(1) Any corporation or labor organization that violates 35305  
division (X)(3)(a) of section 3517.13 of the Revised Code shall be 35306  
fined an amount equal to three times the amount given in excess of 35307  
the amount permitted by that division. 35308

(2) Any state or county political party that violates 35309

division (X)(3)(b) of section 3517.13 of the Revised Code shall be 35310  
fined an amount equal to three times the amount accepted in excess 35311  
of the amount permitted by that division. 35312

(EE)(1) Whoever solicits or directs a contribution in 35313  
violation of division (B) of section 3517.093 of the Revised Code 35314  
is guilty of a misdemeanor of the first degree. 35315

(2) Whoever accepts a contribution in violation of division 35316  
(C) of section 3517.093 of the Revised Code shall return to the 35317  
contributor any amount so accepted. 35318

**Sec. 3599.17.** (A) No elections official serving as a 35319  
registrar, ~~or judge, or clerk~~ of elections shall do any of the 35320  
following: 35321

(1) Fail to appear before the board of elections, or its 35322  
representative, after notice has been served personally upon the 35323  
official or left at the official's usual place of residence, for 35324  
examination as to the official's qualifications; 35325

(2) Fail to appear at the polling place to which the official 35326  
is assigned at the hour and during the hours set for the 35327  
registration or election; 35328

(3) Fail to take the oath prescribed by section 3501.31 of 35329  
the Revised Code, unless excused by such board; 35330

(4) Refuse or sanction the refusal of another registrar or 35331  
judge of elections to administer an oath required by law; 35332

(5) Fail to send notice to the board of the appointment of a 35333  
judge ~~or clerk~~ to fill a vacancy; 35334

(6) Act as registrar, ~~or judge, or clerk~~ without having been 35335  
appointed and having received a certificate of appointment, except 35336  
a judge ~~or clerk~~ appointed to fill a vacancy caused by absence or 35337  
removal; 35338

(7) Fail in any other way to perform any duty imposed by law.	35339
(B) Whoever violates division (A) of this section is guilty of a misdemeanor of the first degree.	35340 35341
<b>Sec. 3599.19.</b> (A) No judge <del>or clerk</del> of elections shall knowingly do any of the following:	35342 35343
(1) Unlawfully open or permit to be opened the sealed package containing registration lists, ballots, blanks, pollbooks, and other papers and material to be used in an election;	35344 35345 35346
(2) Unlawfully misplace, carry away, negligently lose or permit to be taken from the judge <del>or clerk</del> , fail to deliver, or destroy any such packages, papers, or material;	35347 35348 35349
(3) Receive or sanction the reception of a ballot from a person not a qualified elector or from a person who refused to answer a question in accordance with the election law;	35350 35351 35352
(4) Refuse to receive or sanction the rejection of a ballot from a person, knowing that person to be a qualified elector;	35353 35354
(5) Permit a fraudulent ballot to be placed in the ballot box;	35355 35356
(6) Place or permit to be placed in any ballot box any ballot known by the judge <del>or clerk</del> to be improperly or falsely marked;	35357 35358
(7) Count or permit to be counted any illegal or fraudulent ballot;	35359 35360
(8) Mislead an elector who is physically unable to prepare the elector's ballot, mark a ballot for such elector otherwise than as directed by that elector, or disclose to any person, except when legally required to do so, how such elector voted;	35361 35362 35363 35364
(9) Alter or mark or permit any alteration or marking on any ballot when counting the ballots;	35365 35366
(10) Unlawfully count or tally or sanction the wrongful	35367

counting or tallying of votes;	35368
(11) After the counting of votes commences, as required by law, postpone or sanction the postponement of the counting of votes, adjourn at any time or to any place, or remove the ballot box from the place of voting, or from the custody or presence of all the judges <del>and clerks</del> of such elections;	35369 35370 35371 35372 35373
(12) Permit any ballot to remain or to be in the ballot box at the opening of the polls, or to be put in the box during the counting of the ballots, or to be left in the box without being counted;	35374 35375 35376 35377
(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;	35378 35379 35380
(14) Refuse to admit or sanction the refusal to admit any person, upon lawful request for admission, who is legally qualified to be present;	35381 35382 35383
(15) Permit or sanction the counting of the ballots contrary to the manner prescribed by law;	35384 35385
(16) Neglect or unlawfully execute any duty enjoined upon the judge <del>or clerk</del> by law.	35386 35387
(B) Whoever violates division (A) of this section is guilty of a misdemeanor of the first degree.	35388 35389
<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:	35390 35391 35392 35393 35394
(1) Fail to appear or, having appeared, refuse to answer a question pertinent to the matter under inquiry or investigation;	35395 35396

(2) Refuse to produce, upon reasonable notice, any material, 35397  
books, papers, documents, or records in that person's possession 35398  
or under that person's control. 35399

(B) Whoever violates division (A) of this section, unless the 35400  
violator ~~claims~~ personally appears before the grand jury, court, 35401  
board, or officer and asserts the protection of the violator's 35402  
constitutional rights, is guilty of a misdemeanor of the first 35403  
degree. 35404

**Sec. 3701.047.** (A) As used in this section: 35405

(1) "Federally qualified health center" means a health center 35406  
that receives a federal public health services grant under the 35407  
"Public Health Services Act," 117 Stat. 2020, 42 U.S.C. 254b, as 35408  
amended, or another health center designated by the U.S. Health 35409  
Resources and Services Administration as a federally qualified 35410  
health center. 35411

(2) "Federally qualified health center look-alike" means a 35412  
public or not-for-profit health center that meets the eligibility 35413  
requirements to receive a federal public health services grant 35414  
under the "Public Health Services Act," 117 Stat. 2020, 42 U.S.C. 35415  
254b, as amended, but does not receive grant funding. 35416

(B) The department of health may enter into an agreement with 35417  
the state's primary care association to promote the establishment 35418  
of new federally qualified health centers and federally qualified 35419  
health center look-alikes. 35420

The department and the association may assist local 35421  
communities and community health centers by providing grants and 35422  
grant writing assistance to establish health centers as defined in 35423  
42 U.S.C. 254b, regardless of whether the health centers apply for 35424  
a grant under that section. 35425

**Sec. 3701.135.** (A) The autism diagnosis education pilot 35426

program is hereby established in the department of health. The 35427  
program shall have the following goals: 35428

(1) To educate health care professionals, teachers and other 35429  
educational personnel, child care providers, parents, early 35430  
intervention and developmental disabilities providers, and other 35431  
community-based services providers in this state regarding the 35432  
diagnosis of autism spectrum disorders, including the range of 35433  
symptoms that may indicate autism spectrum disorders and screening 35434  
tools; 35435

(2) To promote appropriate standards for the diagnosis of 35436  
autism spectrum disorders in children, including screening tools 35437  
and treatment planning for children diagnosed with autism spectrum 35438  
disorders; 35439

(3) To encourage physicians and other health care 35440  
professionals with expertise in screening, diagnosing, and 35441  
treating autism spectrum disorders to share that information with 35442  
other health care professionals in this state; 35443

(4) To encourage the regional coordination of services to 35444  
facilitate the effective, timely treatment of children diagnosed 35445  
with autism spectrum disorders. 35446

(B) The director of health shall contract with a statewide 35447  
association representing pediatric physicians to conduct or 35448  
administer the autism diagnosis education pilot program. 35449

**Sec. 3701.74.** (A) As used in this section and section 3701.741 of the Revised Code: 35450  
35451

(1) "Ambulatory care facility" means a facility that provides 35452  
medical, diagnostic, or surgical treatment to patients who do not 35453  
require hospitalization, including a dialysis center, ambulatory 35454  
surgical facility, cardiac catheterization facility, diagnostic 35455  
imaging center, extracorporeal shock wave lithotripsy center, home 35456

health agency, inpatient hospice, birthing center, radiation	35457
therapy center, emergency facility, and an urgent care center.	35458
"Ambulatory care facility" does not include the private office of	35459
a physician or dentist, whether the office is for an individual or	35460
group practice.	35461
(2) "Chiropractor" means an individual licensed under Chapter	35462
4734. of the Revised Code to practice chiropractic.	35463
(3) "Emergency facility" means a hospital emergency	35464
department or any other facility that provides emergency medical	35465
services.	35466
(4) "Health care practitioner" means all of the following:	35467
(a) A dentist or dental hygienist licensed under Chapter	35468
4715. of the Revised Code;	35469
(b) A registered or licensed practical nurse licensed under	35470
Chapter 4723. of the Revised Code;	35471
(c) An optometrist licensed under Chapter 4725. of the	35472
Revised Code;	35473
(d) A dispensing optician, spectacle dispensing optician,	35474
contact lens dispensing optician, or spectacle-contact lens	35475
dispensing optician licensed under Chapter 4725. of the Revised	35476
Code;	35477
(e) A pharmacist licensed under Chapter 4729. of the Revised	35478
Code;	35479
(f) A physician;	35480
(g) A physician assistant authorized under Chapter 4730. of	35481
the Revised Code to practice as a physician assistant;	35482
(h) A practitioner of a limited branch of medicine issued a	35483
certificate under Chapter 4731. of the Revised Code;	35484
(i) A psychologist licensed under Chapter 4732. of the	35485

Revised Code;	35486
(j) A chiropractor;	35487
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	35488 35489
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	35490 35491
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	35492 35493
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	35494 35495
(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;	35496 35497 35498 35499
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	35500 35501
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	35502 35503
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	35504 35505 35506
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	35507 35508 35509
(6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	35510 35511
(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	35512 35513 35514

facility, as defined in section 3722.01 of the Revised Code; a 35515  
nursing facility or intermediate care facility for the mentally 35516  
retarded, as those terms are defined in section 5111.20 of the 35517  
Revised Code; a facility or portion of a facility certified as a 35518  
skilled nursing facility under Title XVIII of the "Social Security 35519  
Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 35520

(8) "Medical record" means data in any form that pertains to 35521  
a patient's medical history, diagnosis, prognosis, or medical 35522  
condition and that is generated and maintained by a health care 35523  
provider in the process of the patient's health care treatment. 35524

(9) "Medical records company" means a person who stores, 35525  
locates, or copies medical records for a health care provider, or 35526  
is compensated for doing so by a health care provider, and charges 35527  
a fee for providing medical records to a patient or patient's 35528  
representative. 35529

(10) "Patient" means either of the following: 35530

(a) An individual who received health care treatment from a 35531  
health care provider; 35532

(b) A guardian, as defined in section 1337.11 of the Revised 35533  
Code, of an individual described in division (A)(10)(a) of this 35534  
section. 35535

(11) "Patient's personal representative" means a minor 35536  
patient's parent or other person acting in loco parentis, a 35537  
court-appointed guardian, or a person with durable power of 35538  
attorney for health care for a patient, the executor or 35539  
administrator of the patient's estate, or the person responsible 35540  
for the patient's estate if it is not to be probated. "Patient's 35541  
personal representative" does not include an insurer authorized 35542  
under Title XXXIX of the Revised Code to do the business of 35543  
sickness and accident insurance in this state, a health insuring 35544  
corporation holding a certificate of authority under Chapter 1751. 35545

of the Revised Code, or any other person not named in this 35546  
division. 35547

(12) "Pharmacy" has the same meaning as in section 4729.01 of 35548  
the Revised Code. 35549

(13) "Physician" means a person authorized under Chapter 35550  
4731. of the Revised Code to practice medicine and surgery, 35551  
osteopathic medicine and surgery, or podiatric medicine and 35552  
surgery. 35553

(14) "Authorized person" means a person to whom a patient has 35554  
given written authorization to act on the patient's behalf 35555  
regarding the patient's medical record. 35556

(B) A patient, a patient's personal representative or an 35557  
authorized person who wishes to examine or obtain a copy of part 35558  
or all of a medical record shall submit to the health care 35559  
provider a written request signed by the patient, personal 35560  
representative, or authorized person dated not more than ~~sixty~~ 35561  
~~days~~ one year before the date on which it is submitted. The 35562  
request shall indicate whether the copy is to be sent to the 35563  
requestor, physician or chiropractor,  $\tau$  or held for the requestor 35564  
at the office of the health care provider. Within a reasonable 35565  
time after receiving a request that meets the requirements of this 35566  
division and includes sufficient information to identify the 35567  
record requested, a health care provider that has the patient's 35568  
medical records shall permit the patient to examine the record 35569  
during regular business hours without charge or, on request, shall 35570  
provide a copy of the record in accordance with section 3701.741 35571  
of the Revised Code, except that if a physician or chiropractor 35572  
who has treated the patient determines for clearly stated 35573  
treatment reasons that disclosure of the requested record is 35574  
likely to have an adverse effect on the patient, the health care 35575  
provider shall provide the record to a physician or chiropractor 35576  
designated by the patient. The health care provider shall take 35577

reasonable steps to establish the identity of the person making 35578  
the request to examine or obtain a copy of the patient's record. 35579

(C) If a health care provider fails to furnish a medical 35580  
record as required by division (B) of this section, the patient, 35581  
personal representative, or authorized person who requested the 35582  
record may bring a civil action to enforce the patient's right of 35583  
access to the record. 35584

(D)(1) This section does not apply to medical records whose 35585  
release is covered by section 173.20 or 3721.13 of the Revised 35586  
Code, by Chapter 1347. or 5122. of the Revised Code, by 42 C.F.R. 35587  
part 2, "Confidentiality of Alcohol and Drug Abuse Patient 35588  
Records," or by 42 C.F.R. 483.10. 35589

(2) Nothing in this section is intended to supersede the 35590  
confidentiality provisions of sections 2305.24, 2305.25, 2305.251, 35591  
and 2305.252 of the Revised Code. 35592

**Sec. 3701.741.** (A) Through December 31, 2008, each health 35593  
care provider and medical records company shall provide copies of 35594  
medical records in accordance with this section. 35595

(B) Except as provided in divisions (C) and (E) of this 35596  
section, a health care provider or medical records company that 35597  
receives a request for a copy of a patient's medical record shall 35598  
charge not more than the amounts set forth in this section. 35599

(1) If the request is made by the patient or the patient's 35600  
personal representative, total costs for copies and all services 35601  
related to those copies shall not exceed the sum of the following: 35602

(a) With respect to data recorded on paper, the following 35603  
amounts: 35604

(i) Two dollars and fifty cents per page for the first ten 35605  
pages; 35606

(ii) Fifty-one cents per page for pages eleven through fifty; 35607

(iii) Twenty cents per page for pages fifty-one and higher;	35608
(b) With respect to data recorded other than on paper, one dollar and seventy cents per page;	35609 35610
(c) The actual cost of any related postage incurred by the health care provider or medical records company.	35611 35612
(2) If the request is made other than by the patient or the patient's personal representative, total costs for copies and all services related to those copies shall not exceed the sum of the following:	35613 35614 35615 35616
(a) An initial fee of fifteen dollars and thirty-five cents, which shall compensate for the records search;	35617 35618
(b) With respect to data recorded on paper, the following amounts:	35619 35620
(i) One dollar and two cents per page for the first ten pages;	35621 35622
(ii) Fifty-one cents per page for pages eleven through fifty;	35623
(iii) Twenty cents per page for pages fifty-one and higher.	35624
(c) With respect to data recorded other than on paper, one dollar and seventy cents per page;	35625 35626
(d) The actual cost of any related postage incurred by the health care provider or medical records company.	35627 35628
(C)(1) A health care provider or medical records company shall provide one copy without charge to the following:	35629 35630
(a) The bureau of workers' compensation, in accordance with Chapters 4121. and 4123. of the Revised Code and the rules adopted under those chapters;	35631 35632 35633
(b) The industrial commission, in accordance with Chapters 4121. and 4123. of the Revised Code and the rules adopted under those chapters;	35634 35635 35636

(c) The department of job and family services or a county 35637  
department of job and family services, in accordance with ~~Chapter~~ 35638  
Chapters 5101. and 5111. of the Revised Code and the rules adopted 35639  
under those chapters; 35640

(d) The attorney general, in accordance with sections 2743.51 35641  
to 2743.72 of the Revised Code and any rules that may be adopted 35642  
under those sections; 35643

(e) A patient or patient's personal representative if the 35644  
medical record is necessary to support a claim under Title II or 35645  
Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 35646  
U.S.C.A. 401 and 1381, as amended, and the request is accompanied 35647  
by documentation that a claim has been filed. 35648

(2) Nothing in division (C)(1) of this section requires a 35649  
health care provider or medical records company to provide a copy 35650  
without charge to any person or entity not listed in division 35651  
(C)(1) of this section. 35652

(D) Division (C) of this section shall not be construed to 35653  
supersede any rule of the bureau of workers' compensation, the 35654  
industrial commission, or the department of job and family 35655  
services. 35656

(E) A health care provider or medical records company may 35657  
enter into a contract with either of the following for the copying 35658  
of medical records at a fee other than as provided in division (B) 35659  
of this section: 35660

(1) A patient, a patient's personal representative, or an 35661  
authorized person; 35662

(2) An insurer authorized under Title XXXIX of the Revised 35663  
Code to do the business of sickness and accident insurance in this 35664  
state or health insuring corporations holding a certificate of 35665  
authority under Chapter 1751. of the Revised Code. 35666

(F) This section does not apply to medical records the copying of which is covered by section 173.20 of the Revised Code or by 42 C.F.R. 483.10.

**Sec. 3702.52.** The director of health shall administer a state certificate of need program in accordance with sections 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections.

(A) The director shall issue rulings on whether a particular proposed project is a reviewable activity. The director shall issue a ruling not later than forty-five days after receiving a request for a ruling accompanied by the information needed to make the ruling. If the director does not issue a ruling in that time, the project shall be considered to have been ruled not a reviewable activity.

(B) The director shall review applications for certificates of need. Each application shall be submitted to the director on forms prescribed by the director, shall include all information required by rules adopted under division (B) of section 3702.57 of the Revised Code, and shall be accompanied by the application fee established in rules adopted under division (G) of that section.

~~Application~~

Application fees received by the director under this division shall be deposited into the state treasury to the credit of the certificate of need fund, which is hereby created. The director shall use the fund only to pay the costs of administering sections 3702.11 to 3702.20, 3702.30, and 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections.

The director shall mail to the applicant a written notice that the application meets the criteria for a complete application specified in rules adopted under section 3702.57 of the Revised Code, or a written request for additional information, not later

than ~~fifteen~~ thirty days after receiving an application or a 35698  
response to an earlier request for information. The director shall 35699  
not make more than two requests for additional information. 35700

The director may conduct a public informational hearing in 35701  
the course of reviewing any application for a certificate of need, 35702  
and shall conduct one if requested to do so by any affected person 35703  
not later than fifteen days after the director mails the notice 35704  
that the application is complete. The hearing shall be conducted 35705  
in the community in which the activities authorized by the 35706  
certificate of need would be carried out. Any affected person may 35707  
testify at the hearing. The director may, with the health service 35708  
agency's consent, designate a health service agency to conduct the 35709  
hearing. 35710

Except during a public hearing or as necessary to comply with 35711  
a subpoena issued under division (F) of this section, after a 35712  
notice of completeness has been received, no person shall 35713  
knowingly discuss in person or by telephone the merits of the 35714  
application with the director. If one or more persons request a 35715  
meeting in person or by telephone, the director shall make a 35716  
reasonable effort to invite interested parties to the meeting or 35717  
conference call. 35718

~~(C) Divisions (C)(1) to (7) of this section apply to 35719  
certificate of need applications for which the director had not 35720  
issued a written decision prior to April 20, 1995, unless the 35721  
director was required, under the version of this section in effect 35722  
immediately prior to June 30, 1995, to grant a certificate of need 35723  
prior to June 30, 1995, because of a lack of written objections 35724  
from any affected person. Divisions (C)(1) to (7) of this section 35725  
do not invalidate any certificate of need that the director was 35726  
required to grant prior to June 30, 1995, under that circumstance. 35727~~

~~(1) The All of the following apply to the process of granting 35728  
or denying a certificate of need: 35729~~

(1) If the project proposed in a certificate of need application meets 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 a certificate of need for the entire project that is the subject of the application immediately after both of the following conditions are met:

(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 35762  
objections to any of the applications from any affected person by 35763  
the ~~later of May 20, 1995, or thirty days~~ thirtieth day after the 35764  
director mails the last notice of completeness. 35765

The director's grant of a certificate of need under division 35766  
(C)(1) or (2) of this section does not affect, and sets no 35767  
precedent for, the director's decision to grant or deny other 35768  
applications for similar reviewable activities proposed to be 35769  
conducted in the same or different health service areas. 35770

(3) If the director receives written objections to an 35771  
application from any affected person by the ~~later of May 20, 1995,~~ 35772  
~~or thirty days~~ thirtieth day after mailing the notice of 35773  
completeness, regardless of the health service agency's 35774  
recommendation, the director shall notify the applicant and assign 35775  
a hearing examiner to conduct an adjudication hearing concerning 35776  
the application in accordance with Chapter 119. of the Revised 35777  
Code. In the case of applications under comparative review, if the 35778  
director receives written objections to any of the applications 35779  
from any affected person by the ~~later of May 20, 1995, or thirty~~ 35780  
~~days~~ thirtieth day after the director mails the last notice of 35781  
completeness, regardless of the health service agencies' 35782  
recommendation, the director shall notify all of the applicants 35783  
and appoint a hearing examiner to conduct a consolidated 35784  
adjudication hearing concerning the applications in accordance 35785  
with Chapter 119. of the Revised Code. The hearing examiner shall 35786  
be employed by or under contract with the department of health. 35787

The adjudication hearings may be conducted in the health 35788  
service area in which the reviewable activity is proposed to be 35789  
conducted. Consolidated adjudication hearings for applications in 35790  
comparative review may be conducted in the geographic region in 35791  
which all of the reviewable activities will be conducted. The 35792  
applicant, the director, and the affected persons that filed 35793

objections to the application shall be parties to the hearing. If 35794  
none of the affected persons that submitted written objections to 35795  
the application appears or prosecutes the hearing, the hearing 35796  
examiner shall dismiss the hearing and the director shall grant a 35797  
certificate of need for the entire project that is the subject of 35798  
the application if the proposed project meets all of the 35799  
applicable certificate of need criteria for approval under 35800  
sections 3702.51 to 3702.62 of the Revised Code and the rules 35801  
adopted under those sections. The affected persons bear the burden 35802  
of proving by a preponderance of evidence that the project is not 35803  
needed or that granting the certificate would not be in accordance 35804  
with sections 3702.51 to 3702.62 of the Revised Code or the rules 35805  
adopted under ~~section 3702.57 of the Revised Code~~ those sections. 35806

(4) Except as provided in divisions (C)(1) and (2) of this 35807  
section, the director shall grant or deny certificate of need 35808  
applications for which an adjudication hearing is not conducted 35809  
under division (C)(3) of this section not later than ~~ninety~~ sixty 35810  
days after mailing the notice of completeness or, in the case of 35811  
an application proposing addition of long-term care beds, not 35812  
later than ~~ninety~~ sixty days after such other time as is specified 35813  
in rules adopted under section 3702.57 of the Revised Code. The 35814  
director shall grant or deny certificate of need applications for 35815  
which an adjudication hearing is conducted under division (C)(3) 35816  
of this section not later than thirty days after the expiration of 35817  
the time for filing objections to the report and recommendation of 35818  
the hearing examiner under section 119.09 of the Revised Code. The 35819  
director shall base decisions concerning applications for which an 35820  
adjudication hearing is conducted under division (C)(3) of this 35821  
section on the report and recommendations of the hearing examiner. 35822

(5) Except as otherwise provided in division (C)(1), (2), or 35823  
(6) of this section, the director or the applicant may extend the 35824  
deadline prescribed in division (C)(4) of this section once, for 35825

no longer than thirty days, by written notice before the end of 35826  
the original thirty-day period. An extension by the director under 35827  
division (C)(5) of this section shall apply to all applications 35828  
that are in comparative review. 35829

(6) No applicant in a comparative review may extend the 35830  
deadline specified in division (C)(4) of this section. 35831

(7) Except as provided in divisions (C)(1) and (2) of this 35832  
section, the director may grant a certificate of need for all or 35833  
part of the project that is the subject of an application. If the 35834  
director does not grant or deny the certificate by the applicable 35835  
deadline specified in division (C)(4) of this section or any 35836  
extension of it under division (C)(5) of this section, the 35837  
certificate shall be considered to have been granted. ~~The 35838  
director, in reviewing certificate of need applications for solid 35839  
organ transplantation services, may ask for assistance from a 35840  
statewide transplantation advisory group consisting of qualified 35841  
professionals and administrators. Such consultation shall not 35842  
cause the review period for any application to be extended beyond 35843  
the applicable deadline specified in division (C)(4) of this 35844  
section or any extension of it under division (C)(5) of this 35845  
section.~~ 35846

~~(D)(8)~~ In granting a certificate of need, the director shall 35847  
specify as the maximum capital expenditure the certificate holder 35848  
may obligate under the certificate a figure equal to one hundred 35849  
ten per cent of the approved project cost. 35850

~~(E)(9)~~ In granting a certificate of need, the director may 35851  
grant the certificate with conditions that must be met by the 35852  
holder of the certificate. 35853

(D) The director shall monitor the activities of persons 35854  
granted certificates of need concerning long-term care beds during 35855  
the period beginning with the granting of the certificate of need 35856

and ending five years after implementation of the activity for 35857  
which the certificate was granted. 35858

In the case of any other certificate of need, the director 35859  
shall monitor the activities of persons granted certificates of 35860  
need during the period beginning with the granting of the 35861  
certificate of need and ending when the activity for which the 35862  
certificate was granted ceases to be a reviewable activity in 35863  
accordance with section 3702.511 of the Revised Code. 35864

~~(F)~~(E) When reviewing applications for certificates of need 35865  
or monitoring activities of persons granted certificates of need, 35866  
the director may issue and enforce, in the manner provided in 35867  
section 119.09 of the Revised Code, subpoenas duces tecum to 35868  
compel the production of documents relevant to review of the 35869  
application or monitoring of the activities. In addition, the 35870  
director or the director's designee, which may include a health 35871  
service agency, may visit the sites where the activities are or 35872  
will be conducted. 35873

~~(G)~~(F) The director may withdraw certificates of need. 35874

~~(H)~~(G) The director shall conduct, on a regular basis, health 35875  
system data collection and analysis activities and prepare 35876  
reports. The director shall make recommendations based upon these 35877  
activities to the public health council concerning the adoption of 35878  
appropriate rules under section 3702.57 of the Revised Code. All 35879  
health care facilities and other health care providers shall 35880  
submit to the director, upon request, any information that is 35881  
necessary to conduct reviews of certificate of need applications 35882  
and to develop recommendations for criteria for reviews, and that 35883  
is prescribed by rules adopted under division (H) of section 35884  
3702.57 of the Revised Code. 35885

~~(I)~~(H) Any decision to grant or deny a certificate of need 35886  
shall consider the special needs and circumstances resulting from 35887

moral and ethical values and the free exercise of religious rights 35888  
of health care facilities administered by religious organizations, 35889  
and the special needs and circumstances of children's hospitals, 35890  
inner city hospitals, and small rural hospitals. 35891

**Sec. 3702.5211.** Notwithstanding any conflicting provision of 35892  
sections 3702.51 to ~~3702.68~~ 3702.62 of the Revised Code, the 35893  
veterans' home operated under Chapter 5907. of the Revised Code 35894  
that is located in Sandusky, including the Secrest nursing home 35895  
and Giffin care facility, is not required to obtain a certificate 35896  
of need for the addition of up to fifty-two additional nursing 35897  
home beds to be licensed under Chapter 3721. of the Revised Code 35898  
if the additional beds are placed in service prior to June 30, 35899  
1999. 35900

**Sec. 3702.5212.** (A) This section applies to each long-term 35901  
care facility that meets the following requirements: 35902

(1) The facility has been in continuous operation for not 35903  
less than one hundred twenty years prior to the effective date of 35904  
this section; 35905

(2) The facility is located in an inner city area; 35906

(3) The facility is operating as a nonprofit entity organized 35907  
under Chapter 1702. of the Revised Code or the nonprofit law of 35908  
another state. 35909

(B) Notwithstanding any conflicting provision of sections 35910  
3702.51 to ~~3702.68~~ 3702.62 of the Revised Code, the owner or 35911  
operator of a long-term care facility described in division (A) of 35912  
this section is not required to obtain a certificate of need for 35913  
the addition of up to thirty long-term care beds to be licensed 35914  
under Chapter 3721. of the Revised Code. The exemption shall apply 35915  
only as long as the beds are owned and operated by the facility to 35916  
which the exemption is granted. 35917

**Sec. 3702.5213.** Notwithstanding any conflicting provision of 35918  
sections 3702.51 to ~~3702.68~~ 3702.62 of the Revised Code, the 35919  
veterans' home operated under Chapter 5907. of the Revised Code 35920  
that is located in Brown county is not required to obtain a 35921  
certificate of need for the addition of up to one hundred 35922  
sixty-eight additional nursing home beds to be licensed under 35923  
Chapter 3721. of the Revised Code if the additional beds are 35924  
placed in service prior to December 31, 2004. 35925

**Sec. 3702.57.** (A) The public health council shall adopt rules 35926  
establishing procedures and criteria for reviews of applications 35927  
for certificates of need and issuance, denial, or withdrawal of 35928  
certificates. 35929

(1) The rules shall require that, in addition to any other 35930  
applicable review requirements of sections 3702.51 to 3702.62 of 35931  
the Revised Code and rules adopted thereunder, any application for 35932  
a certificate of need from an osteopathic hospital be reviewed on 35933  
the basis of the need for and the availability in the community of 35934  
services and hospitals for osteopathic physicians and their 35935  
patients, and in terms of its impact on existing and proposed 35936  
institutional training programs for doctors of osteopathy and 35937  
doctors of medicine at the student, internship, and residency 35938  
training levels. 35939

(2) In adopting rules that establish criteria for reviews of 35940  
applications of certificates of need, the council shall consider 35941  
the availability of and need for long-term care beds to provide 35942  
care and treatment to persons diagnosed as having traumatic brain 35943  
injuries and shall prescribe criteria for reviewing applications 35944  
that propose to add long-term care beds to provide care and 35945  
treatment to persons diagnosed as having traumatic brain injuries. 35946

(3) The criteria for reviews of applications for certificates 35947

of need shall relate to the need for the reviewable activity and 35948  
shall pertain to all of the following matters: 35949

(a) The impact of the reviewable activity on the cost and 35950  
quality of health services in the relevant geographic area, 35951  
including, but not limited, to the historical and projected 35952  
utilization of the services to which the application pertains and 35953  
the effect of the reviewable activity on utilization of other 35954  
providers of similar services; 35955

(b) The quality of the services to be provided as the result 35956  
of the activity, as evidenced by the historical performance of the 35957  
persons that will be involved in providing the services and by the 35958  
provisions that are proposed in the application to ensure quality, 35959  
including but not limited to adequate available personnel, 35960  
available ancillary and support services, available equipment, 35961  
size and configuration of physical plant, and relations with other 35962  
providers; 35963

(c) The impact of the reviewable activity on the availability 35964  
and accessibility of the type of services proposed in the 35965  
application to the population of the relevant geographic area, and 35966  
the level of access to the services proposed in the application 35967  
that will be provided to medically underserved individuals such as 35968  
recipients of public assistance and individuals who have no health 35969  
insurance or whose health insurance is insufficient; 35970

(d) The activity's short- and long-term financial feasibility 35971  
and cost-effectiveness, the impact of the activity on the 35972  
applicant's costs and charges, and a comparison of the applicant's 35973  
costs and charges with those of providers of similar services in 35974  
the applicant's proposed service area; 35975

(e) The advantages, disadvantages, and costs of alternatives 35976  
to the reviewable activity; 35977

(f) The impact of the activity on all other providers of 35978

similar services in the health service area or other relevant	35979
geographic area, including the impact on their utilization, market	35980
share, and financial status;	35981
(g) The historical performance of the applicant and related	35982
or affiliated parties in complying with previously granted	35983
certificates of need and any applicable certification,	35984
accreditation, or licensure requirements;	35985
(h) The relationship of the activity to the current edition	35986
of the state health resources plan issued under section 3702.521	35987
of the Revised Code;	35988
(i) The historical performance of the applicant and related	35989
or affiliated parties in providing cost-effective health care	35990
services;	35991
(j) The special needs and circumstances of the applicant or	35992
population proposed to be served by the proposed project,	35993
including research activities, prevalence of particular diseases,	35994
unusual demographic characteristics, cost-effective contractual	35995
affiliations, and other special circumstances;	35996
(k) The appropriateness of the zoning status of the proposed	35997
site of the activity;	35998
(l) The participation by the applicant in research conducted	35999
by the United States food and drug administration or clinical	36000
trials sponsored by the national institutes of health.	36001
(4) The criteria for reviews of applications may include	36002
formulas for determining need for beds and services.	36003
(a) The criteria prescribing formulas shall not, either by	36004
themselves or in conjunction with any established occupancy	36005
guidelines, require, as a condition of being granted a certificate	36006
of need, that a hospital reduce its complement of registered beds	36007
or discontinue any service that is not related to the service or	36008

project for which the certificate of need is sought. 36009

(b) With respect to applications to conduct reviewable 36010  
activities that are affected directly by the inpatient occupancy 36011  
of a health care facility, including addition, relocation, or 36012  
recategorization of beds or renovation or other construction 36013  
activities relating to inpatient services, the rules shall 36014  
prescribe criteria for determining whether the scope of the 36015  
proposed project is appropriate in light of the historical and 36016  
reasonably projected occupancy rates for the beds related to the 36017  
project. 36018

(c) Any rules prescribing criteria that establish ratios of 36019  
beds, services, or equipment to population shall specify the bases 36020  
for establishing the ratios or mitigating factors or exceptions to 36021  
the ratios. 36022

(B) The council shall adopt rules specifying all of the 36023  
following: 36024

(1) Information that must be provided in applications for 36025  
certificates of need, which shall include a plan for obligating 36026  
the capital expenditure or implementing the proposed project on a 36027  
timely basis in accordance with section 3702.525 of the Revised 36028  
Code; 36029

(2) Procedures for reviewing applications for completeness of 36030  
information; 36031

(3) Criteria for determining that the application is 36032  
complete. 36033

(C) The council shall adopt rules specifying requirements 36034  
that holders of certificates of need must meet in order for the 36035  
certificates to remain valid and establishing definitions and 36036  
requirements for obligation of capital expenditures and 36037  
implementation of projects authorized by certificates of need. 36038

(D) The council shall adopt rules establishing criteria and 36039  
procedures under which the director of health may withdraw a 36040  
certificate of need if the holder fails to meet requirements for 36041  
continued validity of the certificate. 36042

(E) The council shall adopt rules establishing procedures 36043  
under which the department of health shall monitor project 36044  
implementation activities of holders of certificates of need. The 36045  
rules adopted under this division also may establish procedures 36046  
for monitoring implementation activities of persons that have 36047  
received nonreviewability rulings. 36048

(F) The council shall adopt rules establishing procedures 36049  
under which the director of health shall review certificates of 36050  
need whose holders exceed or appear likely to exceed an 36051  
expenditure maximum specified in a certificate. 36052

(G) The council shall adopt rules establishing certificate of 36053  
need application fees sufficient to pay the costs incurred by the 36054  
department for administering sections 3702.51 to 3702.62 of the 36055  
Revised Code and to pay health service agencies for the functions 36056  
they perform under division (D)(5) of section 3702.58 of the 36057  
Revised Code. Unless rules are adopted under this division 36058  
establishing different application fees, the application fee for a 36059  
project not involving a capital expenditure shall be three 36060  
thousand dollars and the application fee for a project involving a 36061  
capital expenditure shall be nine-tenths of one per cent of the 36062  
capital expenditure proposed subject to a minimum of three 36063  
thousand dollars and a maximum of twenty thousand dollars. 36064

(H) The council shall adopt rules specifying information that 36065  
is necessary to conduct reviews of certificate of need 36066  
applications and to develop recommendations for criteria for 36067  
reviews that health care facilities and other health care 36068  
providers are to submit to the director under division ~~(H)~~(G) of 36069  
section 3702.52 of the Revised Code. 36070

(I) The council shall adopt rules defining "affiliated person," "related person," and "ultimate controlling interest" for purposes of section 3702.524 of the Revised Code. 36071  
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(J) The council shall adopt rules prescribing requirements for holders of certificates of need to demonstrate to the director under section 3702.526 of the Revised Code that reasonable progress is being made toward completion of the reviewable activity and establishing standards by which the director shall determine whether reasonable progress is being made. 36074  
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(K) The council shall adopt rules defining high-risk cardiac catheterization patients. High-risk patients shall include patients with significant ischemic syndromes or unstable myocardial infarction, patients who need intervention such as angioplasty or bypass surgery, patients who may require difficult or complex catheterization procedures such as transeptal assessment of valvular dysfunction, patients with critical aortic stenosis or congestive heart failure, and other patients specified by the council. 36080  
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(L) The public health council shall adopt all rules under divisions (A) to (K) of this section in accordance with Chapter 119. of the Revised Code. The council may adopt other rules as necessary to carry out the purposes of sections 3702.51 to 3702.62 of the Revised Code. 36089  
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**Sec. ~~3702.68~~ 3702.59.** (A) Notwithstanding any conflicting provision of sections 3702.51 to 3702.62 of the Revised Code, other than the provisions of sections 3702.5210, 3702.5211, 3702.5212, and 3702.5213 of the Revised Code, both of the following apply under the certificate of need program: 36094  
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(1) Divisions (B) to (E) of this section applies apply to the review of certificate of need applications during the period beginning July 1, 1993, and ending June 30, ~~2007~~ 2009. 36099  
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~~As used in this section, "existing health care facility" has~~ 36102  
~~the same meaning as in section 3702.51 of the Revised Code (2)~~ 36103  
~~Beginning July 1, 2009, the director of health shall not accept~~ 36104  
~~for review under section 3702.52 of the Revised Code any~~ 36105  
~~application for a certificate of need to recategorize hospital~~ 36106  
~~beds as described in section 3702.522 of the Revised Code.~~ 36107

(B)(1) Except as provided in division (B)(2) of this section, 36108  
the director of health shall neither grant nor deny any 36109  
application for a certificate of need submitted prior to July 1, 36110  
1993, if the application was for any of the following and the 36111  
director had not issued a written decision concerning the 36112  
application prior to that date: 36113

(a) Approval of beds in a new health care facility or an 36114  
increase of beds in an existing health care facility, if the beds 36115  
are proposed to be licensed as nursing home beds under Chapter 36116  
3721. of the Revised Code; 36117

(b) Approval of beds in a new county home or new county 36118  
nursing home as defined in section 5155.31 of the Revised Code, or 36119  
an increase of beds in an existing county home or existing county 36120  
nursing home, if the beds are proposed to be certified as skilled 36121  
nursing facility beds under Title XVIII or nursing facility beds 36122  
under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 36123  
42 U.S.C.A. 301, as amended; 36124

(c) Recategorization of hospital beds as described in section 36125  
3702.522 of the Revised Code, an increase of hospital beds 36126  
registered pursuant to section 3701.07 of the Revised Code as 36127  
long-term care beds or skilled nursing facility beds, or a 36128  
recategorization of hospital beds that would result in an increase 36129  
of beds registered pursuant to that section as long-term care beds 36130  
or skilled nursing facility beds. 36131

On July 1, 1993, the director shall return each such 36132

application to the applicant and, notwithstanding section 3702.52 36133  
of the Revised Code regarding the uses of the certificate of need 36134  
fund, shall refund to the applicant the application fee paid under 36135  
that section. Applications returned under division (B)(1) of this 36136  
section may be resubmitted in accordance with section 3702.52 of 36137  
the Revised Code no sooner than July 1, ~~2007~~ 2009. 36138

(2) The director shall continue to review and shall issue a 36139  
decision regarding any application submitted prior to July 1, 36140  
1993, to increase beds for either of the purposes described in 36141  
division (B)(1)(a) or (b) of this section if the proposed increase 36142  
in beds is attributable solely to a replacement or relocation of 36143  
existing beds within the same county. The director shall authorize 36144  
under such an application no additional beds beyond those being 36145  
replaced or relocated. 36146

(C)(1) Except as provided in division (C)(2) of this section, 36147  
the director, during the period beginning July 1, 1993, and ending 36148  
June 30, ~~2007~~ 2009, shall not accept for review under section 36149  
3702.52 of the Revised Code any application for a certificate of 36150  
need for any of the purposes described in divisions (B)(1)(a) to 36151  
(c) of this section. 36152

(2)(a) The director shall accept for review any application 36153  
for either of the purposes described in division (B)(1)(a) or (b) 36154  
of this section if the proposed increase in beds is attributable 36155  
solely to a replacement or relocation of existing beds from an 36156  
existing health care facility within the same county. The director 36157  
shall authorize under such an application no additional beds 36158  
beyond those being replaced or relocated. 36159

The director shall not approve an application for a 36160  
certificate of need for addition of long-term care beds to an 36161  
existing health care facility by relocation of beds or for the 36162  
development of a new health care facility by relocation of beds 36163  
unless all of the following conditions are met: 36164

(i) The existing health care facility to which the beds are being relocated has no waivers for life safety code waivers deficiencies, no state fire code violations, and no state building code violations, or the project identified in the application proposes to correct all life safety code deficiencies for which a waiver has been granted, all state fire code violations, and all state building code violations at the existing health care facility to which the beds are being relocated;

(ii) During the sixty-month period preceding the filing of the application, no notice of proposed revocation of the facility's license was issued under section 3721.03 of the Revised Code to the operator of the existing facility to which the beds are being relocated or to any health care facility owned or operated by the applicant or any principal participant in the same corporation or other business;

(iii) Neither the existing health care facility to which the beds are being relocated nor any health care facility owned or operated by the applicant or any principal participant in the same corporation or other business has had a long-standing pattern of violations of this chapter or deficiencies that caused one or more residents physical, emotional, mental, or psychosocial harm.

(b) The director also shall accept for review any application for the conversion of infirmary beds to long-term care beds if the infirmary meets all of the following conditions:

(i) Is operated exclusively by a religious order;

(ii) Provides care exclusively to members of religious orders who take vows of celibacy and live by virtue of their vows within the orders as if related;

(iii) Was providing care exclusively to members of such a religious order on January 1, 1994.

(D) The director shall issue a decision regarding any case

remanded by a court as the result of a decision issued by the 36196  
director prior to July 1, 1993, to grant, deny, or withdraw a 36197  
certificate of need for any of the purposes described in divisions 36198  
(B)(1)(a) to (c) of this section. 36199

(E) The director shall not project the need for beds listed 36200  
in division (B)(1) of this section for the period beginning July 36201  
1, 1993, and ending June 30, ~~2007~~ 2009. 36202

~~This section is an interim section effective until July 1,~~ 36203  
~~2007.~~ 36204

**Sec. ~~3702.63~~ 3702.591.** As specified in former Section 11 of 36205  
Am. Sub. S.B. 50 of the 121st general assembly, as amended by Am. 36206  
Sub. H.B. 405 of the 124th general assembly, all of the following 36207  
apply: 36208

(A) The removal of former divisions (E) and (F) of section 36209  
3702.52 of the Revised Code by Sections 1 and 2 of Am. Sub. S.B. 36210  
50 of the 121st general assembly does not release the holders of 36211  
certificates of need issued under those divisions from complying 36212  
with any conditions on which the granting of the certificates of 36213  
need was based, including the requirement of former division 36214  
(E)(6) of that section that the holders not enter into provider 36215  
agreements under Chapter 5111. of the Revised Code and Title XIX 36216  
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 36217  
as amended, for at least ten years following initial licensure of 36218  
the long-term care facilities for which the certificates were 36219  
granted. 36220

(B) The repeal of section 3702.55 of the Revised Code by 36221  
Section 2 of Am. Sub. S.B. 50 of the 121st general assembly does 36222  
not release the holders of certificates of need issued under that 36223  
section from complying with any conditions on which the granting 36224  
of the certificates of need was based, other than the requirement 36225  
of division (A)(6) of that section that the holders not seek 36226

certification under Title XVIII of the "Social Security Act" for 36227  
beds recategorized under the certificates. That repeal also does 36228  
not eliminate the requirement that the director of health revoke 36229  
the licensure of the beds under Chapter 3721. of the Revised Code 36230  
if a person to which their ownership is transferred fails, as 36231  
required by division (A)(6) of the repealed section, to file 36232  
within ten days after the transfer a sworn statement not to seek 36233  
certification under Title XIX of the "Social Security Act" for 36234  
beds recategorized under the certificates of need. 36235

(C) The repeal of section 3702.56 of the Revised Code by 36236  
Section 2 of Am. Sub. S.B. 50 of the 121st general assembly does 36237  
not release the holders of certificates of need issued under that 36238  
section from complying with any conditions on which the granting 36239  
of the certificates of need was based. 36240

**Sec. 3704.03.** The director of environmental protection may do 36241  
any of the following: 36242

(A) Develop programs for the prevention, control, and 36243  
abatement of air pollution; 36244

(B) Advise, consult, contract, and cooperate with any 36245  
governmental or private agency in the furtherance of the purposes 36246  
of this chapter; 36247

(C) Encourage, participate in, or conduct studies, 36248  
investigations, and research relating to air pollution, collect 36249  
and disseminate information, and conduct education and training 36250  
programs relating to the causes, prevention, control, and 36251  
abatement of air pollution; 36252

(D) Adopt, modify, and rescind rules prescribing ambient air 36253  
quality standards for the state as a whole or for various areas of 36254  
the state that are consistent with and no more stringent than the 36255  
national ambient air quality standards in effect under the federal 36256

Clean Air Act; 36257

(E) Adopt, modify, suspend, and rescind rules for the 36258  
prevention, control, and abatement of air pollution, including 36259  
rules prescribing for the state as a whole or for various areas of 36260  
the state emission standards for air contaminants, and other 36261  
necessary rules for the purpose of achieving and maintaining 36262  
compliance with ambient air quality standards in all areas within 36263  
the state as expeditiously as practicable, but not later than any 36264  
deadlines applicable under the federal Clean Air Act; rules for 36265  
the prevention or control of the emission of hazardous or toxic 36266  
air contaminants; rules prescribing fugitive dust limitations and 36267  
standards that are related, on an areawide basis, to attainment 36268  
and maintenance of ambient air quality standards; rules 36269  
prescribing shade, density, or opacity limitations and standards 36270  
for emissions, provided that with regard to air contaminant 36271  
sources for which there are particulate matter emission standards 36272  
in addition to a shade, density, or opacity rule, upon 36273  
demonstration by such a source of compliance with those other 36274  
standards, the shade, density, or opacity rule shall provide for 36275  
establishment of a shade, density, or opacity limitation for that 36276  
source that does not require the source to reduce emissions below 36277  
the level specified by those other standards; rules for the 36278  
prevention or control of odors and air pollution nuisances; rules 36279  
that prevent significant deterioration of air quality to the 36280  
extent required by the federal Clean Air Act; rules for the 36281  
protection of visibility as required by the federal Clean Air Act; 36282  
and rules prescribing open burning limitations and standards. In 36283  
adopting, modifying, suspending, or rescinding any such rules, the 36284  
director, to the extent consistent with the federal Clean Air Act, 36285  
shall hear and give consideration to evidence relating to all of 36286  
the following: 36287

(1) Conditions calculated to result from compliance with the 36288

rules, the overall cost within this state of compliance with the 36289  
rules, and their relation to benefits to the people of the state 36290  
to be derived from that compliance; 36291

(2) The quantity and characteristics of air contaminants, the 36292  
frequency and duration of their presence in the ambient air, and 36293  
the dispersion and dilution of those contaminants; 36294

(3) Topography, prevailing wind directions and velocities, 36295  
physical conditions, and other factors that may or may combine to 36296  
affect air pollution. 36297

Consistent with division (K) of section 3704.036 of the 36298  
Revised Code, the director shall consider alternative emission 36299  
limits proposed by the owner or operator of an air contaminant 36300  
source that is subject to an emission limit established in rules 36301  
adopted under this division and shall accept those alternative 36302  
emission limits that the director determines to be equivalent to 36303  
emission limits established in rules adopted under this division. 36304

(F)(1) Adopt, modify, suspend, and rescind rules consistent 36305  
with the purposes of this chapter prohibiting the location, 36306  
installation, construction, or modification of any air contaminant 36307  
source or any machine, equipment, device, apparatus, or physical 36308  
facility intended primarily to prevent or control the emission of 36309  
air contaminants unless an installation permit therefor has been 36310  
obtained from the director or the director's authorized 36311  
representative. 36312

(2) Applications for installation permits shall be 36313  
accompanied by plans, specifications, construction schedules, and 36314  
such other pertinent information and data, including data on 36315  
ambient air quality impact and a demonstration of best available 36316  
technology, as the director may require. Installation permits 36317  
shall be issued for a period specified by the director and are 36318  
transferable. The director shall specify in each permit the 36319

applicable emission standards and that the permit is conditioned 36320  
upon payment of the applicable fees as required by section 3745.11 36321  
of the Revised Code and upon the right of the director's 36322  
authorized representatives to enter upon the premises of the 36323  
person to whom the permit has been issued, at any reasonable time 36324  
and subject to safety requirements of the person in control of the 36325  
premises, for the purpose of determining compliance with such 36326  
standards, this chapter, the rules adopted thereunder, and the 36327  
conditions of any permit, variance, or order issued thereunder. 36328  
Each proposed new or modified air contaminant source shall provide 36329  
such notice of its proposed installation or modification to other 36330  
states as is required under the federal Clean Air Act. 36331  
Installation permits shall include the authorization to operate 36332  
sources installed and operated in accordance with terms and 36333  
conditions of the installation permits for a period not to exceed 36334  
one year from commencement of operation, which authorization shall 36335  
constitute an operating permit under division (G) of this section 36336  
and rules adopted under it. 36337

No installation permit shall be required for activities that 36338  
are subject to and in compliance with a plant-wide applicability 36339  
limit issued by the director in accordance with rules adopted 36340  
under this section. 36341

No installation permit shall be issued except in accordance 36342  
with all requirements of this chapter and rules adopted 36343  
thereunder. No application shall be denied or permit revoked or 36344  
modified without a written order stating the findings upon which 36345  
denial, revocation, or modification is based. A copy of the order 36346  
shall be sent to the applicant or permit holder by certified mail. 36347

(3) Not later than two years after ~~the effective date of this~~ 36348  
~~amendment~~ August 3, 2006, the director shall adopt a rule in 36349  
accordance with Chapter 119. of the Revised Code specifying that a 36350  
permit to install is required only for new or modified air 36351

contaminant sources that emit any of the following air 36352  
contaminants: 36353

(a) An air contaminant or precursor of an air contaminant for 36354  
which a national ambient air quality standard has been adopted 36355  
under the federal Clean Air Act; 36356

(b) An air contaminant for which the air contaminant source 36357  
is regulated under the federal Clean Air Act; 36358

(c) An air contaminant that presents, or may present, through 36359  
inhalation or other routes of exposure, a threat of adverse human 36360  
health effects, including, but not limited to, substances that are 36361  
known to be, or may reasonably be anticipated to be, carcinogenic, 36362  
mutagenic, teratogenic, or neurotoxic, that cause reproductive 36363  
dysfunction, or that are acutely or chronically toxic, or a threat 36364  
of adverse environmental effects whether through ambient 36365  
concentrations, bioaccumulation, deposition, or otherwise, and 36366  
that is identified in the rule by chemical name and chemical 36367  
abstract service number. 36368

The director may modify the rule adopted under division 36369  
(F)(3)(c) of this section for the purpose of adding or deleting 36370  
air contaminants. For each air contaminant that is contained in or 36371  
deleted from the rule adopted under division (F)(3)(c) of this 36372  
section, the director shall include in a notice accompanying any 36373  
proposed or final rule an explanation of the director's 36374  
determination that the air contaminant meets the criteria 36375  
established in that division and should be added to, or no longer 36376  
meets the criteria and should be deleted from, the list of air 36377  
contaminants. The explanation shall include an identification of 36378  
the scientific evidence on which the director relied in making the 36379  
determination. Until adoption of the rule under division (F)(3)(c) 36380  
of this section, nothing shall affect the director's authority to 36381  
issue, deny, modify, or revoke permits to install under this 36382  
chapter and rules adopted under it. 36383

(4)(a) Applications for permits to install new or modified air contaminant sources shall contain sufficient information regarding air contaminants for which the director may require a permit to install to determine conformity with the environmental protection agency's document entitled "Review of New Sources of Air Toxics Emissions, Option A," dated May 1986, which the director shall use to evaluate toxic emissions from new or modified air contaminant sources. The director shall make copies of the document available to the public upon request at no cost and post the document on the environmental protection agency's web site. Any inconsistency between the document and division (F)(4) of this section shall be resolved in favor of division (F)(4) of this section.

(b) The maximum acceptable ground level concentration of an air contaminant shall be calculated in accordance with the document entitled "Review of New Sources of Air Toxics Emissions, Option A." Modeling shall be conducted to determine the increase in the ground level concentration of an air contaminant beyond the facility's boundary caused by the emissions from a new or modified source that is the subject of an application for a permit to install. Modeling shall be based on the maximum hourly rate of emissions from the source using information including, but not limited to, any emission control devices or methods, operational restrictions, stack parameters, and emission dispersion devices or methods that may affect ground level concentrations, either individually or in combination. The director shall determine whether the activities for which a permit to install is sought will cause an increase in the ground level concentration of one or more relevant air contaminants beyond the facility's boundary by an amount in excess of the maximum acceptable ground level concentration. In making the determination as to whether the maximum acceptable ground level concentration will be exceeded, the director shall give consideration to the modeling conducted

under division (F)(4)(b) of this section and other relevant 36417  
information submitted by the applicant. 36418

(c) If the modeling conducted under division (F)(4)(b) of 36419  
this section with respect to an application for a permit to 36420  
install demonstrates that the maximum ground level concentration 36421  
from a new or modified source will be greater than or equal to 36422  
eighty per cent, but less than one hundred per cent of the maximum 36423  
acceptable ground level concentration for an air contaminant, the 36424  
director may establish terms and conditions in the permit to 36425  
install for the air contaminant source that will require the owner 36426  
or operator of the air contaminant source to maintain emissions of 36427  
that air contaminant commensurate with the modeled level, which 36428  
shall be expressed as allowable emissions per day. In order to 36429  
calculate the allowable emissions per day, the director shall 36430  
multiply the hourly emission rate modeled under division (F)(4)(b) 36431  
of this section to determine the ground level concentration by the 36432  
operating schedule that has been identified in the permit to 36433  
install application. Terms and conditions imposed under division 36434  
(F)(4)(c) of this section are not federally enforceable 36435  
requirements and, if included in a Title V permit, shall be placed 36436  
in the portion of the permit that is only enforceable by the 36437  
state. 36438

(d) If the modeling conducted under division (F)(4)(b) of 36439  
this section with respect to an application for a permit to 36440  
install demonstrates that the maximum ground level concentration 36441  
from a new or modified source will be less than eighty per cent of 36442  
the maximum acceptable ground level concentration, the owner or 36443  
operator of the source annually shall report to the director, on a 36444  
form prescribed by the director, whether operations of the source 36445  
are consistent with the information regarding the operations that 36446  
was used to conduct the modeling with regard to the permit to 36447  
install application. The annual report to the director shall be in 36448

lieu of an emission limit or other permit terms and conditions 36449  
imposed pursuant to division (F)(4) of this section. The director 36450  
may consider any significant departure from the operations of the 36451  
source described in the permit to install application that results 36452  
in greater emissions than the emissions rate modeled to determine 36453  
the ground level concentration as a modification and require the 36454  
owner or operator to submit a permit to install application for 36455  
the increased emissions. The requirements established in division 36456  
(F)(4)(d) of this section are not federally enforceable 36457  
requirements and, if included in a Title V permit, shall be placed 36458  
in the portion of the permit that is only enforceable by the 36459  
state. 36460

(e) Division (F)(4) of this section and the document entitled 36461  
"Review of New Sources of Air Toxics Emissions, Option A" shall 36462  
not be included in the state implementation plan under section 110 36463  
of the federal Clean Air Act and do not apply to an air 36464  
contaminant source that is subject to a maximum achievable control 36465  
technology standard or residual risk standard under section 112 of 36466  
the federal Clean Air Act, to a particular air contaminant 36467  
identified under 40 C.F.R. 51.166, division (b)(23), for which the 36468  
director has determined that the owner or operator of the source 36469  
is required to install best available control technology for that 36470  
particular air contaminant, or to a particular air contaminant for 36471  
which the director has determined that the source is required to 36472  
meet the lowest achievable emission rate, as defined in 40 C.F.R. 36473  
part 51, Appendix S, for that particular air contaminant. 36474

(f)(i) Division (F)(4) of this section and the document 36475  
entitled "Review of New Sources of Air Toxics Emissions, Option A" 36476  
do not apply to parking lots, storage piles, storage tanks, 36477  
transfer operations, grain silos, grain dryers, emergency 36478  
generators, gasoline dispensing operations, air contaminant 36479  
sources that emit air contaminants solely from the combustion of 36480

fossil fuels, or the emission of wood dust, sand, glass dust, coal dust, silica, and grain dust. 36481  
36482

(ii) Notwithstanding division (F)(4)(f)(i) of this section, 36483  
the director may require an individual air contaminant source that 36484  
is within one of the source categories identified in division 36485  
(F)(4)(f)(i) of this section to submit information in an 36486  
application for a permit to install a new or modified source in 36487  
order to determine the source's conformity to the document if the 36488  
director has information to conclude that the particular new or 36489  
modified source will potentially cause an increase in ground level 36490  
concentration beyond the facility's boundary that exceeds the 36491  
maximum acceptable ground level concentration as set forth in the 36492  
document. 36493

(iii) The director may adopt rules in accordance with Chapter 36494  
119. of the Revised Code that are consistent with the purposes of 36495  
this chapter and that add to or delete from the source category 36496  
exemptions established in division (F)(4)(f)(i) of this section. 36497

(5) Not later than one year after ~~the effective date of this~~ 36498  
~~amendment~~ August 3, 2006, the director shall adopt rules in 36499  
accordance with Chapter 119. of the Revised Code specifying 36500  
activities that do not, by themselves, constitute beginning actual 36501  
construction activities related to the installation or 36502  
modification of an air contaminant source for which a permit to 36503  
install is required such as the grading and clearing of land, 36504  
on-site storage of portable parts and equipment, and the 36505  
construction of foundations or buildings that do not themselves 36506  
emit air contaminants. The rules also shall allow specified 36507  
initial activities that are part of the installation or 36508  
modification of an air contaminant source, such as the 36509  
installation of electrical and other utilities for the source, 36510  
prior to issuance of a permit to install, provided that the owner 36511  
or operator of the source has filed a complete application for a 36512

permit to install, the director or the director's designee has 36513  
determined that the application is complete, and the owner or 36514  
operator of the source has notified the director that this 36515  
activity will be undertaken prior to the issuance of a permit to 36516  
install. Any activity that is undertaken by the source under those 36517  
rules shall be at the risk of the owner or operator. The rules 36518  
shall not apply to activities that are precluded prior to permit 36519  
issuance under section 111, section 112, Part C of Title I, and 36520  
Part D of Title I of the federal Clean Air Act. 36521

(G) Adopt, modify, suspend, and rescind rules prohibiting the 36522  
operation or other use of any new, modified, or existing air 36523  
contaminant source unless an operating permit has been obtained 36524  
from the director or the director's authorized representative, or 36525  
the air contaminant source is being operated in compliance with 36526  
the conditions of a variance issued pursuant to division (H) of 36527  
this section. Applications for operating permits shall be 36528  
accompanied by such plans, specifications, and other pertinent 36529  
information as the director may require. Operating permits may be 36530  
issued for a period determined by the director not to exceed five 36531  
ten years, are renewable, and are transferable. The director shall 36532  
specify in each operating permit that the permit is conditioned 36533  
upon payment of the applicable fees as required by section 3745.11 36534  
of the Revised Code and upon the right of the director's 36535  
authorized representatives to enter upon the premises of the 36536  
person to whom the permit has been issued, at any reasonable time 36537  
and subject to safety requirements of the person in control of the 36538  
premises, for the purpose of determining compliance with this 36539  
chapter, the rules adopted thereunder, and the conditions of any 36540  
permit, variance, or order issued thereunder. Operating permits 36541  
may be denied or revoked for failure to comply with this chapter 36542  
or the rules adopted thereunder. An operating permit shall be 36543  
issued only upon a showing satisfactory to the director or the 36544  
director's representative that the air contaminant source is being 36545

operated in compliance with applicable emission standards and 36546  
other rules or upon submission of a schedule of compliance 36547  
satisfactory to the director for a source that is not in 36548  
compliance with all applicable requirements at the time of permit 36549  
issuance, provided that the compliance schedule shall be 36550  
consistent with and at least as stringent as that contained in any 36551  
judicial consent decree or administrative order to which the air 36552  
contaminant source is subject. The rules shall provide for the 36553  
issuance of conditional operating permits for such reasonable 36554  
periods as the director may determine to allow the holder of an 36555  
installation permit, who has constructed, installed, located, or 36556  
modified a new air contaminant source in accordance with the 36557  
provisions of an installation permit, to make adjustments or 36558  
modifications necessary to enable the new air contaminant source 36559  
to comply with applicable emission standards and other rules. 36560  
Terms and conditions of operating permits issued pursuant to this 36561  
division shall be federally enforceable for the purpose of 36562  
establishing the potential to emit of a stationary source and 36563  
shall be expressly designated as federally enforceable. Any such 36564  
federally enforceable restrictions on a source's potential to emit 36565  
shall include both an annual limit and a short-term limit of not 36566  
more than thirty days for each pollutant to be restricted together 36567  
with adequate methods for establishing compliance with the 36568  
restrictions. In other respects, operating permits issued pursuant 36569  
to this division are enforceable as state law only. No application 36570  
shall be denied or permit revoked or modified without a written 36571  
order stating the findings upon which denial, revocation, or 36572  
modification is based. A copy of the order shall be sent to the 36573  
applicant or permit holder by certified mail. 36574

(H) Adopt, modify, and rescind rules governing the issuance, 36575  
revocation, modification, or denial of variances that authorize 36576  
emissions in excess of the applicable emission standards. 36577

No variance shall be issued except pursuant to those rules. 36578  
The rules shall prescribe conditions and criteria in furtherance 36579  
of the purposes of this chapter and consistent with the federal 36580  
Clean Air Act governing eligibility for issuance of variances, 36581  
which shall include all of the following: 36582

(1) Provisions requiring consistency of emissions authorized 36583  
by a variance with timely attainment and maintenance of ambient 36584  
air quality standards; 36585

(2) Provisions prescribing the classes and categories of air 36586  
contaminants and air contaminant sources for which variances may 36587  
be issued; 36588

(3) Provisions defining the circumstances under which an 36589  
applicant shall demonstrate that compliance with applicable 36590  
emission standards is technically infeasible, economically 36591  
unreasonable, or impossible because of conditions beyond the 36592  
control of the applicant; 36593

(4) Other provisions prescribed in furtherance of the goals 36594  
of this chapter. 36595

The rules shall prohibit the issuance of variances from any 36596  
emission limitation that was applicable to a source pursuant to an 36597  
installation permit and shall prohibit issuance of variances that 36598  
conflict with the federal Clean Air Act. 36599

Applications for variances shall be accompanied by such 36600  
information as the director may require. In issuing variances, the 36601  
director may order the person to whom a variance is issued to 36602  
furnish plans and specifications and such other information and 36603  
data, including interim reports, as the director may require and 36604  
to proceed to take such action within such time as the director 36605  
may determine to be appropriate and reasonable to prevent, 36606  
control, or abate the person's existing emissions of air 36607  
contaminants. The director shall specify in each variance that the 36608

variance is conditioned upon payment of the applicable fees as 36609  
required by section 3745.11 of the Revised Code and upon the right 36610  
of the director's authorized representatives to enter upon the 36611  
premises of the person to whom the variance has been issued, at 36612  
any reasonable time and subject to safety requirements of the 36613  
person in control of the premises, for the purpose of determining 36614  
compliance with this chapter, the rules adopted thereunder, and 36615  
the conditions of any permit, variance, or order issued 36616  
thereunder. 36617

The director may hold a public hearing on an application for 36618  
a variance or renewal thereof at a location in the county where 36619  
the variance is sought. The director shall give not less than 36620  
twenty days' notice of the hearing to the applicant by certified 36621  
mail and cause at least one publication of notice in a newspaper 36622  
with general circulation in the county where the variance is 36623  
sought. The director shall keep available for public inspection at 36624  
the principal office of the environmental protection agency a 36625  
current schedule of pending applications for variances and a 36626  
current schedule of pending variance hearings. The director shall 36627  
make a complete stenographic record of testimony and other 36628  
evidence submitted at the hearing. The director shall make a 36629  
written determination to issue, renew, or deny the variance and 36630  
shall enter the determination and the basis therefor into the 36631  
record of the hearing. The director shall issue, renew, or deny an 36632  
application for a variance or renewal thereof, or issue a proposed 36633  
action upon the application pursuant to section 3745.07 of the 36634  
Revised Code, within six months of the date upon which the 36635  
director receives a complete application with all pertinent 36636  
information and data required by the director. 36637

Any variance granted pursuant to rules adopted under this 36638  
division shall be for a period specified by the director, not to 36639  
exceed three years, and may be renewed from time to time on such 36640

terms and for such periods, not to exceed three years each, as the 36641  
director determines to be appropriate. A variance may be revoked, 36642  
or renewal denied, for failure to comply with conditions specified 36643  
in the variance. No variance shall be issued, denied, revoked, or 36644  
modified without a written order stating the findings upon which 36645  
the issuance, denial, revocation, or modification is based. A copy 36646  
of the order shall be sent to the applicant or variance holder by 36647  
certified mail. 36648

(I) Require the owner or operator of an air contaminant 36649  
source to install, employ, maintain, and operate such emissions, 36650  
ambient air quality, meteorological, or other monitoring devices 36651  
or methods as the director shall prescribe; to sample those 36652  
emissions at such locations, at such intervals, and in such manner 36653  
as the director prescribes; to maintain records and file periodic 36654  
reports with the director containing information as to location, 36655  
size, and height of emission outlets, rate, duration, and 36656  
composition of emissions, and any other pertinent information the 36657  
director prescribes; and to provide such written notice to other 36658  
states as the director shall prescribe. In requiring monitoring 36659  
devices, records, and reports, the director, to the extent 36660  
consistent with the federal Clean Air Act, shall give 36661  
consideration to technical feasibility and economic reasonableness 36662  
and allow reasonable time for compliance. For sources where a 36663  
specific monitoring, record-keeping, or reporting requirement is 36664  
specified for a particular air contaminant from a particular air 36665  
contaminant source in an applicable regulation adopted by the 36666  
United States environmental protection agency under the federal 36667  
Clean Air Act or in an applicable rule adopted by the director, 36668  
the director shall not impose an additional requirement in a 36669  
permit that is a different monitoring, record-keeping, or 36670  
reporting requirement other than the requirement specified in the 36671  
applicable regulation or rule for that air contaminant except as 36672  
otherwise agreed to by the owner or operator of the air 36673

contaminant source and the director. If two or more regulations or 36674  
rules impose different monitoring, record-keeping, or reporting 36675  
requirements for the same air contaminant from the same air 36676  
contaminant source, the director may impose permit terms and 36677  
conditions that consolidate or streamline the monitoring, 36678  
record-keeping, or reporting requirements in a manner that 36679  
conforms with each applicable requirement. To the extent 36680  
consistent with the federal Clean Air Act and except as otherwise 36681  
agreed to by the owner or operator of an air contaminant source 36682  
and the director, the director shall not require an operating 36683  
restriction that has the practical effect of increasing the 36684  
stringency of an existing applicable emission limitation or 36685  
standard. 36686

(J) Establish, operate, and maintain monitoring stations and 36687  
other devices designed to measure air pollution and enter into 36688  
contracts with any public or private agency for the establishment, 36689  
operation, or maintenance of such stations and devices; 36690

(K) By rule adopt procedures for giving reasonable public 36691  
notice and conducting public hearings on any plans for the 36692  
prevention, control, and abatement of air pollution that the 36693  
director is required to submit to the federal government; 36694

(L) Through any employee, agent, or authorized representative 36695  
of the director or the environmental protection agency, enter upon 36696  
private or public property, including improvements thereon, at any 36697  
reasonable time, to make inspections, take samples, conduct tests, 36698  
and examine records or reports pertaining to any emission of air 36699  
contaminants and any monitoring equipment or methods and to 36700  
determine if there are any actual or potential emissions from such 36701  
premises and, if so, to determine the sources, amounts, contents, 36702  
and extent of those emissions, or to ascertain whether there is 36703  
compliance with this chapter, any orders issued or rules adopted 36704  
thereunder, or any other determination of the director. The 36705

director, at reasonable times, may have access to and copy any 36706  
such records. If entry or inspection authorized by this division 36707  
is refused, hindered, or thwarted, the director or the director's 36708  
authorized representative may by affidavit apply for, and any 36709  
judge of a court of record may issue, an appropriate inspection 36710  
warrant necessary to achieve the purposes of this chapter within 36711  
the court's territorial jurisdiction. 36712

(M) Accept and administer gifts or grants from the federal 36713  
government and from any other source, public or private, for 36714  
carrying out any of the functions under this chapter; 36715

(N) Obtain necessary scientific, technical, and laboratory 36716  
services; 36717

(O) Establish advisory boards in accordance with section 36718  
121.13 of the Revised Code; 36719

(P) Delegate to any city or general health district or 36720  
political subdivision of the state any of the director's 36721  
enforcement and monitoring powers and duties, other than 36722  
rule-making powers, as the director elects to delegate, and in 36723  
addition employ, compensate, and prescribe the powers and duties 36724  
of such officers, employees, and consultants as are necessary to 36725  
enable the director to exercise the authority and perform duties 36726  
imposed upon the director by law. Technical and other services 36727  
shall be performed, insofar as practical, by personnel of the 36728  
environmental protection agency. 36729

(Q) Certify to the government of the United States or any 36730  
agency thereof that an industrial air pollution facility is in 36731  
conformity with the state program or requirements for control of 36732  
air pollution whenever such certificate is required for a taxpayer 36733  
pursuant to any federal law or requirements; 36734

(R) Issue, modify, or revoke orders requiring abatement of or 36735  
prohibiting emissions that violate applicable emission standards 36736

or other requirements of this chapter and rules adopted 36737  
thereunder, or requiring emission control devices or measures in 36738  
order to comply with applicable emission standards or other 36739  
requirements of this chapter and rules adopted thereunder. Any 36740  
such order shall require compliance with applicable emission 36741  
standards by a specified date and shall not conflict with any 36742  
requirement of the federal Clean Air Act. In the making of such 36743  
orders, the director, to the extent consistent with the federal 36744  
Clean Air Act, shall give consideration to, and base the 36745  
determination on, evidence relating to the technical feasibility 36746  
and economic reasonableness of compliance with such orders and 36747  
their relation to benefits to the people of the state to be 36748  
derived from such compliance. If, under the federal Clean Air Act, 36749  
any such order shall provide for the posting of a bond or surety 36750  
to secure compliance with the order as a condition of issuance of 36751  
the order, the order shall so provide, but only to the extent 36752  
required by the federal Clean Air Act. 36753

(S) To the extent provided by the federal Clean Air Act, 36754  
adopt, modify, and rescind rules providing for the administrative 36755  
assessment and collection of monetary penalties, not in excess of 36756  
those required pursuant to the federal Clean Air Act, for failure 36757  
to comply with any emission limitation or standard, compliance 36758  
schedule, or other requirement of any rule, order, permit, or 36759  
variance issued or adopted under this chapter or required under 36760  
the applicable implementation plan whether or not the source is 36761  
subject to a federal or state consent decree. The director may 36762  
require the submission of compliance schedules, calculations of 36763  
penalties for noncompliance, and related information. Any orders, 36764  
payments, sanctions, or other requirements imposed pursuant to 36765  
rules adopted under this division shall be in addition to any 36766  
other permits, orders, payments, sanctions, or other requirements 36767  
established under this chapter and shall not affect any civil or 36768  
criminal enforcement proceedings brought under any provision of 36769

this chapter or any other provision of state or local law. This 36770  
division does not apply to any requirement of this chapter 36771  
regarding the prevention or abatement of odors. 36772

(T) Require new or modified air contaminant sources to 36773  
install best available technology, but only in accordance with 36774  
this division. With respect to permits issued pursuant to division 36775  
(F) of this section beginning three years after ~~the effective date~~ 36776  
~~of this amendment~~ August 3, 2006, best available technology for 36777  
air contaminant sources and air contaminants emitted by those 36778  
sources that are subject to standards adopted under section 112, 36779  
Part C of Title I, and Part D of Title I of the federal Clean Air 36780  
Act shall be equivalent to and no more stringent than those 36781  
standards. For an air contaminant or precursor of an air 36782  
contaminant for which a national ambient air quality standard has 36783  
been adopted under the federal Clean Air Act, best available 36784  
technology only shall be required to the extent required by rules 36785  
adopted under Chapter 119. of the Revised Code for permit to 36786  
install applications filed three or more years after ~~the effective~~ 36787  
~~date of this amendment~~ August 3, 2006. 36788

Best available technology requirements established in rules 36789  
adopted under this division shall be expressed only in one of the 36790  
following ways that is most appropriate for the applicable source 36791  
or source categories: 36792

(1) Work practices; 36793

(2) Source design characteristics or design efficiency of 36794  
applicable air contaminant control devices; 36795

(3) Raw material specifications or throughput limitations 36796  
averaged over a twelve-month rolling period; 36797

(4) Monthly allowable emissions averaged over a twelve-month 36798  
rolling period. 36799

Best available technology requirements shall not apply to an 36800

air contaminant source that has the potential to emit, taking into 36801  
account air pollution controls installed on the source, less than 36802  
ten tons per year of emissions of an air contaminant or precursor 36803  
of an air contaminant for which a national ambient air quality 36804  
standard has been adopted under the federal Clean Air Act. In 36805  
addition, best available technology requirements established in 36806  
rules adopted under this division shall not apply to any existing, 36807  
new, or modified air contaminant source that is subject to a 36808  
plant-wide applicability limit that has been approved by the 36809  
director. Further, best available technology requirements 36810  
established in rules adopted under this division shall not apply 36811  
to general permits issued prior to January 1, 2006, under rules 36812  
adopted under this chapter. 36813

For permits to install issued three or more years after ~~the~~ 36814  
~~effective date of this amendment~~ August 3, 2006, any new or 36815  
modified air contaminant source that has the potential to emit, 36816  
taking into account air pollution controls installed on the 36817  
source, ten or more tons per year of volatile organic compounds or 36818  
nitrogen oxides shall meet, at a minimum, the requirements of any 36819  
applicable reasonably available control technology rule in effect 36820  
as of January 1, 2006, regardless of the location of the source. 36821

(U) Consistent with section 507 of the federal Clean Air Act, 36822  
adopt, modify, suspend, and rescind rules for the establishment of 36823  
a small business stationary source technical and environmental 36824  
compliance assistance program as provided in section 3704.18 of 36825  
the Revised Code; 36826

(V) Provide for emissions trading, marketable permits, 36827  
auctions of emission rights, and economic incentives that would 36828  
reduce the cost or increase the efficiency of achieving a 36829  
specified level of environmental protection; 36830

(W) Provide for the construction of an air contaminant source 36831  
prior to obtaining a permit to install pursuant to division (F) of 36832

this section if the applicant demonstrates that the source will be 36833  
installed to comply with all applicable emission limits and will 36834  
not adversely affect public health or safety or the environment 36835  
and if the director determines that such an action will avoid an 36836  
unreasonable hardship on the owner or operator of the source. Any 36837  
such determination shall be consistent with the federal Clean Air 36838  
Act. 36839

(X) Exercise all incidental powers, including adoption of 36840  
rules, required to carry out this chapter. 36841

The environmental protection agency shall develop a plan to 36842  
control air pollution resulting from state-operated facilities and 36843  
property. 36844

Sec. 3704.14. (A) It is the intent of the general assembly 36845  
that the enhanced motor vehicle inspection and maintenance program 36846  
that was in operation pursuant to the federal Clean Air Act on 36847  
January 3, 2006, in certain counties of this state pursuant to a 36848  
contract that is scheduled to expire on December 31, 2007, not be 36849  
extended beyond that date in those counties. If the governor 36850  
determines that the extension of a transportation-based ozone 36851  
reduction program in those counties is necessary to comply with 36852  
federal law, the governor, by executive order, may extend the 36853  
compliance efforts of this state for one year using the most cost 36854  
effective, least costly, consumer accommodating, and decentralized 36855  
available technology and approaches that meet federal performance 36856  
standards, using an open public bidding process. Thereafter, if 36857  
the governor determines that continuation of the enhanced motor 36858  
vehicle inspection and maintenance program is necessary in those 36859  
counties to comply with federal law, the governor, by executive 36860  
order, may extend that program for an additional year or as 36861  
otherwise required to comply with applicable law. The cost of any 36862  
program shall be paid by the state from the auto emissions test 36863

fund, which is hereby created in the state treasury. The fund 36864  
shall consist of money appropriated to it and shall be 36865  
administered by the director of environmental protection. 36866

An executive order issued under this division shall include 36867  
provisions providing the authority that is necessary for the 36868  
environmental protection agency to adopt decentralized approaches 36869  
that meet federal performance standards through program design 36870  
changes that affect normal inspection and maintenance input 36871  
parameters to the mobile source emission factor model or through 36872  
program changes that reduce in-use mobile source emissions. Upon 36873  
issuance of such an executive order, the governor shall notify the 36874  
general assembly in writing of the governor's decision to issue 36875  
the executive order. 36876

(B)(1) It is the intent of the general assembly that a 36877  
tailpipe motor vehicle inspection and maintenance program not be 36878  
implemented in any county in the state. Moreover, it is the intent 36879  
of the general assembly that, if a motor vehicle-based ozone 36880  
testing program is mandated by federal law for counties in the 36881  
northeastern portion of this state, a tailpipe motor vehicle 36882  
inspection and maintenance program not be implemented and that an 36883  
onboard diagnostic only inspection and gas-cap testing program be 36884  
utilized to satisfy any federal requirements for vehicle emissions 36885  
testing. 36886

(2) If any motor vehicle testing program is established under 36887  
this section, the director shall ensure that motor vehicles that 36888  
are four years old or newer are exempt from the testing program. 36889

(C) Not later than thirty days after the effective date of 36890  
this section and on the first day of January of each subsequent 36891  
year, the director shall request the United States environmental 36892  
protection agency to provide to the director a list of alternative 36893  
approaches to meet federal performance standards and program 36894  
changes that this state may employ to comply with the federal 36895

Clean Air Act in lieu of the implementation of a motor vehicle inspection and maintenance program. Based on the information received from the United States environmental protection agency, the director shall prepare a report concerning those alternative approaches. The director shall issue the report and provide it to the general assembly not later than thirty days after receiving the list of alternative approaches from the United States environmental protection agency.

**Sec. 3705.24.** (A)(1) The public health council shall, in accordance with section 111.15 of the Revised Code, adopt rules prescribing fees for the following services provided by the state office of vital statistics:

(a) Except as provided in division (A)(4) of this section:

(i) A certified copy of a vital record or a certification of birth;

(ii) A search by the office of vital statistics of its files and records pursuant to a request for information, regardless of whether a copy of a record is provided;

(iii) A copy of a record provided pursuant to a request;

(b) Replacement of a birth certificate following an adoption, legitimation, paternity determination or acknowledgement, or court order;

(c) Filing of a delayed registration of a vital record;

(d) Amendment of a vital record that is requested later than one year after the filing date of the vital record;

(e) Any other documents or services for which the public health council considers the charging of a fee appropriate.

(2) Fees prescribed under division (A)(1)(a) of this section shall not be less than seven dollars.

(3) Fees prescribed under division (A)(1) of this section 36925  
shall be collected in addition to any fees required by sections 36926  
3109.14 and 3705.242 of the Revised Code. 36927

(4) Fees prescribed under division (A) of this section shall 36928  
not apply to certifications issued under division (H) of this 36929  
section or copies provided under section 3705.241 of the Revised 36930  
Code. 36931

(B) In addition to the fees prescribed under division (A) of 36932  
this section or section 3709.09 of the Revised Code, the office of 36933  
vital statistics or the board of health of a city or general 36934  
health district shall charge a five-dollar fee for each certified 36935  
copy of a vital record and each certification of birth. This fee 36936  
shall be deposited in the general operations fund created under 36937  
section 3701.83 of the Revised Code and be used ~~solely toward to~~ 36938  
support the operations, the modernization, and the automation of 36939  
the ~~system of~~ vital records program in this state. A board of 36940  
health shall forward all fees collected under this division to the 36941  
department of health not later than thirty days after the end of 36942  
each calendar quarter. 36943

(C) Except as otherwise provided in division (H) of this 36944  
section, and except as provided in section 3705.241 of the Revised 36945  
Code, fees collected by the director of health under sections 36946  
3705.01 to 3705.29 of the Revised Code shall be paid into the 36947  
state treasury to the credit of the general operations fund 36948  
created by section 3701.83 of the Revised Code. Except as provided 36949  
in division (B) of this section, money generated by the fees shall 36950  
be used only for administration and enforcement of this chapter 36951  
and the rules adopted under it. Amounts submitted to the 36952  
department of health for copies of vital records or services in 36953  
excess of the fees imposed by this section shall be dealt with as 36954  
follows: 36955

(1) An overpayment of two dollars or less shall be retained 36956

by the department and deposited in the state treasury to the 36957  
credit of the general operations fund created by section 3701.83 36958  
of the Revised Code. 36959

(2) An overpayment in excess of two dollars shall be returned 36960  
to the person who made the overpayment. 36961

(D) If a local registrar is a salaried employee of a city or 36962  
a general health district, any fees the local registrar receives 36963  
pursuant to section 3705.23 of the Revised Code shall be paid into 36964  
the general fund of the city or the health fund of the general 36965  
health district. 36966

Each local registrar of vital statistics, or each health 36967  
district where the local registrar is a salaried employee of the 36968  
district, shall be entitled to a fee for each birth, fetal death, 36969  
death, or military service certificate properly and completely 36970  
made out and registered with the local registrar or district and 36971  
correctly copied and forwarded to the office of vital statistics 36972  
in accordance with the population of the primary registration 36973  
district at the last federal census. The fee for each birth, fetal 36974  
death, death, or military service certificate shall be: 36975

(1) In primary registration districts of over two hundred 36976  
fifty thousand, twenty cents; 36977

(2) In primary registration districts of over one hundred 36978  
twenty-five thousand and less than two hundred fifty thousand, 36979  
sixty cents; 36980

(3) In primary registration districts of over fifty thousand 36981  
and less than one hundred twenty-five thousand, eighty cents; 36982

(4) In primary registration districts of less than fifty 36983  
thousand, one dollar. 36984

(E) The director of health shall annually certify to the 36985  
county treasurers of the several counties the number of birth, 36986

fetal death, death, and military service certificates registered 36987  
from their respective counties with the names of the local 36988  
registrars and the amounts due each registrar and health district 36989  
at the rates fixed in this section. Such amounts shall be paid by 36990  
the treasurer of the county in which the registration districts 36991  
are located. No fees shall be charged or collected by registrars 36992  
except as provided by this chapter and section 3109.14 of the 36993  
Revised Code. 36994

(F) A probate judge shall be paid a fee of fifteen cents for 36995  
each certified abstract of marriage prepared and forwarded by the 36996  
probate judge to the department of health pursuant to section 36997  
3705.21 of the Revised Code. The fee shall be in addition to the 36998  
fee paid for a marriage license and shall be paid by the 36999  
applicants for the license. 37000

(G) The clerk of a court of common pleas shall be paid a fee 37001  
of one dollar for each certificate of divorce, dissolution, and 37002  
annulment of marriage prepared and forwarded by the clerk to the 37003  
department pursuant to section 3705.21 of the Revised Code. The 37004  
fee for the certified abstract of divorce, dissolution, or 37005  
annulment of marriage shall be added to the court costs allowed in 37006  
these cases. 37007

(H) The fee for an heirloom certification of birth issued 37008  
pursuant to division (B)(2) of section 3705.23 of the Revised Code 37009  
shall be an amount prescribed by rule by the director of health 37010  
plus any fee required by section 3109.14 of the Revised Code. In 37011  
setting the amount of the fee, the director shall establish a 37012  
surcharge in addition to an amount necessary to offset the expense 37013  
of processing heirloom certifications of birth. The fee prescribed 37014  
by the director of health pursuant to this division shall be 37015  
deposited into the state treasury to the credit of the heirloom 37016  
certification of birth fund which is hereby created. Money 37017  
credited to the fund shall be used by the office of vital 37018

statistics to offset the expense of processing heirloom 37019  
certifications of birth. However, the money collected for the 37020  
surcharge, subject to the approval of the controlling board, shall 37021  
be used for the purposes specified by the family and children 37022  
first council pursuant to section 121.37 of the Revised Code. 37023

**Sec. 3706.01.** As used in this chapter: 37024

(A) "Governmental agency" means a department, division, or 37025  
other unit of state government, a municipal corporation, county, 37026  
township, and other political subdivision, or any other public 37027  
corporation or agency having the power to acquire, construct, or 37028  
operate air quality facilities, the United States or any agency 37029  
thereof, and any agency, commission, or authority established 37030  
pursuant to an interstate compact or agreement. 37031

(B) "Person" means any individual, firm, partnership, 37032  
association, or corporation, or any combination thereof. 37033

(C) "Air contaminant" means particulate matter, dust, fumes, 37034  
gas, mist, smoke, noise, vapor, heat, radioactivity, radiation, or 37035  
odorous substance, or any combination thereof. 37036

(D) "Air pollution" means the presence in the ambient air of 37037  
one or more air contaminants in sufficient quantity and of such 37038  
characteristics and duration as to injure human health or welfare, 37039  
plant or animal life, or property, or that unreasonably interferes 37040  
with the comfortable enjoyment of life or property. 37041

(E) "Ambient air" means that portion of the atmosphere 37042  
outside of buildings and other enclosures, stacks, or ducts that 37043  
surrounds human, plant, or animal life, or property. 37044

(F) "Emission" means the release into the outdoor atmosphere 37045  
of an air contaminant. 37046

(G) "Air quality facility" means any of the following: 37047

(1) Any method, modification or replacement of property, 37048

process, device, structure, or equipment that removes, reduces, 37049  
prevents, contains, alters, conveys, stores, disperses, or 37050  
disposes of air contaminants or substances containing air 37051  
contaminants, or that renders less noxious or reduces the 37052  
concentration of air contaminants in the ambient air, including, 37053  
without limitation, facilities and expenditures that qualify as 37054  
air pollution control facilities under section 103 (C)(4)(F) of 37055  
the Internal Revenue Code of 1954, as amended, and regulations 37056  
adopted thereunder; 37057

(2) Motor vehicle inspection stations operated in accordance 37058  
with, and any equipment used for motor vehicle inspections 37059  
conducted under, section 3704.14 of the Revised Code and rules 37060  
adopted under it; 37061

(3) Ethanol or other biofuel facilities, including any 37062  
equipment used at the ethanol or other biofuel facility for the 37063  
production of ethanol or other biofuels; 37064

(4) Any property or portion thereof used for the collection, 37065  
storage, treatment, utilization, processing, or final disposal of 37066  
a by-product or solid waste resulting from any method, process, 37067  
device, structure, or equipment that removes, reduces, prevents, 37068  
contains, alters, conveys, stores, disperses, or disposes of air 37069  
contaminants, or that renders less noxious or reduces the 37070  
concentration of air contaminants in the ambient air; 37071

(5) Any property, device, or equipment that promotes the 37072  
reduction of emissions of air contaminants into the ambient air 37073  
through improvements in the efficiency of energy utilization or 37074  
energy conservation; 37075

(6) Any coal research and development project conducted under 37076  
Chapter 1555. of the Revised Code; 37077

(7) As determined by the director of the Ohio coal 37078  
development office, any property or portion thereof that is used 37079

for the collection, storage, treatment, utilization, processing, 37080  
or final disposal of a by-product resulting from a coal research 37081  
and development project as defined in section 1555.01 of the 37082  
Revised Code or from the use of clean coal technology, excluding 37083  
any property or portion thereof that is used primarily for other 37084  
subsequent commercial purposes; 37085

(8) Any property or portion thereof that is part of the 37086  
FutureGen project of the United States department of energy or 37087  
related to the siting of the FutureGen project. 37088

"Air quality facility" further includes any property or 37089  
system to be used in whole or in part for any of the purposes in 37090  
divisions (G)(1) to (8) of this section, whether another purpose 37091  
is also served, and any property or system incidental to or that 37092  
has to do with, or the end purpose of which is, any of the 37093  
foregoing. Air quality facilities that are defined in this 37094  
division for industry, commerce, distribution, or research, 37095  
including public utility companies, are hereby determined to be 37096  
those that qualify as facilities for the control of air pollution 37097  
and thermal pollution related to air under Section 13 of Article 37098  
VIII, Ohio Constitution. 37099

(H) "Project" or "air quality project" means any air quality 37100  
facility, including undivided or other interests therein, acquired 37101  
or to be acquired or constructed or to be constructed by the Ohio 37102  
air quality development authority under this chapter, or acquired 37103  
or to be acquired or constructed or to be constructed by a 37104  
governmental agency or person with all or a part of the cost 37105  
thereof being paid from a loan or grant from the authority under 37106  
this chapter or otherwise paid from the proceeds of air quality 37107  
revenue bonds, including all buildings and facilities that the 37108  
authority determines necessary for the operation of the project, 37109  
together with all property, rights, easements, and interests that 37110  
may be required for the operation of the project. 37111

(I) "Cost" as applied to an air quality project means the 37112  
cost of acquisition and construction, the cost of acquisition of 37113  
all land, rights-of-way, property rights, easements, franchise 37114  
rights, and interests required for such acquisition and 37115  
construction, the cost of demolishing or removing any buildings or 37116  
structures on land so acquired, including the cost of acquiring 37117  
any lands to which such buildings or structures may be moved, the 37118  
cost of acquiring or constructing and equipping a principal office 37119  
and sub-offices of the authority, the cost of diverting highways, 37120  
interchange of highways, and access roads to private property, 37121  
including the cost of land or easements for such access roads, the 37122  
cost of public utility and common carrier relocation or 37123  
duplication, the cost of all machinery, furnishings, and 37124  
equipment, financing charges, interest prior to and during 37125  
construction and for no more than eighteen months after completion 37126  
of construction, engineering, expenses of research and development 37127  
with respect to air quality facilities, the cost of any commodity 37128  
contract, including fees and expenses related thereto, legal 37129  
expenses, plans, specifications, surveys, studies, estimates of 37130  
cost and revenues, working capital, other expenses necessary or 37131  
incident to determining the feasibility or practicability of 37132  
acquiring or constructing such project, administrative expense, 37133  
and such other expense as may be necessary or incident to the 37134  
acquisition or construction of the project, the financing of such 37135  
acquisition or construction, including the amount authorized in 37136  
the resolution of the authority providing for the issuance of air 37137  
quality revenue bonds to be paid into any special funds from the 37138  
proceeds of such bonds, and the financing of the placing of such 37139  
project in operation. Any obligation, cost, or expense incurred by 37140  
any governmental agency or person for surveys, borings, 37141  
preparation of plans and specifications, and other engineering 37142  
services, or any other cost described above, in connection with 37143  
the acquisition or construction of a project may be regarded as a 37144

part of the cost of that project and may be reimbursed out of the 37145  
proceeds of air quality revenue bonds as authorized by this 37146  
chapter. 37147

(J) "Owner" includes an individual, copartnership, 37148  
association, or corporation having any title or interest in any 37149  
property, rights, easements, or interests authorized to be 37150  
acquired by this chapter. 37151

(K) "Revenues" means all rentals and other charges received 37152  
by the authority for the use or services of any air quality 37153  
project, any gift or grant received with respect to any air 37154  
quality project, any moneys received with respect to the lease, 37155  
sublease, sale, including installment sale or conditional sale, or 37156  
other disposition of an air quality project, moneys received in 37157  
repayment of and for interest on any loans made by the authority 37158  
to a person or governmental agency, whether from the United States 37159  
or any department, administration, or agency thereof, or 37160  
otherwise, proceeds of such bonds to the extent that use thereof 37161  
for payment of principal of, premium, if any, or interest on the 37162  
bonds is authorized by the authority, amounts received or 37163  
otherwise derived from a commodity contract or from the sale of 37164  
the related commodity under such a contract, proceeds from any 37165  
insurance, condemnation, or guaranty pertaining to a project or 37166  
property mortgaged to secure bonds or pertaining to the financing 37167  
of the project, and income and profit from the investment of the 37168  
proceeds of air quality revenue bonds or of any revenues. 37169

(L) "Public roads" includes all public highways, roads, and 37170  
streets in the state, whether maintained by the state, county, 37171  
city, township, or other political subdivision. 37172

(M) "Public utility facilities" includes tracks, pipes, 37173  
mains, conduits, cables, wires, towers, poles, and other equipment 37174  
and appliances of any public utility. 37175

(N) "Construction," unless the context indicates a different meaning or intent, includes reconstruction, enlargement, improvement, or providing furnishings or equipment.

(O) "Air quality revenue bonds," unless the context indicates a different meaning or intent, includes air quality revenue notes, air quality revenue renewal notes, and air quality revenue refunding bonds, except that notes issued in anticipation of the issuance of bonds shall have a maximum maturity of five years as provided in section 3706.05 of the Revised Code and notes or renewal notes issued as the definitive obligation may be issued maturing at such time or times with a maximum maturity of forty years from the date of issuance of the original note.

(P) "Solid waste" means any garbage; refuse; sludge from a waste water treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but not including solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges that are point sources subject to permits under section 402 of the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 880, 33 U.S.C.A. 1342, as amended, or source, special nuclear, or byproduct material as defined by the "Atomic Energy Act of 1954," 68 Stat. 921, 42 U.S.C.A. 2011, as amended.

(Q) "Sludge" means any solid, semisolid, or liquid waste, other than a recyclable by-product, generated from a municipal, commercial, or industrial waste water treatment plant, water supply plant, or air pollution control facility or any other such wastes having similar characteristics and effects.

(R) "Ethanol or other biofuel facility" means a plant at which ethanol or other biofuel is produced.

(S) "Ethanol" means fermentation ethyl alcohol derived from 37208  
agricultural products, including potatoes, cereal, grains, cheese 37209  
whey, and sugar beets; forest products; or other renewable or 37210  
biomass resources, including residue and waste generated from the 37211  
production, processing, and marketing of agricultural products, 37212  
forest products, and other renewable or biomass resources, that 37213  
meets all of the specifications in the American society for 37214  
testing and materials (ASTM) specification D 4806-88 and is 37215  
denatured as specified in Parts 20 and 21 of Title 27 of the Code 37216  
of Federal Regulations. 37217

(T) "Biofuel" means any fuel that is made from cellulosic 37218  
biomass resources, including renewable organic matter, crop waste 37219  
residue, wood, aquatic plants and other crops, animal waste, solid 37220  
waste, or sludge, and that is used for the production of energy 37221  
for transportation or other purposes. 37222

(U) "FutureGen project" means the buildings, equipment, and 37223  
real property and functionally related buildings, equipment, and 37224  
real property, including related research projects that support 37225  
the development and operation of the buildings, equipment, and 37226  
real property, designated by the United States department of 37227  
energy and the FutureGen industrial alliance, inc., as the 37228  
coal-fueled, zero-emissions power plant designed to prove the 37229  
technical and economic feasibility of producing electricity and 37230  
hydrogen from coal and nearly eliminating carbon dioxide emissions 37231  
through capture and permanent storage. 37232

(V) "Commodity contract" means a contract or series of 37233  
contracts entered into in connection with the acquisition or 37234  
construction of air quality facilities for the purchase or sale of 37235  
a commodity that is eligible for prepayment with the proceeds of 37236  
federally tax exempt bonds under sections 103, 141, and 148 of the 37237  
Internal Revenue Code of 1986, as amended, and regulations adopted 37238  
under it. 37239

Sec. 3706.03. It is hereby declared to be the public policy 37240  
of the state through the operations of the Ohio air quality 37241  
development authority under this chapter to contribute toward one 37242  
or more of the following: to provide for the conservation of air 37243  
as a natural resource of the state, and to prevent or abate the 37244  
pollution thereof, to provide for the comfort, health, safety, and 37245  
general welfare of all employees, as well as all other inhabitants 37246  
of the state, to assist in the financing of air quality facilities 37247  
for industry, commerce, distribution, and research, including 37248  
public utility companies, to create or preserve jobs and 37249  
employment opportunities or improve the economic welfare of the 37250  
people, or assist and cooperate with governmental agencies in 37251  
achieving such purposes. In furtherance of such public policy the 37252  
Ohio air quality development authority may initiate, acquire, 37253  
construct, maintain, repair, and operate air quality projects or 37254  
cause the same to be operated pursuant to a lease, sublease, or 37255  
agreement with any person or governmental agency; may make loans 37256  
and grants to governmental agencies for the acquisition or 37257  
construction of air quality facilities by such governmental 37258  
agencies; may make loans to persons for the acquisition or 37259  
construction of air quality facilities by such persons; may enter 37260  
into commodity contracts with, or make loans for the purpose of 37261  
entering into commodity contracts to, any person, governmental 37262  
agency, or entity located within or without the state in 37263  
connection with the acquisition or construction of air quality 37264  
facilities; and may issue air quality revenue bonds of this state 37265  
payable solely from revenues, to pay the cost of such projects, 37266  
including any related commodity contracts. Any air quality project 37267  
shall be determined by the authority to be not inconsistent with 37268  
any applicable air quality standards duly established and then 37269  
required to be met pursuant to the "Clean Air Act," 84 Stat. 1679 37270  
(1970), 42 U.S.C.A. 1857, as amended. Any resolution of the 37271

authority providing for acquiring or constructing such projects or 37272  
for making a loan or grant for such projects shall include a 37273  
finding by the authority that such determination has been made. 37274  
Determinations by resolution of the authority that a project is an 37275  
air quality facility under this chapter and is consistent with the 37276  
purposes of section 13 of Article VIII, Ohio Constitution, and 37277  
this chapter, shall be conclusive as to the validity and 37278  
enforceability of the air quality revenue bonds issued to finance 37279  
such project and of the resolutions, trust agreements or 37280  
indentures, leases, subleases, sale agreements, loan agreements, 37281  
and other agreements made in connection therewith, all in 37282  
accordance with their terms. 37283

**Sec. 3706.041.** (A) With respect to projects, and the 37284  
financing thereof, for industry, commerce, distribution, or 37285  
research, including public utility companies, under agreements 37286  
whereby the person to whom the project is to be leased, subleased, 37287  
or sold, or to whom a loan is to be made for the project, is to 37288  
make payments sufficient to pay all of the principal of, premium, 37289  
if any, and interest on the air quality revenue bonds issued for 37290  
the project, or the counterparty under any related commodity 37291  
contract agrees to make payments sufficient in amount to pay all 37292  
of the principal of, premium, if any, and interest on the related 37293  
air quality revenue bonds, the Ohio air quality development 37294  
authority may, in addition to other powers under this chapter: 37295

(1) Make loans for the acquisition or construction of the 37296  
project to such person upon such terms as the authority may 37297  
determine or authorize, including secured or unsecured loans, and, 37298  
in connection therewith, enter into loan agreements and other 37299  
agreements, including commodity contracts, accept notes and other 37300  
forms of obligation to evidence such indebtedness and mortgages, 37301  
liens, pledges, assignments, or other security interests to secure 37302  
such indebtedness, which may be prior or ~~subordinate~~ subordinate 37303

to or on a parity with other indebtedness, obligations, mortgages, 37304  
pledges, assignments, other security interests, or liens or 37305  
encumbrances, and take such actions as may be considered by it 37306  
appropriate to protect such security and safeguard against losses, 37307  
including, without limitation thereto, foreclosure and the bidding 37308  
upon and purchase of property upon foreclosure or other sale. 37309

(2) Sell such project under such terms as it may determine, 37310  
including, without limitation thereto, sale by conditional sale or 37311  
installment sale, under which title may pass prior to or after 37312  
completion of the project or payment or provisions for payment of 37313  
all principal of, premium, if any, and interest on such bonds, or 37314  
at any other time provided in such agreement pertaining to such 37315  
sale, and including sale under an option to purchase at a price 37316  
which may be a nominal amount or less than true value at the time 37317  
of purchase. 37318

(3) Grant a mortgage, lien, or other encumbrance on, or 37319  
pledge or assignment of, or other security interest with respect 37320  
to, all or any part of the project, revenues, reserve funds, or 37321  
other funds established in connection with such bonds, or on, of, 37322  
or with respect to any lease, sublease, sale, conditional sale or 37323  
installment sale agreement, loan agreement, or other agreement 37324  
pertaining to the lease, sublease, sale, or other disposition of a 37325  
project or pertaining to a loan made for a project, or any 37326  
guaranty or insurance agreement made with respect thereto, or any 37327  
interest of the authority therein, or any other interest granted, 37328  
assigned, or released to secure payments of the principal of, 37329  
premium, if any, or interest on the bonds or to secure any other 37330  
payments to be made by the authority, which mortgage, lien, 37331  
encumbrance, pledge, assignment, or other security interest may be 37332  
prior or subordinate to or on a parity with any other mortgage, 37333  
assignment, other security interest, or lien or encumbrance. 37334

(4) Provide that the interest on such bonds may be at a 37335

variable rate or rates changing from time to time in accordance 37336  
with a base or formula as authorized by the authority. 37337

(5) Contract for the acquisition or construction of such 37338  
project or any part thereof, including any related commodity 37339  
contracts, and for the leasing, subleasing, sale or other 37340  
disposition of such project in a manner determined by the 37341  
authority in its sole discretion, without necessity for 37342  
competitive bidding or performance bonds. 37343

(B) Property comprising a project shall not be subject to 37344  
taxes or assessments and so long as the bonds or notes issued to 37345  
finance the costs of such project are outstanding, and the 37346  
transfer of title to or possession of such property to the person 37347  
to whom a loan or installment sale or conditional sale with 37348  
respect to such project is made shall not be subject to the taxes 37349  
levied pursuant to Chapters 5739. and 5741. of the Revised Code. 37350

The authority shall certify the property comprising a project 37351  
which is exempt from taxes and assessments pursuant to this 37352  
section, and shall send, by certified mail, copies of such 37353  
certification to the owner of such exempt property, to the tax 37354  
commissioner, and to the county auditor of the county or counties 37355  
in which any such exempt property is located. 37356

Each county auditor shall maintain a separate list of all 37357  
property exempt pursuant to this section and sections 6121.044 and 37358  
6123.041 of the Revised Code, in addition to the list of exempt 37359  
property required to be maintained pursuant to section 5713.07 of 37360  
the Revised Code. 37361

(C) The authority, in the lease, sale or loan agreement with 37362  
respect to a project referred to in division (A) of this section, 37363  
shall make appropriate provision for adequate maintenance of the 37364  
project. 37365

(D) With respect to the projects referred to in this section, 37366

the authority granted by this section is cumulative and 37367  
supplementary to all other authority granted in this chapter. The 37368  
authority granted by this section does not alter or impair any 37369  
similar authority granted elsewhere in this chapter for or with 37370  
respect to other projects. 37371

**Sec. 3706.05.** The Ohio air quality development authority may 37372  
at any time issue revenue bonds and notes of the state in such 37373  
principal amount as, in the opinion of the authority, are 37374  
necessary for the purpose of paying any part of the cost of one or 37375  
more air quality projects or parts thereof, including one or more 37376  
payments pursuant to a commodity contract entered into in 37377  
connection with the acquisition or construction of air quality 37378  
facilities. The authority may at any time issue renewal notes, 37379  
issue bonds to pay such notes and whenever it deems refunding 37380  
expedient, refund any bonds by the issuance of air quality revenue 37381  
refunding bonds of the state, whether the bonds to be refunded 37382  
have or have not matured, and issue bonds partly to refund bonds 37383  
then outstanding, and partly for any other authorized purpose. The 37384  
refunding bonds shall be sold and the proceeds applied to the 37385  
purchase, redemption, or payment of the bonds to be refunded. 37386  
Except as may otherwise be expressly provided by the authority, 37387  
every issue of its bonds or notes shall be general obligations of 37388  
the authority payable out of the revenues of the authority that 37389  
are pledged for such payment, without preference or priority of 37390  
the first bonds issued, subject only to any agreements with the 37391  
holders of particular bonds or notes pledging any particular 37392  
revenues. Such pledge shall be valid and binding from the time the 37393  
pledge is made and the revenues so pledged and thereafter received 37394  
by the authority shall immediately be subject to the lien of such 37395  
pledge without any physical delivery thereof or further act, and 37396  
the lien of any such pledge is valid and binding as against all 37397  
parties having claims of any kind in tort, contract, or otherwise 37398

against the authority, irrespective of whether such parties have 37399  
notice thereof. Neither the resolution nor any trust agreement by 37400  
which a pledge is created need be filed or recorded except in the 37401  
records of the authority. 37402

Whether or not the bonds or notes are of such form and 37403  
character as to be negotiable instruments, the bonds or notes 37404  
shall have all the qualities and incidents of negotiable 37405  
instruments, subject only to the provisions of the bonds or notes 37406  
for registration. 37407

The bonds and notes shall be authorized by resolution of the 37408  
authority, shall bear such date or dates, and shall mature at such 37409  
time or times, in the case of any such note or any renewals 37410  
thereof not exceeding five years from the date of issue of such 37411  
original note and in the case of any such bond not exceeding forty 37412  
years from the date of issue, as such resolution or resolutions 37413  
may provide. The bonds and notes shall bear interest at such rate 37414  
or rates, be in such denominations, be in such form, either coupon 37415  
or registered, carry such registration privileges, be payable in 37416  
such medium of payment, at such place or places, and be subject to 37417  
such terms of redemption as the authority may authorize. The bonds 37418  
and notes of the authority may be sold by the authority, at public 37419  
or private sale, at or at not less than such price or prices as 37420  
the authority determines. The bonds and notes shall be executed by 37421  
the ~~chairman~~ chairperson and ~~vice-chairman~~ vice-chairperson of the 37422  
authority, either or both of whom may use a facsimile signature, 37423  
the official seal of the authority or a facsimile thereof shall be 37424  
affixed thereto or printed thereon and attested, manually or by 37425  
facsimile signature, by the secretary-treasurer of the authority, 37426  
and any coupons attached thereto shall bear the signature or 37427  
facsimile signature of the ~~chairman~~ chairperson of the authority. 37428  
In case any officer whose signature, or a facsimile of whose 37429  
signature, appears on any bonds, notes or coupons ceases to be 37430

such officer before delivery of bonds or notes, such signature or 37431  
facsimile shall nevertheless be sufficient for all purposes the 37432  
same as if ~~he~~ the officer had remained in office until such 37433  
delivery, and in case the seal of the authority has been changed 37434  
after a facsimile has been imprinted on such bonds or notes, such 37435  
facsimile seal will continue to be sufficient for all purposes. 37436

Any resolution or resolutions authorizing any bonds or notes 37437  
or any issue thereof may contain provisions, subject to such 37438  
agreements with bondholders or noteholders as may then exist, 37439  
which provisions shall be a part of the contract with the holders 37440  
thereof, as to: the pledging of all or any part of the revenues of 37441  
the authority to secure the payment of the bonds or notes or of 37442  
any issue thereof; the use and disposition of revenues of the 37443  
authority; a covenant to fix, alter, and collect rentals and other 37444  
charges so that pledged revenues will be sufficient to pay costs 37445  
of operation, maintenance, and repairs, pay principal of and 37446  
interest on bonds or notes secured by the pledge of such revenues, 37447  
and provide such reserves as may be required by the applicable 37448  
resolution or trust agreement; the setting aside of reserve funds, 37449  
sinking funds, or replacement and improvement funds and the 37450  
regulation and disposition thereof; the crediting of the proceeds 37451  
of the sale of bonds or notes to and among the funds referred to 37452  
or provided for in the resolution authorizing the issuance of the 37453  
bonds or notes; the use, lease, sale, or other disposition of any 37454  
air quality project or any other assets of the authority; 37455  
limitations on the purpose to which the proceeds of sale of bonds 37456  
or notes may be applied and the pledging of such proceeds to 37457  
secure the payment of the bonds or notes or of any issue thereof; 37458  
as to notes issued in anticipation of the issuance of bonds, the 37459  
agreement of the authority to do all things necessary for the 37460  
authorization, issuance, and sale of such bonds in such amounts as 37461  
may be necessary for the timely retirement of such notes; 37462  
limitations on the issuance of additional bonds or notes; the 37463

terms upon which additional bonds or notes may be issued and 37464  
secured; the refunding of outstanding bonds or notes; the 37465  
procedure, if any, by which the terms of any contract with 37466  
bondholders or noteholders may be amended or abrogated, the amount 37467  
of bonds or notes the holders of which must consent thereto, and 37468  
the manner in which such consent may be given; limitations on the 37469  
amount of moneys to be expended by the authority for operating, 37470  
administrative, or other expenses of the authority; securing any 37471  
bonds or notes by a trust agreement in accordance with section 37472  
3706.07 of the Revised Code; any other matters, of like or 37473  
different character, that in any way affect the security or 37474  
protection of the bonds or notes. 37475

Neither the members of the authority nor any person executing 37476  
the bonds or notes shall be liable personally on the bonds or 37477  
notes or be subject to any personal liability or accountability by 37478  
reason of the issuance thereof. 37479

**Sec. 3706.07.** In the discretion of the Ohio air quality 37480  
development authority, any air quality revenue bonds or notes or 37481  
air quality revenue refunding bonds issued under Chapter 3706. of 37482  
the Revised Code, may be secured by a trust agreement between the 37483  
authority and a corporate trustee, which trustee may be any trust 37484  
company or bank having the powers of a trust company within or 37485  
without the state. 37486

Any such trust agreement may pledge or assign revenues of the 37487  
authority to be received, but shall not convey or mortgage any air 37488  
quality project or any part thereof. Any such trust agreement or 37489  
any resolution providing for the issuance of such bonds or notes 37490  
may contain such provisions for protecting and enforcing the 37491  
rights and remedies of the bondholders or noteholders as are 37492  
reasonable and proper and not in violation of law, including 37493  
covenants setting forth the duties of the authority in relation to 37494

the acquisition of property, the construction, improvement, 37495  
maintenance, repair, operation, and insurance of the air quality 37496  
project or projects in connection with which such bonds or notes 37497  
are authorized, the rentals or other charges to be imposed for the 37498  
use or services of any air quality project, the application of 37499  
revenues received or otherwise derived from a commodity contract 37500  
or from the sale of the related commodity under such contract, the 37501  
custody, safeguarding, and application of all moneys, and 37502  
provisions for the employment of consulting engineers in 37503  
connection with the construction or operation of such air quality 37504  
project or projects. Any bank or trust company incorporated under 37505  
the laws of this state that may act as depository of the proceeds 37506  
of bonds or notes or of revenues may furnish such indemnifying 37507  
bonds or may pledge such securities as are required by the 37508  
authority. Any such trust agreement may set forth the rights and 37509  
remedies of the bondholders and noteholders and of the trustee, 37510  
and may restrict the individual right of action by bondholders and 37511  
noteholders as is customary in trust agreements or trust 37512  
indentures securing similar bonds. Such trust agreement may 37513  
contain such other provisions as the authority determines 37514  
reasonable and proper for the security of the bondholders or 37515  
noteholders. All expenses incurred in carrying out the provisions 37516  
of any such trust agreement may be treated as a part of the cost 37517  
of the operation of the air quality project or projects. Any such 37518  
trust agreement or resolution authorizing the issuance of air 37519  
quality revenue bonds may provide the method whereby the general 37520  
administrative overhead expenses of the authority shall be 37521  
allocated among the several projects acquired or constructed by it 37522  
as a factor of the operation expense of each such project. 37523

**Sec. 3718.03.** (A) There is hereby created the sewage 37524  
treatment system technical advisory committee consisting of the 37525  
director of health or the director's designee and ten members who 37526

are knowledgeable about sewage treatment systems and technologies 37527  
~~to be appointed by the director. Of the ten members, four shall be~~ 37528  
~~appointed by the director, one shall represent academia, two shall~~ 37529  
~~represent the interests of manufacturers of household sewage~~ 37530  
~~treatment systems, one shall represent installers and service~~ 37531  
~~providers, two shall be health commissioners who are members of~~ 37532  
~~and recommended by the association of Ohio health commissioners,~~ 37533  
~~one shall be a sanitarian who is registered under Chapter 4736. of~~ 37534  
~~the Revised Code and who is a member of the Ohio environmental~~ 37535  
~~health association, one shall be an engineer from the~~ 37536  
~~environmental protection agency, one shall be selected from among~~ 37537  
~~soil scientists from the division of soil and water conservation~~ 37538  
~~in the department of natural resources, and one shall be a~~ 37539  
~~representative of the public who is not employed by the state or~~ 37540  
~~any of its political subdivisions and who does not have a~~ 37541  
~~pecuniary interest in sewage treatment systems. All appointments~~ 37542  
~~to the committee shall be made not later than sixty days after the~~ 37543  
~~effective date of this section governor, three shall be appointed~~ 37544  
~~by the president of the senate, and three shall be appointed by~~ 37545  
~~the speaker of the house of representatives.~~ 37546

(1) Of the members appointed by the governor, one shall 37547  
represent academia, one shall be a representative of the public 37548  
who is not employed by the state or any of its political 37549  
subdivisions and who does not have a pecuniary interest in 37550  
household sewage treatment systems, one shall be an engineer from 37551  
the environmental protection agency, and one shall be selected 37552  
from among soil scientists in the division of soil and water 37553  
conservation in the department of natural resources. 37554

(2) Of the members appointed by the president of the senate, 37555  
one shall be a health commissioner who is a member of and 37556  
recommended by the association of Ohio health commissioners, one 37557  
shall represent the interests of manufacturers of household sewage 37558

treatment systems, and one shall represent installers and service providers. 37559  
37560

(3) Of the members appointed by the speaker of the house of representatives, one shall be a health commissioner who is a member of and recommended by the association of Ohio health commissioners, one shall represent the interests of manufacturers of household sewage treatment systems, and one shall be a sanitarian who is registered under Chapter 4736. of the Revised Code and who is a member of the Ohio environmental health association. 37561  
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~~(B) Of the initial members appointed by the director to the technical advisory committee, three shall be appointed for one year, three shall be appointed for two years, and four shall be appointed for three years. Thereafter, terms~~ Terms of members 37569  
37570  
37571  
37572  
appointed to the committee shall be for three years, with each 37573  
term ending on the same day of the same month as did the term that 37574  
it succeeds. Each member shall serve from the date of appointment 37575  
until the end of the term for which the member was appointed. 37576

Members may be reappointed. Vacancies shall be filled in the 37577  
same manner as provided for original appointments. Any member 37578  
appointed to fill a vacancy occurring prior to the expiration date 37579  
of the term for which the member was appointed shall hold office 37580  
for the remainder of that term. A member shall continue to serve 37581  
after the expiration date of the member's term until the member's 37582  
successor is appointed or until a period of sixty days has 37583  
elapsed, whichever occurs first. ~~The director~~ applicable 37584  
appointing authority may remove a member from the committee for 37585  
failure to attend two consecutive meetings without showing good 37586  
cause for the absences. 37587

~~(C) The director or the director's designee shall serve as the chairperson of the technical advisory committee. The~~ technical 37588  
advisory committee annually shall select from among its members a 37589  
37590

chairperson and a vice-chairperson and a secretary to keep a 37591  
record of its proceedings. A majority vote of the members of the 37592  
full committee is necessary to take action on any matter. The 37593  
committee may adopt bylaws governing its operation, including 37594  
bylaws that establish the frequency of meetings. 37595

(D) Serving as a member of the sewage treatment system 37596  
technical advisory committee does not constitute holding a public 37597  
office or position of employment under the laws of this state and 37598  
does not constitute grounds for removal of public officers or 37599  
employees from their offices or positions of employment. Members 37600  
of the committee shall serve without compensation for attending 37601  
committee meetings. 37602

(E) A member of the committee shall not have a conflict of 37603  
interest with the position. For the purposes of this division, 37604  
"conflict of interest" means the taking of any action that 37605  
violates any provision of Chapter 102. or 2921. of the Revised 37606  
Code. 37607

(F) The sewage treatment system technical advisory committee 37608  
shall do all of the following: 37609

(1) Develop with the department of health standards and 37610  
guidelines for ~~use by the director in~~ approving or disapproving a 37611  
sewage treatment system or components of a system under section 37612  
3718.04 of the Revised Code; 37613

(2) Develop with the department an application form to be 37614  
submitted to the director by an applicant for approval or 37615  
disapproval of a sewage treatment system or components of a system 37616  
and specify the information that must be included with an 37617  
application form; 37618

(3) Advise the director on the approval or disapproval of an 37619  
application sent to the director under section 3718.04 of the 37620  
Revised Code requesting approval of a sewage treatment system or 37621

components of a system; 37622

(4) Pursue and recruit in an active manner the research, 37623  
development, introduction, and timely approval of innovative and 37624  
cost-effective household sewage treatment systems and components 37625  
of a system for use in this state, which shall include conducting 37626  
pilot projects to assess the effectiveness of a system or 37627  
components of a system; 37628

(5) By January 1, 2008, provide the household sewage and 37629  
small flow on-site sewage treatment system study commission 37630  
created by Am. Sub. H.B. 119 of the 127th general assembly with a 37631  
list of available alternative systems and the estimated cost of 37632  
each system. 37633

~~(G) If the committee meets in a calendar year, the director~~ 37634  
~~of health~~ The chairperson of the committee shall prepare and 37635  
submit a an annual report concerning the activities of the 37636  
committee to the general assembly not later than ninety days after 37637  
the end of the calendar year. The report shall discuss the number 37638  
of applications submitted under section 3718.04 of the Revised 37639  
Code for the approval of a new sewage treatment system or a 37640  
component of a system, the number of such systems and components 37641  
that were approved, any information that the committee considers 37642  
beneficial to the general assembly, and any other information that 37643  
the ~~director~~ chairperson determines is beneficial to the general 37644  
assembly. If other members of the committee ~~determines~~ determine 37645  
that certain information should be included in the report, ~~the~~ 37646  
~~committee~~ they shall submit the information to the ~~director~~ 37647  
chairperson not later than thirty days after the end of the 37648  
calendar year. 37649

(H) The department shall provide meeting space for the 37650  
committee. The committee shall be assisted in its duties by the 37651  
staff of the department. 37652

(I) Sections 101.82 to 101.87 of the Revised Code do not 37653  
apply to the sewage treatment system technical advisory committee. 37654

**Sec. 3721.51.** The department of job and family services shall 37655  
do all of the following: 37656

(A) Subject to division (C) of this section and for the 37657  
purposes specified in sections 3721.56 and 3721.561 of the Revised 37658  
Code, determine an annual franchise permit fee on each nursing 37659  
home in an amount equal to six dollars and twenty-five cents ~~for~~ 37660  
~~fiscal years 2006 and 2007 and one dollar for each fiscal year~~ 37661  
~~thereafter~~, multiplied by the product of the following: 37662

(1) The number of beds licensed as nursing home beds, plus 37663  
any other beds certified as skilled nursing facility beds under 37664  
Title XVIII or nursing facility beds under Title XIX on the first 37665  
day of May of the calendar year in which the fee is determined 37666  
pursuant to division (A) of section 3721.53 of the Revised Code; 37667

(2) The number of days in the fiscal year beginning on the 37668  
first day of July of the calendar year in which the fee is 37669  
determined pursuant to division (A) of section 3721.53 of the 37670  
Revised Code. 37671

(B) Subject to division (C) of this section and for the 37672  
purposes specified in sections 3721.56 and 3721.561 of the Revised 37673  
Code, determine an annual franchise permit fee on each hospital in 37674  
an amount equal to six dollars and twenty-five cents ~~for fiscal~~ 37675  
~~years 2006 and 2007 and one dollar for each fiscal year~~ 37676  
~~thereafter~~, multiplied by the product of the following: 37677

(1) The number of beds registered pursuant to section 3701.07 37678  
of the Revised Code as skilled nursing facility beds or long-term 37679  
care beds, plus any other beds licensed as nursing home beds under 37680  
section 3721.02 or 3721.09 of the Revised Code, on the first day 37681  
of May of the calendar year in which the fee is determined 37682

pursuant to division (A) of section 3721.53 of the Revised Code; 37683

(2) The number of days in the fiscal year beginning on the 37684  
first day of July of the calendar year in which the fee is 37685  
determined pursuant to division (A) of section 3721.53 of the 37686  
Revised Code. 37687

(C) If the United States centers for medicare and medicaid 37688  
services determines that the franchise permit fee established by 37689  
sections 3721.50 to 3721.58 of the Revised Code is an 37690  
impermissible health care related tax under section 1903(w) of the 37691  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as 37692  
amended, take all necessary actions to cease implementation of 37693  
sections 3721.50 to 3721.58 of the Revised Code in accordance with 37694  
rules adopted under section 3721.58 of the Revised Code. 37695

**Sec. 3721.541.** (A) In addition to assessing a penalty 37696  
pursuant to section 3721.54 of the Revised Code, the department of 37697  
job and family services may do ~~either~~ any of the following if a 37698  
nursing facility or hospital fails to pay the full amount of a 37699  
franchise permit fee installment when due: 37700

(1) Withhold an amount less than or equal to the installment 37701  
and penalty assessed under section 3721.54 of the Revised Code 37702  
from a medicaid payment due the nursing facility or hospital until 37703  
the nursing facility or hospital pays the installment and penalty; 37704

(2) Offset an amount less than or equal to the installment 37705  
and penalty assessed under section 3721.54 of the Revised Code 37706  
from a Medicaid payment due the nursing facility or hospital; 37707

(3) Terminate the nursing facility or hospital's medicaid 37708  
provider agreement. 37709

(B) The department may ~~withhold~~ offset a medicaid payment 37710  
under division (A)~~(1)~~ of this section without providing notice to 37711  
the nursing facility or hospital and without conducting an 37712

adjudication under Chapter 119. of the Revised Code. 37713

**Sec. 3721.56.** There is hereby created in the state treasury 37714  
the home- and community-based services for the aged fund. Sixteen 37715  
per cent of all payments and penalties paid by nursing homes and 37716  
hospitals under sections 3721.53 and 3721.54 of the Revised Code 37717  
~~for fiscal years 2006 and 2007, and all such payments and~~ 37718  
~~penalties paid for subsequent fiscal years,~~ shall be deposited 37719  
into the fund. The departments of job and family services and 37720  
aging shall use the moneys in the fund to fund the following in 37721  
accordance with rules adopted under section 3721.58 of the Revised 37722  
Code: 37723

(A) The medicaid program established under Chapter 5111. of 37724  
the Revised Code, including the PASSPORT program established under 37725  
section 173.40 of the Revised Code; 37726

(B) The residential state supplement program established 37727  
under section 173.35 of the Revised Code. 37728

**Sec. 3727.391.** ~~(A) The duties of the director of health under~~ 37729  
~~section 3727.39 of the Revised Code apply only to the extent that~~ 37730  
~~appropriations are made by the general assembly to make~~ 37731  
~~performance of the duties possible.~~ 37732

~~(B) Subject to division (A) of this section, the~~ The director 37733  
of health shall enter into a contract with a person under which 37734  
the director's duties under section 3727.39 of the Revised Code 37735  
are performed by the person pursuant to the contract. The contract 37736  
may be entered into with any person selected by the director. For 37737  
purposes of section 3727.39 of the Revised Code, all references to 37738  
the director are references to the person who is under contract 37739  
with the director pursuant to this division. 37740

The department of health may accept gifts, grants, donations, 37741  
and awards for purposes of paying the fees or other costs incurred 37742

when a contract is entered into under this division. 37743  
37744

**Sec. 3734.57.** (A) The following fees are hereby levied on the 37745  
transfer or disposal of solid wastes in this state: 37746

(1) One dollar per ton on and after July 1, 2003, through 37747  
June 30, ~~2008~~ 2010, one-half of the proceeds of which shall be 37748  
deposited in the state treasury to the credit of the hazardous 37749  
waste facility management fund created in section 3734.18 of the 37750  
Revised Code and one-half of the proceeds of which shall be 37751  
deposited in the state treasury to the credit of the hazardous 37752  
waste clean-up fund created in section 3734.28 of the Revised 37753  
Code; 37754

(2) An additional one dollar per ton on and after July 1, 37755  
2003, through June 30, ~~2008~~ 2010, the proceeds of which shall be 37756  
deposited in the state treasury to the credit of the solid waste 37757  
fund, which is hereby created. The environmental protection agency 37758  
shall use money in the solid waste fund to pay the costs of 37759  
administering and enforcing the laws pertaining to solid wastes, 37760  
infectious wastes, and construction and demolition debris, 37761  
including, without limitation, ground water evaluations related to 37762  
solid wastes, infectious wastes, and construction and demolition 37763  
debris, under this chapter and Chapter 3714. of the Revised Code 37764  
and any rules adopted under them, providing compliance assistance 37765  
to small businesses, and paying a share of the administrative 37766  
costs of the environmental protection agency pursuant to section 37767  
3745.014 of the Revised Code. 37768

(3) An additional one dollar and fifty cents per ton on and 37769  
after July 1, 2005, through June 30, ~~2008~~ 2010, the proceeds of 37770  
which shall be deposited in the state treasury to the credit of 37771  
the environmental protection fund created in section 3745.015 of 37772  
the Revised Code. 37773

In the case of solid wastes that are taken to a solid waste transfer facility located in this state prior to being transported for disposal at a solid waste disposal facility located in this state or outside of this state, the fees levied under this division shall be collected by the owner or operator of the transfer facility as a trustee for the state. The amount of fees required to be collected under this division at such a transfer facility shall equal the total tonnage of solid wastes received at the facility multiplied by the fees levied under this division. In the case of solid wastes that are not taken to a solid waste transfer facility located in this state prior to being transported to a solid waste disposal facility, the fees shall be collected by the owner or operator of the solid waste disposal facility as a trustee for the state. The amount of fees required to be collected under this division at such a disposal facility shall equal the total tonnage of solid wastes received at the facility that was not previously taken to a solid waste transfer facility located in this state multiplied by the fees levied under this division. Fees levied under this division do not apply to materials separated from a mixed waste stream for recycling by a generator or materials removed from the solid waste stream through recycling, as "recycling" is defined in rules adopted under section 3734.02 of the Revised Code.

The owner or operator of a solid waste transfer facility or disposal facility, as applicable, shall prepare and file with the director of environmental protection each month a return indicating the total tonnage of solid wastes received at the facility during that month and the total amount of the fees required to be collected under this division during that month. In addition, the owner or operator of a solid waste disposal facility shall indicate on the return the total tonnage of solid wastes received from transfer facilities located in this state during that month for which the fees were required to be collected by the

transfer facilities. The monthly returns shall be filed on a form 37807  
prescribed by the director. Not later than thirty days after the 37808  
last day of the month to which a return applies, the owner or 37809  
operator shall mail to the director the return for that month 37810  
together with the fees required to be collected under this 37811  
division during that month as indicated on the return. If the 37812  
return is filed and the amount of the fees due is paid in a timely 37813  
manner as required in this division, the owner or operator may 37814  
retain a discount of three-fourths of one per cent of the total 37815  
amount of the fees that are required to be paid as indicated on 37816  
the return. 37817

The owner or operator may request an extension of not more 37818  
than thirty days for filing the return and remitting the fees, 37819  
provided that the owner or operator has submitted such a request 37820  
in writing to the director together with a detailed description of 37821  
why the extension is requested, the director has received the 37822  
request not later than the day on which the return is required to 37823  
be filed, and the director has approved the request. If the fees 37824  
are not remitted within thirty days after the last day of the 37825  
month to which the return applies or are not remitted by the last 37826  
day of an extension approved by the director, the owner or 37827  
operator shall not retain the three-fourths of one per cent 37828  
discount and shall pay an additional ten per cent of the amount of 37829  
the fees for each month that they are late. For purposes of 37830  
calculating the late fee, the first month in which fees are late 37831  
begins on the first day after the deadline has passed for timely 37832  
submitting the return and fees, and one additional month shall be 37833  
counted every thirty days thereafter. 37834

The owner or operator of a solid waste facility may request a 37835  
refund or credit of fees levied under this division and remitted 37836  
to the director that have not been paid to the owner or operator. 37837  
Such a request shall be made only if the fees have not been 37838

collected by the owner or operator, have become a debt that has 37839  
become worthless or uncollectable for a period of six months or 37840  
more, and may be claimed as a deduction, including a deduction 37841  
claimed if the owner or operator keeps accounts on an accrual 37842  
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 37843  
U.S.C. 166, as amended, and regulations adopted under it. Prior to 37844  
making a request for a refund or credit, an owner or operator 37845  
shall make reasonable efforts to collect the applicable fees. A 37846  
request for a refund or credit shall not include any costs 37847  
resulting from those efforts to collect unpaid fees. 37848

A request for a refund or credit of fees shall be made in 37849  
writing, on a form prescribed by the director, and shall be 37850  
supported by evidence that may be required in rules adopted by the 37851  
director under this chapter. After reviewing the request, and if 37852  
the request and evidence submitted with the request indicate that 37853  
a refund or credit is warranted, the director shall grant a refund 37854  
to the owner or operator or shall permit a credit to be taken by 37855  
the owner or operator on a subsequent monthly return submitted by 37856  
the owner or operator. The amount of a refund or credit shall not 37857  
exceed an amount that is equal to ninety days' worth of fees owed 37858  
to an owner or operator by a particular debtor of the owner or 37859  
operator. A refund or credit shall not be granted by the director 37860  
to an owner or operator more than once in any twelve-month period 37861  
for fees owed to the owner or operator by a particular debtor. 37862

If, after receiving a refund or credit from the director, an 37863  
owner or operator receives payment of all or part of the fees, the 37864  
owner or operator shall remit the fees with the next monthly 37865  
return submitted to the director together with a written 37866  
explanation of the reason for the submittal. 37867

For purposes of computing the fees levied under this division 37868  
or division (B) of this section, any solid waste transfer or 37869  
disposal facility that does not use scales as a means of 37870

determining gate receipts shall use a conversion factor of three 37871  
cubic yards per ton of solid waste or one cubic yard per ton for 37872  
baled waste, as applicable. 37873

The fees levied under this division and divisions (B) and (C) 37874  
of this section are in addition to all other applicable fees and 37875  
taxes and shall be paid by the customer or a political subdivision 37876  
to the owner or operator of a solid waste transfer or disposal 37877  
facility notwithstanding the existence of any provision in a 37878  
contract that the customer or a political subdivision may have 37879  
with the owner or operator or with a transporter of waste to the 37880  
facility that would not require or allow such payment. 37881

(B) For the purposes specified in division (G) of this 37882  
section, the solid waste management policy committee of a county 37883  
or joint solid waste management district may levy fees upon the 37884  
following activities: 37885

(1) The disposal at a solid waste disposal facility located 37886  
in the district of solid wastes generated within the district; 37887

(2) The disposal at a solid waste disposal facility within 37888  
the district of solid wastes generated outside the boundaries of 37889  
the district, but inside this state; 37890

(3) The disposal at a solid waste disposal facility within 37891  
the district of solid wastes generated outside the boundaries of 37892  
this state. 37893

The solid waste management plan of the county or joint 37894  
district approved under section 3734.521 or 3734.55 of the Revised 37895  
Code and any amendments to it, or the resolution adopted under 37896  
this division, as appropriate, shall establish the rates of the 37897  
fees levied under divisions (B)(1), (2), and (3) of this section, 37898  
if any, and shall specify whether the fees are levied on the basis 37899  
of tons or cubic yards as the unit of measurement. A solid waste 37900  
management district that levies fees under this division on the 37901

basis of cubic yards shall do so in accordance with division (A) 37902  
of this section. 37903

The fee levied under division (B)(1) of this section shall be 37904  
not less than one dollar per ton nor more than two dollars per 37905  
ton, the fee levied under division (B)(2) of this section shall be 37906  
not less than two dollars per ton nor more than four dollars per 37907  
ton, and the fee levied under division (B)(3) of this section 37908  
shall be not more than the fee levied under division (B)(1) of 37909  
this section. 37910

Prior to the approval of the solid waste management plan of a 37911  
district under section 3734.55 of the Revised Code, the solid 37912  
waste management policy committee of a district may levy fees 37913  
under this division by adopting a resolution establishing the 37914  
proposed amount of the fees. Upon adopting the resolution, the 37915  
committee shall deliver a copy of the resolution to the board of 37916  
county commissioners of each county forming the district and to 37917  
the legislative authority of each municipal corporation and 37918  
township under the jurisdiction of the district and shall prepare 37919  
and publish the resolution and a notice of the time and location 37920  
where a public hearing on the fees will be held. Upon adopting the 37921  
resolution, the committee shall deliver written notice of the 37922  
adoption of the resolution; of the amount of the proposed fees; 37923  
and of the date, time, and location of the public hearing to the 37924  
director and to the fifty industrial, commercial, or institutional 37925  
generators of solid wastes within the district that generate the 37926  
largest quantities of solid wastes, as determined by the 37927  
committee, and to their local trade associations. The committee 37928  
shall make good faith efforts to identify those generators within 37929  
the district and their local trade associations, but the 37930  
nonprovision of notice under this division to a particular 37931  
generator or local trade association does not invalidate the 37932  
proceedings under this division. The publication shall occur at 37933

least thirty days before the hearing. After the hearing, the 37934  
committee may make such revisions to the proposed fees as it 37935  
considers appropriate and thereafter, by resolution, shall adopt 37936  
the revised fee schedule. Upon adopting the revised fee schedule, 37937  
the committee shall deliver a copy of the resolution doing so to 37938  
the board of county commissioners of each county forming the 37939  
district and to the legislative authority of each municipal 37940  
corporation and township under the jurisdiction of the district. 37941  
Within sixty days after the delivery of a copy of the resolution 37942  
adopting the proposed revised fees by the policy committee, each 37943  
such board and legislative authority, by ordinance or resolution, 37944  
shall approve or disapprove the revised fees and deliver a copy of 37945  
the ordinance or resolution to the committee. If any such board or 37946  
legislative authority fails to adopt and deliver to the policy 37947  
committee an ordinance or resolution approving or disapproving the 37948  
revised fees within sixty days after the policy committee 37949  
delivered its resolution adopting the proposed revised fees, it 37950  
shall be conclusively presumed that the board or legislative 37951  
authority has approved the proposed revised fees. The committee 37952  
shall determine if the resolution has been ratified in the same 37953  
manner in which it determines if a draft solid waste management 37954  
plan has been ratified under division (B) of section 3734.55 of 37955  
the Revised Code. 37956

The committee may amend the schedule of fees levied pursuant 37957  
to a resolution adopted and ratified under this division by 37958  
adopting a resolution establishing the proposed amount of the 37959  
amended fees. The committee may repeal the fees levied pursuant to 37960  
such a resolution by adopting a resolution proposing to repeal 37961  
them. Upon adopting such a resolution, the committee shall proceed 37962  
to obtain ratification of the resolution in accordance with this 37963  
division. 37964

Not later than fourteen days after declaring the new fees to 37965

be ratified or the fees to be repealed under this division, the 37966  
committee shall notify by certified mail the owner or operator of 37967  
each solid waste disposal facility that is required to collect the 37968  
fees of the ratification and the amount of the fees or of the 37969  
repeal of the fees. Collection of any fees shall commence or 37970  
collection of repealed fees shall cease on the first day of the 37971  
second month following the month in which notification is sent to 37972  
the owner or operator. 37973

Fees levied under this division also may be established, 37974  
amended, or repealed by a solid waste management policy committee 37975  
through the adoption of a new district solid waste management 37976  
plan, the adoption of an amended plan, or the amendment of the 37977  
plan or amended plan in accordance with sections 3734.55 and 37978  
3734.56 of the Revised Code or the adoption or amendment of a 37979  
district plan in connection with a change in district composition 37980  
under section 3734.521 of the Revised Code. 37981

Not later than fourteen days after the director issues an 37982  
order approving a district's solid waste management plan, amended 37983  
plan, or amendment to a plan or amended plan that establishes, 37984  
amends, or repeals a schedule of fees levied by the district, the 37985  
committee shall notify by certified mail the owner or operator of 37986  
each solid waste disposal facility that is required to collect the 37987  
fees of the approval of the plan or amended plan, or the amendment 37988  
to the plan, as appropriate, and the amount of the fees, if any. 37989  
In the case of an initial or amended plan approved under section 37990  
3734.521 of the Revised Code in connection with a change in 37991  
district composition, other than one involving the withdrawal of a 37992  
county from a joint district, the committee, within fourteen days 37993  
after the change takes effect pursuant to division (G) of that 37994  
section, shall notify by certified mail the owner or operator of 37995  
each solid waste disposal facility that is required to collect the 37996  
fees that the change has taken effect and of the amount of the 37997

fees, if any. Collection of any fees shall commence or collection 37998  
of repealed fees shall cease on the first day of the second month 37999  
following the month in which notification is sent to the owner or 38000  
operator. 38001

If, in the case of a change in district composition involving 38002  
the withdrawal of a county from a joint district, the director 38003  
completes the actions required under division (G)(1) or (3) of 38004  
section 3734.521 of the Revised Code, as appropriate, forty-five 38005  
days or more before the beginning of a calendar year, the policy 38006  
committee of each of the districts resulting from the change that 38007  
obtained the director's approval of an initial or amended plan in 38008  
connection with the change, within fourteen days after the 38009  
director's completion of the required actions, shall notify by 38010  
certified mail the owner or operator of each solid waste disposal 38011  
facility that is required to collect the district's fees that the 38012  
change is to take effect on the first day of January immediately 38013  
following the issuance of the notice and of the amount of the fees 38014  
or amended fees levied under divisions (B)(1) to (3) of this 38015  
section pursuant to the district's initial or amended plan as so 38016  
approved or, if appropriate, the repeal of the district's fees by 38017  
that initial or amended plan. Collection of any fees set forth in 38018  
such a plan or amended plan shall commence on the first day of 38019  
January immediately following the issuance of the notice. If such 38020  
an initial or amended plan repeals a schedule of fees, collection 38021  
of the fees shall cease on that first day of January. 38022

If, in the case of a change in district composition involving 38023  
the withdrawal of a county from a joint district, the director 38024  
completes the actions required under division (G)(1) or (3) of 38025  
section 3734.521 of the Revised Code, as appropriate, less than 38026  
forty-five days before the beginning of a calendar year, the 38027  
director, on behalf of each of the districts resulting from the 38028  
change that obtained the director's approval of an initial or 38029

amended plan in connection with the change proceedings, shall 38030  
notify by certified mail the owner or operator of each solid waste 38031  
disposal facility that is required to collect the district's fees 38032  
that the change is to take effect on the first day of January 38033  
immediately following the mailing of the notice and of the amount 38034  
of the fees or amended fees levied under divisions (B)(1) to (3) 38035  
of this section pursuant to the district's initial or amended plan 38036  
as so approved or, if appropriate, the repeal of the district's 38037  
fees by that initial or amended plan. Collection of any fees set 38038  
forth in such a plan or amended plan shall commence on the first 38039  
day of the second month following the month in which notification 38040  
is sent to the owner or operator. If such an initial or amended 38041  
plan repeals a schedule of fees, collection of the fees shall 38042  
cease on the first day of the second month following the month in 38043  
which notification is sent to the owner or operator. 38044

If the schedule of fees that a solid waste management 38045  
district is levying under divisions (B)(1) to (3) of this section 38046  
is amended or repealed, the fees in effect immediately prior to 38047  
the amendment or repeal shall continue to be collected until 38048  
collection of the amended fees commences or collection of the 38049  
repealed fees ceases, as applicable, as specified in this 38050  
division. In the case of a change in district composition, money 38051  
so received from the collection of the fees of the former 38052  
districts shall be divided among the resulting districts in 38053  
accordance with division (B) of section 343.012 of the Revised 38054  
Code and the agreements entered into under division (B) of section 38055  
343.01 of the Revised Code to establish the former and resulting 38056  
districts and any amendments to those agreements. 38057

For the purposes of the provisions of division (B) of this 38058  
section establishing the times when newly established or amended 38059  
fees levied by a district are required to commence and the 38060  
collection of fees that have been amended or repealed is required 38061

to cease, "fees" or "schedule of fees" includes, in addition to 38062  
fees levied under divisions (B)(1) to (3) of this section, those 38063  
levied under section 3734.573 or 3734.574 of the Revised Code. 38064

(C) For the purposes of defraying the added costs to a 38065  
municipal corporation or township of maintaining roads and other 38066  
public facilities and of providing emergency and other public 38067  
services, and compensating a municipal corporation or township for 38068  
reductions in real property tax revenues due to reductions in real 38069  
property valuations resulting from the location and operation of a 38070  
solid waste disposal facility within the municipal corporation or 38071  
township, a municipal corporation or township in which such a 38072  
solid waste disposal facility is located may levy a fee of not 38073  
more than twenty-five cents per ton on the disposal of solid 38074  
wastes at a solid waste disposal facility located within the 38075  
boundaries of the municipal corporation or township regardless of 38076  
where the wastes were generated. 38077

The legislative authority of a municipal corporation or 38078  
township may levy fees under this division by enacting an 38079  
ordinance or adopting a resolution establishing the amount of the 38080  
fees. Upon so doing the legislative authority shall mail a 38081  
certified copy of the ordinance or resolution to the board of 38082  
county commissioners or directors of the county or joint solid 38083  
waste management district in which the municipal corporation or 38084  
township is located or, if a regional solid waste management 38085  
authority has been formed under section 343.011 of the Revised 38086  
Code, to the board of trustees of that regional authority, the 38087  
owner or operator of each solid waste disposal facility in the 38088  
municipal corporation or township that is required to collect the 38089  
fee by the ordinance or resolution, and the director of 38090  
environmental protection. Although the fees levied under this 38091  
division are levied on the basis of tons as the unit of 38092  
measurement, the legislative authority, in its ordinance or 38093

resolution levying the fees under this division, may direct that 38094  
the fees be levied on the basis of cubic yards as the unit of 38095  
measurement based upon a conversion factor of three cubic yards 38096  
per ton generally or one cubic yard per ton for baled wastes. 38097

Not later than five days after enacting an ordinance or 38098  
adopting a resolution under this division, the legislative 38099  
authority shall so notify by certified mail the owner or operator 38100  
of each solid waste disposal facility that is required to collect 38101  
the fee. Collection of any fee levied on or after March 24, 1992, 38102  
shall commence on the first day of the second month following the 38103  
month in which notification is sent to the owner or operator. 38104

(D)(1) The fees levied under divisions (A), (B), and (C) of 38105  
this section do not apply to the disposal of solid wastes that: 38106

(a) Are disposed of at a facility owned by the generator of 38107  
the wastes when the solid waste facility exclusively disposes of 38108  
solid wastes generated at one or more premises owned by the 38109  
generator regardless of whether the facility is located on a 38110  
premises where the wastes are generated; 38111

(b) Are disposed of at facilities that exclusively dispose of 38112  
wastes that are generated from the combustion of coal, or from the 38113  
combustion of primarily coal in combination with scrap tires, that 38114  
is not combined in any way with garbage at one or more premises 38115  
owned by the generator. 38116

(2) Except as provided in section 3734.571 of the Revised 38117  
Code, any fees levied under division (B)(1) of this section apply 38118  
to solid wastes originating outside the boundaries of a county or 38119  
joint district that are covered by an agreement for the joint use 38120  
of solid waste facilities entered into under section 343.02 of the 38121  
Revised Code by the board of county commissioners or board of 38122  
directors of the county or joint district where the wastes are 38123  
generated and disposed of. 38124

(3) When solid wastes, other than solid wastes that consist of scrap tires, are burned in a disposal facility that is an incinerator or energy recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash remaining after burning of the solid wastes and shall be collected by the owner or operator of the sanitary landfill where the ash is disposed of.

(4) When solid wastes are delivered to a solid waste transfer facility, the fees levied under divisions (B) and (C) of this section shall be levied upon the disposal of solid wastes transported off the premises of the transfer facility for disposal and shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of.

(5) The fees levied under divisions (A), (B), and (C) of this section do not apply to sewage sludge that is generated by a waste water treatment facility holding a national pollutant discharge elimination system permit and that is disposed of through incineration, land application, or composting or at another resource recovery or disposal facility that is not a landfill.

(6) The fees levied under divisions (A), (B), and (C) of this section do not apply to solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility and disposed of at a landfill, the fees levied under divisions (A), (B), and (C) of this section shall be collected by the owner or operator of the landfill where the unprocessed waste or compost product is disposed of.

(7) When solid wastes that consist of scrap tires are processed at a scrap tire recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash or other solid wastes remaining after the processing of the scrap tires and shall be

collected by the owner or operator of the solid waste disposal 38157  
facility where the ash or other solid wastes are disposed of. 38158

(8) The director of environmental protection may issue an 38159  
order exempting from the fees levied under this section solid 38160  
wastes, including, but not limited to, scrap tires, that are 38161  
generated, transferred, or disposed of as a result of a contract 38162  
providing for the expenditure of public funds entered into by the 38163  
administrator or regional administrator of the United States 38164  
environmental protection agency, the director of environmental 38165  
protection, or the director of administrative services on behalf 38166  
of the director of environmental protection for the purpose of 38167  
remediating conditions at a hazardous waste facility, solid waste 38168  
facility, or other location at which the administrator or regional 38169  
administrator or the director of environmental protection has 38170  
reason to believe that there is a substantial threat to public 38171  
health or safety or the environment or that the conditions are 38172  
causing or contributing to air or water pollution or soil 38173  
contamination. An order issued by the director of environmental 38174  
protection under division (D)(8) of this section shall include a 38175  
determination that the amount of the fees not received by a solid 38176  
waste management district as a result of the order will not 38177  
adversely impact the implementation and financing of the 38178  
district's approved solid waste management plan and any approved 38179  
amendments to the plan. Such an order is a final action of the 38180  
director of environmental protection. 38181

(E) The fees levied under divisions (B) and (C) of this 38182  
section shall be collected by the owner or operator of the solid 38183  
waste disposal facility where the wastes are disposed of as a 38184  
trustee for the county or joint district and municipal corporation 38185  
or township where the wastes are disposed of. Moneys from the fees 38186  
levied under division (B) of this section shall be forwarded to 38187  
the board of county commissioners or board of directors of the 38188

district in accordance with rules adopted under division (H) of 38189  
this section. Moneys from the fees levied under division (C) of 38190  
this section shall be forwarded to the treasurer or such other 38191  
officer of the municipal corporation as, by virtue of the charter, 38192  
has the duties of the treasurer or to the fiscal officer of the 38193  
township, as appropriate, in accordance with those rules. 38194

(F) Moneys received by the treasurer or other officer of the 38195  
municipal corporation under division (E) of this section shall be 38196  
paid into the general fund of the municipal corporation. Moneys 38197  
received by the fiscal officer of the township under that division 38198  
shall be paid into the general fund of the township. The treasurer 38199  
or other officer of the municipal corporation or the township 38200  
fiscal officer, as appropriate, shall maintain separate records of 38201  
the moneys received from the fees levied under division (C) of 38202  
this section. 38203

(G) Moneys received by the board of county commissioners or 38204  
board of directors under division (E) of this section or section 38205  
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 38206  
shall be paid to the county treasurer, or other official acting in 38207  
a similar capacity under a county charter, in a county district or 38208  
to the county treasurer or other official designated by the board 38209  
of directors in a joint district and kept in a separate and 38210  
distinct fund to the credit of the district. If a regional solid 38211  
waste management authority has been formed under section 343.011 38212  
of the Revised Code, moneys received by the board of trustees of 38213  
that regional authority under division (E) of this section shall 38214  
be kept by the board in a separate and distinct fund to the credit 38215  
of the district. Moneys in the special fund of the county or joint 38216  
district arising from the fees levied under division (B) of this 38217  
section and the fee levied under division (A) of section 3734.573 38218  
of the Revised Code shall be expended by the board of county 38219  
commissioners or directors of the district in accordance with the 38220

district's solid waste management plan or amended plan approved 38221  
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 38222  
exclusively for the following purposes: 38223

(1) Preparation of the solid waste management plan of the 38224  
district under section 3734.54 of the Revised Code, monitoring 38225  
implementation of the plan, and conducting the periodic review and 38226  
amendment of the plan required by section 3734.56 of the Revised 38227  
Code by the solid waste management policy committee; 38228

(2) Implementation of the approved solid waste management 38229  
plan or amended plan of the district, including, without 38230  
limitation, the development and implementation of solid waste 38231  
recycling or reduction programs; 38232

(3) Providing financial assistance to boards of health within 38233  
the district, if solid waste facilities are located within the 38234  
district, for enforcement of this chapter and rules, orders, and 38235  
terms and conditions of permits, licenses, and variances adopted 38236  
or issued under it, other than the hazardous waste provisions of 38237  
this chapter and rules adopted and orders and terms and conditions 38238  
of permits issued under those provisions; 38239

(4) Providing financial assistance to each county within the 38240  
district to defray the added costs of maintaining roads and other 38241  
public facilities and of providing emergency and other public 38242  
services resulting from the location and operation of a solid 38243  
waste facility within the county under the district's approved 38244  
solid waste management plan or amended plan; 38245

(5) Pursuant to contracts entered into with boards of health 38246  
within the district, if solid waste facilities contained in the 38247  
district's approved plan or amended plan are located within the 38248  
district, for paying the costs incurred by those boards of health 38249  
for collecting and analyzing samples from public or private water 38250  
wells on lands adjacent to those facilities; 38251

(6) Developing and implementing a program for the inspection	38252
of solid wastes generated outside the boundaries of this state	38253
that are disposed of at solid waste facilities included in the	38254
district's approved solid waste management plan or amended plan;	38255
(7) Providing financial assistance to boards of health within	38256
the district for the enforcement of section 3734.03 of the Revised	38257
Code or to local law enforcement agencies having jurisdiction	38258
within the district for enforcing anti-littering laws and	38259
ordinances;	38260
(8) Providing financial assistance to boards of health of	38261
health districts within the district that are on the approved list	38262
under section 3734.08 of the Revised Code to defray the costs to	38263
the health districts for the participation of their employees	38264
responsible for enforcement of the solid waste provisions of this	38265
chapter and rules adopted and orders and terms and conditions of	38266
permits, licenses, and variances issued under those provisions in	38267
the training and certification program as required by rules	38268
adopted under division (L) of section 3734.02 of the Revised Code;	38269
(9) Providing financial assistance to individual municipal	38270
corporations and townships within the district to defray their	38271
added costs of maintaining roads and other public facilities and	38272
of providing emergency and other public services resulting from	38273
the location and operation within their boundaries of a	38274
composting, energy or resource recovery, incineration, or	38275
recycling facility that either is owned by the district or is	38276
furnishing solid waste management facility or recycling services	38277
to the district pursuant to a contract or agreement with the board	38278
of county commissioners or directors of the district;	38279
(10) Payment of any expenses that are agreed to, awarded, or	38280
ordered to be paid under section 3734.35 of the Revised Code and	38281
of any administrative costs incurred pursuant to that section. In	38282
the case of a joint solid waste management district, if the board	38283

of county commissioners of one of the counties in the district is 38284  
negotiating on behalf of affected communities, as defined in that 38285  
section, in that county, the board shall obtain the approval of 38286  
the board of directors of the district in order to expend moneys 38287  
for administrative costs incurred. 38288

Prior to the approval of the district's solid waste 38289  
management plan under section 3734.55 of the Revised Code, moneys 38290  
in the special fund of the district arising from the fees shall be 38291  
expended for those purposes in the manner prescribed by the solid 38292  
waste management policy committee by resolution. 38293

Notwithstanding division (G)(6) of this section as it existed 38294  
prior to October 29, 1993, or any provision in a district's solid 38295  
waste management plan prepared in accordance with division 38296  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 38297  
prior to that date, any moneys arising from the fees levied under 38298  
division (B)(3) of this section prior to January 1, 1994, may be 38299  
expended for any of the purposes authorized in divisions (G)(1) to 38300  
(10) of this section. 38301

(H) The director shall adopt rules in accordance with Chapter 38302  
119. of the Revised Code prescribing procedures for collecting and 38303  
forwarding the fees levied under divisions (B) and (C) of this 38304  
section to the boards of county commissioners or directors of 38305  
county or joint solid waste management districts and to the 38306  
treasurers or other officers of municipal corporations and the 38307  
fiscal officers of townships. The rules also shall prescribe the 38308  
dates for forwarding the fees to the boards and officials and may 38309  
prescribe any other requirements the director considers necessary 38310  
or appropriate to implement and administer divisions (A), (B), and 38311  
(C) of this section. 38312

**Sec. 3735.672.** (A) On or before the thirty-first day of March 38313  
each year, a legislative authority that has entered into an 38314

agreement with a party under section 3735.671 of the Revised Code 38315  
shall submit to the director of development and the board of 38316  
education of each school district of which a municipal corporation 38317  
or township to which such an agreement applies is a part a report 38318  
on all such agreements in effect during the preceding calendar 38319  
year. The report shall include the following information: 38320

(1) The designation, assigned by the director of development, 38321  
of each community reinvestment area within the municipal 38322  
corporation or county, and the total population of each area 38323  
according to the most recent data available; 38324

(2) The number of agreements and the number of full-time 38325  
employees subject to those agreements within each area, each 38326  
according to the most recent data available and identified and 38327  
categorized by the appropriate standard industrial code, and the 38328  
rate of unemployment in the municipal corporation or county in 38329  
which the area is located for each year since the area was 38330  
certified; 38331

(3) The number of agreements approved and executed during the 38332  
calendar year for which the report is submitted, the total number 38333  
of agreements in effect on the thirty-first day of December of the 38334  
preceding calendar year, the number of agreements that expired 38335  
during the calendar year for which the report is submitted, and 38336  
the number of agreements scheduled to expire during the calendar 38337  
year in which the report is submitted. For each agreement that 38338  
expired during the calendar year for which the report is 38339  
submitted, the legislative authority shall include the amount of 38340  
taxes exempted under the agreement. 38341

(4) The number of agreements receiving compliance reviews by 38342  
the tax incentive review council in the municipal corporation or 38343  
county during the calendar year for which the report is submitted, 38344  
including all of the following information: 38345

(a) The number of agreements the terms of which the party has 38346  
complied with, indicating separately for each such agreement the 38347  
value of the real property exempted pursuant to the agreement and 38348  
a comparison of the stipulated and actual schedules for hiring new 38349  
employees, for retaining existing employees, and for the amount of 38350  
payroll of the party attributable to these employees; 38351

(b) The number of agreements the terms of which a party has 38352  
failed to comply with, indicating separately for each such 38353  
agreement the value of the real and personal property exempted 38354  
pursuant to the agreement and a comparison of the stipulated and 38355  
actual schedules for hiring new employees, for retaining existing 38356  
employees, and for the amount of payroll of the enterprise 38357  
attributable to these employees; 38358

(c) The number of agreements about which the tax incentive 38359  
review council made recommendations to the legislative authority, 38360  
and the number of such recommendations that have not been 38361  
followed; 38362

(d) The number of agreements rescinded during the calendar 38363  
year for which the report is submitted. 38364

(5) The number of parties subject to agreements that expanded 38365  
within each area, including the number of new employees hired and 38366  
existing employees retained by that party, and the number of new 38367  
parties subject to agreements that established within each area, 38368  
including the number of new employees hired by each party; 38369

(6) For each agreement in effect during any part of the 38370  
preceding year, the number of employees employed by the party at 38371  
the property that is the subject of the agreement immediately 38372  
prior to formal approval of the agreement, the number of employees 38373  
employed by the party at that property on the thirty-first day of 38374  
December of the preceding year, the payroll of the party for the 38375  
preceding year, the amount of taxes paid on real property that was 38376

exempted under the agreement, and the amount of such taxes that 38377  
were not paid because of the exemption. 38378

(B) Upon the failure of a municipal corporation or county to 38379  
comply with division (A) of this section: 38380

(1) Beginning on the first day of April of the calendar year 38381  
in which the municipal corporation or county fails to comply with 38382  
that division, the municipal corporation or county shall not enter 38383  
into any agreements under section 3735.671 of the Revised Code 38384  
until the municipal corporation or county has complied with 38385  
division (A) of this section. 38386

(2) On the first day of each ensuing calendar month until the 38387  
municipal corporation or county complies with that division, the 38388  
director of development shall either order the proper county 38389  
auditor to deduct from the next succeeding payment of taxes to the 38390  
municipal corporation or county under section 321.31, 321.32, 38391  
321.33, or 321.34 of the Revised Code an amount equal to five 38392  
hundred dollars for each calendar month the municipal corporation 38393  
or county fails to comply with that division, or order the county 38394  
auditor to deduct such an amount from the next succeeding payment 38395  
to the municipal corporation or county from the undivided local 38396  
government fund under section 5747.51 of the Revised Code. At the 38397  
time such a payment is made, the county auditor shall comply with 38398  
the director's order by issuing a warrant, drawn on the fund from 38399  
which such money would have been paid, to the director of 38400  
development, who shall deposit the warrant into the state 38401  
community reinvestment area program administration fund created in 38402  
division (C) of this section. 38403

(C) The director, by rule, shall establish the state's 38404  
application fee for applications submitted to a municipal 38405  
corporation or county to enter into an agreement under section 38406  
3735.671 of the Revised Code. In establishing the amount of the 38407  
fee, the director shall consider the state's cost of administering 38408

the community reinvestment area program, including the cost of 38409  
reviewing the reports required under division (A) of this section. 38410  
The director may change the amount of the fee at such times and in 38411  
such increments as ~~he~~ the director considers necessary. Any 38412  
municipal corporation or county that receives an application shall 38413  
collect the application fee and remit the fee for deposit in the 38414  
state treasury to the credit of the ~~state community reinvestment~~ 38415  
~~area program administration fund, which is hereby created. Money~~ 38416  
~~credited to the fund shall be used by the department of~~ 38417  
~~development to pay the costs of administering the community~~ 38418  
~~reinvestment area program, including the cost of reviewing the~~ 38419  
~~reports required under division (A) of this section~~ tax incentive 38420  
programs operating fund created in section 122.174 of the Revised 38421  
Code. 38422

**Sec. 3743.17.** (A) The license of a wholesaler of fireworks is 38423  
effective for one year beginning on the first day of December. The 38424  
fire marshal shall issue or renew a license only on that date and 38425  
at no other time. If a wholesaler of fireworks wishes to continue 38426  
engaging in the wholesale sale of fireworks at the particular 38427  
location after its then effective license expires, it shall apply 38428  
not later than the first day of October for a new license pursuant 38429  
to section 3743.15 of the Revised Code. The fire marshal shall 38430  
send a written notice of the expiration of its license to a 38431  
licensed wholesaler at least three months before the expiration 38432  
date. 38433

(B) If, during the effective period of its licensure, a 38434  
licensed wholesaler of fireworks wishes to perform any 38435  
construction, or make any structural change or renovation, on the 38436  
premises on which the fireworks are sold, the wholesaler shall 38437  
notify the fire marshal in writing. The fire marshal may require a 38438  
licensed wholesaler also to submit documentation, including, but 38439  
not limited to, plans covering the proposed construction or 38440

structural change or renovation, if the fire marshal determines 38441  
the documentation is necessary for evaluation purposes in light of 38442  
the proposed construction or structural change or renovation. 38443

Upon receipt of the notification and additional documentation 38444  
required by the fire marshal, the fire marshal shall inspect the 38445  
premises on which the fireworks are sold to determine if the 38446  
proposed construction or structural change or renovation conforms 38447  
to sections 3743.15 to 3743.21 of the Revised Code and the rules 38448  
adopted by the fire marshal pursuant to section 3743.18 of the 38449  
Revised Code. The fire marshal shall issue a written authorization 38450  
to the wholesaler for the construction or structural change or 38451  
renovation if the fire marshal determines, upon the inspection and 38452  
a review of submitted documentation, that the construction or 38453  
structural change or renovation conforms to those sections and 38454  
rules. 38455

(C) The license of a wholesaler of fireworks authorizes the 38456  
wholesaler to engage only in the following activities: 38457

(1) Possess for sale at wholesale and sell at wholesale 38458  
fireworks to persons who are licensed wholesalers of fireworks, to 38459  
out-of-state residents in accordance with section 3743.44 of the 38460  
Revised Code, to residents of this state in accordance with 38461  
section 3743.45 of the Revised Code, or to persons located in 38462  
another state provided the fireworks are shipped directly out of 38463  
this state to them by the wholesaler. The possession for sale 38464  
shall be at the location described in the application for 38465  
licensure or in the notification submitted under division (B) of 38466  
this section, and the sale shall be from the inside of a licensed 38467  
building and from no structure or device outside a licensed 38468  
building. At no time shall a licensed wholesaler sell any class of 38469  
fireworks outside a licensed building. 38470

(2) Possess for sale at retail and sell at retail fireworks, 38471  
other than 1.4G fireworks as designated by the fire marshal in 38472

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 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 the licensed building and from no other structure or device outside this licensed building. At no time shall a licensed wholesaler sell any class of fireworks outside a licensed building.

A licensed wholesaler of fireworks shall sell under division (C) of this section only fireworks that meet the standards set by the consumer product safety commission or by the American fireworks standard laboratories or that have received an EX number from the United States department of transportation.

(D) The license of a wholesaler of fireworks shall be protected under glass and posted in a conspicuous place at the location described in the application for licensure or in the notification submitted under division (B) of this section. Except as otherwise provided in this section, the license is not transferable or assignable. A license may be transferred to another person for the same location for which the license was issued if the assets of the wholesaler are transferred to that person by inheritance or by a sale approved by the fire marshal. The license is subject to revocation in accordance with section 3743.21 of the Revised Code.

(E) The fire marshal shall adopt rules for the expansion or

contraction of a licensed premises and for the approval of an 38505  
expansion or contraction. The boundaries of a licensed premises, 38506  
including any geographic expansion or contraction of those 38507  
boundaries, shall be approved by the fire marshal in accordance 38508  
with rules the fire marshal adopts. If the licensed premises of a 38509  
licensed wholesaler from which the wholesaler operates consists of 38510  
more than one parcel of real estate, those parcels must be 38511  
contiguous, unless an exception is allowed pursuant to division 38512  
(G) of this section. 38513

(F)(1) Upon application by a licensed wholesaler of 38514  
fireworks, a wholesaler license may be transferred from one 38515  
geographic location to another within the same municipal 38516  
corporation or within the unincorporated area of the same 38517  
township, but only if all of the following apply: 38518

(a) The identity of the holder of the license remains the 38519  
same in the new location. 38520

(b) The former location is closed prior to the opening of the 38521  
new location and no fireworks business of any kind is conducted at 38522  
the former location after the transfer of the license. 38523

(c) The new location has received a local certificate of 38524  
zoning compliance and a local certificate of occupancy, and 38525  
otherwise is in compliance with all local building regulations. 38526

~~(d) The transfer of the license is requested by the licensee 38527  
because the existing facility poses an immediate hazard to the 38528  
public. 38529~~

~~(e)~~ Every building or structure at the new location is 38530  
separated from occupied residential and nonresidential buildings 38531  
or structures, railroads, highways, or any other buildings or 38532  
structures located on the licensed premises in accordance with the 38533  
distances specified in the rules adopted by the fire marshal 38534  
pursuant to section 3743.18 of the Revised Code. If the licensee 38535

fails to comply with the requirements of division (F)(1)(e) of 38536  
this section by the licensee's own act, the license at the new 38537  
location is forfeited. 38538

~~(f)~~(e) Neither the licensee nor any person holding, owning, 38539  
or controlling a five per cent or greater beneficial or equity 38540  
interest in the licensee has been convicted of or has pleaded 38541  
guilty to a felony under the laws of this state, any other state, 38542  
or the United States after June 30, 1997. 38543

~~(g)~~(f) The fire marshal approves the request for the 38544  
transfer. 38545

(2) The new location shall comply with the requirements 38546  
specified in divisions (A)(1) and (2) of section 3743.25 of the 38547  
Revised Code whether or not the fireworks showroom at the new 38548  
location is constructed, expanded, or first begins operating on 38549  
and after June 30, 1997. 38550

(G)(1) A licensed wholesaler may expand its licensed premises 38551  
within this state to include not more than two storage locations 38552  
that are located upon one or more real estate parcels that are 38553  
noncontiguous to the licensed premises as that licensed premises 38554  
exists on the date a licensee submits an application as described 38555  
below, if all of the following apply: 38556

(a) The licensee submits an application to the fire marshal 38557  
requesting the expansion and an application fee of one hundred 38558  
dollars per storage location for which the licensee is requesting 38559  
approval. 38560

(b) The identity of the holder of the license remains the 38561  
same at the storage location. 38562

(c) The storage location has received a valid certificate of 38563  
zoning compliance, as applicable, and a valid certificate of 38564  
occupancy for each building or structure at the storage location 38565  
issued by the authority having jurisdiction to issue the 38566

certificate for the storage location, and those certificates 38567  
permit the distribution and storage of fireworks regulated under 38568  
this chapter at the storage location and in the buildings or 38569  
structures. The storage location shall be in compliance with all 38570  
other applicable federal, state, and local laws and regulations. 38571

(d) Every building or structure located upon the storage 38572  
location is separated from occupied residential and nonresidential 38573  
buildings or structures, railroads, highways, and any other 38574  
buildings or structures on the licensed premises in accordance 38575  
with the distances specified in the rules adopted by the fire 38576  
marshal pursuant to section 3743.18 of the Revised Code. 38577

(e) Neither the licensee nor any person holding, owning, or 38578  
controlling a five per cent or greater beneficial or equity 38579  
interest in the licensee has been convicted of or pleaded guilty 38580  
to a felony under the laws of this state, any other state, or the 38581  
United States, after ~~the effective date of this amendment~~ 38582  
September 29, 2005. 38583

(f) The fire marshal approves the application for expansion. 38584

(2) The fire marshal shall approve an application for 38585  
expansion requested under division (G)(1) of this section if the 38586  
fire marshal receives the application fee and proof that the 38587  
requirements of divisions (G)(1)(b) to (e) of this section are 38588  
satisfied. The storage location shall be considered part of the 38589  
original licensed premises and shall use the same distinct number 38590  
assigned to the original licensed premises with any additional 38591  
designations as the fire marshal deems necessary in accordance 38592  
with section 3743.16 of the Revised Code. 38593

(H)(1) A licensee who obtains approval for use of a storage 38594  
location in accordance with division (G) of this section shall use 38595  
the site exclusively for the following activities, in accordance 38596  
with division (C)(1) of this section: 38597

(a) Packaging, assembling, or storing fireworks, which shall occur only in buildings approved for such hazardous uses by the building code official having jurisdiction for the storage location and shall be in accordance with the rules adopted by the fire marshal under division (B)(4) of section 3743.18 of the Revised Code for the packaging, assembling, and storage of fireworks.

(b) Distributing fireworks to other parcels of real estate located on the wholesaler's licensed premises, to licensed manufacturers or other licensed wholesalers in this state or to similarly licensed persons located in another state or country;

(c) Distributing fireworks to a licensed exhibitor of fireworks pursuant to a properly issued permit in accordance with section 3743.54 of the Revised Code.

(2) A licensed wholesaler shall not engage in any sales activity, including the retail sale of fireworks otherwise permitted under division (C)(2) of this section or pursuant to section 3743.44 or 3743.45 of the Revised Code, at a storage location approved under this section.

(I) A licensee shall prohibit public access to all storage locations it uses. The fire marshal shall adopt rules establishing acceptable measures a wholesaler shall use to prohibit access to storage sites.

(J) The fire marshal shall not place the license of a wholesaler of fireworks in temporarily inactive status while the holder of the license is attempting to qualify to retain the license.

(K) Each licensed wholesaler of fireworks or a designee of the wholesaler, whose identity is provided to the fire marshal by the wholesaler, annually shall attend a continuing education program consisting of not less than eight hours of instruction.

The fire marshal shall develop the program and the fire marshal or 38629  
a person or public agency approved by the fire marshal shall 38630  
conduct it. A licensed wholesaler or the wholesaler's designee who 38631  
attends a program as required under this division, within one year 38632  
after attending the program, shall conduct in-service training for 38633  
other employees of the licensed wholesaler regarding the 38634  
information obtained in the program. A licensed wholesaler shall 38635  
provide the fire marshal with notice of the date, time, and place 38636  
of all in-service training not less than thirty days prior to an 38637  
in-service training event. 38638

(L) A licensed wholesaler shall maintain comprehensive 38639  
general liability insurance coverage in the amount and type 38640  
specified under division (B)(2) of section 3743.15 of the Revised 38641  
Code at all times. Each policy of insurance required under this 38642  
division shall contain a provision requiring the insurer to give 38643  
not less than fifteen days' prior written notice to the fire 38644  
marshal before termination, lapse, or cancellation of the policy, 38645  
or any change in the policy that reduces the coverage below the 38646  
minimum required under this division. Prior to canceling or 38647  
reducing the amount of coverage of any comprehensive general 38648  
liability insurance coverage required under this division, a 38649  
licensed wholesaler shall secure supplemental insurance in an 38650  
amount and type that satisfies the requirements of this division 38651  
so that no lapse in coverage occurs at any time. A licensed 38652  
wholesaler who secures supplemental insurance shall file evidence 38653  
of the supplemental insurance with the fire marshal prior to 38654  
canceling or reducing the amount of coverage of any comprehensive 38655  
general liability insurance coverage required under this division. 38656

**Sec. 3743.19.** In addition to conforming to the rules of the 38657  
fire marshal adopted pursuant to section 3743.18 of the Revised 38658  
Code, licensed wholesalers of fireworks shall conduct their 38659  
business operations in accordance with the following: 38660

(A) A wholesaler shall conduct its business operations from 38661  
the location described in its application for licensure or in a 38662  
notification submitted under division (B) of section 3743.17 of 38663  
the Revised Code. 38664

(B) Signs indicating that smoking is generally forbidden and 38665  
trespassing is prohibited on the premises of a wholesaler shall be 38666  
posted on the premises as determined by the fire marshal. 38667

(C) Reasonable precautions shall be taken to protect the 38668  
premises of a wholesaler from trespass, loss, theft, or 38669  
destruction. 38670

(D) Smoking or the carrying of pipes, cigarettes, or cigars, 38671  
matches, lighters, other flame-producing items, or open flame on, 38672  
or the carrying of a concealed source of ignition into, the 38673  
premises of a wholesaler is prohibited, except that a wholesaler 38674  
may permit smoking in specified lunchrooms or restrooms in 38675  
buildings or other structures in which no sales, handling, or 38676  
storage of fireworks takes place. "NO SMOKING" signs shall be 38677  
posted on the premises as required by the fire marshal. 38678

(E) Fire and explosion prevention and other reasonable safety 38679  
measures and precautions shall be implemented by a wholesaler. 38680

(F) Persons shall not be permitted to have in their 38681  
possession or under their control, while they are on the premises 38682  
of a wholesaler, any intoxicating liquor, beer, or controlled 38683  
substance, and they shall not be permitted to enter or remain on 38684  
the premises if they are found to be under the influence of any 38685  
intoxicating liquor, beer, or controlled substance. 38686

(G) A wholesaler shall conform to all building, safety, and 38687  
zoning statutes, ordinances, rules, or other enactments that apply 38688  
to its premises. 38689

(H) Each building used in the sale of fireworks shall be kept 38690  
open to the public for at least four hours each day between the 38691

hours of eight a.m. and five p.m., five days of each week, every 38692  
week of the year. Upon application from a licensed wholesaler, the 38693  
fire marshal may waive any of the requirements of this division. 38694

(I) Awnings, tents, or canopies shall not be used as 38695  
facilities for the storage or sale of fireworks. This division 38696  
does not prohibit the use of an awning or canopy attached to a 38697  
public access showroom for storing nonflammable shopping 38698  
convenience items such as shopping carts or baskets or providing a 38699  
shaded area for patrons waiting to enter the public sales area. 38700

(J) Fireworks may be stored in trailers if the trailers are 38701  
properly enclosed, secured, and grounded and are separated from 38702  
any structure to which the public is admitted by a distance that 38703  
will, in the fire marshal's judgment, allow fire-fighting 38704  
equipment to have full access to the structures on the licensed 38705  
premises. Such trailers may be moved into closer proximity to any 38706  
structure only to accept or discharge cargo for a period not to 38707  
exceed forty-eight hours. Only two such trailers may be placed in 38708  
such closer proximity at any one time. At no time may trailers be 38709  
used for conducting sales of any class of fireworks nor may 38710  
members of the public have access to the trailers. 38711

Storage areas for fireworks that are in the same building 38712  
where fireworks are displayed and sold to the public shall be 38713  
separated from the areas to which the public has access by an 38714  
appropriately rated fire barrier wall. 38715

(K) A fire suppression system as defined in section 3781.108 38716  
of the Revised Code may be turned off only for repair, drainage of 38717  
the system to prevent damage by freezing during the period of 38718  
time, approved by the fire marshal under division (I) of this 38719  
section, that the facility is closed to public access during 38720  
winter months, or maintenance of the system. If any repair or 38721  
maintenance is necessary during times when the facility is open 38722  
for public access and business, the licensed wholesaler shall 38723

notify in advance the appropriate insurance company and fire chief 38724  
or fire prevention officer regarding the nature of the maintenance 38725  
or repair and the time when it will be performed. 38726

(L) If any fireworks item is removed from its original 38727  
package or is manufactured with any fuse other than a fuse 38728  
approved by the consumer product safety commission, then the item 38729  
shall be covered completely by repackaging or bagging or it shall 38730  
otherwise be covered so as to prevent ignition prior to sale. 38731

(M) A safety officer shall be present during regular business 38732  
hours at a building open to the public during the period 38733  
commencing fourteen days before, and ending two days after, each 38734  
fourth day of July. The officer shall be highly visible, enforce 38735  
this chapter and any applicable building codes to the extent the 38736  
officer is authorized by law, and be one of the following: 38737

(1) A deputy sheriff; 38738

(2) A law enforcement officer of a municipal corporation, 38739  
township, or township or joint township police district; 38740

(3) A private uniformed security guard registered under 38741  
section 4749.06 of the Revised Code. 38742

(N) All doors of all buildings on the licensed premises shall 38743  
swing outward. 38744

(O) All wholesale and commercial sales of fireworks shall be 38745  
packaged, shipped, placarded, and transported in accordance with 38746  
United States department of transportation regulations applicable 38747  
to the transportation, and the offering for transportation, of 38748  
hazardous materials. For purposes of this division, "wholesale and 38749  
commercial sales" includes all sales for resale and any nonretail 38750  
sale made in furtherance of a commercial enterprise. For purposes 38751  
of enforcement of these regulations under section 4905.83 of the 38752  
Revised Code, any sales transaction exceeding one thousand pounds 38753  
shall be rebuttably presumed to be a wholesale or commercial sale. 38754

Sec. 3743.25. (A) A licensed manufacturer, wholesaler, or exhibitor shall bring fireworks showroom structures, to which the public may have any access and in which employees are required to work, on all licensed premises, into compliance with the following safety requirements:

(1) A Except as otherwise provided in division (A)(1) of this 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 financial hardship that would force a licensee to terminate business operations or if a licensee voluntarily so elects, the licensee shall conduct sales only on the basis of ~~de-fused~~ defused representative samples in closed and covered displays within the fireworks showroom, in which case division (A)(1) of this section does not apply.

(5) A fireworks showroom structure that exists on ~~the effective date of this section~~ June 30, 1997, shall be in compliance on or before June 1, 1998, with floor plans showing occupancy load limits and internal circulation and egress patterns that are approved by the fire marshal and superintendent of industrial compliance, and that are submitted under seal as required by section 3791.04 of the Revised Code.

(B) The safety requirements established in division (A) of this section are not subject to any variance, waiver, or exclusion pursuant to this chapter or any applicable building code.

**Sec. 3743.75.** (A) During the period beginning on June 29, 2001, and ending on December 15, ~~2008~~ 2011, the state fire marshal shall not do any of the following:

(1) Issue a license as a manufacturer of fireworks under sections 3743.02 and 3743.03 of the Revised Code to a person for a particular fireworks plant unless that person possessed such a license for that fireworks plant immediately prior to June 29,

2001;	38817
(2) Issue a license as a wholesaler of fireworks under sections 3743.15 and 3743.16 of the Revised Code to a person for a particular location unless that person possessed such a license for that location immediately prior to June 29, 2001;	38818 38819 38820 38821
(3) Except as provided in division (B) of this section, approve the geographic transfer of a license as a manufacturer or wholesaler of fireworks issued under this chapter to any location other than a location for which a license was issued under this chapter immediately prior to June 29, 2001.	38822 38823 38824 38825 38826
(B) Division (A)(3) of this section does not apply to a transfer that the state fire marshal approves under division (F) of section 3743.17 of the Revised Code.	38827 38828 38829
(C) Notwithstanding section 3743.59 of the Revised Code, the prohibited activities established in divisions (A)(1) and (2) of this section, geographic transfers approved pursuant to division (F) of section 3743.17 of the Revised Code, and storage locations allowed pursuant to division (I) of section 3743.04 of the Revised Code or division (G) of section 3743.17 of the Revised Code are not subject to any variance, waiver, or exclusion.	38830 38831 38832 38833 38834 38835 38836
(D) As used in division (A) of this section:	38837
(1) "Person" includes any person or entity, in whatever form or name, that acquires possession of a manufacturer or wholesaler of fireworks license issued pursuant to this chapter by transfer of possession of a license, whether that transfer occurs by purchase, assignment, inheritance, bequest, stock transfer, or any other type of transfer, on the condition that the transfer is in accordance with division (D) of section 3743.04 of the Revised Code or division (D) of section 3743.17 of the Revised Code and is approved by the fire marshal.	38838 38839 38840 38841 38842 38843 38844 38845 38846
(2) "Particular location" includes a licensed premises and,	38847

regardless of when approved, any storage location approved in 38848  
accordance with section 3743.04 or 3743.17 of the Revised Code. 38849

(3) "Such a license" includes a wholesaler of fireworks 38850  
license that was issued in place of a manufacturer of fireworks 38851  
license that existed prior to June 29, 2001, and was requested to 38852  
be canceled by the license holder pursuant to division (D) of 38853  
section 3743.03 of the Revised Code. 38854

**Sec. 3745.04.** (A) As used in this section, "any person" means 38855  
any individual, any partnership, corporation, association, or 38856  
other legal entity, or any political subdivision, instrumentality, 38857  
or agency of a state, whether or not the individual or legal 38858  
entity is an applicant for or holder of a license, permit, or 38859  
variance from the environmental protection agency, and includes 38860  
any department, agency, or instrumentality of the federal 38861  
government that is an applicant for or holder of a license, 38862  
permit, or variance from the environmental protection agency. 38863

As used in this section, "action" or "act" includes the 38864  
adoption, modification, or repeal of a rule or standard, the 38865  
issuance, modification, or revocation of any lawful order other 38866  
than an emergency order, and the issuance, denial, modification, 38867  
or revocation of a license, permit, lease, variance, or 38868  
certificate, or the approval or disapproval of plans and 38869  
specifications pursuant to law or rules adopted thereunder. 38870

(B) Any person who was a party to a proceeding before the 38871  
director of environmental protection may participate in an appeal 38872  
to the environmental review appeals commission for an order 38873  
vacating or modifying the action of the director or a local board 38874  
of health, or ordering the director or board of health to perform 38875  
an act. The environmental review appeals commission has exclusive 38876  
original jurisdiction over any matter that may, under this 38877  
section, be brought before it. However, the director has and 38878

retains jurisdiction to modify, amend, revise, renew, or revoke 38879  
any permit, rule, order, or other action that has been appealed to 38880  
the commission. The modification, amendment, revision, renewal, or 38881  
revocation is subject to applicable public participation and 38882  
public notice requirements and is subject to an appeal under this 38883  
section or section 3745.07 of the Revised Code, as applicable. Not 38884  
later than thirty days after the issuance of the modification, 38885  
amendment, revision, renewal, or revocation, the director shall 38886  
file with the commission and serve on each party to the existing 38887  
appeal a statement notifying the commission and the party that the 38888  
appealed action was revoked or describing how the appealed action 38889  
was modified, amended, revised, or changed as part of a renewal, 38890  
as applicable. A party to the existing appeal is deemed to have 38891  
appealed such a modification, amendment, revision, renewal, or 38892  
revocation upon filing with the commission and serving on all 38893  
parties an objection to the modification, amendment, revision, 38894  
renewal, or revocation. The objection shall be filed with the 38895  
commission not later than thirty days after the director files the 38896  
statement with the commission regarding the modification, 38897  
amendment, revision, renewal, or revocation. The objection shall 38898  
state any new grounds of appeal resulting from the modification, 38899  
amendment, revision, renewal, or revocation. The commission shall 38900  
not charge a fee for the filing of such an objection. 38901

The A person ~~se~~ appealing to the commission shall be known as 38902  
appellant, and the director and any party to a proceeding 38903  
substantially supporting the finding from which the appeal is 38904  
taken shall be known as appellee, except that when an appeal 38905  
involves a license to operate a disposal site or facility, the 38906  
local board of health or the director of environmental protection, 38907  
and any party to a proceeding substantially supporting the finding 38908  
from which the appeal is taken, shall, as appropriate, be known as 38909  
the appellee. Appellant and appellee shall be deemed to be parties 38910  
to the appeal. 38911

(C) The director may appeal an action of a local board of health conducted under Chapter 3714. or 3734. of the Revised Code to the environmental review appeals commission for an order vacating or modifying the action of the board or may appeal to the commission for an order requiring the local board of health to perform an act.

(D) An appeal shall be in writing and shall set forth the action complained of and the grounds upon which the appeal is based.

The appeal shall be filed with the commission within thirty days after notice of the action. Notice of the filing of the appeal shall be filed with the appellee within three days after the appeal is filed with the commission.

The appeal shall be accompanied by a filing fee of seventy dollars, which the commission, in its discretion, may reduce if by affidavit the appellant demonstrates that payment of the full amount of the fee would cause extreme hardship.

Within seven days after receipt of the notice of an appeal filed under division (B) of this section, the director or local board of health, as applicable, shall prepare and certify to the commission a record of the proceedings out of which the appeal arises, including all documents and correspondence, and a transcript of all testimony.

Upon the filing of an appeal, the commission shall fix the time and place at which the hearing on the appeal will be held. The commission shall give the appellant and the appellee at least ten days' written notice thereof by certified mail. The commission shall hold the hearing within thirty days after the notice of appeal is filed. The commission may postpone or continue any hearing upon its own motion or upon application of the appellant or of the appellee.

The filing of an appeal does not automatically suspend or 38943  
stay execution of the action appealed from. Upon application by 38944  
the appellant, the commission may suspend or stay the execution 38945  
pending immediate determination of the appeal without interruption 38946  
by continuances, other than for unavoidable circumstances. 38947

(E) As used in this section and sections 3745.05 and 3745.06 38948  
of the Revised Code, "director of environmental protection" and 38949  
"director" are deemed to include the director of agriculture and 38950  
"environmental protection agency" is deemed to include the 38951  
department of agriculture with respect to actions that are 38952  
appealable to the commission under Chapter 903. of the Revised 38953  
Code. 38954

**Sec. 3745.11.** (A) Applicants for and holders of permits, 38955  
licenses, variances, plan approvals, and certifications issued by 38956  
the director of environmental protection pursuant to Chapters 38957  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 38958  
to the environmental protection agency for each such issuance and 38959  
each application for an issuance as provided by this section. No 38960  
fee shall be charged for any issuance for which no application has 38961  
been submitted to the director. 38962

(B) Each person who is issued a permit to install prior to 38963  
July 1, 2003, pursuant to rules adopted under division (F) of 38964  
section 3704.03 of the Revised Code shall pay the fees specified 38965  
in the following schedules: 38966

(1) Fuel-burning equipment (boilers)		38967
Input capacity (maximum)		38968
(million British thermal units per hour)	Permit to install	38969
Greater than 0, but less than 10	\$ 200	38970
10 or more, but less than 100	400	38971
100 or more, but less than 300	800	38972
300 or more, but less than 500	1500	38973

500 or more, but less than 1000	2500	38974
1000 or more, but less than 5000	4000	38975
5000 or more	6000	38976

Units burning exclusively natural gas, number two fuel oil,  
or both shall be assessed a fee that is one-half of the applicable  
amount established in division (F)(1) of this section.

(2) Incinerators		38980
Input capacity (pounds per hour)	Permit to install	38981
0 to 100	\$ 100	38982
101 to 500	400	38983
501 to 2000	750	38984
2001 to 20,000	1000	38985
more than 20,000	2500	38986

(3)(a) Process		38987
Process weight rate (pounds per hour)	Permit to install	38988
0 to 1000	\$ 200	38989
1001 to 5000	400	38990
5001 to 10,000	600	38991
10,001 to 50,000	800	38992
more than 50,000	1000	38993

In any process where process weight rate cannot be  
ascertained, the minimum fee shall be assessed.

(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:

1211 Bituminous coal and lignite mining;	39005
1213 Bituminous coal and lignite mining services;	39006
1411 Dimension stone;	39007
1422 Crushed and broken limestone;	39008
1427 Crushed and broken stone, not elsewhere classified;	39009
1442 Construction sand and gravel;	39010
1446 Industrial sand;	39011
3281 Cut stone and stone products;	39012
3295 Minerals and earth, ground or otherwise treated.	39013

(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:

Process weight rate (pounds per hour)	Permit to install	
0 to 1000	\$ 200	39018
10,001 to 50,000	300	39019
50,001 to 100,000	400	39020
100,001 to 200,000	500	39021
200,001 to 400,000	600	39022
400,001 or more	700	39023

(4) Storage tanks		
Gallons (maximum useful capacity)	Permit to install	
0 to 20,000	\$ 100	39024
20,001 to 40,000	150	39025
40,001 to 100,000	200	39026
100,001 to 250,000	250	39027
250,001 to 500,000	350	39028
500,001 to 1,000,000	500	39029
1,000,001 or greater	750	39030

(5) Gasoline/fuel dispensing facilities 39034

For each gasoline/fuel dispensing facility	Permit to install	39035
	\$ 100	39036
(6) Dry cleaning facilities		39037
For each dry cleaning facility	Permit to install	39038
(includes all units at the facility)	\$ 100	39039
(7) Registration status		39040
For each source covered	Permit to install	39041
by registration status	\$ 75	39042
(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 calculations, emissions factors, material balance calculations, or performance testing procedures, as authorized by the director.		39043 39044 39045 39046 39047 39048 39049 39050 39051
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:		39052 39053 39054 39055
(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;		39056 39057 39058
(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;		39059 39060 39061
(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		39062 39063 39064 39065

year in which the emissions occurred. 39066

The fees levied under division (C)(1) of this section do not 39067  
apply to that portion of the emissions of a regulated pollutant at 39068  
a facility that exceed four thousand tons during a calendar year. 39069

(2) The fees assessed under division (C)(1) of this section 39070  
are for the purpose of providing funding for the Title V permit 39071  
program. 39072

(3) The fees assessed under division (C)(1) of this section 39073  
do not apply to emissions from any electric generating unit 39074  
designated as a Phase I unit under Title IV of the federal Clean 39075  
Air Act prior to calendar year 2000. Those fees shall be assessed 39076  
on the emissions from such a generating unit commencing in 39077  
calendar year 2001 based upon the total actual emissions from the 39078  
generating unit during calendar year 2000 and shall continue to be 39079  
assessed each subsequent calendar year based on the total actual 39080  
emissions from the generating unit during the preceding calendar 39081  
year. 39082

(4) The director shall issue invoices to owners or operators 39083  
of air contaminant sources who are required to pay a fee assessed 39084  
under division (C) or (D) of this section. Any such invoice shall 39085  
be issued no sooner than the applicable date when the fee first 39086  
may be collected in a year under the applicable division, shall 39087  
identify the nature and amount of the fee assessed, and shall 39088  
indicate that the fee is required to be paid within thirty days 39089  
after the issuance of the invoice. 39090

(D)(1) Except as provided in division (D)(3) of this section, 39091  
from January 1, 1994, through December 31, 2003, each person who 39092  
owns or operates an air contaminant source; who is required to 39093  
apply for a permit to operate pursuant to rules adopted under 39094  
division (G), or a variance pursuant to division (H), of section 39095  
3704.03 of the Revised Code; and who is not required to apply for 39096

and obtain a Title V permit under section 3704.036 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 50	\$ 75	39105
50 or more, but less than 100	300	39106
100 or more	700	39107

(2) Except as provided in division (D)(3) of this section, beginning January 1, 2004, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the 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	39122
10 or more, but less than 50	200	39123
50 or more, but less than 100	300	39124
100 or more	700	39125

(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 39129  
conditions that lower the facility's potential to emit air 39130  
contaminants below the major source thresholds established in 39131  
rules adopted under section 3704.036 of the Revised Code. 39132

(b) Beginning January 1, 2000, through June 30, ~~2008~~ 2010, 39133  
each person who owns or operates a synthetic minor facility shall 39134  
pay an annual fee based on the sum of the actual annual emissions 39135  
from the facility of particulate matter, sulfur dioxide, nitrogen 39136  
dioxide, organic compounds, and lead in accordance with the 39137  
following schedule: 39138

Combined total tons 39139	Annual fee 39140
per year of all regulated 39141	per facility 39141
pollutants emitted 39141	
Less than 10 39142	\$ 170 39142
10 or more, but less than 20 39143	340 39143
20 or more, but less than 30 39144	670 39144
30 or more, but less than 40 39145	1,010 39145
40 or more, but less than 50 39146	1,340 39146
50 or more, but less than 60 39147	1,680 39147
60 or more, but less than 70 39148	2,010 39148
70 or more, but less than 80 39149	2,350 39149
80 or more, but less than 90 39150	2,680 39150
90 or more, but less than 100 39151	3,020 39151
100 or more 39152	3,350 39152

(4) The fees assessed under division (D)(1) of this section 39153  
shall be collected annually no sooner than the fifteenth day of 39154  
April, commencing in 1995. The fees assessed under division (D)(2) 39155  
of this section shall be collected annually no sooner than the 39156  
fifteenth day of April, commencing in 2005. The fees assessed 39157  
under division (D)(3) of this section shall be collected no sooner 39158  
than the fifteenth day of April, commencing in 2000. The fees 39159  
assessed under division (D) of this section in a calendar year 39160

shall be based upon the sum of the actual emissions of those 39161  
regulated pollutants during the preceding calendar year. For the 39162  
purpose of division (D) of this section, emissions of air 39163  
contaminants may be calculated using engineering calculations, 39164  
emission factors, material balance calculations, or performance 39165  
testing procedures, as authorized by the director. The director, 39166  
by rule, may require persons who are required to pay the fees 39167  
assessed under division (D) of this section to pay those fees 39168  
biennially rather than annually. 39169

(E)(1) Consistent with the need to cover the reasonable costs 39170  
of the Title V permit program, the director annually shall 39171  
increase the fees prescribed in division (C)(1) of this section by 39172  
the percentage, if any, by which the consumer price index for the 39173  
most recent calendar year ending before the beginning of a year 39174  
exceeds the consumer price index for calendar year 1989. Upon 39175  
calculating an increase in fees authorized by division (E)(1) of 39176  
this section, the director shall compile revised fee schedules for 39177  
the purposes of division (C)(1) of this section and shall make the 39178  
revised schedules available to persons required to pay the fees 39179  
assessed under that division and to the public. 39180

(2) For the purposes of division (E)(1) of this section: 39181

(a) The consumer price index for any year is the average of 39182  
the consumer price index for all urban consumers published by the 39183  
United States department of labor as of the close of the 39184  
twelve-month period ending on the thirty-first day of August of 39185  
that year. 39186

(b) If the 1989 consumer price index is revised, the director 39187  
shall use the revision of the consumer price index that is most 39188  
consistent with that for calendar year 1989. 39189

(F) Each person who is issued a permit to install pursuant to 39190  
rules adopted under division (F) of section 3704.03 of the Revised 39191

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)		39192
Input capacity (maximum)		39193
(million British thermal units per hour)	Permit to install	39194
Greater than 0, but less than 10	\$ 200	39195
10 or more, but less than 100	400	39196
100 or more, but less than 300	1000	39197
300 or more, but less than 500	2250	39198
500 or more, but less than 1000	3750	39199
1000 or more, but less than 5000	6000	39200
5000 or more	9000	39201

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		39206
Generating capacity (mega watts)	Permit to install	39207
0 or more, but less than 10	\$ 25	39208
10 or more, but less than 25	150	39209
25 or more, but less than 50	300	39210
50 or more, but less than 100	500	39211
100 or more, but less than 250	1000	39212
250 or more	2000	39213

(3) Incinerators		39214
Input capacity (pounds per hour)	Permit to install	39215
0 to 100	\$ 100	39216
101 to 500	500	39217
501 to 2000	1000	39218

2001 to 20,000	1500	39223
more than 20,000	3750	39224

(4)(a) Process		39225
Process weight rate (pounds per hour)	Permit to install	39226
0 to 1000	\$ 200	39227
1001 to 5000	500	39228
5001 to 10,000	750	39229
10,001 to 50,000	1000	39230
more than 50,000	1250	39231

In any process where process weight rate cannot be	39232
ascertained, the minimum fee shall be assessed. A boiler, furnace,	39233
combustion turbine, stationary internal combustion engine, or	39234
process heater designed to provide direct heat or power to a	39235
process not designed to generate electricity shall be assessed a	39236
fee established in division (F)(4)(a) of this section. A	39237
combustion turbine or stationary internal combustion engine	39238
designed to generate electricity shall be assessed a fee	39239
established in division (F)(2) of this section.	39240

(b) Notwithstanding division (F)(4)(a) of this section, any	39241
person issued a permit to install pursuant to rules adopted under	39242
division (F) of section 3704.03 of the Revised Code shall pay the	39243
fees set forth in division (F)(4)(c) of this section for a process	39244
used in any of the following industries, as identified by the	39245
applicable two-digit, three-digit, or four-digit standard	39246
industrial classification code according to the Standard	39247
Industrial Classification Manual published by the United States	39248
office of management and budget in the executive office of the	39249
president, 1987, as revised:	39250

Major group 10, metal mining;	39251
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Major group 12, coal mining;	39252
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Major group 14, mining and quarrying of nonmetallic minerals;	39253
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Industry group 204, grain mill products;		39254
2873 Nitrogen fertilizers;		39255
2874 Phosphatic fertilizers;		39256
3281 Cut stone and stone products;		39257
3295 Minerals and earth, ground or otherwise treated;		39258
4221 Grain elevators (storage only);		39259
5159 Farm related raw materials;		39260
5261 Retail nurseries and lawn and garden supply stores.		39261
(c) The fees set forth in the following schedule apply to the		39262
issuance of a permit to install pursuant to rules adopted under		39263
division (F) of section 3704.03 of the Revised Code for a process		39264
identified in division (F)(4)(b) of this section:		39265
Process weight rate (pounds per	Permit to install	39266
hour)		
0 to 10,000	\$ 200	39267
10,001 to 50,000	400	39268
50,001 to 100,000	500	39269
100,001 to 200,000	600	39270
200,001 to 400,000	750	39271
400,001 or more	900	39272
(5) Storage tanks		39273
Gallons (maximum useful capacity)	Permit to install	39274
0 to 20,000	\$ 100	39275
20,001 to 40,000	150	39276
40,001 to 100,000	250	39277
100,001 to 500,000	400	39278
500,001 or greater	750	39279
(6) Gasoline/fuel dispensing facilities		39280
For each gasoline/fuel		39281
dispensing facility (includes all	Permit to install	39282

units at the facility)	\$ 100	39283
(7) Dry cleaning facilities		39284
For each dry cleaning		39285
facility (includes all units	Permit to install	39286
at the facility)	\$ 100	39287
(8) Registration status		39288
For each source covered	Permit to install	39289
by registration status	\$ 75	39290
(G) An owner or operator who is responsible for an asbestos		39291
demolition or renovation project pursuant to rules adopted under		39292
section 3704.03 of the Revised Code shall pay the fees set forth		39293
in the following schedule:		39294
Action	Fee	39295
Each notification	\$75	39296
Asbestos removal	\$3/unit	39297
Asbestos cleanup	\$4/cubic yard	39298
For purposes of this division, "unit" means any combination of		39299
linear feet or square feet equal to fifty.		39300
(H) A person who is issued an extension of time for a permit		39301
to install an air contaminant source pursuant to rules adopted		39302
under division (F) of section 3704.03 of the Revised Code shall		39303
pay a fee equal to one-half the fee originally assessed for the		39304
permit to install under this section, except that the fee for such		39305
an extension shall not exceed two hundred dollars.		39306
(I) A person who is issued a modification to a permit to		39307
install an air contaminant source pursuant to rules adopted under		39308
section 3704.03 of the Revised Code shall pay a fee equal to		39309
one-half of the fee that would be assessed under this section to		39310
obtain a permit to install the source. The fee assessed by this		39311
division only applies to modifications that are initiated by the		39312
owner or operator of the source and shall not exceed two thousand		39313

dollars. 39314

(J) Notwithstanding division (B) or (F) of this section, a 39315  
person who applies for or obtains a permit to install pursuant to 39316  
rules adopted under division (F) of section 3704.03 of the Revised 39317  
Code after the date actual construction of the source began shall 39318  
pay a fee for the permit to install that is equal to twice the fee 39319  
that otherwise would be assessed under the applicable division 39320  
unless the applicant received authorization to begin construction 39321  
under division (W) of section 3704.03 of the Revised Code. This 39322  
division only applies to sources for which actual construction of 39323  
the source begins on or after July 1, 1993. The imposition or 39324  
payment of the fee established in this division does not preclude 39325  
the director from taking any administrative or judicial 39326  
enforcement action under this chapter, Chapter 3704., 3714., 39327  
3734., or 6111. of the Revised Code, or a rule adopted under any 39328  
of them, in connection with a violation of rules adopted under 39329  
division (F) of section 3704.03 of the Revised Code. 39330

As used in this division, "actual construction of the source" 39331  
means the initiation of physical on-site construction activities 39332  
in connection with improvements to the source that are permanent 39333  
in nature, including, without limitation, the installation of 39334  
building supports and foundations and the laying of underground 39335  
pipework. 39336

(K) Fifty cents per ton of each fee assessed under division 39337  
(C) of this section on actual emissions from a source and received 39338  
by the environmental protection agency pursuant to that division 39339  
shall be deposited into the state treasury to the credit of the 39340  
small business assistance fund created in section 3706.19 of the 39341  
Revised Code. The remainder of the moneys received by the division 39342  
pursuant to that division and moneys received by the agency 39343  
pursuant to divisions (D), (F), (G), (H), (I), and (J) of this 39344  
section shall be deposited in the state treasury to the credit of 39345

the clean air fund created in section 3704.035 of the Revised Code. 39346  
39347

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 39348  
or (c) of this section, a person issued a water discharge permit 39349  
or renewal of a water discharge permit pursuant to Chapter 6111. 39350  
of the Revised Code shall pay a fee based on each point source to 39351  
which the issuance is applicable in accordance with the following 39352  
schedule: 39353

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	39355
1,001 to 5000	100	39356
5,001 to 50,000	200	39357
50,001 to 100,000	300	39358
100,001 to 300,000	525	39359
over 300,000	750	39360

(b) Notwithstanding the fee schedule specified in division 39361  
(L)(1)(a) of this section, the fee for a water discharge permit 39362  
that is applicable to coal mining operations regulated under 39363  
Chapter 1513. of the Revised Code shall be two hundred fifty 39364  
dollars per mine. 39365

(c) Notwithstanding the fee schedule specified in division 39366  
(L)(1)(a) of this section, the fee for a water discharge permit 39367  
for a public discharger identified by I in the third character of 39368  
the permittee's NPDES permit number shall not exceed seven hundred 39369  
fifty dollars. 39370

(2) A person applying for a plan approval for a wastewater 39371  
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 39372  
of the Revised Code shall pay a fee of one hundred dollars plus 39373  
sixty-five one-hundredths of one per cent of the estimated project 39374  
cost through June 30, ~~2008~~ 2010, and one hundred dollars plus 39375  
two-tenths of one per cent of the estimated project cost on and 39376  
after July 1, ~~2008~~ 2010, except that the total fee shall not 39377

exceed fifteen thousand dollars through June 30, ~~2008~~ 2010, and 39378  
five thousand dollars on and after July 1, ~~2008~~ 2010. The fee 39379  
shall be paid at the time the application is submitted. 39380

(3) A person issued a modification of a water discharge 39381  
permit shall pay a fee equal to one-half the fee that otherwise 39382  
would be charged for a water discharge permit, except that the fee 39383  
for the modification shall not exceed four hundred dollars. 39384

(4) A person who has entered into an agreement with the 39385  
director under section 6111.14 of the Revised Code shall pay an 39386  
administrative service fee for each plan submitted under that 39387  
section for approval that shall not exceed the minimum amount 39388  
necessary to pay administrative costs directly attributable to 39389  
processing plan approvals. The director annually shall calculate 39390  
the fee and shall notify all persons who have entered into 39391  
agreements under that section, or who have applied for agreements, 39392  
of the amount of the fee. 39393

(5)(a)(i) Not later than January 30, ~~2006~~ 2008, and January 39394  
30, ~~2007~~ 2009, a person holding an NPDES discharge permit issued 39395  
pursuant to Chapter 6111. of the Revised Code with an average 39396  
daily discharge flow of five thousand gallons or more shall pay a 39397  
nonrefundable annual discharge fee. Any person who fails to pay 39398  
the fee at that time shall pay an additional amount that equals 39399  
ten per cent of the required annual discharge fee. 39400

(ii) The billing year for the annual discharge fee 39401  
established in division (L)(5)(a)(i) of this section shall consist 39402  
of a twelve-month period beginning on the first day of January of 39403  
the year preceding the date when the annual discharge fee is due. 39404  
In the case of an existing source that permanently ceases to 39405  
discharge during a billing year, the director shall reduce the 39406  
annual discharge fee, including the surcharge applicable to 39407  
certain industrial facilities pursuant to division (L)(5)(c) of 39408  
this section, by one-twelfth for each full month during the 39409

billing year that the source was not discharging, but only if the 39410  
person holding the NPDES discharge permit for the source notifies 39411  
the director in writing, not later than the first day of October 39412  
of the billing year, of the circumstances causing the cessation of 39413  
discharge. 39414

(iii) The annual discharge fee established in division 39415  
(L)(5)(a)(i) of this section, except for the surcharge applicable 39416  
to certain industrial facilities pursuant to division (L)(5)(c) of 39417  
this section, shall be based upon the average daily discharge flow 39418  
in gallons per day calculated using first day of May through 39419  
thirty-first day of October flow data for the period two years 39420  
prior to the date on which the fee is due. In the case of NPDES 39421  
discharge permits for new sources, the fee shall be calculated 39422  
using the average daily design flow of the facility until actual 39423  
average daily discharge flow values are available for the time 39424  
period specified in division (L)(5)(a)(iii) of this section. The 39425  
annual discharge fee may be prorated for a new source as described 39426  
in division (L)(5)(a)(ii) of this section. 39427

(b) An NPDES permit holder that is a public discharger shall 39428  
pay the fee specified in the following schedule: 39429

Average daily	Fee due by	
discharge flow	January 30,	
	<del>2006</del> <u>2008</u> , and	
	January 30, <del>2007</del>	
	<u>2009</u>	
5,000 to 49,999	\$ 200	39430
50,000 to 100,000	500	39431
100,001 to 250,000	1,050	39432
250,001 to 1,000,000	2,600	39433
1,000,001 to 5,000,000	5,200	39434
5,000,001 to 10,000,000	10,350	39435
10,000,001 to 20,000,000	15,550	39436

20,000,001 to 50,000,000	25,900	39441
50,000,001 to 100,000,000	41,400	39442
100,000,001 or more	62,100	39443

Public dischargers owning or operating two or more publicly owned treatment works serving the same political subdivision, as "treatment works" is defined in section 6111.01 of the Revised Code, and that serve exclusively political subdivisions having a population of fewer than one hundred thousand shall pay an annual discharge fee under division (L)(5)(b) of this section that is based on the combined average daily discharge flow of the treatment works.

(c) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number, shall pay the fee specified in the following schedule:

Average daily discharge flow	Fee due by January 30, <del>2006</del> <u>2008</u> , and January 30, <del>2007</del> <u>2009</u>	
5,000 to 49,999	\$ 250	39460
50,000 to 250,000	1,200	39461
250,001 to 1,000,000	2,950	39462
1,000,001 to 5,000,000	5,850	39463
5,000,001 to 10,000,000	8,800	39464
10,000,001 to 20,000,000	11,700	39465
20,000,001 to 100,000,000	14,050	39466
100,000,001 to 250,000,000	16,400	39467
250,000,001 or more	18,700	39468

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 39472  
shall pay a nonrefundable annual surcharge of seven thousand five 39473  
hundred dollars not later than January 30, ~~2006~~ 2008, and not 39474  
later than January 30, ~~2007~~ 2009. Any person who fails to pay the 39475  
surcharge at that time shall pay an additional amount that equals 39476  
ten per cent of the amount of the surcharge. 39477

(d) Notwithstanding divisions (L)(5)(b) and (c) of this 39478  
section, a public discharger identified by I in the third 39479  
character of the permittee's NPDES permit number and an industrial 39480  
discharger identified by I, J, L, V, W, X, Y, or Z in the third 39481  
character of the permittee's NPDES permit number shall pay a 39482  
nonrefundable annual discharge fee of one hundred eighty dollars 39483  
not later than January 30, ~~2006~~ 2008, and not later than January 39484  
30, ~~2007~~ 2009. Any person who fails to pay the fee at that time 39485  
shall pay an additional amount that equals ten per cent of the 39486  
required fee. 39487

(6) Each person obtaining a national pollutant discharge 39488  
elimination system general or individual permit for municipal 39489  
storm water discharge shall pay a nonrefundable storm water 39490  
discharge fee of one hundred dollars per square mile of area 39491  
permitted. The fee shall not exceed ten thousand dollars and shall 39492  
be payable on or before January 30, 2004, and the thirtieth day of 39493  
January of each year thereafter. Any person who fails to pay the 39494  
fee on the date specified in division (L)(6) of this section shall 39495  
pay an additional amount per year equal to ten per cent of the 39496  
annual fee that is unpaid. 39497

(7) The director shall transmit all moneys collected under 39498  
division (L) of this section to the treasurer of state for deposit 39499  
into the state treasury to the credit of the surface water 39500  
protection fund created in section 6111.038 of the Revised Code. 39501

(8) As used in division (L) of this section: 39502

(a) "NPDES" means the federally approved national pollutant discharge elimination system program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under Chapter 6111. of the Revised Code and rules adopted under it.

(b) "Public discharger" means any holder of an NPDES permit identified by P in the second character of the NPDES permit number assigned by the director.

(c) "Industrial discharger" means any holder of an NPDES permit identified by I in the second character of the NPDES permit number assigned by the director.

(d) "Major discharger" means any holder of an NPDES permit classified as major by the regional administrator of the United States environmental protection agency in conjunction with the director.

(M) Through June 30, ~~2008~~ 2010, a person applying for a license or license renewal to operate a public water system under section 6109.21 of the Revised Code shall pay the appropriate fee established under this division at the time of application to the director. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

Except as provided in division (M)(4) of this section, fees required under this division shall be calculated and paid in accordance with the following schedule:

(1) For the initial license required under division (A)(1) of section 6109.21 of the Revised Code for any public water system that is a community water system as defined in section 6109.01 of

the Revised Code, and for each license renewal required for such a system prior to January 31, ~~2008~~ 2010, the fee is:

Number of service connections	Fee amount	
Not more than 49	\$ 112	39536
50 to 99	176	39537
		39538
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	39539
2,500 to 4,999	1.48	39540
5,000 to 7,499	1.42	39541
7,500 to 9,999	1.34	39542
10,000 to 14,999	1.16	39543
15,000 to 24,999	1.10	39544
25,000 to 49,999	1.04	39545
50,000 to 99,999	.92	39546
100,000 to 149,999	.86	39547
150,000 to 199,999	.80	39548
200,000 or more	.76	39549
		39550

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under division (A)(2) of section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2008~~ 2010, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	39551
		39552
		39553
		39554
		39555
		39556
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		39560
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		39564
		39565

150 to 299	176	39566
300 to 749	384	39567
750 to 1,499	628	39568
1,500 to 2,999	1,268	39569
3,000 to 7,499	2,816	39570
7,500 to 14,999	5,510	39571
15,000 to 22,499	9,048	39572
22,500 to 29,999	12,430	39573
30,000 or more	16,820	39574

As used in division (M)(2) of this section, "population served" means the total number of individuals receiving water from the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under division (A)(3) of section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2008~~ 2010, the fee is:

Number of wells supplying system	Fee amount	
1	\$112	39586
2	112	39587
3	176	39588
4	278	39589
5	568	39590
System designated as using a surface water source	792	39591

As used in division (M)(3) of this section, "number of wells supplying system" means those wells that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water

source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, ~~2008~~ 2010, and fifteen thousand dollars on and after July 1, ~~2008~~ 2010. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, ~~2008~~ 2010, the following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

microbiological		39624
MMO-MUG	\$2,000	39625
MF	2,100	39626
MMO-MUG and MF	2,550	39627
organic chemical	5,400	39628
trace metals	5,400	39629

standard chemistry	2,800	39630
limited chemistry	1,550	39631

On and after July 1, ~~2008~~ 2010, the following fee, on a per survey basis, shall be charged any such person:

microbiological	\$ 1,650	39634
organic chemicals	3,500	39635
trace metals	3,500	39636
standard chemistry	1,800	39637
limited chemistry	1,000	39638

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, ~~2008~~ 2010, an individual laboratory shall not be assessed a fee under this division more than once in any three-year period unless the person requests the addition of analytical methods or analysts, in which case the person shall pay eighteen hundred dollars for each additional survey requested.

As used in division (N)(3) of this section:

- (a) "MF" means microfiltration.
- (b) "MMO" means minimal medium ONPG.
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(O) Any person applying to the director for examination for certification as an operator of a water supply system or wastewater system under Chapter 6109. or 6111. of the Revised Code, at the time the application is submitted, shall pay an application fee of forty-five dollars through November 30, ~~2008~~

2010, and twenty-five dollars on and after December 1, ~~2008~~ 2010. 39660  
Upon approval from the director that the applicant is eligible to 39661  
take the examination therefor, the applicant shall pay a fee in 39662  
accordance with the following schedule through November 30, ~~2008~~ 39663  
2010: 39664

Class A operator	\$35	39665
Class I operator	60	39666
Class II operator	75	39667
Class III operator	85	39668
Class IV operator	100	39669

On and after December 1, ~~2008~~ 2010, the applicant shall pay a 39670  
fee in accordance with the following schedule: 39671

Class A operator	\$25	39672
Class I operator	\$45	39673
Class II operator	55	39674
Class III operator	65	39675
Class IV operator	75	39676

A person shall pay a biennial certification renewal fee for 39677  
each applicable class of certification in accordance with the 39678  
following schedule: 39679

Class A operator	\$25	39680
Class I operator	35	39681
Class II operator	45	39682
Class III operator	55	39683
Class IV operator	65	39684

If a certification renewal fee is received by the director 39685  
more than thirty days, but not more than one year after the 39686  
expiration date of the certification, the person shall pay a 39687  
certification renewal fee in accordance with the following 39688  
schedule: 39689

Class A operator	\$45	39690
Class I operator	55	39691

Class II operator	65	39692
Class III operator	75	39693
Class IV operator	85	39694

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(P) Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after June 26, 2003, persons shall file such applications and pay the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as provided in section 5709.212 of the Revised Code.

(Q) Except as otherwise provided in division (R) of this section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an incineration facility, or a modification of such an existing facility that includes an increase in the total disposal or treatment capacity of the facility pursuant to Chapter 3734. of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal or treatment capacity, or one thousand dollars,

whichever is greater, except that the total fee for any such 39724  
permit shall not exceed eighty thousand dollars. A person issued a 39725  
modification of a permit for a solid waste disposal facility or an 39726  
infectious waste treatment facility that does not involve an 39727  
increase in the total disposal or treatment capacity of the 39728  
facility shall pay a fee of one thousand dollars. A person issued 39729  
a permit to install a new, or modify an existing, solid waste 39730  
transfer facility under that chapter shall pay a fee of two 39731  
thousand five hundred dollars. A person issued a permit to install 39732  
a new or to modify an existing solid waste incineration or 39733  
composting facility, or an existing infectious waste treatment 39734  
facility using incineration as its principal method of treatment, 39735  
under that chapter shall pay a fee of one thousand dollars. The 39736  
increases in the permit fees under this division resulting from 39737  
the amendments made by Amended Substitute House Bill 592 of the 39738  
117th general assembly do not apply to any person who submitted an 39739  
application for a permit to install a new, or modify an existing, 39740  
solid waste disposal facility under that chapter prior to 39741  
September 1, 1987; any such person shall pay the permit fee 39742  
established in this division as it existed prior to June 24, 1988. 39743  
In addition to the applicable permit fee under this division, a 39744  
person issued a permit to install or modify a solid waste facility 39745  
or an infectious waste treatment facility under that chapter who 39746  
fails to pay the permit fee to the director in compliance with 39747  
division (V) of this section shall pay an additional ten per cent 39748  
of the amount of the fee for each week that the permit fee is 39749  
late. 39750

Permit and late payment fees paid to the director under this 39751  
division shall be credited to the general revenue fund. 39752

(R)(1) A person issued a registration certificate for a scrap 39753  
tire collection facility under section 3734.75 of the Revised Code 39754  
shall pay a fee of two hundred dollars, except that if the 39755

facility is owned or operated by a motor vehicle salvage dealer 39756  
licensed under Chapter 4738. of the Revised Code, the person shall 39757  
pay a fee of twenty-five dollars. 39758

(2) A person issued a registration certificate for a new 39759  
scrap tire storage facility under section 3734.76 of the Revised 39760  
Code shall pay a fee of three hundred dollars, except that if the 39761  
facility is owned or operated by a motor vehicle salvage dealer 39762  
licensed under Chapter 4738. of the Revised Code, the person shall 39763  
pay a fee of twenty-five dollars. 39764

(3) A person issued a permit for a scrap tire storage 39765  
facility under section 3734.76 of the Revised Code shall pay a fee 39766  
of one thousand dollars, except that if the facility is owned or 39767  
operated by a motor vehicle salvage dealer licensed under Chapter 39768  
4738. of the Revised Code, the person shall pay a fee of fifty 39769  
dollars. 39770

(4) A person issued a permit for a scrap tire monocell or 39771  
monofill facility under section 3734.77 of the Revised Code shall 39772  
pay a fee of ten dollars per thousand cubic yards of disposal 39773  
capacity or one thousand dollars, whichever is greater, except 39774  
that the total fee for any such permit shall not exceed eighty 39775  
thousand dollars. 39776

(5) A person issued a registration certificate for a scrap 39777  
tire recovery facility under section 3734.78 of the Revised Code 39778  
shall pay a fee of one hundred dollars. 39779

(6) A person issued a permit for a scrap tire recovery 39780  
facility under section 3734.78 of the Revised Code shall pay a fee 39781  
of one thousand dollars. 39782

(7) In addition to the applicable registration certificate or 39783  
permit fee under divisions (R)(1) to (6) of this section, a person 39784  
issued a registration certificate or permit for any such scrap 39785  
tire facility who fails to pay the registration certificate or 39786

permit fee to the director in compliance with division (V) of this 39787  
section shall pay an additional ten per cent of the amount of the 39788  
fee for each week that the fee is late. 39789

(8) The registration certificate, permit, and late payment 39790  
fees paid to the director under divisions (R)(1) to (7) of this 39791  
section shall be credited to the scrap tire management fund 39792  
created in section 3734.82 of the Revised Code. 39793

(S)(1) Except as provided by divisions (L), (M), (N), (O), 39794  
(P), and (S)(2) of this section, division (A)(2) of section 39795  
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 39796  
and rules adopted under division (T)(1) of this section, any 39797  
person applying for a registration certificate under section 39798  
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 39799  
variance, or plan approval under Chapter 3734. of the Revised Code 39800  
shall pay a nonrefundable fee of fifteen dollars at the time the 39801  
application is submitted. 39802

Except as otherwise provided, any person applying for a 39803  
permit, variance, or plan approval under Chapter 6109. or 6111. of 39804  
the Revised Code shall pay a nonrefundable fee of one hundred 39805  
dollars at the time the application is submitted through June 30, 39806  
~~2008~~ 2010, and a nonrefundable fee of fifteen dollars at the time 39807  
the application is submitted on and after July 1, ~~2008~~ 2010. 39808  
Through June 30, ~~2008~~ 2010, any person applying for a national 39809  
pollutant discharge elimination system permit under Chapter 6111. 39810  
of the Revised Code shall pay a nonrefundable fee of two hundred 39811  
dollars at the time of application for the permit. On and after 39812  
July 1, ~~2008~~ 2010, such a person shall pay a nonrefundable fee of 39813  
fifteen dollars at the time of application. 39814

In addition to the application fee established under division 39815  
(S)(1) of this section, any person applying for a national 39816  
pollutant discharge elimination system general storm water 39817  
construction permit shall pay a nonrefundable fee of twenty 39818

dollars per acre for each acre that is permitted above five acres 39819  
at the time the application is submitted. However, the per acreage 39820  
fee shall not exceed three hundred dollars. In addition, any 39821  
person applying for a national pollutant discharge elimination 39822  
system general storm water industrial permit shall pay a 39823  
nonrefundable fee of one hundred fifty dollars at the time the 39824  
application is submitted. 39825

The director shall transmit all moneys collected under 39826  
division (S)(1) of this section pursuant to Chapter 6109. of the 39827  
Revised Code to the treasurer of state for deposit into the 39828  
drinking water protection fund created in section 6109.30 of the 39829  
Revised Code. 39830

The director shall transmit all moneys collected under 39831  
division (S)(1) of this section pursuant to Chapter 6111. of the 39832  
Revised Code to the treasurer of state for deposit into the 39833  
surface water protection fund created in section 6111.038 of the 39834  
Revised Code. 39835

If a registration certificate is issued under section 39836  
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 39837  
the application fee paid shall be deducted from the amount of the 39838  
registration certificate fee due under division (R)(1), (2), or 39839  
(5) of this section, as applicable. 39840

If a person submits an electronic application for a 39841  
registration certificate, permit, variance, or plan approval for 39842  
which an application fee is established under division (S)(1) of 39843  
this section, the person shall pay the applicable application fee 39844  
as expeditiously as possible after the submission of the 39845  
electronic application. An application for a registration 39846  
certificate, permit, variance, or plan approval for which an 39847  
application fee is established under division (S)(1) of this 39848  
section shall not be reviewed or processed until the applicable 39849  
application fee, and any other fees established under this 39850

division, are paid. 39851

(2) Division (S)(1) of this section does not apply to an 39852  
application for a registration certificate for a scrap tire 39853  
collection or storage facility submitted under section 3734.75 or 39854  
3734.76 of the Revised Code, as applicable, if the owner or 39855  
operator of the facility or proposed facility is a motor vehicle 39856  
salvage dealer licensed under Chapter 4738. of the Revised Code. 39857

(T) The director may adopt, amend, and rescind rules in 39858  
accordance with Chapter 119. of the Revised Code that do all of 39859  
the following: 39860

(1) Prescribe fees to be paid by applicants for and holders 39861  
of any license, permit, variance, plan approval, or certification 39862  
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 39863  
the Revised Code that are not specifically established in this 39864  
section. The fees shall be designed to defray the cost of 39865  
processing, issuing, revoking, modifying, denying, and enforcing 39866  
the licenses, permits, variances, plan approvals, and 39867  
certifications. 39868

The director shall transmit all moneys collected under rules 39869  
adopted under division (T)(1) of this section pursuant to Chapter 39870  
6109. of the Revised Code to the treasurer of state for deposit 39871  
into the drinking water protection fund created in section 6109.30 39872  
of the Revised Code. 39873

The director shall transmit all moneys collected under rules 39874  
adopted under division (T)(1) of this section pursuant to Chapter 39875  
6111. of the Revised Code to the treasurer of state for deposit 39876  
into the surface water protection fund created in section 6111.038 39877  
of the Revised Code. 39878

(2) Exempt the state and political subdivisions thereof, 39879  
including education facilities or medical facilities owned by the 39880  
state or a political subdivision, or any person exempted from 39881

taxation by section 5709.07 or 5709.12 of the Revised Code, from 39882  
any fee required by this section; 39883

(3) Provide for the waiver of any fee, or any part thereof, 39884  
otherwise required by this section whenever the director 39885  
determines that the imposition of the fee would constitute an 39886  
unreasonable cost of doing business for any applicant, class of 39887  
applicants, or other person subject to the fee; 39888

(4) Prescribe measures that the director considers necessary 39889  
to carry out this section. 39890

(U) When the director reasonably demonstrates that the direct 39891  
cost to the state associated with the issuance of a permit to 39892  
install, license, variance, plan approval, or certification 39893  
exceeds the fee for the issuance or review specified by this 39894  
section, the director may condition the issuance or review on the 39895  
payment by the person receiving the issuance or review of, in 39896  
addition to the fee specified by this section, the amount, or any 39897  
portion thereof, in excess of the fee specified under this 39898  
section. The director shall not so condition issuances for which 39899  
fees are prescribed in divisions (B)(7) and (L)(1)(b) of this 39900  
section. 39901

(V) Except as provided in divisions (L), (M), and (P) of this 39902  
section or unless otherwise prescribed by a rule of the director 39903  
adopted pursuant to Chapter 119. of the Revised Code, all fees 39904  
required by this section are payable within thirty days after the 39905  
issuance of an invoice for the fee by the director or the 39906  
effective date of the issuance of the license, permit, variance, 39907  
plan approval, or certification. If payment is late, the person 39908  
responsible for payment of the fee shall pay an additional ten per 39909  
cent of the amount due for each month that it is late. 39910

(W) As used in this section, "fuel-burning equipment," 39911  
"fuel-burning equipment input capacity," "incinerator," 39912

"incinerator input capacity," "process," "process weight rate," 39913  
"storage tank," "gasoline dispensing facility," "dry cleaning 39914  
facility," "design flow discharge," and "new source treatment 39915  
works" have the meanings ascribed to those terms by applicable 39916  
rules or standards adopted by the director under Chapter 3704. or 39917  
6111. of the Revised Code. 39918

(X) As used in divisions (B), (C), (D), (E), (F), (H), (I), 39919  
and (J) of this section, and in any other provision of this 39920  
section pertaining to fees paid pursuant to Chapter 3704. of the 39921  
Revised Code: 39922

(1) "Facility," "federal Clean Air Act," "person," and "Title 39923  
V permit" have the same meanings as in section 3704.01 of the 39924  
Revised Code. 39925

(2) "Title V permit program" means the following activities 39926  
as necessary to meet the requirements of Title V of the federal 39927  
Clean Air Act and 40 C.F.R. part 70, including at least: 39928

(a) Preparing and adopting, if applicable, generally 39929  
applicable rules or guidance regarding the permit program or its 39930  
implementation or enforcement; 39931

(b) Reviewing and acting on any application for a Title V 39932  
permit, permit revision, or permit renewal, including the 39933  
development of an applicable requirement as part of the processing 39934  
of a permit, permit revision, or permit renewal; 39935

(c) Administering the permit program, including the 39936  
supporting and tracking of permit applications, compliance 39937  
certification, and related data entry; 39938

(d) Determining which sources are subject to the program and 39939  
implementing and enforcing the terms of any Title V permit, not 39940  
including any court actions or other formal enforcement actions; 39941

(e) Emission and ambient monitoring; 39942

(f) Modeling, analyses, or demonstrations;	39943
(g) Preparing inventories and tracking emissions;	39944
(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.	39945 39946 39947 39948 39949 39950 39951
(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 preceding the date on which payment of the fee is due.	39952 39953 39954 39955 39956 39957 39958 39959 39960 39961
(2)(a) Except as provided in division (Y)(2)(d) of this section, each sewage sludge facility shall pay a minimum annual sewage sludge fee of one hundred dollars.	39962 39963 39964
(b) The annual sludge fee required to be paid by a sewage sludge facility that treats or disposes of exceptional quality sludge in this state shall be thirty-five per cent less per dry ton of exceptional quality sludge than the fee assessed under division (Y)(1) of this section, subject to the following exceptions:	39965 39966 39967 39968 39969 39970
(i) Except as provided in division (Y)(2)(d) of this section, a sewage sludge facility that treats or disposes of exceptional quality sludge shall pay a minimum annual sewage sludge fee of one	39971 39972 39973

hundred dollars. 39974

(ii) A sewage sludge facility that treats or disposes of 39975  
exceptional quality sludge shall not be required to pay the annual 39976  
sludge fee for treatment or disposal in this state of exceptional 39977  
quality sludge generated outside of this state and contained in 39978  
bags or other containers not greater than one hundred pounds in 39979  
capacity. 39980

A thirty-five per cent reduction for exceptional quality 39981  
sludge applies to the maximum annual fees established under 39982  
division (Y)(3) of this section. 39983

(c) A sewage sludge facility that transfers sewage sludge to 39984  
another sewage sludge facility in this state for further treatment 39985  
prior to disposal in this state shall not be required to pay the 39986  
annual sludge fee for the tons of sewage sludge that have been 39987  
transferred. In such a case, the sewage sludge facility that 39988  
disposes of the sewage sludge shall pay the annual sludge fee. 39989  
However, the facility transferring the sewage sludge shall pay the 39990  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 39991  
of this section. 39992

In the case of a sewage sludge facility that treats sewage 39993  
sludge in this state and transfers it out of this state to another 39994  
entity for disposal, the sewage sludge facility in this state 39995  
shall be required to pay the annual sludge fee for the tons of 39996  
sewage sludge that have been transferred. 39997

(d) A sewage sludge facility that generates sewage sludge 39998  
resulting from an average daily discharge flow of less than five 39999  
thousand gallons per day is not subject to the fees assessed under 40000  
division (Y) of this section. 40001

(3) No sewage sludge facility required to pay the annual 40002  
sludge fee shall be required to pay more than the maximum annual 40003  
fee for each disposal method that the sewage sludge facility uses. 40004

The maximum annual fee does not include the additional amount that may be charged under division (Y)(5) of this section for late payment of the annual sludge fee. The maximum annual fee for the following methods of disposal of sewage sludge is as follows:

(a) Incineration: five thousand dollars;

(b) Preexisting land reclamation project or disposal in a landfill: five thousand dollars;

(c) Land application, land reclamation, surface disposal, or any other disposal method not specified in division (Y)(3)(a) or (b) of this section: twenty thousand dollars.

(4)(a) In the case of an entity that generates sewage sludge or a sewage sludge facility that treats sewage sludge and transfers the sewage sludge to an incineration facility for disposal, the incineration facility, and not the entity generating the sewage sludge or the sewage sludge facility treating the sewage sludge, shall pay the annual sludge fee for the tons of sewage sludge that are transferred. However, the entity or facility generating or treating the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a) of this section.

(b) In the case of an entity that generates sewage sludge and transfers the sewage sludge to a landfill for disposal or to a sewage sludge facility for land reclamation or surface disposal, the entity generating the sewage sludge, and not the landfill or sewage sludge facility, shall pay the annual sludge fee for the tons of sewage sludge that are transferred.

(5) Not later than the first day of April of the calendar year following March 17, 2000, and each first day of April thereafter, the director shall issue invoices to persons who are required to pay the annual sludge fee. The invoice shall identify the nature and amount of the annual sludge fee assessed and state

the first day of May as the deadline for receipt by the director 40036  
of objections regarding the amount of the fee and the first day of 40037  
July as the deadline for payment of the fee. 40038

Not later than the first day of May following receipt of an 40039  
invoice, a person required to pay the annual sludge fee may submit 40040  
objections to the director concerning the accuracy of information 40041  
regarding the number of dry tons of sewage sludge used to 40042  
calculate the amount of the annual sludge fee or regarding whether 40043  
the sewage sludge qualifies for the exceptional quality sludge 40044  
discount established in division (Y)(2)(b) of this section. The 40045  
director may consider the objections and adjust the amount of the 40046  
fee to ensure that it is accurate. 40047

If the director does not adjust the amount of the annual 40048  
sludge fee in response to a person's objections, the person may 40049  
appeal the director's determination in accordance with Chapter 40050  
119. of the Revised Code. 40051

Not later than the first day of June, the director shall 40052  
notify the objecting person regarding whether the director has 40053  
found the objections to be valid and the reasons for the finding. 40054  
If the director finds the objections to be valid and adjusts the 40055  
amount of the annual sludge fee accordingly, the director shall 40056  
issue with the notification a new invoice to the person 40057  
identifying the amount of the annual sludge fee assessed and 40058  
stating the first day of July as the deadline for payment. 40059

Not later than the first day of July, any person who is 40060  
required to do so shall pay the annual sludge fee. Any person who 40061  
is required to pay the fee, but who fails to do so on or before 40062  
that date shall pay an additional amount that equals ten per cent 40063  
of the required annual sludge fee. 40064

(6) The director shall transmit all moneys collected under 40065  
division (Y) of this section to the treasurer of state for deposit 40066

into the surface water protection fund created in section 6111.038 40067  
of the Revised Code. The moneys shall be used to defray the costs 40068  
of administering and enforcing provisions in Chapter 6111. of the 40069  
Revised Code and rules adopted under it that govern the use, 40070  
storage, treatment, or disposal of sewage sludge. 40071

(7) Beginning in fiscal year 2001, and every two years 40072  
thereafter, the director shall review the total amount of moneys 40073  
generated by the annual sludge fees to determine if that amount 40074  
exceeded six hundred thousand dollars in either of the two 40075  
preceding fiscal years. If the total amount of moneys in the fund 40076  
exceeded six hundred thousand dollars in either fiscal year, the 40077  
director, after review of the fee structure and consultation with 40078  
affected persons, shall issue an order reducing the amount of the 40079  
fees levied under division (Y) of this section so that the 40080  
estimated amount of moneys resulting from the fees will not exceed 40081  
six hundred thousand dollars in any fiscal year. 40082

If, upon review of the fees under division (Y)(7) of this 40083  
section and after the fees have been reduced, the director 40084  
determines that the total amount of moneys collected and 40085  
accumulated is less than six hundred thousand dollars, the 40086  
director, after review of the fee structure and consultation with 40087  
affected persons, may issue an order increasing the amount of the 40088  
fees levied under division (Y) of this section so that the 40089  
estimated amount of moneys resulting from the fees will be 40090  
approximately six hundred thousand dollars. Fees shall never be 40091  
increased to an amount exceeding the amount specified in division 40092  
(Y)(7) of this section. 40093

Notwithstanding section 119.06 of the Revised Code, the 40094  
director may issue an order under division (Y)(7) of this section 40095  
without the necessity to hold an adjudicatory hearing in 40096  
connection with the order. The issuance of an order under this 40097  
division is not an act or action for purposes of section 3745.04 40098

of the Revised Code. 40099

(8) As used in division (Y) of this section: 40100

(a) "Sewage sludge facility" means an entity that performs 40101  
treatment on or is responsible for the disposal of sewage sludge. 40102

(b) "Sewage sludge" means a solid, semi-solid, or liquid 40103  
residue generated during the treatment of domestic sewage in a 40104  
treatment works as defined in section 6111.01 of the Revised Code. 40105  
"Sewage sludge" includes, but is not limited to, scum or solids 40106  
removed in primary, secondary, or advanced wastewater treatment 40107  
processes. "Sewage sludge" does not include ash generated during 40108  
the firing of sewage sludge in a sewage sludge incinerator, grit 40109  
and screenings generated during preliminary treatment of domestic 40110  
sewage in a treatment works, animal manure, residue generated 40111  
during treatment of animal manure, or domestic septage. 40112

(c) "Exceptional quality sludge" means sewage sludge that 40113  
meets all of the following qualifications: 40114

(i) Satisfies the class A pathogen standards in 40 C.F.R. 40115  
503.32(a); 40116

(ii) Satisfies one of the vector attraction reduction 40117  
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 40118

(iii) Does not exceed the ceiling concentration limitations 40119  
for metals listed in table one of 40 C.F.R. 503.13; 40120

(iv) Does not exceed the concentration limitations for metals 40121  
listed in table three of 40 C.F.R. 503.13. 40122

(d) "Treatment" means the preparation of sewage sludge for 40123  
final use or disposal and includes, but is not limited to, 40124  
thickening, stabilization, and dewatering of sewage sludge. 40125

(e) "Disposal" means the final use of sewage sludge, 40126  
including, but not limited to, land application, land reclamation, 40127  
surface disposal, or disposal in a landfill or an incinerator. 40128

(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.

(g) "Land reclamation" means the returning of disturbed land to productive use.

(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.

(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.

(j) "Incineration facility" includes all incinerators owned or operated by the same entity and located on a contiguous tract of land. Areas of land are considered to be contiguous even if they are separated by a public road or highway.

(k) "Annual sludge fee" means the fee assessed under division (Y)(1) of this section.

(l) "Landfill" means a sanitary landfill facility, as defined in rules adopted under section 3734.02 of the Revised Code, that is licensed under section 3734.05 of the Revised Code.

(m) "Preexisting land reclamation project" means a property-specific land reclamation project that has been in continuous operation for not less than five years pursuant to approval of the activity by the director and includes the implementation of a community outreach program concerning the activity.

Sec. 3767.41. (A) As used in this section: 40159

(1) "Building" means, except as otherwise provided in this 40160  
division, any building or structure that is used or intended to be 40161  
used for residential purposes. "Building" includes, but is not 40162  
limited to, a building or structure in which any floor is used for 40163  
retail stores, shops, salesrooms, markets, or similar commercial 40164  
uses, or for offices, banks, civic administration activities, 40165  
professional services, or similar business or civic uses, and in 40166  
which the other floors are used, or designed and intended to be 40167  
used, for residential purposes. "Building" does not include any 40168  
building or structure that is occupied by its owner and that 40169  
contains three or fewer residential units. 40170

(2)(a) "Public nuisance" means a building that is a menace to 40171  
the public health, welfare, or safety; that is structurally 40172  
unsafe, unsanitary, or not provided with adequate safe egress; 40173  
that constitutes a fire hazard, is otherwise dangerous to human 40174  
life, or is otherwise no longer fit and habitable; or that, in 40175  
relation to its existing use, constitutes a hazard to the public 40176  
health, welfare, or safety by reason of inadequate maintenance, 40177  
dilapidation, obsolescence, or abandonment. 40178

(b) "Public nuisance" as it applies to subsidized housing 40179  
means subsidized housing that fails to meet the following 40180  
standards as specified in the federal rules governing each 40181  
standard: 40182

(i) Each building on the site is structurally sound, secure, 40183  
habitable, and in good repair, as defined in 24 C.F.R. 5.703(b); 40184

(ii) Each building's domestic water, electrical system, 40185  
elevators, emergency power, fire protection, HVAC, and sanitary 40186  
system is free of health and safety hazards, functionally 40187  
adequate, operable, and in good repair, as defined in 24 C.F.R. 40188  
5.703(c); 40189

(iii) Each dwelling unit within the building is structurally sound, habitable, and in good repair, and all areas and aspects of the dwelling unit are free of health and safety hazards, functionally adequate, operable, and in good repair, as defined in 24 C.F.R. 5.703(d)(1);

(iv) Where applicable, the dwelling unit has hot and cold running water, including an adequate source of potable water, as defined in 24 C.F.R. 5.703(d)(2);

(v) If the dwelling unit includes its own sanitary facility, it is in proper operating condition, usable in privacy, and adequate for personal hygiene, and the disposal of human waste, as defined in 24 C.F.R. 5.703(d)(3);

(vi) The common areas are structurally sound, secure, and functionally adequate for the purposes intended. The basement, garage, carport, restrooms, closets, utility, mechanical, community rooms, daycare, halls, corridors, stairs, kitchens, laundry rooms, office, porch, patio, balcony, and trash collection areas are free of health and safety hazards, operable, and in good repair. All common area ceilings, doors, floors, HVAC, lighting, smoke detectors, stairs, walls, and windows, to the extent applicable, are free of health and safety hazards, operable, and in good repair, as defined in 24 C.F.R. 5.703(e);

(vii) All areas and components of the housing are free of health and safety hazards. These areas include, but are not limited to, air quality, electrical hazards, elevators, emergency/fire exits, flammable materials, garbage and debris, handrail hazards, infestation, and lead-based paint, as defined in 24 C.F.R. 5.703(f).

(3) "Abate" or "abatement" in connection with any building means the removal or correction of any conditions that constitute a public nuisance and the making of any other improvements that

are needed to effect a rehabilitation of the building that is 40221  
consistent with maintaining safe and habitable conditions over its 40222  
remaining useful life. "Abatement" does not include the closing or 40223  
boarding up of any building that is found to be a public nuisance. 40224

(4) "Interested party" means any owner, mortgagee, 40225  
lienholder, tenant, or person that possesses an interest of record 40226  
in any property that becomes subject to the jurisdiction of a 40227  
court pursuant to this section, and any applicant for the 40228  
appointment of a receiver pursuant to this section. 40229

(5) "Neighbor" means any owner of property, including, but 40230  
not limited to, any person who is purchasing property by land 40231  
installment contract or under a duly executed purchase contract, 40232  
that is located within five hundred feet of any property that 40233  
becomes subject to the jurisdiction of a court pursuant to this 40234  
section, and any occupant of a building that is so located. 40235

(6) "Tenant" has the same meaning as in section 5321.01 of 40236  
the Revised Code. 40237

(7) "Subsidized housing" means a property consisting of more 40238  
than four dwelling units that, in whole or in part, receives 40239  
project-based assistance pursuant to a contract under any of the 40240  
following federal housing programs: 40241

(a) The new construction or substantial rehabilitation 40242  
program under section 8(b)(2) of the "United States Housing Act of 40243  
1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(b)(2) as 40244  
that program was in effect immediately before the first day of 40245  
October, 1983; 40246

(b) The moderate rehabilitation program under section 8(e)(2) 40247  
of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 40248  
Stat. 888, 42 U.S.C. 1437f(e)(2); 40249

(c) The loan management assistance program under section 8 of 40250  
the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 40251

<u>Stat. 888, 42 U.S.C. 1437f;</u>	40252
<u>(d) The rent supplement program under section 101 of the</u>	40253
<u>"Housing and Urban Development Act of 1965," Pub. L. No. 89-174,</u>	40254
<u>79 Stat. 667, 12 U.S.C. 1701s;</u>	40255
<u>(e) Section 8 of the "United States Housing Act of 1937,"</u>	40256
<u>Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f, following</u>	40257
<u>conversion from assistance under section 101 of the "Housing and</u>	40258
<u>Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667,</u>	40259
<u>12 U.S.C. 1701s;</u>	40260
<u>(f) The program of supportive housing for the elderly under</u>	40261
<u>section 202 of the "Housing Act of 1959," Pub. L. No. 86-372, 73</u>	40262
<u>Stat. 654, 12 U.S.C. 1701q;</u>	40263
<u>(g) The program of supportive housing for persons with</u>	40264
<u>disabilities under section 811 of the "National Affordable Housing</u>	40265
<u>Act of 1990," Pub. L. No. 101-625, 104 Stat. 4313, 42 U.S.C. 8013;</u>	40266
<u>(h) The rental assistance program under section 521 of the</u>	40267
<u>"United States Housing Act of 1949," Pub. L. No. 90-448, 82 Stat.</u>	40268
<u>551, as amended by Pub. L. No. 93-383, 88 Stat. 696, 42 U.S.C.</u>	40269
<u>1490a.</u>	40270
<u>(8) "Project-based assistance" means the assistance is</u>	40271
<u>attached to the property and provides rental assistance only on</u>	40272
<u>behalf of tenants who reside in that property.</u>	40273
<u>(9) "Landlord" has the same meaning as in section 5321.01 of</u>	40274
<u>the Revised Code.</u>	40275
<u>(B)(1)(a) In any civil action to enforce any local building,</u>	40276
<u>housing, air pollution, sanitation, health, fire, zoning, or</u>	40277
<u>safety code, ordinance, or regulation applicable to buildings,</u>	40278
<u>that is commenced in a court of common pleas, municipal court,</u>	40279
<u>housing or environmental division of a municipal court, or county</u>	40280
<u>court, or in any civil action for abatement commenced in a court</u>	40281

of common pleas, municipal court, housing or environmental 40282  
division of a municipal court, or county court, by a municipal 40283  
corporation in which the building involved is located, by any 40284  
neighbor, tenant, or by a nonprofit corporation that is duly 40285  
organized and has as one of its goals the improvement of housing 40286  
conditions in the county or municipal corporation in which the 40287  
building involved is located, if a building is alleged to be a 40288  
public nuisance, the municipal corporation, neighbor, tenant, or 40289  
nonprofit corporation may apply in its complaint for an injunction 40290  
or other order as described in division (C)(1) of this section, or 40291  
for the relief described in division (C)(2) of this section, 40292  
including, if necessary, the appointment of a receiver as 40293  
described in divisions (C)(2) and (3) of this section, or for both 40294  
such an injunction or other order and such relief. The municipal 40295  
corporation, neighbor, tenant, or nonprofit corporation commencing 40296  
the action is not liable for the costs, expenses, and fees of any 40297  
receiver appointed pursuant to divisions (C)(2) and (3) of this 40298  
section. 40299

(b) Prior to commencing a civil action for abatement when the 40300  
property alleged to be a public nuisance is subsidized housing, 40301  
the municipal corporation, neighbor, tenant, or nonprofit 40302  
corporation commencing the action shall provide the landlord of 40303  
that property with written notice that specifies one or more 40304  
defective conditions that constitute a public nuisance as that 40305  
term applies to subsidized housing and states that if the landlord 40306  
fails to remedy the condition within sixty days of the service of 40307  
the notice, a claim pursuant to this section may be brought on the 40308  
basis that the property constitutes a public nuisance in 40309  
subsidized housing. Any party authorized to bring an action 40310  
against the landlord shall make reasonable attempts to serve the 40311  
notice in the manner prescribed in the Rules of Civil Procedure to 40312  
the landlord or the landlord's agent for the property at the 40313  
property's management office, or at the place where the tenants 40314

normally pay or send rent. If the landlord is not the owner of 40315  
record, the party bringing the action shall make a reasonable 40316  
attempt to serve the owner. If the owner does not receive service 40317  
the person bringing the action shall certify the attempts to serve 40318  
the owner. 40319

(2)(a) In a civil action described in division (B)(1) of this 40320  
section, a copy of the complaint and a notice of the date and time 40321  
of a hearing on the complaint shall be served upon the owner of 40322  
the building and all other interested parties in accordance with 40323  
the Rules of Civil Procedure. If certified mail service, personal 40324  
service, or residence service of the complaint and notice is 40325  
refused or certified mail service of the complaint and notice is 40326  
not claimed, and if the municipal corporation, neighbor, tenant, 40327  
or nonprofit corporation commencing the action makes a written 40328  
request for ordinary mail service of the complaint and notice, or 40329  
uses publication service, in accordance with the Rules of Civil 40330  
Procedure, then a copy of the complaint and notice shall be posted 40331  
in a conspicuous place on the building. 40332

(b) The judge in a civil action described in division (B)(1) 40333  
of this section shall conduct a hearing at least twenty-eight days 40334  
after the owner of the building and the other interested parties 40335  
have been served with a copy of the complaint and the notice of 40336  
the date and time of the hearing in accordance with division 40337  
(B)(2)(a) of this section. 40338

(c) In considering whether subsidized housing is a public 40339  
nuisance, the judge shall construe the standards set forth in 40340  
division (A)(2)(b) of this section in a manner consistent with 40341  
department of housing and urban development and judicial 40342  
interpretations of those standards. The judge shall deem that the 40343  
property is not a public nuisance if during the twelve months 40344  
prior to the service of the notice that division (B)(1)(b) of this 40345  
section requires, the department of housing and urban 40346

development's real estate assessment center issued a score of 40347  
seventy-five or higher out of a possible one hundred points 40348  
pursuant to its regulations governing the physical condition of 40349  
multifamily properties pursuant to 24 C.F.R. part 200, subpart P, 40350  
and since the most recent inspection, there has been no 40351  
significant change in the property's conditions that would create 40352  
a serious threat to the health, safety, or welfare of the 40353  
property's tenants. 40354

(C)(1) If the judge in a civil action described in division 40355  
(B)(1) of this section finds at the hearing required by division 40356  
(B)(2) of this section that the building involved is a public 40357  
nuisance, if the judge additionally determines that the owner of 40358  
the building previously has not been afforded a reasonable 40359  
opportunity to abate the public nuisance or has been afforded such 40360  
an opportunity and has not refused or failed to abate the public 40361  
nuisance, and if the complaint of the municipal corporation, 40362  
neighbor, tenant, or nonprofit corporation commencing the action 40363  
requested the issuance of an injunction as described in this 40364  
division, then the judge may issue an injunction requiring the 40365  
owner of the building to abate the public nuisance or issue any 40366  
other order that the judge considers necessary or appropriate to 40367  
cause the abatement of the public nuisance. If an injunction is 40368  
issued pursuant to this division, the owner of the building 40369  
involved shall be given no more than thirty days from the date of 40370  
the entry of the judge's order to comply with the injunction, 40371  
unless the judge, for good cause shown, extends the time for 40372  
compliance. 40373

(2) If the judge in a civil action described in division 40374  
(B)(1) of this section finds at the hearing required by division 40375  
(B)(2) of this section that the building involved is a public 40376  
nuisance, if the judge additionally determines that the owner of 40377  
the building previously has been afforded a reasonable opportunity 40378

to abate the public nuisance and has refused or failed to do so, 40379  
and if the complaint of the municipal corporation, neighbor, 40380  
tenant, or nonprofit corporation commencing the action requested 40381  
relief as described in this division, then the judge shall offer 40382  
any mortgagee, lienholder, or other interested party associated 40383  
with the property on which the building is located, in the order 40384  
of the priority of interest in title, the opportunity to undertake 40385  
the work and to furnish the materials necessary to abate the 40386  
public nuisance. Prior to selecting any interested party, the 40387  
judge shall require the interested party to demonstrate the 40388  
ability to promptly undertake the work and furnish the materials 40389  
required, to provide the judge with a viable financial and 40390  
construction plan for the rehabilitation of the building as 40391  
described in division (D) of this section, and to post security 40392  
for the performance of the work and the furnishing of the 40393  
materials. 40394

If the judge determines, at the hearing, that no interested 40395  
party is willing or able to undertake the work and to furnish the 40396  
materials necessary to abate the public nuisance, or if the judge 40397  
determines, at any time after the hearing, that any party who is 40398  
undertaking corrective work pursuant to this division cannot or 40399  
will not proceed, or has not proceeded with due diligence, the 40400  
judge may appoint a receiver pursuant to division (C)(3) of this 40401  
section to take possession and control of the building. 40402

(3)(a) The judge in a civil action described in division 40403  
(B)(1) of this section shall not appoint any person as a receiver 40404  
unless the person first has provided the judge with a viable 40405  
financial and construction plan for the rehabilitation of the 40406  
building involved as described in division (D) of this section and 40407  
has demonstrated the capacity and expertise to perform the 40408  
required work and to furnish the required materials in a 40409  
satisfactory manner. An appointed receiver may be a financial 40410

institution that possesses an interest of record in the building 40411  
or the property on which it is located, a nonprofit corporation as 40412  
described in divisions (B)(1) and (C)(3)(b) of this section, 40413  
including, but not limited to, a nonprofit corporation that 40414  
commenced the action described in division (B)(1) of this section, 40415  
or any other qualified property manager. 40416

(b) To be eligible for appointment as a receiver, no part of 40417  
the net earnings of a nonprofit corporation shall inure to the 40418  
benefit of any private shareholder or individual. Membership on 40419  
the board of trustees of a nonprofit corporation appointed as a 40420  
receiver does not constitute the holding of a public office or 40421  
employment within the meaning of sections 731.02 and 731.12 or any 40422  
other section of the Revised Code and does not constitute a direct 40423  
or indirect interest in a contract or expenditure of money by any 40424  
municipal corporation. A member of a board of trustees of a 40425  
nonprofit corporation appointed as a receiver shall not be 40426  
disqualified from holding any public office or employment, and 40427  
shall not forfeit any public office or employment, by reason of 40428  
~~his~~ membership on the board of trustees, notwithstanding any law 40429  
to the contrary. 40430

(D) Prior to ordering any work to be undertaken, or the 40431  
furnishing of any materials, to abate a public nuisance under this 40432  
section, the judge in a civil action described in division (B)(1) 40433  
of this section shall review the submitted financial and 40434  
construction plan for the rehabilitation of the building involved 40435  
and, if it specifies all of the following, shall approve that 40436  
plan: 40437

(1) The estimated cost of the labor, materials, and any other 40438  
development costs that are required to abate the public nuisance; 40439

(2) The estimated income and expenses of the building and the 40440  
property on which it is located after the furnishing of the 40441  
materials and the completion of the repairs and improvements; 40442

(3) The terms, conditions, and availability of any financing 40443  
that is necessary to perform the work and to furnish the 40444  
materials; 40445

(4) If repair and rehabilitation of the building are found 40446  
not to be feasible, the cost of demolition of the building or of 40447  
the portions of the building that constitute the public nuisance. 40448

(E) Upon the written request of any of the interested parties 40449  
to have a building, or portions of a building, that constitute a 40450  
public nuisance demolished because repair and rehabilitation of 40451  
the building are found not to be feasible, the judge may order the 40452  
demolition. However, the demolition shall not be ordered unless 40453  
the requesting interested parties have paid the costs of 40454  
demolition and, if any, of the receivership, and, if any, all 40455  
notes, certificates, mortgages, and fees of the receivership. 40456

(F) Before proceeding with ~~his~~ the duties of receiver, any 40457  
receiver appointed by the judge in a civil action described in 40458  
division (B)(1) of this section may be required by the judge to 40459  
post a bond in an amount fixed by the judge, but not exceeding the 40460  
value of the building involved as determined by the judge. 40461

The judge may empower the receiver to do any or all of the 40462  
following: 40463

(1) Take possession and control of the building and the 40464  
property on which it is located, operate and manage the building 40465  
and the property, establish and collect rents and income, lease 40466  
and rent the building and the property, and evict tenants; 40467

(2) Pay all expenses of operating and conserving the building 40468  
and the property, including, but not limited to, the cost of 40469  
electricity, gas, water, sewerage, heating fuel, repairs and 40470  
supplies, custodian services, taxes and assessments, and insurance 40471  
premiums, and hire and pay reasonable compensation to a managing 40472  
agent; 40473

(3) Pay pre-receivership mortgages or installments of them	40474
and other liens;	40475
(4) Perform or enter into contracts for the performance of	40476
all work and the furnishing of materials necessary to abate, and	40477
obtain financing for the abatement of, the public nuisance;	40478
(5) Pursuant to court order, remove and dispose of any	40479
personal property abandoned, stored, or otherwise located in or on	40480
the building and the property that creates a dangerous or unsafe	40481
condition or that constitutes a violation of any local building,	40482
housing, air pollution, sanitation, health, fire, zoning, or	40483
safety code, ordinance, or regulation;	40484
(6) Obtain mortgage insurance for any receiver's mortgage	40485
from any agency of the federal government;	40486
(7) Enter into any agreement and do those things necessary to	40487
maintain and preserve the building and the property and comply	40488
with all local building, housing, air pollution, sanitation,	40489
health, fire, zoning, or safety codes, ordinances, and	40490
regulations;	40491
(8) Give the custody of the building and the property, and	40492
the opportunity to abate the nuisance and operate the property, to	40493
its owner or any mortgagee or lienholder of record;	40494
(9) Issue notes and secure them by a mortgage bearing	40495
interest, and upon terms and conditions, that the judge approves.	40496
When sold or transferred by the receiver in return for valuable	40497
consideration in money, material, labor, or services, the notes or	40498
certificates shall be freely transferable. Any mortgages granted	40499
by the receiver shall be superior to any claims of the receiver.	40500
Priority among the receiver's mortgages shall be determined by the	40501
order in which they are recorded.	40502
(G) A receiver appointed pursuant to this section is not	40503
personally liable except for misfeasance, malfeasance, or	40504

nonfeasance in the performance of the functions of ~~his~~ the office 40505  
of receiver. 40506

(H)(1) The judge in a civil action described in division 40507  
(B)(1) of this section may assess as court costs, the expenses 40508  
described in division (F)(2) of this section, and may approve 40509  
receiver's fees to the extent that they are not covered by the 40510  
income from the property. Subject to that limitation, a receiver 40511  
appointed pursuant to divisions (C)(2) and (3) of this section is 40512  
entitled to receive fees in the same manner and to the same extent 40513  
as receivers appointed in actions to foreclose mortgages. 40514

(2)(a) Pursuant to the police powers vested in the state, all 40515  
expenditures of a mortgagee, lienholder, or other interested party 40516  
that has been selected pursuant to division (C)(2) of this section 40517  
to undertake the work and to furnish the materials necessary to 40518  
abate a public nuisance, and any expenditures in connection with 40519  
the foreclosure of the lien created by this division, is a first 40520  
lien upon the building involved and the property on which it is 40521  
located and is superior to all prior and subsequent liens or other 40522  
encumbrances associated with the building or the property, 40523  
including, but not limited to, those for taxes and assessments, 40524  
upon the occurrence of both of the following: 40525

(i) The prior approval of the expenditures by, and the entry 40526  
of a judgment to that effect by, the judge in the civil action 40527  
described in division (B)(1) of this section; 40528

(ii) The recordation of a certified copy of the judgment 40529  
entry and a sufficient description of the property on which the 40530  
building is located with the county recorder in the county in 40531  
which the property is located within sixty days after the date of 40532  
the entry of the judgment. 40533

(b) Pursuant to the police powers vested in the state, all 40534  
expenses and other amounts paid in accordance with division (F) of 40535

this section by a receiver appointed pursuant to divisions (C)(2) 40536  
and (3) of this section, the amounts of any notes issued by the 40537  
receiver in accordance with division (F) of this section, all 40538  
mortgages granted by the receiver in accordance with that 40539  
division, the fees of the receiver approved pursuant to division 40540  
(H)(1) of this section, and any amounts expended in connection 40541  
with the foreclosure of a mortgage granted by the receiver in 40542  
accordance with division (F) of this section or with the 40543  
foreclosure of the lien created by this division, are a first lien 40544  
upon the building involved and the property on which it is located 40545  
and are superior to all prior and subsequent liens or other 40546  
encumbrances associated with the building or the property, 40547  
including, but not limited to, those for taxes and assessments, 40548  
upon the occurrence of both of the following: 40549

(i) The approval of the expenses, amounts, or fees by, and 40550  
the entry of a judgment to that effect by, the judge in the civil 40551  
action described in division (B)(1) of this section; or the 40552  
approval of the mortgages in accordance with division (F)(9) of 40553  
this section by, and the entry of a judgment to that effect by, 40554  
that judge; 40555

(ii) The recordation of a certified copy of the judgment 40556  
entry and a sufficient description of the property on which the 40557  
building is located, or, in the case of a mortgage, the 40558  
recordation of the mortgage, a certified copy of the judgment 40559  
entry, and such a description, with the county recorder of the 40560  
county in which the property is located within sixty days after 40561  
the date of the entry of the judgment. 40562

(c) Priority among the liens described in divisions (H)(2)(a) 40563  
and (b) of this section shall be determined as described in 40564  
division (I) of this section. Additionally, the creation pursuant 40565  
to this section of a mortgage lien that is prior to or superior to 40566  
any mortgage of record at the time the mortgage lien is so 40567

created, does not disqualify the mortgage of record as a legal 40568  
investment under Chapter 1107. or 1151. or any other chapter of 40569  
the Revised Code. 40570

(I)(1) If a receiver appointed pursuant to divisions (C)(2) 40571  
and (3) of this section files with the judge in the civil action 40572  
described in division (B)(1) of this section a report indicating 40573  
that the public nuisance has been abated, if the judge confirms 40574  
that the receiver has abated the public nuisance, and if the 40575  
receiver or any interested party requests the judge to enter an 40576  
order directing the receiver to sell the building and the property 40577  
on which it is located, the judge may enter that order after 40578  
holding a hearing as described in division (I)(2) of this section 40579  
and otherwise complying with that division. 40580

(2)(a) The receiver or interested party requesting an order 40581  
as described in division (I)(1) of this section shall cause a 40582  
notice of the date and time of a hearing on the request to be 40583  
served on the owner of the building involved and all other 40584  
interested parties in accordance with division (B)(2)(a) of this 40585  
section. The judge in the civil action described in division 40586  
(B)(1) of this section shall conduct the scheduled hearing. At the 40587  
hearing, if the owner or any interested party objects to the sale 40588  
of the building and the property, the burden of proof shall be 40589  
upon the objecting person to establish, by a preponderance of the 40590  
evidence, that the benefits of not selling the building and the 40591  
property outweigh the benefits of selling them. If the judge 40592  
determines that there is no objecting person, or if the judge 40593  
determines that there is one or more objecting persons but no 40594  
objecting person has sustained the burden of proof specified in 40595  
this division, the judge may enter an order directing the receiver 40596  
to offer the building and the property for sale upon terms and 40597  
conditions that the judge shall specify. 40598

(b) In any sale of subsidized housing that is ordered 40599

pursuant to this section, the judge shall specify that the 40600  
subsidized housing not be conveyed unless that conveyance complies 40601  
with applicable federal law and applicable program contracts for 40602  
that housing. Any such conveyance shall be subject to the 40603  
condition that the purchaser enter into a contract with the 40604  
department of housing and urban development or the rural housing 40605  
service of the federal department of agriculture under which the 40606  
property continues to be subsidized housing and the owner 40607  
continues to operate that property as subsidized housing unless 40608  
the secretary of housing and urban development or the 40609  
administrator of the rural housing service terminates that 40610  
property's contract prior to or upon the conveyance of the 40611  
property. 40612

(3) If a sale of a building and the property on which it is 40613  
located is ordered pursuant to divisions (I)(1) and (2) of this 40614  
section and if the sale occurs in accordance with the terms and 40615  
conditions specified by the judge in ~~his~~ the judge's order of 40616  
sale, then the receiver shall distribute the proceeds of the sale 40617  
and the balance of any funds that the receiver may possess, after 40618  
the payment of the costs of the sale, in the following order of 40619  
priority and in the described manner: 40620

(a) First, in satisfaction of any notes issued by the 40621  
receiver pursuant to division (F) of this section, in their order 40622  
of priority; 40623

(b) Second, any unreimbursed expenses and other amounts paid 40624  
in accordance with division (F) of this section by the receiver, 40625  
and the fees of the receiver approved pursuant to division (H)(1) 40626  
of this section; 40627

(c) Third, all expenditures of a mortgagee, lienholder, or 40628  
other interested party that has been selected pursuant to division 40629  
(C)(2) of this section to undertake the work and to furnish the 40630  
materials necessary to abate a public nuisance, provided that the 40631

expenditures were approved as described in division (H)(2)(a) of 40632  
this section and provided that, if any such interested party 40633  
subsequently became the receiver, its expenditures shall be paid 40634  
prior to the expenditures of any of the other interested parties 40635  
so selected; 40636

(d) Fourth, the amount due for delinquent taxes, assessments, 40637  
charges, penalties, and interest owed to this state or a political 40638  
subdivision of this state, provided that, if the amount available 40639  
for distribution pursuant to division (I)(3)(d) of this section is 40640  
insufficient to pay the entire amount of those taxes, assessments, 40641  
charges, penalties, and interest, the proceeds and remaining funds 40642  
shall be paid to each claimant in proportion to the amount of 40643  
those taxes, assessments, charges, penalties, and interest that 40644  
each is due. 40645

(e) The amount of any pre-receivership mortgages, liens, or 40646  
other encumbrances, in their order of priority. 40647

(4) Following a distribution in accordance with division 40648  
(I)(3) of this section, the receiver shall request the judge in 40649  
the civil action described in division (B)(1) of this section to 40650  
enter an order terminating the receivership. If the judge 40651  
determines that the sale of the building and the property on which 40652  
it is located occurred in accordance with the terms and conditions 40653  
specified by the judge in ~~his~~ the judge's order of sale under 40654  
division (I)(2) of this section and that the receiver distributed 40655  
the proceeds of the sale and the balance of any funds that the 40656  
receiver possessed, after the payment of the costs of the sale, in 40657  
accordance with division (I)(3) of this section, and if the judge 40658  
approves any final accounting required of the receiver, the judge 40659  
may terminate the receivership. 40660

(J)(1) A receiver appointed pursuant to divisions (C)(2) and 40661  
(3) of this section may be discharged at any time in the 40662  
discretion of the judge in the civil action described in division 40663

(B)(1) of this section. The receiver shall be discharged by the judge as provided in division (I)(4) of this section, or when all of the following have occurred:

(a) The public nuisance has been abated;

(b) All costs, expenses, and approved fees of the receivership have been paid;

(c) Either all receiver's notes issued and mortgages granted pursuant to this section have been paid, or all the holders of the notes and mortgages request that the receiver be discharged.

(2) If a judge in a civil action described in division (B)(1) of this section determines that, and enters of record a declaration that, a public nuisance has been abated by a receiver, and if, within three days after the entry of the declaration, all costs, expenses, and approved fees of the receivership have not been paid in full, then, in addition to the circumstances 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;

(b) Any notes issued by a receiver pursuant to division (F) of this section;

(c) Any mortgage granted by a receiver in accordance with division (F) of this section;

(d) Expenditures in connection with the foreclosure of a mortgage granted by a receiver in accordance with division (F) of this section;

(e) The enforcement of an order of a judge entered pursuant to this section;

(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 40725  
abate a public nuisance. 40726

(3) A judge in a civil action described in division (B)(1) of 40727  
this section, or the judge's successor in office, has continuing 40728  
jurisdiction to review the condition of any building that was 40729  
determined to be a public nuisance pursuant to this section. 40730

**Sec. 3769.087.** (A) In addition to the commission of eighteen 40731  
per cent retained by each permit holder as provided in section 40732  
3769.08 of the Revised Code, each permit holder shall retain an 40733  
additional amount equal to four per cent of the total of all 40734  
moneys wagered on each racing day on all wagering pools other than 40735  
win, place, and show, of which amount retained an amount equal to 40736  
three per cent of the total of all moneys wagered on each racing 40737  
day on those pools shall be paid by check, draft, or money order 40738  
to the tax commissioner, as a tax. Subject to the restrictions 40739  
contained in divisions (B), (C), and (M) of section 3769.08 of the 40740  
Revised Code, from such additional moneys paid to the tax 40741  
commissioner: 40742

(1) Four-sixths shall be allocated to fund distribution as 40743  
provided in division (M) of section 3769.08 of the Revised Code. 40744

(2) One-twelfth shall be paid into the Ohio fairs fund 40745  
created by section 3769.082 of the Revised Code. 40746

(3) One-twelfth of the additional moneys paid to the tax 40747  
commissioner by thoroughbred racing permit holders shall be paid 40748  
into the Ohio thoroughbred race fund created by section 3769.083 40749  
of the Revised Code. 40750

(4) One-twelfth of the additional moneys paid to the tax 40751  
commissioner by harness horse racing permit holders shall be paid 40752  
to the Ohio standardbred development fund created by section 40753  
3769.085 of the Revised Code. 40754

(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.

(6) One-sixth shall be paid into the state racing commission operating fund created by section 3769.03 of the Revised Code.

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.

(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 holder shall retain an additional amount equal to one-half of one per cent of the total of all moneys wagered on each racing day on all wagering pools other than win, place, and show. ~~Except as provided in division (C) of this section, from the~~ The additional amount retained under this division, ~~each permit holder shall retain an amount equal to one quarter of one per cent of the total of all moneys wagered on each racing day on all pools other than win, place, and show and shall pay that amount~~ shall be paid by check, draft, or money order to the tax commissioner, as a tax. The tax commissioner shall pay the amount of the tax received under this division to the state racing commission operating fund created by section 3769.03 of the Revised Code.

~~Except as provided in division (C) of this section, the remaining one quarter of one per cent that is retained from the total of all moneys wagered on each racing day on all pools other than win, place, and show shall be retained by the permit holder,~~

~~and the permit holder shall use one half for purse money and  
retain one half.~~ 40787  
40788

~~(C) During the period commencing on July 1, 2006, and ending  
on and including June 30, 2007, the additional amount retained by  
each permit holder under division (B) of this section shall be  
paid by check, draft, or money order to the tax commissioner, as a  
tax. The tax commissioner shall pay the amount of the tax received  
under this division to the state racing commission operating fund  
created by section 3769.03 of the Revised Code.~~ 40789  
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**Sec. 3770.03.** (A) The state lottery commission shall 40796  
promulgate rules under which a statewide lottery may be conducted. 40797  
The rules shall be promulgated pursuant to Chapter 119. of the 40798  
Revised Code, except that instant game rules shall be promulgated 40799  
pursuant to section 111.15 of the Revised Code but are not subject 40800  
to division (D) of that section. Subjects covered in these rules 40801  
shall include, but need not be limited to, the following: 40802

(1) The type of lottery to be conducted; 40803

(2) The prices of tickets in the lottery. No rule shall set  
a price that exceeds twenty dollars to purchase an individual  
lottery ticket. 40804  
40805  
40806

(3) The number, nature, and value of prize awards, the manner 40807  
and frequency of prize drawings, and the manner in which prizes 40808  
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. 40809  
40810  
40811

(B) The commission shall promulgate rules, in addition to 40812  
those described in division (A) of this section, pursuant to 40813  
Chapter 119. of the Revised Code under which a statewide lottery 40814  
and statewide joint lottery games may be conducted. Subjects 40815  
covered in these rules shall include, but not be limited to, the 40816

following: 40817

(1) The locations at which lottery tickets may be sold and 40818  
the manner in which they are to be sold. These rules may authorize 40819  
the sale of lottery tickets by commission personnel or other 40820  
licensed individuals from traveling show wagons at the state fair, 40821  
and at any other expositions the director of the commission 40822  
considers acceptable. These rules shall prohibit commission 40823  
personnel or other licensed individuals from soliciting from an 40824  
exposition the right to sell lottery tickets at that exposition, 40825  
but shall allow commission personnel or other licensed individuals 40826  
to sell lottery tickets at an exposition if the exposition 40827  
requests commission personnel or licensed individuals to do so. 40828  
These rules may also address the accessibility of sales agent 40829  
locations to commission products in accordance with the "Americans 40830  
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 40831  
et seq. 40832

(2) The manner in which lottery sales revenues are to be 40833  
collected, including authorization for the director to impose 40834  
penalties for failure by lottery sales agents to transfer revenues 40835  
to the commission in a timely manner; 40836

(3) The amount of compensation to be paid licensed lottery 40837  
sales agents; 40838

(4) The substantive criteria for the licensing of lottery 40839  
sales agents consistent with section 3770.05 of the Revised Code, 40840  
and procedures for revoking or suspending their licenses 40841  
consistent with Chapter 119. of the Revised Code. If 40842  
circumstances, such as the nonpayment of funds owed by a lottery 40843  
sales agent, or other circumstances related to the public safety, 40844  
convenience, or trust, require immediate action, the director may 40845  
suspend a license without affording an opportunity for a prior 40846  
hearing under section 119.07 of the Revised Code. 40847

(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 shall be considered, for purposes of section 3770.06 of the Revised Code, to be related proceeds in connection with the statewide lottery or gross proceeds from statewide joint lottery games, as applicable.

(D)(1) The commission shall meet with the director at least once each month and shall convene other meetings at the request of the chairperson or any five of the members. No action taken by the commission shall be binding unless at least five of the members present vote in favor of the action. A written record shall be made of the proceedings of each meeting and shall be transmitted forthwith to the governor, the president of the senate, the senate minority leader, the speaker of the house of representatives, and the house minority leader.

(2) The director shall present to the commission a report

each month, showing the total revenues, prize disbursements, and 40880  
operating expenses of the state lottery for the preceding month. 40881  
As soon as practicable after the end of each fiscal year, the 40882  
commission shall prepare and transmit to the governor and the 40883  
general assembly a report of lottery revenues, prize 40884  
disbursements, and operating expenses for the preceding fiscal 40885  
year and any recommendations for legislation considered necessary 40886  
by the commission. 40887

**Sec. 3770.06.** (A) There is hereby created the state lottery 40888  
gross revenue fund, which shall be in the custody of the treasurer 40889  
of state but shall not be part of the state treasury. All gross 40890  
revenues received from sales of lottery tickets, fines, fees, and 40891  
related proceeds in connection with the statewide lottery and all 40892  
gross proceeds from statewide joint lottery games shall be 40893  
deposited into the fund. The treasurer of state shall invest any 40894  
portion of the fund not needed for immediate use in the same 40895  
manner as, and subject to all provisions of law with respect to 40896  
the investment of, state funds. The treasurer of state shall 40897  
disburse money from the fund on order of the director of the state 40898  
lottery commission or the director's designee. 40899

Except for gross proceeds from statewide joint lottery games, 40900  
all revenues of the state lottery gross revenue fund that are not 40901  
paid to holders of winning lottery tickets, that are not required 40902  
to meet short-term prize liabilities, that are not credited to 40903  
lottery sales agents in the form of bonuses, commissions, or 40904  
reimbursements, that are not paid to financial institutions to 40905  
reimburse those institutions for sales agent nonsufficient funds, 40906  
and that are collected from sales agents for remittance to 40907  
insurers under contract to provide sales agent bonding services 40908  
shall be transferred to the state lottery fund, which is hereby 40909  
created in the state treasury. In addition, all revenues of the 40910  
state lottery gross revenue fund that represent the gross proceeds 40911

from the statewide joint lottery games and that are not paid to 40912  
holders of winning lottery tickets, that are not required to meet 40913  
short-term prize liabilities, that are not credited to lottery 40914  
sales agents in the form of bonuses, commissions, or 40915  
reimbursements, and that are not necessary to cover operating 40916  
expenses associated with those games or to otherwise comply with 40917  
the agreements signed by the governor that the director enters 40918  
into under division (J) of section 3770.02 of the Revised Code or 40919  
the rules the commission adopts under division (B)(5) of section 40920  
3770.03 of the Revised Code shall be transferred to the state 40921  
lottery fund. All investment earnings of the fund shall be 40922  
credited to the fund. Moneys shall be disbursed from the fund 40923  
pursuant to vouchers approved by the director. Total disbursements 40924  
for monetary prize awards to holders of winning lottery tickets in 40925  
connection with the statewide lottery and purchases of goods and 40926  
services awarded as prizes to holders of winning lottery tickets 40927  
shall be of an amount equal to at least fifty per cent of the 40928  
total revenue accruing from the sale of lottery tickets. 40929

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 40930  
there is hereby established in the state treasury the lottery 40931  
profits education fund. Whenever, in the judgment of the director 40932  
of budget and management, the amount to the credit of the state 40933  
lottery fund that does not represent proceeds from statewide joint 40934  
lottery games is in excess of that needed to meet the maturing 40935  
obligations of the commission and as working capital for its 40936  
further operations, the director shall transfer the excess to the 40937  
lottery profits education fund in connection with the statewide 40938  
lottery. In addition, whenever, in the judgment of the director of 40939  
budget and management, the amount to the credit of the state 40940  
lottery fund that represents proceeds from statewide joint lottery 40941  
games equals the entire net proceeds of those games as described 40942  
in division (B)(5) of section 3770.03 of the Revised Code and the 40943  
rules adopted under that division, the director shall transfer 40944

those proceeds to the lottery profits education fund. There shall 40945  
also be credited to the fund any repayments of moneys loaned from 40946  
the educational excellence investment fund. Investment earnings of 40947  
the lottery profits education fund shall be credited to the fund. 40948

The lottery profits education fund shall be used solely for 40949  
the support of elementary, secondary, vocational, and special 40950  
education programs as determined in appropriations made by the 40951  
general assembly, or as provided in applicable bond proceedings 40952  
for the payment of debt service on obligations issued to pay costs 40953  
of capital facilities, including those for a system of common 40954  
schools throughout the state pursuant to section 2n of Article 40955  
VIII, Ohio Constitution. When determining the availability of 40956  
money in the lottery profits education fund, the director of 40957  
budget and management may consider all balances and estimated 40958  
revenues of the fund. 40959

~~From the amounts that the director of budget and management 40960  
transfers in any fiscal year from the state lottery fund to the 40961  
lottery profits education fund, the director shall transfer the 40962  
initial ten million dollars of those amounts from the lottery 40963  
profits education fund to the school building program bond service 40964  
fund created in division (Q) of section 3318.26 of the Revised 40965  
Code to be pledged for the purpose of paying bond service charges 40966  
as defined in division (C) of section 3318.21 of the Revised Code 40967  
on one or more issuances of obligations, which obligations are 40968  
issued to provide moneys for the school building program 40969  
assistance fund created in section 3318.25 of the Revised Code. 40970~~

(C) There is hereby established in the state treasury the 40971  
deferred prizes trust fund. With the approval of the director of 40972  
budget and management, an amount sufficient to fund annuity prizes 40973  
shall be transferred from the state lottery fund and credited to 40974  
the trust fund. The treasurer of state shall credit all earnings 40975  
arising from investments purchased under this division to the 40976

trust fund. Within sixty days after the end of each fiscal year, 40977  
the treasurer of state shall certify to the director of budget and 40978  
management whether the actuarial amount of the trust fund is 40979  
sufficient over the fund's life for continued funding of all 40980  
remaining deferred prize liabilities as of the last day of the 40981  
fiscal year just ended. Also, within that sixty days, the director 40982  
of budget and management shall certify the amount of investment 40983  
earnings necessary to have been credited to the trust fund during 40984  
the fiscal year just ending to provide for such continued funding 40985  
of deferred prizes. Any earnings credited in excess of ~~this~~ the 40986  
latter certified amount shall be transferred to the lottery 40987  
profits education fund. 40988

To provide all or a part of the amounts necessary to fund 40989  
deferred prizes awarded by the commission in connection with the 40990  
statewide lottery, the treasurer of state, in consultation with 40991  
the commission, may invest moneys contained in the deferred prizes 40992  
trust fund which represents proceeds from the statewide lottery in 40993  
obligations of the type permitted for the investment of state 40994  
funds but whose maturities are thirty years or less. 40995  
Notwithstanding the requirements of any other section of the 40996  
Revised Code, to provide all or part of the amounts necessary to 40997  
fund deferred prizes awarded by the commission in connection with 40998  
statewide joint lottery games, the treasurer of state, in 40999  
consultation with the commission, may invest moneys in the trust 41000  
fund which represent proceeds derived from the statewide joint 41001  
lottery games in accordance with the rules the commission adopts 41002  
under division (B)(5) of section 3770.03 of the Revised Code. 41003  
Investments of the trust fund are not subject to the provisions of 41004  
division (A)(10) of section 135.143 of the Revised Code limiting 41005  
to twenty-five per cent the amount of the state's total average 41006  
portfolio that may be invested in debt interests and limiting to 41007  
one-half of one per cent the amount that may be invested in debt 41008  
interests of a single issuer. 41009

All purchases made under this division shall be effected on a delivery versus payment method and shall be in the custody of the treasurer of state.

The treasurer of state may retain an investment advisor, if necessary. The commission shall pay any costs incurred by the treasurer of state in retaining an investment advisor.

(D) The auditor of state shall conduct annual audits of all funds and any other audits as the auditor of state or the general assembly considers necessary. The auditor of state may examine all records, files, and other documents of the commission, and records of lottery sales agents that pertain to their activities as agents, for purposes of conducting authorized audits.

The state lottery commission shall establish an internal audit program before the beginning of each fiscal year, subject to the approval of the auditor of state. At the end of each fiscal year, the commission shall prepare and submit an annual report to the auditor of state for the auditor of state's review and approval, specifying the internal audit work completed by the end of that fiscal year and reporting on compliance with the annual internal audit program. The form and content of the report shall be prescribed by the auditor of state under division (C) of section 117.20 of the Revised Code.

(E) Whenever, in the judgment of the director of budget and management, an amount of net state lottery proceeds is necessary to be applied to the payment of debt service on obligations, all as defined in sections 151.01 and 151.03 of the Revised Code, the director shall transfer that amount directly from the state lottery fund or from the lottery profits education fund to the bond service fund defined in those sections. The provisions of this division are subject to any prior pledges or obligation of those amounts to the payment of bond service charges as defined in division (C) of section 3318.21 of the Revised Code, as referred

to in division (B) of this section. 41042

**Sec. 3905.36.** (A) Except as provided in divisions (B) and (C) 41043  
of this section, every insured association, company, corporation, 41044  
or other person that enters, directly or indirectly, into any 41045  
agreements with any insurance company, association, individual, 41046  
firm, underwriter, or Lloyd's, not authorized to do business in 41047  
this state, whereby the insured shall procure, continue, or renew 41048  
contracts of insurance covering subjects of insurance resident, 41049  
located, or to be performed within this state, with such 41050  
unauthorized insurance company, association, individual, firm, 41051  
underwriter, or Lloyd's, for which insurance there is a gross 41052  
premium, membership fee, assessment, dues, or other consideration 41053  
charged or collected, shall annually, on or before the 41054  
thirty-first day of January, return to the superintendent of 41055  
insurance a statement under oath showing the name and address of 41056  
the insured, name and address of the insurer, subject of the 41057  
insurance, general description of the coverage, and amount of 41058  
gross premium, fee, assessment, dues, or other consideration for 41059  
such insurance for the preceding twelve-month period and shall at 41060  
the same time pay to the treasurer of state a tax of five per cent 41061  
of such gross premium, fee, assessment, dues, or other 41062  
consideration, after a deduction for return premium, if any, as 41063  
calculated on a form prescribed by the treasurer of state. All 41064  
taxes collected under this section by the treasurer of state shall 41065  
be paid into the general revenue fund. If the tax is not paid when 41066  
due, the tax shall be increased by a penalty of twenty-five per 41067  
cent. An interest charge computed as set forth in section 5725.221 41068  
of the Revised Code shall be made on the entire sum of the tax 41069  
plus penalty, which interest shall be computed from the date the 41070  
tax is due until it is paid. For purposes of this section, payment 41071  
is considered made when it is received by the treasurer of state, 41072  
irrespective of any United States postal service marking or other 41073

stamp or mark indicating the date on which the payment may have  
been mailed.

(B) This section does not apply to:

(1) Transactions in this state involving a policy solicited,  
written, and delivered outside this state covering only subjects  
of insurance not resident, located, or to be performed in this  
state at the time of issuance, provided such transactions are  
subsequent to the issuance of the policy;

(2) Attorneys-at-law acting on behalf of their clients in the  
adjustment of claims or losses;

(3) Transactions involving policies issued by a captive  
insurer. For this purpose, a "captive insurer" means any of the  
following:

(a) An insurer owned by one or more individuals or  
organizations, whose exclusive purpose is to insure risks of one  
or more of the parent organizations or individual owners and risks  
of one or more affiliates of the parent organizations or  
individual owners;

(b) In the case of groups and associations, insurers owned by  
the group or association whose exclusive purpose is to insure  
risks of members of the group or association and affiliates of the  
members;

(c) Other types of insurers, licensed and operated in  
accordance with the captive insurance laws of their jurisdictions  
of domicile and operated in a manner so as to self-insure risks of  
their owners and insureds.

(4) Professional or medical liability insurance procured by a  
hospital organized under Chapter 3701. of the Revised Code ~~or on~~  
~~behalf of an entity that manufactures, packages, and sells, as~~  
~~more than fifty per cent of the entity's business, pharmaceutical~~

~~products for human use where the production, packaging, and sale  
of such products are subject to regulation by an agency of the  
United States;~~

(5) Insurance with an initial policy period of more than  
three years and that is procured to cover known events related to  
environmental remediation that occurred prior to the effective  
date of that insurance;

(6) Insurance procured on behalf of an entity that  
manufactures, packages, and sells, as more than fifty per cent of  
the entity's business, pharmaceutical products for human use where  
the production, packaging, and sale of such products are subject  
to regulation by an agency of the United States.

(C) In transactions that are subject to sections 3905.30 to  
3905.35 of the Revised Code, each person licensed under section  
3905.30 of the Revised Code shall pay to the treasurer of state,  
on or before the thirty-first day of January of each year, five  
per cent of the balance of the gross premiums charged for  
insurance placed or procured under the license after a deduction  
for return premiums, as reported on a form prescribed by the  
treasurer of state. The tax shall be collected from the insured by  
the surplus line broker who placed or procured the policy of  
insurance at the time the policy is delivered to the insured. No  
license issued under section 3905.30 of the Revised Code shall be  
renewed until payment is made. If the tax is not paid when due,  
the tax shall be increased by a penalty of twenty-five per cent.  
An interest charge computed as set forth in section 5725.221 of  
the Revised Code shall be made on the entire sum of the tax plus  
penalty, which interest shall be computed from the date the tax is  
due until it is paid. For purposes of this section, payment is  
considered made when it is received by the treasurer of state,  
irrespective of any United States postal service marking or other  
stamp or mark indicating the date on which the payment may have

been mailed. 41136

**Sec. 3923.281.** (A) As used in this section: 41137

(1) "Biologically based mental illness" means schizophrenia, 41138  
schizoaffective disorder, major depressive disorder, bipolar 41139  
disorder, paranoia and other psychotic disorders, 41140  
obsessive-compulsive disorder, and panic disorder, as these terms 41141  
are defined in the most recent edition of the diagnostic and 41142  
statistical manual of mental disorders published by the American 41143  
psychiatric association. 41144

(2) "Policy of sickness and accident insurance" has the same 41145  
meaning as in section 3923.01 of the Revised Code, but excludes 41146  
any hospital indemnity, medicare supplement, long-term care, 41147  
disability income, one-time-limited-duration policy of not longer 41148  
than six months, supplemental benefit, or other policy that 41149  
provides coverage for specific diseases or accidents only; any 41150  
policy that provides coverage for workers' compensation claims 41151  
compensable pursuant to Chapters 4121. and 4123. of the Revised 41152  
Code; and any policy that provides coverage to beneficiaries 41153  
enrolled in Title XIX of the "Social Security Act," 49 Stat. 620 41154  
(1935), 42 U.S.C.A. 301, as amended, known as the medical 41155  
assistance program or medicaid, as provided by the Ohio department 41156  
of job and family services under Chapter 5111. of the Revised 41157  
Code. 41158

(B) Notwithstanding section 3901.71 of the Revised Code, and 41159  
subject to division (E) of this section, every ~~group~~ policy of 41160  
sickness and accident insurance shall provide benefits for the 41161  
diagnosis and treatment of biologically based mental illnesses on 41162  
the same terms and conditions as, and shall provide benefits no 41163  
less extensive than, those provided under the policy of sickness 41164  
and accident insurance for the treatment and diagnosis of all 41165  
other physical diseases and disorders, if both of the following 41166

apply: 41167

(1) The biologically based mental illness is clinically 41168  
diagnosed by a physician authorized under Chapter 4731. of the 41169  
Revised Code to practice medicine and surgery or osteopathic 41170  
medicine and surgery; a psychologist licensed under Chapter 4732. 41171  
of the Revised Code; a professional clinical counselor, 41172  
professional counselor, or independent social worker licensed 41173  
under Chapter 4757. of the Revised Code; or a clinical nurse 41174  
specialist licensed under Chapter 4723. of the Revised Code whose 41175  
nursing specialty is mental health. 41176

(2) The prescribed treatment is not experimental or 41177  
investigational, having proven its clinical effectiveness in 41178  
accordance with generally accepted medical standards. 41179

(C) Division (B) of this section applies to all coverages and 41180  
terms and conditions of the policy of sickness and accident 41181  
insurance, including, but not limited to, coverage of inpatient 41182  
hospital services, outpatient services, and medication; maximum 41183  
lifetime benefits; copayments; and individual and family 41184  
deductibles. 41185

(D) Nothing in this section shall be construed as prohibiting 41186  
a sickness and accident insurance company from taking any of the 41187  
following actions: 41188

(1) Negotiating separately with mental health care providers 41189  
with regard to reimbursement rates and the delivery of health care 41190  
services; 41191

(2) Offering policies that provide benefits solely for the 41192  
diagnosis and treatment of biologically based mental illnesses; 41193

(3) Managing the provision of benefits for the diagnosis or 41194  
treatment of biologically based mental illnesses through the use 41195  
of pre-admission screening, by requiring beneficiaries to obtain 41196  
authorization prior to treatment, or through the use of any other 41197

mechanism designed to limit coverage to that treatment determined 41198  
to be necessary; 41199

(4) Enforcing the terms and conditions of a policy of 41200  
sickness and accident insurance. 41201

(E) An insurer that offers ~~a group~~ any policy of sickness and 41202  
accident insurance is not required to provide benefits for the 41203  
diagnosis and treatment of biologically based mental illnesses 41204  
pursuant to division (B) of this section if all of the following 41205  
apply: 41206

(1) The insurer submits documentation certified by an 41207  
independent member of the American academy of actuaries to the 41208  
superintendent of insurance showing that incurred claims for 41209  
diagnostic and treatment services for biologically based mental 41210  
illnesses for a period of at least six months independently caused 41211  
the insurer's costs for claims and administrative expenses for the 41212  
coverage of all other physical diseases and disorders to increase 41213  
by more than one per cent per year. 41214

(2) The insurer submits a signed letter from an independent 41215  
member of the American academy of actuaries to the superintendent 41216  
of insurance opining that the increase described in division 41217  
(E)(1) of this section could reasonably justify an increase of 41218  
more than one per cent in the annual premiums or rates charged by 41219  
the insurer for the coverage of all other physical diseases and 41220  
disorders. 41221

(3) The superintendent of insurance makes the following 41222  
determinations from the documentation and opinion submitted 41223  
pursuant to divisions (E)(1) and (2) of this section: 41224

(a) Incurred claims for diagnostic and treatment services for 41225  
biologically based mental illnesses for a period of at least six 41226  
months independently caused the insurer's costs for claims and 41227  
administrative expenses for the coverage of all other physical 41228

diseases and disorders to increase by more than one per cent per 41229  
year. 41230

(b) The increase in costs reasonably justifies an increase of 41231  
more than one per cent in the annual premiums or rates charged by 41232  
the insurer for the coverage of all other physical diseases and 41233  
disorders. 41234

Any determination made by the superintendent under this 41235  
division is subject to Chapter 119. of the Revised Code. 41236

**Sec. 4112.12.** (A) There is hereby created the commission on 41237  
African-American males, which shall consist of not more than 41238  
~~forty one~~ twenty-three members as follows: the directors or their 41239  
designees of the departments of health, development, alcohol and 41240  
drug addiction services, and job and family services, 41241  
~~rehabilitation and correction, mental health, and youth services;~~ 41242  
~~the adjutant general or the adjutant general's designee;~~ the equal 41243  
employment opportunity officer of the department of administrative 41244  
services or the equal employment opportunity officer's designee; 41245  
the executive director or the executive director's designee of the 41246  
Ohio civil rights commission; the executive director or the 41247  
executive director's designee of the division of criminal justice 41248  
services in the department of public safety; the superintendent of 41249  
public instruction; the chancellor or the chancellor's designee of 41250  
the Ohio board of regents; two members of the house of 41251  
representatives appointed by the speaker of the house of 41252  
representatives each of whom shall be members of different 41253  
political parties; ~~three~~ and two members of the senate appointed 41254  
by the president of the senate; ~~and not more than twenty three~~ 41255  
~~members appointed by the governor~~ each of whom shall be members of 41256  
different political parties. The members ~~appointed by the governor~~ 41257  
~~shall include an additional member of the governor's cabinet and~~ 41258  
~~at least one representative of each of the following: the national~~ 41259

~~association for the advancement of colored people; the urban 41260  
league; an organization representing black elected officials; an 41261  
organization representing black attorneys; the black religious 41262  
community; the black business community; the nonminority business 41263  
community; and organized labor; at least one black medical doctor, 41264  
one black elected member of a school board, and one black 41265  
educator; and at least two representatives of local private 41266  
industry councils. The remaining members that may be appointed by 41267  
the governor shall be selected from elected officials, civic and 41268  
community leaders, and representatives of the employment, criminal 41269  
justice, education, and health communities who are members of the 41270  
general assembly shall be nonvoting members. The Ohio state 41271  
university African American and African studies community 41272  
extension center, in consultation with the governor, shall appoint 41273  
two members from the private corporate sector, at least four 41274  
members from the public sector, and two members from the nonprofit 41275  
sector. 41276~~

(B) Terms of office shall be for three years, ~~with each 41277  
except that members of the general assembly appointed to the 41278  
commission shall be members only so long as they are members of 41279  
the general assembly. Each term ending ends on the same day of the 41280  
same month as did the term that it succeeds. Each member shall 41281  
hold office from the date of appointment until the end of the term 41282  
for which the member was appointed. Members may be reappointed. 41283  
Vacancies shall be filled in the manner provided for original 41284  
appointments. Any member appointed to fill a vacancy occurring 41285  
prior to the expiration date of the term for which the member's 41286  
predecessor was appointed shall hold office as a member for the 41287  
remainder of that term. A member shall continue in office 41288  
subsequent to the expiration date of the member's term until the 41289  
member's successor takes office or until a period of sixty days 41290  
has elapsed, whichever occurs first. 41291~~

The commission annually shall elect a chairperson from among 41292  
its members. 41293

(C) Members of the commission and members of subcommittees 41294  
appointed under division (B) of section 4112.13 of the Revised 41295  
Code shall not be compensated, but shall be reimbursed for their 41296  
necessary and actual expenses incurred in the performance of their 41297  
official duties. 41298

~~(D)(1) The Ohio civil rights commission shall serve as the 41299  
commission on African American males' fiscal agent and shall 41300  
perform all of the following services: 41301~~

~~(a) Prepare and process payroll and other personnel documents 41302  
that the commission on African American males approves; 41303~~

~~(b) Maintain ledgers of accounts and reports of account 41304  
balances, and monitor budgets and allotment plans in consultation 41305  
with the commission on African American males; 41306~~

~~(c) Perform other routine support services that the executive 41307  
director of the Ohio civil rights commission or the executive 41308  
director's designee and the Commission on African American males 41309  
or its designee consider appropriate to achieve efficiency. 41310~~

~~(2) The Ohio civil rights commission shall not approve any 41311  
payroll or other personnel related documents or any biennial 41312  
budget, grant, expenditure, audit, or fiscal related document 41313  
without the advice and consent of the commission on 41314  
African American males. 41315~~

~~(3) The Ohio civil rights commission shall determine fees to 41316  
be charged to the commission on African American males for 41317  
services performed under this division, which shall be in 41318  
proportion to the services performed for the commission on 41319  
African American males. 41320~~

~~(4) The commission on African American males or its designee 41321~~

has; 41322

~~(a) Sole authority to draw funds for any federal program in which the commission is authorized to participate;~~ 41323  
41324

~~(b) Sole authority to expend funds from accounts for programs and any other necessary expenses the commission on African American males may incur;~~ 41325  
41326  
41327

~~(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.~~ 41328  
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~~(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 those activities. The executive director shall do all things necessary for the efficient and effective implementation of the duties of the commission. 41331  
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The responsibilities assigned to the executive director do not relieve the members of the commission from final responsibility for the proper performance of the requirements of this division. 41342  
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~~(F)~~ (E) The commission on African-American males shall do all of the following: 41346  
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(1) Employ, promote, supervise, and remove all employees, as needed, in connection with the performance of its duties under this section; 41348  
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(2) Maintain its office in Columbus; 41351

(3) Acquire facilities, equipment, and supplies necessary to 41352  
house the commission, its employees, and files and records under 41353  
its control, and to discharge any duty imposed upon it by law. The 41354  
expense of these acquisitions shall be audited and paid for in the 41355  
same manner as other state expenses. 41356

~~(4) Prepare and submit to the office of budget and management 41357  
a budget for each biennium in accordance with sections 101.55 and 41358  
107.03 of the Revised Code. The budget submitted shall cover the 41359  
costs of the commission and its staff in the discharge of any duty 41360  
imposed upon the commission by law. The commission shall pay its 41361  
own payroll and other operating expenses from appropriation items 41362  
designated by the general assembly. The commission shall not 41363  
delegate any authority to obligate funds. 41364~~

~~(5) Establish the overall policy and management of the 41365  
commission in accordance with this chapter; 41366~~

~~(6)~~(5) Follow all state procurement requirements; 41367

~~(7) Pay fees owed to the Ohio civil rights commission under 41368  
division (D) of this section from the commission on 41369  
African American males' general revenue fund or from any other 41370  
fund from which the operating expenses of the commission on 41371  
African American males are paid. Any amounts set aside for a 41372  
fiscal year for the payment of such fees shall be used only for 41373  
the services performed for the commission on African American 41374  
males by the Ohio civil rights commission in that fiscal year (6) 41375  
Implement the policies and plans of the Ohio state university 41376  
African American and African studies community extension center as 41377  
those policies and plans are formulated and adopted by the Ohio 41378  
state university African American and African studies community 41379  
extension center; 41380~~

(7) Report to the Ohio state university African American and 41381  
African studies community extension center on the progress of the 41382

commission on African-American males in implementing the policies 41383  
and plans of the Ohio state university African American and 41384  
African studies community extension center. 41385

~~(G)~~(F) The commission on African-American males may: 41386

(1) Hold sessions at any place within the state, except that 41387  
the commission on African-American males shall meet at least 41388  
quarterly; 41389

(2) Establish, change, or abolish positions, and assign and 41390  
reassign duties and responsibilities of any employee of the 41391  
commission on African-American males as necessary to achieve the 41392  
most efficient performance of its functions. 41393

(G) The Ohio state university African American and African 41394  
studies community extension center shall establish the overall 41395  
policy and management of the commission on African-American males 41396  
and shall direct, manage, and oversee the commission. The Ohio 41397  
state university African American and African studies community 41398  
extension center shall develop overall policies and plans, and the 41399  
commission on African-American males shall implement those 41400  
policies and plans. The commission on African-American males, 41401  
through its executive director, shall keep the Ohio state 41402  
university African American and African studies community 41403  
extension center informed as to the activities of the commission 41404  
on African-American males in such manner and at such times as the 41405  
Ohio state university African American and African studies 41406  
community extension center shall determine. 41407

The Ohio state university African American and African 41408  
studies community extension center may prescribe duties and 41409  
responsibilities of the commission on African-American males in 41410  
addition to those prescribed in section 4112.13 of the Revised 41411  
Code. 41412

(H) The Ohio state university African American and African 41413

studies community extension center annually shall contract for a 41414  
report on the status of African-Americans in this state. Issues to 41415  
be evaluated in the report shall include the criminal justice 41416  
system, education, employment, health care, and housing, and such 41417  
other issues as the Ohio state university African American and 41418  
African studies community extension center may specify. The report 41419  
shall include policy recommendations relating to the issues 41420  
covered in the report. 41421

**Sec. 4112.13.** (A) The In addition to any duties and 41422  
responsibilities that the Ohio state university African American 41423  
and African studies community extension center may prescribe for 41424  
the commission on African-American males under section 4112.12 of 41425  
the Revised Code, the commission on African-American males shall 41426  
do all of the following: 41427

(1) Oversee and supervise four separate and distinct 41428  
subcommittees devoted to solving problems and advancing 41429  
recommendations exclusively pertinent to black males in the areas 41430  
of unemployment, criminal justice, education, and health; 41431

(2) Conduct research to determine the nature and extent of 41432  
the problems concerning black males in the four areas targeted in 41433  
division (A)(1) of this section; 41434

(3) Hold public hearings for the purpose of collecting data; 41435

(4) Identify existing federal, state, and local programs that 41436  
address problems and solutions relevant to the four targeted areas 41437  
of study; 41438

(5) Implement appropriate new programs and demonstration 41439  
projects especially designed for black males; 41440

(6) Develop and implement community education and public 41441  
awareness programs especially designed for black males; 41442

(7) Develop strategies to improve the social condition of 41443

black males; 41444

(8) Report to the governor, the general assembly, the auditor 41445  
of state, the secretary of state, the attorney general, and the 41446  
chief justice of the Ohio supreme court at least biennially on the 41447  
activities, findings, and recommendations of the commission; 41448

(9) Accept gifts, grants, donations, contributions, benefits, 41449  
and other funds from any public agency or private source to carry 41450  
out any or all of the commission's powers or duties. Such funds 41451  
shall be deposited in the commission on African-American males 41452  
fund, which is hereby created in the state treasury. All gifts, 41453  
grants, donations, contributions, benefits, and other funds 41454  
received by the commission under division (A)(9) of this section, 41455  
when appropriated to the commission, shall be used solely to 41456  
support the operations of the commission. 41457

(B) The ~~chairman~~ chairperson of the commission may appoint 41458  
any number of individuals to serve on the subcommittees created in 41459  
division (A)(1) of this section. Members of subcommittees serve at 41460  
the discretion of the ~~chairman~~ chairperson. 41461

**Sec. 4117.06.** (A) The state employment relations board shall 41462  
decide in each case the unit appropriate for the purposes of 41463  
collective bargaining. The determination is final and conclusive 41464  
and not appealable to the court. 41465

(B) The board shall determine the appropriateness of each 41466  
bargaining unit and shall consider among other relevant factors: 41467  
the desires of the employees; the community of interest; wages, 41468  
hours, and other working conditions of the public employees; the 41469  
effect of over-fragmentation; the efficiency of operations of the 41470  
public employer; the administrative structure of the public 41471  
employer; and the history of collective bargaining. 41472

(C) The board may determine a unit to be the appropriate unit 41473

in a particular case, even though some other unit might also be 41474  
appropriate. 41475

(D) In addition, in determining the appropriate unit, the 41476  
board shall not: 41477

(1) Decide that any unit is appropriate if the unit includes 41478  
both professional and nonprofessional employees, unless a majority 41479  
of the professional employees and a majority of the 41480  
nonprofessional employees first vote for inclusion in the unit; 41481

(2) Include guards or correction officers at correctional or 41482  
mental institutions, special police officers appointed in 41483  
accordance with sections 5119.14 and 5123.13 of the Revised Code, 41484  
psychiatric attendants employed at mental health forensic 41485  
facilities, youth leaders employed at juvenile correction 41486  
facilities, or any public employee employed as a guard to enforce 41487  
against other employees rules to protect property of the employer 41488  
or to protect the safety of persons on the employer's premises in 41489  
a unit with other employees; 41490

(3) Include members of a police or fire department or members 41491  
of the state highway patrol in a unit with other classifications 41492  
of public employees of the department; 41493

(4) Designate as appropriate a bargaining unit that contains 41494  
more than one institution of higher education; nor shall it within 41495  
any such institution of higher education designate as appropriate 41496  
a unit where such designation would be inconsistent with the 41497  
accreditation standards or interpretations of such standards, 41498  
governing such institution of higher education or any department, 41499  
school, or college thereof. For the purposes of this division, any 41500  
branch or regional campus of a public institution of higher 41501  
education is part of that institution of higher education. 41502

(5) Designate as appropriate a bargaining unit that contains 41503  
employees within the jurisdiction of more than one elected county 41504

office holder, unless the county-elected office holder and the 41505  
board of county commissioners agree to such other designation; 41506

(6) With respect to members of a police department, designate 41507  
as appropriate a unit that includes rank and file members of the 41508  
department with members who are of the rank of sergeant or above; 41509

(7) Except as otherwise provided by division (A)(3) of 41510  
section 3314.10 or division (B) of section 3326.18 of the Revised 41511  
Code, designate as appropriate a bargaining unit that contains 41512  
employees from multiple community schools established under 41513  
Chapter 3314. or multiple science, technology, engineering, and 41514  
mathematics schools established under Chapter 3326. of the Revised 41515  
Code. For purposes of this division, more than one unit may be 41516  
designated within a single community school or science, 41517  
technology, engineering, and mathematics school. 41518

This section shall not be deemed to prohibit multiunit 41519  
bargaining. 41520

**Sec. 4141.09.** (A) There is hereby created an unemployment 41521  
compensation fund to be administered by the state without 41522  
liability on the part of the state beyond the amounts paid into 41523  
the fund and earned by the fund. The unemployment compensation 41524  
fund shall consist of all contributions, payments in lieu of 41525  
contributions described in sections 4141.241 and 4141.242 of the 41526  
Revised Code, reimbursements of the federal share of extended 41527  
benefits described in section 4141.301 of the Revised Code, 41528  
collected under sections 4141.01 to 4141.46 of the Revised Code, 41529  
together with all interest earned upon any moneys deposited with 41530  
the secretary of the treasury of the United States to the credit 41531  
of the account of this state in the unemployment trust fund 41532  
established and maintained pursuant to section 904 of the "Social 41533  
Security Act," any property or securities acquired through the use 41534  
of moneys belonging to the fund, and all earnings of such property 41535

or securities. The unemployment compensation fund shall be used to 41536  
pay benefits and refunds as provided by such sections and for no 41537  
other purpose. 41538

(B) The treasurer of state shall be the custodian of the 41539  
unemployment compensation fund and shall administer such fund in 41540  
accordance with the directions of the director of job and family 41541  
services. All disbursements therefrom shall be paid by the 41542  
treasurer of state on warrants drawn by the director. Such 41543  
warrants may bear the facsimile signature of the director printed 41544  
thereon and that of a deputy or other employee of the director 41545  
charged with the duty of keeping the account of the unemployment 41546  
compensation fund and with the preparation of warrants for the 41547  
payment of benefits to the persons entitled thereto. Moneys in the 41548  
clearing and benefit accounts shall not be commingled with other 41549  
state funds, except as provided in division (C) of this section, 41550  
but shall be maintained in separate accounts on the books of the 41551  
depository bank. Such money shall be secured by the depository 41552  
bank to the same extent and in the same manner as required by 41553  
sections 135.01 to 135.21 of the Revised Code; and collateral 41554  
pledged for this purpose shall be kept separate and distinct from 41555  
any collateral pledged to secure other funds of this state. All 41556  
sums recovered for losses sustained by the unemployment 41557  
compensation fund shall be deposited therein. The treasurer of 41558  
state shall be liable on the treasurer's official bond for the 41559  
faithful performance of the treasurer's duties in connection with 41560  
the unemployment compensation fund, such liability to exist in 41561  
addition to any liability upon any separate bond. 41562

(C) The treasurer of state shall maintain within the 41563  
unemployment compensation fund three separate accounts which shall 41564  
be a clearing account, ~~an unemployment~~ a trust fund account, and a 41565  
benefit account. All moneys payable to the unemployment 41566  
compensation fund, upon receipt ~~thereof~~ by the director, shall be 41567

forwarded to the treasurer of state, who shall immediately deposit 41568  
them in the clearing account. Refunds of contributions, or 41569  
payments in lieu of contributions, payable pursuant to division 41570  
(E) of this section may be paid from the clearing account upon 41571  
warrants signed by a deputy or other employee of the director 41572  
charged with the duty of keeping the record of the clearing 41573  
account and with the preparation of warrants for the payment of 41574  
refunds to persons entitled thereto. After clearance thereof, all 41575  
moneys in the clearing account shall be deposited with the 41576  
secretary of the treasury of the United States to the credit of 41577  
the account of this state in the unemployment trust fund 41578  
established and maintained pursuant to section 904 of the "Social 41579  
Security Act," in accordance with requirements of the "Federal 41580  
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 41581  
3304(a)(3), any law in this state relating to the deposit, 41582  
administration, release, or disbursement of moneys in the 41583  
possession or custody of this state to the contrary 41584  
notwithstanding. The benefit account shall consist of all moneys 41585  
requisitioned from this state's account in the unemployment trust 41586  
fund. Federal funds, ~~other than funds received by the director~~ 41587  
~~under divisions (I) and (J) of this section, received for payment~~ 41588  
~~of federal benefits~~ may be deposited, at the director's 41589  
discretion, into the benefit account. Any funds deposited into the 41590  
benefit account shall be disbursed solely for payment of benefits 41591  
under a federal program administered by this state. ~~Moneys so~~ 41592  
~~requisitioned shall be used solely for the payment of benefits~~ and 41593  
for no other purpose. Moneys in the clearing and benefit accounts 41594  
may be deposited by the treasurer of state, under the direction of 41595  
the director, in any bank or public depository in which general 41596  
funds of the state may be deposited, but no public deposit 41597  
insurance charge or premium shall be paid out of the fund. 41598

(D) Moneys shall be requisitioned from this state's account 41599  
in the unemployment trust fund solely for the payment of benefits 41600

and in accordance with regulations prescribed by the director. The 41601  
director shall requisition from the unemployment trust fund such 41602  
amounts, not exceeding the amount standing to this state's account 41603  
therein, as are deemed necessary for the payment of benefits for a 41604  
reasonable future period. Upon receipt thereof, the treasurer of 41605  
state shall deposit such moneys in the benefit account. 41606  
Expenditures of such money in the benefit account and refunds from 41607  
the clearing account shall not require specific appropriations or 41608  
other formal release by state officers of money in their custody. 41609  
Any balance of moneys requisitioned from the unemployment trust 41610  
fund which remains unclaimed or unpaid in the benefit account 41611  
after the expiration of the period for which such sums were 41612  
requisitioned shall either be deducted from estimates for and may 41613  
be utilized for the payment of benefits during succeeding periods, 41614  
or, in the discretion of the director, shall be redeposited with 41615  
the secretary of the treasury of the United States to the credit 41616  
of this state's account in the unemployment trust fund, as 41617  
provided in division (C) of this section. Unclaimed or unpaid 41618  
federal funds redeposited with the secretary of the treasury of 41619  
the United States shall be credited to the appropriate federal 41620  
account. 41621

(E) No claim for an adjustment or a refund on contribution, 41622  
payment in lieu of contributions, interest, or forfeiture alleged 41623  
to have been erroneously or illegally assessed or collected, or 41624  
alleged to have been collected without authority, and no claim for 41625  
an adjustment or a refund of any sum alleged to have been 41626  
excessive or in any manner wrongfully collected shall be allowed 41627  
unless an application, in writing, therefor is made within four 41628  
years from the date on which such payment was made. If the 41629  
director determines that such contribution, payment in lieu of 41630  
contributions, interest, or forfeiture, or any portion thereof, 41631  
was erroneously collected, the director shall allow such employer 41632  
to make an adjustment thereof without interest in connection with 41633

subsequent contribution payments, or payments in lieu of 41634  
contributions, by the employer, or the director may refund said 41635  
amount, without interest, from the clearing account of the 41636  
unemployment compensation fund, except as provided in division (B) 41637  
of section 4141.11 of the Revised Code. For like cause and within 41638  
the same period, adjustment or refund may be so made on the 41639  
director's own initiative. An overpayment of contribution, payment 41640  
in lieu of contributions, interest, or forfeiture for which an 41641  
employer has not made application for refund prior to the date of 41642  
sale of the employer's business shall accrue to the employer's 41643  
successor in interest. 41644

An application for an adjustment or a refund, or any portion 41645  
thereof, that is rejected is binding upon the employer unless, 41646  
within thirty days after the mailing of a written notice of 41647  
rejection to the employer's last known address, or, in the absence 41648  
of mailing of such notice, within thirty days after the delivery 41649  
of such notice, the employer files an application for a review and 41650  
redetermination setting forth the reasons therefor. The director 41651  
shall promptly examine the application for review and 41652  
redetermination, and if a review is granted, the employer shall be 41653  
promptly notified thereof, and shall be granted an opportunity for 41654  
a prompt hearing. 41655

(F) If the director finds that contributions have been paid 41656  
to the director in error, and that such contributions should have 41657  
been paid to a department of another state or of the United States 41658  
charged with the administration of an unemployment compensation 41659  
law, the director may upon request by such department or upon the 41660  
director's own initiative transfer to such department the amount 41661  
of such contributions, less any benefits paid to claimants whose 41662  
wages were the basis for such contributions. The director may 41663  
request and receive from such department any contributions or 41664  
adjusted contributions paid in error to such department which 41665

should have been paid to the director. 41666

(G) In accordance with section 303(c)(3) of the Social Security Act, and section 3304(a)(17) of the Internal Revenue Code of 1954 for continuing certification of Ohio unemployment compensation laws for administrative grants and for tax credits, any interest required to be paid on advances under Title XII of the Social Security Act shall be paid in a timely manner and shall not be paid, directly or indirectly, by an equivalent reduction in the Ohio unemployment taxes or otherwise, by the state from amounts in the unemployment compensation fund.

(H) The treasurer of state, under the direction of the director and in accordance with the "Cash Management Improvement Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall deposit amounts of interest earned by the state on funds in the benefit account established pursuant to division (C) of this section into the department of job and family services banking fees fund, which is hereby created in the state treasury for the purpose of paying related banking costs incurred by the state for the period for which the interest is calculated, except that if the deposited interest exceeds the banking costs incurred by the state for the period for which the interest is calculated, the treasurer of state shall deposit the excess interest into the unemployment trust fund.

~~(I) The treasurer of state, under the direction of the director, shall deposit federal funds received by the director for the payment of benefits, job search, relocation, transportation, and subsistence allowances pursuant to the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, as amended; the "North American Free Trade Implementation Act of 1993," 107 Stat. 2057, 19 U.S.C.A. 3301, as amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 3801, as amended, into the Trade Act benefit account, which is hereby created for the purpose of making payments~~

~~specified under those acts.~~ 41698

(J) The treasurer of state, under the direction of the 41699  
director, shall deposit federal funds received by the director for 41700  
training and administration and for payment of benefits, job 41701  
search, relocation, transportation, and subsistence allowances 41702  
pursuant to the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 41703  
2101, as amended; the "North American Free Trade Agreement 41704  
Implementation Act," 107 Stat. 2057 (1993), 19 U.S.C.A. 3301, as 41705  
amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 41706  
3801, as amended, into the Trade Act training and administration 41707  
account, which is hereby created for the purpose of making 41708  
payments specified under those acts. The treasurer of state, under 41709  
the direction of the director, may transfer funds from the Trade 41710  
Act training and administration account to the benefit account for 41711  
the purpose of making any payments directly to claimants for 41712  
benefits, job search, relocation, transportation, and subsistence 41713  
allowances, as specified by those acts. 41714

**Sec. 4301.20.** This chapter and Chapter 4303. of the Revised 41715  
Code do not prevent the following: 41716

(A) The storage of intoxicating liquor in bonded warehouses, 41717  
established in accordance with the acts of congress and under the 41718  
regulation of the United States, located in this state, or the 41719  
transportation of intoxicating liquor to or from bonded warehouses 41720  
of the United States wherever located; 41721

(B) A bona fide resident of this state who is the owner of a 41722  
warehouse receipt from obtaining or transporting to the resident's 41723  
residence for the resident's own consumption and not for resale 41724  
spirituous liquor stored in a government bonded warehouse in this 41725  
state or in another state prior to December 1933, subject to such 41726  
terms as are prescribed by the division of liquor control; 41727

(C) The manufacture of cider from fruit for the purpose of 41728

making vinegar, and nonintoxicating cider and fruit juices for use 41729  
and sale; 41730

(D) A licensed physician or dentist from administering or 41731  
dispensing intoxicating liquor or alcohol to a patient in good 41732  
faith in the actual course of the practice of the physician's or 41733  
dentist's profession; 41734

(E) The sale of alcohol to physicians, dentists, druggists, 41735  
veterinary surgeons, manufacturers, hospitals, infirmaries, or 41736  
medical or educational institutions using the alcohol for 41737  
medicinal, mechanical, chemical, or scientific purposes; 41738

(F) The sale, gift, or keeping for sale by druggists and 41739  
others of any of the medicinal preparations manufactured in 41740  
accordance with the formulas prescribed by the United States 41741  
Pharmacopoeia and National Formulary, patent or proprietary 41742  
preparations, and other bona fide medicinal and technical 41743  
preparations, which contain no more alcohol than is necessary to 41744  
hold the medicinal agents in solution and to preserve the same, 41745  
which are manufactured and sold as medicine and not as beverages, 41746  
are unfit for use for beverage purposes, and the sale of which 41747  
does not require the payment of a United States liquor dealer's 41748  
tax; 41749

(G) The manufacture and sale of tinctures or of toilet, 41750  
medicinal, and antiseptic preparations and solutions not intended 41751  
for internal human use nor to be sold as beverages, and which are 41752  
unfit for beverage purposes, if upon the outside of each bottle, 41753  
box, or package of which there is printed in the English language, 41754  
conspicuously and legibly, the quantity by volume of alcohol in 41755  
the preparation or solution; 41756

(H) The manufacture and keeping for sale of the food products 41757  
known as flavoring extracts when manufactured and sold for 41758  
cooking, culinary, or flavoring purposes, and which are unfit for 41759

use for beverage purposes; 41760

(I) The lawful sale of wood alcohol or of ethyl alcohol for 41761  
external use when combined with other substances as to make it 41762  
unfit for internal use; 41763

(J) The manufacture, sale, and transport of ethanol or ethyl 41764  
alcohol for use as fuel. As used in this division, "ethanol" has 41765  
the same meaning as in section 5733.46 of the Revised Code. 41766

(K) The purchase and importation into this state of 41767  
intoxicating liquor for use in manufacturing processes of 41768  
nonbeverage food products under terms prescribed by the division, 41769  
provided that the terms prescribed by the division shall not 41770  
increase the cost of the intoxicating liquor to any person, firm, 41771  
or corporation purchasing and importing it into this state for 41772  
that use; 41773

~~(K)~~(L) Any resident of this state or any member of the armed 41774  
forces of the United States, who has attained the age of 41775  
twenty-one years, from bringing into this state, for personal use 41776  
and not for resale, not more than one liter of spirituous liquor 41777  
in any thirty-day period, and the same is free of any tax consent 41778  
fee when the resident or member of the armed forces physically 41779  
possesses and accompanies the spirituous liquor on returning from 41780  
a foreign country, another state, or an insular possession of the 41781  
United States; 41782

~~(L)~~(M) Persons, at least twenty-one years of age, who collect 41783  
ceramic commemorative bottles containing spirituous liquor ~~which~~ 41784  
that have unbroken federal tax stamps on them from selling or 41785  
trading the bottles to other collectors. The bottles ~~must~~ shall 41786  
originally have been purchased at retail from the division, 41787  
legally imported under division ~~(K)~~(L) of this section, or legally 41788  
imported pursuant to a supplier registration issued by the 41789  
division. The sales shall be for the purpose of exchanging a 41790

ceramic commemorative bottle between private collectors and shall 41791  
not be for the purpose of selling the spirituous liquor for 41792  
personal consumption. The sale or exchange authorized by this 41793  
division shall not occur on the premises of any permit holder, 41794  
shall not be made in connection with the business of any permit 41795  
holder, and shall not be made in connection with any mercantile 41796  
business. 41797

**Sec. 4301.24.** Except as provided in section 4301.242 of the 41798  
Revised Code, no manufacturer shall aid or assist the holder of 41799  
any permit for sale at wholesale, and no manufacturer or wholesale 41800  
distributor shall aid or assist the holder of any permit for sale 41801  
at retail, by gift or loan of any money or property of any 41802  
description or other valuable thing, or by giving premiums or 41803  
rebates. Except as provided in section 4301.242 of the Revised 41804  
Code, no holder of any such permit shall accept the same, provided 41805  
that the manufacturer or wholesale distributor may furnish to a 41806  
retail permittee the inside signs or advertising and the tap signs 41807  
or devices authorized by divisions (E) and (F) of section 4301.22 41808  
of the Revised Code. 41809

No manufacturer shall have any financial interest, directly 41810  
or indirectly, by stock ownership, or through interlocking 41811  
directors in a corporation, or otherwise, in the establishment, 41812  
maintenance, or promotion in the business of any wholesale 41813  
distributor. No retail permit holder shall have any interest, 41814  
directly or indirectly, in the operation of, or any ownership in, 41815  
the business of any wholesale distributor or manufacturer. 41816

No manufacturer shall, except as authorized by section 41817  
4303.021 of the Revised Code, have any financial interest, 41818  
directly or indirectly, by stock ownership, or through 41819  
interlocking directors in a corporation, or otherwise, in the 41820  
establishment, maintenance, or promotion of the business of any 41821

retail dealer. No wholesale distributor or employee of a wholesale distributor shall have any financial interest, directly or indirectly, by stock ownership, interlocking directors in a corporation, or otherwise, in the establishment, maintenance, or promotion of the business of any retail dealer. No manufacturer or wholesale distributor or any stockholder of a manufacturer or wholesale distributor shall acquire, by ownership in fee, leasehold, mortgage, or otherwise, directly or indirectly, any interest in the premises on which the business of any other person engaged in the business of trafficking in beer or intoxicating liquor is conducted. All contracts, covenants, conditions, and limitations whereby any person engaged or proposing to engage in the sale of beer or intoxicating liquors promises to confine the person's sales of a particular kind or quality of beer or intoxicating liquor to one or more products, or the products of a specified manufacturer or wholesale distributor, or to give preference to those products, shall to the extent of that promise be void. The making of a promise in any such form shall be cause for the revocation or suspension of any permit issued to any party. This section does not prevent the holder of an A permit from securing and holding a wholesale distributor's permit or permits and operating as a wholesale distributor.

No manufacturer shall sell or offer to sell to any wholesale distributor or retail permit holder, no wholesale distributor shall sell or offer to sell to any retail permit holder, and no wholesale distributor or retail permit holder shall purchase or receive from any manufacturer or wholesale distributor, any beer, brewed beverages, or wine manufactured in the United States except for cash. No right of action shall exist to collect any claims for credit extended contrary to this section. This section does not prohibit a licensee from crediting to a purchaser the actual prices charged for packages or containers returned by the original purchaser as a credit on any sale or from refunding to any

purchaser the amount paid by that purchaser for containers or as a deposit on containers when title is retained by the vendor, if those containers or packages have been returned to the manufacturer or distributor. This section does not prohibit a manufacturer from extending usual and customary credit for beer, brewed beverages, or wine manufactured in the United States and sold to customers who live or maintain places of business outside this state when the beverages so sold are actually transported and delivered to points outside this state. No wholesale or retail permit shall be issued to an applicant unless the applicant has paid in full all accounts for beer or wine, manufactured in the United States, outstanding as of September 6, 1939. No beer or wine manufactured in the United States shall be imported into the state unless the beer or wine has been paid for in cash, and no supplier registration for any such beer or wine manufactured in the United States shall be issued by the division of liquor control until the A-2, B-1, or B-5 permit holder establishes to the satisfaction of the division that the beer or wine has been paid for in cash.

This section does not prevent a manufacturer from securing and holding any financial interest, directly or indirectly, by stock ownership or through interlocking directors in a corporation, or otherwise, in the establishment, maintenance, or promotion of the business or premises of any C or D permit holder, provided that the following conditions are met:

(A) Either the manufacturer or one of its parent companies is listed on a national securities exchange.

(B) All purchases of alcoholic beverages by the C or D permit holder are made from wholesale distributors in this state or agency stores licensed by the division of liquor control.

(C) If the C or D permit holder sells brands of alcoholic beverages that are produced or distributed by the manufacturer

that holds the financial interest, the C or D permit holder also 41887  
sells other competing brands of alcoholic beverages produced by 41888  
other manufacturers, no preference is given to the products of the 41889  
manufacturer, and there is no exclusion, in whole or in part, of 41890  
products sold or offered for sale by other manufacturers, 41891  
suppliers, or importers of alcoholic beverages that constitutes a 41892  
substantial impairment of commerce. 41893

(D) The primary purpose of the C or D permit premises is a 41894  
purpose other than to sell alcoholic beverages, and the sale of 41895  
other goods and services exceeds fifty per cent of the total gross 41896  
receipts of the C or D permit holder at its premises. 41897

This section does not prevent a manufacturer from giving 41898  
financial assistance to the holder of a B permit for the purpose 41899  
of the holder purchasing an ownership interest in the business, 41900  
existing inventory and equipment, or property of another B permit 41901  
holder, including, but not limited to, participation in a limited 41902  
liability partnership, limited liability company, or any other 41903  
legal entity authorized to do business in this state. This section 41904  
does not permit a manufacturer to give financial assistance to the 41905  
holder of a B permit to purchase inventory or equipment used in 41906  
the daily operation of a B permit holder. 41907

This section does not prevent a manufacturer from securing 41908  
and holding a B-2a permit or permits and operating as a wholesale 41909  
distributor. 41910

**Sec. 4301.43.** (A) As used in sections 4301.43 to 4301.50 of 41911  
the Revised Code: 41912

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 41913  
fluid ounces. 41914

(2) "Sale" or "sell" includes exchange, barter, gift, 41915  
distribution, and, except with respect to A-4 permit holders, 41916

offer for sale. 41917

(B) For the purposes of providing revenues for the support of 41918  
the state and encouraging the grape industries in the state, a tax 41919  
is hereby levied on the sale or distribution of wine in Ohio, 41920  
except for known sacramental purposes, at the rate of thirty cents 41921  
per wine gallon for wine containing not less than four per cent of 41922  
alcohol by volume and not more than fourteen per cent of alcohol 41923  
by volume, ninety-eight cents per wine gallon for wine containing 41924  
more than fourteen per cent but not more than twenty-one per cent 41925  
of alcohol by volume, one dollar and eight cents per wine gallon 41926  
for vermouth, and one dollar and forty-eight cents per wine gallon 41927  
for sparkling and carbonated wine and champagne, the tax to be 41928  
paid by the holders of A-2 and B-5 permits or by any other person 41929  
selling or distributing wine upon which no tax has been paid. From 41930  
the tax paid under this section on wine, vermouth, and sparkling 41931  
and carbonated wine and champagne, the treasurer of state shall 41932  
credit to the Ohio grape industries fund created under section 41933  
924.54 of the Revised Code a sum equal to one cent per gallon for 41934  
each gallon upon which the tax is paid. 41935

(C) For the purpose of providing revenues for the support of 41936  
the state, there is hereby levied a tax on prepared and bottled 41937  
highballs, cocktails, cordials, and other mixed beverages at the 41938  
rate of one dollar and twenty cents per wine gallon to be paid by 41939  
holders of A-4 permits or by any other person selling or 41940  
distributing those products upon which no tax has been paid. Only 41941  
one sale of the same article shall be used in computing the amount 41942  
of tax due. The tax on mixed beverages to be paid by holders of 41943  
A-4 permits under this section shall not attach until the 41944  
ownership of the mixed beverage is transferred for valuable 41945  
consideration to a wholesaler or retailer, and no payment of the 41946  
tax shall be required prior to that time. 41947

(D) During the period of July 1, ~~2005~~ 2007, through June 30, 41948

2007 2009, from the tax paid under this section on wine, vermouth, 41949  
and sparkling and carbonated wine and champagne, the treasurer of 41950  
state shall credit to the Ohio grape industries fund created under 41951  
section 924.54 of the Revised Code a sum equal to two cents per 41952  
gallon upon which the tax is paid. The amount credited under this 41953  
division is in addition to the amount credited to the Ohio grape 41954  
industries fund under division (B) of this section. 41955

(E) For the purpose of providing revenues for the support of 41956  
the state, there is hereby levied a tax on cider at the rate of 41957  
twenty-four cents per wine gallon to be paid by the holders of A-2 41958  
and B-5 permits or by any other person selling or distributing 41959  
cider upon which no tax has been paid. Only one sale of the same 41960  
article shall be used in computing the amount of the tax due. 41961

**Sec. 4303.03.** Permit A-2 may be issued to a manufacturer to 41962  
manufacture wine from grapes or other fruits; to import and 41963  
purchase wine in bond for blending purposes, the total amount of 41964  
wine so imported during the year covered by the permit not to 41965  
exceed forty per cent of all the wine manufactured and imported; 41966  
to manufacture, purchase, and import brandy for fortifying 41967  
purposes; and to sell those products either in glass or container 41968  
for consumption on the premises where manufactured, ~~for home use,~~ 41969  
in sealed containers for consumption off the premises where 41970  
manufactured, and to ~~retail and~~ wholesale permit holders under the 41971  
rules adopted by the division of liquor control. 41972

The fee for this permit is ~~one hundred twenty-six~~ seventy-six 41973  
dollars for each plant to which this permit is issued. 41974

**Sec. 4303.071.** (A)(1) Except as otherwise provided in 41975  
division (A)(2) of this section, permit B-2a may be issued to a 41976  
person that manufactures wine, is the brand owner or United States 41977  
importer of wine, or is the designated agent of a brand owner or 41978

importer for all wine sold in this state for that owner or 41979  
importer. If the person resides outside this state, the person 41980  
shall comply with the requirements governing the issuance of 41981  
licenses or permits that authorize the sale of intoxicating liquor 41982  
by the appropriate authority of the state in which the person 41983  
resides or by the tax and trade bureau in the United States 41984  
department of the treasury. 41985

(2) A B-2a permit shall only be issued to a manufacturer of 41986  
wine that is entitled to a tax credit under 27 C.F.R. 24.278 and 41987  
that produces less than one hundred fifty thousand gallons of wine 41988  
per year. 41989

(3) The fee for the B-2a permit is twenty-five dollars. 41990

(4) The holder of a B-2a permit may sell wine to a retail 41991  
permit holder, but a B-2a permit holder that is a wine 41992  
manufacturer may sell to a retail permit holder only wine that the 41993  
B-2a permit holder has manufactured. 41994

(5) The holder of a B-2a permit shall renew the permit in 41995  
accordance with section 4303.271 of the Revised Code, except that 41996  
renewal shall not be subject to the notice and hearing 41997  
requirements established in division (B) of that section. 41998

(B) The holder of a B-2a permit shall collect and pay all 41999  
applicable taxes relating to the delivery of a wine to a retailer 42000  
including, but not limited to, taxes levied under sections 42001  
4301.421 and 4301.43 and Chapters 5739. and 5741. of the Revised 42002  
Code. 42003

(C) The holder of a B-2a permit shall comply with this 42004  
chapter, Chapter 4301. of the Revised Code, and any rules adopted 42005  
by the liquor control commission under section 4301.03 of the 42006  
Revised Code. 42007

Sec. 4303.232. (A)(1) Except as provided in division (A)(2) 42008

of this section, permit S may be issued to a person that 42009  
manufactures wine, is the brand owner or United States importer of 42010  
wine, or is the designated agent of a brand owner or importer for 42011  
all wine sold in this state for that owner or importer. If the 42012  
person resides outside this state, the person shall comply with 42013  
the requirements governing the issuance of licenses or permits 42014  
that authorize the sale of intoxicating liquor by the appropriate 42015  
authority of the state in which the person resides or by the tax 42016  
and trade bureau of the United States department of the treasury. 42017

(2) An S permit shall only be issued to a manufacturer of 42018  
wine that is entitled to a tax credit under 27 C.F.R. 24.278 and 42019  
that produces less than one hundred fifty thousand gallons of wine 42020  
per year. 42021

(3) The fee for the S permit is twenty-five dollars. 42022

(4) The holder of an S permit may sell wine to a personal 42023  
consumer by receiving and filling orders that the personal 42024  
consumer submits to the permit holder. The permit holder shall 42025  
sell only wine that the permit holder has manufactured to a 42026  
personal consumer. 42027

(5) The holder of an S permit shall renew the permit in 42028  
accordance with section 4303.271 of the Revised Code, except that 42029  
the renewal shall not be subject to the notice and hearing 42030  
requirements established in division (B) of that section. 42031

(6) The division of liquor control may refuse to renew an S 42032  
permit for any of the reasons specified in section 4303.292 of the 42033  
Revised Code or if the holder of the permit fails to do any of the 42034  
following: 42035

(a) Collect and pay all applicable taxes specified in 42036  
division (B) of this section; 42037

(b) Pay the permit fee; 42038

(c) Comply with this section or any rules adopted by the 42039  
liquor control commission under section 4301.03 of the Revised 42040  
Code. 42041

(B) The holder of an S permit shall collect and pay all 42042  
applicable taxes relating to the delivery of wine to a personal 42043  
consumer, including, but not limited to, taxes levied under 42044  
sections 4301.421 and 4301.43 and Chapters 5739. and 5741. of the 42045  
Revised Code. 42046

(C)(1) The holder of an S permit shall send a shipment of 42047  
wine that has been paid for by a personal consumer to that 42048  
personal consumer via the holder of an H permit. Prior to sending 42049  
a shipment of wine to a personal consumer, the holder of an S 42050  
permit, or an employee of the permit holder, shall make a bona 42051  
fide effort to ensure that the personal consumer is at least 42052  
twenty-one years of age. The shipment of wine shall be shipped in 42053  
a package that clearly has written on it in bold print the words 42054  
"alcohol enclosed." No person shall fail to comply with division 42055  
(C)(1) of this section. 42056

(2) Upon delivering a shipment of wine to a personal 42057  
consumer, the holder of the H permit, or an employee of the permit 42058  
holder, shall verify that the personal consumer is at least 42059  
twenty-one years of age by checking the personal consumer's 42060  
driver's or commercial driver's license or identification card 42061  
issued under sections 4507.50 to 4507.52 of the Revised Code. 42062

(3) The holder of an S permit shall keep a record of each 42063  
shipment of wine that the permit holder sends to a personal 42064  
consumer. The records shall be used for all of the following: 42065

(a) To provide a copy of each wine shipment invoice to the 42066  
tax commissioner in a manner prescribed by the commissioner. The 42067  
invoice shall include the name of each personal consumer that 42068  
purchased wine from the S permit holder in accordance with this 42069

section and any other information required by the tax commissioner. 42070  
42071

(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. 42072  
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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. 42081  
42082  
42083

(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, and intends to use wine purchased in accordance with this section for personal consumption only and not for resale or other commercial purposes. 42084  
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Sec. 4303.233. No family household shall purchase more than twenty-four cases of nine-liter bottles of wine in one year. 42090  
42091

**Sec. 4503.06.** (A) The owner of each manufactured or mobile home that has acquired situs in this state shall pay either a real property tax pursuant to Title LVII of the Revised Code or a manufactured home tax pursuant to division (C) of this section. 42092  
42093  
42094  
42095

(B) The owner of a manufactured or mobile home shall pay real property taxes if either of the following applies: 42096  
42097

(1) The manufactured or mobile home acquired situs in the state or ownership in the home was transferred on or after January 42098  
42099

1, 2000, and all of the following apply:	42100
(a) The home is affixed to a permanent foundation as defined	42101
in division (C)(5) of section 3781.06 of the Revised Code.	42102
(b) The home is located on land that is owned by the owner of	42103
the home.	42104
(c) The certificate of title has been inactivated by the	42105
clerk of the court of common pleas that issued it, pursuant to	42106
division (H) of section 4505.11 of the Revised Code.	42107
(2) The manufactured or mobile home acquired situs in the	42108
state or ownership in the home was transferred before January 1,	42109
2000, and all of the following apply:	42110
(a) The home is affixed to a permanent foundation as defined	42111
in division (C)(5) of section 3781.06 of the Revised Code.	42112
(b) The home is located on land that is owned by the owner of	42113
the home.	42114
(c) The owner of the home has elected to have the home taxed	42115
as real property and, pursuant to section 4505.11 of the Revised	42116
Code, has surrendered the certificate of title to the auditor of	42117
the county containing the taxing district in which the home has	42118
its situs, together with proof that all taxes have been paid.	42119
(d) The county auditor has placed the home on the real	42120
property tax list and delivered the certificate of title to the	42121
clerk of the court of common pleas that issued it and the clerk	42122
has inactivated the certificate.	42123
(C)(1) Any mobile or manufactured home that is not taxed as	42124
real property as provided in division (B) of this section is	42125
subject to an annual manufactured home tax, payable by the owner,	42126
for locating the home in this state. The tax as levied in this	42127
section is for the purpose of supplementing the general revenue	42128
funds of the local subdivisions in which the home has its situs	42129

pursuant to this section. 42130

(2) The year for which the manufactured home tax is levied 42131  
commences on the first day of January and ends on the following 42132  
thirty-first day of December. The state shall have the first lien 42133  
on any manufactured or mobile home on the list for the amount of 42134  
taxes, penalties, and interest charged against the owner of the 42135  
home under this section. The lien of the state for the tax for a 42136  
year shall attach on the first day of January to a home that has 42137  
acquired situs on that date. The lien for a home that has not 42138  
acquired situs on the first day of January, but that acquires 42139  
situs during the year, shall attach on the next first day of 42140  
January. The lien shall continue until the tax, including any 42141  
penalty or interest, is paid. 42142

(3)(a) The situs of a manufactured or mobile home located in 42143  
this state on the first day of January is the local taxing 42144  
district in which the home is located on that date. 42145

(b) The situs of a manufactured or mobile home not located in 42146  
this state on the first day of January, but located in this state 42147  
subsequent to that date, is the local taxing district in which the 42148  
home is located thirty days after it is acquired or first enters 42149  
this state. 42150

(4) The tax is collected by and paid to the county treasurer 42151  
of the county containing the taxing district in which the home has 42152  
its situs. 42153

(D) The manufactured home tax shall be computed and assessed 42154  
by the county auditor of the county containing the taxing district 42155  
in which the home has its situs as follows: 42156

(1) On a home that acquired situs in this state prior to 42157  
January 1, 2000: 42158

(a) By multiplying the assessable value of the home by the 42159  
tax rate of the taxing district in which the home has its situs, 42160

and deducting from the product thus obtained any reduction 42161  
authorized under section 4503.065 of the Revised Code. The tax 42162  
levied under this formula shall not be less than thirty-six 42163  
dollars, unless the home qualifies for a reduction in assessable 42164  
value under section 4503.065 of the Revised Code, in which case 42165  
there shall be no minimum tax and the tax shall be the amount 42166  
calculated under this division. 42167

(b) The assessable value of the home shall be forty per cent 42168  
of the amount arrived at by the following computation: 42169

(i) If the cost to the owner, or market value at time of 42170  
purchase, whichever is greater, of the home includes the 42171  
furnishings and equipment, such cost or market value shall be 42172  
multiplied according to the following schedule: 42173

For the first calendar year			42174
in which the			42175
home is owned by the			42176
current owner	x	80%	42177
2nd calendar year	x	75%	42178
3rd "	x	70%	42179
4th "	x	65%	42180
5th "	x	60%	42181
6th "	x	55%	42182
7th "	x	50%	42183
8th "	x	45%	42184
9th "	x	40%	42185
10th and each year thereafter	x	35%	42186

The first calendar year means any period between the first 42187  
day of January and the thirty-first day of December of the first 42188  
year. 42189

(ii) If the cost to the owner, or market value at the time of 42190  
purchase, whichever is greater, of the home does not include the 42191  
furnishings and equipment, such cost or market value shall be 42192

multiplied according to the following schedule:			42193
For the first calendar year			42194
in which the			42195
home is owned by the			42196
current owner	x	95%	42197
2nd calendar year	x	90%	42198
3rd "	x	85%	42199
4th "	x	80%	42200
5th "	x	75%	42201
6th "	x	70%	42202
7th "	x	65%	42203
8th "	x	60%	42204
9th "	x	55%	42205
10th and each year thereafter	x	50%	42206
The first calendar year means any period between the first			42207
day of January and the thirty-first day of December of the first			42208
year.			42209
(2) On a home in which ownership was transferred or that			42210
first acquired situs in this state on or after January 1, 2000:			42211
(a) By multiplying the assessable value of the home by the			42212
effective tax rate, as defined in section 323.08 of the Revised			42213
Code, for residential real property of the taxing district in			42214
which the home has its situs, and deducting from the product thus			42215
obtained the reductions required or authorized under section			42216
319.302, division (B) of section 323.152, or section 4503.065 of			42217
the Revised Code.			42218
(b) The assessable value of the home shall be thirty-five per			42219
cent of its true value as determined under division (L) of this			42220
section.			42221
(3) On or before the fifteenth day of January each year, the			42222
county auditor shall record the assessable value and the amount of			42223

tax on the manufactured or mobile home on the tax list and deliver 42224  
a duplicate of the list to the county treasurer. In the case of an 42225  
emergency as defined in section 323.17 of the Revised Code, the 42226  
tax commissioner, by journal entry, may extend the times for 42227  
delivery of the duplicate for an additional fifteen days upon 42228  
receiving a written application from the county auditor regarding 42229  
an extension for the delivery of the duplicate, or from the county 42230  
treasurer regarding an extension of the time for the billing and 42231  
collection of taxes. The application shall contain a statement 42232  
describing the emergency that will cause the unavoidable delay and 42233  
must be received by the tax commissioner on or before the last day 42234  
of the month preceding the day delivery of the duplicate is 42235  
otherwise required. When an extension is granted for delivery of 42236  
the duplicate, the time period for payment of taxes shall be 42237  
extended for a like period of time. When a delay in the closing of 42238  
a tax collection period becomes unavoidable, the tax commissioner, 42239  
upon application by the county auditor and county treasurer, may 42240  
order the time for payment of taxes to be extended if the tax 42241  
commissioner determines that penalties have accrued or would 42242  
otherwise accrue for reasons beyond the control of the taxpayers 42243  
of the county. The order shall prescribe the final extended date 42244  
for payment of taxes for that collection period. 42245

(4) After January 1, 1999, the owner of a manufactured or 42246  
mobile home taxed pursuant to division (D)(1) of this section may 42247  
elect to have the home taxed pursuant to division (D)(2) of this 42248  
section by filing a written request with the county auditor of the 42249  
taxing district in which the home is located on or before the 42250  
first day of December of any year. Upon the filing of the request, 42251  
the county auditor shall determine whether all taxes levied under 42252  
division (D)(1) of this section have been paid, and if those taxes 42253  
have been paid, the county auditor shall tax the manufactured or 42254  
mobile home pursuant to division (D)(2) of this section commencing 42255  
in the next tax year. 42256

(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 amount due at the time of the second tax collection. The second half tax bill shall be mailed or delivered at least twenty days prior to the close of the second half tax collection period. A change in the mailing address of any tax bill shall be made in writing to the county treasurer. Failure to receive a bill required by this section does not excuse failure or delay to pay any taxes shown on the bill or, except as provided in division (B)(1) of section 5715.39 of the Revised Code, avoid any penalty, interest, or charge for such delay.

(b) After delivery of the copy of the delinquent manufactured home tax list under division (H) of this section, the county treasurer may prepare and mail to each person in whose name a home is listed an additional tax bill showing the total amount of delinquent taxes charged against the home as shown on the list. The tax bill shall include a notice that the interest charge

prescribed by division (G) of this section has begun to accrue. 42289

(7) Each tax bill prepared and mailed or delivered under 42290  
division (D)(6) of this section shall be in the form and contain 42291  
the information required by the tax commissioner. The commissioner 42292  
may prescribe different forms for each county and may authorize 42293  
the county auditor to make up tax bills and tax receipts to be 42294  
used by the county treasurer. The tax bill shall not contain or be 42295  
mailed or delivered with any information or material that is not 42296  
required by this section or that is not authorized by section 42297  
321.45 of the Revised Code or by the tax commissioner. In addition 42298  
to the information required by the commissioner, each tax bill 42299  
shall contain the following information: 42300

(a) The taxes levied and the taxes charged and payable 42301  
against the manufactured or mobile home; 42302

(b) The following notice: "Notice: If the taxes are not paid 42303  
within sixty days after the county auditor delivers the delinquent 42304  
manufactured home tax list to the county treasurer, you and your 42305  
home may be subject to collection proceedings for tax 42306  
delinquency." Failure to provide such notice has no effect upon 42307  
the validity of any tax judgment to which a home may be subjected. 42308

(c) In the case of manufactured or mobile homes taxed under 42309  
division (D)(2) of this section, the following additional 42310  
information: 42311

(i) The effective tax rate. The words "effective tax rate" 42312  
shall appear in boldface type. 42313

(ii) The following notice: "Notice: If the taxes charged 42314  
against this home have been reduced by the 2-1/2 per cent tax 42315  
reduction for residences occupied by the owner but the home is not 42316  
a residence occupied by the owner, the owner must notify the 42317  
county auditor's office not later than March 31 of the year for 42318  
which the taxes are due. Failure to do so may result in the owner 42319

being convicted of a fourth degree misdemeanor, which is 42320  
punishable by imprisonment up to 30 days, a fine up to \$250, or 42321  
both, and in the owner having to repay the amount by which the 42322  
taxes were erroneously or illegally reduced, plus any interest 42323  
that may apply. 42324

If the taxes charged against this home have not been reduced 42325  
by the 2-1/2 per cent tax reduction and the home is a residence 42326  
occupied by the owner, the home may qualify for the tax reduction. 42327  
To obtain an application for the tax reduction or further 42328  
information, the owner may contact the county auditor's office at 42329  
..... (insert the address and telephone number of the county 42330  
auditor's office)." 42331

(E)(1) A manufactured or mobile home is not subject to this 42332  
section when any of the following applies: 42333

(a) It is taxable as personal property pursuant to section 42334  
5709.01 of the Revised Code. Any manufactured or mobile home that 42335  
is used as a residence shall be subject to this section and shall 42336  
not be taxable as personal property pursuant to section 5709.01 of 42337  
the Revised Code. 42338

(b) It bears a license plate issued by any state other than 42339  
this state unless the home is in this state in excess of an 42340  
accumulative period of thirty days in any calendar year. 42341

(c) The annual tax has been paid on the home in this state 42342  
for the current year. 42343

(d) The tax commissioner has determined, pursuant to section 42344  
5715.27 of the Revised Code, that the property is exempt from 42345  
taxation, or would be exempt from taxation under Chapter 5709. of 42346  
the Revised Code if it were classified as real property. 42347

(2) A travel trailer or park trailer, as these terms are 42348  
defined in section 4501.01 of the Revised Code, is not subject to 42349  
this section if it is unused or unoccupied and stored at the 42350

owner's normal place of residence or at a recognized storage facility. 42351  
42352

(3) A travel trailer or park trailer, as these terms are defined in section 4501.01 of the Revised Code, is subject to this section and shall be taxed as a manufactured or mobile home if it has a situs longer than thirty days in one location and is connected to existing utilities, unless either of the following applies: 42353  
42354  
42355  
42356  
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42358

(a) The situs is in a state facility or a camping or park area as defined in division (C), (Q), (S), or (V) of section 3729.01 of the Revised Code. 42359  
42360  
42361

(b) The situs is in a camping or park area that is a tract of land that has been limited to recreational use by deed or zoning restrictions and subdivided for sale of five or more individual lots for the express or implied purpose of occupancy by either self-contained recreational vehicles as defined in division (T) of section 3729.01 of the Revised Code or by dependent recreational vehicles as defined in division (D) of section 3729.01 of the Revised Code. 42362  
42363  
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(F) Except as provided in division (D)(3) of this section, the manufactured home tax is due and payable as follows: 42370  
42371

(1) When a manufactured or mobile home has a situs in this state, as provided in this section, on the first day of January, one-half of the amount of the tax is due and payable on or before the first day of March and the balance is due and payable on or before the thirty-first day of July. At the option of the owner of the home, the tax for the entire year may be paid in full on the first day of March. 42372  
42373  
42374  
42375  
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42378

(2) When a manufactured or mobile home first acquires a situs in this state after the first day of January, no tax is due and payable for that year. 42379  
42380  
42381

(G)(1)(a) Except as otherwise provided in division (G)(1)(b) 42382  
of this section, if one-half of the current taxes charged under 42383  
this section against a manufactured or mobile home, together with 42384  
the full amount of any delinquent taxes, are not paid on or before 42385  
the first day of March in that year, or on or before the last day 42386  
for such payment as extended pursuant to section 4503.063 of the 42387  
Revised Code, a penalty of ten per cent shall be charged against 42388  
the unpaid balance of such half of the current taxes. If the total 42389  
amount of all such taxes is not paid on or before the thirty-first 42390  
day of July, next thereafter, or on or before the last day for 42391  
payment as extended pursuant to section 4503.063 of the Revised 42392  
Code, a like penalty shall be charged on the balance of the total 42393  
amount of the unpaid current taxes. 42394

(b) After a valid delinquent tax contract that includes 42395  
unpaid current taxes from a first-half collection period described 42396  
in division (F) of this section has been entered into under 42397  
section 323.31 of the Revised Code, no ten per cent penalty shall 42398  
be charged against such taxes after the second-half collection 42399  
period while the delinquent tax contract remains in effect. On the 42400  
day a delinquent tax contract becomes void, the ten per cent 42401  
penalty shall be charged against such taxes and shall equal the 42402  
amount of penalty that would have been charged against unpaid 42403  
current taxes outstanding on the date on which the second-half 42404  
penalty would have been charged thereon under division (G)(1)(a) 42405  
of this section if the contract had not been in effect. 42406

(2)(a) On the first day of the month following the last day 42407  
the second installment of taxes may be paid without penalty 42408  
beginning in 2000, interest shall be charged against and computed 42409  
on all delinquent taxes other than the current taxes that became 42410  
delinquent taxes at the close of the last day such second 42411  
installment could be paid without penalty. The charge shall be for 42412  
interest that accrued during the period that began on the 42413

preceding first day of December and ended on the last day of the 42414  
month that included the last date such second installment could be 42415  
paid without penalty. The interest shall be computed at the rate 42416  
per annum prescribed by section 5703.47 of the Revised Code and 42417  
shall be entered as a separate item on the delinquent manufactured 42418  
home tax list compiled under division (H) of this section. 42419

(b) On the first day of December beginning in 2000, the 42420  
interest shall be charged against and computed on all delinquent 42421  
taxes. The charge shall be for interest that accrued during the 42422  
period that began on the first day of the month following the last 42423  
date prescribed for the payment of the second installment of taxes 42424  
in the current year and ended on the immediately preceding last 42425  
day of November. The interest shall be computed at the rate per 42426  
annum prescribed by section 5703.47 of the Revised Code and shall 42427  
be entered as a separate item on the delinquent manufactured home 42428  
tax list. 42429

(c) After a valid undertaking has been entered into for the 42430  
payment of any delinquent taxes, no interest shall be charged 42431  
against such delinquent taxes while the undertaking remains in 42432  
effect in compliance with section 323.31 of the Revised Code. If a 42433  
valid undertaking becomes void, interest shall be charged against 42434  
the delinquent taxes for the periods that interest was not 42435  
permitted to be charged while the undertaking was in effect. The 42436  
interest shall be charged on the day the undertaking becomes void 42437  
and shall equal the amount of interest that would have been 42438  
charged against the unpaid delinquent taxes outstanding on the 42439  
dates on which interest would have been charged thereon under 42440  
divisions (G)(1) and (2) of this section had the undertaking not 42441  
been in effect. 42442

(3) If the full amount of the taxes due at either of the 42443  
times prescribed by division (F) of this section is paid within 42444  
ten days after such time, the county treasurer shall waive the 42445

collection of and the county auditor shall remit one-half of the 42446  
penalty provided for in this division for failure to make that 42447  
payment by the prescribed time. 42448

(4) The treasurer shall compile and deliver to the county 42449  
auditor a list of all tax payments the treasurer has received as 42450  
provided in division (G)(3) of this section. The list shall 42451  
include any information required by the auditor for the remission 42452  
of the penalties waived by the treasurer. The taxes so collected 42453  
shall be included in the settlement next succeeding the settlement 42454  
then in process. 42455

(H)(1) Beginning in 2000, the county auditor shall compile 42456  
annually a "delinquent manufactured home tax list" consisting of 42457  
homes the county treasurer's records indicate have taxes that were 42458  
not paid within the time prescribed by divisions (D)(3) and (F) of 42459  
this section, have taxes that remain unpaid from prior years, or 42460  
have unpaid tax penalties or interest that have been assessed. 42461

(2) Within thirty days after the settlement under division 42462  
(H)(2) of section 321.24 of the Revised Code beginning in 2000, 42463  
the county auditor shall deliver a copy of the delinquent 42464  
manufactured home tax list to the county treasurer. The auditor 42465  
shall update and publish the delinquent manufactured home tax list 42466  
annually in the same manner as delinquent real property tax lists 42467  
are published. The county auditor shall apportion the cost of 42468  
publishing the list among taxing districts in proportion to the 42469  
amount of delinquent manufactured home taxes so published that 42470  
each taxing district is entitled to receive upon collection of 42471  
those taxes. 42472

(3) When taxes, penalties, or interest are charged against a 42473  
person on the delinquent manufactured home tax list and are not 42474  
paid within sixty days after the list is delivered to the county 42475  
treasurer, the county treasurer shall, in addition to any other 42476  
remedy provided by law for the collection of taxes, penalties, and 42477

interest, enforce collection of such taxes, penalties, and 42478  
interest by civil action in the name of the treasurer against the 42479  
owner for the recovery of the unpaid taxes following the 42480  
procedures for the recovery of delinquent real property taxes in 42481  
sections 323.25 to 323.28 of the Revised Code. The action may be 42482  
brought in municipal or county court, provided the amount charged 42483  
does not exceed the monetary limitations for original jurisdiction 42484  
for civil actions in those courts. 42485

It is sufficient, having made proper parties to the suit, for 42486  
the county treasurer to allege in the treasurer's bill of 42487  
particulars or petition that the taxes stand chargeable on the 42488  
books of the county treasurer against such person, that they are 42489  
due and unpaid, and that such person is indebted in the amount of 42490  
taxes appearing to be due the county. The treasurer need not set 42491  
forth any other matter relating thereto. If it is found on the 42492  
trial of the action that the person is indebted to the state, 42493  
judgment shall be rendered in favor of the county treasurer 42494  
prosecuting the action. The judgment debtor is not entitled to the 42495  
benefit of any law for stay of execution or exemption of property 42496  
from levy or sale on execution in the enforcement of the judgment. 42497

Upon the filing of an entry of confirmation of sale or an 42498  
order of forfeiture in a proceeding brought under this division, 42499  
title to the manufactured or mobile home shall be in the 42500  
purchaser. The clerk of courts shall issue a certificate of title 42501  
to the purchaser upon presentation of proof of filing of the entry 42502  
of confirmation or order and, in the case of a forfeiture, 42503  
presentation of the county auditor's certificate of sale. 42504

(I) The total amount of taxes collected shall be distributed 42505  
in the following manner: four per cent shall be allowed as 42506  
compensation to the county auditor for the county auditor's 42507  
service in assessing the taxes; two per cent shall be allowed as 42508  
compensation to the county treasurer for the services the county 42509

treasurer renders as a result of the tax levied by this section. 42510  
Such amounts shall be paid into the county treasury, to the credit 42511  
of the county general revenue fund, on the warrant of the county 42512  
auditor. Fees to be paid to the credit of the real estate 42513  
assessment fund shall be collected pursuant to division ~~(B)~~(C) of 42514  
section 319.54 of the Revised Code and paid into the county 42515  
treasury, on the warrant of the county auditor. The balance of the 42516  
taxes collected shall be distributed among the taxing subdivisions 42517  
of the county in which the taxes are collected and paid in the 42518  
same ratio as those taxes were collected for the benefit of the 42519  
taxing subdivision. The taxes levied and revenues collected under 42520  
this section shall be in lieu of any general property tax and any 42521  
tax levied with respect to the privilege of using or occupying a 42522  
manufactured or mobile home in this state except as provided in 42523  
sections 4503.04 and 5741.02 of the Revised Code. 42524

(J) An agreement to purchase or a bill of sale for a 42525  
manufactured home shall show whether or not the furnishings and 42526  
equipment are included in the purchase price. 42527

(K) If the county treasurer and the county prosecuting 42528  
attorney agree that an item charged on the delinquent manufactured 42529  
home tax list is uncollectible, they shall certify that 42530  
determination and the reasons to the county board of revision. If 42531  
the board determines the amount is uncollectible, it shall certify 42532  
its determination to the county auditor, who shall strike the item 42533  
from the list. 42534

(L)(1) The county auditor shall appraise at its true value 42535  
any manufactured or mobile home in which ownership is transferred 42536  
or which first acquires situs in this state on or after January 1, 42537  
2000, and any manufactured or mobile home the owner of which has 42538  
elected, under division (D)(4) of this section, to have the home 42539  
taxed under division (D)(2) of this section. The true value shall 42540  
include the value of the home, any additions, and any fixtures, 42541

but not any furnishings in the home. In determining the true value 42542  
of a manufactured or mobile home, the auditor shall consider all 42543  
facts and circumstances relating to the value of the home, 42544  
including its age, its capacity to function as a residence, any 42545  
obsolete characteristics, and other factors that may tend to prove 42546  
its true value. 42547

(2)(a) If a manufactured or mobile home has been the subject 42548  
of an arm's length sale between a willing seller and a willing 42549  
buyer within a reasonable length of time prior to the 42550  
determination of true value, the county auditor shall consider the 42551  
sale price of the home to be the true value for taxation purposes. 42552

(b) The sale price in an arm's length transaction between a 42553  
willing seller and a willing buyer shall not be considered the 42554  
true value of the home if either of the following occurred after 42555  
the sale: 42556

(i) The home has lost value due to a casualty. 42557

(ii) An addition or fixture has been added to the home. 42558

(3) The county auditor shall have each home viewed and 42559  
appraised at least once in each six-year period in the same year 42560  
in which real property in the county is appraised pursuant to 42561  
Chapter 5713. of the Revised Code, and shall update the appraised 42562  
values in the third calendar year following the appraisal. The 42563  
person viewing or appraising a home may enter the home to 42564  
determine by actual view any additions or fixtures that have been 42565  
added since the last appraisal. In conducting the appraisals and 42566  
establishing the true value, the auditor shall follow the 42567  
procedures set forth for appraising real property in sections 42568  
5713.01 and 5713.03 of the Revised Code. 42569

(4) The county auditor shall place the true value of each 42570  
home on the manufactured home tax list upon completion of an 42571  
appraisal. 42572

(5)(a) If the county auditor changes the true value of a home, the auditor shall notify the owner of the home in writing, delivered by mail or in person. The notice shall be given at least thirty days prior to the issuance of any tax bill that reflects the change. Failure to receive the notice does not invalidate any proceeding under this section.

(b) Any owner of a home or any other person or party listed in division (A)(1) of section 5715.19 of the Revised Code may file a complaint against the true value of the home as appraised under this section. The complaint shall be filed with the county auditor on or before the thirty-first day of March of the current tax year or the date of closing of the collection for the first half of manufactured home taxes for the current tax year, whichever is later. The auditor shall present to the county board of revision all complaints filed with the auditor under this section. The board shall hear and investigate the complaint and may take action on it as provided under sections 5715.11 to 5715.19 of the Revised Code.

(c) If the county board of revision determines, pursuant to a complaint against the valuation of a manufactured or mobile home filed under this section, that the amount of taxes, assessments, or other charges paid was in excess of the amount due based on the valuation as finally determined, then the overpayment shall be refunded in the manner prescribed in section 5715.22 of the Revised Code.

(d) Payment of all or part of a tax under this section for any year for which a complaint is pending before the county board of revision does not abate the complaint or in any way affect the hearing and determination thereof.

(M) If the county auditor determines that any tax or other charge or any part thereof has been erroneously charged as a result of a clerical error as defined in section 319.35 of the

Revised Code, the county auditor shall call the attention of the county board of revision to the erroneous charges. If the board finds that the taxes or other charges have been erroneously charged or collected, it shall certify the finding to the auditor. Upon receipt of the certification, the auditor shall remove the erroneous charges on the manufactured home tax list or delinquent manufactured home tax list in the same manner as is prescribed in section 319.35 of the Revised Code for erroneous charges against real property, and refund any erroneous charges that have been collected, with interest, in the same manner as is prescribed in section 319.36 of the Revised Code for erroneous charges against real property.

(N) As used in this section and section 4503.061 of the Revised Code:

(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 42636  
prescribed for payment of the second installment of current taxes 42637  
without penalty, whether or not they have been certified 42638  
delinquent, including any penalties or interest. 42639

**Sec. 4503.061.** (A) All manufactured and mobile homes shall be 42640  
listed on either the real property tax list or the manufactured 42641  
home tax list of the county in which the home has situs. Each 42642  
owner shall follow the procedures in this section to identify the 42643  
home to the county auditor of the county containing the taxing 42644  
district in which the home has situs so that the auditor may place 42645  
the home on the appropriate tax list. 42646

(B) When a manufactured or mobile home first acquires situs 42647  
in this state and is subject to real property taxation pursuant to 42648  
division (B)(1) or (2) of section 4503.06 of the Revised Code, the 42649  
owner shall present to the auditor of the county containing the 42650  
taxing district in which the home has its situs the certificate of 42651  
title for the home, together with proof that all taxes due have 42652  
been paid and proof that a relocation notice was obtained for the 42653  
home if required under this section. Upon receiving the 42654  
certificate of title and the required proofs, the auditor shall 42655  
place the home on the real property tax list and proceed to treat 42656  
the home as other properties on that list. After the auditor has 42657  
placed the home on the tax list of real and public utility 42658  
property, the auditor shall deliver the certificate of title to 42659  
the clerk of the court of common pleas that issued it pursuant to 42660  
section 4505.11 of the Revised Code, and the clerk shall 42661  
inactivate the certificate of title. 42662

(C)(1) When a manufactured or mobile home subject to a 42663  
manufactured home tax is relocated to or first acquires situs in 42664  
any county that has adopted a permanent manufactured home 42665  
registration system, as provided in division (F) of this section, 42666

the owner, within thirty days after the home is relocated or first 42667  
acquires situs under section 4503.06 of the Revised Code, shall 42668  
register the home with the county auditor of the county containing 42669  
the taxing district in which the home has its situs. For the first 42670  
registration in each county of situs, the owner or vendee in 42671  
possession shall present to the county auditor an Ohio certificate 42672  
of title, certified copy of the certificate of title, or 42673  
memorandum certificate of title as such are required by law, and 42674  
proof, as required by the county auditor, that the home, if it has 42675  
previously been occupied and is being relocated, has been 42676  
previously registered, that all taxes due and required to be paid 42677  
under division (H)(1) of this section before a relocation notice 42678  
may be issued have been paid, and that a relocation notice was 42679  
obtained for the home if required by division (H) of this section. 42680  
If the owner or vendee does not possess the Ohio certificate of 42681  
title, certified copy of the certificate of title, or memorandum 42682  
certificate of title at the time the owner or vendee first 42683  
registers the home in a county, the county auditor shall register 42684  
the home without presentation of the document, but the owner or 42685  
vendee shall present the certificate of title, certified copy of 42686  
the certificate of title, or memorandum certificate of title to 42687  
the county auditor within fourteen days after the owner or vendee 42688  
obtains possession of the document. 42689

(2) When a manufactured or mobile home is registered for the 42690  
first time in a county and when the total tax due has been paid as 42691  
required by division (F) of section 4503.06 of the Revised Code or 42692  
divisions (E) and (H) of this section, the county treasurer shall 42693  
note by writing or by a stamp on the certificate of title, 42694  
certified copy of certificate of title, or memorandum certificate 42695  
of title that the home has been registered and that the taxes due, 42696  
if any, have been paid for the preceding five years and for the 42697  
current year. The treasurer shall then issue a certificate 42698  
evidencing registration and a decal to be displayed on the street 42699

side of the home. The certificate is valid in any county in this 42700  
state during the year for which it is issued. 42701

(3) For each year thereafter, the county treasurer shall 42702  
issue a tax bill stating the amount of tax due under section 42703  
4503.06 of the Revised Code, as provided in division (D)(6) of 42704  
that section. When the total tax due has been paid as required by 42705  
division (F) of that section, the county treasurer shall issue a 42706  
certificate evidencing registration that shall be valid in any 42707  
county in this state during the year for which the certificate is 42708  
issued. 42709

(4) The permanent decal issued under this division is valid 42710  
during the period of ownership, except that when a manufactured 42711  
home is relocated in another county the owner shall apply for a 42712  
new registration as required by this section and section 4503.06 42713  
of the Revised Code. 42714

(D)(1) All owners of manufactured or mobile homes subject to 42715  
the manufactured home tax being relocated to or having situs in a 42716  
county that has not adopted a permanent registration system, as 42717  
provided in division (F) of this section, shall register the home 42718  
within thirty days after the home is relocated or first acquires 42719  
situs under section 4503.06 of the Revised Code and thereafter 42720  
shall annually register the home with the county auditor of the 42721  
county containing the taxing district in which the home has its 42722  
situs. 42723

(2) Upon the annual registration, the county treasurer shall 42724  
issue a tax bill stating the amount of annual manufactured home 42725  
tax due under section 4503.06 of the Revised Code, as provided in 42726  
division (D)(6) of that section. When a manufactured or mobile 42727  
home is registered and when the tax for the current one-half year 42728  
has been paid as required by division (F) of that section, the 42729  
county treasurer shall issue a certificate evidencing registration 42730  
and a decal. The certificate and decal are valid in any county in 42731

this state during the year for which they are issued. The decal 42732  
shall be displayed on the street side of the home. 42733

(3) For the first annual registration in each county of 42734  
situs, the county auditor shall require the owner or vendee to 42735  
present an Ohio certificate of title, certified copy of the 42736  
certificate of title, or memorandum certificate of title as such 42737  
are required by law, and proof, as required by the county auditor, 42738  
that the manufactured or mobile home has been previously 42739  
registered, if such registration was required, that all taxes due 42740  
and required to be paid under division (H)(1) of this section 42741  
before a relocation notice may be issued have been paid, and that 42742  
a relocation notice was obtained for the home if required by 42743  
division (H) of this section. If the owner or vendee does not 42744  
possess the Ohio certificate of title, certified copy of the 42745  
certificate of title, or memorandum certificate of title at the 42746  
time the owner or vendee first registers the home in a county, the 42747  
county auditor shall register the home without presentation of the 42748  
document, but the owner or vendee shall present the certificate of 42749  
title, certified copy of the certificate of title, or memorandum 42750  
certificate of title to the county auditor within fourteen days 42751  
after the owner or vendee obtains possession of the document. When 42752  
the county treasurer receives the tax payment, the county 42753  
treasurer shall note by writing or by a stamp on the certificate 42754  
of title, certified copy of the certificate of title, or 42755  
memorandum certificate of title that the home has been registered 42756  
for the current year and that the manufactured home taxes due, if 42757  
any, have been paid for the preceding five years and for the 42758  
current year. 42759

(4) For subsequent annual registrations, the auditor may 42760  
require the owner or vendee in possession to present an Ohio 42761  
certificate of title, certified copy of the certificate of title, 42762  
or memorandum certificate of title to the county treasurer upon 42763

payment of the manufactured home tax that is due. 42764

(E)(1) Upon the application to transfer ownership of a 42765  
manufactured or mobile home for which manufactured home taxes are 42766  
paid pursuant to division (C) of section 4503.06 of the Revised 42767  
Code the clerk of the court of common pleas shall not issue any 42768  
certificate of title that does not contain or have attached both 42769  
of the following: 42770

(a) An endorsement of the county treasurer stating that the 42771  
home has been registered for each year of ownership and that all 42772  
manufactured home taxes imposed pursuant to section 4503.06 of the 42773  
Revised Code have been paid or that no tax is due; 42774

(b) An endorsement of the county auditor that the 42775  
manufactured home transfer tax imposed pursuant to section 322.06 42776  
of the Revised Code and any fees imposed under division ~~(F)~~(G) of 42777  
section 319.54 of the Revised Code have been paid. 42778

(2) If all the taxes have not been paid, the clerk shall 42779  
notify the vendee to contact the county treasurer of the county 42780  
containing the taxing district in which the home has its situs at 42781  
the time of the proposed transfer. The county treasurer shall then 42782  
collect all the taxes that are due for the year of the transfer 42783  
and all previous years not exceeding a total of five years. The 42784  
county treasurer shall distribute that part of the collection owed 42785  
to the county treasurer of other counties if the home had its 42786  
situs in another county during a particular year when the unpaid 42787  
tax became due and payable. The burden to prove the situs of the 42788  
home in the years that the taxes were not paid is on the 42789  
transferor of the home. Upon payment of the taxes, the county 42790  
auditor shall remove all remaining taxes from the manufactured 42791  
home tax list and the delinquent manufactured home tax list, and 42792  
the county treasurer shall release all liens for such taxes. The 42793  
clerk of courts shall issue a certificate of title, free and clear 42794  
of all liens for manufactured home taxes, to the transferee of the 42795

home. 42796

(3) Once the transfer is complete and the certificate of 42797  
title has been issued, the transferee shall register the 42798  
manufactured or mobile home pursuant to division (C) or (D) of 42799  
this section with the county auditor of the county containing the 42800  
taxing district in which the home remains after the transfer or, 42801  
if the home is relocated to another county, with the county 42802  
auditor of the county to which the home is relocated. The 42803  
transferee need not pay the annual tax for the year of acquisition 42804  
if the original owner has already paid the annual tax for that 42805  
year. 42806

(F) The county auditor may adopt a permanent registration 42807  
system and issue a permanent decal with the first registration as 42808  
prescribed by the tax commissioner. 42809

(G) When any manufactured or mobile home required to be 42810  
registered by this section is not registered, the county auditor 42811  
shall impose a penalty of one hundred dollars upon the owner and 42812  
deposit the amount to the credit of the county real estate 42813  
assessment fund to be used to pay the costs of administering this 42814  
section and section 4503.06 of the Revised Code. If unpaid, the 42815  
penalty shall constitute a lien on the home and shall be added by 42816  
the county auditor to the manufactured home tax list for 42817  
collection. 42818

(H)(1) Except as otherwise provided in this division, before 42819  
moving a manufactured or mobile home on public roads from one 42820  
address within this state to another address within or outside 42821  
this state, the owner of the home shall obtain a relocation 42822  
notice, as provided by this section, from the auditor of the 42823  
county in which the home is located if the home is currently 42824  
subject to taxation pursuant to section 4503.06 of the Revised 42825  
Code. The auditor shall charge five dollars for the notice, and 42826  
deposit the amount to the credit of the county real estate 42827

assessment fund to be used to pay the costs of administering this 42828  
section and section 4503.06 of the Revised Code. The auditor shall 42829  
not issue a relocation notice unless all taxes owed on the home 42830  
under section 4503.06 of the Revised Code that were first charged 42831  
to the home during the period of ownership of the owner seeking 42832  
the relocation notice have been paid. If the home is being moved 42833  
by a new owner of the home or by a party taking repossession of 42834  
the home, the auditor shall not issue a relocation notice unless 42835  
all of the taxes due for the preceding five years and for the 42836  
current year have been paid. A relocation notice issued by a 42837  
county auditor is valid until the last day of December of the year 42838  
in which it was issued. 42839

If the home is being moved by a sheriff, police officer, 42840  
constable, bailiff, or manufactured home park operator, as defined 42841  
in section 3733.01 of the Revised Code, or any agent of any of 42842  
these persons, for purposes of removal from a manufactured home 42843  
park and storage, sale, or destruction under section 1923.14 of 42844  
the Revised Code, the auditor shall issue a relocation notice 42845  
without requiring payment of any taxes owed on the home under 42846  
section 4503.06 of the Revised Code. 42847

(2) If a manufactured or mobile home is not yet subject to 42848  
taxation under section 4503.06 of the Revised Code, the owner of 42849  
the home shall obtain a relocation notice from the dealer of the 42850  
home. Within thirty days after the manufactured or mobile home is 42851  
purchased, the dealer of the home shall provide the auditor of the 42852  
county in which the home is to be located written notice of the 42853  
name of the purchaser of the home, the registration number or 42854  
vehicle identification number of the home, and the address or 42855  
location to which the home is to be moved. The county auditor 42856  
shall provide to each manufactured and mobile home dealer, without 42857  
charge, a supply of relocation notices to be distributed to 42858  
purchasers pursuant to this section. 42859

(3) The notice shall be in the form of a one-foot square 42860  
yellow sign with the words "manufactured home relocation notice" 42861  
printed prominently on it. The name of the owner of the home, the 42862  
home's registration number or vehicle identification number, the 42863  
county and the address or location to which the home is being 42864  
moved, and the county in which the notice is issued shall also be 42865  
entered on the notice. 42866

(4) The relocation notice must be attached to the rear of the 42867  
home when the home is being moved on a public road. Except as 42868  
provided in divisions (H)(1) and (5) of this section, no person 42869  
shall drive a motor vehicle moving a manufactured or mobile home 42870  
on a public road from one address to another address within this 42871  
state unless a relocation notice is attached to the rear of the 42872  
home. 42873

(5) If the county auditor determines that a manufactured or 42874  
mobile home has been moved without a relocation notice as required 42875  
under this division, the auditor shall impose a penalty of one 42876  
hundred dollars upon the owner of the home and upon the person who 42877  
moved the home and deposit the amount to the credit of the county 42878  
real estate assessment fund to pay the costs of administering this 42879  
section and section 4503.06 of the Revised Code. If the home was 42880  
relocated from one county in this state to another county in this 42881  
state and the county auditor of the county to which the home was 42882  
relocated imposes the penalty, that county auditor, upon 42883  
collection of the penalty, shall cause an amount equal to the 42884  
penalty to be transmitted from the county real estate assessment 42885  
fund to the county auditor of the county from which the home was 42886  
relocated, who shall deposit the amount to the credit of the 42887  
county real estate assessment fund. If the penalty on the owner is 42888  
unpaid, the penalty shall constitute a lien on the home and the 42889  
auditor shall add the penalty to the manufactured home tax list 42890  
for collection. If the county auditor determines that a dealer 42891

that has sold a manufactured or mobile home has failed to timely 42892  
provide the information required under this division, the auditor 42893  
shall impose a penalty upon the dealer in the amount of one 42894  
hundred dollars. The penalty shall be credited to the county real 42895  
estate assessment fund and used to pay the costs of administering 42896  
this section and section 4503.06 of the Revised Code. 42897

(I) Whoever violates division (H)(4) of this section is 42898  
guilty of a minor misdemeanor. 42899

**Sec. 4503.064.** As used in sections 4503.064 to 4503.069 of 42900  
the Revised Code: 42901

(A) "Sixty-five years of age or older" means a person who 42902  
will be age sixty-five or older in the calendar year following the 42903  
year of application for reduction in the assessable value of the 42904  
person's manufactured or mobile home. 42905

~~(B) "Total income" means the adjusted gross income of the 42906  
owner and the owner's spouse for the year preceding the year in 42907  
which application for a reduction in taxes is made, as determined 42908  
under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 42909  
U.S.C.A. 1, as amended, adjusted as follows: 42910~~

~~(1) Subtract the amount of disability benefits included in 42911  
adjusted gross income but not to exceed five thousand two hundred 42912  
dollars; 42913~~

~~(2) Add old age and survivors benefits received pursuant to 42914  
the "Social Security Act" that are not included in adjusted gross 42915  
income; 42916~~

~~(3) Add retirement, pension, annuity, or other retirement 42917  
payments or benefits not included in adjusted gross income; 42918~~

~~(4) Add tier I and II railroad retirement benefits received 42919  
pursuant to the "Railroad Retirement Act," 50 Stat. 307, 45 U.S.C. 42920  
228; 42921~~

<del>(5) Add interest on federal, state, and local government obligations;</del>	42922
	42923
<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>	42924
	42925
	42926
	42927
<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 (B)(1) of this section in the current year;</del>	42928
	42929
	42930
	42931
	42932
	42933
	42934
<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 (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.</del>	42935
	42936
	42937
	42938
	42939
	42940
	42941
	42942
<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>	42943
	42944
	42945
	42946
<del>(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:</del>	42947
	42948
	42949
<del>(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</del>	42950
	42951
	42952

~~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 under division (C)(1) of this section, upon which the surviving spouse's survivors benefits are based under the social security or railroad retirement laws, except in those cases where a change in benefits would cause a reduction in income.~~

~~Survivors benefits are those described in division (C)(2)(b) of this section only if the deceased spouse received old age benefits in the year in which the deceased died. If the deceased spouse did not receive old age benefits in the year in which the deceased died, then survivors benefits are those described in division (C)(2)(a) of this section.~~

~~(D) "Permanently and totally disabled" means a person who, on the first day of January of the year of application, including late application, for reduction in the assessable value of a manufactured or mobile home, has some impairment in body or mind that makes the person unable to work at any substantially remunerative employment which the person is reasonably able to perform and which will, with reasonable probability, continue for~~

an indefinite period of at least twelve months without any present 42984  
indication of recovery therefrom or has been certified as 42985  
permanently and totally disabled by a state or federal agency 42986  
having the function of so classifying persons. 42987

~~(E)~~(C) "Homestead exemption" means the reduction in taxes 42988  
allowed under division (A) of section 323.152 of the Revised Code 42989  
for the year in which an application is filed under section 42990  
4503.066 of the Revised Code. 42991

~~(F)~~(D) "Manufactured home" has the meaning given in division 42992  
(C)(4) of section 3781.06 of the Revised Code, and includes a 42993  
structure consisting of two manufactured homes that were purchased 42994  
either together or separately and are combined to form a single 42995  
dwelling, but does not include a manufactured home that is taxed 42996  
as real property pursuant to division (B) of section 4503.06 of 42997  
the Revised Code. 42998

~~(G)~~(E) "Mobile home" has the meaning given in division (O) of 42999  
section 4501.01 of the Revised Code and includes a structure 43000  
consisting of two mobile homes that were purchased together or 43001  
separately and combined to form a single dwelling, but does not 43002  
include a mobile home that is taxed as real property pursuant to 43003  
division (B) of section 4503.06 of the Revised Code. 43004

~~(H)~~(F) "Late application" means an application filed with an 43005  
original application under division (A)(3) of section 4503.066 of 43006  
the Revised Code. 43007

**Sec. 4503.065.** (A) This section applies to any of the 43008  
following: 43009

- (1) An individual who is permanently and totally disabled; 43010
- (2) An individual who is sixty-five years of age or older; 43011
- (3) An individual who is the surviving spouse of a deceased 43012  
person who was permanently and totally disabled or sixty-five 43013

years of age or older and who applied and qualified for a 43014  
reduction in assessable value under this section in the year of 43015  
death, provided the surviving spouse is at least fifty-nine but 43016  
not sixty-five or more years of age on the date the deceased 43017  
spouse dies. 43018

(B)(1) The manufactured home tax on a manufactured or mobile 43019  
home that is paid pursuant to division (C) of section 4503.06 of 43020  
the Revised Code and that is owned and occupied as a home by an 43021  
individual whose domicile is in this state and to whom this 43022  
section applies, shall be reduced for any tax year for which the 43023  
owner obtains a certificate of reduction from the county auditor 43024  
under section 4503.067 of the Revised Code, provided the 43025  
individual did not acquire ownership from a person, other than the 43026  
individual's spouse, related by consanguinity or affinity for the 43027  
purpose of qualifying for the reduction ~~in assessable value~~. An 43028  
owner includes a settlor of a revocable inter vivos trust holding 43029  
the title to a manufactured or mobile home occupied by the settlor 43030  
as of right under the trust. ~~The~~ 43031

(1) For manufactured and mobile homes for which the tax 43032  
imposed by section 4503.06 of the Revised Code is computed under 43033  
division (D)(2) of that section, the reduction shall equal the 43034  
~~amount obtained by multiplying the tax rate for the tax year for~~ 43035  
~~which the certificate is issued by the reduction in assessable~~ 43036  
~~value shown in the following schedule.~~ 43037

	<del>Reduce Assessable Value</del>	43038
<del>Total Income</del>	<del>by the Lesser of:</del>	43039
	<del>Column A</del> <del>Column B</del>	43040
<del>\$11,900 or less</del>	<del>\$5,000 or seventy five per cent</del>	43041
<del>More than \$11,900 but not more than \$17,500</del>	<del>\$3,000 or sixty per cent</del>	43042
<del>More than \$17,500 but not more than \$23,000</del>	<del>\$1,000 or twenty five per cent</del>	43043

More than \$23,000 ~~—0—~~ 43044

~~(2) Each calendar year, the tax commissioner shall adjust the  
foregoing schedule by completing the following calculations in  
September of each year:~~ 43045  
43046  
43047

~~(a) Determine the percentage increase in the gross domestic  
product deflator determined by the bureau of economic analysis of  
the United States department of commerce from the first day of  
January of the preceding calendar year to the last day of December  
of the preceding calendar year:~~ 43048  
43049  
43050  
43051  
43052

~~(b) Multiply that percentage increase by each of the total  
income amounts, and by each dollar amount by which assessable  
value is reduced, for the ensuing tax year:~~ 43053  
43054  
43055

~~(c) Add the resulting product to each of the total income  
amounts, and to each of the dollar amounts by which assessable  
value is reduced, for the ensuing tax year:~~ 43056  
43057  
43058

~~(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:~~ 43059  
43060  
43061

~~(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.~~ 43062  
43063  
43064  
43065  
43066

~~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~~ 43067  
43068  
43069  
43070  
43071  
43072  
43073  
43074

year preceding the first tax year to which this section applies 43075  
pursuant to Section 803.06 of Am. Sub. H.B. 119 of the 127th 43076  
general assembly, if the taxpayer received a reduction for that 43077  
preceding tax year, or the product of the following: 43078

(a) Twenty-five thousand dollars of the true value of the 43079  
property in money; 43080

(b) The assessment percentage established by the tax 43081  
commissioner under division (B) of section 5715.01 of the Revised 43082  
Code, not to exceed thirty-five per cent; 43083

(c) The effective tax rate used to calculate the taxes 43084  
charged against the property for the current year, where 43085  
"effective tax rate" is defined as in section 323.08 of the 43086  
Revised Code; 43087

(d) The quantity equal to one minus the sum of the percentage 43088  
reductions in taxes received by the property for the current tax 43089  
year under section 319.302 of the Revised Code and division (B) of 43090  
section 323.152 of the Revised Code. 43091

(2) For manufactured and mobile homes for which the tax 43092  
imposed by section 4503.06 of the Revised Code is computed under 43093  
division (D)(1) of that section, the reduction shall equal the 43094  
greater of the reduction granted for the tax year preceding the 43095  
first tax year to which this section applies pursuant to Section 43096  
803.06 of Am. Sub. H.B. 119 of the 127th general assembly, if the 43097  
taxpayer received a reduction for that preceding tax year, or the 43098  
product of the following: 43099

(a) Twenty-five thousand dollars of the cost to the owner, or 43100  
the market value at the time of purchase, whichever is greater, as 43101  
those terms are used in division (D)(1) of section 4503.06 of the 43102  
Revised Code; 43103

(b) The percentage from the appropriate schedule in division 43104  
(D)(1)(b) of section 4503.06 of the Revised Code; 43105

(c) The assessment percentage of forty per cent used in 43106  
division (D)(1)(b) of section 4503.06 of the Revised Code; 43107

(d) The tax rate of the taxing district in which the home has 43108  
its situs. 43109

(C) If the owner or the spouse of the owner of a manufactured 43110  
or mobile home is eligible for a homestead exemption on the land 43111  
upon which the home is located, the reduction ~~in assessable value~~ 43112  
to which the owner or spouse is entitled under this section shall 43113  
not exceed the difference between the reduction ~~in assessable~~ 43114  
~~value~~ to which the owner or spouse is entitled under ~~column A of~~ 43115  
~~the above schedule~~ division (B) of this section and the amount of 43116  
the reduction ~~in taxable value that was used to compute~~ under the 43117  
homestead exemption. 43118

(D) No reduction shall be made ~~on the assessable value of~~ 43119  
with respect to the home of any person convicted of violating 43120  
division (C) or (D) of section 4503.066 of the Revised Code for a 43121  
period of three years following the conviction. 43122

**Sec. 4503.066.** (A)(1) To obtain a tax reduction ~~in the~~ 43123  
~~assessable value of a manufactured or mobile home~~ under section 43124  
4503.065 of the Revised Code, the owner of the home shall file an 43125  
application with the county auditor of the county in which the 43126  
home is located. An application for reduction in ~~assessable value~~ 43127  
taxes based upon a physical disability shall be accompanied by a 43128  
certificate signed by a physician, and an application for 43129  
reduction in ~~assessable value~~ taxes based upon a mental disability 43130  
shall be accompanied by a certificate signed by a physician or 43131  
psychologist licensed to practice in this state. The certificate 43132  
shall attest to the fact that the applicant is permanently and 43133  
totally disabled, shall be in a form that the department of 43134  
taxation requires, and shall include the definition of totally and 43135  
permanently disabled as set forth in section 4503.064 of the 43136

Revised Code. An application for reduction in ~~assessable value~~ taxes based upon a disability certified as permanent and total by a state or federal agency having the function of so classifying persons shall be accompanied by a certificate from that agency.

(2) Each application shall constitute a continuing application for a reduction in ~~assessable value~~ taxes for each year in which the manufactured or mobile home is occupied by the applicant ~~and in which the amount of the reduction in assessable value does not exceed either the amount or per cent of the reduction for the year in which the application was first filed.~~ Failure to receive a new application or notification under division (B) of this section after a certificate of reduction has been issued under section 4503.067 of the Revised Code is prima-facie evidence that the original applicant is entitled to the reduction ~~in assessable value~~ calculated on the basis of the information contained in the original application. The original application and any subsequent application shall be in the form of a signed statement and shall be filed not later than the first Monday in June. The statement shall be on a form, devised and supplied by the tax commissioner, that shall require no more information than is necessary to establish the applicant's eligibility for the reduction in ~~assessable value~~ taxes and the amount of the reduction to which the applicant is entitled. ~~The form shall contain a statement that signing such application constitutes a delegation of authority by the applicant to the county auditor to examine any financial records that relate to income earned by the applicant as stated on the application for the purpose of determining eligibility under, or possible violation of, division (C) or (D) of this section.~~ The form also shall contain a statement that conviction of willfully falsifying information to obtain a reduction in ~~assessable value~~ taxes or failing to comply with division (B) of this section shall result in the revocation of the right to the reduction for a period of

three years. 43170

(3) A late application for a reduction in ~~assessable value~~ 43171  
taxes for the year preceding the year for which an original 43172  
application is filed may be filed with an original application. If 43173  
the auditor determines that the information contained in the late 43174  
application is correct, the auditor shall determine both the 43175  
amount of the reduction in ~~assessable value~~ taxes to which the 43176  
applicant would have been entitled for the current tax year had 43177  
the application been timely filed and approved in the preceding 43178  
year, and the amount the taxes levied under section 4503.06 of the 43179  
Revised Code for the current year would have been reduced as a 43180  
result of the reduction in ~~assessable value~~. When an applicant is 43181  
permanently and totally disabled on the first day of January of 43182  
the year in which the applicant files a late application, the 43183  
auditor, in making the determination of the amounts of the 43184  
reduction in ~~assessable value~~ and taxes under division (A)(3) of 43185  
this section, is not required to determine that the applicant was 43186  
permanently and totally disabled on the first day of January of 43187  
the preceding year. 43188

The amount of the reduction in taxes pursuant to a late 43189  
application shall be treated as an overpayment of taxes by the 43190  
applicant. The auditor shall credit the amount of the overpayment 43191  
against the amount of the taxes or penalties then due from the 43192  
applicant, and, at the next succeeding settlement, the amount of 43193  
the credit shall be deducted from the amount of any taxes or 43194  
penalties distributable to the county or any taxing unit in the 43195  
county that has received the benefit of the taxes or penalties 43196  
previously overpaid, in proportion to the benefits previously 43197  
received. If, after the credit has been made, there remains a 43198  
balance of the overpayment, or if there are no taxes or penalties 43199  
due from the applicant, the auditor shall refund that balance to 43200  
the applicant by a warrant drawn on the county treasurer in favor 43201

of the applicant. The treasurer shall pay the warrant from the 43202  
general fund of the county. If there is insufficient money in the 43203  
general fund to make the payment, the treasurer shall pay the 43204  
warrant out of any undivided manufactured or mobile home taxes 43205  
subsequently received by the treasurer for distribution to the 43206  
county or taxing district in the county that received the benefit 43207  
of the overpaid taxes, in proportion to the benefits previously 43208  
received, and the amount paid from the undivided funds shall be 43209  
deducted from the money otherwise distributable to the county or 43210  
taxing district in the county at the next or any succeeding 43211  
distribution. At the next or any succeeding distribution after 43212  
making the refund, the treasurer shall reimburse the general fund 43213  
for any payment made from that fund by deducting the amount of 43214  
that payment from the money distributable to the county or other 43215  
taxing unit in the county that has received the benefit of the 43216  
taxes, in proportion to the benefits previously received. On the 43217  
second Monday in September of each year, the county auditor shall 43218  
certify the total amount of the reductions in taxes made in the 43219  
current year under division (A)(3) of this section to the tax 43220  
commissioner who shall treat that amount as a reduction in taxes 43221  
for the current tax year and shall make reimbursement to the 43222  
county of that amount in the manner prescribed in section 4503.068 43223  
of the Revised Code, from moneys appropriated for that purpose. 43224

(B) If in any year after an application has been filed under 43225  
division (A) of this section the owner no longer qualifies for the 43226  
reduction in ~~assessable value~~ taxes for which the owner was issued 43227  
a certificate ~~or qualifies for a reduction that is less than~~ 43228  
~~either the per cent or amount of the reduction to which the owner~~ 43229  
~~was entitled in the year the application was filed,~~ the owner 43230  
shall notify the county auditor that the owner is not qualified 43231  
for a reduction in ~~the assessable value of the home or file a new~~ 43232  
~~application under division (A) of this section~~ taxes. 43233

During January of each year, the county auditor shall furnish 43234  
each person issued a certificate of reduction ~~in value~~, by 43235  
ordinary mail, a form on which to report any ~~changes in total~~ 43236  
~~income that would have the effect of increasing or decreasing the~~ 43237  
~~reduction to which the person is entitled~~, changes in ownership of 43238  
the home, including changes in or revocation of a revocable inter 43239  
vivos trust, changes in disability, and other changes in the 43240  
information earlier furnished the auditor relative to the 43241  
application. ~~The form shall be completed and returned to the~~ 43242  
~~auditor not later than the first Monday in June if the changes~~ 43243  
~~would affect the level of reduction in assessable value.~~ 43244

(C) No person shall knowingly make a false statement for the 43245  
purpose of obtaining a reduction in ~~assessable value~~ taxes under 43246  
section 4503.065 of the Revised Code. 43247

(D) No person shall knowingly fail to notify the county 43248  
auditor of any change required by division (B) of this section 43249  
that has the effect of maintaining or securing a reduction in 43250  
~~assessable value of the home in excess of the reduction allowed~~ 43251  
taxes under section 4503.065 of the Revised Code. 43252

(E) No person shall knowingly make a false statement or 43253  
certification attesting to any person's physical or mental 43254  
condition for purposes of qualifying such person for tax relief 43255  
pursuant to sections 4503.064 to 4503.069 of the Revised Code. 43256

(F) Whoever violates division (C), (D), or (E) of this 43257  
section is guilty of a misdemeanor of the fourth degree. 43258

**Sec. 4503.067.** (A) At the same time the tax bill for the 43259  
first half of the tax year is issued, the county auditor shall 43260  
issue a certificate of reduction in ~~assessable value of~~ taxes for 43261  
a manufactured or mobile home in triplicate for each person who 43262  
has complied with section 4503.066 of the Revised Code and been 43263  
found by the auditor to be entitled to a reduction ~~of assessable~~ 43264

value in taxes for the succeeding tax year. The certificate shall 43265  
set forth the ~~assessable value of the home~~ calculated under 43266  
~~section 4503.06 of the Revised Code~~ and the amount of the 43267  
reduction in ~~assessable value of the home~~ taxes calculated under 43268  
section 4503.065 of the Revised Code. Upon issuance of the 43269  
certificate, the auditor shall reduce the ~~assessable value of~~ 43270  
manufactured home tax levied on the home for the succeeding tax 43271  
year by the required amount and forward the original and one copy 43272  
of the certificate to the county treasurer. The auditor shall 43273  
retain one copy of the certificate. The treasurer shall retain the 43274  
original certificate and forward the remaining copy to the 43275  
recipient with the tax bill delivered pursuant to division (D)(6) 43276  
of section 4503.06 of the Revised Code. 43277

(B) If the application or a continuing application is not 43278  
approved, the auditor shall notify the applicant of the reasons 43279  
for denial no later than the first Monday in October. If a person 43280  
believes that the person's application for reduction in ~~assessable~~ 43281  
~~value of a home~~ taxes has been improperly denied or is for less 43282  
than that to which the person is entitled, the person may file an 43283  
appeal with the county board of revision no later than the 43284  
thirty-first day of January of the following calendar year. The 43285  
appeal shall be treated in the same manner as a complaint relating 43286  
to the valuation or assessment of real property under Chapter 43287  
5715. of the Revised Code. 43288

**Sec. 4503.10.** (A) The owner of every snowmobile, off-highway 43289  
motorcycle, and all-purpose vehicle required to be registered 43290  
under section 4519.02 of the Revised Code shall file an 43291  
application for registration under section 4519.03 of the Revised 43292  
Code. The owner of a motor vehicle, other than a snowmobile, 43293  
off-highway motorcycle, or all-purpose vehicle, that is not 43294  
designed and constructed by the manufacturer for operation on a 43295  
street or highway may not register it under this chapter except 43296

upon certification of inspection pursuant to section 4513.02 of 43297  
the Revised Code by the sheriff, or the chief of police of the 43298  
municipal corporation or township, with jurisdiction over the 43299  
political subdivision in which the owner of the motor vehicle 43300  
resides. Except as provided in section 4503.103 of the Revised 43301  
Code, every owner of every other motor vehicle not previously 43302  
described in this section and every person mentioned as owner in 43303  
the last certificate of title of a motor vehicle that is operated 43304  
or driven upon the public roads or highways shall cause to be 43305  
filed each year, by mail or otherwise, in the office of the 43306  
registrar of motor vehicles or a deputy registrar, a written or 43307  
electronic application or a preprinted registration renewal notice 43308  
issued under section 4503.102 of the Revised Code, the form of 43309  
which shall be prescribed by the registrar, for registration for 43310  
the following registration year, which shall begin on the first 43311  
day of January of every calendar year and end on the thirty-first 43312  
day of December in the same year. Applications for registration 43313  
and registration renewal notices shall be filed at the times 43314  
established by the registrar pursuant to section 4503.101 of the 43315  
Revised Code. A motor vehicle owner also may elect to apply for or 43316  
renew a motor vehicle registration by electronic means using 43317  
electronic signature in accordance with rules adopted by the 43318  
registrar. Except as provided in division (J) of this section, 43319  
applications for registration shall be made on blanks furnished by 43320  
the registrar for that purpose, containing the following 43321  
information: 43322

(1) A brief description of the motor vehicle to be 43323  
registered, including the year, make, model, and vehicle 43324  
identification number, and, in the case of commercial cars, the 43325  
gross weight of the vehicle fully equipped computed in the manner 43326  
prescribed in section 4503.08 of the Revised Code; 43327

(2) The name and residence address of the owner, and the 43328

township and municipal corporation in which the owner resides; 43329

(3) The district of registration, which shall be determined 43330  
as follows: 43331

(a) In case the motor vehicle to be registered is used for 43332  
hire or principally in connection with any established business or 43333  
branch business, conducted at a particular place, the district of 43334  
registration is the municipal corporation in which that place is 43335  
located or, if not located in any municipal corporation, the 43336  
county and township in which that place is located. 43337

(b) In case the vehicle is not so used, the district of 43338  
registration is the municipal corporation or county in which the 43339  
owner resides at the time of making the application. 43340

(4) Whether the motor vehicle is a new or used motor vehicle; 43341

(5) The date of purchase of the motor vehicle; 43342

(6) Whether the fees required to be paid for the registration 43343  
or transfer of the motor vehicle, during the preceding 43344  
registration year and during the preceding period of the current 43345  
registration year, have been paid. Each application for 43346  
registration shall be signed by the owner, either manually or by 43347  
electronic signature, or pursuant to obtaining a limited power of 43348  
attorney authorized by the registrar for registration, or other 43349  
document authorizing such signature. If the owner elects to apply 43350  
for or renew the motor vehicle registration with the registrar by 43351  
electronic means, the owner's manual signature is not required. 43352

(7) The owner's social security number, driver's license 43353  
number, or state identification number, or, where a motor vehicle 43354  
to be registered is used for hire or principally in connection 43355  
with any established business, the owner's federal taxpayer 43356  
identification number. The bureau of motor vehicles shall retain 43357  
in its records all social security numbers provided under this 43358  
section, but the bureau shall not place social security numbers on 43359

motor vehicle certificates of registration. 43360

(B) Except as otherwise provided in this division, each time 43361  
an applicant first registers a motor vehicle in the applicant's 43362  
name, the applicant shall present for inspection a physical 43363  
certificate of title or memorandum certificate showing title to 43364  
the motor vehicle to be registered in the name of the applicant if 43365  
a physical certificate of title or memorandum certificate has been 43366  
issued by a clerk of a court of common pleas. If, under sections 43367  
4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk 43368  
instead has issued an electronic certificate of title for the 43369  
applicant's motor vehicle, that certificate may be presented for 43370  
inspection at the time of first registration in a manner 43371  
prescribed by rules adopted by the registrar. An applicant is not 43372  
required to present a certificate of title to an electronic motor 43373  
vehicle dealer acting as a limited authority deputy registrar in 43374  
accordance with rules adopted by the registrar. When a motor 43375  
vehicle inspection and maintenance program is in effect under 43376  
section 3704.14 of the Revised Code and rules adopted under it, 43377  
each application for registration for a vehicle required to be 43378  
inspected under that section and those rules shall be accompanied 43379  
by an inspection certificate for the motor vehicle issued in 43380  
accordance with that section. The application shall be refused if 43381  
any of the following applies: 43382

(1) The application is not in proper form. 43383

(2) The application is prohibited from being accepted by 43384  
division (D) of section 2935.27, division (A) of section 2937.221, 43385  
division (A) of section 4503.13, division (B) of section 4510.22, 43386  
or division (B)(1) of section 4521.10 of the Revised Code. 43387

(3) A certificate of title or memorandum certificate of title 43388  
is required but does not accompany the application or, in the case 43389  
of an electronic certificate of title, is required but is not 43390  
presented in a manner prescribed by the registrar's rules. 43391

(4) All registration and transfer fees for the motor vehicle, 43392  
for the preceding year or the preceding period of the current 43393  
registration year, have not been paid. 43394

(5) The owner or lessee does not have an inspection 43395  
certificate for the motor vehicle as provided in section 3704.14 43396  
of the Revised Code, and rules adopted under it, if that section 43397  
is applicable. 43398

This section does not require the payment of license or 43399  
registration taxes on a motor vehicle for any preceding year, or 43400  
for any preceding period of a year, if the motor vehicle was not 43401  
taxable for that preceding year or period under sections 4503.02, 43402  
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 43403  
Revised Code. When a certificate of registration is issued upon 43404  
the first registration of a motor vehicle by or on behalf of the 43405  
owner, the official issuing the certificate shall indicate the 43406  
issuance with a stamp on the certificate of title or memorandum 43407  
certificate or, in the case of an electronic certificate of title, 43408  
an electronic stamp or other notation as specified in rules 43409  
adopted by the registrar, and with a stamp on the inspection 43410  
certificate for the motor vehicle, if any. The official also shall 43411  
indicate, by a stamp or by other means the registrar prescribes, 43412  
on the registration certificate issued upon the first registration 43413  
of a motor vehicle by or on behalf of the owner the odometer 43414  
reading of the motor vehicle as shown in the odometer statement 43415  
included in or attached to the certificate of title. Upon each 43416  
subsequent registration of the motor vehicle by or on behalf of 43417  
the same owner, the official also shall so indicate the odometer 43418  
reading of the motor vehicle as shown on the immediately preceding 43419  
certificate of registration. 43420

The registrar shall include in the permanent registration 43421  
record of any vehicle required to be inspected under section 43422  
3704.14 of the Revised Code the inspection certificate number from 43423

the inspection certificate that is presented at the time of 43424  
registration of the vehicle as required under this division. 43425

(C)(1) Commencing with each registration renewal with an 43426  
expiration date on or after October 1, 2003, and for each initial 43427  
application for registration received on and after that date, the 43428  
registrar and each deputy registrar shall collect an additional 43429  
fee of eleven dollars for each application for registration and 43430  
registration renewal received. The additional fee is for the 43431  
purpose of defraying the department of public safety's costs 43432  
associated with the administration and enforcement of the motor 43433  
vehicle and traffic laws of Ohio. Each deputy registrar shall 43434  
transmit the fees collected under division (C)(1) of this section 43435  
in the time and manner provided in this section. The registrar 43436  
shall deposit all moneys received under division (C)(1) of this 43437  
section into the state highway safety fund established in section 43438  
4501.06 of the Revised Code. 43439

(2) In addition, a charge of twenty-five cents shall be made 43440  
for each reflectorized safety license plate issued, and a single 43441  
charge of twenty-five cents shall be made for each county 43442  
identification sticker or each set of county identification 43443  
stickers issued, as the case may be, to cover the cost of 43444  
producing the license plates and stickers, including material, 43445  
manufacturing, and administrative costs. Those fees shall be in 43446  
addition to the license tax. If the total cost of producing the 43447  
plates is less than twenty-five cents per plate, or if the total 43448  
cost of producing the stickers is less than twenty-five cents per 43449  
sticker or per set issued, any excess moneys accruing from the 43450  
fees shall be distributed in the same manner as provided by 43451  
section 4501.04 of the Revised Code for the distribution of 43452  
license tax moneys. If the total cost of producing the plates 43453  
exceeds twenty-five cents per plate, or if the total cost of 43454  
producing the stickers exceeds twenty-five cents per sticker or 43455

per set issued, the difference shall be paid from the license tax 43456  
moneys collected pursuant to section 4503.02 of the Revised Code. 43457

(D) Each deputy registrar shall be allowed a fee of two 43458  
dollars and seventy-five cents commencing on July 1, 2001, three 43459  
dollars and twenty-five cents commencing on January 1, 2003, and 43460  
three dollars and fifty cents commencing on January 1, 2004, for 43461  
each application for registration and registration renewal notice 43462  
the deputy registrar receives, which shall be for the purpose of 43463  
compensating the deputy registrar for the deputy registrar's 43464  
services, and such office and rental expenses, as may be necessary 43465  
for the proper discharge of the deputy registrar's duties in the 43466  
receiving of applications and renewal notices and the issuing of 43467  
registrations. 43468

(E) Upon the certification of the registrar, the county 43469  
sheriff or local police officials shall recover license plates 43470  
erroneously or fraudulently issued. 43471

(F) Each deputy registrar, upon receipt of any application 43472  
for registration or registration renewal notice, together with the 43473  
license fee and any local motor vehicle license tax levied 43474  
pursuant to Chapter 4504. of the Revised Code, shall transmit that 43475  
fee and tax, if any, in the manner provided in this section, 43476  
together with the original and duplicate copy of the application, 43477  
to the registrar. The registrar, subject to the approval of the 43478  
director of public safety, may deposit the funds collected by 43479  
those deputies in a local bank or depository to the credit of the 43480  
"state of Ohio, bureau of motor vehicles." Where a local bank or 43481  
depository has been designated by the registrar, each deputy 43482  
registrar shall deposit all moneys collected by the deputy 43483  
registrar into that bank or depository not more than one business 43484  
day after their collection and shall make reports to the registrar 43485  
of the amounts so deposited, together with any other information, 43486  
some of which may be prescribed by the treasurer of state, as the 43487

registrar may require and as prescribed by the registrar by rule. 43488  
The registrar, within three days after receipt of notification of 43489  
the deposit of funds by a deputy registrar in a local bank or 43490  
depository, shall draw on that account in favor of the treasurer 43491  
of state. The registrar, subject to the approval of the director 43492  
and the treasurer of state, may make reasonable rules necessary 43493  
for the prompt transmittal of fees and for safeguarding the 43494  
interests of the state and of counties, townships, municipal 43495  
corporations, and transportation improvement districts levying 43496  
local motor vehicle license taxes. The registrar may pay service 43497  
charges usually collected by banks and depositories for such 43498  
service. If deputy registrars are located in communities where 43499  
banking facilities are not available, they shall transmit the fees 43500  
forthwith, by money order or otherwise, as the registrar, by rule 43501  
approved by the director and the treasurer of state, may 43502  
prescribe. The registrar may pay the usual and customary fees for 43503  
such service. 43504

(G) This section does not prevent any person from making an 43505  
application for a motor vehicle license directly to the registrar 43506  
by mail, by electronic means, or in person at any of the 43507  
registrar's offices, upon payment of a service fee of two dollars 43508  
and seventy-five cents commencing on July 1, 2001, three dollars 43509  
and twenty-five cents commencing on January 1, 2003, and three 43510  
dollars and fifty cents commencing on January 1, 2004, for each 43511  
application. 43512

(H) No person shall make a false statement as to the district 43513  
of registration in an application required by division (A) of this 43514  
section. Violation of this division is falsification under section 43515  
2921.13 of the Revised Code and punishable as specified in that 43516  
section. 43517

(I)(1) Where applicable, the requirements of division (B) of 43518  
this section relating to the presentation of an inspection 43519

certificate issued under section 3704.14 of the Revised Code and 43520  
rules adopted under it for a motor vehicle, the refusal of a 43521  
license for failure to present an inspection certificate, and the 43522  
stamping of the inspection certificate by the official issuing the 43523  
certificate of registration apply to the registration of and 43524  
issuance of license plates for a motor vehicle under sections 43525  
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 43526  
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 43527  
4503.47, and 4503.51 of the Revised Code. 43528

(2)(a) The registrar shall adopt rules ensuring that each 43529  
owner registering a motor vehicle in a county where a motor 43530  
vehicle inspection and maintenance program is in effect under 43531  
section 3704.14 of the Revised Code and rules adopted under it 43532  
receives information about the requirements established in that 43533  
section and those rules and about the need in those counties to 43534  
present an inspection certificate with an application for 43535  
registration or preregistration. 43536

(b) Upon request, the registrar shall provide the director of 43537  
environmental protection, or any person that has been awarded a 43538  
contract under ~~division (D)~~ of section 3704.14 of the Revised 43539  
Code, an on-line computer data link to registration information 43540  
for all passenger cars, noncommercial motor vehicles, and 43541  
commercial cars that are subject to that section. The registrar 43542  
also shall provide to the director of environmental protection a 43543  
magnetic data tape containing registration information regarding 43544  
passenger cars, noncommercial motor vehicles, and commercial cars 43545  
for which a multi-year registration is in effect under section 43546  
4503.103 of the Revised Code or rules adopted under it, including, 43547  
without limitation, the date of issuance of the multi-year 43548  
registration, the registration deadline established under rules 43549  
adopted under section 4503.101 of the Revised Code that was 43550  
applicable in the year in which the multi-year registration was 43551

issued, and the registration deadline for renewal of the 43552  
multi-year registration. 43553

(J) Application for registration under the international 43554  
registration plan, as set forth in sections 4503.60 to 4503.66 of 43555  
the Revised Code, shall be made to the registrar on forms 43556  
furnished by the registrar. In accordance with international 43557  
registration plan guidelines and pursuant to rules adopted by the 43558  
registrar, the forms shall include the following: 43559

(1) A uniform mileage schedule; 43560

(2) The gross vehicle weight of the vehicle or combined gross 43561  
vehicle weight of the combination vehicle as declared by the 43562  
registrant; 43563

(3) Any other information the registrar requires by rule. 43564

**Sec. 4503.102.** (A) The registrar of motor vehicles shall 43565  
adopt rules to establish a centralized system of motor vehicle 43566  
registration renewal by mail or by electronic means. Any person 43567  
owning a motor vehicle that was registered in the person's name 43568  
during the preceding registration year shall renew the 43569  
registration of the motor vehicle not more than ninety days prior 43570  
to the expiration date of the registration either by mail or by 43571  
electronic means through the centralized system of registration 43572  
established under this section, or in person at any office of the 43573  
registrar or at a deputy registrar's office. 43574

(B)(1) No less than forty-five days prior to the expiration 43575  
date of any motor vehicle registration, the registrar shall mail a 43576  
renewal notice to the person in whose name the motor vehicle is 43577  
registered. The renewal notice shall clearly state that the 43578  
registration of the motor vehicle may be renewed by mail or 43579  
electronic means through the centralized system of registration or 43580  
in person at any office of the registrar or at a deputy 43581

registrar's office and shall be preprinted with information 43582  
including, but not limited to, the owner's name and residence 43583  
address as shown in the records of the bureau of motor vehicles, a 43584  
brief description of the motor vehicle to be registered, notice of 43585  
the license taxes and fees due on the motor vehicle, the toll-free 43586  
telephone number of the registrar as required under division 43587  
(D)(1) of section 4503.031 of the Revised Code, and any additional 43588  
information the registrar may require by rule. The renewal notice 43589  
shall be sent by regular mail to the owner's last known address as 43590  
shown in the records of the bureau of motor vehicles. 43591

(2) If the application for renewal of the registration of a 43592  
motor vehicle is prohibited from being accepted by the registrar 43593  
or a deputy registrar by division (D) of section 2935.27, division 43594  
(A) of section 2937.221, division (A) of section 4503.13, division 43595  
(B) of section 4510.22, or division (B)(1) of section 4521.10 of 43596  
the Revised Code, the registrar is not required to send a renewal 43597  
notice to the vehicle owner or vehicle lessee. 43598

(C) The owner of the motor vehicle shall verify the 43599  
information contained in the notice, sign it either manually or by 43600  
electronic means, and return it, either by mail or electronic 43601  
means, or the owner may take it in person to any office of the 43602  
registrar or of a deputy registrar, together with a financial 43603  
transaction device number, when permitted by rule of the 43604  
registrar, check, or money order in the amount of the registration 43605  
taxes and fees payable on the motor vehicle and a mail fee of two 43606  
dollars and seventy-five cents commencing on July 1, 2001, three 43607  
dollars and twenty-five cents commencing on January 1, 2003, and 43608  
three dollars and fifty cents commencing on January 1, 2004, plus 43609  
postage as indicated on the notice, if the registration is renewed 43610  
by mail, and an inspection certificate for the motor vehicle as 43611  
provided in section 3704.14 of the Revised Code. If the motor 43612  
vehicle owner chooses to renew the motor vehicle registration by 43613

electronic means, the owner shall proceed in accordance with the 43614  
rules the registrar adopts. 43615

(D) If all registration and transfer fees for the motor 43616  
vehicle for the preceding year or the preceding period of the 43617  
current registration year have not been paid, if division (D) of 43618  
section 2935.27, division (A) of section 2937.221, division (A) of 43619  
section 4503.13, division (B) of section 4510.22, or division 43620  
(B)(1) of section 4521.10 of the Revised Code prohibits acceptance 43621  
of the renewal notice, or if the owner or lessee does not have an 43622  
inspection certificate for the motor vehicle as provided in 43623  
section 3704.14 of the Revised Code, if that section is 43624  
applicable, the license shall be refused, and the registrar or 43625  
deputy registrar shall so notify the owner. This section does not 43626  
require the payment of license or registration taxes on a motor 43627  
vehicle for any preceding year, or for any preceding period of a 43628  
year, if the motor vehicle was not taxable for that preceding year 43629  
or period under section 4503.02, 4503.04, 4503.11, 4503.12, or 43630  
4503.16 or Chapter 4504. of the Revised Code. 43631

(E)(1) Failure to receive a renewal notice does not relieve a 43632  
motor vehicle owner from the responsibility to renew the 43633  
registration for the motor vehicle. Any person who has a motor 43634  
vehicle registered in this state and who does not receive a 43635  
renewal notice as provided in division (B) of this section prior 43636  
to the expiration date of the registration shall request an 43637  
application for registration from the registrar or a deputy 43638  
registrar and sign the application manually or by electronic means 43639  
and submit the application and pay any applicable license taxes 43640  
and fees to the registrar or deputy registrar. 43641

(2) If the owner of a motor vehicle submits an application 43642  
for registration and the registrar is prohibited by division (D) 43643  
of section 2935.27, division (A) of section 2937.221, division (A) 43644  
of section 4503.13, division (B) of section 4510.22, or division 43645

(B)(1) of section 4521.10 of the Revised Code from accepting the application, the registrar shall return the application and the payment to the owner. If the owner of a motor vehicle submits a registration renewal application to the registrar by electronic means and the registrar is prohibited from accepting the application as provided in this division, the registrar shall notify the owner of this fact and deny the application and return the payment or give a credit on the financial transaction device account of the owner in the manner the registrar prescribes by rule adopted pursuant to division (A) of this section.

(F) Every deputy registrar shall post in a prominent place at the deputy's office a notice informing the public of the mail registration system required by this section and also shall post a notice that every owner of a motor vehicle and every chauffeur holding a certificate of registration is required to notify the registrar in writing of any change of residence within ten days after the change occurs. The notice shall be in such form as the registrar prescribes by rule.

(G) The two dollars and seventy-five cents fee collected from July 1, 2001, through December 31, 2002, the three dollars and twenty-five cents fee collected from January 1, 2003, through December 31, 2003, and the three dollars and fifty cents fee collected after January 1, 2004, plus postage and any financial transaction device surcharge collected by the registrar for registration by mail, shall be paid to the credit of the state bureau of motor vehicles fund established by section 4501.25 of the Revised Code.

(H)(1) Pursuant to section 113.40 of the Revised Code, the registrar may implement a program permitting payment of motor vehicle registration taxes and fees, driver's license and commercial driver's license fees, and any other taxes, fees, penalties, or charges imposed or levied by the state by means of a

financial transaction device. The registrar may adopt rules as 43678  
necessary for this purpose. 43679

(2) Commencing with deputy registrar contract awards that 43680  
have a start date of July 1, 2008, and for all contract awards 43681  
thereafter, the registrar shall incorporate in the review process 43682  
a score for whether or not a proposer states that the proposer 43683  
will accept payment by means of a financial transaction device, 43684  
including credit cards and debit cards, for all department of 43685  
public safety transactions conducted at that deputy registrar 43686  
location. 43687

A deputy registrar shall not be required to accept payment by 43688  
means of a financial transaction device unless the deputy 43689  
registrar agreed to do so in the deputy registrar's contract. The 43690  
bureau shall not be required to pay any costs incurred by a deputy 43691  
registrar who accepts payment by means of a financial transaction 43692  
device that result from the deputy registrar accepting payment by 43693  
means of a financial transaction device. 43694

(3) A county auditor that is designated a deputy registrar 43695  
may choose to accept payment by means of a financial transaction 43696  
device, including credit cards and debit cards, for all department 43697  
of public safety transactions conducted at the office of the 43698  
county auditor in the county auditor's capacity as deputy 43699  
registrar. The bureau shall not be required to pay any costs 43700  
incurred by a county auditor who accepts payment by means of a 43701  
financial transaction device that result from the county auditor 43702  
accepting payment by means of a financial transaction device for 43703  
any such department of public safety transaction. 43704

(I) For persons who reside in counties where tailpipe 43705  
emissions inspections are required under the motor vehicle 43706  
inspection and maintenance program, the notice required by 43707  
division (B) of this section shall also include the toll-free 43708  
telephone number maintained by the Ohio environmental protection 43709

agency to provide information concerning the locations of 43710  
emissions testing centers. 43711

**Sec. 4503.35.** (A) The motor vehicles furnished by the state 43712  
for use by the elective state officials, and motor vehicles owned 43713  
and operated by political subdivisions of the state, are exempt 43714  
from section 4503.23 of the Revised Code. 43715

(B) The ~~motor~~ following vehicles are exempt from section 43716  
4503.23 of the Revised Code: 43717

(1) Motor vehicles operated by troopers of the state highway 43718  
patrol, ~~and motor;~~ 43719

(2) Motor vehicles operated by or on behalf of any person 43720  
whose responsibilities include involvement in authorized civil or 43721  
criminal investigations requiring that the presence and identity 43722  
of the vehicle occupants be undisclosed, ~~are exempt from section~~ 43723  
~~4503.23 of the Revised Code;~~ 43724

(3) Motor vehicles used to assist crime victims when a state 43725  
agency determines that the situation warrants it. 43726

**Sec. 4505.06.** (A)(1) Application for a certificate of title 43727  
shall be made in a form prescribed by the registrar of motor 43728  
vehicles and shall be sworn to before a notary public or other 43729  
officer empowered to administer oaths. The application shall be 43730  
filed with the clerk of any court of common pleas. An application 43731  
for a certificate of title may be filed electronically by any 43732  
electronic means approved by the registrar in any county with the 43733  
clerk of the court of common pleas of that county. Any payments 43734  
required by this chapter shall be considered as accompanying any 43735  
electronically transmitted application when payment actually is 43736  
received by the clerk. Payment of any fee or taxes may be made by 43737  
electronic transfer of funds. 43738

(2) The application for a certificate of title shall be 43739

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 vehicle, ownership of the motor vehicle will pass to a designated transfer-on-death beneficiary or beneficiaries, the applicant may do so as provided in section 2131.13 of the Revised Code. A person who establishes ownership of a motor vehicle that is transferable on death in accordance with section 2131.13 of the Revised Code may terminate that type of ownership or change the designation of the transfer-on-death beneficiary or beneficiaries by applying for

a certificate of title pursuant to this section. The clerk shall 43773  
retain the evidence of title presented by the applicant and on 43774  
which the certificate of title is issued, except that, if an 43775  
application for a certificate of title is filed electronically by 43776  
an electronic motor vehicle dealer on behalf of the purchaser of a 43777  
motor vehicle, the clerk shall retain the completed electronic 43778  
record to which the dealer converted the certificate of title 43779  
application and other required documents. The registrar, after 43780  
consultation with the attorney general, shall adopt rules that 43781  
govern the location at which, and the manner in which, are stored 43782  
the actual application and all other documents relating to the 43783  
sale of a motor vehicle when an electronic motor vehicle dealer 43784  
files the application for a certificate of title electronically on 43785  
behalf of the purchaser. 43786

The clerk shall use reasonable diligence in ascertaining 43787  
whether or not the facts in the application for a certificate of 43788  
title are true by checking the application and documents 43789  
accompanying it or the electronic record to which a dealer 43790  
converted the application and accompanying documents with the 43791  
records of motor vehicles in the clerk's office. If the clerk is 43792  
satisfied that the applicant is the owner of the motor vehicle and 43793  
that the application is in the proper form, the clerk, within five 43794  
business days after the application is filed and except as 43795  
provided in section 4505.021 of the Revised Code, shall issue a 43796  
physical certificate of title over the clerk's signature and 43797  
sealed with the clerk's seal, unless the applicant specifically 43798  
requests the clerk not to issue a physical certificate of title 43799  
and instead to issue an electronic certificate of title. For 43800  
purposes of the transfer of a certificate of title, if the clerk 43801  
is satisfied that the secured party has duly discharged a lien 43802  
notation but has not canceled the lien notation with a clerk, the 43803  
clerk may cancel the lien notation on the automated title 43804  
processing system and notify the clerk of the county of origin. 43805

(4) In the case of the sale of a motor vehicle to a general 43806  
buyer or user by a dealer, by a motor vehicle leasing dealer 43807  
selling the motor vehicle to the lessee or, in a case in which the 43808  
leasing dealer subleased the motor vehicle, the sublessee, at the 43809  
end of the lease agreement or sublease agreement, or by a 43810  
manufactured home broker, the certificate of title shall be 43811  
obtained in the name of the buyer by the dealer, leasing dealer, 43812  
or manufactured home broker, as the case may be, upon application 43813  
signed by the buyer. The certificate of title shall be issued, or 43814  
the process of entering the certificate of title application 43815  
information into the automated title processing system if a 43816  
physical certificate of title is not to be issued shall be 43817  
completed, within five business days after the application for 43818  
title is filed with the clerk. If the buyer of the motor vehicle 43819  
previously leased the motor vehicle and is buying the motor 43820  
vehicle at the end of the lease pursuant to that lease, the 43821  
certificate of title shall be obtained in the name of the buyer by 43822  
the motor vehicle leasing dealer who previously leased the motor 43823  
vehicle to the buyer or by the motor vehicle leasing dealer who 43824  
subleased the motor vehicle to the buyer under a sublease 43825  
agreement. 43826

In all other cases, except as provided in section 4505.032 43827  
and division (D)(2) of section 4505.11 of the Revised Code, such 43828  
certificates shall be obtained by the buyer. 43829

(5)(a)(i) If the certificate of title is being obtained in 43830  
the name of the buyer by a motor vehicle dealer or motor vehicle 43831  
leasing dealer and there is a security interest to be noted on the 43832  
certificate of title, the dealer or leasing dealer shall submit 43833  
the application for the certificate of title and payment of the 43834  
applicable tax to a clerk within seven business days after the 43835  
later of the delivery of the motor vehicle to the buyer or the 43836  
date the dealer or leasing dealer obtains the manufacturer's or 43837

importer's certificate, or certificate of title issued in the name 43838  
of the dealer or leasing dealer, for the motor vehicle. Submission 43839  
of the application for the certificate of title and payment of the 43840  
applicable tax within the required seven business days may be 43841  
indicated by postmark or receipt by a clerk within that period. 43842

(ii) Upon receipt of the certificate of title with the 43843  
security interest noted on its face, the dealer or leasing dealer 43844  
shall forward the certificate of title to the secured party at the 43845  
location noted in the financing documents or otherwise specified 43846  
by the secured party. 43847

(iii) A motor vehicle dealer or motor vehicle leasing dealer 43848  
is liable to a secured party for a late fee of ten dollars per day 43849  
for each certificate of title application and payment of the 43850  
applicable tax that is submitted to a clerk more than seven 43851  
business days but less than twenty-one days after the later of the 43852  
delivery of the motor vehicle to the buyer or the date the dealer 43853  
or leasing dealer obtains the manufacturer's or importer's 43854  
certificate, or certificate of title issued in the name of the 43855  
dealer or leasing dealer, for the motor vehicle and, from then on, 43856  
twenty-five dollars per day until the application and applicable 43857  
tax are submitted to a clerk. 43858

(b) In all cases of transfer of a motor vehicle, the 43859  
application for certificate of title shall be filed within thirty 43860  
days after the assignment or delivery of the motor vehicle. If an 43861  
application for a certificate of title is not filed within the 43862  
period specified in division (A)(5)(b) of this section, the clerk 43863  
shall collect a fee of five dollars for the issuance of the 43864  
certificate, except that no such fee shall be required from a 43865  
motor vehicle salvage dealer, as defined in division (A) of 43866  
section 4738.01 of the Revised Code, who immediately surrenders 43867  
the certificate of title for cancellation. The fee shall be in 43868  
addition to all other fees established by this chapter, and shall 43869

be retained by the clerk. The registrar shall provide, on the 43870  
certificate of title form prescribed by section 4505.07 of the 43871  
Revised Code, language necessary to give evidence of the date on 43872  
which the assignment or delivery of the motor vehicle was made. 43873

(6) As used in division (A) of this section, "lease 43874  
agreement," "lessee," and "sublease agreement" have the same 43875  
meanings as in section 4505.04 of the Revised Code. 43876

(B)(1) The clerk, except as provided in this section, shall 43877  
refuse to accept for filing any application for a certificate of 43878  
title and shall refuse to issue a certificate of title unless the 43879  
dealer or manufactured home broker or the applicant, in cases in 43880  
which the certificate shall be obtained by the buyer, submits with 43881  
the application payment of the tax levied by or pursuant to 43882  
Chapters 5739. and 5741. of the Revised Code based on the 43883  
purchaser's county of residence. Upon payment of the tax in 43884  
accordance with division (E) of this section, the clerk shall 43885  
issue a receipt prescribed by the registrar and agreed upon by the 43886  
tax commissioner showing payment of the tax or a receipt issued by 43887  
the commissioner showing the payment of the tax. When submitting 43888  
payment of the tax to the clerk, a dealer shall retain any 43889  
discount to which the dealer is entitled under section 5739.12 of 43890  
the Revised Code. 43891

(2) For receiving and disbursing such taxes paid to the clerk 43892  
by a resident of the clerk's county, the clerk may retain a 43893  
poundage fee of one and one one-hundredth per cent, and the clerk 43894  
shall pay the poundage fee into the certificate of title 43895  
administration fund created by section 325.33 of the Revised Code. 43896  
The clerk shall not retain a poundage fee from payments of taxes 43897  
by persons who do not reside in the clerk's county. 43898

A clerk, however, may retain from the taxes paid to the clerk 43899  
an amount equal to the poundage fees associated with certificates 43900  
of title issued by other clerks of courts of common pleas to 43901

applicants who reside in the first clerk's county. The registrar, 43902  
in consultation with the tax commissioner and the clerks of the 43903  
courts of common pleas, shall develop a report from the automated 43904  
title processing system that informs each clerk of the amount of 43905  
the poundage fees that the clerk is permitted to retain from those 43906  
taxes because of certificates of title issued by the clerks of 43907  
other counties to applicants who reside in the first clerk's 43908  
county. 43909

(3) In the case of casual sales of motor vehicles, as defined 43910  
in section 4517.01 of the Revised Code, the price for the purpose 43911  
of determining the tax shall be the purchase price on the assigned 43912  
certificate of title executed by the seller and filed with the 43913  
clerk by the buyer on a form to be prescribed by the registrar, 43914  
which shall be prima-facie evidence of the amount for the 43915  
determination of the tax. 43916

(4) Each county clerk shall forward to the treasurer of state 43917  
all sales and use tax collections resulting from sales of motor 43918  
vehicles, off-highway motorcycles, and all-purpose vehicles during 43919  
a calendar week on or before the Friday following the close of 43920  
that week. If, on any Friday, the offices of the clerk of courts 43921  
or the state are not open for business, the tax shall be forwarded 43922  
to the treasurer of state on or before the next day on which the 43923  
offices are open. Every remittance of tax under division (B)(4) of 43924  
this section shall be accompanied by a remittance report in such 43925  
form as the tax commissioner prescribes. Upon receipt of a tax 43926  
remittance and remittance report, the treasurer of state shall 43927  
date stamp the report and forward it to the tax commissioner. If 43928  
the tax due for any week is not remitted by a clerk of courts as 43929  
required under division (B)(4) of this section, the commissioner 43930  
may require the clerk to forfeit the poundage fees for the sales 43931  
made during that week. The treasurer of state may require the 43932  
clerks of courts to transmit tax collections and remittance 43933

reports electronically. 43934

(C)(1) If the transferor indicates on the certificate of 43935  
title that the odometer reflects mileage in excess of the designed 43936  
mechanical limit of the odometer, the clerk shall enter the phrase 43937  
"exceeds mechanical limits" following the mileage designation. If 43938  
the transferor indicates on the certificate of title that the 43939  
odometer reading is not the actual mileage, the clerk shall enter 43940  
the phrase "nonactual: warning - odometer discrepancy" following 43941  
the mileage designation. The clerk shall use reasonable care in 43942  
transferring the information supplied by the transferor, but is 43943  
not liable for any errors or omissions of the clerk or those of 43944  
the clerk's deputies in the performance of the clerk's duties 43945  
created by this chapter. 43946

The registrar shall prescribe an affidavit in which the 43947  
transferor shall swear to the true selling price and, except as 43948  
provided in this division, the true odometer reading of the motor 43949  
vehicle. The registrar may prescribe an affidavit in which the 43950  
seller and buyer provide information pertaining to the odometer 43951  
reading of the motor vehicle in addition to that required by this 43952  
section, as such information may be required by the United States 43953  
secretary of transportation by rule prescribed under authority of 43954  
subchapter IV of the "Motor Vehicle Information and Cost Savings 43955  
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 43956

(2) Division (C)(1) of this section does not require the 43957  
giving of information concerning the odometer and odometer reading 43958  
of a motor vehicle when ownership of a motor vehicle is being 43959  
transferred as a result of a bequest, under the laws of intestate 43960  
succession, to a survivor pursuant to section 2106.18, 2131.12, or 43961  
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 43962  
beneficiaries pursuant to section 2131.13 of the Revised Code, in 43963  
connection with the creation of a security interest or for a 43964  
vehicle with a gross vehicle weight rating of more than sixteen 43965

thousand pounds. 43966

(D) When the transfer to the applicant was made in some other 43967  
state or in interstate commerce, the clerk, except as provided in 43968  
this section, shall refuse to issue any certificate of title 43969  
unless the tax imposed by or pursuant to Chapter 5741. of the 43970  
Revised Code based on the purchaser's county of residence has been 43971  
paid as evidenced by a receipt issued by the tax commissioner, or 43972  
unless the applicant submits with the application payment of the 43973  
tax. Upon payment of the tax in accordance with division (E) of 43974  
this section, the clerk shall issue a receipt prescribed by the 43975  
registrar and agreed upon by the tax commissioner, showing payment 43976  
of the tax. 43977

For receiving and disbursing such taxes paid to the clerk by 43978  
a resident of the clerk's county, the clerk may retain a poundage 43979  
fee of one and one one-hundredth per cent. The clerk shall not 43980  
retain a poundage fee from payments of taxes by persons who do not 43981  
reside in the clerk's county. 43982

A clerk, however, may retain from the taxes paid to the clerk 43983  
an amount equal to the poundage fees associated with certificates 43984  
of title issued by other clerks of courts of common pleas to 43985  
applicants who reside in the first clerk's county. The registrar, 43986  
in consultation with the tax commissioner and the clerks of the 43987  
courts of common pleas, shall develop a report from the automated 43988  
title processing system that informs each clerk of the amount of 43989  
the poundage fees that the clerk is permitted to retain from those 43990  
taxes because of certificates of title issued by the clerks of 43991  
other counties to applicants who reside in the first clerk's 43992  
county. 43993

When the vendor is not regularly engaged in the business of 43994  
selling motor vehicles, the vendor shall not be required to 43995  
purchase a vendor's license or make reports concerning those 43996  
sales. 43997

(E) The clerk shall accept any payment of a tax in cash, or 43998  
by cashier's check, certified check, draft, money order, or teller 43999  
check issued by any insured financial institution payable to the 44000  
clerk and submitted with an application for a certificate of title 44001  
under division (B) or (D) of this section. The clerk also may 44002  
accept payment of the tax by corporate, business, or personal 44003  
check, credit card, electronic transfer or wire transfer, debit 44004  
card, or any other accepted form of payment made payable to the 44005  
clerk. The clerk may require bonds, guarantees, or letters of 44006  
credit to ensure the collection of corporate, business, or 44007  
personal checks. Any service fee charged by a third party to a 44008  
clerk for the use of any form of payment may be paid by the clerk 44009  
from the certificate of title administration fund created in 44010  
section 325.33 of the Revised Code, or may be assessed by the 44011  
clerk upon the applicant as an additional fee. Upon collection, 44012  
the additional fees shall be paid by the clerk into that 44013  
certificate of title administration fund. 44014

The clerk shall make a good faith effort to collect any 44015  
payment of taxes due but not made because the payment was returned 44016  
or dishonored, but the clerk is not personally liable for the 44017  
payment of uncollected taxes or uncollected fees. The clerk shall 44018  
notify the tax commissioner of any such payment of taxes that is 44019  
due but not made and shall furnish the information to the 44020  
commissioner that the commissioner requires. The clerk shall 44021  
deduct the amount of taxes due but not paid from the clerk's 44022  
periodic remittance of tax payments, in accordance with procedures 44023  
agreed upon by the tax commissioner. The commissioner may collect 44024  
taxes due by assessment in the manner provided in section 5739.13 44025  
of the Revised Code. 44026

Any person who presents payment that is returned or 44027  
dishonored for any reason is liable to the clerk for payment of a 44028  
penalty over and above the amount of the taxes due. The clerk 44029

shall determine the amount of the penalty, and the penalty shall 44030  
be no greater than that amount necessary to compensate the clerk 44031  
for banking charges, legal fees, or other expenses incurred by the 44032  
clerk in collecting the returned or dishonored payment. The 44033  
remedies and procedures provided in this section are in addition 44034  
to any other available civil or criminal remedies. Subsequently 44035  
collected penalties, poundage fees, and title fees, less any title 44036  
fee due the state, from returned or dishonored payments collected 44037  
by the clerk shall be paid into the certificate of title 44038  
administration fund. Subsequently collected taxes, less poundage 44039  
fees, shall be sent by the clerk to the treasurer of state at the 44040  
next scheduled periodic remittance of tax payments, with 44041  
information as the commissioner may require. The clerk may abate 44042  
all or any part of any penalty assessed under this division. 44043

(F) In the following cases, the clerk shall accept for filing 44044  
an application and shall issue a certificate of title without 44045  
requiring payment or evidence of payment of the tax: 44046

(1) When the purchaser is this state or any of its political 44047  
subdivisions, a church, or an organization whose purchases are 44048  
exempted by section 5739.02 of the Revised Code; 44049

(2) When the transaction in this state is not a retail sale 44050  
as defined by section 5739.01 of the Revised Code; 44051

(3) When the purchase is outside this state or in interstate 44052  
commerce and the purpose of the purchaser is not to use, store, or 44053  
consume within the meaning of section 5741.01 of the Revised Code; 44054

(4) When the purchaser is the federal government; 44055

(5) When the motor vehicle was purchased outside this state 44056  
for use outside this state; 44057

(6) When the motor vehicle is purchased by a nonresident of 44058  
~~this state for immediate removal from this state, and will be~~ 44059  
~~permanently titled and registered in another state, as provided by~~ 44060

~~division (B)(23) of section 5739.02~~ under the circumstances 44061  
described in division (B)(1) of section 5739.029 of the Revised 44062  
Code, and upon presentation of a copy of the affidavit provided by 44063  
that section, and a copy of the exemption certificate provided by 44064  
section 5739.03 of the Revised Code. 44065

(G) An application, as prescribed by the registrar and agreed 44066  
to by the tax commissioner, shall be filled out and sworn to by 44067  
the buyer of a motor vehicle in a casual sale. The application 44068  
shall contain the following notice in bold lettering: "WARNING TO 44069  
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 44070  
law to state the true selling price. A false statement is in 44071  
violation of section 2921.13 of the Revised Code and is punishable 44072  
by six months' imprisonment or a fine of up to one thousand 44073  
dollars, or both. All transfers are audited by the department of 44074  
taxation. The seller and buyer must provide any information 44075  
requested by the department of taxation. The buyer may be assessed 44076  
any additional tax found to be due." 44077

(H) For sales of manufactured homes or mobile homes occurring 44078  
on or after January 1, 2000, the clerk shall accept for filing, 44079  
pursuant to Chapter 5739. of the Revised Code, an application for 44080  
a certificate of title for a manufactured home or mobile home 44081  
without requiring payment of any tax pursuant to section 5739.02, 44082  
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 44083  
issued by the tax commissioner showing payment of the tax. For 44084  
sales of manufactured homes or mobile homes occurring on or after 44085  
January 1, 2000, the applicant shall pay to the clerk an 44086  
additional fee of five dollars for each certificate of title 44087  
issued by the clerk for a manufactured or mobile home pursuant to 44088  
division (H) of section 4505.11 of the Revised Code and for each 44089  
certificate of title issued upon transfer of ownership of the 44090  
home. The clerk shall credit the fee to the county certificate of 44091  
title administration fund, and the fee shall be used to pay the 44092

expenses of archiving those certificates pursuant to division (A) 44093  
of section 4505.08 and division (H)(3) of section 4505.11 of the 44094  
Revised Code. The tax commissioner shall administer any tax on a 44095  
manufactured or mobile home pursuant to Chapters 5739. and 5741. 44096  
of the Revised Code. 44097

(I) Every clerk shall have the capability to transact by 44098  
electronic means all procedures and transactions relating to the 44099  
issuance of motor vehicle certificates of title that are described 44100  
in the Revised Code as being accomplished by electronic means. 44101

**Sec. 4508.10.** (A) A driver training school shall issue a 44102  
certificate of completion to each person who successfully 44103  
completes a course of instruction necessary to obtain or maintain 44104  
a driver's license. The department of public safety shall provide 44105  
each driver training school with the certificate of completion 44106  
forms. 44107

(B) The fee for each driver's license certificate of 44108  
completion provided by the department to a driver training school 44109  
is four dollars. The director of public safety shall deposit the 44110  
fees collected under this section into the state treasury to the 44111  
credit of the state highway safety fund created in section ~~4501.16~~ 44112  
4501.06 of the Revised Code. 44113

(C) As used in this section, "driver's license" has the same 44114  
meaning as in section 4507.01 of the Revised Code. 44115

**Sec. 4511.093.** (A)(1) No law enforcement officer who stops 44116  
the operator of a motor vehicle in the course of an authorized 44117  
sobriety or other motor vehicle checkpoint operation or a motor 44118  
vehicle safety inspection shall issue a ticket, citation, or 44119  
summons for a secondary traffic offense unless in the course of 44120  
the checkpoint operation or safety inspection the officer first 44121  
determines that an offense other than a secondary traffic offense 44122

has occurred and either places the operator or a vehicle occupant 44123  
under arrest or issues a ticket, citation, or summons to the 44124  
operator or a vehicle occupant for an offense other than a 44125  
secondary offense. 44126

(2) A law enforcement agency that operates a motor vehicle 44127  
checkpoint for an express purpose related to a secondary traffic 44128  
offense shall not issue a ticket, citation, or summons for any 44129  
secondary traffic offense at such a checkpoint, but may use such a 44130  
checkpoint operation to conduct a public awareness campaign and 44131  
distribute information. 44132

(B) As used in this section, "secondary traffic offense" 44133  
means a violation of division (A) or (F)(2) of section 4507.05, 44134  
division (B)(1)(a) or (b) or (E) of section 4507.071, division (C) 44135  
of section 4511.81, or division (B) of section 4513.263 of the 44136  
Revised Code. 44137

**Sec. 4513.241.** (A) The director of public safety, in 44138  
accordance with Chapter 119. of the Revised Code, shall adopt 44139  
rules governing the use of tinted glass, and the use of 44140  
transparent, nontransparent, translucent, and reflectorized 44141  
materials in or on motor vehicle windshields, side windows, 44142  
sidewings, and rear windows that prevent a person of normal vision 44143  
looking into the motor vehicle from seeing or identifying persons 44144  
or objects inside the motor vehicle. 44145

(B) The rules adopted under this section may provide for 44146  
persons who meet either of the following qualifications: 44147

(1) On November 11, 1994, or the effective date of any rule 44148  
adopted under this section, own a motor vehicle that does not 44149  
conform to the requirements of this section or of any rule adopted 44150  
under this section; 44151

(2) Establish residency in this state and are required to 44152

register a motor vehicle that does not conform to the requirements 44153  
of this section or of any rule adopted under this section. 44154

(C) No person shall operate, on any highway or other public 44155  
or private property open to the public for vehicular travel or 44156  
parking, lease, or rent any motor vehicle that is registered in 44157  
this state unless the motor vehicle conforms to the requirements 44158  
of this section and of any applicable rule adopted under this 44159  
section. 44160

(D) No person shall install in or on any motor vehicle, any 44161  
glass or other material that fails to conform to the requirements 44162  
of this section or of any rule adopted under this section. 44163

(E) No used motor vehicle dealer or new motor vehicle dealer, 44164  
as defined in section 4517.01 of the Revised Code, shall sell any 44165  
motor vehicle that fails to conform to the requirements of this 44166  
section or of any rule adopted under this section. 44167

(F) No reflectorized materials shall be permitted upon or in 44168  
any front windshield, side windows, sidewings, or rear window. 44169

(G) This section does not apply to the manufacturer's tinting 44170  
or glazing of motor vehicle windows or windshields that is 44171  
otherwise in compliance with or permitted by federal motor vehicle 44172  
safety standard number two hundred five. 44173

(H) With regard to any side window behind a driver's seat or 44174  
any rear window other than any window on an emergency door, this 44175  
section does not apply to any school bus used to transport a 44176  
~~handicapped~~ child with disabilities pursuant to a ~~special~~ 44177  
~~education program under~~ Chapter 3323. of the Revised Code, whom it 44178  
is impossible or impractical to transport by regular school bus in 44179  
the course of regular route transportation provided by a school 44180  
district. As used in this division, "~~handicapped~~ child with 44181  
disabilities" and "~~special education program~~" have has the same 44182  
~~meanings~~ meaning as in section 3323.01 of the Revised Code. 44183

(I) This section does not apply to any school bus that is to be sold and operated outside this state.

(J) Whoever violates division (C), (D), (E), or (F) of this section is guilty of a minor misdemeanor.

**Sec. 4513.263.** (A) As used in this section and in section 4513.99 of the Revised Code:

(1) "Automobile" means any commercial tractor, passenger car, commercial car, or truck that is required to be factory-equipped with an occupant restraining device for the operator or any passenger by regulations adopted by the United States secretary of transportation pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392.

(2) "Occupant restraining device" means a seat safety belt, shoulder belt, harness, or other safety device for restraining a person who is an operator of or passenger in an automobile and that satisfies the minimum federal vehicle safety standards established by the United States department of transportation.

(3) "Passenger" means any person in an automobile, other than its operator, who is occupying a seating position for which an occupant restraining device is provided.

(4) "Commercial tractor," "passenger car," and "commercial car" have the same meanings as in section 4501.01 of the Revised Code.

(5) "Vehicle" and "motor vehicle," as used in the definitions of the terms set forth in division (A)(4) of this section, have the same meanings as in section 4511.01 of the Revised Code.

(6) "Tort action" means a civil action for damages for injury, death, or loss to person or property. "Tort action" includes a product liability claim, as defined in section 2307.71 of the Revised Code, and an asbestos claim, as defined in section

2307.91 of the Revised Code, but does not include a civil action 44214  
for damages for breach of contract or another agreement between 44215  
persons. 44216

(B) No person shall do any of the following: 44217

(1) Operate an automobile on any street or highway unless 44218  
that person is wearing all of the available elements of a properly 44219  
adjusted occupant restraining device, or operate a school bus that 44220  
has an occupant restraining device installed for use in its 44221  
operator's seat unless that person is wearing all of the available 44222  
elements of the device, as properly adjusted; 44223

(2) Operate an automobile on any street or highway unless 44224  
each passenger in the automobile who is subject to the requirement 44225  
set forth in division (B)(3) of this section is wearing all of the 44226  
available elements of a properly adjusted occupant restraining 44227  
device; 44228

(3) Occupy, as a passenger, a seating position on the front 44229  
seat of an automobile being operated on any street or highway 44230  
unless that person is wearing all of the available elements of a 44231  
properly adjusted occupant restraining device; 44232

(4) Operate a taxicab on any street or highway unless all 44233  
factory-equipped occupant restraining devices in the taxicab are 44234  
maintained in usable form. 44235

(C) Division (B)(3) of this section does not apply to a 44236  
person who is required by section 4511.81 of the Revised Code to 44237  
be secured in a child restraint device. Division (B)(1) of this 44238  
section does not apply to a person who is an employee of the 44239  
United States postal service or of a newspaper home delivery 44240  
service, during any period in which the person is engaged in the 44241  
operation of an automobile to deliver mail or newspapers to 44242  
addressees. Divisions (B)(1) and (3) of this section do not apply 44243  
to a person who has an affidavit signed by a physician licensed to 44244

practice in this state under Chapter 4731. of the Revised Code or 44245  
a chiropractor licensed to practice in this state under Chapter 44246  
4734. of the Revised Code that states that the person has a 44247  
physical impairment that makes use of an occupant restraining 44248  
device impossible or impractical. 44249

(D) Notwithstanding any provision of law to the contrary, no 44250  
law enforcement officer shall cause an operator of an automobile 44251  
being operated on any street or highway to stop the automobile for 44252  
the sole purpose of determining whether a violation of division 44253  
(B) of this section has been or is being committed or for the sole 44254  
purpose of issuing a ticket, citation, or summons for a violation 44255  
of that nature or causing the arrest of or commencing a 44256  
prosecution of a person for a violation of that nature, and no law 44257  
enforcement officer shall view the interior or visually inspect 44258  
any automobile being operated on any street or highway for the 44259  
sole purpose of determining whether a violation of that nature has 44260  
been or is being committed. 44261

(E) All fines collected for violations of division (B) of 44262  
this section, or for violations of any ordinance or resolution of 44263  
a political subdivision that is substantively comparable to that 44264  
division, shall be forwarded to the treasurer of state for deposit 44265  
as follows: 44266

(1) Eight per cent shall be deposited into the seat belt 44267  
education fund, which is hereby created in the state treasury, and 44268  
shall be used by the department of public safety to establish a 44269  
seat belt education program. 44270

(2) Eight per cent shall be deposited into the elementary 44271  
school program fund, which is hereby created in the state 44272  
treasury, and shall be used by the department of public safety to 44273  
establish and administer elementary school programs that encourage 44274  
seat safety belt use. 44275

(3) Two per cent shall be deposited into the ~~Ohio medical~~ 44276  
~~transportation trust~~ occupational licensing and regulatory fund 44277  
created by section ~~4766.05~~ 4743.05 of the Revised Code. 44278

(4) Twenty-eight per cent shall be deposited into the trauma 44279  
and emergency medical services fund, which is hereby created in 44280  
the state treasury, and shall be used by the department of public 44281  
safety for the administration of the division of emergency medical 44282  
services and the state board of emergency medical services. 44283

(5) Fifty-four per cent shall be deposited into the trauma 44284  
and emergency medical services grants fund, which is hereby 44285  
created in the state treasury, and shall be used by the state 44286  
board of emergency medical services to make grants, in accordance 44287  
with section 4765.07 of the Revised Code and rules the board 44288  
adopts under section 4765.11 of the Revised Code. 44289

(F)(1) Subject to division (F)(2) of this section, the 44290  
failure of a person to wear all of the available elements of a 44291  
properly adjusted occupant restraining device in violation of 44292  
division (B)(1) or (3) of this section or the failure of a person 44293  
to ensure that each minor who is a passenger of an automobile 44294  
being operated by that person is wearing all of the available 44295  
elements of a properly adjusted occupant restraining device in 44296  
violation of division (B)(2) of this section shall not be 44297  
considered or used by the trier of fact in a tort action as 44298  
evidence of negligence or contributory negligence. But, the trier 44299  
of fact may determine based on evidence admitted consistent with 44300  
the Ohio ~~rules~~ Rules of ~~evidence~~ Evidence that the failure 44301  
contributed to the harm alleged in the tort action and may 44302  
diminish a recovery of compensatory damages that represents 44303  
noneconomic loss, as defined in section 2307.011 of the Revised 44304  
Code, in a tort action that could have been recovered but for the 44305  
plaintiff's failure to wear all of the available elements of a 44306  
properly adjusted occupant restraining device. Evidence of that 44307

failure shall not be used as a basis for a criminal prosecution of 44308  
the person other than a prosecution for a violation of this 44309  
section; and shall not be admissible as evidence in a criminal 44310  
action involving the person other than a prosecution for a 44311  
violation of this section. 44312

(2) If, at the time of an accident involving a passenger car 44313  
equipped with occupant restraining devices, any occupant of the 44314  
passenger car who sustained injury or death was not wearing an 44315  
available occupant restraining device, was not wearing all of the 44316  
available elements of such a device, or was not wearing such a 44317  
device as properly adjusted, then, consistent with the Rules of 44318  
Evidence, the fact that the occupant was not wearing the available 44319  
occupant restraining device, was not wearing all of the available 44320  
elements of such a device, or was not wearing such a device as 44321  
properly adjusted is admissible in evidence in relation to any 44322  
claim for relief in a tort action to the extent that the claim for 44323  
relief satisfies all of the following: 44324

(a) It seeks to recover damages for injury or death to the 44325  
occupant. 44326

(b) The defendant in question is the manufacturer, designer, 44327  
distributor, or seller of the passenger car. 44328

(c) The claim for relief against the defendant in question is 44329  
that the injury or death sustained by the occupant was enhanced or 44330  
aggravated by some design defect in the passenger car or that the 44331  
passenger car was not crashworthy. 44332

(G)(1) Whoever violates division (B)(1) of this section shall 44333  
be fined thirty dollars. 44334

(2) Whoever violates division (B)(3) of this section shall be 44335  
fined twenty dollars. 44336

(3) Except as otherwise provided in this division, whoever 44337  
violates division (B)(4) of this section is guilty of a minor 44338

misdemeanor. If the offender previously has been convicted of or 44339  
pleaded guilty to a violation of division (B)(4) of this section, 44340  
whoever violates division (B)(4) of this section is guilty of a 44341  
misdemeanor of the third degree. 44342

**Sec. 4513.35.** (A) All fines collected under sections 4511.01 44343  
to 4511.78, 4511.99, and 4513.01 to 4513.37 of the Revised Code 44344  
shall be paid into the county treasury and, with the exception of 44345  
that portion distributed under section 3375.53 of the Revised 44346  
Code, shall be placed to the credit of the fund for the 44347  
maintenance and repair of the highways within that county, except 44348  
that: 44349

(1) All fines for violations of division (B) of section 44350  
4513.263 shall be delivered to the treasurer of state as provided 44351  
in division (E) of section 4513.263 of the Revised Code. 44352

(2) All fines collected from, or moneys arising from bonds 44353  
forfeited by, persons apprehended or arrested by state highway 44354  
patrolmen shall be distributed as provided in section 5503.04 of 44355  
the Revised Code. 44356

(3)(a) Subject to division (E) of section 4513.263 of the 44357  
Revised Code and except as otherwise provided in division 44358  
(A)(3)(b) of this section, one-half of all fines collected from, 44359  
and one-half of all moneys arising from bonds forfeited by, 44360  
persons apprehended or arrested by a township constable or other 44361  
township police officer shall be paid to the township treasury to 44362  
be placed to the credit of the general fund. 44363

(b) All fines collected from, and all moneys arising from 44364  
bonds forfeited by, persons apprehended or arrested by a township 44365  
constable or other township police officer pursuant to division 44366  
(B)(2) of section 4513.39 of the Revised Code for a violation of 44367  
section 4511.21 of the Revised Code or any other law, ordinance, 44368  
or regulation pertaining to speed that occurred on a highway 44369

included as part of the interstate system, as defined in section 44370  
5516.01 of the Revised Code, shall be paid into the county 44371  
treasury and be credited as provided in the first paragraph of 44372  
this section. 44373

(B) Notwithstanding any other provision of this section or of 44374  
any other section of the Revised Code: 44375

(1) All fines collected from, and all moneys arising from 44376  
bonds forfeited by, persons arrested under division (E)(1) or (2) 44377  
of section 2935.03 of the Revised Code are deemed to be collected, 44378  
and to arise, from arrests made within the jurisdiction in which 44379  
the arresting officer is appointed, elected, or employed, for 44380  
violations of one of the sections or chapters of the Revised Code 44381  
listed in division (E)(1) of that section and shall be distributed 44382  
accordingly. 44383

(2) All fines collected from, and all moneys arising from 44384  
bonds forfeited by, persons arrested under division (E)(3) of 44385  
section 2935.03 of the Revised Code are deemed to be collected, 44386  
and to arise, from arrests made within the jurisdiction in which 44387  
the arresting officer is appointed, elected, or employed, for 44388  
violations of municipal ordinances that are substantially 44389  
equivalent to one of the sections or one of the provisions of one 44390  
of the chapters of the Revised Code listed in division (E)(1) of 44391  
that section and for violations of one of the sections or one of 44392  
the provisions of one of the chapters of the Revised Code listed 44393  
in division (E)(1) of that section, and shall be distributed 44394  
accordingly. 44395

**Sec. 4517.261.** A motor vehicle dealer may contract for and 44396  
receive a documentary service charge for a retail or wholesale 44397  
sale or lease of a motor vehicle. A documentary service charge 44398  
shall be specified in writing without itemization of the 44399  
individual services provided. A documentary service charge shall 44400

be not more than the lesser of the following: 44401

(A) The amount allowed in a retail installment sale; 44402

(B) Ten per cent of the amount the buyer or lessee is 44403  
required to pay pursuant to the contract, excluding tax, title, 44404  
and registration fees, and any negative equity adjustment. 44405

**Sec. 4703.071.** (A) The state board of examiners of architects 44406  
shall establish and maintain and administer an architecture 44407  
education assistance program to pay applicant enrollment fees for 44408  
the internship program required of applicants by section 4703.07 44409  
of the Revised Code. 44410

(B) The board shall adopt rules in accordance with Chapter 44411  
119. of the Revised Code to establish all of the following: 44412

(1) Applicant eligibility criteria for receipt of internship 44413  
program enrollment fees, which must include a requirement that 44414  
applicants be enrolled in an architecture education program at an 44415  
institution within the state that has been approved by the board 44416  
and accredited by the national architectural accrediting board, 44417  
and may include a requirement that the applicant has completed a 44418  
minimum amount of course work in the program as prescribed by the 44419  
state board by rule; 44420

(2) Application procedures for payment of internship program 44421  
enrollment fees; 44422

(3) The maximum amount of internship program enrollment fees 44423  
that may be provided by the architecture education assistance 44424  
program to an applicant; 44425

(4) The total amount of internship program enrollment fees 44426  
that may be disbursed by the architecture education assistance 44427  
program in any given fiscal year; 44428

(5) The means by which other matters incidental to the 44429  
operation of the program may be approved, including the means to 44430

authorize necessary expenses for the operation of the architecture 44431  
education assistance program. 44432

(C) The receipt of internship program enrollment fees under 44433  
this section shall not affect a student's eligibility for any 44434  
other assistance, or the amount of that assistance. 44435

**Sec. 4715.251.** Each person licensed to practice as a dental 44436  
hygienist and required to register with the state dental board 44437  
shall, each time ~~he~~ the person applies for renewal of registration 44438  
beginning in 1995, be currently certified to perform basic 44439  
life-support procedures by having successfully completed a basic 44440  
life-support training course certified by ~~either~~ the American red 44441  
cross ~~or~~, the American heart association, or, if determined 44442  
equivalent by the board, the American safety and health institute. 44443  
An applicant for renewal of registration shall certify on the 44444  
application for renewal of registration prescribed by the board 44445  
under section 4715.24 of the Revised Code that ~~he~~ the applicant 44446  
possesses the certification required by this section. 44447

The board shall, not later than one hundred eighty days after 44448  
the effective date of this amendment, determine whether basic 44449  
life-support training certified by the American safety and health 44450  
institute meets national standards. The board shall compare the 44451  
training certified by the institute with the training certified by 44452  
the American red cross and the American heart association and the 44453  
training of instructors certified by the institute to the training 44454  
of instructors certified by the American red cross and the 44455  
American heart association. 44456

If the board determines that the training certified by the 44457  
American safety and health institute meets national standards and 44458  
is equivalent to the training certified by the American red cross 44459  
and the American heart association, the board shall accept 44460  
training certified by the American safety and health institute in 44461

<u>fulfillment of the requirements of this section.</u>	44462
<b>Sec. 4717.07.</b> (A) The board of embalmers and funeral directors shall charge and collect the following fees:	44463 44464
(1) For the initial issuance or biennial renewal of an embalmer's or funeral director's license, one hundred forty dollars;	44465 44466 44467
(2) For the issuance of an embalmer or funeral director registration, twenty-five dollars;	44468 44469
(3) For filing an embalmer or funeral director certificate of apprenticeship, ten dollars;	44470 44471
(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;	44472 44473 44474
(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;	44475 44476 44477
(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;	44478 44479 44480 44481
(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;	44482 44483 44484 44485
(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;	44486 44487 44488
(9) For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division	44489 44490

(8) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement; 44491  
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(10) For the initial issuance of a license to operate a crematory facility, two hundred dollars and biennial renewal of a license to operate a crematory facility, two hundred dollars; 44493  
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(11) For the reinstatement of a lapsed license to operate a crematory facility, the renewal fee prescribed in division (A)~~(11)~~(10) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement; 44496  
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(12) For the issuance of a duplicate of a license issued under this chapter, four dollars. 44500  
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(B) In addition to the fees set forth in division (A) of this section, an applicant shall pay the examination fee assessed by any examining agency the board uses for any section of an examination required under this chapter. 44502  
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(C) Subject to the approval of the controlling board, the board of embalmers and funeral directors may establish fees in excess of the amounts set forth in this section, provided that these fees do not exceed the amounts set forth in this section by more than fifty per cent. 44506  
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**Sec. 4723.32.** This chapter does not prohibit any of the following: 44511  
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(A) The practice of nursing by a student currently enrolled in and actively pursuing completion of a prelicensure nursing education program ~~approved by the board of nursing~~, if all of the following are the case: 44513  
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(1) The student is participating in a program located in this state and approved by the board of nursing or participating in this state in a component of a program located in another jurisdiction and approved by a board that is a member of the 44517  
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<u>national council of state boards of nursing;</u>	44521
(2) <u>The</u> student's practice is under the auspices of the	44522
program <del>and the;</del>	44523
(3) <u>The</u> student acts under the supervision of a registered	44524
nurse serving for the program as a faculty member or teaching	44525
assistant <del>;</del> .	44526
(B) The rendering of medical assistance to a licensed	44527
physician, licensed dentist, or licensed podiatrist by a person	44528
under the direction, supervision, and control of such licensed	44529
physician, dentist, or podiatrist;	44530
(C) The activities of persons employed as nursing aides,	44531
attendants, orderlies, or other auxiliary workers in patient	44532
homes, nurseries, nursing homes, hospitals, home health agencies,	44533
or other similar institutions;	44534
(D) The provision of nursing services to family members or in	44535
emergency situations;	44536
(E) The care of the sick when done in connection with the	44537
practice of religious tenets of any church and by or for its	44538
members;	44539
(F) The practice of nursing as a certified registered nurse	44540
anesthetist, clinical nurse specialist, certified nurse-midwife,	44541
or certified nurse practitioner by a student currently enrolled in	44542
and actively pursuing completion of a program of study leading to	44543
initial authorization by the board <u>of nursing</u> to practice nursing	44544
in the specialty, if <del>both</del> <u>all</u> of the following are the case:	44545
(1) The program qualifies the student to sit for the	44546
examination of a national certifying organization listed in	44547
division (A)(3) of section 4723.41 of the Revised Code or approved	44548
by the board under section 4723.46 of the Revised Code or the	44549
program prepares the student to receive a master's degree in	44550

accordance with division (A)(2) of section 4723.41 of the Revised Code; 44551  
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(2) The student's practice is under the auspices of the program ~~and the~~; 44553  
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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. 44555  
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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: 44558  
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(1) The individual is engaging in the practice of nursing by discharging official duties while employed by or under contract with the United States government or any agency thereof; 44564  
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(2) The individual is engaging in the practice of nursing as an employee of an individual, agency, or corporation located in the other jurisdiction in a position with employment responsibilities that include transporting patients into, out of, or through this state, as long as each trip in this state does not exceed seventy-two hours; 44567  
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(3) The individual is consulting with an individual licensed in this state to practice any health-related profession; 44573  
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(4) The individual is engaging in activities associated with teaching in this state as a guest lecturer at or for a nursing education program, continuing nursing education program, or in-service presentation; 44575  
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(5) The individual is conducting evaluations of nursing care that are undertaken on behalf of an accrediting organization, 44579  
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including the national league for nursing accrediting committee, 44581  
the joint commission on accreditation of healthcare organizations, 44582  
or any other nationally recognized accrediting organization; 44583

(6) The individual is providing nursing care to an individual 44584  
who is in this state on a temporary basis, not to exceed six 44585  
months in any one calendar year, if the nurse is directly employed 44586  
by or under contract with the individual or a guardian or other 44587  
person acting on the individual's behalf; 44588

(7) The individual is providing nursing care during any 44589  
disaster, natural or otherwise, that has been officially declared 44590  
to be a disaster by a public announcement issued by an appropriate 44591  
federal, state, county, or municipal official. 44592

(H) The administration of medication by an individual who 44593  
holds a valid medication aide certificate issued under this 44594  
chapter, if the medication is administered to a resident of a 44595  
nursing home or residential care facility authorized by section 44596  
4723.63 or 4723.64 of the Revised Code to use a certified 44597  
medication aide and the medication is administered in accordance 44598  
with section 4723.67 of the Revised Code. 44599

**Sec. 4723.621.** The medication aide advisory council created 44600  
under section 4723.62 of the Revised Code shall make 44601  
recommendations to the board of nursing with respect to all of the 44602  
following: 44603

(A) The design and operation of the medication aide pilot 44604  
program conducted under section 4723.63 of the Revised Code, 44605  
including a method of collecting data through reports submitted by 44606  
participating nursing homes and residential care facilities; 44607

(B) The content of the course of instruction required to 44608  
obtain certification as a medication aide, including the 44609  
examination to be used to evaluate the ability to administer 44610

prescription medications safely and the score that must be 44611  
attained to pass the examination; 44612

(C) Whether medication aides may administer prescription 44613  
medications through a gastrostomy or jejunostomy tube and the 44614  
amount and type of training a medication aide needs to be 44615  
adequately prepared to administer prescription medications through 44616  
a gastrostomy or jejunostomy tube; 44617

(D) Protection of the health and welfare of the residents of 44618  
nursing homes and residential care facilities participating in the 44619  
pilot program and using medication aides pursuant to section 44620  
4723.64 of the Revised Code ~~on or after July 1, 2007;~~ 44621

(E) The board's adoption of rules under section 4723.69 of 44622  
the Revised Code; 44623

(F) Any other issue the council considers relevant to the use 44624  
of medication aides in nursing homes and residential care 44625  
facilities. 44626

**Sec. 4723.63.** (A) In consultation with the medication aide 44627  
advisory council established under section 4723.62 of the Revised 44628  
Code, the board of nursing shall conduct a pilot program for the 44629  
use of medication aides in nursing homes and residential care 44630  
facilities. The board shall conduct the pilot program in a manner 44631  
consistent with human protection and other ethical concerns 44632  
typically associated with research studies involving live 44633  
subjects. The pilot program shall be commenced not later than May 44634  
1, 2006, and shall ~~be conducted until July 1, 2007~~ end on the 44635  
thirty-first day after the report required by division (F)(2) of 44636  
this section is submitted in accordance with that division. 44637

During the period the pilot program is conducted, a nursing 44638  
home or residential care facility participating in the pilot 44639  
program may use one or more medication aides to administer 44640

prescription medications to its residents, subject to ~~both~~ all of 44641  
the following conditions: 44642

(1) Each individual used as a medication aide must hold a 44643  
current, valid medication aide certificate issued by the board of 44644  
nursing under this chapter. 44645

(2) The nursing home or residential care facility shall 44646  
ensure that the requirements of section 4723.67 of the Revised 44647  
Code are met. 44648

(3) The nursing home or residential care facility shall 44649  
submit to the board, not later than the thirty-first day after the 44650  
day the board makes its request under division (F)(1)(a) of this 44651  
section, the data required by division (F)(1)(a) of this section. 44652

(B) The board, in consultation with the medication aide 44653  
advisory council, shall do all of the following not later than 44654  
February 1, 2006: 44655

(1) Design the pilot program; 44656

(2) Establish standards to govern medication aides and the 44657  
nursing homes and residential care facilities participating in the 44658  
pilot program, including standards for the training of medication 44659  
aides and the staff of participating nursing homes and residential 44660  
care facilities; 44661

(3) Establish standards to protect the health and safety of 44662  
the residents of the nursing homes and residential care facilities 44663  
participating in the program; 44664

(4) Implement a process for selecting the nursing homes and 44665  
residential care facilities to participate in the program. 44666

(C)(1) A nursing home or residential care facility may 44667  
volunteer to participate in the pilot program by submitting an 44668  
application to the board on a form prescribed and provided by the 44669  
board. From among the applicants, the board shall select eighty 44670

nursing homes and forty residential care facilities to participate 44671  
in the pilot program. When the board denies an application, it 44672  
shall notify, in writing, the president and minority leader of the 44673  
senate and the speaker and minority leader of the house of 44674  
representatives of the denial and the reasons for the denial. 44675

(2) To be eligible to participate, a nursing home or 44676  
residential care facility shall agree to observe the standards 44677  
established by the board for the use of medication aides. A 44678  
nursing home is eligible to participate only if the department of 44679  
health has found in the ~~two~~ most recent ~~surveys~~ survey or 44680  
~~inspections~~ inspection of the home that the home is free from 44681  
deficiencies related to the administration of medication. A 44682  
residential care facility is eligible to participate only if the 44683  
department has found that the facility is free from deficiencies 44684  
related to the provision of skilled nursing care or the 44685  
administration of medication. 44686

(D) As a condition of participation in the pilot program, a 44687  
nursing home and residential care facility selected by the board 44688  
shall pay the participation fee established in rules adopted under 44689  
section 4723.69 of the Revised Code. The participation fee is not 44690  
reimbursable under the medicaid program established under Chapter 44691  
5111. of the Revised Code. 44692

(E) On receipt of evidence found credible by the board that 44693  
continued participation by a nursing home or residential care 44694  
facility poses an imminent danger, risk of serious harm, or 44695  
jeopardy to a resident of the home or facility, the board may 44696  
terminate the authority of the home or facility to participate in 44697  
the pilot program. 44698

(F)(1) With the assistance of the medication aide advisory 44699  
council, the board shall conduct an evaluation of the pilot 44700  
program. In conducting the evaluation, the board shall do all of 44701  
the following: 44702

(a) Request from each nursing home and residential care facility participating in the pilot program, on the ninety-first day after the day the board issues a medication aide certificate under section 4723.651 of the Revised Code to the seventy-fifth individual, the data the board requires participating nursing homes and residential care facilities to report under rules the board adopts under section 4723.69 of the Revised Code. 44703  
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(b) Assess whether medication aides are able to administer prescription medications safely to nursing home and residential care facility residents; 44710  
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~~(b)~~(c) Determine the financial implications of using medication aides in nursing homes and residential care facilities; 44713  
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~~(e)~~(d) Consider any other issue the board or council considers relevant to the evaluation. 44715  
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(2) Not later than ~~March 1, 2007~~ the one hundred eighty-first day after the day the board issues a medication aide certificate under section 4723.651 of the Revised Code to the seventy-fifth individual, the board shall prepare a report of its findings and recommendations derived from the evaluation of the pilot program. 44717  
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The board shall submit the report to the governor, president and 44722  
minority leader of the senate, speaker and minority leader of the 44723  
house of representatives, and director of health. 44724

(G) The board shall, on the day it issues a medication aide certificate to the seventy-fifth individual, post a notice on its web site indicating the date on which any nursing home or residential care facility may use medication aides in accordance with section 4723.64 of the Revised Code. 44725  
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**Sec. 4723.64.** On and after ~~July 1, 2007~~ the thirty-first day following the board of nursing's submission of the report required by division (F)(2) of section 4723.63 of the Revised Code, any 44730  
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nursing home or residential care facility may use one or more 44733  
medication aides to administer prescription medications to its 44734  
residents, subject to both of the following conditions: 44735

(A) Each individual used as a medication aide must hold a 44736  
current, valid medication aide certificate issued by the board of 44737  
nursing under this chapter. 44738

(B) The nursing home or residential care facility shall 44739  
ensure that the requirements of section 4723.67 of the Revised 44740  
Code are met. 44741

**Sec. 4723.65.** (A) An individual seeking certification as a 44742  
medication aide shall apply to the board of nursing on a form 44743  
prescribed and provided by the board. If the application is 44744  
submitted on or after ~~July 1, 2007~~ the day any nursing home or 44745  
residential care facility may initially use medication aides as 44746  
specified in section 4723.64 of the Revised Code, the application 44747  
shall be accompanied by the certification fee established in rules 44748  
adopted under section 4723.69 of the Revised Code. 44749

(B)(1) Except as provided in division (B)(2) of this section, 44750  
an applicant for a medication aide certificate shall submit a 44751  
request to the bureau of criminal identification and investigation 44752  
for a criminal records check. The request shall be on the form 44753  
prescribed pursuant to division (C)(1) of section 109.572 of the 44754  
Revised Code and shall be accompanied by a standard impression 44755  
sheet to obtain fingerprints prescribed pursuant to division 44756  
(C)(2) of that section. The request shall also be accompanied by 44757  
the fee prescribed pursuant to division (C)(3) of section 109.572 44758  
of the Revised Code. On receipt of the completed form, the 44759  
completed impression sheet, and the fee, the bureau shall conduct 44760  
a criminal records check of the applicant. On completion of the 44761  
criminal records check, the bureau shall send the results of the 44762  
check to the board. An applicant requesting a criminal records 44763

check under this division who has not lived in this state for at least five years shall ask the superintendent of the bureau of criminal identification and investigation to also request that the federal bureau of investigation provide the superintendent with any information it has with respect to the applicant.

(2) If a criminal records check of an applicant was completed pursuant to section 3721.121 of the Revised Code not more than five years prior to the date the application is submitted, the applicant may include a certified copy of the criminal records check completed pursuant to that section and is not required to comply with division (B)(1) of this section.

(3) A criminal records check provided to the board in accordance with division (B)(1) or (B)(2) of this section shall not be made available to any person or for any purpose other than the following:

(a) The results may be made available to any person for use in determining whether the individual who is the subject of the check should be issued a medication aide certificate.

(b) The results may be made available to the person who is the subject of the check or a representative of that person.

**Sec. 4723.66.** (A) A person or government entity seeking approval to provide a medication aide training program shall apply to the board of nursing on a form prescribed and provided by the board. If the application is submitted on or after ~~July 1, 2007~~ the day any nursing home or residential care facility may initially use medication aides as specified in section 4723.64 of the Revised Code, the application shall be accompanied by the fee established in rules adopted under section 4723.69 of the Revised Code.

(B) The board shall approve the applicant to provide a

medication aide training program if the content of the course of 44794  
instruction to be provided by the program meets the standards 44795  
specified by the board in rules adopted under section 4723.69 of 44796  
the Revised Code and includes all of the following: 44797

(1) At least seventy clock-hours of instruction, including 44798  
both classroom instruction on medication administration and at 44799  
least twenty clock-hours of supervised clinical practice in 44800  
medication administration; 44801

(2) A mechanism for evaluating whether an individual's 44802  
reading, writing, and mathematical skills are sufficient for the 44803  
individual to be able to administer prescription medications 44804  
safely; 44805

(3) An examination that tests the ability to administer 44806  
prescription medications safely and that meets the requirements 44807  
established by the board in rules adopted under section 4723.69 of 44808  
the Revised Code. 44809

(C) The board may deny, suspend, or revoke the approval 44810  
granted to the provider of a medication aide training program for 44811  
reasons specified in rules adopted under section 4723.69 of the 44812  
Revised Code. All actions taken by the board to deny, suspend, or 44813  
revoke the approval of a training program shall be taken in 44814  
accordance with Chapter 119. of the Revised Code. 44815

**Sec. 4731.053.** (A) As used in this section, "physician" means 44816  
an individual authorized by this chapter to practice medicine and 44817  
surgery, osteopathic medicine and surgery, or podiatric medicine 44818  
and surgery. 44819

(B) The state medical board shall adopt rules that establish 44820  
standards to be met and procedures to be followed by a physician 44821  
with respect to the physician's delegation of the performance of a 44822  
medical task to a person who is not licensed or otherwise 44823

specifically authorized by the Revised Code to perform the task. 44824  
The rules shall be adopted in accordance with Chapter 119. of the 44825  
Revised Code and shall include a coroner's investigator among the 44826  
individuals who are competent to recite the facts of a deceased 44827  
person's medical condition to a physician so that the physician 44828  
may pronounce the person dead without personally examining the 44829  
body. 44830

(C) To the extent that delegation applies to the 44831  
administration of drugs, the rules adopted under this section 44832  
shall provide for all of the following: 44833

(1) On-site supervision when the delegation occurs in an 44834  
institution or other facility that is used primarily for the 44835  
purpose of providing health care, unless the board establishes a 44836  
specific exception to the on-site supervision requirement with 44837  
respect to routine administration of a topical drug, such as the 44838  
use of a medicated shampoo; 44839

(2) Evaluation of whether delegation is appropriate according 44840  
to the acuity of the patient involved; 44841

(3) Training and competency requirements that must be met by 44842  
the person administering the drugs; 44843

(4) Other standards and procedures the board considers 44844  
relevant. 44845

(D) The board shall not adopt rules that do any of the 44846  
following: 44847

(1) Authorize a physician to transfer the physician's 44848  
responsibility for supervising a person who is performing a 44849  
delegated medical task to a health professional other than another 44850  
physician; 44851

(2) Authorize an individual to whom a medical task is 44852  
delegated to delegate the performance of that task to another 44853

individual; 44854

(3) Except as provided in divisions (D)(4) to (7) of this 44855  
section, authorize a physician to delegate the administration of 44856  
anesthesia, controlled substances, drugs administered 44857  
intravenously, or any other drug or category of drug the board 44858  
considers to be inappropriate for delegation; 44859

(4) Prevent an individual from engaging in an activity 44860  
performed for a ~~handicapped~~ child with a disability as a service 44861  
needed to meet the educational needs of the child, as identified 44862  
in the individualized education program developed for the child 44863  
under Chapter 3323. of the Revised Code; 44864

(5) Conflict with any provision of the Revised Code that 44865  
specifically authorizes an individual to perform a particular 44866  
task; 44867

(6) Conflict with any rule adopted pursuant to the Revised 44868  
Code that is in effect on April 10, 2001, as long as the rule 44869  
remains in effect, specifically authorizing an individual to 44870  
perform a particular task; 44871

(7) Prohibit a perfusionist from administering drugs 44872  
intravenously while practicing as a perfusionist; 44873

(8) Authorize a physician assistant, anesthesiologist 44874  
assistant, or any other professional regulated by the board to 44875  
delegate tasks pursuant to this section. 44876

**Sec. 4731.142.** (A) Except as provided in division (B) of this 44877  
section, an individual must demonstrate proficiency in spoken 44878  
English, by passing an examination specified by the state medical 44879  
board, to receive a certificate to practice issued under section 44880  
4731.14 of the Revised Code if the individual's eligibility for 44881  
the certificate is based in part on certification from the 44882  
educational commission for foreign medical graduates and 44883

fulfillment of the undergraduate requirements established by 44884  
section 4731.09 of the Revised Code at an institution outside the 44885  
United States. ~~The individual may demonstrate such proficiency by~~ 44886  
~~obtaining a score of forty or higher on the test of spoken English~~ 44887  
~~conducted by the educational testing service~~ The board shall adopt 44888  
rules specifying an acceptable examination and establishing the 44889  
minimum score that demonstrates proficiency in spoken English. 44890

(B) An individual is not required to demonstrate proficiency 44891  
in spoken English in accordance with division (A) of this section 44892  
if the individual was required to demonstrate such proficiency as 44893  
a condition of certification from the educational commission for 44894  
foreign medical graduates. 44895

**Sec. 4731.22.** (A) The state medical board, by an affirmative 44896  
vote of not fewer than six of its members, may revoke or may 44897  
refuse to grant a certificate to a person found by the board to 44898  
have committed fraud during the administration of the examination 44899  
for a certificate to practice or to have committed fraud, 44900  
misrepresentation, or deception in applying for or securing any 44901  
certificate to practice or certificate of registration issued by 44902  
the board. 44903

(B) The board, by an affirmative vote of not fewer than six 44904  
members, shall, to the extent permitted by law, limit, revoke, or 44905  
suspend an individual's certificate to practice, refuse to 44906  
register an individual, refuse to reinstate a certificate, or 44907  
reprimand or place on probation the holder of a certificate for 44908  
one or more of the following reasons: 44909

(1) Permitting one's name or one's certificate to practice or 44910  
certificate of registration to be used by a person, group, or 44911  
corporation when the individual concerned is not actually 44912  
directing the treatment given; 44913

(2) Failure to maintain minimal standards applicable to the 44914

selection or administration of drugs, or failure to employ 44915  
acceptable scientific methods in the selection of drugs or other 44916  
modalities for treatment of disease; 44917

(3) Selling, giving away, personally furnishing, prescribing, 44918  
or administering drugs for other than legal and legitimate 44919  
therapeutic purposes or a plea of guilty to, a judicial finding of 44920  
guilt of, or a judicial finding of eligibility for intervention in 44921  
lieu of conviction of, a violation of any federal or state law 44922  
regulating the possession, distribution, or use of any drug; 44923

(4) Willfully betraying a professional confidence. 44924

For purposes of this division, "willfully betraying a 44925  
professional confidence" does not include providing any 44926  
information, documents, or reports to a child fatality review 44927  
board under sections 307.621 to 307.629 of the Revised Code and 44928  
does not include the making of a report of an employee's use of a 44929  
drug of abuse, or a report of a condition of an employee other 44930  
than one involving the use of a drug of abuse, to the employer of 44931  
the employee as described in division (B) of section 2305.33 of 44932  
the Revised Code. Nothing in this division affects the immunity 44933  
from civil liability conferred by that section upon a physician 44934  
who makes either type of report in accordance with division (B) of 44935  
that section. As used in this division, "employee," "employer," 44936  
and "physician" have the same meanings as in section 2305.33 of 44937  
the Revised Code. 44938

(5) Making a false, fraudulent, deceptive, or misleading 44939  
statement in the solicitation of or advertising for patients; in 44940  
relation to the practice of medicine and surgery, osteopathic 44941  
medicine and surgery, podiatric medicine and surgery, or a limited 44942  
branch of medicine; or in securing or attempting to secure any 44943  
certificate to practice or certificate of registration issued by 44944  
the board. 44945

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;

(7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(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;

(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(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;

(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;

(13) A plea of guilty to, a judicial finding of guilt of, or	44977
a judicial finding of eligibility for intervention in lieu of	44978
conviction for, a misdemeanor involving moral turpitude;	44979
(14) Commission of an act involving moral turpitude that	44980
constitutes a misdemeanor in this state, regardless of the	44981
jurisdiction in which the act was committed;	44982
(15) Violation of the conditions of limitation placed by the	44983
board upon a certificate to practice;	44984
(16) Failure to pay license renewal fees specified in this	44985
chapter;	44986
(17) Except as authorized in section 4731.31 of the Revised	44987
Code, engaging in the division of fees for referral of patients,	44988
or the receiving of a thing of value in return for a specific	44989
referral of a patient to utilize a particular service or business;	44990
(18) Subject to section 4731.226 of the Revised Code,	44991
violation of any provision of a code of ethics of the American	44992
medical association, the American osteopathic association, the	44993
American podiatric medical association, or any other national	44994
professional organizations that the board specifies by rule. The	44995
state medical board shall obtain and keep on file current copies	44996
of the codes of ethics of the various national professional	44997
organizations. The individual whose certificate is being suspended	44998
or revoked shall not be found to have violated any provision of a	44999
code of ethics of an organization not appropriate to the	45000
individual's profession.	45001
For purposes of this division, a "provision of a code of	45002
ethics of a national professional organization" does not include	45003
any provision that would preclude the making of a report by a	45004
physician of an employee's use of a drug of abuse, or of a	45005
condition of an employee other than one involving the use of a	45006
drug of abuse, to the employer of the employee as described in	45007

division (B) of section 2305.33 of the Revised Code. Nothing in 45008  
this division affects the immunity from civil liability conferred 45009  
by that section upon a physician who makes either type of report 45010  
in accordance with division (B) of that section. As used in this 45011  
division, "employee," "employer," and "physician" have the same 45012  
meanings as in section 2305.33 of the Revised Code. 45013

(19) Inability to practice according to acceptable and 45014  
prevailing standards of care by reason of mental illness or 45015  
physical illness, including, but not limited to, physical 45016  
deterioration that adversely affects cognitive, motor, or 45017  
perceptive skills. 45018

In enforcing this division, the board, upon a showing of a 45019  
possible violation, may compel any individual authorized to 45020  
practice by this chapter or who has submitted an application 45021  
pursuant to this chapter to submit to a mental examination, 45022  
physical examination, including an HIV test, or both a mental and 45023  
a physical examination. The expense of the examination is the 45024  
responsibility of the individual compelled to be examined. Failure 45025  
to submit to a mental or physical examination or consent to an HIV 45026  
test ordered by the board constitutes an admission of the 45027  
allegations against the individual unless the failure is due to 45028  
circumstances beyond the individual's control, and a default and 45029  
final order may be entered without the taking of testimony or 45030  
presentation of evidence. If the board finds an individual unable 45031  
to practice because of the reasons set forth in this division, the 45032  
board shall require the individual to submit to care, counseling, 45033  
or treatment by physicians approved or designated by the board, as 45034  
a condition for initial, continued, reinstated, or renewed 45035  
authority to practice. An individual affected under this division 45036  
shall be afforded an opportunity to demonstrate to the board the 45037  
ability to resume practice in compliance with acceptable and 45038  
prevailing standards under the provisions of the individual's 45039

certificate. For the purpose of this division, any individual who 45040  
applies for or receives a certificate to practice under this 45041  
chapter accepts the privilege of practicing in this state and, by 45042  
so doing, shall be deemed to have given consent to submit to a 45043  
mental or physical examination when directed to do so in writing 45044  
by the board, and to have waived all objections to the 45045  
admissibility of testimony or examination reports that constitute 45046  
a privileged communication. 45047

(20) Except when civil penalties are imposed under section 45048  
4731.225 or 4731.281 of the Revised Code, and subject to section 45049  
4731.226 of the Revised Code, violating or attempting to violate, 45050  
directly or indirectly, or assisting in or abetting the violation 45051  
of, or conspiring to violate, any provisions of this chapter or 45052  
any rule promulgated by the board. 45053

This division does not apply to a violation or attempted 45054  
violation of, assisting in or abetting the violation of, or a 45055  
conspiracy to violate, any provision of this chapter or any rule 45056  
adopted by the board that would preclude the making of a report by 45057  
a physician of an employee's use of a drug of abuse, or of a 45058  
condition of an employee other than one involving the use of a 45059  
drug of abuse, to the employer of the employee as described in 45060  
division (B) of section 2305.33 of the Revised Code. Nothing in 45061  
this division affects the immunity from civil liability conferred 45062  
by that section upon a physician who makes either type of report 45063  
in accordance with division (B) of that section. As used in this 45064  
division, "employee," "employer," and "physician" have the same 45065  
meanings as in section 2305.33 of the Revised Code. 45066

(21) The violation of section 3701.79 of the Revised Code or 45067  
of any abortion rule adopted by the public health council pursuant 45068  
to section 3701.341 of the Revised Code; 45069

(22) Any of the following actions taken by the agency 45070  
responsible for regulating the practice of medicine and surgery, 45071

osteopathic medicine and surgery, podiatric medicine and surgery, 45072  
or the limited branches of medicine in another jurisdiction, for 45073  
any reason other than the nonpayment of fees: the limitation, 45074  
revocation, or suspension of an individual's license to practice; 45075  
acceptance of an individual's license surrender; denial of a 45076  
license; refusal to renew or reinstate a license; imposition of 45077  
probation; or issuance of an order of censure or other reprimand; 45078

(23) The violation of section 2919.12 of the Revised Code or 45079  
the performance or inducement of an abortion upon a pregnant woman 45080  
with actual knowledge that the conditions specified in division 45081  
(B) of section 2317.56 of the Revised Code have not been satisfied 45082  
or with a heedless indifference as to whether those conditions 45083  
have been satisfied, unless an affirmative defense as specified in 45084  
division (H)(2) of that section would apply in a civil action 45085  
authorized by division (H)(1) of that section; 45086

(24) The revocation, suspension, restriction, reduction, or 45087  
termination of clinical privileges by the United States department 45088  
of defense or department of veterans affairs or the termination or 45089  
suspension of a certificate of registration to prescribe drugs by 45090  
the drug enforcement administration of the United States 45091  
department of justice; 45092

(25) Termination or suspension from participation in the 45093  
medicare or medicaid programs by the department of health and 45094  
human services or other responsible agency for any act or acts 45095  
that also would constitute a violation of division (B)(2), (3), 45096  
(6), (8), or (19) of this section; 45097

(26) Impairment of ability to practice according to 45098  
acceptable and prevailing standards of care because of habitual or 45099  
excessive use or abuse of drugs, alcohol, or other substances that 45100  
impair ability to practice. 45101

For the purposes of this division, any individual authorized 45102

to practice by this chapter accepts the privilege of practicing in 45103  
this state subject to supervision by the board. By filing an 45104  
application for or holding a certificate to practice under this 45105  
chapter, an individual shall be deemed to have given consent to 45106  
submit to a mental or physical examination when ordered to do so 45107  
by the board in writing, and to have waived all objections to the 45108  
admissibility of testimony or examination reports that constitute 45109  
privileged communications. 45110

If it has reason to believe that any individual authorized to 45111  
practice by this chapter or any applicant for certification to 45112  
practice suffers such impairment, the board may compel the 45113  
individual to submit to a mental or physical examination, or both. 45114  
The expense of the examination is the responsibility of the 45115  
individual compelled to be examined. Any mental or physical 45116  
examination required under this division shall be undertaken by a 45117  
treatment provider or physician who is qualified to conduct the 45118  
examination and who is chosen by the board. 45119

Failure to submit to a mental or physical examination ordered 45120  
by the board constitutes an admission of the allegations against 45121  
the individual unless the failure is due to circumstances beyond 45122  
the individual's control, and a default and final order may be 45123  
entered without the taking of testimony or presentation of 45124  
evidence. If the board determines that the individual's ability to 45125  
practice is impaired, the board shall suspend the individual's 45126  
certificate or deny the individual's application and shall require 45127  
the individual, as a condition for initial, continued, reinstated, 45128  
or renewed certification to practice, to submit to treatment. 45129

Before being eligible to apply for reinstatement of a 45130  
certificate suspended under this division, the impaired 45131  
practitioner shall demonstrate to the board the ability to resume 45132  
practice in compliance with acceptable and prevailing standards of 45133  
care under the provisions of the practitioner's certificate. The 45134

demonstration shall include, but shall not be limited to, the 45135  
following: 45136

(a) Certification from a treatment provider approved under 45137  
section 4731.25 of the Revised Code that the individual has 45138  
successfully completed any required inpatient treatment; 45139

(b) Evidence of continuing full compliance with an aftercare 45140  
contract or consent agreement; 45141

(c) Two written reports indicating that the individual's 45142  
ability to practice has been assessed and that the individual has 45143  
been found capable of practicing according to acceptable and 45144  
prevailing standards of care. The reports shall be made by 45145  
individuals or providers approved by the board for making the 45146  
assessments and shall describe the basis for their determination. 45147

The board may reinstate a certificate suspended under this 45148  
division after that demonstration and after the individual has 45149  
entered into a written consent agreement. 45150

When the impaired practitioner resumes practice, the board 45151  
shall require continued monitoring of the individual. The 45152  
monitoring shall include, but not be limited to, compliance with 45153  
the written consent agreement entered into before reinstatement or 45154  
with conditions imposed by board order after a hearing, and, upon 45155  
termination of the consent agreement, submission to the board for 45156  
at least two years of annual written progress reports made under 45157  
penalty of perjury stating whether the individual has maintained 45158  
sobriety. 45159

(27) A second or subsequent violation of section 4731.66 or 45160  
4731.69 of the Revised Code; 45161

(28) Except as provided in division (N) of this section: 45162

(a) Waiving the payment of all or any part of a deductible or 45163  
copayment that a patient, pursuant to a health insurance or health 45164

care policy, contract, or plan that covers the individual's 45165  
services, otherwise would be required to pay if the waiver is used 45166  
as an enticement to a patient or group of patients to receive 45167  
health care services from that individual; 45168

(b) Advertising that the individual will waive the payment of 45169  
all or any part of a deductible or copayment that a patient, 45170  
pursuant to a health insurance or health care policy, contract, or 45171  
plan that covers the individual's services, otherwise would be 45172  
required to pay. 45173

(29) Failure to use universal blood and body fluid 45174  
precautions established by rules adopted under section 4731.051 of 45175  
the Revised Code; 45176

(30) Failure to provide notice to, and receive acknowledgment 45177  
of the notice from, a patient when required by section 4731.143 of 45178  
the Revised Code prior to providing nonemergency professional 45179  
services, or failure to maintain that notice in the patient's 45180  
file; 45181

(31) Failure of a physician supervising a physician assistant 45182  
to maintain supervision in accordance with the requirements of 45183  
Chapter 4730. of the Revised Code and the rules adopted under that 45184  
chapter; 45185

(32) Failure of a physician or podiatrist to enter into a 45186  
standard care arrangement with a clinical nurse specialist, 45187  
certified nurse-midwife, or certified nurse practitioner with whom 45188  
the physician or podiatrist is in collaboration pursuant to 45189  
section 4731.27 of the Revised Code or failure to fulfill the 45190  
responsibilities of collaboration after entering into a standard 45191  
care arrangement; 45192

(33) Failure to comply with the terms of a consult agreement 45193  
entered into with a pharmacist pursuant to section 4729.39 of the 45194  
Revised Code; 45195

(34) Failure to cooperate in an investigation conducted by 45196  
the board under division (F) of this section, including failure to 45197  
comply with a subpoena or order issued by the board or failure to 45198  
answer truthfully a question presented by the board at a 45199  
deposition or in written interrogatories, except that failure to 45200  
cooperate with an investigation shall not constitute grounds for 45201  
discipline under this section if a court of competent jurisdiction 45202  
has issued an order that either quashes a subpoena or permits the 45203  
individual to withhold the testimony or evidence in issue; 45204

(35) Failure to supervise an acupuncturist in accordance with 45205  
Chapter 4762. of the Revised Code and the board's rules for 45206  
supervision of an acupuncturist; 45207

(36) Failure to supervise an anesthesiologist assistant in 45208  
accordance with Chapter 4760. of the Revised Code and the board's 45209  
rules for supervision of an anesthesiologist assistant; 45210

(37) Assisting suicide as defined in section 3795.01 of the 45211  
Revised Code. 45212

(C) Disciplinary actions taken by the board under divisions 45213  
(A) and (B) of this section shall be taken pursuant to an 45214  
adjudication under Chapter 119. of the Revised Code, except that 45215  
in lieu of an adjudication, the board may enter into a consent 45216  
agreement with an individual to resolve an allegation of a 45217  
violation of this chapter or any rule adopted under it. A consent 45218  
agreement, when ratified by an affirmative vote of not fewer than 45219  
six members of the board, shall constitute the findings and order 45220  
of the board with respect to the matter addressed in the 45221  
agreement. If the board refuses to ratify a consent agreement, the 45222  
admissions and findings contained in the consent agreement shall 45223  
be of no force or effect. 45224

If the board takes disciplinary action against an individual 45225  
under division (B) of this section for a second or subsequent plea 45226

of guilty to, or judicial finding of guilt of, a violation of 45227  
section 2919.123 of the Revised Code, the disciplinary action 45228  
shall consist of a suspension of the individual's certificate to 45229  
practice for a period of at least one year or, if determined 45230  
appropriate by the board, a more serious sanction involving the 45231  
individual's certificate to practice. Any consent agreement 45232  
entered into under this division with an individual that pertains 45233  
to a second or subsequent plea of guilty to, or judicial finding 45234  
of guilt of, a violation of that section shall provide for a 45235  
suspension of the individual's certificate to practice for a 45236  
period of at least one year or, if determined appropriate by the 45237  
board, a more serious sanction involving the individual's 45238  
certificate to practice. 45239

(D) For purposes of divisions (B)(10), (12), and (14) of this 45240  
section, the commission of the act may be established by a finding 45241  
by the board, pursuant to an adjudication under Chapter 119. of 45242  
the Revised Code, that the individual committed the act. The board 45243  
does not have jurisdiction under those divisions if the trial 45244  
court renders a final judgment in the individual's favor and that 45245  
judgment is based upon an adjudication on the merits. The board 45246  
has jurisdiction under those divisions if the trial court issues 45247  
an order of dismissal upon technical or procedural grounds. 45248

(E) The sealing of conviction records by any court shall have 45249  
no effect upon a prior board order entered under this section or 45250  
upon the board's jurisdiction to take action under this section 45251  
if, based upon a plea of guilty, a judicial finding of guilt, or a 45252  
judicial finding of eligibility for intervention in lieu of 45253  
conviction, the board issued a notice of opportunity for a hearing 45254  
prior to the court's order to seal the records. The board shall 45255  
not be required to seal, destroy, redact, or otherwise modify its 45256  
records to reflect the court's sealing of conviction records. 45257

(F)(1) The board shall investigate evidence that appears to 45258

show that a person has violated any provision of this chapter or 45259  
any rule adopted under it. Any person may report to the board in a 45260  
signed writing any information that the person may have that 45261  
appears to show a violation of any provision of this chapter or 45262  
any rule adopted under it. In the absence of bad faith, any person 45263  
who reports information of that nature or who testifies before the 45264  
board in any adjudication conducted under Chapter 119. of the 45265  
Revised Code shall not be liable in damages in a civil action as a 45266  
result of the report or testimony. Each complaint or allegation of 45267  
a violation received by the board shall be assigned a case number 45268  
and shall be recorded by the board. 45269

(2) Investigations of alleged violations of this chapter or 45270  
any rule adopted under it shall be supervised by the supervising 45271  
member elected by the board in accordance with section 4731.02 of 45272  
the Revised Code and by the secretary as provided in section 45273  
4731.39 of the Revised Code. The president may designate another 45274  
member of the board to supervise the investigation in place of the 45275  
supervising member. No member of the board who supervises the 45276  
investigation of a case shall participate in further adjudication 45277  
of the case. 45278

(3) In investigating a possible violation of this chapter or 45279  
any rule adopted under this chapter, the board may administer 45280  
oaths, order the taking of depositions, issue subpoenas, and 45281  
compel the attendance of witnesses and production of books, 45282  
accounts, papers, records, documents, and testimony, except that a 45283  
subpoena for patient record information shall not be issued 45284  
without consultation with the attorney general's office and 45285  
approval of the secretary and supervising member of the board. 45286  
Before issuance of a subpoena for patient record information, the 45287  
secretary and supervising member shall determine whether there is 45288  
probable cause to believe that the complaint filed alleges a 45289  
violation of this chapter or any rule adopted under it and that 45290

the records sought are relevant to the alleged violation and 45291  
material to the investigation. The subpoena may apply only to 45292  
records that cover a reasonable period of time surrounding the 45293  
alleged violation. 45294

On failure to comply with any subpoena issued by the board 45295  
and after reasonable notice to the person being subpoenaed, the 45296  
board may move for an order compelling the production of persons 45297  
or records pursuant to the Rules of Civil Procedure. 45298

A subpoena issued by the board may be served by a sheriff, 45299  
the sheriff's deputy, or a board employee designated by the board. 45300  
Service of a subpoena issued by the board may be made by 45301  
delivering a copy of the subpoena to the person named therein, 45302  
reading it to the person, or leaving it at the person's usual 45303  
place of residence. When the person being served is a person whose 45304  
practice is authorized by this chapter, service of the subpoena 45305  
may be made by certified mail, restricted delivery, return receipt 45306  
requested, and the subpoena shall be deemed served on the date 45307  
delivery is made or the date the person refuses to accept 45308  
delivery. 45309

A sheriff's deputy who serves a subpoena shall receive the 45310  
same fees as a sheriff. Each witness who appears before the board 45311  
in obedience to a subpoena shall receive the fees and mileage 45312  
provided for witnesses in civil cases in the courts of common 45313  
pleas. 45314

(4) All hearings and investigations of the board shall be 45315  
considered civil actions for the purposes of section 2305.252 of 45316  
the Revised Code. 45317

(5) Information received by the board pursuant to an 45318  
investigation is confidential and not subject to discovery in any 45319  
civil action. 45320

The board shall conduct all investigations and proceedings in 45321

a manner that protects the confidentiality of patients and persons 45322  
who file complaints with the board. The board shall not make 45323  
public the names or any other identifying information about 45324  
patients or complainants unless proper consent is given or, in the 45325  
case of a patient, a waiver of the patient privilege exists under 45326  
division (B) of section 2317.02 of the Revised Code, except that 45327  
consent or a waiver of that nature is not required if the board 45328  
possesses reliable and substantial evidence that no bona fide 45329  
physician-patient relationship exists. 45330

The board may share any information it receives pursuant to 45331  
an investigation, including patient records and patient record 45332  
information, with law enforcement agencies, other licensing 45333  
boards, and other governmental agencies that are prosecuting, 45334  
adjudicating, or investigating alleged violations of statutes or 45335  
administrative rules. An agency or board that receives the 45336  
information shall comply with the same requirements regarding 45337  
confidentiality as those with which the state medical board must 45338  
comply, notwithstanding any conflicting provision of the Revised 45339  
Code or procedure of the agency or board that applies when it is 45340  
dealing with other information in its possession. In a judicial 45341  
proceeding, the information may be admitted into evidence only in 45342  
accordance with the Rules of Evidence, but the court shall require 45343  
that appropriate measures are taken to ensure that confidentiality 45344  
is maintained with respect to any part of the information that 45345  
contains names or other identifying information about patients or 45346  
complainants whose confidentiality was protected by the state 45347  
medical board when the information was in the board's possession. 45348  
Measures to ensure confidentiality that may be taken by the court 45349  
include sealing its records or deleting specific information from 45350  
its records. 45351

(6) On a quarterly basis, the board shall prepare a report 45352  
that documents the disposition of all cases during the preceding 45353

three months. The report shall contain the following information 45354  
for each case with which the board has completed its activities: 45355

(a) The case number assigned to the complaint or alleged 45356  
violation; 45357

(b) The type of certificate to practice, if any, held by the 45358  
individual against whom the complaint is directed; 45359

(c) A description of the allegations contained in the 45360  
complaint; 45361

(d) The disposition of the case. 45362

The report shall state how many cases are still pending and 45363  
shall be prepared in a manner that protects the identity of each 45364  
person involved in each case. The report shall be a public record 45365  
under section 149.43 of the Revised Code. 45366

(G) If the secretary and supervising member determine that 45367  
there is clear and convincing evidence that an individual has 45368  
violated division (B) of this section and that the individual's 45369  
continued practice presents a danger of immediate and serious harm 45370  
to the public, they may recommend that the board suspend the 45371  
individual's certificate to practice without a prior hearing. 45372  
Written allegations shall be prepared for consideration by the 45373  
board. 45374

The board, upon review of those allegations and by an 45375  
affirmative vote of not fewer than six of its members, excluding 45376  
the secretary and supervising member, may suspend a certificate 45377  
without a prior hearing. A telephone conference call may be 45378  
utilized for reviewing the allegations and taking the vote on the 45379  
summary suspension. 45380

The board shall issue a written order of suspension by 45381  
certified mail or in person in accordance with section 119.07 of 45382  
the Revised Code. The order shall not be subject to suspension by 45383

the court during pendency of any appeal filed under section 119.12 45384  
of the Revised Code. If the individual subject to the summary 45385  
suspension requests an adjudicatory hearing by the board, the date 45386  
set for the hearing shall be within fifteen days, but not earlier 45387  
than seven days, after the individual requests the hearing, unless 45388  
otherwise agreed to by both the board and the individual. 45389

Any summary suspension imposed under this division shall 45390  
remain in effect, unless reversed on appeal, until a final 45391  
adjudicative order issued by the board pursuant to this section 45392  
and Chapter 119. of the Revised Code becomes effective. The board 45393  
shall issue its final adjudicative order within ~~sixty~~ seventy-five 45394  
days after completion of its hearing. A failure to issue the order 45395  
within ~~sixty~~ seventy-five days shall result in dissolution of the 45396  
summary suspension order but shall not invalidate any subsequent, 45397  
final adjudicative order. 45398

(H) If the board takes action under division (B)(9), (11), or 45399  
(13) of this section and the judicial finding of guilt, guilty 45400  
plea, or judicial finding of eligibility for intervention in lieu 45401  
of conviction is overturned on appeal, upon exhaustion of the 45402  
criminal appeal, a petition for reconsideration of the order may 45403  
be filed with the board along with appropriate court documents. 45404  
Upon receipt of a petition of that nature and supporting court 45405  
documents, the board shall reinstate the individual's certificate 45406  
to practice. The board may then hold an adjudication under Chapter 45407  
119. of the Revised Code to determine whether the individual 45408  
committed the act in question. Notice of an opportunity for a 45409  
hearing shall be given in accordance with Chapter 119. of the 45410  
Revised Code. If the board finds, pursuant to an adjudication held 45411  
under this division, that the individual committed the act or if 45412  
no hearing is requested, the board may order any of the sanctions 45413  
identified under division (B) of this section. 45414

(I) The certificate to practice issued to an individual under 45415

this chapter and the individual's practice in this state are 45416  
automatically suspended as of the date of the individual's second 45417  
or subsequent plea of guilty to, or judicial finding of guilt of, 45418  
a violation of section 2919.123 of the Revised Code, or the date 45419  
the individual pleads guilty to, is found by a judge or jury to be 45420  
guilty of, or is subject to a judicial finding of eligibility for 45421  
intervention in lieu of conviction in this state or treatment or 45422  
intervention in lieu of conviction in another jurisdiction for any 45423  
of the following criminal offenses in this state or a 45424  
substantially equivalent criminal offense in another jurisdiction: 45425  
aggravated murder, murder, voluntary manslaughter, felonious 45426  
assault, kidnapping, rape, sexual battery, gross sexual 45427  
imposition, aggravated arson, aggravated robbery, or aggravated 45428  
burglary. Continued practice after suspension shall be considered 45429  
practicing without a certificate. 45430

The board shall notify the individual subject to the 45431  
suspension by certified mail or in person in accordance with 45432  
section 119.07 of the Revised Code. If an individual whose 45433  
certificate is automatically suspended under this division fails 45434  
to make a timely request for an adjudication under Chapter 119. of 45435  
the Revised Code, the board shall do whichever of the following is 45436  
applicable: 45437

(1) If the automatic suspension under this division is for a 45438  
second or subsequent plea of guilty to, or judicial finding of 45439  
guilt of, a violation of section 2919.123 of the Revised Code, the 45440  
board shall enter an order suspending the individual's certificate 45441  
to practice for a period of at least one year or, if determined 45442  
appropriate by the board, imposing a more serious sanction 45443  
involving the individual's certificate to practice. 45444

(2) In all circumstances in which division (I)(1) of this 45445  
section does not apply, enter a final order permanently revoking 45446  
the individual's certificate to practice. 45447

(J) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a certificate issued under this chapter shall not be effective unless or until accepted by the board. Reinstatement of a certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application for a certificate made under the 45480  
provisions of this chapter may not be withdrawn without approval 45481  
of the board. 45482

(3) Failure by an individual to renew a certificate of 45483  
registration in accordance with this chapter shall not remove or 45484  
limit the board's jurisdiction to take any disciplinary action 45485  
under this section against the individual. 45486

(N) Sanctions shall not be imposed under division (B)(28) of 45487  
this section against any person who waives deductibles and 45488  
copayments as follows: 45489

(1) In compliance with the health benefit plan that expressly 45490  
allows such a practice. Waiver of the deductibles or copayments 45491  
shall be made only with the full knowledge and consent of the plan 45492  
purchaser, payer, and third-party administrator. Documentation of 45493  
the consent shall be made available to the board upon request. 45494

(2) For professional services rendered to any other person 45495  
authorized to practice pursuant to this chapter, to the extent 45496  
allowed by this chapter and rules adopted by the board. 45497

(O) Under the board's investigative duties described in this 45498  
section and subject to division (F) of this section, the board 45499  
shall develop and implement a quality intervention program 45500  
designed to improve through remedial education the clinical and 45501  
communication skills of individuals authorized under this chapter 45502  
to practice medicine and surgery, osteopathic medicine and 45503  
surgery, and podiatric medicine and surgery. In developing and 45504  
implementing the quality intervention program, the board may do 45505  
all of the following: 45506

(1) Offer in appropriate cases as determined by the board an 45507  
educational and assessment program pursuant to an investigation 45508  
the board conducts under this section; 45509

(2) Select providers of educational and assessment services, 45510

including a quality intervention program panel of case reviewers; 45511

(3) Make referrals to educational and assessment service 45512  
providers and approve individual educational programs recommended 45513  
by those providers. The board shall monitor the progress of each 45514  
individual undertaking a recommended individual educational 45515  
program. 45516

(4) Determine what constitutes successful completion of an 45517  
individual educational program and require further monitoring of 45518  
the individual who completed the program or other action that the 45519  
board determines to be appropriate; 45520

(5) Adopt rules in accordance with Chapter 119. of the 45521  
Revised Code to further implement the quality intervention 45522  
program. 45523

An individual who participates in an individual educational 45524  
program pursuant to this division shall pay the financial 45525  
obligations arising from that educational program. 45526

**Sec. 4735.10.** (A)(1) The Ohio real estate commission may 45527  
adopt reasonable rules in accordance with Chapter 119. of the 45528  
Revised Code, necessary for implementing the provisions of this 45529  
chapter relating, but not limited to, the following: 45530

(a) The form and manner of filing applications for license; 45531

(b) Times and form of examination for license; 45532

(c) Placing an existing broker's license on deposit or a 45533  
salesperson's license on an inactive status for an indefinite 45534  
period. 45535

(2) The commission shall adopt reasonable rules in accordance 45536  
with Chapter 119. of the Revised Code, for implementing the 45537  
provisions of this chapter relating to the following: 45538

(a) The issuance, renewal, suspension, and revocation of 45539

licenses, other sanctions that may be imposed for violations of 45540  
this chapter, the conduct of hearings related to these actions, 45541  
and the process of reactivating a license; 45542

(b) By not later than January 1, 2004, a three-year license 45543  
and a three-year license renewal system; 45544

(c) Standards for the approval of courses of study required 45545  
for licenses, or offered in preparation for license examinations, 45546  
or required as continuing education for licenses. ~~The rules shall~~ 45547  
~~specify that no standard for the approval of a course of study~~ 45548  
~~required as continuing education for licensees shall require that~~ 45549  
~~licensees pass an examination as a condition for the successful~~ 45550  
~~completion of a continuing education requirement. A person~~ 45551  
~~providing a continuing education course may administer~~ 45552  
~~examinations for the purpose of evaluating the effectiveness of~~ 45553  
~~the course.~~ 45554

(d) Guidelines to ensure that continuing education classes 45555  
are open to all persons licensed under this chapter. The rules 45556  
shall specify that an organization that sponsors a continuing 45557  
education class may offer its members a reasonable reduction in 45558  
the fees charged for the class. 45559

(e) Requirements for trust accounts and property management 45560  
accounts. The rules shall specify that: 45561

(i) Brokerages engaged in the management of property for 45562  
another may, pursuant to a written contract with the property 45563  
owner, exercise signatory authority for withdrawals from property 45564  
management accounts maintained in the name of the property owner. 45565  
The exercise of authority for withdrawals does not constitute a 45566  
violation of any provision of division (A) of section 4735.18 of 45567  
the Revised Code. 45568

(ii) The interest earned on property management trust 45569  
accounts maintained in the name of the property owner or the 45570

broker shall be payable to the property owner unless otherwise specified in a written contract.	45571 45572
(f) Notice of renewal forms and filing deadlines;	45573
(g) Special assessments under division (A) of section 4735.12 of the Revised Code.	45574 45575
(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:	45576 45577 45578 45579
(1) Appointment and recommendation of ancillary trustees under section 4735.05 of the Revised Code;	45580 45581
(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;	45582 45583 45584 45585
(3) Acceptance and rejection of applications to take the broker and salesperson examinations and licensure, with appropriate waivers pursuant to division (E) of section 4735.07 and section 4735.09 of the Revised Code;	45586 45587 45588 45589
(4) Approval of applications of brokers to place their licenses on deposit and to become salespersons under section 4735.13 of the Revised Code;	45590 45591 45592
(5) Appointment of hearing examiners under section 119.09 of the Revised Code;	45593 45594
(6) Acceptance and rejection of applications to take the foreign real estate dealer and salesperson examinations and licensure, with waiver of examination, under sections 4735.27 and 4735.28 of the Revised Code;	45595 45596 45597 45598
(7) Qualification of foreign real estate under section 4735.25 of the Revised Code.	45599 45600

If at any time there is no rule in effect establishing a 45601  
guideline or standard required by this division, the 45602  
superintendent may adopt a rule in accordance with Chapter 119. of 45603  
the Revised Code for such purpose. 45604

(C) The commission or superintendent may hear testimony in 45605  
matters relating to the duties imposed upon them, and the 45606  
president of the commission and superintendent may administer 45607  
oaths. The commission or superintendent may require other proof of 45608  
the honesty, truthfulness, and good reputation of any person named 45609  
in an application for a real estate broker's or real estate 45610  
salesperson's license before admitting the applicant to the 45611  
examination or issuing a license. 45612

**Sec. 4735.141.** (A) Except as otherwise provided in this 45613  
division, each person licensed under section 4735.07 or 4735.09 of 45614  
the Revised Code shall submit proof satisfactory to the 45615  
superintendent of real estate that the licensee has satisfactorily 45616  
completed thirty hours of continuing education, as prescribed by 45617  
the Ohio real estate commission pursuant to section 4735.10 of the 45618  
Revised Code, on or before the licensee's birthday occurring three 45619  
years after the licensee's date of initial licensure, and on or 45620  
before the licensee's birthday every three years thereafter. 45621

Persons licensed as real estate salespersons who subsequently 45622  
become licensed real estate brokers shall continue to submit proof 45623  
of continuing education in accordance with the time period 45624  
established in this section. 45625

The requirements of this section shall not apply to any 45626  
physically handicapped licensee as provided in division (E) of 45627  
this section. 45628

Each licensee who is seventy years of age or older, within a 45629  
continuing education reporting period, shall submit proof 45630  
satisfactory to the superintendent of real estate that the 45631

licensee has satisfactorily completed a total of nine classroom 45632  
hours of continuing education, including instruction in Ohio real 45633  
estate law; recently enacted state and federal laws affecting the 45634  
real estate industry; municipal, state, and federal civil rights 45635  
law; and canons of ethics for the real estate industry as adopted 45636  
by the commission. The required proof of completion shall be 45637  
submitted on or before the licensee's birthday that falls in the 45638  
third year of that continuing education reporting period. A 45639  
licensee who is seventy years of age or older whose license is in 45640  
an inactive status is exempt from the continuing education 45641  
requirements specified in this section. The commission shall adopt 45642  
reasonable rules in accordance with Chapter 119. of the Revised 45643  
Code to carry out the purposes of this paragraph. 45644

~~A person providing any course of continuing education may 45645  
administer examinations to licensees for the purpose of evaluating 45646  
the effectiveness of the course, but passage of an examination by 45647  
a licensee shall not be a condition for successful completion of 45648  
the continuing education requirements of this section. 45649~~

(B) The continuing education requirements of this section 45650  
shall be completed in schools, seminars, and educational 45651  
institutions approved by the commission. Such approval shall be 45652  
given according to rules established by the commission under the 45653  
procedures of Chapter 119. of the Revised Code, and shall not be 45654  
limited to institutions providing two-year or four-year degrees. 45655  
Each school, seminar, or educational institution approved under 45656  
this division shall be open to all licensees on an equal basis. 45657

(C) If the requirements of this section are not met by a 45658  
licensee within the period specified, the licensee's license shall 45659  
be suspended automatically without the taking of any action by the 45660  
superintendent. The superintendent shall notify the licensee of 45661  
the license suspension. Any license so suspended shall remain 45662  
suspended until it is reactivated by the superintendent. No such 45663

license shall be reactivated until it is established, to the 45664  
satisfaction of the superintendent, that the requirements of this 45665  
section have been met. If the requirements of this section are not 45666  
met within twelve months from the date the license was suspended, 45667  
the license shall be revoked automatically without the taking of 45668  
any action by the superintendent. 45669

(D) If the license of a real estate broker is suspended 45670  
pursuant to division (C) of this section, the license of a real 45671  
estate salesperson associated with that broker correspondingly is 45672  
suspended pursuant to division (H) of section 4735.20 of the 45673  
Revised Code. However, the suspended license of the associated 45674  
real estate salesperson shall be reactivated and no fee shall be 45675  
charged or collected for that reactivation if all of the following 45676  
occur: 45677

(1) That broker subsequently submits proof to the 45678  
superintendent that the broker has complied with the requirements 45679  
of this section and requests that the broker's license as a real 45680  
estate broker be reactivated. 45681

(2) The superintendent then reactivates the broker's license 45682  
as a real estate broker. 45683

(3) The associated real estate salesperson intends to 45684  
continue to be associated with that broker, has complied with the 45685  
requirements of this section, and otherwise is in compliance with 45686  
this chapter. 45687

Any person whose license is reactivated pursuant to this 45688  
division shall submit proof satisfactory to the superintendent 45689  
that the person has completed thirty hours of continuing 45690  
education, as prescribed by the Ohio real estate commission, on or 45691  
before the third year following the licensee's birthday occurring 45692  
immediately after reactivation. 45693

(E) Any licensee who is a physically handicapped licensee at 45694

any time during the last three months of the third year of the 45695  
licensee's continuing education reporting period may receive an 45696  
extension of time to submit proof to the superintendent that the 45697  
licensee has satisfactorily completed the required thirty hours of 45698  
continuing education. To receive an extension of time, the 45699  
licensee shall submit a request to the division of real estate for 45700  
the extension and proof satisfactory to the commission that the 45701  
licensee was a physically handicapped licensee at some time during 45702  
the last three months of the three-year reporting period. The 45703  
proof shall include, but is not limited to, a signed statement by 45704  
the licensee's attending physician describing the physical 45705  
disability, certifying that the licensee's disability is of such a 45706  
nature as to prevent the licensee from attending any instruction 45707  
lasting at least three hours in duration, and stating the expected 45708  
duration of the physical disability. The licensee shall request 45709  
the extension and provide the physician's statement to the 45710  
division no later than one month prior to the end of the 45711  
licensee's three-year continuing education reporting period, 45712  
unless the physical disability did not arise until the last month 45713  
of the three-year reporting period, in which event the licensee 45714  
shall request the extension and provide the physician's statement 45715  
as soon as practical after the occurrence of the physical 45716  
disability. A licensee granted an extension pursuant to this 45717  
division who is no longer a physically handicapped licensee and 45718  
who submits proof of completion of the continuing education during 45719  
the extension period, shall submit, for future continuing 45720  
education reporting periods, proof of completion of the continuing 45721  
education requirements according to the schedule established in 45722  
division (A) of this section. 45723

**Sec. 4736.01.** As used in this chapter: 45724

(A) "Environmental health science" means the aspect of public 45725  
health science that includes, but is not limited to, the following 45726

bodies of knowledge: air quality, food quality and protection, 45727  
hazardous and toxic substances, consumer product safety, housing, 45728  
institutional health and safety, community noise control, 45729  
radiation protection, recreational facilities, solid and liquid 45730  
waste management, vector control, drinking water quality, milk 45731  
sanitation, and rabies control. 45732

(B) "Sanitarian" means a person who performs for compensation 45733  
educational, investigational, technical, or administrative duties 45734  
requiring specialized knowledge and skills in the field of 45735  
environmental health science. 45736

(C) "Registered sanitarian" means a person who is registered 45737  
as a sanitarian in accordance with this chapter. 45738

(D) "Sanitarian-in-training" means a person who is registered 45739  
as a sanitarian-in-training in accordance with this chapter. 45740

(E) "Practice of environmental health" means consultation, 45741  
instruction, investigation, inspection, or evaluation by an 45742  
employee of a city health district, a general health district, the 45743  
environmental protection agency, the department of health, or the 45744  
department of agriculture requiring specialized knowledge, 45745  
training, and experience in the field of environmental health 45746  
science, with the primary purpose of improving or conducting 45747  
administration or enforcement under any of the following: 45748

(1) Chapter 911., 913., 917., 3717., ~~3718.~~, 3721., 3729., or 45749  
3733. of the Revised Code; 45750

(2) Chapter 3734. of the Revised Code as it pertains to solid 45751  
waste; 45752

(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 45753  
3707.38 to 3707.99, or section 3715.21 of the Revised Code; 45754

(4) Rules adopted under section 3701.34 of the Revised Code 45755  
pertaining to home sewage, rabies control, or swimming pools; 45756

(5) Rules adopted under section 3701.935 of the Revised Code 45757  
for school health and safety network inspections and rules adopted 45758  
under section 3707.26 of the Revised Code for sanitary 45759  
inspections. 45760

"Practice of environmental health" does not include sampling, 45761  
testing, controlling of vectors, reporting of observations, or 45762  
other duties that do not require application of specialized 45763  
knowledge and skills in environmental health science performed 45764  
under the supervision of a registered sanitarian. 45765

The state board of sanitarian registration may further define 45766  
environmental health science in relation to specific functions in 45767  
the practice of environmental health through rules adopted by the 45768  
board under Chapter 119. of the Revised Code. 45769

**Sec. 4743.05.** Except as otherwise provided in sections 45770  
4701.20, 4723.062, 4723.082, and 4729.65 of the Revised Code, all 45771  
money collected under Chapters 3773., 4701., 4703., 4709., 4713., 45772  
4715., 4717., 4723., 4725., 4729., 4732., 4733., 4734., 4736., 45773  
4741., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 4771., 45774  
4775., 4779., and 4781. of the Revised Code shall be paid into the 45775  
state treasury to the credit of the occupational licensing and 45776  
regulatory fund, which is hereby created for use in administering 45777  
such chapters. 45778

At the end of each quarter, the director of budget and 45779  
management shall transfer from the occupational licensing and 45780  
regulatory fund to the nurse education assistance fund created in 45781  
section 3333.28 of the Revised Code the amount certified to the 45782  
director under division (B) of section 4723.08 of the Revised 45783  
Code. 45784

At the end of each quarter, the director shall transfer from 45785  
the occupational licensing and regulatory fund to the certified 45786  
public accountant education assistance fund created in section 45787

4701.26 of the Revised Code the amount certified to the director 45788  
under division (H)(2) of section 4701.10 of the Revised Code. 45789

**Sec. 4755.03.** ~~All~~ Except as provided in section 4755.99 of 45790  
the Revised Code, all fees and fines collected and assessed under 45791  
this chapter by the appropriate section of the Ohio occupational 45792  
therapy, physical therapy, and athletic trainers board, shall be 45793  
deposited into the state treasury to the credit of the 45794  
occupational licensing and regulatory fund. 45795

**Sec. 4766.05.** (A) The Ohio medical transportation board shall 45796  
establish by rule a license fee, a permit fee for each ambulance, 45797  
ambulette, rotorcraft air ambulance, fixed wing air ambulance, and 45798  
nontransport vehicle owned or leased by the licensee that is or 45799  
will be used as provided in section 4766.07 of the Revised Code, 45800  
and fees for renewals of licenses and permits, taking into 45801  
consideration the actual costs incurred by the board in carrying 45802  
out its duties under this chapter. However, the fee for each 45803  
license and each renewal of a license shall not exceed one hundred 45804  
dollars, and the fee for each permit and each renewal of a permit 45805  
shall not exceed one hundred dollars for each ambulance, 45806  
rotorcraft air ambulance, fixed wing air ambulance, and 45807  
nontransport vehicle. The fee for each permit and each renewal of 45808  
a permit shall be twenty-five dollars for each ambulette for one 45809  
year after ~~the effective date of this amendment~~ March 9, 2004. 45810  
Thereafter, the board shall determine by rule the fee, which shall 45811  
not exceed fifty dollars, for each permit and each renewal of a 45812  
permit for each ambulette. For purposes of establishing fees, 45813  
"actual costs" includes the costs of salaries, expenses, 45814  
inspection equipment, supervision, and program administration. 45815

(B) The board shall deposit all fees and other moneys 45816  
collected pursuant to sections 4766.04, 4766.07, and 4766.08 of 45817  
the Revised Code in the state treasury to the credit of the Ohio 45818

~~medical transportation trust~~ occupational licensing and regulatory 45819  
fund, which is ~~hereby~~ created by section 4743.05 of the Revised 45820  
Code. All moneys from the fund shall be used solely for the 45821  
salaries and expenses of the board incurred in implementing and 45822  
enforcing this chapter. 45823

(C) The board, subject to the approval of the controlling 45824  
board, may establish fees in excess of the maximum amounts allowed 45825  
under division (A) of this section, but such fees shall not exceed 45826  
those maximum amounts by more than fifty per cent. 45827

**Sec. 4766.22.** (A) Not later than forty-five days after the 45828  
end of each fiscal year, the Ohio medical transportation board 45829  
shall submit a report to the governor and general assembly that 45830  
provides all of the following information for that fiscal year: 45831

(1) The number of each of the following the board issued: 45832

(a) Basic life-support organization licenses; 45833

(b) Intermediate life-support organization licenses; 45834

(c) Advanced life-support organization licenses; 45835

(d) Mobile intensive care unit organization licenses; 45836

(e) Ambulette service licenses; 45837

(f) Air medical service organization licenses; 45838

(g) Ambulance permits; 45839

(h) Nontransport vehicle permits; 45840

(i) Ambulette vehicle permits; 45841

(j) Rotorcraft air ambulance permits; 45842

(k) Fixed wing air ambulance permits. 45843

(2) The amount of fees the board collected for issuing and 45844  
renewing each type of license and permit specified in division 45845  
(A)(1) of this section; 45846

<u>(3) The number of inspections the board or a third party on</u>	45847
<u>the board's behalf conducted in connection with each type of</u>	45848
<u>license and permit specified in division (A)(1) of this section</u>	45849
<u>and the amount of fees the board collected for the inspections;</u>	45850
<u>(4) The number of complaints that were submitted to the</u>	45851
<u>board;</u>	45852
<u>(5) The number of investigations the board conducted under</u>	45853
<u>section 4766.11 of the Revised Code;</u>	45854
<u>(6) The number of adjudication hearings the board held and</u>	45855
<u>the outcomes of the adjudications;</u>	45856
<u>(7) The amount of penalties the board imposed and collected</u>	45857
<u>under section 4766.08 of the Revised Code;</u>	45858
<u>(8) Other information the board determines reflects the</u>	45859
<u>board's operations.</u>	45860
<u>(B) The board shall post the annual report required by this</u>	45861
<u>section on its web site and make it available to the public on</u>	45862
<u>request.</u>	45863
<b>Sec. 4775.08.</b> (A) The initial and annual renewal fee for a	45864
motor vehicle collision repair registration certificate and for a	45865
temporary motor vehicle collision repair registration certificate	45866
is one hundred fifty dollars for each business location at which	45867
the motor vehicle collision repair operator conducts business as	45868
an operator, except that the board of motor vehicle collision	45869
repair registration, with the approval of the controlling board,	45870
may establish fees in excess of or less than that amount, provided	45871
that such fees do not exceed or are not less than that amount by	45872
more than fifty per cent.	45873
The board shall adjust the fees as necessary in order to	45874
provide for the expenses associated with carrying out this chapter	45875
<del>without causing an excessive build up of surplus funds in the</del>	45876

~~motor vehicle collision repair registration fund, which is hereby~~ 45877  
~~created in the state treasury.~~ 45878

(B) If the board has notified or attempted to notify a motor 45879  
vehicle collision repair operator that the operator is required to 45880  
be registered under this chapter, and the operator fails to 45881  
register, the initial fee for the registration of such an 45882  
unregistered operator for each business location at which the 45883  
operator conducts business as an operator, is the initial fee then 45884  
in effect plus an additional amount equal to the initial fee then 45885  
in effect for each calendar year that the operator is not 45886  
registered after the board has notified or attempted to notify the 45887  
operator. 45888

(C) The board shall deposit all fees and fines collected 45889  
under this chapter into the ~~motor vehicle collision repair~~ 45890  
~~registration fund. The board shall use the fund solely for the~~ 45891  
~~administration and enforcement of this chapter~~ occupational 45892  
licensing and regulatory fund created by section 4743.05 of the 45893  
Revised Code. 45894

**Sec. 4921.40.** In accordance with section 4921.04 of the 45895  
Revised Code, the public utilities commission may adopt rules: 45896

(A) Providing for binding estimates by motor transportation 45897  
companies engaged, for hire, in the business of transporting 45898  
household goods over a public highway in this state; 45899

(B) Providing for guaranteed-not-to-exceed estimates by such 45900  
motor transportation companies; 45901

(C) Requiring such motor transportation companies to include 45902  
their certificate number in all advertising, written estimates, 45903  
and contracts related to the transportation of household goods in 45904  
this state; 45905

(D) As are necessary and proper to carry out this chapter 45906

with respect to such motor transportation companies; 45907

(E) Providing for the enforcement of the consumer protection provisions of Title 49 of the United States Code related to the delivery and transportation of household goods in interstate commerce, as permitted by 49 U.S.C. 14710. Any fine or penalty imposed as a result of such enforcement shall be deposited into the state treasury to the credit of the general revenue fund. 45908  
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Sec. 4923.26. There is hereby created in the state treasury the federal commercial vehicle transportation systems fund. The fund shall consist of money received from the United States department of transportation's commercial vehicle intelligent transportation systems infrastructure deployment program. The public utilities commission shall use the fund to deploy the Ohio commercial vehicle information systems networks project and to improve safety of motor carrier operations through electronic exchange of data by means of on-highway electronic systems. 45914  
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Sec. 5101.141. (A) As used in sections 5101.141 to 5101.1410 of the Revised Code, "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 45923  
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(B) The department of job and family services shall act as the single state agency to administer federal payments for foster care and adoption assistance made pursuant to Title IV-E. The director of job and family services shall adopt rules to implement this authority. Rules governing financial and administrative requirements applicable to public children services agencies and government entities that provide Title IV-E reimbursable placement services to children shall be adopted in accordance with section 111.15 of the Revised Code, as if they were internal management rules. Rules governing requirements applicable to private child placing agencies and private noncustodial agencies and rules 45926  
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establishing eligibility, program participation, and other 45937  
requirements concerning Title IV-E shall be adopted in accordance 45938  
with Chapter 119. of the Revised Code. A public children services 45939  
agency to which the department distributes Title IV-E funds shall 45940  
administer the funds in accordance with those rules. 45941

(C)(1) The county, on behalf of each child eligible for 45942  
foster care maintenance payments under Title IV-E, shall make 45943  
payments to cover the cost of providing all of the following: 45944

(a) The child's food, clothing, shelter, daily supervision, 45945  
and school supplies; 45946

(b) The child's personal incidentals; 45947

(c) Reasonable travel to the child's home for visitation. 45948

(2) In addition to payments made under division (C)(1) of 45949  
this section, the county may, on behalf of each child eligible for 45950  
foster care maintenance payments under Title IV-E, make payments 45951  
to cover the cost of providing the following: 45952

(a) Liability insurance with respect to the child; 45953

(b) If the county is participating in the demonstration 45954  
project established under division (A) of section 5101.142 of the 45955  
Revised Code, services provided under the project. 45956

(3) With respect to a child who is in a child-care 45957  
institution, including any type of group home designed for the 45958  
care of children or any privately operated program consisting of 45959  
two or more certified foster homes operated by a common 45960  
administrative unit, the foster care maintenance payments made by 45961  
the county on behalf of the child shall include the reasonable 45962  
cost of the administration and operation of the institution, group 45963  
home, or program, as necessary to provide the items described in 45964  
divisions (C)(1) and (2) of this section. 45965

(D) To the extent that either foster care maintenance 45966

payments under division (C) of this section or Title IV-E adoption 45967  
assistance payments for maintenance costs require the expenditure 45968  
of county funds, the board of county commissioners shall report 45969  
the nature and amount of each expenditure of county funds to the 45970  
department. 45971

(E) The department shall distribute to public children 45972  
services agencies that incur and report ~~such~~ expenditures of the 45973  
type described in division (D) of this section federal financial 45974  
participation received for administrative and training costs 45975  
incurred in the operation of foster care maintenance and adoption 45976  
assistance programs. The department may withhold not more than 45977  
three per cent of the federal financial participation received. 45978  
The funds withheld may be used only to fund the following: 45979

(1) The Ohio child welfare training program established under 45980  
section 5103.30 of the Revised Code ~~and the~~ 45981

(2) The university partnership program for college and 45982  
university students majoring in social work who have committed to 45983  
work for a public children services agency upon graduation. ~~The~~ 45984

(3) Efforts supporting organizational excellence, including 45985  
voluntary activities to be accredited by a nationally recognized 45986  
accreditation organization. 45987

The funds withheld shall be in addition to any administration 45988  
and training cost for which the department is reimbursed through 45989  
its own cost allocation plan. 45990

(F) All federal financial participation funds received by a 45991  
county pursuant to this section shall be deposited into the 45992  
county's children services fund created pursuant to section 45993  
5101.144 of the Revised Code. 45994

(G) The department shall periodically publish and distribute 45995  
the maximum amounts that the department will reimburse public 45996  
children services agencies for making payments on behalf of 45997

children eligible for foster care maintenance payments.	45998
(H) The department, by and through its director, is hereby	45999
authorized to develop, participate in the development of,	46000
negotiate, and enter into one or more interstate compacts on	46001
behalf of this state with agencies of any other states, for the	46002
provision of medical assistance and other social services to	46003
children in relation to whom all of the following apply:	46004
(1) They have special needs.	46005
(2) This state or another state that is a party to the	46006
interstate compact is providing adoption assistance on their	46007
behalf.	46008
(3) They move into this state from another state or move out	46009
of this state to another state.	46010
<b>Sec. 5101.16.</b> (A) As used in this section and sections	46011
5101.161 and 5101.162 of the Revised Code:	46012
(1) "Disability financial assistance" means the financial	46013
assistance program established under Chapter 5115. of the Revised	46014
Code.	46015
(2) "Disability medical assistance" means the medical	46016
assistance program established under Chapter 5115. of the Revised	46017
Code.	46018
(3) "Food stamps" means the program administered by the	46019
department of job and family services pursuant to section 5101.54	46020
of the Revised Code.	46021
(4) "Medicaid" means the medical assistance program	46022
established by Chapter 5111. of the Revised Code, excluding	46023
transportation services provided under that chapter.	46024
(5) "Ohio works first" means the program established by	46025
Chapter 5107. of the Revised Code.	46026

(6) "Prevention, retention, and contingency" means the program established by Chapter 5108. of the Revised Code.	46027 46028
(7) "Public assistance expenditures" means expenditures for all of the following:	46029 46030
(a) Ohio works first;	46031
(b) County administration of Ohio works first;	46032
(c) Prevention, retention, and contingency;	46033
(d) County administration of prevention, retention, and contingency;	46034 46035
(e) Disability financial assistance;	46036
(f) Disability medical assistance;	46037
(g) County administration of disability financial assistance;	46038
(h) County administration of disability medical assistance;	46039
(i) County administration of food stamps;	46040
(j) County administration of medicaid.	46041
(8) "Title IV-A program" has the same meaning as in section 5101.80 of the Revised Code.	46042 46043
(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> :	46044 46045 46046 46047 46048 46049 46050 46051 46052
(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	46053 46054 46055

programs during the state fiscal year ending in the previous 46056  
calendar year that the department of job and family services 46057  
determines are allowable. 46058

(2) The amount that is ten per cent, or other percentage 46059  
determined under division (D) of this section, of the county's 46060  
total expenditures for county administration of food stamps and 46061  
medicaid during the state fiscal year ending in the previous 46062  
calendar year that the department determines are allowable, less 46063  
the amount of federal reimbursement credited to the county under 46064  
division (E) of this section for the state fiscal year ending in 46065  
the previous calendar year; 46066

(3) A percentage of the actual amount of the county share of 46067  
program and administrative expenditures during federal fiscal year 46068  
1994 for assistance and services, other than child care, provided 46069  
under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 46070  
620 (1935), 42 U.S.C. 301, as those titles existed prior to the 46071  
enactment of the "Personal Responsibility and Work Opportunity 46072  
Reconciliation Act of 1996," 110 Stat. 2105. The department of job 46073  
and family services shall determine the actual amount of the 46074  
county share from expenditure reports submitted to the United 46075  
States department of health and human services. The percentage 46076  
shall be the percentage established in rules adopted under 46077  
division (F) of this section. 46078

(C)(1) If a county's share of public assistance expenditures 46079  
determined under division (B) of this section for a state fiscal 46080  
year exceeds one hundred ten per cent of the county's share for 46081  
those expenditures for the immediately preceding state fiscal 46082  
year, the department of job and family services shall reduce the 46083  
county's share for expenditures under divisions (B)(1) and (2) of 46084  
this section so that the total of the county's share for 46085  
expenditures under division (B) of this section equals one hundred 46086  
ten per cent of the county's share of those expenditures for the 46087

immediately preceding state fiscal year. 46088

(2) A county's share of public assistance expenditures 46089  
determined under division (B) of this section may be increased 46090  
pursuant to section 5101.163 of the Revised Code and a sanction 46091  
under section 5101.24 of the Revised Code. An increase made 46092  
pursuant to section 5101.163 of the Revised Code may cause the 46093  
county's share to exceed the limit established by division (C)(1) 46094  
of this section. 46095

(D)(1) If the per capita tax duplicate of a county is less 46096  
than the per capita tax duplicate of the state as a whole and 46097  
division (D)(2) of this section does not apply to the county, the 46098  
percentage to be used for the purpose of division (B)(2) of this 46099  
section is the product of ten multiplied by a fraction of which 46100  
the numerator is the per capita tax duplicate of the county and 46101  
the denominator is the per capita tax duplicate of the state as a 46102  
whole. The department of job and family services shall compute the 46103  
per capita tax duplicate for the state and for each county by 46104  
dividing the tax duplicate for the most recent available year by 46105  
the current estimate of population prepared by the department of 46106  
development. 46107

(2) If the percentage of families in a county with an annual 46108  
income of less than three thousand dollars is greater than the 46109  
percentage of such families in the state and division (D)(1) of 46110  
this section does not apply to the county, the percentage to be 46111  
used for the purpose of division (B)(2) of this section is the 46112  
product of ten multiplied by a fraction of which the numerator is 46113  
the percentage of families in the state with an annual income of 46114  
less than three thousand dollars a year and the denominator is the 46115  
percentage of such families in the county. The department of job 46116  
and family services shall compute the percentage of families with 46117  
an annual income of less than three thousand dollars for the state 46118  
and for each county by multiplying the most recent estimate of 46119

such families published by the department of development, by a 46120  
fraction, the numerator of which is the estimate of average annual 46121  
personal income published by the bureau of economic analysis of 46122  
the United States department of commerce for the year on which the 46123  
census estimate is based and the denominator of which is the most 46124  
recent such estimate published by the bureau. 46125

(3) If the per capita tax duplicate of a county is less than 46126  
the per capita tax duplicate of the state as a whole and the 46127  
percentage of families in the county with an annual income of less 46128  
than three thousand dollars is greater than the percentage of such 46129  
families in the state, the percentage to be used for the purpose 46130  
of division (B)(2) of this section shall be determined as follows: 46131

(a) Multiply ten by the fraction determined under division 46132  
(D)(1) of this section; 46133

(b) Multiply the product determined under division (D)(3)(a) 46134  
of this section by the fraction determined under division (D)(2) 46135  
of this section. 46136

(4) The department of job and family services shall 46137  
determine, for each county, the percentage to be used for the 46138  
purpose of division (B)(2) of this section not later than the 46139  
first day of July of the year preceding the state fiscal year for 46140  
which the percentage is used. 46141

(E) The department of job and family services shall credit to 46142  
a county the amount of federal reimbursement the department 46143  
receives from the United States departments of agriculture and 46144  
health and human services for the county's expenditures for 46145  
administration of food stamps and medicaid that the department 46146  
determines are allowable administrative expenditures. 46147

(F)(1) The director of job and family services shall adopt 46148  
rules in accordance with section 111.15 of the Revised Code to 46149  
establish all of the following: 46150

(a) The method the department is to use to change a county's share of public assistance expenditures determined under division (B) of this section as provided in division (C) of this section;

(b) The allocation methodology and formula the department will use to determine the amount of funds to credit to a county under this section;

(c) The method the department will use to change the payment of the county share of public assistance expenditures from a calendar-year basis to a state fiscal year basis;

(d) The percentage to be used for the purpose of division (B)(3) of this section, which shall, except as provided in section 5101.163 of the Revised Code, meet both of the following requirements:

(i) The percentage shall not be less than seventy-five per cent nor more than eighty-two per cent;

(ii) The percentage shall not exceed the percentage that the state's qualified state expenditures is of the state's historic state expenditures as those terms are defined in 42 U.S.C. 609(a)(7).

(e) Other procedures and requirements necessary to implement this section.

(2) The director of job and family services may amend the rule adopted under division (F)(1)(d) of this section to modify the percentage on determination that the amount the general assembly appropriates for Title IV-A programs makes the modification necessary. The rule shall be adopted and amended as if an internal management rule and in consultation with the director of budget and management.

**Sec. 5101.162.** Subject to available federal funds and appropriations made by the general assembly, the department of job

and family services may, at its sole discretion, use available 46181  
federal funds to reimburse county expenditures for county 46182  
administration of food stamps or medicaid even though the county 46183  
expenditures meet or exceed the maximum allowable reimbursement 46184  
amount established by rules adopted under section 5101.161 of the 46185  
Revised Code ~~if the board of county commissioners has entered into~~ 46186  
~~a fiscal agreement with the director of job and family services~~ 46187  
~~under section 5101.21 of the Revised Code.~~ The director may adopt 46188  
internal management rules in accordance with section 111.15 of the 46189  
Revised Code to implement this section. 46190

**Sec. 5101.21.** (A) As used in ~~this section,~~ "county signer 46191  
sections 5101.21 to 5101.212 of the Revised Code: 46192

(1) "County grantee" means all of the following: 46193

~~(1)(a)~~ A board of county commissioners; 46194

~~(2)(b)~~ A county children services board appointed under 46195  
section 5153.03 of the Revised Code ~~if required by division (B) of~~ 46196  
~~this section to enter into a fiscal agreement;~~ 46197

~~(3)(c)~~ A county elected official that is a child support 46198  
enforcement agency ~~if required by division (B) of this section to~~ 46199  
~~enter into a fiscal agreement.~~ 46200

(2) "County subgrant" means a grant that a county grantee 46201  
awards to another entity. 46202

(3) "County subgrant agreement" means an agreement between a 46203  
county grantee and another entity under which the county grantee 46204  
awards the other entity one or more county subgrants. 46205

(4) "Fiscal biennial period" means a two-year period 46206  
beginning on the first day of July of an odd-numbered year and 46207  
ending on the last day of June of the next odd-numbered year. 46208

(5) "Grant" means an award for one or more family services 46209  
duties of federal financial assistance that a federal agency 46210

provides in the form of money, or property in lieu of money, to 46211  
the department of job and family services and that the department 46212  
awards to a county grantee. "Grant" may include state funds the 46213  
department awards to a county grantee to match the federal 46214  
financial assistance. "Grant" does not mean either of the 46215  
following: 46216

(a) Technical assistance that provides services instead of 46217  
money; 46218

(b) Other assistance provided in the form of revenue sharing, 46219  
loans, loan guarantees, interest subsidies, or insurance. 46220

(6) "Grant agreement" means an agreement between the 46221  
department of job and family services and a county grantee under 46222  
which the department awards the county grantee one or more grants. 46223

(B) The Effective July 1, 2008, the director of job and 46224  
family services may award grants to counties only through grant 46225  
agreements entered into under this section. 46226

(C) The director shall enter into one or more written fiscal 46227  
grant agreements with boards of the county commissioners under 46228  
which financial assistance is awarded for family services duties 46229  
included in the agreements grantees of each county. Boards of 46230  
county commissioners shall select which family services duties to 46231  
include in a fiscal agreement. If a board of county commissioners 46232  
elects to include family services duties of a public children 46233  
services agency and a county children services board appointed 46234  
under section 5153.03 of the Revised Code serves as the county's 46235  
public children services agency, the board of county commissioners 46236  
and county children services board shall jointly enter into the 46237  
fiscal agreement with the director. If a board of county 46238  
commissioners elects to include family services duties of a child 46239  
support enforcement agency and the entity designated under former 46240  
section 2301.35 of the Revised Code prior to October 1, 1997, or 46241

~~designated under section 307.981 of the Revised Code as the~~ 46242  
~~county's child support enforcement agency is an elected official~~ 46243  
~~of the county, the board of county commissioners and county~~ 46244  
~~elected official.~~ If a county has multiple county grantees, the 46245  
director shall jointly enter into the fiscal grant agreement with 46246  
the director all of the county grantees. The initial grant 46247  
agreement shall be entered into not later than January 31, 2008, 46248  
and shall be in effect for fiscal year 2009. Except as provided in 46249  
rules adopted under this section, subsequent grant agreements 46250  
shall be entered into before the first day of each successive 46251  
fiscal biennial period and shall be in effect for that fiscal 46252  
biennial period or, in the case of a grant agreement entered into 46253  
after the first day of a fiscal biennial period and except as 46254  
provided by section 5101.211 of the Revised Code, for the 46255  
remainder of the fiscal biennial period. A fiscal grant agreement 46256  
shall do all of the following: 46257

(1) Comply with all of the conditions, requirements, and 46258  
restrictions applicable to the family services duties for which 46259  
the grants included in the agreement are awarded, including the 46260  
conditions, requirements, and restrictions established by the 46261  
department, federal or state law, state plans for receipt of 46262  
federal financial participation, agreements between the department 46263  
and a federal agency, and executive orders issued by the governor; 46264

(2) Establish terms and conditions governing the 46265  
accountability for and use of the grants included in the grant 46266  
agreement; 46267

(3) Specify the both of the following: 46268

(a) The family services duties included in the agreement and 46269  
the for which the grants included in the agreement are awarded; 46270

(b) The private and government entities designated under 46271  
section 307.981 of the Revised Code to serve as the county family 46272

services agencies performing the family services duties; 46273

~~(2)~~(4) Provide for the department of job and family services 46274  
to award ~~financial assistance for the family services duties~~ 46275  
grants included in the agreement in accordance with a methodology 46276  
for determining the amount of the award established by rules 46277  
adopted under ~~division (D) of~~ this section; 46278

~~(3)~~(5) Specify the form of the ~~award of financial assistance~~ 46279  
grants which may be ~~an allocation, a cash draw, reimbursement,~~ 46280  
property, advance, working capital advance, or, ~~to the extent~~ 46281  
~~authorized by an appropriation made by the general assembly and to~~ 46282  
~~the extent practicable and not in conflict with a federal or state~~ 46283  
~~law, a consolidated funding allocation for two or more family~~ 46284  
~~services duties included in the agreement~~ other forms specified in 46285  
rules adopted under this section; 46286

~~(4)~~(6) Provide that the ~~award of financial assistance is~~ 46287  
grants are subject to the availability of federal funds and 46288  
appropriations made by the general assembly; 46289

~~(5)~~(7) Specify annual financial, administrative, or other 46290  
incentive awards, if any, to be provided in accordance with 46291  
section 5101.23 of the Revised Code; 46292

~~(6)~~(8) Include the assurance of each county ~~signer~~ grantee 46293  
that the county ~~signer~~ grantee will do all of the following: 46294

(a) Ensure that the ~~financial assistance awarded under grants~~ 46295  
included in the agreement ~~is~~ are used, and the family services 46296  
duties ~~included in~~ for which the agreement grants are awarded are 46297  
performed, in accordance with conditions, requirements for, and 46298  
restrictions applicable to the duties established by the 46299  
department, a federal or state law, ~~or any of the following that~~ 46300  
~~concern the family services duties included in the fiscal~~ 46301  
~~agreement and are published under section 5101.212 of the Revised~~ 46302  
Code+ state plans for receipt of federal financial participation, 46303

~~grant~~ agreements between the department and a federal agency, and 46304  
executive orders issued by the governor; 46305

(b) ~~Ensure that the board and county family services agencies~~ 46306  
~~utilize~~ Utilize a financial management system and other 46307  
accountability mechanisms for the ~~financial assistance grants~~ 46308  
awarded under the agreement that meet requirements the department 46309  
establishes; 46310

(c) ~~Require the county family services agencies to do both~~ Do 46311  
all of the following with regard to a county subgrant: 46312

(i) Award the subgrant through a written county subgrant 46313  
agreement that requires the entity awarded the county subgrant to 46314  
comply with all conditions, requirements, and restrictions 46315  
applicable to the county grantee regarding the grant that the 46316  
county grantee subgrants to the entity, including the conditions, 46317  
requirements, and restrictions of this section; 46318

(ii) ~~Monitor all private and government entities~~ the entity 46319  
that ~~receive a payment from financial assistance~~ is awarded under 46320  
the ~~agreement~~ subgrant to ensure that ~~each~~ the entity uses the 46321  
~~payment~~ subgrant in accordance with conditions, requirements ~~for,~~ 46322  
and restrictions applicable to the family services duties included 46323  
in for which the agreement subgrant is awarded; 46324

~~(ii)(iii)~~ Take action to recover ~~payments~~ subgrants that are 46325  
not used in accordance with the conditions, requirements ~~for, or~~ 46326  
restrictions applicable to the family services duties included in 46327  
for which the agreement subgrant is awarded. 46328

(d) ~~Require county family services agencies to promptly~~ 46329  
Promptly reimburse the department the amount that represents the 46330  
amount ~~an agency~~ the county grantee is responsible for, pursuant 46331  
to action the department takes under division (C) of section 46332  
5101.24 of the Revised Code, of funds the department pays to any 46333  
entity because of an adverse audit finding, adverse quality 46334

control finding, final disallowance of federal financial participation, or other sanction or penalty;

~~(e) Require county family services agencies to take~~ Take prompt corrective action, including paying amounts resulting from an adverse finding, sanction, or penalty, if the department, auditor of state, federal agency, or other entity authorized by federal or state law to determine compliance with the conditions, requirements for, and restrictions applicable to a family services duty for which a grant included in the agreement is awarded determines compliance has not been achieved;

(f) Ensure that any matching funds, regardless of the source, that the county grantee manages are clearly identified and used in accordance with federal and state laws and the agreement.

~~(7)~~(9) Provide for the department taking action pursuant to division (C) of section 5101.24 of the Revised Code if authorized by division (B)(1), (2), (3), or (4) of that section;

~~(8)~~(10) Provide for timely audits required by federal and state law and require prompt release of audit findings and prompt action to correct problems identified in an audit;

~~(9) Comply with all of the requirements for the family services duties that are included in the agreement and have been established by the department, federal or state law, or any of the following that concern the family services duties included in the fiscal agreement and are published under section 5101.212 of the Revised Code: state plans for receipt of federal financial participation, grant agreements between the department and a federal agency, and executive orders issued by the governor;~~

~~(10)~~(11) Provide for ~~dispute resolution~~ administrative review procedures in accordance with section 5101.24 of the Revised Code;

~~(11)~~(12) Establish the method of amending or terminating the agreement and an expedited process for correcting terms or

conditions of the agreement that the director and each county 46366  
~~signer grantee~~ agree are erroneous+ 46367

~~(12) Except as provided in rules adopted under division (D)~~ 46368  
~~of this section, begin on the first day of July of an odd numbered~~ 46369  
~~year and end on the last day of June of the next odd numbered~~ 46370  
~~year.~~ 46371

~~(C)(D)~~ A grant agreement does not have to be amended for a 46372  
county grantee to be required to comply with a new or amended 46373  
condition, requirement, or restriction for a family services duty 46374  
established by federal or state law, state plan for receipt of 46375  
federal financial participation, agreement between the department 46376  
and a federal agency, or executive order issued by the governor. 46377

(E) The department shall make payments authorized by a ~~fiscal~~ 46378  
grant agreement on vouchers it prepares and may include any funds 46379  
appropriated or allocated to it for carrying out family services 46380  
duties for which a grant included in the agreement is awarded, 46381  
including funds for personal services and maintenance. 46382

~~(D)(F)~~(1) The director shall adopt rules in accordance with 46383  
section 111.15 of the Revised Code governing ~~fiscal~~ grant 46384  
agreements. The director shall adopt the rules as if they were 46385  
internal management rules. Before adopting the rules, the director 46386  
shall give the public an opportunity to review and comment on the 46387  
proposed rules. The rules shall establish methodologies to be used 46388  
to determine the amount of ~~financial assistance to be awarded~~ 46389  
~~under~~ the grants included in the agreements. The rules also shall 46390  
establish terms and conditions under which an agreement may be 46391  
entered into after the first day of ~~July of an odd numbered year~~ a 46392  
fiscal biennial period. The rules may do any or all of the 46393  
following: 46394

(a) Govern the award of grants included in grant agreements, 46395  
including the establishment of allocations, and restrictions on, 46396

the form of the grants and the distribution of the grants; 46397

(b) Specify allowable uses of ~~financial assistance awarded~~ 46398  
under the grants included in the agreements; 46399

(c) Establish reporting, cash management, audit, and other 46400  
requirements the director determines are necessary to provide 46401  
accountability for the use of ~~financial assistance awarded under~~ 46402  
the grants included in the agreements and determine compliance 46403  
with conditions, requirements, and restrictions established by the 46404  
department, a federal or state law, ~~or any of the following that~~ 46405  
~~concern the family services duties included in the agreements and~~ 46406  
~~are published under section 5101.212 of the Revised Code:~~ state 46407  
plans for receipt of federal financial participation, ~~grant~~ 46408  
agreements between the department and a federal ~~entity~~ agency, and 46409  
executive orders issued by the governor. 46410

(2) A requirement of a ~~fiscal grant~~ grant agreement established by 46411  
a rule adopted under this division is applicable to a ~~fiscal grant~~ 46412  
grant agreement without having to be restated in the ~~fiscal grant~~ 46413  
agreement. A requirement established by a grant agreement is 46414  
applicable to the grant agreement without having to be restated in 46415  
a rule. 46416

**Sec. 5101.211.** ~~(A) Except as provided in division (B) of this~~ 46417  
~~section, the~~ The director of job and family services may provide 46418  
for a ~~fiscal grant~~ grant agreement entered into under section 5101.21 of 46419  
the Revised Code to have a retroactive effective date of the first 46420  
day of July of an odd-numbered year if both of the following are 46421  
the case: 46422

~~(1)~~(A) The agreement is entered into after that date and 46423  
before the last day of that July. 46424

~~(2)~~(B) The board of county commissioners requests the 46425  
retroactive effective date and provides the director good cause 46426

satisfactory to the director for the reason the agreement was not 46427  
entered into on or before the first day of that July. 46428

~~(B) The director may provide for a fiscal agreement to have a 46429  
retroactive effective date of July 1, 2003, if both of the 46430  
following are the case: 46431~~

~~(1) The agreement is entered into after July 1, 2003, and 46432  
before August 29, 2003. 46433~~

~~(2) The board of county commissioners requests the 46434  
retroactive effective date. 46435~~

**Sec. 5101.212.** The department of job and family services 46436  
shall publish in a manner accessible to the public all of the 46437  
following that concern family services duties for which grants 46438  
included in fiscal grant agreements entered into under section 46439  
5101.21 of the Revised Code are awarded: state plans for receipt 46440  
of federal financial participation, ~~grant~~ agreements between the 46441  
department and a federal agency, and executive orders issued by 46442  
the governor. The department may publish the materials 46443  
electronically or otherwise. 46444

**Sec. 5101.213.** (A) ~~Except as provided in section 5101.211 of 46445  
the Revised Code, if a fiscal agreement under section 5101.21 of 46446  
the Revised Code between the director of job and family services 46447  
and a board of county commissioners is not in effect Until July 1, 46448  
2008, all of the following apply: 46449~~

~~(1) The For each board of county commissioners, the 46450  
department of job and family services shall award to the county 46451  
the board serves financial assistance for family services duties 46452  
in accordance with a methodology for determining the amount of the 46453  
award established by rules adopted under division (B) of this 46454  
section. 46455~~

~~(2) The financial assistance may be provided in the form of 46456~~

allocations, cash draws, reimbursements, and property but may not  
be made in the form of a consolidated funding allocation.

(3) The award of the financial assistance is subject to the  
availability of federal funds and appropriations made by the  
general assembly.

(4) The county family services agencies performing the family  
services duties for which the financial assistance is awarded  
shall do all of the following:

(a) Use the financial assistance, and perform the family  
services duties, in accordance with requirements for the duties  
established by the department, a federal or state law, or any of  
the following that concern the duties: state plans for receipt of  
federal financial participation, grant agreements between the  
department and a federal agency, and executive orders issued by  
the governor;

(b) Utilize a financial management system and other  
accountability mechanisms for the financial assistance that meet  
requirements the department establishes;

(c) Monitor all private and government entities that receive  
a payment from the financial assistance to ensure that each entity  
uses the payment in accordance with requirements for the family  
services duties and take action to recover payments that are not  
used in accordance with the requirements for the family services  
duties;

(d) Promptly reimburse the department the amount that  
represents the amount an agency is responsible for, pursuant to  
action the department takes under division (C) of section 5101.24  
of the Revised Code, of funds the department pays to any entity  
because of an adverse audit finding, adverse quality control  
finding, final disallowance of federal financial participation, or  
other sanction or penalty;

(e) Take prompt corrective action, including paying amounts 46488  
resulting from an adverse finding, sanction, or penalty, if the 46489  
department, auditor of state, federal agency, or other entity 46490  
authorized by federal or state law to determine compliance with 46491  
requirements for a family services duty determines compliance has 46492  
not been achieved. 46493

(B) The director shall adopt rules in accordance with section 46494  
111.15 of the Revised Code as necessary to implement this section. 46495  
The director shall adopt the rules as if they were internal 46496  
management rules. Before adopting the rules, the director shall 46497  
give the public an opportunity to review and comment on the 46498  
proposed rules. The rules shall establish methodologies to be used 46499  
to determine the amount of financial assistance to be awarded and 46500  
may do any or all of the following: 46501

(1) Govern the establishment of funding allocations; 46502

(2) Specify allowable uses of financial assistance the 46503  
department awards under this section; 46504

(3) Establish reporting, cash management, audit, and other 46505  
requirements the director determines are necessary to provide 46506  
accountability for the use of the financial assistance and 46507  
determine compliance with requirements established by the 46508  
department, a federal or state law, or any of the following that 46509  
concern the family services duties for which the financial 46510  
assistance is awarded: state plans for receipt of federal 46511  
financial participation, grant agreements between the department 46512  
and a federal entity, and executive orders issued by the governor. 46513

**Sec. 5101.24.** (A) As used in this section, "responsible 46514  
entity county grantee" means ~~a board of county commissioners or a~~ 46515  
~~county family services agency,~~ whichever county grantee, as 46516  
defined in section 5101.21 of the Revised Code, the director of 46517  
job and family services determines is appropriate to take action 46518

against under division (C) of this section. 46519

(B) Regardless of whether a family services duty is performed 46520  
by a county family services agency, private or government entity 46521  
pursuant to a contract entered into under section 307.982 of the 46522  
Revised Code or division (C)(2) of section 5153.16 of the Revised 46523  
Code, or private or government provider of a family service duty, 46524  
the department of job and family services may take action under 46525  
division (C) of this section against the responsible ~~entity~~ county 46526  
grantee if the department determines any of the following are the 46527  
case: 46528

(1) A requirement of a ~~fiscal~~ grant agreement entered into 46529  
under section 5101.21 of the Revised Code that includes a grant 46530  
for the family services duty, including a requirement for ~~fiscal~~ 46531  
grant agreements established by rules adopted under that section, 46532  
is not complied with; 46533

(2) A county family services agency fails to develop, submit 46534  
to the department, or comply with a corrective action plan under 46535  
division (B) of section 5101.221 of the Revised Code, or the 46536  
department disapproves the agency's corrective action plan 46537  
developed under division (B) of section 5101.221 of the Revised 46538  
Code; 46539

(3) A requirement for the family services duty established by 46540  
the department or any of the following is not complied with: a 46541  
federal or state law, state plan for receipt of federal financial 46542  
participation, grant agreement between the department and a 46543  
federal agency, or executive order issued by the governor; 46544

(4) The responsible ~~entity~~ county grantee is solely or 46545  
partially responsible, as determined by the director of job and 46546  
family services, for an adverse audit finding, adverse quality 46547  
control finding, final disallowance of federal financial 46548  
participation, or other sanction or penalty regarding the family 46549

services duty. 46550

(C) The department may take one or more of the following 46551  
actions against the responsible ~~entity~~ county grantee when 46552  
authorized by division (B)(1), (2), (3), or (4) of this section: 46553

(1) Require the responsible ~~entity~~ county grantee to comply 46554  
with a corrective action plan pursuant to a time schedule 46555  
specified by the department. The corrective action plan shall be 46556  
established or approved by the department and shall not require a 46557  
county ~~family services agency~~ grantee to commit resources to the 46558  
plan. 46559

(2) Require the responsible ~~entity~~ county grantee to comply 46560  
with a corrective action plan pursuant to a time schedule 46561  
specified by the department. The corrective action plan shall be 46562  
established or approved by the department and require a county 46563  
~~family services agency~~ grantee to commit to the plan existing 46564  
resources identified by the agency. 46565

(3) Require the responsible ~~entity~~ county grantee to do one 46566  
of the following: 46567

(a) Share with the department a final disallowance of federal 46568  
financial participation or other sanction or penalty; 46569

(b) Reimburse the department the final amount the department 46570  
pays to the federal government or another entity that represents 46571  
the amount the responsible ~~entity~~ county grantee is responsible 46572  
for of an adverse audit finding, adverse quality control finding, 46573  
final disallowance of federal financial participation, or other 46574  
sanction or penalty issued by the federal government, auditor of 46575  
state, or other entity; 46576

(c) Pay the federal government or another entity the final 46577  
amount that represents the amount the responsible ~~entity~~ county 46578  
grantee is responsible for of an adverse audit finding, adverse 46579  
quality control finding, final disallowance of federal financial 46580

participation, or other sanction or penalty issued by the federal 46581  
government, auditor of state, or other entity; 46582

(d) Pay the department the final amount that represents the 46583  
amount the responsible ~~entity~~ county grantee is responsible for of 46584  
an adverse audit finding or adverse quality control finding. 46585

(4) Impose an administrative sanction issued by the 46586  
department against the responsible ~~entity~~ county grantee. A 46587  
sanction may be increased if the department has previously taken 46588  
action against the responsible entity under this division. 46589

(5) Perform, or contract with a government or private entity 46590  
for the entity to perform, the family services duty until the 46591  
department is satisfied that the responsible ~~entity~~ county grantee 46592  
ensures that the duty will be performed satisfactorily. If the 46593  
department performs or contracts with an entity to perform a 46594  
family services duty under division (C)(5) of this section, the 46595  
department may do either or both of the following: 46596

(a) Spend funds in the county treasury appropriated by the 46597  
board of county commissioners for the duty; 46598

(b) Withhold funds allocated or reimbursements due to the 46599  
responsible ~~entity~~ county grantee for the duty and spend the funds 46600  
for the duty. 46601

(6) Request that the attorney general bring mandamus 46602  
proceedings to compel the responsible ~~entity~~ county grantee to 46603  
take or cease the action that causes division (B)(1), (2), (3), or 46604  
(4) of this section to apply. The attorney general shall bring 46605  
mandamus proceedings in the Franklin county court of appeals at 46606  
the department's request. 46607

(7) If the department takes action under this division 46608  
because of division (B)(3) of this section, temporarily withhold 46609  
funds allocated or reimbursement due to the responsible ~~entity~~ 46610  
county grantee until the department determines that the 46611

responsible entity county grantee is in compliance with the 46612  
requirement. The department shall release the funds when the 46613  
department determines that compliance has been achieved. 46614

(D) If the department proposes to take action against the 46615  
responsible entity county grantee under division (C) of this 46616  
section, the department shall notify the responsible entity county 46617  
grantee, director of the appropriate county family services 46618  
agency, and county auditor. The notice shall be in writing and 46619  
specify the action the department proposes to take. The department 46620  
shall send the notice by regular United States mail. 46621

Except as provided by division (E) of this section, the 46622  
responsible entity county grantee may request an administrative 46623  
review of a proposed action in accordance with administrative 46624  
review procedures the department shall establish. The 46625  
administrative review procedures shall comply with all of the 46626  
following: 46627

(1) A request for an administrative review shall state 46628  
specifically all of the following: 46629

(a) The proposed action specified in the notice from the 46630  
department for which the review is requested; 46631

(b) The reason why the responsible entity county grantee 46632  
believes the proposed action is inappropriate; 46633

(c) All facts and legal arguments that the responsible entity 46634  
county grantee wants the department to consider; 46635

(d) The name of the person who will serve as the responsible 46636  
entity's county grantee's representative in the review. 46637

(2) If the department's notice specifies more than one 46638  
proposed action and the responsible entity county grantee does not 46639  
specify all of the proposed actions in its request pursuant to 46640  
division (D)(1)(a) of this section, the proposed actions not 46641

specified in the request shall not be subject to administrative 46642  
review and the parts of the notice regarding those proposed 46643  
actions shall be final and binding on the responsible ~~entity~~ 46644  
county grantee. 46645

(3) In the case of a proposed action under division (C)(1) of 46646  
this section, the responsible ~~entity~~ county grantee shall have 46647  
fifteen calendar days after the department mails the notice to the 46648  
responsible ~~entity~~ county grantee to send a written request to the 46649  
department for an administrative review. If it receives such a 46650  
request within the required time, the department shall postpone 46651  
taking action under division (C)(1) of this section for fifteen 46652  
calendar days following the day it receives the request or 46653  
extended period of time provided for in division (D)(5) of this 46654  
section to allow a representative of the department and a 46655  
representative of the responsible ~~entity~~ county grantee an 46656  
informal opportunity to resolve any dispute during that 46657  
fifteen-day or extended period. 46658

(4) In the case of a proposed action under division (C)(2), 46659  
(3), (4), (5), or (7) of this section, the responsible ~~entity~~ 46660  
county grantee shall have thirty calendar days after the 46661  
department mails the notice to the responsible ~~entity~~ county 46662  
grantee to send a written request to the department for an 46663  
administrative review. If it receives such a request within the 46664  
required time, the department shall postpone taking action under 46665  
division (C)(2), (3), (4), (5), or (7) of this section for thirty 46666  
calendar days following the day it receives the request or 46667  
extended period of time provided for in division (D)(5) of this 46668  
section to allow a representative of the department and a 46669  
representative of the responsible ~~entity~~ county grantee an 46670  
informal opportunity to resolve any dispute during that thirty-day 46671  
or extended period. 46672

(5) If the informal opportunity provided in division (D)(3) 46673

or (4) of this section does not result in a written resolution to 46674  
the dispute within the fifteen- or thirty-day period, the director 46675  
of job and family services and representative of the responsible 46676  
~~entity~~ county grantee may enter into a written agreement extending 46677  
the time period for attempting an informal resolution of the 46678  
dispute under division (D)(3) or (4) of this section. 46679

(6) In the case of a proposed action under division (C)(3) of 46680  
this section, the responsible ~~entity~~ county grantee may not 46681  
include in its request disputes over a finding, final disallowance 46682  
of federal financial participation, or other sanction or penalty 46683  
issued by the federal government, auditor of state, or entity 46684  
other than the department. 46685

(7) If the responsible ~~entity~~ county grantee fails to request 46686  
an administrative review within the required time, the responsible 46687  
~~entity~~ county grantee loses the right to request an administrative 46688  
review of the proposed actions specified in the notice and the 46689  
notice becomes final and binding on the responsible ~~entity~~ county 46690  
grantee. 46691

(8) If the informal opportunity provided in division (D)(3) 46692  
or (4) of this section does not result in a written resolution to 46693  
the dispute within the time provided by division (D)(3), (4), or 46694  
(5) of this section, the director shall appoint an administrative 46695  
review panel to conduct the administrative review. The review 46696  
panel shall consist of department employees and one director or 46697  
other representative of the type of county family services agency 46698  
that is responsible for the kind of family services duty that is 46699  
the subject of the dispute and serves a different county than the 46700  
county served by the responsible ~~entity~~ county grantee. No 46701  
individual involved in the department's proposal to take action 46702  
against the responsible ~~entity~~ county grantee may serve on the 46703  
review panel. The review panel shall review the responsible 46704  
~~entity's~~ county grantee's request. The review panel may require 46705

that the department or responsible ~~entity~~ county grantee submit 46706  
additional information and schedule and conduct an informal 46707  
hearing to obtain testimony or additional evidence. A review of a 46708  
proposal to take action under division (C)(3) of this section 46709  
shall be limited solely to the issue of the amount the responsible 46710  
~~entity~~ county grantee shall share with the department, reimburse 46711  
the department, or pay to the federal government, department, or 46712  
other entity under division (C)(3) of this section. The review 46713  
panel is not required to make a stenographic record of its hearing 46714  
or other proceedings. 46715

(9) After finishing an administrative review, an 46716  
administrative review panel appointed under division (D)(8) of 46717  
this section shall submit a written report to the director setting 46718  
forth its findings of fact, conclusions of law, and 46719  
recommendations for action. The director may approve, modify, or 46720  
disapprove the recommendations. If the director modifies or 46721  
disapproves the recommendations, the director shall state the 46722  
reasons for the modification or disapproval and the actions to be 46723  
taken against the responsible ~~entity~~ county grantee. 46724

(10) The director's approval, modification, or disapproval 46725  
under division (D)(9) of this section shall be final and binding 46726  
on the responsible ~~entity~~ county grantee and shall not be subject 46727  
to further departmental review. 46728

(E) The responsible ~~entity~~ county grantee is not entitled to 46729  
an administrative review under division (D) of this section for 46730  
any of the following: 46731

(1) An action taken under division (C)(6) of this section; 46732

(2) An action taken under section 5101.242 of the Revised 46733  
Code; 46734

(3) An action taken under division (C)(3) of this section if 46735  
the federal government, auditor of state, or entity other than the 46736

department has identified the responsible county ~~family services~~ 46737  
~~agency grantee~~ as being solely or partially responsible for an 46738  
adverse audit finding, adverse quality control finding, final 46739  
disallowance of federal financial participation, or other sanction 46740  
or penalty; 46741

(4) An adjustment to an allocation, cash draw, advance, or 46742  
reimbursement to a responsible county ~~family services agency~~ 46743  
~~grantee~~ that the department determines necessary for budgetary 46744  
reasons; 46745

(5) Withholding of a cash draw or reimbursement due to 46746  
noncompliance with a reporting requirement established in rules 46747  
adopted under section 5101.243 of the Revised Code. 46748

(F) This section does not apply to other actions the 46749  
department takes against the responsible entity county grantee 46750  
pursuant to authority granted by another state law unless the 46751  
other state law requires the department to take the action in 46752  
accordance with this section. 46753

(G) The director of job and family services may adopt rules 46754  
in accordance with Chapter 119. of the Revised Code as necessary 46755  
to implement this section. 46756

**Sec. 5101.242.** The department of job and family services may 46757  
certify a claim to the attorney general under section 131.02 of 46758  
the Revised Code for the attorney general to take action under 46759  
that section against a responsible county grantee or responsible 46760  
entity to recover any funds that the department determines the 46761  
responsible county grantee or responsible entity owes the 46762  
department for actions taken under division (C)(2), (3), (4), or 46763  
(5) of section 5101.24 or 5101.241 of the Revised Code. 46764

**Sec. 5101.244.** If a ~~county family services agency submits an~~ 46765  
~~expenditure report to~~ the department of job and family services 46766

~~and the department subsequently determines that a grant awarded to~~ 46767  
~~a county grantee in a grant agreement entered into under section~~ 46768  
~~5101.21 of the Revised Code,~~ an allocation, advance, or 46769  
reimbursement the department makes to ~~the~~ a county family services 46770  
agency, or a cash draw ~~the~~ a county family services agency makes, 46771  
~~for an expenditure~~ exceeds the allowable amount for the 46772  
~~expenditure grant, allocation, advance, reimbursement, or cash~~ 46773  
draw, the department may adjust, offset, withhold, or reduce an 46774  
allocation, cash draw, advance, reimbursement, or other financial 46775  
assistance to the county grantee or county family services agency 46776  
as necessary to recover the amount of the excess grant, 46777  
allocation, advance, reimbursement, or cash draw. The department 46778  
is not required to make the adjustment, offset, withholding, or 46779  
reduction in accordance with section 5101.24 of the Revised Code. 46780

The director of job and family services may adopt rules under 46781  
section 111.15 of the Revised Code as necessary to implement this 46782  
section. The director shall adopt the rules as if they were 46783  
internal management rules. 46784

**Sec. 5101.26.** As used in this section and in sections 5101.27 46785  
to 5101.30 of the Revised Code: 46786

(A) "County agency" means a county department of job and 46787  
family services or a public children services agency. 46788

(B) "Fugitive felon" means an individual who is fleeing to 46789  
avoid prosecution, or custody or confinement after conviction, 46790  
under the laws of the place from which the individual is fleeing, 46791  
for a crime or an attempt to commit a crime that is a felony under 46792  
the laws of the place from which the individual is fleeing or, in 46793  
the case of New Jersey, a high misdemeanor, regardless of whether 46794  
the individual has departed from the individual's usual place of 46795  
residence. 46796

(C) "Information" means records as defined in section 149.011 46797

of the Revised Code, any other documents in any format, and data 46798  
derived from records and documents that are generated, acquired, 46799  
or maintained by the department of job and family services, a 46800  
county agency, or an entity performing duties on behalf of the 46801  
department or a county agency. 46802

(D) "Law enforcement agency" means the state highway patrol, 46803  
an agency that employs peace officers as defined in section 109.71 46804  
of the Revised Code, the adult parole authority, a county 46805  
department of probation, a prosecuting attorney, the attorney 46806  
general, similar agencies of other states, federal law enforcement 46807  
agencies, and postal inspectors. "Law enforcement agency" includes 46808  
the peace officers and other law enforcement officers employed by 46809  
the agency. 46810

(E) "Medical assistance provided under a public assistance 46811  
program" means medical assistance provided under the programs 46812  
established under sections 5101.49, 5101.50 to 5101.503, ~~and~~ 46813  
5101.51 to 5101.5110, and 5101.52 to 5101.529, Chapters 5111. and 46814  
5115., or any other provision of the Revised Code. 46815

(F) "Public assistance" means financial assistance, medical 46816  
assistance, or social services provided under a program 46817  
administered by the department of job and family services or a 46818  
county agency pursuant to Chapter 329., 5101., 5104., 5107., 46819  
5108., 5111., or 5115. of the Revised Code or an executive order 46820  
issued under section 107.17 of the Revised Code. 46821

(G) "Public assistance recipient" means an applicant for or 46822  
recipient or former recipient of public assistance. 46823

**Sec. 5101.27.** (A) Except as permitted by this section, 46824  
section 5101.272, 5101.28, or 5101.29 of the Revised Code, or the 46825  
rules adopted under division (A) of section 5101.30 of the Revised 46826  
Code, or required by federal law, no person or government entity 46827  
shall solicit, disclose, receive, use, or knowingly permit, or 46828

participate in the use of any information regarding a public 46829  
assistance recipient for any purpose not directly connected with 46830  
the administration of a public assistance program. 46831

(B) To the extent permitted by federal law, the department of 46832  
job and family services and county agencies shall do all of the 46833  
following: 46834

(1) Release information regarding a public assistance 46835  
recipient for purposes directly connected to the administration of 46836  
the program to a government entity responsible for administering 46837  
that public assistance program; 46838

(2) Provide information regarding a public assistance 46839  
recipient to a law enforcement agency for the purpose of any 46840  
investigation, prosecution, or criminal or civil proceeding 46841  
relating to the administration of that public assistance program; 46842

(3) Provide, for purposes directly connected to the 46843  
administration of a program that assists needy individuals with 46844  
the costs of public utility services, information regarding a 46845  
recipient of financial assistance provided under a program 46846  
administered by the department or a county agency pursuant to 46847  
Chapter 5107. or 5108. of the Revised Code or sections 5115.01 to 46848  
5115.07 of the Revised Code to an entity administering the public 46849  
utility services program. 46850

(C) To the extent permitted by federal law and section 46851  
1347.08 of the Revised Code, the department and county agencies 46852  
shall provide access to information regarding a public assistance 46853  
recipient to all of the following: 46854

(1) The recipient; 46855

(2) The authorized representative; 46856

(3) The legal guardian of the recipient; 46857

(4) The attorney of the recipient, if the attorney has 46858

written authorization that complies with section 5101.271 of the Revised Code from the recipient.

(D) To the extent permitted by federal law and subject to division (E) of this section, the department and county agencies may do both of the following:

(1) Release information about a public assistance recipient if the recipient gives voluntary, written authorization that complies with section 5101.271 of the Revised Code;

(2) Release information regarding a public assistance recipient to a state, federal, or federally assisted program that provides cash or in-kind assistance or services directly to individuals based on need or for the purpose of protecting children to a government entity responsible for administering a children's protective services program.

(E) Except when the release is required by division (B), (C), or (D)(2) of this section, the department or county agency shall release the information only in accordance with the authorization. The department or county agency shall provide, at no cost, a copy of each written authorization to the individual who signed it.

(F) The department or county agency may release information under division (D) of this section concerning the receipt of medical assistance provided under a public assistance program only if all of the following conditions are met:

(1) The release of information is for purposes directly connected to the administration of or provision of medical assistance provided under a public assistance program;

(2) The information is released to persons or government entities that are subject to standards of confidentiality and safeguarding information substantially comparable to those established for medical assistance provided under a public assistance program;

(3) The department or county agency has obtained an authorization consistent with section 5101.271 of the Revised Code. 46890  
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(G) Information concerning the receipt of medical assistance provided under a public assistance program may be released only if the release complies with this section and rules adopted by the department pursuant to section 5101.30 of the Revised Code or, if more restrictive, the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C. 1320d, et seq., as amended, and regulations adopted by the United States department of health and human services to implement the act. 46893  
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(H) The department of job and family services may adopt rules defining "authorized representative" for purposes of division (C)(2) of this section. 46902  
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Sec. 5101.272. Not later than August 31, 2007, the director of job and family services shall submit a report to the general assembly on the costs and potential three-year cost savings associated with participation in the federally-administered public assistance reporting information system. If cost savings are indicated in the report, not later than October 1, 2007, the department of job and family services shall enter into any necessary agreements with the United States department of health and human services and neighboring states to join and participate as an active member in the public assistance reporting information system. The department may disclose information regarding a public assistance recipient to the extent necessary to participate as an active member in the public assistance reporting information system. 46905  
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**Sec. 5101.47.** (A) Except as provided in division (B) of this 46919

section, the director of job and family services may accept 46920  
applications, determine eligibility, redetermine eligibility, and 46921  
perform related administrative activities for one or more of the 46922  
following: 46923

(1) The medicaid program established by Chapter 5111. of the 46924  
Revised Code; 46925

(2) The children's health insurance program parts I ~~and~~, II, 46926  
and III provided for under sections 5101.50 ~~and~~, 5101.51, and 46927  
5101.52 of the Revised Code; 46928

(3) Publicly funded child care provided under Chapter 5104. 46929  
of the Revised Code; 46930

(4) The food stamp program administered by the department of 46931  
job and family services pursuant to section 5101.54 of the Revised 46932  
Code; 46933

(5) Other programs the director determines are supportive of 46934  
children, adults, or families; 46935

(6) Other programs regarding which the director determines 46936  
administrative cost savings and efficiency may be achieved through 46937  
the department accepting applications, determining eligibility, 46938  
redetermining eligibility, or performing related administrative 46939  
activities. 46940

(B) If federal law requires a face-to-face interview to 46941  
complete an eligibility determination for a program specified in 46942  
or pursuant to division (A) of this section, the face-to-face 46943  
interview shall not be conducted by the department of job and 46944  
family services. 46945

(C) Subject to division (B) of this section, if the director 46946  
elects to accept applications, determine eligibility, redetermine 46947  
eligibility, and perform related administrative activities for a 46948  
program specified in or pursuant to division (A) of this section, 46949

both of the following apply: 46950

(1) An individual seeking services under the program may 46951  
apply for the program to the director or to the entity that state 46952  
law governing the program authorizes to accept applications for 46953  
the program. 46954

(2) The director is subject to federal statutes and 46955  
regulations and state statutes and rules that require, permit, or 46956  
prohibit an action regarding accepting applications, determining 46957  
or redetermining eligibility, and performing related 46958  
administrative activities for the program. 46959

(D) The director may adopt rules as necessary to implement 46960  
this section. 46961

**Sec. 5101.50.** (A) As used in ~~this section and in sections~~ 46962  
~~5101.51~~ 5101.50 to ~~5101.5110~~ 5101.529 of the Revised Code: 46963

(1) "Children's health insurance program" means the program 46964  
authorized by Title XXI of the "Social Security Act," 111 Stat. 46965  
552 (1997), 42 U.S.C.A. 1397aa. 46966

(2) "Federal poverty guidelines" has the same meaning as in 46967  
section 5101.46 of the Revised Code. 46968

(B) The director of job and family services may continue to 46969  
operate the children's health insurance program initially 46970  
authorized by an executive order issued under section 107.17 of 46971  
the Revised Code as long as federal financial participation is 46972  
available for the program. If operated, the program shall provide 46973  
health assistance to uninsured individuals under nineteen years of 46974  
age with family incomes not exceeding one hundred fifty per cent 46975  
of the federal poverty guidelines. In accordance with 42 U.S.C.A. 46976  
1397aa, the director may provide for the health assistance to meet 46977  
the requirements of 42 U.S.C.A. 1397cc, to be provided under the 46978  
medicaid program established under Chapter 5111. of the Revised 46979

Code, or to be a combination of both. 46980

Sec. 5101.52. In accordance with federal law governing the 46981  
children's health insurance program, the director of job and 46982  
family services may submit a request for a federal waiver to the 46983  
United States secretary of health and human services to provide, 46984  
except as provided in section 5101.526 of the Revised Code, health 46985  
assistance to individuals under nineteen years of age with family 46986  
incomes above two hundred per cent of the federal poverty 46987  
guidelines but not exceeding three hundred per cent of the federal 46988  
poverty guidelines. If the director submits the plan, the director 46989  
shall stipulate in the plan that the health assistance will be 46990  
available only while federal financial participation is available 46991  
for it and that health assistance shall not begin before January 46992  
1, 2008. 46993

Sec. 5101.521. Health assistance provided under section 46994  
5101.52 of the Revised Code shall be known as the children's 46995  
health insurance program part III. 46996

Sec. 5101.522. If the director of job and family services 46997  
submits a waiver request to the United States secretary of health 46998  
and human services under section 5101.52 of the Revised Code and 46999  
the secretary grants the waiver, the director shall implement the 47000  
children's health insurance program part III in accordance with 47001  
the waiver. The director may adopt rules in accordance with 47002  
Chapter 119. of the Revised Code as necessary for the efficient 47003  
administration of the program, including rules that establish all 47004  
of the following: 47005

(A) The conditions under which health assistance services 47006  
will be reimbursed; 47007

(B) The method of reimbursement applicable to services 47008  
reimbursable under the program; 47009

(C) The amount of reimbursement, or the method by which the amount is to be determined, for each reimbursable service. 47010  
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Sec. 5101.523. The director of job and family services may contract with a government entity or person to perform the director's administrative duties regarding the children's health insurance program part III, other than the duty to submit a waiver request to the United States secretary of health and human services under section 5101.52 of the Revised Code and the duty to adopt rules under section 5101.522 of the Revised Code. 47012  
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Sec. 5101.524. In accordance with 42 U.S.C. 1397aa, the director of job and family services shall provide for health assistance under the children's health insurance program part III to meet the requirements of 42 U.S.C. 1397cc, to be provided under the medicaid program established under Chapter 5111. of the Revised Code, or to be a combination of both. 47019  
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Sec. 5101.525. The director of job and family services may determine applicants' eligibility for the children's health insurance program part III by any of the following means: 47025  
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(A) Using employees of the department of job and family services; 47028  
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(B) Assigning the duty to county departments of job and family services; 47030  
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(C) Contracting with a government entity or person. 47032

Sec. 5101.526. If the director of job and family services determines that federal financial participation for the children's health insurance program part III is insufficient to provide health assistance to all the individuals the director anticipates are eligible for the program, the director may refuse to accept 47033  
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new applications for the program or may make the program's 47038  
eligibility requirements more restrictive. 47039

Sec. 5101.527. To the extent permitted by 42 U.S.C. 47040  
1397cc(e), the director of job and family services shall require 47041  
an individual receiving health assistance under the children's 47042  
health insurance program part III to pay the following as a term 47043  
of participation in the program: 47044

(A) A premium of not less than forty dollars per month for a 47045  
family with one individual receiving health assistance under the 47046  
program; 47047

(B) A premium of not less than eighty dollars per month for a 47048  
family with two individuals receiving health assistance under the 47049  
program; 47050

(C) A premium of not less than one hundred twenty dollars per 47051  
month for a family with three or more individuals receiving health 47052  
assistance under the program. 47053

Sec. 5101.528. If the children's health insurance program 47054  
part III is not provided under the medicaid program established 47055  
under Chapter 5111. of the Revised Code, the director of job and 47056  
family services shall establish an appeal process for individuals 47057  
aggrieved by a decision made regarding eligibility for the 47058  
children's health insurance program part III. The process may be 47059  
identical to, similar to, or different from the appeal process 47060  
established by section 5101.35 of the Revised Code. 47061

Sec. 5101.529. A completed application for the medicaid 47062  
program under Chapter 5111. of the Revised Code shall be treated 47063  
as an application for health assistance under the children's 47064  
health insurance program part III. 47065

Sec. 5101.5211. (A) As used in sections 5101.5211 to 47066  
5101.5216 of the Revised Code: 47067

"Children's buy-in program" means the program established 47068  
under sections 5101.5211 to 5101.5216 of the Revised Code. 47069

"Countable income" has the meaning established in rules 47070  
adopted under section 5101.5215 of the Revised Code. 47071

"Creditable coverage" has the same meaning as in 42 U.S.C. 47072  
300gg(c)(1), except that it does not mean medical assistance 47073  
available under the children's buy-in program or the program for 47074  
medically handicapped children. 47075

"Family" has the meaning established in rules adopted under 47076  
section 5101.5215 of the Revised Code. 47077

"Federal poverty guidelines" has the same meaning as in 47078  
section 5101.46 of the Revised Code. 47079

"Program for medically handicapped children" means the 47080  
program established under sections 3701.021 to 3701.0210 of the 47081  
Revised Code. 47082

(B) The director of job and family services shall establish 47083  
the children's buy-in program in accordance with sections 47084  
5101.5211 to 5101.5216 of the Revised Code. The director shall 47085  
submit to the United States secretary of health and human services 47086  
an amendment to the state medicaid plan, an amendment to the state 47087  
child health plan, one or more requests for a federal waiver, or 47088  
such an amendment and waiver requests as necessary to seek federal 47089  
matching funds for the children's buy-in program. The director 47090  
shall not begin implementation of the program until after 47091  
submitting the amendment, waiver request, or both. The director 47092  
may begin implementation of the program before receiving approval 47093  
of the amendment, waiver request, or both using state funds only. 47094  
The director shall implement the program regardless of whether the 47095

amendment, waiver request, or both are denied. The program shall 47096  
be funded with state funds only if the United States secretary 47097  
denies federal matching funds for the program. 47098

Sec. 5101.5212. Under the children's buy-in program and 47099  
subject to section 5101.5213 of the Revised Code, an individual 47100  
who does both of the following in accordance with rules adopted 47101  
under section 5101.5215 of the Revised Code qualifies for medical 47102  
assistance under the program: 47103

(A) Applies for the children's buy-in program; 47104

(B) Provides satisfactory evidence of all of the following: 47105

(1) That the individual is under nineteen years of age; 47106

(2) That the individual's countable income exceeds three 47107  
hundred per cent of the federal poverty guidelines; 47108

(3) That the individual has not had creditable coverage for 47109  
at least six months before enrolling in the children's buy-in 47110  
program; 47111

(4) That one or more of the following apply to the 47112  
individual: 47113

(a) The individual is unable to obtain creditable coverage 47114  
due to a pre-existing condition of the individual; 47115

(b) The individual lost the only creditable coverage 47116  
available to the individual because the individual has exhausted a 47117  
lifetime benefit limitation; 47118

(c) The premium for the only creditable coverage available to 47119  
the individual is greater than two hundred per cent of the premium 47120  
applicable to the individual under the children's buy-in program; 47121

(d) The individual participates in the program for medically 47122  
handicapped children. 47123

(5) That the individual meets the additional eligibility 47124

requirements for the children's buy-in program established in 47125  
rules adopted under section 5101.5215 of the Revised Code. 47126

Sec. 5101.5213. (A) An individual participating in the 47127  
children's buy-in program shall be charged a monthly premium 47128  
established by rules adopted under section 5101.5215 of the 47129  
Revised Code. The amount of the monthly premium shall not be less 47130  
than the following: 47131

(1) In the case of an individual with countable income 47132  
exceeding three hundred per cent but not exceeding four hundred 47133  
per cent of the federal poverty guidelines, the following amount: 47134

(a) If no other member of the individual's family receives 47135  
medical assistance under the program with the individual, one 47136  
hundred dollars; 47137

(b) If one or more members of the individual's family receive 47138  
medical assistance under the program with the individual, one 47139  
hundred fifty dollars. 47140

(2) In the case of an individual with countable income 47141  
exceeding four hundred per cent but not exceeding five hundred per 47142  
cent of the federal poverty guidelines, the following amount: 47143

(a) If no other member of the individual's family receives 47144  
medical assistance under the program with the individual, one 47145  
hundred twenty-five dollars; 47146

(b) If one or more members of the individual's family receive 47147  
medical assistance under the program with the individual, one 47148  
hundred seventy-five dollars. 47149

(3) In the case of an individual with countable income 47150  
exceeding five hundred per cent of the federal poverty guidelines, 47151  
the full amount of the actuarially determined cost of the premium. 47152

(B) If the premium for the children's buy-in program is not 47153  
paid for two consecutive months, the individual shall lose 47154

eligibility for the program. The individual may not resume 47155  
participation in the program until the unpaid premiums that 47156  
accrued before the individual lost eligibility are paid. 47157

**Sec. 5101.5214.** (A) An individual participating in the 47158  
children's buy-in program may be charged co-payments to the extent 47159  
required by rules, if any, adopted under division (B) of section 47160  
5101.5215 of the Revised Code. 47161

(B) Notwithstanding division (B) of section 5111.0112 of the 47162  
Revised Code, if applicable, and to the extent permitted by 47163  
federal law, a provider may refuse to provide a service to an 47164  
individual if a co-payment authorized by this section is not paid. 47165  
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**Sec. 5101.5215.** (A) The director of job and family services 47167  
shall adopt rules in accordance with Chapter 119. of the Revised 47168  
Code as necessary to implement the children's buy-in program, 47169  
including rules that do all of the following: 47170

(1) Establish the meaning of "countable income" and "family"; 47171

(2) For the purpose of section 5101.5212 of the Revised Code, 47172  
establish additional eligibility requirements for the program; 47173

(3) For the purpose of section 5101.5213 of the Revised Code, 47174  
establish monthly premiums for the children's buy-in program. 47175

(B) The director may adopt rules in accordance with Chapter 47176  
119. of the Revised Code to establish co-payment requirements for 47177  
individuals participating in the children's buy-in program. 47178

**Sec. 5101.5216.** The director of job and family services shall 47179  
prepare a report on the children's buy-in program that examines 47180  
the program's effectiveness and includes the number of individuals 47181  
participating in the program and the costs of the program. The 47182  
director shall submit the report to the governor and general 47183

assembly not later than December 31, 2008. 47184

Sec. 5101.541. The food stamp program fund is hereby created 47185  
in the state treasury. The fund shall consist of federal 47186  
reimbursement for food stamp program administrative expenses and 47187  
other food stamp program expenses. The department of job and 47188  
family services shall use the money credited to the fund to pay 47189  
for food stamp program administrative expenses and other food 47190  
stamp program expenses. 47191

Sec. 5101.571. As used in sections 5101.571 to ~~5101.59~~ 47192  
5101.591 of the Revised Code: 47193

(A) "Information" means all of the following: 47194

(1) An individual's name, address, date of birth, and social 47195  
security number; 47196

(2) The group or plan number, or other identifier, assigned 47197  
by a third party to a policy held by an individual or a plan in 47198  
which the individual participates and the nature of the coverage; 47199

(3) Any other data the director of job and family services 47200  
specifies in rules adopted under section 5101.591 of the Revised 47201  
Code. 47202

(B) "Medical assistance" means medical items or services 47203  
provided under any of the following: 47204

(1) Medicaid, as defined in section 5111.01 of the Revised 47205  
Code; 47206

(2) The children's health insurance program part I, part II, 47207  
and part III established under sections 5101.50 to 5101.529 of the 47208  
Revised Code; 47209

(3) The disability medical assistance program established 47210  
under Chapter 5115. of the Revised Code. 47211

(C) "Medical support" means support specified as support for 47212  
the purpose of medical care by order of a court or administrative 47213  
agency. 47214

~~(B) "Third party"~~ (D) "Public assistance" means medical 47215  
assistance or assistance under the Ohio works first program 47216  
established under Chapter 5107. of the Revised Code. 47217

(E)(1) Subject to division (E)(2) of this section, and except 47218  
as provided in division (E)(3) of this section, "third party" 47219  
means ~~any health insurer as defined in section 3924.41 of the~~ 47220  
~~Revised Code, individual, entity, or public or private program,~~ 47221  
~~that is or may be liable to pay all or part of the medical cost of~~ 47222  
~~injury, disease, or disability of an applicant or recipient.~~ 47223  
~~"Third party" includes any such insurer, individual, entity, or~~ 47224  
~~program that would have been obligated to pay for the service,~~ 47225  
~~even when such third party limits or excludes payments in the case~~ 47226  
~~of an individual who is eligible for medicaid. all of the~~ 47227  
following: 47228

(a) A person authorized to engage in the business of sickness 47229  
and accident insurance under Title XXXIX of the Revised Code; 47230

(b) A person or governmental entity providing coverage for 47231  
medical services or items to individuals on a self-insurance 47232  
basis; 47233

(c) A health insuring corporation as defined in section 47234  
1751.01 of the Revised Code; 47235

(d) A group health plan as defined in 29 U.S.C. 1167; 47236

(e) A service benefit plan as referenced in 42 U.S.C. 47237  
1396a(a)(25); 47238

(f) A managed care organization; 47239

(g) A pharmacy benefit manager; 47240

(h) A third party administrator; 47241

(i) Any other person or governmental entity that is, by law, contract, or agreement, responsible for the payment or processing of a claim for a medical item or service for a public assistance recipient or participant. 47242  
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(2) Except when otherwise provided by 42 U.S.C. 1395y(b), a person or governmental entity listed in division (E)(1) of this section is a third party even if the person or governmental entity limits or excludes payments for a medical item or service in the case of a public assistance recipient. 47246  
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(3) "Third party" does not include the program for medically handicapped children established under section 3701.023 of the Revised Code. 47251  
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~~Sec. 5101.572. Upon the request of the department of job and family services, any (A) A third party as defined in section 5101.571 of the Revised Code shall cooperate with the department of job and family services in identifying individuals for the purpose of establishing third party liability pursuant to Title XIX of the Social Security Act, as amended. The~~ 47254  
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(B) In furtherance of the requirement in division (A) of this section and to allow the department to determine any period that the individual or the individual's spouse or dependent may have been covered by the third party and the nature of the coverage, a third party shall provide, as the department so chooses, information or access to information, or both, in the third party's electronic data system on the department's request and in accordance with division (C) of this section. 47260  
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(C)(1) If the department chooses to receive information directly, the third party shall provide the information under all of the following circumstances: 47268  
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(a) In a medium, format, and manner prescribed by the 47271

director of job and family services in rules adopted under section 5101.591 of the Revised Code; 47272  
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(b) Free of charge; 47274

(c) Not later than the end of the thirtieth day after the department makes its request, unless a different time is agreed to by the director in writing. 47275  
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(2) If the department chooses to receive access to information, the third party shall provide access by a method prescribed by the director of job and family services in rules adopted under section 5101.591 of the Revised Code. In facilitating access, the department may enter into a trading partner agreement with the third party to permit the exchange of information via "ASC X 12N 270/271 Health Care Eligibility Benefit Inquiry and Response" transactions. 47278  
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(D) All of the following apply with respect to information provided by a third party to the department under this section: 47286  
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(1) The information is confidential and not a public record under section 149.43 of the Revised Code. 47288  
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(2) The release of information to the department is not to be considered a violation of any right of confidentiality or contract that the third party may have with covered persons including, but not limited to, contractees, beneficiaries, heirs, assignees, and subscribers. 47290  
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(3) The third party is immune from any liability that it may otherwise incur through its release of information to the department. 47295  
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The department of job and family services shall limit its use of information gained from third parties to purposes directly connected with the administration of the medicaid program. ~~No~~ 47298  
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(E) No third party shall disclose to other parties or make 47301

use of any information regarding recipients of aid under Chapter 47302  
5107. or 5111. of the Revised Code that it obtains from the 47303  
department ~~of job and family services~~, except in the manner 47304  
provided for by the director of job and family services in 47305  
administrative rules. ~~Any information provided by a third party to~~ 47306  
~~the department of job and family services shall not be considered~~ 47307  
~~a violation of any right of confidentiality or contract that the~~ 47308  
~~third party may have with covered persons including, but not~~ 47309  
~~limited to, contractees, beneficiaries, heirs, assignees, and~~ 47310  
~~subscribers. The third party is immune from any liability that it~~ 47311  
~~may otherwise incur through its release of information to the~~ 47312  
~~department of job and family services.~~ 47313

Sec. 5101.573. (A) Subject to divisions (B) and (C) of this 47314  
section, a third party shall do all of the following: 47315

(1) Accept the department of job and family services' right 47316  
of recovery under section 5101.58 of the Revised Code and the 47317  
assignment of rights to the department that are described in 47318  
section 5101.59 of the Revised Code. 47319

(2) Respond to an inquiry by the department regarding a claim 47320  
for payment of a medical item or service that was submitted to the 47321  
third party not later than three years after the date of the 47322  
provision of such medical item or service; 47323

(3) Pay a claim described in division (A)(2) of this section; 47324

(4) Not deny a claim submitted by the department solely on 47325  
the basis of the date of submission of the claim, type or format 47326  
of the claim form, or a failure by the medical assistance 47327  
recipient who is the subject of the claim to present proper 47328  
documentation of coverage at the time of service, if both of the 47329  
following are true: 47330

(a) The claim was submitted by the department not later than 47331

three years after the date of the provision of the medical item or service; 47332  
47333

(b) An action by the department to enforce its right of recovery under section 5101.58 of the Revised Code on the claim was commenced not later than six years after the department's submission of the claim. 47334  
47335  
47336  
47337

(B) For purposes of the requirements in division (A) of this section, a third party shall treat a managed care organization as the department for a claim in which both of the following are true: 47338  
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47340  
47341

(1) The individual who is the subject of the claim received a medical item or service through a managed care organization that has entered into a contract with the department of job and family services under section 5111.16 of the Revised Code; 47342  
47343  
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47345

(2) The department has assigned its right of recovery for the claim to the managed care organization. 47346  
47347

(C) The time limitations associated with the requirements in divisions (A)(2) and (A)(4) of this section apply only to submissions of claims to, and payments of claims by, a health insurer to which 42 U.S.C. 1396a(a)(25)(I) applies. 47348  
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**Sec. 5101.574.** No third party shall consider whether an individual is eligible for or receives medical assistance when either of the following applies: 47352  
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47354

(A) The individual seeks to obtain a policy or enroll in a plan or program operated or administered by the third party; 47355  
47356

(B) The individual, or a person or governmental entity on the individual's behalf, seeks payment for a medical item or service provided to the individual. 47357  
47358  
47359

**Sec. 5101.575.** (A) If a third party violates section 47360

5101.572, 5101.573, or 5101.574 of the Revised Code, a 47361  
governmental entity that is responsible for issuing a license, 47362  
certificate of authority, registration, or approval that 47363  
authorizes the third party to do business in this state may impose 47364  
a fine against the third party or deny, revoke, or terminate the 47365  
third party's license, certificate, registration, or approval to 47366  
do business in this state. The governmental entity shall determine 47367  
which sanction is to be imposed. All actions to impose the 47368  
sanction shall be taken in accordance with Chapter 119. of the 47369  
Revised Code. 47370

(B) In addition to the sanctions that may be imposed under 47371  
division (A) of this section for a violation of section 5101.572, 47372  
5101.573, or 5101.574 of the Revised Code, the attorney general 47373  
may petition a court of common pleas to enjoin the violation. 47374

~~Sec. 5101.58. As used in this section and section 5101.59 of~~ 47375  
~~the Revised Code, "public assistance" means aid provided under~~ 47376  
~~Chapter 5111. or 5115. of the Revised Code and participation in~~ 47377  
~~the Ohio works first program established under Chapter 5107. of~~ 47378  
~~the Revised Code.~~ 47379

(A) The acceptance of public assistance gives a an automatic 47380  
right of recovery to the department of job and family services and 47381  
a county department of job and family services against the 47382  
liability of a third party for the cost of medical ~~services and~~ 47383  
~~care arising out of injury, disease, or disability~~ assistance paid 47384  
on behalf of the public assistance recipient or participant. When 47385  
an action or claim is brought against a third party by a public 47386  
assistance recipient or participant, ~~the entire amount of any~~ 47387  
payment, settlement or compromise of the action or claim, or any 47388  
court award or judgment, is subject to the recovery right of the 47389  
department of job and family services or county department of job 47390  
and family services. Except in the case of a recipient or 47391

participant who receives medical ~~services or care~~ assistance 47392  
through a managed care organization, the department's or county 47393  
department's claim shall not exceed the amount of medical ~~expenses~~ 47394  
assistance paid by the departments a department on behalf of the 47395  
recipient or participant. ~~In A payment, settlement, compromise,~~ 47396  
judgment, or award that excludes the cost of medical assistance 47397  
paid for by a department shall not preclude a department from 47398  
enforcing its rights under this section. 47399

(B) In the case of a recipient or participant who receives 47400  
medical ~~services or care~~ assistance through a managed care 47401  
organization, the amount of the department's or county 47402  
department's claim shall be the amount the managed care 47403  
organization pays for medical ~~services or care~~ assistance rendered 47404  
to the recipient or participant, even if that amount is more than 47405  
the amount ~~the departments pay~~ a department pays to the managed 47406  
care organization for the recipient's or participant's medical 47407  
~~services or care. Any settlement, compromise, judgment, or award~~ 47408  
~~that excludes the cost of medical services or care shall not~~ 47409  
~~preclude the departments from enforcing their rights under this~~ 47410  
~~section~~ assistance. 47411

~~Prior to initiating any~~ (C) A recipient or participant, and 47412  
the recipient's or participant's attorney, if any, shall cooperate 47413  
with the departments. In furtherance of this requirement, the 47414  
recipient or participant, or the recipient's or participant's 47415  
attorney, if any, shall, not later than thirty days after 47416  
initiating informal recovery activity or filing a legal recovery 47417  
~~action, the recipient or participant, or the recipient's or~~ 47418  
~~participant's representative, shall disclose~~ against a third 47419  
party, provide written notice of the activity or action to the 47420  
appropriate department or departments as follows: 47421

(1) To only the department of job and family services when 47422  
medical assistance under medicaid has been paid; 47423

(2) To the department of job and family services and the 47424  
appropriate county department of job and family services when 47425  
medical assistance under the disability medical assistance program 47426  
has been paid. 47427

(D) The written notice that must be given under division (C) 47428  
of this section shall disclose the identity and address of any 47429  
third party against whom the recipient or participant has or may 47430  
have a right of recovery. ~~Disclosure shall be made to the~~ 47431  
~~department of job and family services when medical expenses have~~ 47432  
~~been paid pursuant to Chapter 5111. or 5115. of the Revised Code.~~ 47433  
~~Disclosure shall be made to both the department of job and family~~ 47434  
~~services and the appropriate county department of job and family~~ 47435  
~~services when medical expenses have been paid pursuant to Chapter~~ 47436  
~~5115. of the Revised Code. No~~ 47437

(E) No settlement, compromise, judgment, or award or any 47438  
recovery in any action or claim by a recipient or participant 47439  
where the departments have a right of recovery shall be made final 47440  
without first giving the appropriate departments written notice as 47441  
described in division (C) of this section and a reasonable 47442  
opportunity to perfect their rights of recovery. If the 47443  
departments are not given the appropriate written notice, the 47444  
recipient or participant ~~is~~ and, if there is one, the recipient's 47445  
or participant's attorney, are liable to reimburse the departments 47446  
for the recovery received to the extent of medical payments made 47447  
by the departments. ~~The~~ 47448

(F) The departments shall be permitted to enforce their 47449  
recovery rights against the third party even though they accepted 47450  
prior payments in discharge of their rights under this section if, 47451  
at the time the departments received such payments, they were not 47452  
aware that additional medical expenses had been incurred but had 47453  
not yet been paid by the departments. The third party becomes 47454  
liable to the department of job and family services or county 47455

department of job and family services as soon as the third party 47456  
is notified in writing of the valid claims for recovery under this 47457  
section. 47458

~~The (G)(1) Subject to division (G)(2) of this section, the 47459  
right of recovery of a department does not apply to that portion 47460  
of any judgment, award, settlement, or compromise of a claim, to 47461  
the extent of attorneys' fees, costs, or other expenses incurred 47462  
by a recipient or participant in securing the judgment, award, 47463  
settlement, or compromise, or to the extent of medical, surgical, 47464  
and hospital expenses paid by such recipient or participant from 47465  
the recipient's or participant's own resources. Attorney fees and 47466  
costs or other expenses in securing any recovery shall not be 47467  
assessed against any claims of the departments. 47468~~

~~To (2) Reasonable attorneys' fees, not to exceed one-third of 47469  
the total judgment, award, settlement, or compromise, plus costs 47470  
and other expenses incurred by the recipient or participant in 47471  
securing the judgment, award, settlement, or compromise, shall 47472  
first be deducted from the total judgment, award, settlement, or 47473  
compromise. After fees, costs, and other expenses are deducted 47474  
from the total judgment, award, settlement, or compromise, the 47475  
department of job and family services or appropriate county 47476  
department of job and family services shall receive no less than 47477  
one-half of the remaining amount, or the actual amount of medical 47478  
assistance paid, whichever is less. 47479~~

~~(H) A right of recovery created by this section may be 47480  
enforced separately or jointly by the department of job and family 47481  
services or the appropriate county department of job and family 47482  
services. To enforce their recovery rights, the departments may do 47483  
any of the following: 47484~~

~~(A)(1) Intervene or join in any action or proceeding brought 47485  
by the recipient or participant or on the recipient's or 47486  
participant's behalf against any third party who may be liable for 47487~~

the cost of medical ~~services and care arising out of the~~ 47488  
~~recipient's or participant's injury, disease, or disability~~ 47489  
assistance paid; 47490

~~(B)(2)~~ Institute and pursue legal proceedings against any 47491  
third party who may be liable for the cost of medical ~~services and~~ 47492  
~~care arising out of the recipient's or participant's injury,~~ 47493  
~~disease, or disability~~ assistance paid; 47494

~~(C)(3)~~ Initiate legal proceedings in conjunction with ~~the~~ any 47495  
injured, diseased, or disabled recipient or participant or the 47496  
recipient's or participant's ~~legal~~ attorney or representative. 47497

~~Recovery rights created by this section may be enforced~~ 47498  
~~separately or jointly by the department of job and family services~~ 47499  
~~and the county department of job and family services.~~ 47500

(I) A recipient or participant shall not assess attorney 47501  
fees, costs, or other expenses against the department of job and 47502  
family services or a county department of job and family services 47503  
when the department or county department enforces its right of 47504  
recovery created by this section. 47505

(J) The right of recovery given to the department under this 47506  
section does not include rights to support from any other person 47507  
assigned to the state under sections 5107.20 and 5115.07 of the 47508  
Revised Code, but includes payments made by a third party under 47509  
contract with a person having a duty to support. 47510

~~The director of job and family services may adopt rules in~~ 47511  
~~accordance with Chapter 119. of the Revised Code the department~~ 47512  
~~considers necessary to implement this section.~~ 47513

**Sec. 5101.59.** (A) The application for, or acceptance of, 47514  
public assistance constitutes an automatic assignment of certain 47515  
rights to the department of job and family services. This 47516  
assignment includes the rights of the applicant, recipient, or 47517

participant and also the rights of any other member of the 47518  
assistance group for whom the applicant, recipient, or participant 47519  
can legally make an assignment. 47520

(B) Pursuant to this section, the applicant, recipient, or 47521  
participant assigns to the department any rights to medical 47522  
support available to the applicant, recipient, or participant or 47523  
for other members of the assistance group under an order of a 47524  
court or administrative agency, and any rights to payments ~~from~~ 47525  
~~any by a liable~~ third party ~~liable to pay~~ for the cost of medical 47526  
~~care and services arising out of injury, disease, or disability of~~ 47527  
~~the applicant, recipient, participant, or other members of the~~ 47528  
~~assistance group~~ assistance paid on behalf of a public assistance 47529  
recipient or participant. The recipient or participant shall 47530  
cooperate with the department in obtaining such payments. 47531

Medicare benefits shall not be assigned pursuant to this 47532  
section. Benefits assigned to the department by operation of this 47533  
section are directly reimbursable to the department by liable 47534  
third parties. 47535

~~(B)~~(C) Refusal by the applicant, recipient, or participant to 47536  
cooperate in obtaining medical ~~support and payments~~ assistance 47537  
paid for self or any other member of the assistance group renders 47538  
the applicant, recipient, or participant ineligible for public 47539  
assistance, unless cooperation is waived by the department. 47540  
Eligibility shall continue for any individual who cannot legally 47541  
assign the individual's own rights and who would have been 47542  
eligible for public assistance but for the refusal to assign the 47543  
individual's rights or to cooperate as required by this section by 47544  
another person legally able to assign the individual's rights. 47545

(D) If the applicant, recipient, or participant or any member 47546  
of the assistance group becomes ineligible for public assistance, 47547  
the department shall restore to the applicant, recipient, 47548  
participant, or member of the assistance group any future rights 47549

to benefits assigned under this section. 47550

(E) The rights of assignment given to the department under 47551  
this section do not include rights to support assigned under 47552  
section 5107.20 or 5115.07 of the Revised Code. 47553

~~(C) The director of job and family services may adopt rules 47554  
in accordance with Chapter 119. of the Revised Code to implement 47555  
this section, including rules that specify what constitutes 47556  
cooperating with efforts to obtain medical support and payments 47557  
and when the cooperation requirement may be waived. 47558~~

Sec. 5101.591. (A) Except as provided in division (B) of this 47559  
section, the director of job and family services may adopt rules 47560  
in accordance with Chapter 119. of the Revised Code to implement 47561  
sections 5101.571 to 5101.59 of the Revised Code, including rules 47562  
that specify what constitutes cooperating with efforts to obtain 47563  
support or payments, or medical assistance payments, and when 47564  
cooperation may be waived. 47565

(B) The department shall adopt rules in accordance with 47566  
Chapter 119. of the Revised Code to do all of the following: 47567

(1) For purposes of the definition of "information" in 47568  
division (A) of section 5101.571 of the Revised Code, any data 47569  
other than the data specified in that division that should be 47570  
included in the definition. 47571

(2) For purposes of division (C)(1)(a) of section 5101.572 of 47572  
the Revised Code, the medium, format, and manner in which a third 47573  
party must provide information to the department. 47574

(3) For purposes of division (C)(2) of section 5101.572 of 47575  
the Revised Code, the method by which a third party must provide 47576  
the department with access to information. 47577

**Sec. 5101.802. (A) As used in this section: 47578**

(1) "Custodian," "guardian," and "minor child" have the same meanings as in section 5107.02 of the Revised Code. 47579  
47580

(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code. 47581  
47582

(3) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code. 47583  
47584

(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. 47585  
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(C) A kinship caregiver may participate in the program if all of the following requirements are met: 47595  
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(1) The kinship caregiver applies to a public children services agency in accordance with the application process established in rules authorized by division (E) of this section; 47597  
47598  
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~~(2) The minor child the kinship caregiver is caring for is a child with special needs as that term is defined in rules adopted under section 5153.163 of the Revised Code;~~ 47600  
47601  
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~~(3) A Not earlier than July 1, 2005, a juvenile court has adjudicated the minor child to be an abused, neglected, dependent, or unruly child and determined that it is in the child's best interest to be in the issues an order granting legal custody of to the kinship caregiver, or the a probate court has determined that it is in the child's best interest to be in the guardianship of grants guardianship to the kinship caregiver, except that a~~ 47603  
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temporary court order is not sufficient to meet this requirement; 47610

~~(4)~~(3) The kinship caregiver is either the minor child's 47611  
custodian or guardian; 47612

~~(5)~~(4) The minor child resides with the kinship caregiver 47613  
pursuant to a placement approval process established in rules 47614  
authorized by division (E) of this section; 47615

~~(6)~~ The (5) Excluding any income excluded under rules adopted 47616  
under division (E) of this section, the gross income of the 47617  
kinship caregiver's family, including the minor child, does not 47618  
exceed ~~two~~ three hundred per cent of the federal poverty 47619  
guidelines. 47620

(D) Public children services agencies shall make initial and 47621  
ongoing eligibility determinations for the kinship permanency 47622  
incentive program in accordance with rules authorized by division 47623  
(E) of this section. The director of job and family services shall 47624  
supervise public children services agencies' duties under this 47625  
section. 47626

(E) The director of job and family services shall adopt rules 47627  
under division (C) of section 5101.801 of the Revised Code as 47628  
necessary to implement the kinship permanency incentive program. 47629  
The rules shall establish all of the following: 47630

(1) The application process for the program; 47631

(2) The placement approval process through which a minor 47632  
child is placed with a kinship caregiver for the kinship caregiver 47633  
to be eligible for the program; 47634

(3) The initial and ongoing eligibility determination process 47635  
for the program, including the computation of income eligibility; 47636

(4) The amount of the incentive payments provided under the 47637  
program; 47638

(5) The method by which the incentive payments are provided 47639

to a kinship caregiver~~+~~. 47640

~~(6) Anything else the director considers necessary to 47641  
implement the program. 47642~~

~~(F) The director shall begin implementation of the kinship 47643  
permanency incentive program no later than January 1, 2006. The 47644  
amendments made to this section by Am. Sub. H.B. 119 of the 127th 47645  
general assembly shall not affect the eligibility of any kinship 47646  
caregiver whose eligibility was established before the effective 47647  
date of the amendments. 47648~~

**Sec. 5101.98.** (A) There is hereby created in the state 47649  
treasury the military injury relief fund, which shall consist of 47650  
money contributed to it under section 5747.113 of the Revised 47651  
Code, of incentive grants authorized by the "Jobs for Veterans 47652  
Act," 116 Stat. 2033 (2002), and of contributions made directly to 47653  
it. Any person or entity may contribute directly to the fund in 47654  
addition to or independently of the income tax refund contribution 47655  
system established in section 5747.113 of the Revised Code. 47656

(B) Upon application, the director of job and family services 47657  
shall grant money in the fund to individuals injured while in 47658  
active service as a member of the armed forces of the United 47659  
States ~~and~~ while serving under operation Iraqi freedom or 47660  
operation enduring freedom and to individuals diagnosed with 47661  
post-traumatic stress disorder while serving, or after having 47662  
served, in operation Iraqi freedom or operation enduring freedom. 47663

(C) An individual who receives a grant under this section is 47664  
~~not~~ precluded from receiving ~~one or more~~ additional grants under 47665  
this section ~~and~~ during the same state fiscal year but is not 47666  
precluded from being considered for or receiving other assistance 47667  
offered by the department of job and family services. 47668

(D) The director shall adopt rules under Chapter 119. of the 47669

Revised Code establishing:	47670
(1) Forms and procedures by which individuals may apply for a grant under this section;	47671 47672
(2) Criteria for reviewing, evaluating, and <del>ranking</del> <u>approving or denying</u> grant applications;	47673 47674
(3) Criteria for determining the amount of grants awarded under this section; <del>and</del>	47675 47676
(4) <u>Definitions and standards applicable to determining whether an individual meets the requirements established in division (B) of this section;</u>	47677 47678 47679
<u>(5) The process for appealing eligibility determinations; and</u>	47680
<u>(6) Any other rules necessary to administer the grant program established in this section.</u>	47681 47682
<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>	47683 47684 47685 47686
<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.	47687 47688 47689 47690
(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	47691 47692 47693 47694 47695 47696 47697 47698 47699

home. 47700

At least one inspection shall be unannounced and all 47701  
inspections may be unannounced. No person, firm, organization, 47702  
institution, or agency shall interfere with the inspection of a 47703  
center or type A home by any state or local official engaged in 47704  
performing duties required of the state or local official by 47705  
Chapter 5104. of the Revised Code or rules adopted pursuant to 47706  
Chapter 5104. of the Revised Code, including inspecting the center 47707  
or type A home, reviewing records, or interviewing licensees, 47708  
employees, children, or parents. 47709

(b) Upon receipt of any complaint that a center or type A 47710  
home is out of compliance with the requirements of Chapter 5104. 47711  
of the Revised Code or rules adopted pursuant to Chapter 5104. of 47712  
the Revised Code, the department shall investigate the center or 47713  
home, and both of the following apply: 47714

(i) If the complaint alleges that a child suffered physical 47715  
harm while receiving child care at the center or home or that the 47716  
noncompliance alleged in the complaint involved, resulted in, or 47717  
poses a substantial risk of physical harm to a child receiving 47718  
child care at the center or home, the department shall inspect the 47719  
center or home. 47720

(ii) If division (B)(1)(b)(i) of this section does not apply 47721  
regarding the complaint, the department may inspect the center or 47722  
home. 47723

(c) Division (B)(1)(b) of this section does not limit, 47724  
restrict, or negate any duty of the department to inspect a center 47725  
or type A home that otherwise is imposed under this section, or 47726  
any authority of the department to inspect a center or type A home 47727  
that otherwise is granted under this section when the department 47728  
believes the inspection is necessary and it is permitted under the 47729  
grant. 47730

(2) If the department implements an instrument-based program 47731  
monitoring information system, it may use an indicator checklist 47732  
to comply with division (B)(1) of this section. 47733

(3) The department shall, ~~at least once during every~~ 47734  
~~twelve month period of operation of a center or type A home,~~ 47735  
contract with a third party by the first day of October in each 47736  
even-numbered year to collect information concerning the amounts 47737  
charged by the center or home for providing child care services 47738  
for use in establishing reimbursement ceilings and payment 47739  
pursuant to section 5104.30 of the Revised Code. The third party 47740  
shall compile the information and report the results of the survey 47741  
to the department not later than the first day of December in each 47742  
even-numbered year. 47743

(C) In the event a licensed center or type A home is 47744  
determined to be out of compliance with the requirements of 47745  
Chapter 5104. of the Revised Code or rules adopted pursuant to 47746  
Chapter 5104. of the Revised Code, the department shall notify the 47747  
licensee of the center or type A home in writing regarding the 47748  
nature of the violation, what must be done to correct the 47749  
violation, and by what date the correction must be made. If the 47750  
correction is not made by the date established by the department, 47751  
the department may commence action under Chapter 119. of the 47752  
Revised Code to revoke the license. 47753

(D) The department may deny or revoke a license, or refuse to 47754  
renew a license of a center or type A home, if the applicant 47755  
knowingly makes a false statement on the application, does not 47756  
comply with the requirements of Chapter 5104. or rules adopted 47757  
pursuant to Chapter 5104. of the Revised Code, or has pleaded 47758  
guilty to or been convicted of an offense described in section 47759  
5104.09 of the Revised Code. 47760

(E) If the department finds, after notice and hearing 47761  
pursuant to Chapter 119. of the Revised Code, that any person, 47762

firm, organization, institution, or agency licensed under section 47763  
5104.03 of the Revised Code is in violation of any provision of 47764  
Chapter 5104. of the Revised Code or rules adopted pursuant to 47765  
Chapter 5104. of the Revised Code, the department may issue an 47766  
order of revocation to the center or type A home revoking the 47767  
license previously issued by the department. Upon the issuance of 47768  
any order of revocation, the person whose license is revoked may 47769  
appeal in accordance with section 119.12 of the Revised Code. 47770

(F) The surrender of a center or type A home license to the 47771  
department or the withdrawal of an application for licensure by 47772  
the owner or administrator of the center or type A home shall not 47773  
prohibit the department from instituting any of the actions set 47774  
forth in this section. 47775

(G) Whenever the department receives a complaint, is advised, 47776  
or otherwise has any reason to believe that a center or type A 47777  
home is providing child care without a license issued or renewed 47778  
pursuant to section 5104.03 and is not exempt from licensing 47779  
pursuant to section 5104.02 of the Revised Code, the department 47780  
shall investigate the center or type A home and may inspect the 47781  
areas children have access to or areas necessary for the care of 47782  
children in the center or type A home during suspected hours of 47783  
operation to determine whether the center or type A home is 47784  
subject to the requirements of Chapter 5104. or rules adopted 47785  
pursuant to Chapter 5104. of the Revised Code. 47786

(H) The department, upon determining that the center or type 47787  
A home is operating without a license, shall notify the attorney 47788  
general, the prosecuting attorney of the county in which the 47789  
center or type A home is located, or the city attorney, village 47790  
solicitor, or other chief legal officer of the municipal 47791  
corporation in which the center or type A home is located, that 47792  
the center or type A home is operating without a license. Upon 47793  
receipt of the notification, the attorney general, prosecuting 47794

attorney, city attorney, village solicitor, or other chief legal 47795  
officer of a municipal corporation shall file a complaint in the 47796  
court of common pleas of the county in which the center or type A 47797  
home is located requesting that the court grant an order enjoining 47798  
the owner from operating the center or type A home in violation of 47799  
section 5104.02 of the Revised Code. The court shall grant such 47800  
injunctive relief upon a showing that the respondent named in the 47801  
complaint is operating a center or type A home and is doing so 47802  
without a license. 47803

(I) The department shall prepare an annual report on 47804  
inspections conducted under this section. The report shall include 47805  
the number of inspections conducted, the number and types of 47806  
violations found, and the steps taken to address the violations. 47807  
The department shall file the report with the governor, the 47808  
president and minority leader of the senate, and the speaker and 47809  
minority leader of the house of representatives on or before the 47810  
first day of January of each year, beginning in 1999. 47811

**Sec. 5104.30.** (A) The department of job and family services 47812  
is hereby designated as the state agency responsible for 47813  
administration and coordination of federal and state funding for 47814  
publicly funded child care in this state. Publicly funded child 47815  
care shall be provided to the following: 47816

(1) Recipients of transitional child care as provided under 47817  
section 5104.34 of the Revised Code; 47818

(2) Participants in the Ohio works first program established 47819  
under Chapter 5107. of the Revised Code; 47820

(3) Individuals who would be participating in the Ohio works 47821  
first program if not for a sanction under section 5107.16 of the 47822  
Revised Code and who continue to participate in a work activity, 47823  
developmental activity, or alternative work activity pursuant to 47824  
an assignment under section 5107.42 of the Revised Code; 47825

(4) A family receiving publicly funded child care on October 1, 1997, until the family's income reaches one hundred fifty per cent of the federal poverty line; 47826  
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(5) Subject to available funds, other individuals determined eligible in accordance with rules adopted under section 5104.38 of the Revised Code. 47829  
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The department shall apply to the United States department of health and human services for authority to operate a coordinated program for publicly funded child care, if the director of job and family services determines that the application is necessary. For purposes of this section, the department of job and family services may enter into agreements with other state agencies that are involved in regulation or funding of child care. The department shall consider the special needs of migrant workers when it administers and coordinates publicly funded child care and shall develop appropriate procedures for accommodating the needs of migrant workers for publicly funded child care. 47832  
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(B) The department of job and family services shall distribute state and federal funds for publicly funded child care, including appropriations of state funds for publicly funded child care and appropriations of federal funds available under the child care block grant act, Title IV-A, and Title XX. The department may use any state funds appropriated for publicly funded child care as the state share required to match any federal funds appropriated for publicly funded child care. 47843  
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(C) In the use of federal funds available under the child care block grant act, all of the following apply: 47851  
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(1) The department may use the federal funds to hire staff to prepare any rules required under this chapter and to administer and coordinate federal and state funding for publicly funded child care. 47853  
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(2) Not more than five per cent of the aggregate amount of the federal funds received for a fiscal year may be expended for administrative costs.

(3) The department shall allocate and use at least four per cent of the federal funds for the following:

(a) Activities designed to provide comprehensive consumer education to parents and the public;

(b) Activities that increase parental choice;

(c) Activities, including child care resource and referral services, designed to improve the quality, and increase the supply, of child care;

(d) Establishing a voluntary child day-care center quality-rating program in which participation in the program may allow a child day-care center to be eligible for grants, technical assistance, training, or other assistance and become eligible for unrestricted monetary awards for maintaining a quality rating.

(4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. A county department of job and family services may purchase child care from funds obtained through any other means.

(D) The department shall encourage the development of suitable child care throughout the state, especially in areas with high concentrations of recipients of public assistance and families with low incomes. The department shall encourage the development of suitable child care designed to accommodate the special needs of migrant workers. On request, the department, through its employees or contracts with state or community child care resource and referral service organizations, shall provide

consultation to groups and individuals interested in developing 47888  
child care. The department of job and family services may enter 47889  
into interagency agreements with the department of education, the 47890  
board of regents, the department of development, and other state 47891  
agencies and entities whenever the cooperative efforts of the 47892  
other state agencies and entities are necessary for the department 47893  
of job and family services to fulfill its duties and 47894  
responsibilities under this chapter. 47895

The department shall develop and maintain a registry of 47896  
persons providing child care. The director shall adopt rules 47897  
pursuant to Chapter 119. of the Revised Code establishing 47898  
procedures and requirements for the registry's administration. 47899

(E)(1) The director shall adopt rules in accordance with 47900  
Chapter 119. of the Revised Code establishing both of the 47901  
following: 47902

(a) Reimbursement ceilings for providers of publicly funded 47903  
child care not later than the first day of July in each 47904  
odd-numbered year; 47905

(b) A procedure for reimbursing and paying providers of 47906  
publicly funded child care. 47907

(2) In establishing reimbursement ceilings under division 47908  
(E)(1)(a) of this section, the director shall do all of the 47909  
following: 47910

(a) Use the information obtained under division (B)(3) of 47911  
section 5104.04 of the Revised Code; 47912

(b) Establish an enhanced reimbursement ceiling for providers 47913  
who provide child care for caretaker parents who work 47914  
nontraditional hours; 47915

(c) For a type B family day-care home provider that has 47916  
received limited certification pursuant to rules adopted under 47917

division (G)(1) of section 5104.011 of the Revised Code, establish 47918  
a reimbursement ceiling that is the following: 47919

(i) If the provider is a person described in division 47920  
(G)(1)(a) of section 5104.011 of the Revised Code, seventy-five 47921  
per cent of the reimbursement ceiling that applies to a type B 47922  
family day-care home certified by the same county department of 47923  
job and family services pursuant to section 5104.11 of the Revised 47924  
Code; 47925

(ii) If the provider is a person described in division 47926  
(G)(1)(b) of section 5104.011 of the Revised Code, sixty per cent 47927  
of the reimbursement ceiling that applies to a type B family 47928  
day-care home certified by the same county department pursuant to 47929  
section 5104.11 of the Revised Code. 47930

(3) In establishing reimbursement ceilings under division 47931  
(E)(1)(a) of this section, the director may establish different 47932  
reimbursement ceilings based on any of the following: 47933

(a) Geographic location of the provider; 47934

(b) Type of care provided; 47935

(c) Age of the child served; 47936

(d) Special needs of the child served; 47937

(e) Whether the expanded hours of service are provided; 47938

(f) Whether weekend service is provided; 47939

(g) Whether the provider has exceeded the minimum 47940  
requirements of state statutes and rules governing child care; 47941

(h) Any other factors the director considers appropriate. 47942

(F) The director shall adopt rules in accordance with Chapter 47943  
119. of the Revised Code to implement the voluntary child day-care 47944  
center quality-rating program described in division (C)(3)(d) of 47945  
this section. 47946

Sec. 5107.02. As used in this chapter:	47947
(A) "Adult" means an individual who is not a minor child.	47948
(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.	47949 47950 47951
(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.	47952 47953 47954 47955
(D) <u>"Domestic violence" means being subjected to any of the following:</u>	47956 47957
<u>(1) Physical acts that resulted in, or threatened to result in, physical injury to the individual;</u>	47958 47959
<u>(2) Sexual abuse;</u>	47960
<u>(3) Sexual activity involving a dependent child;</u>	47961
<u>(4) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;</u>	47962 47963
<u>(5) Threats of, or attempts at, physical or sexual abuse;</u>	47964
<u>(6) Mental abuse;</u>	47965
<u>(7) Neglect or deprivation of medical care.</u>	47966
(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.	47967 47968 47969 47970 47971 47972
<del>(E)</del> (F) <u>"LEAP program" means the learning, earning, and parenting program conducted under section 5107.30 of the Revised</u>	47973 47974

<u>Code.</u>	47975
<u>(G)</u> "Minor child" means either of the following:	47976
(1) An individual who has not attained age eighteen;	47977
(2) An individual who has not attained age nineteen and is a	47978
full-time student in a secondary school or in the equivalent level	47979
of vocational or technical training.	47980
<del>(F)</del> <u>(H)</u> "Minor head of household" means a minor child who is	47981
either of the following:	47982
(1) Is married, at least six months pregnant, and a member of	47983
an assistance group that does not include an adult;	47984
(2) Is married and is a parent of a child included in the	47985
same assistance group that does not include an adult.	47986
<del>(G)</del> <u>(I)</u> "Ohio works first" means the program established by	47987
this chapter known as temporary assistance for needy families in	47988
Title IV-A.	47989
<del>(H)</del> <u>(J)</u> "Payment standard" means the amount specified in rules	47990
adopted under section 5107.05 of the Revised Code that is the	47991
maximum amount of cash assistance an assistance group may receive	47992
under Ohio works first from state and federal funds.	47993
<del>(I)</del> <u>(K)</u> "Specified relative" means the following individuals	47994
who are age eighteen or older:	47995
(1) The following individuals related by blood or adoption:	47996
(a) Grandparents, including grandparents with the prefix	47997
"great," "great-great," or "great-great-great";	47998
(b) Siblings;	47999
(c) Aunts, uncles, nephews, and nieces, including such	48000
relatives with the prefix "great," "great-great," "grand," or	48001
"great-grand";	48002
(d) First cousins and first cousins once removed.	48003

(2) Stepparents and stepsiblings; 48004

(3) Spouses and former spouses of individuals named in 48005  
division ~~(I)~~(K)(1) or (2) of this section. 48006

~~(J)~~(L) "Title IV-A" or "Title IV-D" means Title IV-A or Title 48007  
IV-D of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 48008  
301, as amended. 48009

**Sec. 5107.03.** There is hereby established the Ohio works 48010  
first program. The department of job and family services shall 48011  
administer the program, as long as federal funds are provided for 48012  
the program, in accordance with Title IV-A, federal regulations, 48013  
state law, the Title IV-A state plan submitted to the United 48014  
States secretary of health and human services under section 48015  
5101.80 of the Revised Code, amendments to the plan, and federal 48016  
waivers granted by the United States secretary. 48017

~~The department shall make all cash assistance payments for 48018  
Ohio works first from funds appropriated for the Ohio works first 48019  
program. A county department of job and family services may use 48020  
county funds to increase the amount of cash assistance an 48021  
assistance group receives. An increase in the amount of cash 48022  
assistance that results from such a use of county funds shall not 48023  
be included as countable income, gross earned income, or gross 48024  
unearned income of the assistance group. 48025~~

**Sec. 5107.04.** As used in this section, "cost-of-living 48026  
adjustment" means the cost-of-living adjustment made by the United 48027  
States commissioner of social security under 42 U.S.C. 415(i) for 48028  
benefits provided under Title II of the "Social Security Act of 48029  
1935." 48030

The department of job and family services shall make all cash 48031  
assistance payments for Ohio works first from funds appropriated 48032  
for the Ohio works first program. The amount of a cash assistance 48033

payment the department is to make to an assistance group shall be 48034  
determined in accordance with rules adopted under section 5107.05 48035  
of the Revised Code and shall not exceed the payment standard. The 48036  
department shall increase the payment standard on January 1, 2009, 48037  
and the first day of each January thereafter by the cost-of-living 48038  
adjustment made in the immediately preceding December. 48039

A county department of job and family services may use county 48040  
funds to increase the amount of cash assistance an assistance 48041  
group receives. An increase in the amount of cash assistance that 48042  
results from such a use of county funds shall not be included as 48043  
countable income, gross earned income, or gross unearned income of 48044  
the assistance group. 48045

**Sec. 5107.05.** The director of job and family services shall 48046  
adopt rules to implement this chapter. The rules shall be 48047  
consistent with Title IV-A, Title IV-D, federal regulations, state 48048  
law, the Title IV-A state plan submitted to the United States 48049  
secretary of health and human services under section 5101.80 of 48050  
the Revised Code, amendments to the plan, and waivers granted by 48051  
the United States secretary. Rules governing eligibility, program 48052  
participation, and other applicant and participant requirements 48053  
shall be adopted in accordance with Chapter 119. of the Revised 48054  
Code. Rules governing financial and other administrative 48055  
requirements applicable to the department of job and family 48056  
services and county departments of job and family services shall 48057  
be adopted in accordance with section 111.15 of the Revised Code. 48058

(A) The rules shall specify, establish, or govern all of the 48059  
following: 48060

(1) A payment standard for Ohio works first based on federal 48061  
and state appropriations that is increased in accordance with 48062  
section 5107.04 of the Revised Code; 48063

(2) The For the purpose of section 5107.04 of the Revised 48064

Code, the method of determining the amount of cash assistance an 48065  
assistance group receives under Ohio works first; 48066

(3) Requirements for initial and continued eligibility for 48067  
Ohio works first, including requirements regarding income, 48068  
citizenship, age, residence, and assistance group composition. ~~The~~ 48069  
~~rules regarding income shall specify what is countable income,~~ 48070  
~~gross earned income, and gross unearned income for the purpose of~~ 48071  
~~section 5107.10 of the Revised Code.~~i 48072

(4) For the purpose of section 5107.12 of the Revised Code, 48073  
application and verification procedures, including the minimum 48074  
information an application must contain. ~~If there are at least two~~ 48075  
~~telephone numbers available that a county department of human~~ 48076  
~~services can call to contact members of an assistance group, which~~ 48077  
~~may include the telephone number of an individual who can contact~~ 48078  
~~an assistance group member for the county department, the minimum~~ 48079  
~~information shall include at least those two telephone numbers.~~i 48080

(5) The extent to which a participant of Ohio works first 48081  
must notify, pursuant to section 5107.12 of the Revised Code, a 48082  
county department of job and family services of additional income 48083  
not previously reported to the county department; 48084

(6) For the purpose of section 5107.16 of the Revised Code, 48085  
standards for the determination of good cause for failure or 48086  
refusal to comply in full with a provision of a self-sufficiency 48087  
contract; 48088

(7) The department of job and family services providing 48089  
written notice of a sanction under section 5107.161 of the Revised 48090  
Code; 48091

~~(7)~~(8) Requirements for the collection and distribution of 48092  
support payments owed participants of Ohio works first pursuant to 48093  
section 5107.20 of the Revised Code; 48094

~~(8)~~(9) For the purpose of section 5107.22 of the Revised 48095

Code, what constitutes cooperating in establishing a minor child's 48096  
paternity or establishing, modifying, or enforcing a child support 48097  
order and good cause for failure or refusal to cooperate. ~~The rule 48098  
shall be consistent with 42 U.S.C.A. 654(29).~~ 48099

~~(9)~~(10) The requirements governing the LEAP program ~~provided 48100  
for under section 5107.30 of the Revised Code, including the 48101  
definitions of "equivalent of a high school diploma" and "good 48102  
cause," and the incentives provided under the LEAP program;~~ 48103

~~(10)~~(11) If the director implements section 5107.301 of the 48104  
Revised Code, the requirements governing the award provided under 48105  
that section, including the form that the award is to take and 48106  
requirements an individual must satisfy to receive the award; 48107

~~(11)~~(12) Circumstances under which a county department of job 48108  
and family services may exempt a minor head of household or adult 48109  
from participating in a work activity or developmental activity 48110  
for all or some of the weekly hours otherwise required by section 48111  
5107.43 of the Revised Code. ~~Circumstances shall include that a 48112  
school or place of work is closed due to a holiday or weather or 48113  
other emergency and that an employer grants the minor head of 48114  
household or adult leave for illness or earned vacation.~~ 48115

~~(12)~~(13) The maximum amount of time the department will 48116  
subsidize positions created by state agencies and political 48117  
subdivisions under division (C) of section 5107.52 of the Revised 48118  
Code; 48119

(14) The implementation of sections 5107.71 to 5107.717 of 48120  
the Revised Code by county departments of job and family services; 48121

(15) A domestic violence screening process to be used for the 48122  
purpose of division (A) of section 5107.71 of the Revised Code; 48123

(16) The minimum frequency with which county departments of 48124  
job and family services must redetermine a member of an assistance 48125  
group's need for a waiver issued under section 5107.714 of the 48126

<u>Revised Code.</u>	48127
<u>(B) The rules adopted under division (A)(3) of this section regarding income shall specify what is countable income, gross earned income, and gross unearned income for the purpose of section 5107.10 of the Revised Code.</u>	48128 48129 48130 48131
<u>The rules adopted under division (A)(9) of this section shall be consistent with 42 U.S.C. 654(29).</u>	48132 48133
<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>	48134 48135 48136 48137 48138
<u>(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.</u>	48139 48140 48141 48142
<b>Sec. 5107.10.</b> (A) As used in this section:	48143
(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.	48144 48145 48146
(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.	48147 48148 48149 48150
(3) "Gross income" means gross earned income and gross unearned income.	48151 48152
(4) <del>"Initial eligibility threshold" means the higher of the following:</del>	48153 48154
<del>(a) Fifty per cent of the federal poverty guidelines;</del>	48155

~~(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; 48187  
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(d) A woman at least six months pregnant. 48192

(2) The assistance group must meet the income requirements established by division (D) of this section. 48193  
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(3) No member of the assistance group may be involved in a strike. 48195  
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(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. 48197  
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(5) The assistance group must meet requirements for Ohio works first established by rules adopted under section 5107.05 of the Revised Code. 48200  
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(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: 48203  
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(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. 48207  
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(b) If the assistance group's gross income, less the amounts 48217  
disregarded pursuant to division (D)(1)(a) of this section, does 48218  
not exceed ~~the initial eligibility threshold~~ fifty per cent of the 48219  
federal poverty guidelines, determine whether the assistance 48220  
group's countable income is less than the payment standard. The 48221  
assistance group is ineligible to participate in Ohio works first 48222  
if the assistance group's countable income equals or exceeds the 48223  
payment standard. 48224

(2) For the purpose of determining whether an assistance 48225  
group meets the income requirement established by division 48226  
(D)(1)(a) of this section, the annual revision that the United 48227  
States department of health and human services makes to the 48228  
federal poverty guidelines shall go into effect on the first day 48229  
of July of the year for which the revision is made. 48230

(3) To determine whether an assistance group participating in 48231  
Ohio works first continues to be eligible to participate, a county 48232  
department of job and family services shall determine whether the 48233  
assistance group's countable income continues to be less than the 48234  
payment standard. In making this determination, the county 48235  
department shall disregard the first two hundred fifty dollars and 48236  
fifty per cent of the remainder of the assistance group's gross 48237  
earned income. No amounts shall be disregarded from the assistance 48238  
group's gross unearned income. The assistance group ceases to be 48239  
eligible to participate in Ohio works first if its countable 48240  
income, less the amounts disregarded, equals or exceeds the 48241  
payment standard. 48242

(4) If an assistance group reapplies to participate in Ohio 48243  
works first not more than four months after ceasing to 48244  
participate, a county department of job and family services shall 48245  
use the income requirement established by division (D)(3) of this 48246  
section to determine eligibility for resumed participation rather 48247  
than the income requirement established by division (D)(1) of this 48248

section. 48249

(E)(1) An assistance group may continue to participate in 48250  
Ohio works first even though a public children services agency 48251  
removes the assistance group's minor children from the assistance 48252  
group's home due to abuse, neglect, or dependency if the agency 48253  
does both of the following: 48254

(a) Notifies the county department of job and family services 48255  
at the time the agency removes the children that it believes the 48256  
children will be able to return to the assistance group within six 48257  
months; 48258

(b) Informs the county department at the end of each of the 48259  
first five months after the agency removes the children that the 48260  
parent, guardian, custodian, or specified relative of the children 48261  
is cooperating with the case plans prepared for the children under 48262  
section 2151.412 of the Revised Code and that the agency is making 48263  
reasonable efforts to return the children to the assistance group. 48264

(2) An assistance group may continue to participate in Ohio 48265  
works first pursuant to division (E)(1) of this section for not 48266  
more than six payment months. This division does not affect the 48267  
eligibility of an assistance group that includes a woman at least 48268  
six months pregnant. 48269

**Sec. 5107.12.** An assistance group seeking to participate in 48270  
the Ohio works first program shall apply to a county department of 48271  
job and family services using an application containing 48272  
information the director of job and family services requires 48273  
pursuant to rules adopted under section 5107.05 of the Revised 48274  
Code and any additional information the county department 48275  
requires. If cash assistance under the program is to be paid by 48276  
the director of budget and management through the medium of direct 48277  
deposit as provided by section 329.03 of the Revised Code, the 48278  
application shall be accompanied by information the director needs 48279

to make direct deposits. 48280

When a county department receives an application for 48281  
participation in Ohio works first, it shall promptly make an 48282  
investigation and record of the circumstances of the applicant in 48283  
order to ascertain the facts surrounding the application and to 48284  
obtain such other information as may be required. Upon the 48285  
completion of the investigation, the county department shall 48286  
determine as soon as possible whether the applicant is eligible to 48287  
participate, the amount of cash assistance the applicant should 48288  
receive, and the approximate date when participation shall begin. 48289  
The county department shall not delay making the determination of 48290  
whether the applicant is eligible to participate on the basis that 48291  
the individuals required by section 5107.14 of the Revised Code to 48292  
enter into a written self-sufficiency contract with the county 48293  
department have not yet done that. The amount of cash assistance 48294  
so determined shall be certified to the department of job and 48295  
family services in such form as the department shall prescribe. 48296  
Warrants, direct deposits, or debit cards shall be delivered or 48297  
made payable in the manner the department may prescribe. 48298

To the extent required by rules adopted under section 5107.05 48299  
of the Revised Code, a participant of Ohio works first shall 48300  
notify the county department immediately upon the receipt or 48301  
possession of additional income not previously reported to the 48302  
county department. Any failure to so notify a county department 48303  
shall be regarded as prima-facie evidence of an intent to defraud. 48304

Sec. 5107.121. A county department of job and family services 48305  
shall provide assistance groups applying for or undergoing a 48306  
redetermination of eligibility for Ohio works first written and 48307  
oral information about both of the following: 48308

(A) The availability of counseling and supportive services 48309  
pursuant to division (B) of section 5107.71 of the Revised Code 48310

for members of the assistance group who have been subjected to 48311  
domestic violence; 48312

(B) The availability of waivers under section 5107.714 of the 48313  
Revised Code exempting members of the assistance group who have 48314  
been subjected to domestic violence from a requirement of the Ohio 48315  
works first program. 48316

**Sec. 5107.14.** (A) An assistance group is ineligible to 48317  
participate in Ohio works first unless the minor head of household 48318  
or each adult member of the assistance group, not later than 48319  
thirty days after applying for or undergoing a redetermination of 48320  
eligibility for the program, enters the following enter into a 48321  
written self-sufficiency contract with the county department of 48322  
job and family services not later than thirty days after the 48323  
assistance group applies for or undergoes a redetermination of 48324  
eligibility for the program: 48325

(1) Each adult member of the assistance group; 48326

(2) The assistance group's minor head of household unless the 48327  
minor head of household is participating in the LEAP program. The 48328

(B) A self-sufficiency contract shall set forth the rights 48329  
and responsibilities of the assistance group as applicants for and 48330  
participants of the program, including work responsibilities 48331  
established under sections 5107.40 to 5107.69 of the Revised Code 48332  
and other requirements designed to assist the assistance group in 48333  
achieving self-sufficiency and personal responsibility. The county 48334  
department shall provide without charge a copy of the contract to 48335  
each assistance group member who signs it. 48336

Each Ohio works first. Each self-sufficiency contract shall 48337  
include, based on appraisals conducted under section 5107.41 of 48338  
the Revised Code and assessments conducted under section 5107.70 48339  
of the Revised Code, the following: 48340

~~(A)~~(1) The assistance group's plan, developed under section 48341  
5107.41 of the Revised Code, to achieve the goal of self 48342  
sufficiency and personal responsibility through unsubsidized 48343  
employment within the time limit for participating in Ohio works 48344  
first established by section 5107.18 of the Revised Code; 48345

~~(B)~~(2) Work activities, developmental activities, and 48346  
alternative work activities to which members of the assistance 48347  
group are assigned under sections 5107.40 to 5107.69 of the 48348  
Revised Code; 48349

~~(C)~~(3) The responsibility of a caretaker member of the 48350  
assistance group to cooperate in establishing a minor child's 48351  
paternity and establishing, modifying, and enforcing a support 48352  
order for the child in accordance with section 5107.22 of the 48353  
Revised Code; 48354

~~(D)~~(4) Other responsibilities that members of the assistance 48355  
group must satisfy to participate in Ohio works first and the 48356  
consequences for failure or refusal to satisfy the 48357  
responsibilities; 48358

~~(E)~~(5) An agreement that, except as otherwise provided in a 48359  
waiver issued under section 5107.714 of the Revised Code, the 48360  
assistance group will comply with the conditions of participating 48361  
in Ohio works first established by this chapter and sections 48362  
5101.58, 5101.59, and 5101.83 of the Revised Code; 48363

~~(F)~~(6) Assistance and services the county department will 48364  
provide to the assistance group; 48365

~~(G)~~(7) Assistance and services the child support enforcement 48366  
agency and public children services agency will provide to the 48367  
assistance group pursuant to a plan of cooperation entered into 48368  
under section 307.983 of the Revised Code; 48369

~~(H)~~(8) Other provisions designed to assist the assistance 48370  
group in achieving self sufficiency and personal responsibility; 48371

~~(I)~~(9) Procedures for assessing whether responsibilities are being satisfied and whether the contract should be amended; 48372  
48373

~~(J)~~(10) Procedures for amending the contract. 48374

(C) No self-sufficiency contract shall include provisions regarding the LEAP program. 48375  
48376

(D) The county department shall provide without charge a copy of the self-sufficiency contract to each assistance group member who signs it. 48377  
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48379

**Sec. 5107.16.** (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: 48380  
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(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 ~~or until the failure or refusal ceases, whichever is longer;~~ 48385  
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(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 ~~or until the failure or refusal ceases, whichever is longer;~~ 48389  
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(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 ~~or until the failure or refusal ceases, whichever is longer.~~ 48393  
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(B) ~~Each county department~~ The director 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 in rules adopted under section 5107.05 48398  
48399  
48400  
48401

of the Revised Code. 48402

~~(1) In the case of a failure or refusal to participate in a 48403  
work activity, developmental activity, or alternative work 48404  
activity under sections 5107.40 to 5107.69 of the Revised Code, 48405  
good cause shall include, except as provided in division (B)(2) of 48406  
this section, the following: 48407~~

~~(a) Failure of the county department to place the member in 48408  
an activity; 48409~~

~~(b) Failure of the county department to provide for the 48410  
assistance group to receive support services the county department 48411  
determines under section 5107.66 of the Revised Code to be 48412  
necessary. In determining whether good cause exists, a county 48413  
department shall determine that day care is a necessary support 48414  
service if a single custodial parent caring for a minor child 48415  
under age six proves a demonstrated inability, as determined by 48416  
the county department, to obtain needed child care for one or more 48417  
of the following reasons: 48418~~

~~(i) Unavailability of appropriate child care within a 48419  
reasonable distance from the parent's home or work site; 48420~~

~~(ii) Unavailability or unsuitability of informal child care 48421  
by a relative or under other arrangements; 48422~~

~~(iii) Unavailability of appropriate and affordable formal 48423  
child care arrangements. 48424~~

~~(2) Good cause does not exist if the member of the assistance 48425  
group is placed in a work activity established under section 48426  
5107.58 of the Revised Code and exhausts the support services 48427  
available for that activity. 48428~~

~~(C) When a state hearing under division (B) of section 48429  
5101.35 of the Revised Code or an administrative appeal under 48430  
division (C) of that section is held regarding a sanction under 48431~~

~~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 48493  
by the county department of job and family services. Good cause 48494  
may include losing employment, inability to find employment, 48495  
divorce, domestic violence considerations, and unique personal 48496  
circumstances. The assistance group must provide a county 48497  
department of job and family services verification acceptable to 48498  
the county department of whether any members of the assistance 48499  
group had employment during the period the assistance group was 48500  
not participating in Ohio works first and the amount and sources 48501  
of the assistance group's income during that period. If a county 48502  
department is satisfied that good cause exists for the assistance 48503  
group to reapply to participate in Ohio works first, the 48504  
assistance group may reapply. Except as provided in divisions (C), 48505  
(D), and ~~(E)~~(F) of this section, the assistance group may not 48506  
participate in Ohio works first for more than twenty-four 48507  
additional months. The time limit applies regardless of whether 48508  
the twenty-four months are consecutive. 48509

(C) In determining the number of months a parent or pregnant 48510  
woman has received assistance under Title IV-A, a county 48511  
department of job and family services shall disregard any month 48512  
during which the parent or pregnant woman was a minor child but 48513  
was neither a minor head of household nor married to the head of 48514  
an assistance group. 48515

(D) In determining the number of months an adult has received 48516  
assistance under Title IV-A, a county department of job and family 48517  
services shall disregard any month during which the adult lived on 48518  
an Indian reservation or in an Alaska native village, as those 48519  
terms are used in 42 U.S.C.A. 608(a)(7)(D), if, during the month, 48520  
at least one thousand individuals lived on the reservation or in 48521  
the village and at least fifty per cent of the adults living on 48522  
the reservation or in the village were unemployed. 48523

(E) A county department of job and family services may exempt 48524

an Ohio works first assistance group from the time limit 48525  
established by division (A) of this section by issuing a waiver of 48526  
the time limit in accordance with section 5107.714 of the Revised 48527  
Code. A county department may not exempt an assistance group until 48528  
the group has exhausted its thirty-six months of cash assistance. 48529  
An exemption granted under this division shall not count toward 48530  
the twenty per cent limitation that applies to the exemptions 48531  
granted under division (F) of this section. 48532

(F) A county department of job and family services may exempt 48533  
not more than twenty per cent of the average monthly number of 48534  
Ohio works first assistance groups from the time limit established 48535  
by this section on the grounds that the county department 48536  
determines that the time limit is a hardship. In the case of the 48537  
time limit established by division (A) of this section, a county 48538  
department may not exempt an assistance group until the group has 48539  
exhausted its thirty-six months of cash assistance. 48540

~~(F)~~(G) The department of job and family services shall 48541  
continually monitor the percentage of the average monthly number 48542  
of Ohio works first assistance groups in each county that is 48543  
exempted under division ~~(E)~~(F) of this section from the time limit 48544  
established by this section. On determining that the percentage in 48545  
any county equals or exceeds eighteen per cent, the department 48546  
shall immediately notify the county department of job and family 48547  
services. 48548

~~(G)~~(H) Only participation in Ohio works first on or after 48549  
October 1, 1997, applies to the time limit established by this 48550  
section. The time limit applies regardless of the source of 48551  
funding for the program. Assistance under Title IV-A provided by 48552  
any state applies to the time limit. The time limit is a lifetime 48553  
limit. No assistance group shall receive assistance under the 48554  
program in violation of the time limit for assistance under Title 48555  
IV-A established by section 408(a)(7) of the "Social Security 48556

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). 48557  
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**Sec. 5107.281.** A participant of Ohio works first who is 48560  
enrolled in a school district in a county that is participating in 48561  
the learnfare program and is not younger than age six but not 48562  
older than age nineteen shall participate in the learnfare program 48563  
unless one of the following is the case: 48564

(A) The participant is not yet eligible for enrollment in 48565  
first grade; 48566

(B) The participant is subject to the LEAP program ~~under~~ 48567  
~~section 5107.30 of the Revised Code;~~ 48568

(C) The participant has received one of the following: 48569

(1) A high school diploma; 48570

(2) A certificate stating that the participant has achieved 48571  
the equivalent of a high school education as measured by scores 48572  
obtained on the tests of general educational development as 48573  
published by the American council on education. 48574

(D) The participant has been excused from school attendance 48575  
pursuant to section 3321.04 of the Revised Code; 48576

(E) If child care services for a member of the participant's 48577  
household are necessary for the participant to attend school, 48578  
child care licensed or certified under Chapter 5104. of the 48579  
Revised Code or under sections 3301.52 to 3301.59 of the Revised 48580  
Code and transportation to and from the child care are not 48581  
available; 48582

(F) The participant has been adjudicated a delinquent or 48583  
unruly child pursuant to section 2151.28 of the Revised Code. 48584

**Sec. 5107.30.** (A) As used in this section: 48585

(1) "Equivalent of a high school diploma" and "good cause" 48586  
have the meanings established in rules adopted under section 48587  
5107.05 of the Revised Code. 48588

(2) ~~"LEAP program" means the learning, earning, and parenting 48589  
program.~~ 48590

~~(3)~~ "Participating teen" means an individual to whom all of 48591  
the following apply: 48592

(a) The individual is a participant of Ohio works first; 48593

(b) The individual is under age eighteen or is age eighteen 48594  
and in school and is a natural or adoptive parent or is pregnant; 48595

(c) The individual is subject to the LEAP program's 48596  
requirements. 48597

~~(4)~~(3) "School" means an educational program that is designed 48598  
to lead to the attainment of a high school diploma or the 48599  
equivalent of a high school diploma. 48600

(B) The director of job and family services may conduct a 48601  
program titled the "LEAP program" in accordance with rules adopted 48602  
under section 5107.05 of the Revised Code. The purpose of the LEAP 48603  
program is to encourage teens to complete school. 48604

Every participating teen shall attend school in accordance 48605  
with the requirements governing the LEAP program unless the 48606  
participating teen shows good cause for not attending school. The 48607  
department shall provide, in addition to the cash assistance 48608  
payment provided under Ohio works first, an incentive payment, in 48609  
an amount determined by the department, to every participating 48610  
teen who attends school in accordance with the requirements 48611  
governing the LEAP program. In addition to the incentive payment, 48612  
the department may provide other incentives to participating teens 48613  
who attend school in accordance with the LEAP program's 48614  
requirements. The department shall reduce the cash assistance 48615

payment, in an amount determined by the department, under Ohio 48616  
works first to every participating teen who fails or refuses, 48617  
without good cause, to meet the LEAP program's requirements. 48618

Every participating teen shall enter into a written agreement 48619  
with the county department of job and family services that 48620  
specifies all of the following: 48621

(1) The participating teen, to be eligible to receive the 48622  
incentive payment and other incentives, if any, under this 48623  
section, must meet the requirements of the LEAP program. 48624

(2) The incentive payment and other incentives, if any, will 48625  
be provided if the participating teen meets the requirements of 48626  
the LEAP program. 48627

(3) The participating teen's cash assistance payment under 48628  
Ohio works first will be reduced if the participating teen fails 48629  
or refuses without good cause to attend school in accordance with 48630  
the requirements governing the LEAP program. 48631

(C) A minor head of ~~household who is participating~~ 48632  
household's participation in the LEAP program shall be ~~considered~~ 48633  
~~to be participating in a work activity for the purpose of sections~~ 48634  
~~5107.40 to 5107.69~~ counted in determining whether a county 48635  
department of job and family services meets the requirement of 48636  
section 5107.44 of the Revised Code. ~~However, the minor head of~~ 48637  
~~household is not subject to the requirements or sanctions of those~~ 48638  
~~sections.~~ 48639

(D) Subject to the availability of funds, county departments 48640  
of job and family services shall provide for participating teens 48641  
to receive support services the county department determines to be 48642  
necessary for LEAP participation. Support services may include 48643  
publicly funded child care under Chapter 5104. of the Revised 48644  
Code, transportation, and other services. 48645

**Sec. 5107.36.** An individual is ~~not eligible to participate in~~ 48646  
ineligible for assistance under Ohio works first if either of the 48647  
following apply: 48648

(A) The individual is a fugitive felon as defined in section 48649  
5101.20 of the Revised Code; 48650

(B) The individual is violating a condition of probation, a 48651  
community control sanction, parole, or a post-release control 48652  
sanction imposed under federal or state law. 48653

**Sec. 5107.41.** As soon as possible after an assistance group 48654  
submits an application to participate in Ohio works first, the 48655  
county department of job and family services that receives the 48656  
application shall schedule and conduct an appraisal of each member 48657  
of the assistance group who is a minor head of household or adult, 48658  
other than a minor head of household participating in the LEAP 48659  
program. The appraisal may include an evaluation of the 48660  
employment, educational, physiological, and psychological 48661  
abilities or liabilities, or both, of the minor head of household 48662  
or adult. At the appraisal, the county department shall develop 48663  
with the minor head of household or adult a plan for the 48664  
assistance group to achieve the goal of self sufficiency and 48665  
personal responsibility through unsubsidized employment within the 48666  
time limit for participating in the Ohio works first program 48667  
established by section 5107.18 of the Revised Code. The plan shall 48668  
include assignments to one or more work activities, developmental 48669  
activities, or alternative work activities in accordance with 48670  
section 5107.42 of the Revised Code. The county department shall 48671  
include the plan in the self-sufficiency contract entered into 48672  
under section 5107.14 of the Revised Code. 48673

The county department shall conduct more appraisals of the 48674  
minor head of household or adult at times the county department 48675

determines. 48676

If the minor head of household or adult claims to have a 48677  
medically determinable physiological or psychological impairment, 48678  
illness, or disability, the county department may require that the 48679  
minor head of household or adult undergo an independent medical or 48680  
psychological examination at a time and place reasonably 48681  
convenient to the minor head of household or adult. 48682

**Sec. 5107.42.** (A) Except as provided in divisions (B) and (C) 48683  
of this section, county departments of job and family services 48684  
shall assign each minor head of household and adult participating 48685  
in Ohio works first, other than a minor head of household 48686  
participating in the LEAP program, to one or more work activities 48687  
and developmental activities. 48688

If a county department assigns a minor head of household or 48689  
adult to the work activity established under division (H) of 48690  
section 5107.60 of the Revised Code, the county department shall 48691  
make reasonable efforts to assign the minor head of household or 48692  
adult to at least one other work activity at the same time. If a 48693  
county department assigns a minor head of household or adult to 48694  
the work activity established under section 5107.58 of the Revised 48695  
Code, the county department shall assign the minor head of 48696  
household or adult to at least one other work activity at the same 48697  
time. 48698

A county department may not assign a minor head of household 48699  
or adult to a work activity established under division (D) of 48700  
section 5107.60 of the Revised Code for more than twelve months. 48701

(B) If a county department determines that a minor head of 48702  
household or adult has a temporary or permanent barrier to 48703  
participation in a work activity, it may assign the minor head of 48704  
household or adult to one or more alternative work activities 48705  
instead of assigning the minor head of household or adult to one 48706

or more work activities or developmental activities. A county 48707  
department may not assign more than twenty per cent of minor heads 48708  
of household and adults participating in Ohio works first to an 48709  
alternative work activity. 48710

County departments shall establish standards for determining 48711  
whether a minor head of household or adult has a temporary or 48712  
permanent barrier to participating in a work activity. The 48713  
following are examples of circumstances that a county department 48714  
may consider when it develops its standards: 48715

(1) A minor head of household or adult provides the county 48716  
department documented evidence that one or more members of the 48717  
assistance group have been the victim of domestic violence and are 48718  
in imminent danger of suffering continued domestic violence; 48719

(2) A minor head of household or adult is actively 48720  
participating in an alcohol or drug addiction program certified by 48721  
the department of alcohol and drug addiction services under 48722  
section 3793.06 of the Revised Code; 48723

(3) An assistance group is homeless. 48724

(C) A county department may exempt a minor head of household 48725  
or adult who is unmarried and caring for a minor child under 48726  
twelve months of age from the work requirements of sections 48727  
5107.40 to 5107.69 of the Revised Code for not more than twelve 48728  
months. While exempt, the minor head of household or adult shall 48729  
be disregarded in determining whether the county department is 48730  
meeting the requirement of section 5107.44 of the Revised Code. 48731  
The county department shall assign the exempt minor head of 48732  
household or adult to at least one developmental activity for a 48733  
number of hours a week the county department determines. The 48734  
county department may assign the exempt minor head of household or 48735  
adult to one or more work activities, in addition to developmental 48736  
activities, for a number of hours the county department 48737

determines. Division (B) of section 5107.43 of the Revised Code 48738  
does not apply to the exempt minor head of household or adult. 48739

(D) A county department may reassign a minor head of 48740  
household or adult when the county department determines 48741  
reassignment will aid the assistance group in achieving self 48742  
sufficiency and personal responsibility and shall make 48743  
reassignments when circumstances requiring reassignment occur, 48744  
including when a temporary barrier to participating in a work 48745  
activity is eliminated. 48746

A county department shall include assignments in the 48747  
self-sufficiency contract entered into under section 5107.14 of 48748  
the Revised Code and shall amend the contract when a reassignment 48749  
is made to include the reassignment in the contract. 48750

**Sec. 5107.70.** A county department of job and family services, 48751  
at times it determines, may conduct assessments of assistance 48752  
groups participating in Ohio works first to determine whether any 48753  
members of the group are in need of other assistance or services 48754  
provided by the county department or other private or government 48755  
entities. Assessments may include the following: 48756

(A) Whether any member of the assistance group has a 48757  
substance abuse problem; 48758

(B) Whether there are any other circumstances that may limit 48759  
an assistance group member's employability. 48760

~~At the first assessment conducted by the county department,~~ 48761  
~~it shall inquire as to whether any member of an assistance group~~ 48762  
~~is the victim of domestic violence, including child abuse. The~~ 48763  
~~county department shall provide this information to the department~~ 48764  
~~of job and family services. The department shall maintain the~~ 48765  
~~information for statistical analysis purposes.~~ 48766

The county department may refer an assistance group member to 48767

a private or government entity that provides assistance or 48768  
services the county department determines the member needs. The 48769  
entity may be a public children services agency, chapter of 48770  
alcoholics anonymous, narcotics anonymous, or cocaine anonymous, 48771  
or any other entity the county department considers appropriate. 48772

Sec. 5107.71. Each county department of job and family 48773  
services shall do all of the following in accordance with rules 48774  
adopted under section 5107.05 of the Revised Code: 48775

(A) Identify members of assistance groups applying for and 48776  
participating in Ohio works first who have been subjected to 48777  
domestic violence by utilizing the domestic violence screening 48778  
process established in the rules; 48779

(B) Refer a member who has been subjected to domestic 48780  
violence to counseling and supportive services; 48781

(C) Except as provided in section 5107.713 of the Revised 48782  
Code, maintain the confidentiality of information about a member 48783  
who has been subjected to domestic violence; 48784

(D) Make a determination of whether a member who has been 48785  
subjected to domestic violence should be issued a waiver under 48786  
section 5107.714 of the Revised Code. 48787

Sec. 5107.711. When utilizing the domestic violence screening 48788  
process established in rules adopted under section 5107.05 of the 48789  
Revised Code to identify members of assistance groups applying for 48790  
and participating in Ohio works first who have been subjected to 48791  
domestic violence, a county department of job and family services 48792  
shall do both of the following: 48793

(A) Where available, rely on records from any of the 48794  
following: 48795

(1) Police, courts, and other governmental entities; 48796

(2) Shelters and legal, religious, medical, and other professionals from whom an assistance group member sought assistance in dealing with domestic violence; 48797  
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(3) Other persons with knowledge of the domestic violence. 48800

(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. 48801  
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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. 48804  
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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. 48809  
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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 48816  
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Code. A waiver shall be effective for a period of time the county 48827  
department determines necessary. The county department shall 48828  
redetermine the member's need for the waiver not less often than a 48829  
period of time specified in rules adopted under section 5107.05 of 48830  
the Revised Code. 48831

Sec. 5107.715. A county department of job and family services 48832  
that refuses to issue a waiver under section 5107.714 of the 48833  
Revised Code for a member of an assistance group participating in 48834  
Ohio works first shall provide the member a written explanation 48835  
for the refusal. The written explanation shall be provided to the 48836  
member in a manner protecting the member's confidentiality. The 48837  
member may appeal the refusal pursuant to section 5101.35 of the 48838  
Revised Code. 48839

Sec. 5107.716. A member of an assistance group participating 48840  
in Ohio works first may decline a waiver that would otherwise be 48841  
issued under section 5107.714 of the Revised Code and may 48842  
terminate at any time a waiver that has been issued under that 48843  
section. 48844

Sec. 5107.717. The department of job and family services 48845  
shall monitor county departments of job and family services' 48846  
implementation of sections 5107.71 to 5107.716 of the Revised Code 48847  
to ensure that the county departments comply with those sections. 48848

Sec. 5111.01. As used in this chapter, "medical assistance 48849  
program" or "medicaid" means the program that is authorized by 48850  
this chapter and provided by the department of job and family 48851  
services under this chapter, Title XIX of the "Social Security 48852  
Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, and the 48853  
waivers of Title XIX requirements granted to the department by the 48854  
health care financing administration centers for medicare and 48855

medicaid services of the United States department of health and 48856  
human services. 48857

The department of job and family services shall act as the 48858  
single state agency to supervise the administration of the 48859  
medicaid program. As the single state agency, the department shall 48860  
comply with 42 C.F.R. 431.10(e). The department's rules governing 48861  
medicaid are binding on other agencies that administer components 48862  
of the medicaid program. No agency may establish, by rule or 48863  
otherwise, a policy governing medicaid that is inconsistent with a 48864  
medicaid policy established, in rule or otherwise, by the director 48865  
of job and family services. 48866

(A) The department of job and family services may provide 48867  
medical assistance under the medicaid program as long as federal 48868  
funds are provided for such assistance, to the following: 48869

(1) Families with children that meet either of the following 48870  
conditions: 48871

(a) The family meets the income, resource, and family 48872  
composition requirements in effect on July 16, 1996, for the 48873  
former aid to dependent children program as those requirements 48874  
were established by Chapter 5107. of the Revised Code, federal 48875  
waivers granted pursuant to requests made under former section 48876  
5101.09 of the Revised Code, and rules adopted by the department 48877  
or any changes the department makes to those requirements in 48878  
accordance with paragraph (a)(2) of section 114 of the "Personal 48879  
Responsibility and Work Opportunity Reconciliation Act of 1996," 48880  
110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of 48881  
implementing section 5111.019 of the Revised Code. An adult loses 48882  
eligibility for ~~medical assistance~~ medicaid under division 48883  
(A)(1)(a) of this section pursuant to division ~~(E)~~(D) of section 48884  
5107.16 of the Revised Code. 48885

(b) The family does not meet the requirements specified in 48886

division (A)(1)(a) of this section but is eligible for ~~medical~~ 48887  
~~assistance~~ medicaid pursuant to section 5101.18 of the Revised 48888  
Code. 48889

(2) Aged, blind, and disabled persons who meet the following 48890  
conditions: 48891

(a) Receive federal aid under Title XVI of the "Social 48892  
Security Act," or are eligible for but are not receiving such aid, 48893  
provided that the income from all other sources for individuals 48894  
with independent living arrangements shall not exceed one hundred 48895  
seventy-five dollars per month. The income standards hereby 48896  
established shall be adjusted annually at the rate that is used by 48897  
the United States department of health and human services to 48898  
adjust the amounts payable under Title XVI. 48899

(b) Do not receive aid under Title XVI, but meet any of the 48900  
following criteria: 48901

(i) Would be eligible to receive such aid, except that their 48902  
income, other than that excluded from consideration as income 48903  
under Title XVI, exceeds the maximum under division (A)(2)(a) of 48904  
this section, and incurred expenses for medical care, as 48905  
determined under federal regulations applicable to section 209(b) 48906  
of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 48907  
U.S.C.A. 1396a(f), as amended, equal or exceed the amount by which 48908  
their income exceeds the maximum under division (A)(2)(a) of this 48909  
section; 48910

(ii) Received aid for the aged, aid to the blind, or aid for 48911  
the permanently and totally disabled prior to January 1, 1974, and 48912  
continue to meet all the same eligibility requirements; 48913

(iii) Are eligible for ~~medical-assistance~~ medicaid pursuant 48914  
to section 5101.18 of the Revised Code. 48915

(3) Persons to whom federal law requires, as a condition of 48916  
state participation in the medicaid program, that ~~medical~~ 48917

assistance medicaid be provided; 48918

(4) Persons under age twenty-one who meet the income 48919  
requirements for the Ohio works first program established under 48920  
Chapter 5107. of the Revised Code but do not meet other 48921  
eligibility requirements for the program. The director shall adopt 48922  
rules in accordance with Chapter 119. of the Revised Code 48923  
specifying which Ohio works first requirements shall be waived for 48924  
the purpose of providing medicaid eligibility under division 48925  
(A)(4) of this section. 48926

(B) If sufficient funds are appropriated for ~~such purpose by~~ 48927  
~~the general assembly the medicaid program~~, the department may 48928  
provide medical assistance under the medicaid program to persons 48929  
in groups designated by federal law as groups to which a state, at 48930  
its option, may provide medical assistance under the medicaid 48931  
program. 48932

(C) The department may expand eligibility for ~~medical~~ 48933  
~~assistance~~ the medicaid program to include individuals under age 48934  
nineteen with family incomes at or below one hundred fifty per 48935  
cent of the federal poverty guidelines, except that the 48936  
eligibility expansion shall not occur unless the department 48937  
receives the approval of the federal government. The department 48938  
may implement the eligibility expansion authorized under this 48939  
division on any date selected by the department, but not sooner 48940  
than January 1, 1998. 48941

(D) In addition to any other authority or requirement to 48942  
adopt rules under this chapter, the director may adopt rules in 48943  
accordance with section 111.15 of the Revised Code as the director 48944  
considers necessary to establish standards, procedures, and other 48945  
requirements regarding the provision of medical assistance under 48946  
the medicaid program. The rules may establish requirements to be 48947  
followed in applying for ~~medical assistance~~ medicaid, making 48948  
determinations of eligibility for ~~medical assistance~~ medicaid, and 48949

verifying eligibility for ~~medical assistance~~ medicaid. The rules 48950  
may include special conditions as the department determines 48951  
appropriate for making applications, determining eligibility, and 48952  
verifying eligibility for any medical assistance that the 48953  
department may provide under the medicaid program pursuant to 48954  
division (C) of this section and section 5111.014 or 5111.019 of 48955  
the Revised Code. 48956

**Sec. 5111.013.** (A) The provision of medical assistance to 48957  
pregnant women and young children who are eligible for medical 48958  
assistance under division (A)(3) of section 5111.01 of the Revised 48959  
Code, but who are not otherwise eligible for medical assistance 48960  
under that section, shall be known as the healthy start program. 48961

(B) The department of job and family services shall do all of 48962  
the following with regard to the application procedures for the 48963  
healthy start program: 48964

(1) Establish a short application form for the program that 48965  
requires the applicant to provide no more information than is 48966  
necessary for making determinations of eligibility for the healthy 48967  
start program, except that the form may require applicants to 48968  
provide their social security numbers. The form shall include a 48969  
statement, which must be signed by the applicant, indicating that 48970  
she does not choose at the time of making application for the 48971  
program to apply for assistance provided under any other program 48972  
administered by the department and that she understands that she 48973  
is permitted at any other time to apply at the county department 48974  
of job and family services of the county in which she resides for 48975  
any other assistance administered by the department. 48976

(2) To the extent permitted by federal law, do one or both of 48977  
the following: 48978

(a) Distribute, consistent with section 5111.0120 of the 48979  
Revised Code, the application form for the program to each public 48980

or private entity that serves as a women, infants, and children 48981  
clinic or as a child and family health clinic and to each 48982  
administrative body for such clinics and train employees of each 48983  
such agency or entity to provide applicants assistance in 48984  
completing the form; 48985

(b) In cooperation with the department of health, develop 48986  
arrangements under which employees of county departments of job 48987  
and family services are stationed at public or private agencies or 48988  
entities selected by the department of job and family services 48989  
that serve as women, infants, and children clinics; child and 48990  
family health clinics; or administrative bodies for such clinics 48991  
for the purpose both of assisting applicants for the program in 48992  
completing the application form and of making determinations at 48993  
that location of eligibility for the program. 48994

(3) Establish performance standards by which a county 48995  
department of job and family services' level of enrollment of 48996  
persons potentially eligible for the program can be measured, and 48997  
establish acceptable levels of enrollment for each county 48998  
department. 48999

(4) Direct any county department of job and family services 49000  
whose rate of enrollment of potentially eligible enrollees in the 49001  
program is below acceptable levels established under division 49002  
(B)(3) of this section to implement corrective action. Corrective 49003  
action may include but is not limited to any one or more of the 49004  
following to the extent permitted by federal law: 49005

(a) Establishing formal referral and outreach methods with 49006  
local health departments and local entities receiving funding 49007  
through the bureau of maternal and child health; 49008

(b) Designating a specialized intake unit within the county 49009  
department for healthy start applicants; 49010

(c) Establishing abbreviated timeliness requirements to 49011

shorten the time between receipt of an application and the 49012  
scheduling of an initial application interview; 49013

(d) Establishing a system for telephone scheduling of intake 49014  
interviews for applicants; 49015

(e) Establishing procedures to minimize the time an applicant 49016  
must spend in completing the application and eligibility 49017  
determination process, including permitting applicants to complete 49018  
the process at times other than the regular business hours of the 49019  
county department and at locations other than the offices of the 49020  
county department. 49021

(C) To the extent permitted by federal law, local funds, 49022  
whether from public or private sources, expended by a county 49023  
department for administration of the healthy start program shall 49024  
be considered to have been expended by the state for the purpose 49025  
of determining the extent to which the state has complied with any 49026  
federal requirement that the state provide funds to match federal 49027  
funds for medical assistance, except that this division shall not 49028  
affect the amount of funds the county is entitled to receive under 49029  
section 5101.16, 5101.161, or 5111.012 of the Revised Code. 49030

(D) The director of job and family services shall do one or 49031  
both of the following: 49032

(1) To the extent that federal funds are provided for such 49033  
assistance, adopt a plan for granting presumptive eligibility for 49034  
pregnant women applying for healthy start; 49035

(2) To the extent permitted by federal medicaid regulations, 49036  
adopt a plan for making same-day determinations of eligibility for 49037  
pregnant women applying for healthy start. 49038

(E) A county department of job and family services that 49039  
maintains offices at more than one location shall accept 49040  
applications for the healthy start program at all of those 49041  
locations. 49042

(F) The director of job and family services shall adopt rules 49043  
in accordance with section 111.15 of the Revised Code as necessary 49044  
to implement this section. 49045

**Sec. 5111.014.** (A) The director of job and family services 49046  
shall submit to the United States secretary of health and human 49047  
services an amendment to the state medicaid plan to make an 49048  
individual who meets all of the following requirements eligible 49049  
for medicaid: 49050

(1) The individual is pregnant; 49051

(2) The individual's family income does not exceed ~~one~~ two 49052  
hundred ~~fifty~~ per cent of the federal poverty guidelines; 49053

(3) The individual satisfies all relevant requirements 49054  
established by rules adopted under division (D) of section 5111.01 49055  
of the Revised Code. 49056

(B) If approved by the United States secretary of health and 49057  
human services, the director of job and family services shall 49058  
implement the medicaid plan amendment submitted under division (A) 49059  
of this section as soon as possible after receipt of notice of the 49060  
approval, but not sooner than January 1, ~~2000~~ 2008. 49061

**Sec. 5111.016.** (A) As used in this section, "healthcheck" has 49062  
the same meaning as in section 3313.714 of the Revised Code. 49063

(B) ~~In accordance with federal law and regulations, the~~ The 49064  
department of job and family services shall ~~establish~~ adopt rules 49065  
in accordance with Chapter 119. of the Revised Code establishing a 49066  
combination of written and oral methods designed to provide 49067  
information about healthcheck to all persons eligible for the 49068  
program or their parents or guardians. The department shall ensure 49069  
that its methods of providing information are effective. The 49070  
methods shall comply with federal law and regulations. 49071

Each county department of job and family services or other 49072  
entity that distributes or accepts applications for medical 49073  
assistance shall prominently display ~~in a conspicuous place the~~ 49074  
~~following notice:~~ 49075

~~"Under state and federal law, if you are a Medicaid 49076  
recipient, your child is entitled to a thorough medical 49077  
examination provided through Healthcheck. Once this examination is 49078  
completed, your child is entitled to receive, at no cost to you, 49079  
any service determined to be medically necessary." that complies 49080  
with the rules adopted under this division. 49081~~

Sec. 5111.017. (A) To the extent permitted by federal law, 49082  
and beginning July 1, 2009, county departments of job and family 49083  
services that accept documents related to applications for the 49084  
medicaid program shall convert such documents to an electronic 49085  
format and store them electronically. 49086

(B) The director of job and family services shall adopt rules 49087  
in accordance with Chapter 119. of the Revised Code, as necessary, 49088  
to implement this section. At a minimum, the director shall adopt 49089  
rules to address both of the following: 49090

(1) The manner in which the copies of the documents that are 49091  
not electronic copies must be disposed of. The manner specified 49092  
must not compromise the confidentiality of the information 49093  
contained in the documents. 49094

(2) The measures county departments must take to maintain the 49095  
confidentiality of the information contained in the documents that 49096  
are stored electronically. 49097

(C) Not later than the thirtieth day of June each year, each 49098  
county department shall calculate the total expenses the county 49099  
incurred in the state fiscal year ending in the previous calendar 49100  
year to comply with the requirements in this section. 49101

**Sec. 5111.019.** ~~(A)~~ The director of job and family services 49102  
shall submit to the United States secretary of health and human 49103  
services an amendment to the state medicaid plan to make an 49104  
individual eligible for medicaid who meets all of the following 49105  
requirements ~~eligible for medicaid for the amount of time provided~~ 49106  
~~by division (B) of this section:~~ 49107

~~(1)~~(A) The individual is the parent of a child under nineteen 49108  
years of age and resides with the child; 49109

~~(2)~~(B) The individual's family income does not exceed ninety 49110  
per cent of the federal poverty guidelines; 49111

~~(3)~~(C) The individual is not otherwise eligible for medicaid; 49112

~~(4)~~(D) The individual satisfies all relevant requirements 49113  
established by rules adopted under division (D) of section 5111.01 49114  
of the Revised Code. 49115

~~(B) An individual is eligible to receive medicaid under this 49116  
section for a period that does not exceed two years beginning on 49117  
the date on which eligibility is established. 49118~~

**Sec. 5111.0111.** (A) The director of job and family services 49119  
~~may~~ shall submit to the United States secretary of health and 49120  
human services an amendment to the state medicaid plan to 49121  
implement 42 U.S.C. 1396a (a)(10)(A)(ii)(XVII) to make an 49122  
individual ~~receiving~~ who meets all of the following requirements 49123  
eligible for medicaid: 49124

(1) The individual is under twenty-one years of age; 49125

(2) The individual was in foster care under the 49126  
responsibility of the state on the individual's eighteenth 49127  
birthday; 49128

(3) Foster care maintenance payments or independent living 49129  
services pursuant to sections 2151.81 to 2151.84 of the Revised 49130

Code eligible for medicaid were furnished under a program funded 49131  
under Title IV-E of the Social Security Act of 1935 on the 49132  
individual's behalf before the individual attained eighteen years 49133  
of age; 49134

(4) The individual meets all other applicable eligibility 49135  
requirements established in rules adopted under section 5111.011 49136  
of the Revised Code. If 49137

(B) If approved by the United States secretary of health and 49138  
human services, the director of job and family services shall 49139  
implement the medicaid plan amendment submitted under this section 49140  
beginning January 1, 2008. 49141

**Sec. 5111.0112.** (A) Not later than July 1, 2006, the The 49142  
director of job and family services shall institute a copayment 49143  
cost-sharing program under the medicaid program. To the extent 49144  
permitted by federal law, the copayment In instituting the 49145  
cost-sharing program, the director shall comply with federal law. 49146  
In the case of an individual participating in the children's 49147  
buy-in program established under sections 5101.5211 to 5101.5216 49148  
of the Revised Code, the cost-sharing program shall be consistent 49149  
with sections 5101.5213 and 5101.5214 of the Revised Code if the 49150  
children's buy-in program is a component of the medicaid program. 49151  
The cost-sharing program shall establish a copayment requirement 49152  
for only at least dental services, vision services, nonemergency 49153  
emergency department services, and prescription drugs, other than 49154  
generic drugs. The cost-sharing program shall establish 49155  
requirements regarding premiums, enrollment fees, deductions, and 49156  
similar charges. The director shall adopt rules under section 49157  
5111.02 of the Revised Code governing the ~~copayment~~ cost-sharing 49158  
program. 49159

(B) The copayment cost-sharing program shall, to the extent 49160  
permitted by federal law, provide for all of the following with 49161

regard to any providers participating in the medicaid program: 49162

(1) No provider shall refuse to provide a service to a 49163  
medicaid recipient who is unable to pay a required copayment for 49164  
the service. 49165

(2) Division (B)(1) of this section shall not be considered 49166  
to do either of the following with regard to a medicaid recipient 49167  
who is unable to pay a required copayment: 49168

(a) Relieve the medicaid recipient from the obligation to pay 49169  
a copayment; 49170

(b) Prohibit the provider from attempting to collect an 49171  
unpaid copayment. 49172

(3) Except as provided in division (C) of this section, no 49173  
provider shall waive a medicaid recipient's obligation to pay the 49174  
provider a copayment. 49175

(4) No provider or drug manufacturer, including the 49176  
manufacturer's representative, employee, independent contractor, 49177  
or agent, shall pay any copayment on behalf of a medicaid 49178  
recipient. 49179

(5) If it is the routine business practice of the provider to 49180  
refuse service to any individual who owes an outstanding debt to 49181  
the provider, the provider may consider an unpaid copayment 49182  
imposed by the ~~copayment~~ cost-sharing program as an outstanding 49183  
debt and may refuse service to a medicaid recipient who owes the 49184  
provider an outstanding debt. If the provider intends to refuse 49185  
service to a medicaid recipient who owes the provider an 49186  
outstanding debt, the provider shall notify the individual of the 49187  
provider's intent to refuse services. 49188

(C) In the case of a provider that is a hospital, the 49189  
~~copayment~~ cost-sharing program shall permit the hospital to take 49190  
action to collect a copayment by providing, at the time services 49191

are rendered to a medicaid recipient, notice that a copayment may 49192  
be owed. If the hospital provides the notice and chooses not to 49193  
take any further action to pursue collection of the copayment, the 49194  
prohibition against waiving copayments specified in division 49195  
(B)(3) of this section does not apply. 49196

(D) The department of job and family services may work with a 49197  
state agency that is administering, pursuant to a contract entered 49198  
into under section 5111.91 of the Revised Code, one or more 49199  
components of the medicaid program or one or more aspects of a 49200  
component as necessary for the state agency to apply the 49201  
cost-sharing program to the components or aspects of the medicaid 49202  
program that the state agency administers. 49203

Sec. 5111.0120. To the extent permitted by federal law, and 49204  
beginning July 1, 2009, applications for the medicaid program 49205  
shall be submitted through the internet or by other electronic 49206  
means. 49207

The director of job and family services shall adopt rules 49208  
under Chapter 119. of the Revised Code, as necessary, to implement 49209  
this section. At a minimum, the director must adopt rules that 49210  
specify measures county departments of job and family services 49211  
must take to ensure that the applications can be transmitted and 49212  
received in a manner that maintains the confidentiality of 49213  
information contained in them. 49214

**Sec. 5111.023.** (A) As used in this section: 49215

(1) "Community mental health facility" means a community 49216  
mental health facility that has a quality assurance program 49217  
accredited by the joint commission on accreditation of healthcare 49218  
organizations or is certified by the department of mental health 49219  
or department of job and family services. 49220

(2) "Mental health professional" means a person qualified to 49221

work with mentally ill persons under the standards established by 49222  
the director of mental health pursuant to section 5119.611 of the 49223  
Revised Code. 49224

(B) The state medicaid plan shall include provision of the 49225  
following mental health services when provided by community mental 49226  
health facilities: 49227

(1) Outpatient mental health services, including, but not 49228  
limited to, preventive, diagnostic, therapeutic, rehabilitative, 49229  
and palliative interventions rendered to individuals in an 49230  
individual or group setting by a mental health professional in 49231  
accordance with a plan of treatment appropriately established, 49232  
monitored, and reviewed; 49233

(2) Partial-hospitalization mental health services ~~of three~~ 49234  
~~to fourteen hours per service day,~~ rendered by persons directly 49235  
supervised by a mental health professional; 49236

(3) Unscheduled, emergency mental health services of a kind 49237  
ordinarily provided to persons in crisis when rendered by persons 49238  
supervised by a mental health professional; 49239

(4) Subject to receipt of federal approval, assertive 49240  
community treatment and intensive home-based mental health 49241  
services. 49242

(C) The comprehensive annual plan shall certify the 49243  
availability of sufficient unencumbered community mental health 49244  
state subsidy and local funds to match federal medicaid 49245  
reimbursement funds earned by community mental health facilities. 49246

(D) The department of job and family services shall enter 49247  
into a separate contract with the department of mental health 49248  
under section 5111.91 of the Revised Code with regard to the 49249  
component of the medicaid program provided for by this section. 49250

(E) Not later than July 21, 2006, the department of job and 49251

family services shall request federal approval to provide 49252  
assertive community treatment and intensive home-based mental 49253  
health services under medicaid pursuant to this section. 49254

(F) On receipt of federal approval sought under division (E) 49255  
of this section, the director of job and family services shall 49256  
adopt rules in accordance with Chapter 119. of the Revised Code 49257  
for assertive community treatment and intensive home-based mental 49258  
health services provided under medicaid pursuant to this section. 49259  
The director shall consult with the department of mental health in 49260  
adopting the rules. 49261

Sec. 5111.028. (A) Pursuant to section 5111.02 of the Revised 49262  
Code, the director of job and family services shall adopt rules 49263  
establishing procedures for the use of time-limited provider 49264  
agreements under the medicaid program. Except as provided in 49265  
division (E) of this section, all provider agreements shall be 49266  
time-limited in accordance with the procedures established in the 49267  
rules. 49268

The department of job and family services shall phase-in the 49269  
use of time-limited provider agreements pursuant to this section 49270  
during a period commencing not later than January 1, 2008, and 49271  
ending January 1, 2011. 49272

(B) In the use of time-limited provider agreements pursuant 49273  
to this section, all of the following apply: 49274

(1) Each provider agreement shall expire not later than three 49275  
years from the effective date of the agreement. 49276

(2) During the phase-in period specified in division (A) of 49277  
this section, the department may provide for the conversion of a 49278  
provider agreement without a time limit to a provider agreement 49279  
with a time limit. The department may take an action to convert 49280  
the provider agreement by sending a notice by regular mail to the 49281

address of the provider on record with the department advising the 49282  
provider of the conversion. 49283

(3) The department may make the effective date of a provider 49284  
agreement retroactive for a period not to exceed one year from the 49285  
date of the provider's application for the agreement, as long as 49286  
the provider met all medicaid program requirements during that 49287  
period. 49288

(C) The rules for use of time-limited provider agreements 49289  
pursuant to this section shall include a process for re-enrollment 49290  
of providers. All of the following apply to the re-enrollment 49291  
process: 49292

(1) The department of job and family services may terminate a 49293  
time-limited provider agreement or deny re-enrollment when a 49294  
provider fails to file an application for re-enrollment within the 49295  
time and in the manner required under the re-enrollment process. 49296  
49297

(2) If a provider files an application for re-enrollment 49298  
within the time and in the manner required under the re-enrollment 49299  
process, but the provider agreement expires before the department 49300  
acts on the application or before the effective date of the 49301  
department's decision on the application, the provider may 49302  
continue operating under the terms of the expired provider 49303  
agreement until the effective date of the department's decision. 49304

(3) A decision by the department to approve an application 49305  
for re-enrollment becomes effective on the date of the 49306  
department's decision. A decision by the department to deny 49307  
re-enrollment shall take effect not sooner than thirty days after 49308  
the date the department mails written notice of the decision to 49309  
the provider. The department shall specify in the notice the date 49310  
on which the provider is required to cease operating under the 49311  
provider agreement. 49312

(D) Pursuant to section 5111.06 of the Revised Code, the 49313  
department is not required to take the actions specified in 49314  
division (C)(1) of this section by issuing an order pursuant to an 49315  
adjudication conducted in accordance with Chapter 119. of the 49316  
Revised Code. 49317

(E) The use of time-limited provider agreements pursuant to 49318  
this section does not apply to provider agreements issued to the 49319  
following, including any provider agreements issued to the 49320  
following that are otherwise time-limited under the medicaid 49321  
program: 49322

(1) A managed care organization under contract with the 49323  
department pursuant to section 5111.17 of the Revised Code; 49324

(2) A nursing facility, as defined in section 5111.20 of the 49325  
Revised Code; 49326

(3) An intermediate care facility for the mentally retarded, 49327  
as defined in section 5111.20 of the Revised Code. 49328

**Sec. 5111.029.** The medicaid program shall cover occupational 49329  
therapy services provided by an occupational therapist licensed 49330  
under section 4755.08 of the Revised Code. Coverage shall not be 49331  
limited to services provided in a hospital or nursing facility. 49332  
Any licensed occupational therapist may enter into a medicaid 49333  
provider agreement with the department of job and family services 49334  
to provide occupational therapy services under the medicaid 49335  
program. 49336

**Sec. 5111.03.** (A) No provider of services or goods 49337  
contracting with the department of job and family services 49338  
pursuant to the medicaid program shall, by deception, obtain or 49339  
attempt to obtain payments under this chapter to which the 49340  
provider is not entitled pursuant to the provider agreement, or 49341  
the rules of the federal government or the department of job and 49342

family services relating to the program. No provider shall 49343  
willfully receive payments to which the provider is not entitled, 49344  
or willfully receive payments in a greater amount than that to 49345  
which the provider is entitled; nor shall any provider falsify any 49346  
report or document required by state or federal law, rule, or 49347  
provider agreement relating to medicaid payments. As used in this 49348  
section, a provider engages in "deception" when the provider, 49349  
acting with actual knowledge of the representation or information 49350  
involved, acting in deliberate ignorance of the truth or falsity 49351  
of the representation or information involved, or acting in 49352  
reckless disregard of the truth or falsity of the representation 49353  
or information involved, deceives another or causes another to be 49354  
deceived by any false or misleading representation, by withholding 49355  
information, by preventing another from acquiring information, or 49356  
by any other conduct, act, or omission that creates, confirms, or 49357  
perpetuates a false impression in another, including a false 49358  
impression as to law, value, state of mind, or other objective or 49359  
subjective fact. No proof of specific intent to defraud is 49360  
required to show, for purposes of this section, that a provider 49361  
has engaged in deception. 49362

(B) Any provider who violates division (A) of this section 49363  
shall be liable, in addition to any other penalties provided by 49364  
law, for all of the following civil penalties: 49365

(1) Payment of interest on the amount of the excess payments 49366  
at the maximum interest rate allowable for real estate mortgages 49367  
under section 1343.01 of the Revised Code on the date the payment 49368  
was made to the provider for the period from the date upon which 49369  
payment was made, to the date upon which repayment is made to the 49370  
state; 49371

(2) Payment of an amount equal to three times the amount of 49372  
any excess payments; 49373

(3) Payment of a sum of not less than five thousand dollars 49374

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, authorized agent, associate, manager, or employee shall own or provide services to any other medicaid provider or risk contractor or arrange for, render, or order services for medicaid recipients ~~during the period of termination as provided in division (C) of this section, nor, during the period of termination as provided in division (C) of this section,~~ shall such provider, owner, officer, authorized agent, associate, manager, or employee receive reimbursement in the form of direct payments from the department or indirect payments of medicaid funds in the form of salary, shared fees, contracts, kickbacks, or rebates from or through any participating provider or risk contractor. The provider agreement shall not be terminated or reimbursement terminated if the

provider or owner can demonstrate that the provider or owner did 49407  
not directly or indirectly sanction the action of its authorized 49408  
agent, associate, manager, or employee that resulted in the 49409  
conviction or entry of a judgment in a criminal or civil action 49410  
brought pursuant to section 109.85 of the Revised Code. Nothing in 49411  
this division prohibits any owner, officer, authorized agent, 49412  
associate, manager, or employee of a medicaid provider from 49413  
entering into a medicaid provider agreement if the person can 49414  
demonstrate that the person had no knowledge of an action of the 49415  
medicaid provider the person was formerly associated with that 49416  
resulted in the conviction or entry of a judgment in a criminal or 49417  
civil action brought pursuant to section 109.85 of the Revised 49418  
Code. 49419

Nursing facility or intermediate care facility for the 49420  
mentally retarded providers whose agreements are terminated 49421  
pursuant to this section may continue to receive reimbursement for 49422  
up to thirty days after the effective date of the termination if 49423  
the provider makes reasonable efforts to transfer recipients to 49424  
another facility or to alternate care and if federal funds are 49425  
provided for such reimbursement. 49426

(D) For any reason permitted or required by federal law, the 49427  
director of job and family services may deny a provider agreement 49428  
or terminate a provider agreement. 49429

For any reason permitted or required by federal law, the 49430  
director may exclude an individual, provider of services or goods, 49431  
or other entity from participation in the medicaid program. No 49432  
individual, provider, or entity excluded under this division shall 49433  
own or provide services to any other medicaid provider or risk 49434  
contractor or arrange for, render, or order services for medicaid 49435  
recipients during the period of exclusion, nor, during the period 49436  
of exclusion, shall such individual, provider, or entity receive 49437  
reimbursement in the form of direct payments from the department 49438

or indirect payments of medicaid funds in the form of salary, 49439  
shared fees, contracts, kickbacks, or rebates from or through any 49440  
participating provider or risk contractor. An excluded individual, 49441  
provider, or entity may request a reconsideration of the 49442  
exclusion. The director shall adopt rules in accordance with 49443  
Chapter 119. of the Revised Code governing the process for 49444  
requesting a reconsideration. 49445

Nothing in this division limits the applicability of section 49446  
5111.06 of the Revised Code to a medicaid provider. 49447

(E) Any provider of services or goods contracting with the 49448  
department of job and family services pursuant to Title XIX of the 49449  
"Social Security Act," who, without intent, obtains payments under 49450  
this chapter in excess of the amount to which the provider is 49451  
entitled, thereby becomes liable for payment of interest on the 49452  
amount of the excess payments at the maximum real estate mortgage 49453  
rate on the date the payment was made to the provider for the 49454  
period from the date upon which payment was made to the date upon 49455  
which repayment is made to the state. 49456

~~(E)~~(F) The attorney general on behalf of the state may 49457  
commence proceedings to enforce this section in any court of 49458  
competent jurisdiction; and the attorney general may settle or 49459  
compromise any case brought under this section with the approval 49460  
of the department of job and family services. Notwithstanding any 49461  
other provision of law providing a shorter period of limitations, 49462  
the attorney general may commence a proceeding to enforce this 49463  
section at any time within six years after the conduct in 49464  
violation of this section terminates. 49465

~~(F)~~(G) The authority, under state and federal law, of the 49466  
department of job and family services or a county department of 49467  
job and family services to recover excess payments made to a 49468  
provider is not limited by the availability of remedies under 49469  
sections 5111.11 and 5111.12 of the Revised Code for recovering 49470

benefits paid on behalf of recipients of medical assistance. 49471

The penalties under this chapter apply to any overpayment, 49472  
billing, or falsification occurring on and after April 24, 1978. 49473  
All moneys collected by the state pursuant to this section shall 49474  
be deposited in the state treasury to the credit of the general 49475  
revenue fund. 49476

Sec. 5111.031. (A) As used in this section: 49477

(1) "Independent provider" has the same meaning as in section 49478  
5111.034 of the Revised Code. 49479

(2) "Intermediate care facility for the mentally retarded" 49480  
and "nursing facility" have the same meanings as in section 49481  
5111.20 of the Revised Code. 49482

(3) "Noninstitutional medicaid provider" means any person or 49483  
entity with a medicaid provider agreement other than a hospital, 49484  
nursing facility, or intermediate care facility for the mentally 49485  
retarded. 49486

(4) "Owner" means any person having at least five per cent 49487  
ownership in a noninstitutional medicaid provider. 49488

(B) Notwithstanding any provision of this chapter to the 49489  
contrary, the department of job and family services shall take 49490  
action under this section against a noninstitutional medicaid 49491  
provider or its owner, officer, authorized agent, associate, 49492  
manager, or employee. 49493

(C) Except as provided in division (D) of this section and in 49494  
rules adopted by the department under division (H) of this 49495  
section, on receiving notice and a copy of an indictment that is 49496  
issued on or after the effective date of this section and charges 49497  
a noninstitutional medicaid provider or its owner, officer, 49498  
authorized agent, associate, manager, or employee with committing 49499  
an offense specified in division (E) of this section, the 49500

department shall suspend the provider agreement held by the 49501  
noninstitutional medicaid provider. Subject to division (D) of 49502  
this section, the department shall also terminate medicaid 49503  
reimbursement to the provider for services rendered. 49504

The suspension shall continue in effect until the proceedings 49505  
in the criminal case are completed through conviction, dismissal 49506  
of the indictment, plea, or finding of not guilty. If the 49507  
department commences a process to terminate the suspended provider 49508  
agreement, the suspension shall continue in effect until the 49509  
termination process is concluded. Pursuant to section 5111.06 of 49510  
the Revised Code, the department is not required to take action 49511  
under this division by issuing an order pursuant to an 49512  
adjudication conducted in accordance with Chapter 119. of the 49513  
Revised Code. 49514

When subject to a suspension under this division, a provider, 49515  
owner, officer, authorized agent, associate, manager, or employee 49516  
shall not own or provide services to any other medicaid provider 49517  
or risk contractor or arrange for, render, or order services for 49518  
medicaid recipients during the period of suspension. During the 49519  
period of suspension, the provider, owner, officer, authorized 49520  
agent, associate, manager, or employee shall not receive 49521  
reimbursement in the form of direct payments from the department 49522  
or indirect payments of medicaid funds in the form of salary, 49523  
shared fees, contracts, kickbacks, or rebates from or through any 49524  
participating provider or risk contractor. 49525

(D)(1) The department shall not suspend a provider agreement 49526  
or terminate medicaid reimbursement under division (C) of this 49527  
section if the provider or owner can demonstrate that the provider 49528  
or owner did not directly or indirectly sanction the action of its 49529  
authorized agent, associate, manager, or employee that resulted in 49530  
the indictment. 49531

(2) The termination of medicaid reimbursement applies only to 49532

payments for medicaid services rendered subsequent to the date on 49533  
which the notice required under division (F) of this section is 49534  
sent. Claims for reimbursement for medicaid services rendered by 49535  
the provider prior to the issuance of the notice may be subject to 49536  
prepayment review procedures whereby the department reviews claims 49537  
to determine whether they are supported by sufficient 49538  
documentation, are in compliance with state and federal statutes 49539  
and rules, and are otherwise complete. 49540

(E)(1) In the case of a noninstitutional medicaid provider 49541  
that is not an independent provider, the suspension of a provider 49542  
agreement under division (C) of this section applies when an 49543  
indictment charges a person with committing an act that would be a 49544  
felony or misdemeanor under the laws of this state and the act 49545  
relates to or results from either of the following: 49546

(a) Furnishing or billing for medical care, services, or 49547  
supplies under the medicaid program; 49548

(b) Participating in the performance of management or 49549  
administrative services relating to furnishing medical care, 49550  
services, or supplies under the medicaid program. 49551

(2) In the case of a noninstitutional medicaid provider that 49552  
is an independent provider, the suspension of a provider agreement 49553  
under division (C) of this section applies when an indictment 49554  
charges a person with committing an act that would constitute one 49555  
of the offenses specified in division (D) of section 5111.034 of 49556  
the Revised Code. 49557

(F) Not later than five days after suspending a provider 49558  
agreement under division (C) of this section, the department shall 49559  
send notice of the suspension to the affected provider or owner. 49560  
In providing the notice, the department shall do all of the 49561  
following: 49562

(1) Describe the indictment that was the cause of the 49563

suspension, without necessarily disclosing specific information 49564  
concerning any ongoing civil or criminal investigation; 49565

(2) State that the suspension will continue in effect until 49566  
the proceedings in the criminal case are completed through 49567  
conviction, dismissal of the indictment, plea, or finding of not 49568  
guilty and, if the department commences a process to terminate the 49569  
suspended provider agreement, until the termination process is 49570  
concluded; 49571

(3) Inform the provider or owner of the opportunity to submit 49572  
to the department, not later than thirty days after receiving the 49573  
notice, a request for a reconsideration pursuant to division (G) 49574  
of this section. 49575

(G)(1) A noninstitutional medicaid provider or owner subject 49576  
to a suspension under this section may request a reconsideration. 49577  
The request shall be made not later than thirty days after receipt 49578  
of the notice provided under division (F) of this section. The 49579  
reconsideration is not subject to an adjudication hearing pursuant 49580  
to Chapter 119. of the Revised Code. 49581

(2) In requesting a reconsideration, the provider or owner 49582  
shall submit written information and documents to the department. 49583  
The information and documents may pertain to any of the following 49584  
issues: 49585

(a) Whether the determination to suspend the provider 49586  
agreement was based on a mistake of fact, other than the validity 49587  
of the indictment; 49588

(b) Whether any offense charged in the indictment resulted 49589  
from an offense specified in division (E) of this section; 49590

(c) Whether the provider or owner can demonstrate that the 49591  
provider or owner did not directly or indirectly sanction the 49592  
action of its authorized agent, associate, manager, or employee 49593  
that resulted in the indictment. 49594

(3) The department shall review the information and documents submitted in a request for reconsideration. After the review, the suspension may be affirmed, reversed, or modified, in whole or in part. The department shall notify the affected provider or owner of the results of the review. The review and notification of its results shall be completed not later than forty-five days after receiving the information and documents submitted in a request for reconsideration. 49595  
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(H) The department may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules may specify circumstances under which the department would not suspend a provider agreement pursuant to this section. 49603  
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**Sec. 5111.032.** (A) As used in this section: 49607

(1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 49608  
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(2) "Department" includes a designee of the department of job and family services. 49610  
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(3) "Owner" means a person who has an ownership interest in a provider in an amount designated by the department of job and family services in rules adopted under this section. 49612  
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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. 49615  
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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 49619  
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records check as a condition of obtaining a provider agreement, 49625  
continuing to hold a provider agreement, being employed by a 49626  
provider, having an ownership interest in a provider, or being an 49627  
officer or board member of a provider. The department may 49628  
designate the categories of persons who are subject to the 49629  
criminal records check requirement. The department shall designate 49630  
the times at which the criminal records checks must be conducted. 49631

(2) The section does not apply to providers, applicants to be 49632  
providers, employees of a provider, or prospective employees of a 49633  
provider who are subject to criminal records checks under section 49634  
5111.033 or 5111.034 of the Revised Code. 49635

(C)(1) The department shall inform each provider or applicant 49636  
to be a provider whether the provider or applicant is subject to a 49637  
criminal records check requirement under division (B) of this 49638  
section. For providers, the information shall be given at times 49639  
designated in rules adopted under this section. For applicants to 49640  
be providers, the information shall be given at the time of 49641  
initial application. When the information is given, the department 49642  
shall specify which of the provider's or applicant's employees or 49643  
prospective employees, owners or prospective owners, officers or 49644  
prospective officers, or board members or prospective board 49645  
members are subject to the criminal records check requirement. 49646

(2) At times designated in rules adopted under this section, 49647  
a provider that is subject to the criminal records check 49648  
requirement shall inform each person specified by the department 49649  
under division (C)(1) of this section that the person is required, 49650  
as applicable, to submit to a criminal records check for final 49651  
consideration for employment in a full-time, part-time, or 49652  
temporary position; as a condition of continued employment; or as 49653  
a condition of becoming or continuing to be an officer, board 49654  
member or owner of a provider. 49655

(D)(1) If a provider or applicant to be a provider is subject 49656

to a criminal records check under this section, the department 49657  
shall require the conduct of a criminal records check by the 49658  
superintendent of the bureau of criminal identification and 49659  
investigation. If a provider or applicant to be a provider for 49660  
whom a criminal records check is required does not present proof 49661  
of having been a resident of this state for the five-year period 49662  
immediately prior to the date the criminal records check is 49663  
requested or provide evidence that within that five-year period 49664  
the superintendent has requested information about the individual 49665  
from the federal bureau of investigation in a criminal records 49666  
check, the department shall require the provider or applicant to 49667  
request that the superintendent obtain information from the 49668  
federal bureau of investigation as part of the criminal records 49669  
check of the provider or applicant. Even if a provider or 49670  
applicant for whom a criminal records check request is required 49671  
presents proof of having been a resident of this state for the 49672  
five-year period, the department may require that the provider or 49673  
applicant request that the superintendent obtain information from 49674  
the federal bureau of investigation and include it in the criminal 49675  
records check of the provider or applicant. 49676

(2) A provider shall require the conduct of a criminal 49677  
records check by the superintendent with respect to each of the 49678  
persons specified by the department under division (C)(1) of this 49679  
section. If the person for whom a criminal records check is 49680  
required does not present proof of having been a resident of this 49681  
state for the five-year period immediately prior to the date the 49682  
criminal records check is requested or provide evidence that 49683  
within that five-year period the superintendent of the bureau of 49684  
criminal identification and investigation has requested 49685  
information about the individual from the federal bureau of 49686  
investigation in a criminal records check, the individual shall 49687  
request that the superintendent obtain information from the 49688  
federal bureau of investigation as part of the criminal records 49689

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. 49690  
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(E)(1) Criminal records checks required under this section for providers or applicants to be providers shall be obtained as follows: 49696  
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(a) The department shall provide each provider or applicant information about accessing and completing the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard fingerprint impression sheet prescribed pursuant to division (C)(2) of that section. 49699  
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(b) The provider or applicant shall submit the required form and one complete set of fingerprint impressions directly to the superintendent for purposes of conducting the criminal records check using the applicable methods prescribed by division (C) of section 109.572 of the Revised Code. The applicant or provider shall pay all fees associated with obtaining the criminal records check. 49704  
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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. 49711  
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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: 49716  
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(a) The provider shall give to each person subject to criminal records check requirement information about accessing and 49719  
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completing the form prescribed pursuant to division (C)(1) of 49721  
section 109.572 of the Revised Code and the standard fingerprint 49722  
impression sheet prescribed pursuant to division (C)(2) of that 49723  
section. 49724

(b) The person shall submit the required form and one 49725  
complete set of fingerprint impressions directly to the 49726  
superintendent for purposes of conducting the criminal records 49727  
check using the applicable methods prescribed by division (C) of 49728  
section 109.572 of the Revised Code. The person shall pay all fees 49729  
associated with obtaining the criminal records check. 49730

(c) The superintendent shall conduct the criminal records 49731  
check in accordance with section 109.572 of the Revised Code. The 49732  
person subject to the criminal records check shall instruct the 49733  
superintendent to submit the report of the criminal records check 49734  
directly to the provider. The department may require the provider 49735  
to submit the report to the department. 49736

(F) If a provider or applicant to be a provider is given the 49737  
information specified in division (E)(1)(a) of this section but 49738  
fails to obtain a criminal records check, the department shall, as 49739  
applicable, terminate the provider agreement or deny the 49740  
application to be a provider. 49741

If a person is given the information specified in division 49742  
(E)(2)(a) of this section but fails to obtain a criminal records 49743  
check, the provider shall not, as applicable, permit the person to 49744  
be an employee, owner, officer, or board member of the provider. 49745

(G) Except as provided in rules adopted under division (J) of 49746  
this section, the department shall terminate the provider 49747  
agreement of a provider or the department shall not issue a 49748  
provider agreement to an applicant if the provider or applicant is 49749  
subject to a criminal records check under this section and the 49750  
provider or applicant has been convicted of, has pleaded guilty 49751

to, or has been found eligible for intervention in lieu of 49752  
conviction for any of the following: 49753

(1) A violation of section 2903.01, 2903.02, 2903.03, 49754  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 49755  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 49756  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 49757  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 49758  
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 49759  
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 49760  
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 49761  
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 49762  
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 49763  
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 49764  
3716.11 of the Revised Code, felonious sexual penetration in 49765  
violation of former section 2907.12 of the Revised Code, a 49766  
violation of section 2905.04 of the Revised Code as it existed 49767  
prior to July 1, 1996, a violation of section 2919.23 of the 49768  
Revised Code that would have been a violation of section 2905.04 49769  
of the Revised Code as it existed prior to July 1, 1996, had the 49770  
violation been committed prior to that date; 49771

(2) An existing or former law of this state, any other state, 49772  
or the United States that is substantially equivalent to any of 49773  
the offenses listed in division (D)(1) of this section. 49774

(H)(1)(a) Except as provided in rules adopted under division 49775  
(J) of this section and subject to division (H)(2) of this 49776  
section, no provider shall permit a person to be an employee, 49777  
owner, officer, or board member of the provider if the person is 49778  
subject to a criminal records check under this section and the 49779  
person has been convicted of, has pleaded guilty to, or has been 49780  
found eligible for intervention in lieu of conviction for any of 49781  
the offenses specified in division (G)(1) or (2) of this section. 49782

(b) No provider shall employ a person who has been excluded 49783

from participating in the medicaid program, the medicare program 49784  
operated pursuant to Title XVIII of the "Social Security Act," or 49785  
any other federal health care program. 49786

(2)(a) A provider may employ conditionally a person for whom 49787  
a criminal records check is required under this section prior to 49788  
obtaining the results of a criminal records check regarding the 49789  
person, but only if the person submits a request for a criminal 49790  
records check not later than five business days after the 49791  
individual begins conditional employment. 49792

(b) A provider that employs a person conditionally under 49793  
authority of division (H)(2)(a) of this section shall terminate 49794  
the person's employment if the results of the criminal records 49795  
check request are not obtained within the period ending sixty days 49796  
after the date the request is made. Regardless of when the results 49797  
of the criminal records check are obtained, if the results 49798  
indicate that the individual has been convicted of, has pleaded 49799  
guilty to, or has been found eligible for intervention in lieu of 49800  
conviction for any of the offenses specified in division (G)(1) or 49801  
(2) of this section, the provider shall terminate the person's 49802  
employment unless the provider chooses to employ the individual 49803  
pursuant to division (J) of this section. 49804

(I) The report of a criminal records check conducted pursuant 49805  
to this section is not a public record for the purposes of section 49806  
149.43 of the Revised Code and shall not be made available to any 49807  
person other than the following: 49808

(1) The person who is the subject of the criminal records 49809  
check or the person's representative; 49810

(2) The director of job and family services and the staff of 49811  
the department in the administration of the medicaid program; 49812

(3) A court, hearing officer, or other necessary individual 49813  
involved in a case dealing with the denial or termination of a 49814

provider agreement; 49815

(4) A court, hearing officer, or other necessary individual 49816  
involved in a case dealing with a person's denial of employment, 49817  
termination of employment, or employment or unemployment benefits. 49818

(J) The department may adopt rules in accordance with Chapter 49819  
119. of the Revised Code to implement this section. The rules may 49820  
specify circumstances under which the department may continue a 49821  
provider agreement or issue a provider agreement to an applicant 49822  
when the provider or applicant has been convicted of, has pleaded 49823  
guilty to, or has been found eligible for intervention in lieu of 49824  
conviction for any of the offenses specified in division (G)(1) or 49825  
(2) of this section. The rules may also specify circumstances 49826  
under which a provider may permit a person to be an employee, 49827  
owner, officer, or board member of the provider, when the person 49828  
has been convicted of, has pleaded guilty to, or has been found 49829  
eligible for intervention in lieu of conviction for any of the 49830  
offenses specified in division (G)(1) or (2) of this section. 49831

**Sec. ~~5111.95~~ 5111.033.** (A) As used in this section: 49832

(1) "Applicant" means a person who is under final 49833  
consideration for employment or, after ~~the effective date of this~~ 49834  
~~section~~ September 26, 2003, an existing employee with a waiver 49835  
agency in a full-time, part-time, or temporary position that 49836  
involves providing home and community-based waiver services to a 49837  
person with disabilities. "Applicant" also means an existing 49838  
employee with a waiver agency in a full-time, part-time, or 49839  
temporary position that involves providing home and 49840  
community-based waiver services to a person with disabilities 49841  
after ~~the effective date of this section~~ September 26, 2003. 49842

(2) "Criminal records check" has the same meaning as in 49843  
section 109.572 of the Revised Code. 49844

(3) "Waiver agency" means a person or government entity that 49845  
is not certified under the medicare program and is accredited by 49846  
the community health accreditation program or the joint commission 49847  
on accreditation of health care organizations or a company that 49848  
provides home and community-based waiver services to persons with 49849  
disabilities through department of job and family services 49850  
administered home and community-based waiver programs. 49851

(4) "Home and community-based waiver services" means services 49852  
furnished under the provision of 42 C.F.R. 441, subpart G, that 49853  
permit individuals to live in a home setting rather than a nursing 49854  
facility or hospital. Home and community-based waiver services are 49855  
approved by the centers for medicare and medicaid for specific 49856  
populations and are not otherwise available under the medicaid 49857  
state plan. 49858

(B)(1) The chief administrator of a waiver agency shall 49859  
require each applicant to request that the superintendent of the 49860  
bureau of criminal identification and investigation conduct a 49861  
criminal records check with respect to ~~each~~ the applicant. If an 49862  
applicant for whom a criminal records check request is required 49863  
under this division does not present proof of having been a 49864  
resident of this state for the five-year period immediately prior 49865  
to the date the criminal records check is requested or provide 49866  
evidence that within that five-year period the superintendent has 49867  
requested information about the applicant from the federal bureau 49868  
of investigation in a criminal records check, the chief 49869  
administrator shall require the applicant to request that the 49870  
superintendent obtain information from the federal bureau of 49871  
investigation as part of the criminal records check of the 49872  
applicant. Even if an applicant for whom a criminal records check 49873  
request is required under this division presents proof of having 49874  
been a resident of this state for the five-year period, the chief 49875  
administrator may require the applicant to request that the 49876

superintendent include information from the federal bureau of 49877  
investigation in the criminal records check. 49878

~~(2) A person required by division (B)(1) of this section to 49879  
request a criminal records check. The chief administrator shall de 49880  
both of provide the following:~~ 49881

~~(a) Provide to each applicant for whom a criminal records 49882  
check request is required under division (B)(1) of this section a 49883  
copy of:~~ 49884

~~(a) Information about accessing, completing, and forwarding 49885  
to the superintendent of the bureau of criminal identification and 49886  
investigation the form prescribed pursuant to division (C)(1) of 49887  
section 109.572 of the Revised Code and a the standard fingerprint 49888  
impression sheet prescribed pursuant to division (C)(2) of that 49889  
section, ~~and obtain the completed form and impression sheet from 49890  
the applicant;~~ 49891~~

~~(b) Forward the completed form and impression sheet to the 49892  
superintendent of the bureau of criminal identification and 49893  
investigation. Written notification that the applicant is to 49894  
instruct the superintendent to submit the completed report of the 49895  
criminal records check directly to the chief administrator.~~ 49896

~~(3) An applicant ~~provided the form and fingerprint impression 49897  
sheet under division (B)(2)(a) of this section who fails to 49898  
complete the form or provide fingerprint impressions given 49899  
information and notification under divisions (B)(2)(a) and (b) of 49900  
this section who fails to access, complete, and forward to the 49901  
superintendent the form or the standard fingerprint impression 49902  
sheet, or who fails to instruct the superintendent to submit the 49903  
completed report of the criminal records check directly to the 49904  
chief administrator,~~ shall not be employed in any position in a 49905  
waiver agency for which a criminal records check is required by 49906  
this section. 49907~~

(C)(1) Except as provided in rules adopted by the department 49908  
of job and family services in accordance with division (F) of this 49909  
section and subject to division (C)(2) of this section, no waiver 49910  
agency shall employ a person in a position that involves providing 49911  
home and community-based waiver services to persons with 49912  
disabilities if the person has been convicted of ~~or~~, has pleaded 49913  
guilty to, or has been found eligible for intervention in lieu of 49914  
conviction for any of the following: 49915

(a) A violation of section 2903.01, 2903.02, 2903.03, 49916  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 49917  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 49918  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 49919  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 49920  
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 49921  
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 49922  
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 49923  
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 49924  
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 49925  
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 49926  
3716.11 of the Revised Code, felonious sexual penetration in 49927  
violation of former section 2907.12 of the Revised Code, a 49928  
violation of section 2905.04 of the Revised Code as it existed 49929  
prior to July 1, 1996, a violation of section 2919.23 of the 49930  
Revised Code that would have been a violation of section 2905.04 49931  
of the Revised Code as it existed prior to July 1, 1996, had the 49932  
violation been committed prior to that date; 49933

(b) An existing or former law of this state, any other state, 49934  
or the United States that is substantially equivalent to any of 49935  
the offenses listed in division (C)(1)(a) of this section. 49936

(2)(a) A waiver agency may employ conditionally an applicant 49937  
for whom a criminal records check request is required under 49938  
division (B) of this section prior to obtaining the results of a 49939

criminal records check regarding the individual, provided that the 49940  
agency shall require the individual to request a criminal records 49941  
check regarding the individual in accordance with division (B)(1) 49942  
of this section not later than five business days after the 49943  
individual begins conditional employment. 49944

(b) A waiver agency that employs an individual conditionally 49945  
under authority of division (C)(2)(a) of this section shall 49946  
terminate the individual's employment if the results of the 49947  
criminal records check request under division (B) of this section, 49948  
other than the results of any request for information from the 49949  
federal bureau of investigation, are not obtained within the 49950  
period ending sixty days after the date the request is made. 49951  
Regardless of when the results of the criminal records check are 49952  
obtained, if the results indicate that the individual has been 49953  
convicted of ~~or~~, has pleaded guilty to, or has been found eligible 49954  
for intervention in lieu of conviction for any of the offenses 49955  
listed or described in division (C)(1) of this section, the agency 49956  
shall terminate the individual's employment unless the agency 49957  
chooses to employ the individual pursuant to division (F) of this 49958  
section. 49959

(D)(1) ~~Each waiver agency shall pay to the bureau of criminal~~ 49960  
~~identification and investigation the~~ The fee prescribed pursuant 49961  
to division (C)(3) of section 109.572 of the Revised Code for each 49962  
criminal records check conducted pursuant to a request made under 49963  
division (B) of this section shall be paid to the bureau of 49964  
criminal identification and investigation by the applicant or the 49965  
waiver agency. 49966

(2) ~~A~~ If a waiver agency pays the fee, it may charge ~~an~~ the 49967  
applicant a fee not exceeding the amount the agency pays under 49968  
division (D)(1) of this section. An agency may collect a fee only 49969  
if the agency notifies the person at the time of initial 49970  
application for employment of the amount of the fee and that, 49971

unless the fee is paid, the person will not be considered for 49972  
employment. 49973

(E) The report of any criminal records check conducted 49974  
pursuant to a request made under this section is not a public 49975  
record for the purposes of section 149.43 of the Revised Code and 49976  
shall not be made available to any person other than the 49977  
following: 49978

(1) The individual who is the subject of the criminal records 49979  
check or the individual's representative; 49980

(2) The chief administrator of the agency requesting the 49981  
criminal records check or the administrator's representative; 49982

(3) An administrator at the department; 49983

(4) A court, hearing officer, or other necessary individual 49984  
involved in a case dealing with a denial of employment of the 49985  
applicant or dealing with employment or unemployment benefits of 49986  
the applicant. 49987

(F) The department shall adopt rules in accordance with 49988  
Chapter 119. of the Revised Code to implement this section. The 49989  
rules shall specify circumstances under which a waiver agency may 49990  
employ a person who has been convicted of ~~or~~, has pleaded guilty 49991  
to, or has been found eligible for intervention in lieu of 49992  
conviction for an offense listed or described in division (C)(1) 49993  
of this section ~~but meets personal character standards set by the~~ 49994  
~~department.~~ 49995

(G) The chief administrator of a waiver agency shall inform 49996  
each person, at the time of initial application for a position 49997  
that involves providing home and community-based waiver services 49998  
to a person with a disability, that the person is required to 49999  
provide a set of fingerprint impressions and that a criminal 50000  
records check is required to be conducted if the person comes 50001  
under final consideration for employment. 50002

(H)(1) A person who, on ~~the effective date of this section~~ 50003  
September 26, 2003, is an employee of a waiver agency in a 50004  
full-time, part-time, or temporary position that involves 50005  
providing home and community-based waiver services to a person 50006  
with disabilities shall comply with this section within sixty days 50007  
after ~~the effective date of this section~~ September 26, 2003, 50008  
unless division (H)(2) of this section applies. 50009

(2) This section shall not apply to a person to whom all of 50010  
the following apply: 50011

(a) On ~~the effective date of this section~~ September 26, 2003, 50012  
the person is an employee of a waiver agency in a full-time, 50013  
part-time, or temporary position that involves providing home and 50014  
community-based waiver services to a person with disabilities. 50015

(b) The person previously had been the subject of a criminal 50016  
background check relating to that position; 50017

(c) The person has been continuously employed in that 50018  
position since that criminal background check had been conducted. 50019

**Sec. ~~5111.96~~ 5111.034.** (A) As used in this section: 50020

(1) "Anniversary date" means the later of the effective date 50021  
of the provider agreement relating to the independent provider or 50022  
sixty days after ~~the effective date of this section~~ September 26, 50023  
2003. 50024

(2) "Criminal records check" has the same meaning as in 50025  
section 109.572 of the Revised Code. 50026

(3) "~~The department~~ Department" ~~means~~ includes a designee of 50027  
the department of job and family services ~~or its designee~~. 50028

(4) "Independent provider" means a person who is submitting 50029  
an application for a provider agreement or who has a provider 50030  
agreement as an independent provider in a department of job and 50031  
family services administered home and community-based services 50032

program providing home and community-based waiver services to 50033  
consumers with disabilities. 50034

(5) "Home and community-based waiver services" has the same 50035  
meaning as in section ~~5111.95~~ 5111.033 of the Revised Code. 50036

(B)(1) The department of job and family services shall inform 50037  
each independent provider, at the time of initial application for 50038  
a provider agreement that involves providing home and 50039  
community-based waiver services to consumers with disabilities, 50040  
that the independent provider is required to provide a set of 50041  
fingerprint impressions and that a criminal records check is 50042  
required to be conducted if the person is to become an independent 50043  
provider in a department administered home and community-based 50044  
waiver program. 50045

(2) Beginning on ~~the effective date of this section~~ September 50046  
26, 2003, the department shall inform each enrolled medicaid 50047  
independent provider on or before time of the anniversary date of 50048  
the provider agreement that involves providing home and 50049  
community-based waiver services to consumers with disabilities 50050  
that the independent provider is required to provide a set of 50051  
fingerprint impressions and that a criminal records check is 50052  
required to be conducted. 50053

(C)(1) The department shall require the independent provider 50054  
to complete a criminal records check prior to entering into a 50055  
provider agreement with the independent provider and at least 50056  
annually thereafter. If an independent provider for whom a 50057  
criminal records check is required under this division does not 50058  
present proof of having been a resident of this state for the 50059  
five-year period immediately prior to the date the criminal 50060  
records check is requested or provide evidence that within that 50061  
five-year period the superintendent of the bureau of criminal 50062  
identification and investigation has requested information about 50063  
the ~~applicant~~ independent provider from the federal bureau of 50064

investigation in a criminal records check, the department shall 50065  
request that the independent provider obtain through the 50066  
superintendent a criminal records request from the federal bureau 50067  
of investigation as part of the criminal records check of the 50068  
independent provider. Even if an independent provider for whom a 50069  
criminal records check request is required under this division 50070  
presents proof of having been a resident of this state for the 50071  
five-year period, the department may request that the independent 50072  
provider obtain information through the superintendent from the 50073  
federal bureau of investigation in the criminal records check. 50074

(2) The department shall ~~do both of~~ provide the following: 50075

~~(a) Provide information~~ to each independent provider for whom 50076  
a criminal records check request is required under division (C)(1) 50077  
of this section ~~about requesting a copy of:~~ 50078

(a) Information about accessing, completing, and forwarding 50079  
to the superintendent of the bureau of criminal identification and 50080  
investigation the form prescribed pursuant to division (C)(1) of 50081  
section 109.572 of the Revised Code and a the standard fingerprint 50082  
impression sheet prescribed pursuant to division (C)(2) of that 50083  
section, ~~and obtain the completed form and impression sheet and~~ 50084  
~~fee from the independent provider;~~ 50085

~~(b) Forward the completed form, impression sheet, and fee to~~ 50086  
~~the superintendent of the bureau of criminal identification and~~ 50087  
~~investigation~~ Written notification that the independent provider 50088  
is to instruct the superintendent to submit the completed report 50089  
of the criminal records check directly to the department. 50090

(3) An independent provider given information ~~about obtaining~~ 50091  
~~the form and fingerprint impression sheet under division (C)(2)(a)~~ 50092  
~~of this section who fails to complete the form or provide~~ 50093  
~~fingerprint impressions~~ and notification under divisions (C)(2)(a) 50094  
and (b) of this section who fails to access, complete, and forward 50095

to the superintendent the form or the standard fingerprint 50096  
impression sheet, or who fails to instruct the superintendent to 50097  
submit the completed report of the criminal records check directly 50098  
to the department, shall not be approved as an independent 50099  
provider. 50100

(D) Except as provided in rules adopted by the department in 50101  
accordance with division (G) of this section, the department shall 50102  
not issue a new provider agreement to, and shall terminate an 50103  
existing provider agreement of, an independent provider if the 50104  
person has been convicted of ~~or~~, has pleaded guilty to, or has 50105  
been found eligible for intervention in lieu of conviction for any 50106  
of the following: 50107

(1) A violation of section 2903.01, 2903.02, 2903.03, 50108  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 50109  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 50110  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 50111  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 50112  
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 50113  
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 50114  
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 50115  
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 50116  
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 50117  
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 50118  
3716.11 of the Revised Code, felonious sexual penetration in 50119  
violation of former section 2907.12 of the Revised Code, a 50120  
violation of section 2905.04 of the Revised Code as it existed 50121  
prior to July 1, 1996, a violation of section 2919.23 of the 50122  
Revised Code that would have been a violation of section 2905.04 50123  
of the Revised Code as it existed prior to July 1, 1996, had the 50124  
violation been committed prior to that date; 50125

(2) An existing or former law of this state, any other state, 50126  
or the United States that is substantially equivalent to any of 50127

the offenses listed in division (D)(1) of this section. 50128

(E) Each independent provider shall pay to the bureau of 50129  
criminal identification and investigation the fee prescribed 50130  
pursuant to division (C)(3) of section 109.572 of the Revised Code 50131  
for each criminal records check conducted pursuant to a request 50132  
made under division (C) of this section. 50133

(F) The report of any criminal records check conducted by the 50134  
bureau of criminal identification and investigation in accordance 50135  
with section 109.572 of the Revised Code and pursuant to a request 50136  
made under division (C) of this section is not a public record for 50137  
the purposes of section 149.43 of the Revised Code and shall not 50138  
be made available to any person other than the following: 50139

(1) The person who is the subject of the criminal records 50140  
check or the person's representative; 50141

(2) ~~The An~~ administrator at the department ~~who is requesting~~ 50142  
~~the criminal records check~~ or the administrator's representative; 50143

(3) ~~Any A~~ court, hearing officer, or other necessary 50144  
individual involved in a case dealing with a denial or termination 50145  
of a provider agreement related to the criminal records check. 50146

(G) The department shall adopt rules in accordance with 50147  
Chapter 119. of the Revised Code to implement this section. The 50148  
rules shall specify circumstances under which the department may 50149  
either issue a provider agreement to an independent provider ~~who~~ 50150  
or allow an independent provider to maintain an existing provider 50151  
agreement when the independent provider has been convicted of ~~ex,~~ 50152  
has pleaded guilty to, or has been found eligible for intervention 50153  
in lieu of conviction for an offense listed or described in 50154  
division (C)(1) of this section ~~but meets personal character~~ 50155  
~~standards set by the department.~~ 50156

**Sec. 5111.06.** (A)(1) As used in this section and in sections 50157

5111.061 and 5111.062 of the Revised Code: 50158

(a) "Provider" means any person, institution, or entity that 50159  
furnishes medicaid services under a provider agreement with the 50160  
department of job and family services pursuant to Title XIX of the 50161  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 50162  
amended. 50163

(b) "Party" has the same meaning as in division (G) of 50164  
section 119.01 of the Revised Code. 50165

(c) "Adjudication" has the same meaning as in division (D) of 50166  
section 119.01 of the Revised Code. 50167

(2) This section does not apply to any action taken by the 50168  
department of job and family services under sections 5111.35 to 50169  
5111.62 of the Revised Code. 50170

(B) Except as provided in division (D) of this section and 50171  
section 5111.914 of the Revised Code, the department shall do 50172  
either of the following by issuing an order pursuant to an 50173  
adjudication conducted in accordance with Chapter 119. of the 50174  
Revised Code: 50175

(1) Enter into or refuse to enter into a provider agreement 50176  
with a provider, or suspend, terminate, renew, or refuse to renew 50177  
an existing provider agreement with a provider; 50178

(2) Take any action based upon a final fiscal audit of a 50179  
provider. 50180

(C) Any party who is adversely affected by the issuance of an 50181  
adjudication order under division (B) of this section may appeal 50182  
to the court of common pleas of Franklin county in accordance with 50183  
section 119.12 of the Revised Code. 50184

(D) The department is not required to comply with division 50185  
(B)(1) of this section whenever any of the following occur: 50186

(1) The terms of a provider agreement require the provider to 50187

~~have hold~~ a license, permit, or certificate or maintain a 50188  
certification issued by an official, board, commission, 50189  
department, division, bureau, or other agency of state or federal 50190  
government other than the department of job and family services, 50191  
and the license, permit, ~~or~~ certificate, or certification has been 50192  
denied ~~or~~, revoked, not renewed, suspended, or otherwise limited. 50193

(2) The terms of a provider agreement require the provider to 50194  
hold a license, permit, or certificate or maintain certification 50195  
issued by an official, board, commission, department, division, 50196  
bureau, or other agency of state or federal government other than 50197  
the department of job and family services, and the provider has 50198  
not obtained the license, permit, certificate, or certification. 50199

(3) The provider agreement is denied, terminated, or not 50200  
renewed due to the termination, refusal to renew, or denial of a 50201  
license, permit, certificate, or certification by an official, 50202  
board, commission, department, division, bureau, or other agency 50203  
of this state other than the department of job and family 50204  
services, notwithstanding the fact that the provider may hold a 50205  
license, permit, certificate, or certification from an official, 50206  
board, commission, department, division, bureau, or other agency 50207  
of another state. 50208

~~(2)~~(4) The provider agreement is denied, terminated, or not 50209  
renewed pursuant to division (C) or ~~(E)~~(F) of section 5111.03 of 50210  
the Revised Code; 50211

~~(3)~~(5) The provider agreement is denied, terminated, or not 50212  
renewed due to the provider's termination, suspension, or 50213  
exclusion from the medicare program established under Title XVIII 50214  
of the "Social Security Act," and the termination, suspension, or 50215  
exclusion is binding on the provider's participation in the 50216  
medicaid program; 50217

~~(4)~~(6) The provider agreement is denied, terminated, or not 50218

renewed due to the provider's pleading guilty to or being 50219  
convicted of a criminal activity materially related to either the 50220  
medicare or medicaid program; 50221

~~(5)~~(7) The provider agreement is denied, terminated, or 50222  
suspended as a result of action by the United States department of 50223  
health and human services and that action is binding on the 50224  
provider's participation in the medicaid program; 50225

~~(6)~~(8) The provider agreement is suspended pursuant to 50226  
section 5111.031 of the Revised Code pending indictment of the 50227  
provider. 50228

(9) The provider agreement is denied, terminated, or not 50229  
renewed because the provider has been convicted of one of the 50230  
offenses that caused the provider agreement to be suspended 50231  
pursuant to section 5111.031 of the Revised Code. 50232

(10) The provider agreement is converted under section 50233  
5111.028 of the Revised Code from a provider agreement that is not 50234  
time-limited to a provider agreement that is time-limited. 50235

(11) The provider agreement is terminated or an application 50236  
for re-enrollment is denied because the provider has failed to 50237  
apply for re-enrollment within the time or in the manner specified 50238  
for re-enrollment pursuant to section 5111.028 of the Revised 50239  
Code. 50240

(12) The provider agreement is terminated or not renewed 50241  
because the provider has not billed or otherwise submitted a 50242  
medicaid claim to the department for two years or longer, and the 50243  
department has determined that the provider has moved from the 50244  
address on record with the department without leaving an active 50245  
forwarding address with the department. 50246

In the case of a provider described in division (D)~~(6)~~(12) of 50247  
this section, the department may terminate or not renew the 50248  
provider agreement by sending a notice explaining the department's 50249

proposed action to the address on record with the department. The 50250  
notice may be sent by regular mail. 50251

(E) The department may withhold payments for services 50252  
rendered by a medicaid provider under the medical assistance 50253  
program during the pendency of proceedings initiated under 50254  
division (B)(1) of this section. If the proceedings are initiated 50255  
under division (B)(2) of this section, the department may withhold 50256  
payments only to the extent that they equal amounts determined in 50257  
a final fiscal audit as being due the state. This division does 50258  
not apply if the department fails to comply with section 119.07 of 50259  
the Revised Code, requests a continuance of the hearing, or does 50260  
not issue a decision within thirty days after the hearing is 50261  
completed. This division does not apply to nursing facilities and 50262  
intermediate care facilities for the mentally retarded as defined 50263  
in section 5111.20 of the Revised Code. 50264

**Sec. 5111.084.** There is hereby established the pharmacy and 50265  
therapeutics committee of the department of job and family 50266  
services. The committee shall consist of nine members and shall be 50267  
appointed by the director of job and family services. The 50268  
membership of the committee shall include: three pharmacists 50269  
licensed under Chapter 4729. of the Revised Code; two doctors of 50270  
medicine and two doctors of osteopathy licensed under Chapter 50271  
4731. of the Revised Code; a registered nurse licensed under 50272  
Chapter 4723. of the Revised Code; and a pharmacologist who has a 50273  
doctoral degree. At least one of the members who is a doctor of 50274  
medicine or doctor of osteopathy shall be a psychiatrist. The 50275  
committee shall elect one of its members as chairperson. 50276

**Sec. 5111.085.** (A) As used in this section, "mental health 50277  
drug" means a drug that meets one of the following requirements: 50278

(1) Is classified as an antianxiety, antidepressant, 50279

<u>anticonvulsant, or antipsychotic central nervous system drug in</u>	50280
<u>the most recent edition of one of the following publications:</u>	50281
<u>(a) The American psychiatric press textbook of</u>	50282
<u>psychopharmacology;</u>	50283
<u>(b) Current clinical strategies for psychiatry;</u>	50284
<u>(c) Drug facts and comparisons;</u>	50285
<u>(d) A publication with a focus and content comparable to the</u>	50286
<u>publications described in divisions (A)(1)(a) to (c) of this</u>	50287
<u>section as determined by the director of job and family services.</u>	50288
<u>(2) Is classified in one of the publications described in</u>	50289
<u>division (A)(1) of this section as a central nervous system drug</u>	50290
<u>in a category or classification that is created after the</u>	50291
<u>effective date of this section;</u>	50292
<u>(3) Is classified in one of the publications described in</u>	50293
<u>division (A)(1) of this section as a cross-indicated drug for any</u>	50294
<u>of the central nervous system drugs specified in division (A)(1)</u>	50295
<u>or (2) of this section because the drug's use in that capacity is</u>	50296
<u>generally held to be reasonable, appropriate, and within the</u>	50297
<u>community standards of care even though the use is not included in</u>	50298
<u>the United States food and drug administration's approved labeling</u>	50299
<u>for the drug;</u>	50300
<u>(4) Is recommended for the treatment of a mental illness or</u>	50301
<u>mental disorder, as those terms are defined in the most recent</u>	50302
<u>edition of the American psychiatric association's diagnostic and</u>	50303
<u>statistical manual of mental disorders.</u>	50304
<u>(B) The only mental health drugs that may be subjected to a</u>	50305
<u>prior authorization requirement, preferred drug list, or generic</u>	50306
<u>substitution requirement under the medicaid program are mental</u>	50307
<u>health drugs that are brand name and for which there are generic</u>	50308
<u>equivalents.</u>	50309

Sec. 5111.10. The director of job and family services may 50310  
conduct reviews of the medicaid program. The reviews may include 50311  
physical inspections of records and sites where medicaid-funded 50312  
services are provided and interviews of providers and recipients 50313  
of the services. If the director determines pursuant to a review 50314  
that a person or government entity has violated a rule governing 50315  
the medicaid program, the director may establish a corrective 50316  
action plan for the violator and impose fiscal, administrative, or 50317  
both types of sanctions on the violator in accordance with rules 50318  
governing the medicaid program. ~~Such action to be taken against a~~ 50319  
~~responsible entity, as defined in section 5101.24 of the Revised~~ 50320  
~~Code, shall be taken in accordance with that section.~~ 50321

Sec. 5111.101. (A) As used in this section, ~~"federal~~; 50322  
"Agent" and "contractor" include any agent, contractor, 50323  
subcontractor, or other person who, on behalf of an entity, 50324  
furnishes or authorizes the furnishing of health care items or 50325  
services under the medicaid program, performs billing or coding 50326  
functions, or is involved in monitoring of health care that an 50327  
entity provides. 50328

"Employee" includes any officer or employee (including 50329  
management employees) of an entity. 50330

"Entity" includes a governmental entity or an organization, 50331  
unit, corporation, partnership, or other business arrangement, 50332  
including any medicaid managed care organization, irrespective of 50333  
the form of business structure or arrangement by which it exists, 50334  
whether for-profit or not-for-profit. "Entity" does not include a 50335  
government entity that administers one or more components of the 50336  
medicaid program, unless the government entity receives medicaid 50337  
payments for providing items or services. 50338

"Federal health care programs" has the same meaning as in 42 50339

U.S.C. 1320a-7b(f). 50340

(B) Each ~~person and government~~ entity that receives or makes 50341  
~~medicaid in a federal fiscal year~~ payments ~~in a calendar year that~~ 50342  
~~total~~ under the medicaid program, either through the state 50343  
medicaid plan or a federal medicaid waiver, totaling at least five 50344  
million dollars ~~or more~~ shall, as a condition of receiving such 50345  
payments, do all of the following not later than the first day of 50346  
the succeeding calendar year: 50347

(1) ~~Provide each of the person or government entity's~~ 50348  
Establish written policies for all of the entity's employees 50349  
~~(including management employees),~~ contractors, and agents, that 50350  
provide detailed, ~~written~~ information about the role of all of the 50351  
following in preventing and detecting fraud, waste, and abuse in 50352  
federal health care programs: 50353

(a) Federal false claims law under 31 U.S.C. 3729 to 3733; 50354

(b) Federal administrative remedies for false claims and 50355  
statements available under 31 U.S.C. 3801 to 3812; 50356

(c) Sections 124.341, 2913.40, 2913.401, and 2921.13 of the 50357  
Revised Code and any other state laws pertaining to civil or 50358  
criminal penalties for false claims and statements; 50359

(d) Whistleblower protections under the laws specified in 50360  
divisions (B)(1)(a) to (c) of this section. 50361

(2) ~~Include in as part of~~ the written ~~information provided~~ 50362  
~~under policies required by~~ division (B)(1) of this section 50363  
detailed ~~information about~~ provisions regarding the ~~person or~~ 50364  
~~government~~ entity's policies and procedures for preventing and 50365  
detecting fraud, waste, and abuse. 50366

(3) ~~Include~~ Disseminate the written policies required by 50367  
division (B)(1) of this section to each of the entity's employees, 50368  
contractors, and agents in a paper or electronic form and make the 50369

written policies readily available to the entity's employees, 50370  
contractors, and agents. 50371

(4) If the entity has an employee handbook, include in the 50372  
person or government entity's employee handbook a specific 50373  
discussion of the laws specified in division (B)(1) of this 50374  
section, the rights of employees to be protected as 50375  
whistleblowers, and the person or government entity's policies and 50376  
procedures for preventing and detecting fraud, waste, and abuse. 50377

(5) Require the entity's contractors and agents to adopt the 50378  
entity's written policies required by division (B)(1) of this 50379  
section. 50380

(C) An entity that furnishes items or services at multiple 50381  
locations or under multiple contractual or other payment 50382  
arrangements is required to comply with division (B) of this 50383  
section if the entity receives in a federal fiscal year medicaid 50384  
payments totaling in the aggregate at least five million dollars. 50385  
This applies regardless of whether the entity submits claims for 50386  
medicaid payments using multiple provider identification or tax 50387  
identification numbers. 50388

**Sec. 5111.102.** As used in this section, "state agency" has 50389  
the same meaning as in section 9.23 of the Revised Code. 50390

No provision of Title LI of the Revised Code or any other law 50391  
of this state that incorporates any provision of federal Medicaid 50392  
law, Title XIX of the Social Security Act, 79 Stat. 286 (1965), 42 50393  
U.S.C. 1396, or that may be construed as requiring the state, a 50394  
state agency, or any state official or employee to comply with 50395  
that federal provision, shall be construed as creating a cause of 50396  
action to enforce such state law beyond the causes of action 50397  
available under federal law for enforcement of the provision of 50398  
federal law. 50399

Sec. 5111.11. (A) As used in this section and section	50400
5111.111 of the Revised Code:	50401
(1) "Estate" includes both of the following:	50402
(a) All real and personal property and other assets to be	50403
administered under Title XXI of the Revised Code and property that	50404
would be administered under that title if not for section 2113.03	50405
or 2113.031 of the Revised Code;	50406
(b) Any other real and personal property and other assets in	50407
which an individual had any legal title or interest at the time of	50408
death (to the extent of the interest), including assets conveyed	50409
to a survivor, heir, or assign of the individual through joint	50410
tenancy, tenancy in common, survivorship, life estate, living	50411
trust, or other arrangement.	50412
(2) "Institution" means a nursing facility, intermediate care	50413
facility for the mentally retarded, or a medical institution.	50414
(3) "Intermediate care facility for the mentally retarded"	50415
and "nursing facility" have the same meanings as in section	50416
5111.20 of the Revised Code.	50417
(4) "Permanently institutionalized individual" means an	50418
individual to whom all of the following apply:	50419
(a) Is an inpatient in an institution;	50420
(b) Is required, as a condition of the medicaid program	50421
paying for the individual's services in the institution, to spend	50422
for costs of medical or nursing care all of the individual's	50423
income except for an amount for personal needs specified by the	50424
department of job and family services;	50425
(c) Cannot reasonably be expected to be discharged from the	50426
institution and return home as determined by the department of job	50427
and family services.	50428

(5) "Qualified state long-term care insurance partnership program" means the program established under section 5111.18 of the Revised Code. 50429  
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(6) "Time of death" shall not be construed to mean a time after which a legal title or interest in real or personal property or other asset may pass by survivorship or other operation of law due to the death of the decedent or terminate by reason of the decedent's death. 50432  
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(B) To the extent permitted by federal law, the department of job and family services shall institute ~~an~~ a medicaid estate recovery program under which the department shall, except as provided in divisions (C), ~~(D)~~, and (E) of this section, and subject to division (D) of this section, do ~~both~~ all of the following: 50437  
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(1) For the costs of medicaid services the medicaid program correctly paid or will pay on behalf of a permanently institutionalized individual of any age, seek adjustment or recovery from the individual's estate or on the sale of property of the individual or spouse that is subject to a lien imposed under section 5111.111 of the Revised Code; 50443  
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(2) For the costs of medicaid services the medicaid program correctly paid or will pay on behalf of an individual fifty-five years of age or older who is not a permanently institutionalized individual, seek adjustment or recovery from the individual's estate; 50449  
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(3) Seek adjustment or recovery from the estate of other individuals as permitted by federal law. 50454  
50455

(C)(1) No adjustment or recovery may be made under division (B)(1) of this section from a permanently institutionalized individual's estate or on the sale of property of a permanently institutionalized individual that is subject to a lien imposed 50456  
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under section 5111.111 of the Revised Code or under division 50460  
(B)(2) or (3) of this section from an individual's estate while 50461  
either of the following are alive: 50462

(a) The spouse of the permanently institutionalized 50463  
individual or individual; 50464

(b) The son or daughter of a permanently institutionalized 50465  
individual or individual if the son or daughter is under age 50466  
twenty-one or, under 42 U.S.C. 1382c, is considered blind or 50467  
disabled. 50468

(2) No adjustment or recovery may be made under division 50469  
(B)(1) of this section from a permanently institutionalized 50470  
individual's home that is subject to a lien imposed under section 50471  
5111.111 of the Revised Code while either of the following 50472  
lawfully reside in the home: 50473

(a) The permanently institutionalized individual's sibling 50474  
who resided in the home for at least one year immediately before 50475  
the date of the permanently institutionalized individual's 50476  
admission to the institution and on a continuous basis since that 50477  
time; 50478

(b) The permanently institutionalized individual's son or 50479  
daughter who provided care to the permanently institutionalized 50480  
individual that delayed the permanently institutionalized 50481  
individual's institutionalization and resided in the home for at 50482  
least two years immediately before the date of the permanently 50483  
institutionalized individual's admission to the institution and on 50484  
a continuous basis since that time. 50485

(D) In the case of a participant of the qualified state 50486  
long-term care insurance partnership program, adjustment or 50487  
recovery required by this section may be reduced in accordance 50488  
with rules adopted under division (G) of this section. 50489

(E) The department shall, in accordance with procedures and 50490

criteria established in rules adopted under division (G) of this 50491  
section, waive seeking an adjustment or recovery otherwise 50492  
required by this section if the director of job and family 50493  
services determines that adjustment or recovery would work an 50494  
undue hardship. The department may limit the duration of the 50495  
waiver to the period during which the undue hardship exists. 50496

(F) For the purpose of determining whether an individual 50497  
meets the definition of "permanently institutionalized individual" 50498  
established for this section, a rebuttable presumption exists that 50499  
the individual cannot reasonably be expected to be discharged from 50500  
an institution and return home if either of the following is the 50501  
case: 50502

(1) The individual declares that he or she does not intend to 50503  
return home. 50504

(2) The individual has been an inpatient in an institution 50505  
for at least six months. 50506

(G) The director of job and family services shall adopt rules 50507  
in accordance with Chapter 119. of the Revised Code regarding the 50508  
medicaid estate recovery program, including rules that do both of 50509  
the following: 50510

(1) For the purpose of division (D) of this section and 50511  
consistent with 42 U.S.C. 1396p(b)(1)(C), provide for reducing an 50512  
adjustment or recovery in the case of a participant of the 50513  
qualified state long-term care insurance partnership program; 50514

(2) For the purpose of division (E) of this section and 50515  
consistent with the standards specified by the United States 50516  
secretary of health and human services under 42 U.S.C. 50517  
1396p(b)(3), establish procedures and criteria for waiving 50518  
adjustment or recovery due to an undue hardship. 50519

**Sec. 5111.112.** The department of job and family services 50520

shall certify amounts due under the medicaid estate recovery 50521  
program instituted under section 5111.11 of the Revised Code to 50522  
the attorney general pursuant to section 131.02 of the Revised 50523  
Code. The attorney general may enter into a contract with any 50524  
person or government entity to collect the amounts due on behalf 50525  
of the attorney general. 50526

The attorney general, in entering into a contract under this 50527  
section, shall comply with all of the requirements that must be 50528  
met for the state to receive federal financial participation for 50529  
the costs incurred in entering into the contract and carrying out 50530  
actions under the contract. The contract may provide for the 50531  
person or government entity with which the attorney general 50532  
contracts to be compensated from the property recovered under the 50533  
medicaid estate recovery program or may provide for another manner 50534  
of compensation agreed to by the parties to the contract. 50535

Regardless of whether the attorney general collects the 50536  
amounts due under the medicaid estate recovery program or 50537  
contracts with a person or government entity to collect the 50538  
amounts due on behalf of the attorney general, the amounts due 50539  
shall be collected in accordance with applicable requirements of 50540  
federal statutes and regulations and state statutes and rules. 50541

**Sec. 5111.113.** (A) As used in this section: 50542

(1) "Adult care facility" has the same meaning as in section 50543  
3722.01 of the Revised Code. 50544

(2) "Commissioner" means a person appointed by a probate 50545  
court under division (B) of section 2113.03 of the Revised Code to 50546  
act as a commissioner. 50547

(3) "Home" has the same meaning as in section 3721.10 of the 50548  
Revised Code. 50549

(4) "Personal needs allowance account" means an account or 50550

petty cash fund that holds the money of a resident of an adult 50551  
care facility or home and that the facility or home manages for 50552  
the resident. 50553

(B) Except as provided in divisions (C) and (D) of this 50554  
section, the owner or operator of an adult care facility or home 50555  
shall transfer to the department of job and family services the 50556  
money in the personal needs allowance account of a resident of the 50557  
facility or home who was a recipient of the medical assistance 50558  
program no earlier than sixty days but not later than ninety days 50559  
after the resident dies. The adult care facility or home shall 50560  
transfer the money even though the owner or operator of the 50561  
facility or home has not been issued letters testamentary or 50562  
letters of administration concerning the resident's estate. 50563

(C) If funeral or burial expenses for a resident of an adult 50564  
care facility or home who has died have not been paid and the only 50565  
resource the resident had that could be used to pay for the 50566  
expenses is the money in the resident's personal needs allowance 50567  
account, or all other resources of the resident are inadequate to 50568  
pay the full cost of the expenses, the money in the resident's 50569  
personal needs allowance account shall be used to pay for the 50570  
expenses rather than being transferred to the department of job 50571  
and family services pursuant to division (B) of this section. 50572

(D) If, not later than sixty days after a resident of an 50573  
adult care facility or home dies, letters testamentary or letters 50574  
of administration are issued, or an application for release from 50575  
administration is filed under section 2113.03 of the Revised Code, 50576  
concerning the resident's estate, the owner or operator of the 50577  
facility or home shall transfer the money in the resident's 50578  
personal needs allowance account to the administrator, executor, 50579  
commissioner, or person who filed the application for release from 50580  
administration. 50581

(E) The transfer or use of money in a resident's personal 50582

needs allowance account in accordance with division (B), (C), or 50583  
(D) of this section discharges and releases the adult care 50584  
facility or home, and the owner or operator of the facility or 50585  
home, from any claim for the money from any source. 50586

(F) If, sixty-one or more days after a resident of an adult 50587  
care facility or home dies, letters testamentary or letters of 50588  
administration are issued, or an application for release from 50589  
administration under section 2113.03 of the Revised Code is filed, 50590  
concerning the resident's estate, the department of job and family 50591  
services shall transfer the funds to the administrator, executor, 50592  
commissioner, or person who filed the application, unless the 50593  
department is entitled to recover the money under the medicaid 50594  
estate recovery program instituted under section 5111.11 of the 50595  
Revised Code. 50596

**Sec. 5111.163.** (A) As used in this section: 50597

(1) "Emergency services" has the same meaning as in section 50598  
1932(b)(2) of the "Social Security Act," 79 Stat. 286 (1965), 42 50599  
U.S.C. 1396u-2(b)(2), as amended. 50600

(2) "Medicaid managed care organization" has the same meaning 50601  
as in section 5111.162 of the Revised Code. 50602

(3) "Provider" ~~has the same meaning as in section 5111.06 of~~ 50603  
~~the Revised Code~~ means any person, institution, or entity that 50604  
furnishes emergency services to a medicaid recipient enrolled in a 50605  
medicaid managed care organization, regardless of whether the 50606  
person, institution, or entity has a provider agreement with the 50607  
department of job and family services pursuant to Title XIX of the 50608  
"Social Security Act." 50609

(B) When a participant in the care management system 50610  
established under section 5111.16 of the Revised Code is enrolled 50611  
in a medicaid managed care organization and receives emergency 50612

services on or after January 1, 2007, from a provider that is not 50613  
under contract with the organization, the provider shall accept 50614  
from the organization, as payment in full, not more than the 50615  
amounts (less any payments for indirect costs of medical education 50616  
and direct costs of graduate medical education) that the provider 50617  
could collect if the participant received medicaid other than 50618  
through enrollment in a managed care organization. 50619

Sec. 5111.165. (A) Not later than January 1, 2009, the 50620  
department of job and family services shall develop a payment 50621  
system based on a risk-adjusted rate structure for purposes of 50622  
making payments to the health insuring corporations under contract 50623  
with the department pursuant to section 5111.17 of the Revised 50624  
Code. In accordance with the implementation schedule specified in 50625  
division (C) of this section, the risk-adjusted rate structure 50626  
shall be applied to the payments made to the health insuring 50627  
corporations for individuals participating in the care management 50628  
system under division (B)(1) of section 5111.16 of the Revised 50629  
Code on the basis of being included in the medicaid recipient 50630  
category designated by the department as covered families and 50631  
children. 50632

(B) The department shall consult with the health insuring 50633  
corporations regarding the methodology to be used in developing 50634  
the risk-adjusted rate structure. In developing the rate 50635  
structure, the department shall use all of the following: 50636

(1) Medical information and other relevant encounter data 50637  
necessary to obtain an accurate reflection of the utilization 50638  
rates and unit costs of the health care services provided to 50639  
medicaid recipients in the covered families and children category; 50640

(2) A comprehensive risk adjustment tool, such as the chronic 50641  
illness and disability payment system developed by the university 50642  
of California, San Diego; 50643

<u>(3) Medicaid cost reports submitted by the health insuring corporations;</u>	50644
	50645
<u>(4) Historical and present information on the health insuring corporation enrollment and medicaid eligibility of medicaid recipients in the covered families and children category;</u>	50646
	50647
	50648
<u>(5) Actuarially sound assumptions regarding the administrative costs of the health insuring corporations and maintenance of their contingency and surplus financial reserves;</u>	50649
	50650
	50651
<u>(6) A deviation factor that recognizes the impact of adverse claims for payment of health care services;</u>	50652
	50653
<u>(7) Any other information recognized by the society of actuaries as relevant to the development of rates that are actuarially sound according to generally accepted actuarial principles and practices.</u>	50654
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	50657
<u>(C) The risk-adjusted rate structure shall be applied in accordance with the following implementation schedule:</u>	50658
	50659
<u>(1) In the first year after the rate structure is developed, fifty per cent of each health insuring corporation's payments shall be risk-adjusted.</u>	50660
	50661
	50662
<u>(2) In the second year after the rate structure is developed and each year thereafter, all of the payments shall be risk-adjusted.</u>	50663
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	50665
<u>(D) For purposes of making payments that are not risk-adjusted during the first year the risk-adjusted rate structure is implemented, the department shall develop a reasonable payment range under which the payments may be changed because of the rate structure's implementation.</u>	50666
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<u>Sec. 5111.166. In implementing the care management system under section 5111.16 of the Revised Code, the department of job and family services shall provide to the health insuring</u>	50671
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corporations under contract with the department pursuant to 50674  
section 5111.17 of the Revised Code a monthly report with 50675  
information on the medicaid recipients enrolled in the 50676  
corporations who will no longer be eligible for medicaid. The 50677  
first report shall be provided not later than December 1, 2007. 50678

The department shall provide the reports to the health 50679  
insuring corporations in an electronic format. The department 50680  
shall consult with the health insuring corporations to determine 50681  
the most efficient method of providing the reports. 50682

**Sec. 5111.17.** (A) The department of job and family services 50683  
may enter into contracts with managed care organizations, 50684  
including health insuring corporations, under which the 50685  
organizations are authorized to provide, or arrange for the 50686  
provision of, health care services to medical assistance 50687  
recipients who are required or permitted to obtain health care 50688  
services through managed care organizations as part of the care 50689  
management system established under section 5111.16 of the Revised 50690  
Code. 50691

~~(B) The department shall develop and implement a financial~~ 50692  
~~incentive program to improve and reward positive health outcomes~~ 50693  
~~through the managed care organization contracts entered into under~~ 50694  
~~this section. In developing and implementing the program, the~~ 50695  
~~department may take into consideration the recommendations~~ 50696  
~~regarding the program made by the medicaid care management working~~ 50697  
~~group created under section 5111.161 of the Revised Code (1) For~~ 50698  
~~purposes of making payments to health insuring corporations under~~ 50699  
~~contract pursuant to this section, the department shall develop,~~ 50700  
~~certify, and implement actuarially sound capitation rates, as~~ 50701  
~~defined in 42 C.F.R. 438.6. In taking these actions, the~~ 50702  
~~department shall comply with all applicable requirements of 42~~ 50703  
~~C.F.R. 438.6 and Title XIX of the "Social Security Act," 79 Stat.~~ 50704

286 (1965), 42 U.S.C. 1396b(m), as amended. 50705

(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. 50706  
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(3) The document prepared under division (B)(2) of this section shall include information on all of the following: 50714  
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(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; 50716  
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(b) How the proposed rates are appropriate for the services that will be covered by the health insuring corporations; 50719  
50720

(c) How the proposed rates are adequate to meet the administrative requirements of the health insuring corporations; 50721  
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(d) Any other matter the department considers to be relevant to the development of actuarially sound capitation rates. 50723  
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(4) In preparing the document required under division (B)(2) of this section, the department may consult with the superintendent of insurance. The department may ask the superintendent to assess whether the proposed rates, if implemented, would do any of the following: 50725  
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(a) Adversely affect a health insuring corporation in a manner that results in the need to prepare and submit an RBC plan in accordance with section 1753.33 of the Revised Code; 50730  
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(b) Cause the superintendent, in the case of a health insuring corporation with a parent company, to take actions 50733  
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requiring the use of the parent company's guaranty established 50735  
under division (A)(27) of section 1751.03 of the Revised Code as a 50736  
condition of applying for a certificate of authority to establish 50737  
and operate the health insuring corporation; 50738

(c) Negatively impact, in general, the financial solvency of 50739  
a health insuring corporation. 50740

(C) The director of job and family services may adopt rules 50741  
in accordance with Chapter 119. of the Revised Code to implement 50742  
this section. 50743

**Sec. 5111.172.** (A) When contracting under section 5111.17 of 50744  
the Revised Code with a managed care organization that is a health 50745  
insuring corporation, the department of job and family services 50746  
may require the health insuring corporation to provide coverage of 50747  
prescription drugs for medicaid recipients enrolled in the health 50748  
insuring corporation. In providing the required coverage, the 50749  
health insuring corporation may, subject to the department's 50750  
approval and the limitations provided under division (C) of this 50751  
section, use strategies for the management of drug utilization. 50752

(B) As used in this division, "controlled substance" has the 50753  
same meaning as in section 3719.01 of the Revised Code. 50754

If a health insuring corporation is required under this 50755  
section to provide coverage of prescription drugs, the department 50756  
shall permit the health insuring corporation to develop and 50757  
implement a pharmacy utilization management program under which 50758  
prior authorization through the program is established as a 50759  
condition of obtaining a controlled substance pursuant to a 50760  
prescription. The program may include processes for requiring 50761  
medicaid recipients at high risk for fraud or abuse involving 50762  
controlled substances to have their prescriptions for controlled 50763  
substances filled by a pharmacy, medical provider, or health care 50764  
facility designated by the program. 50765

(C) As used in this division, "mental health drug" has the same meaning as in section 5111.085 of the Revised Code. 50766  
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If a contract under section 5111.17 of the Revised Code requires a health insuring corporation to provide prescription drug coverage for medicaid recipients as described in division (A) of this section, the contract shall include terms under which the only mental health drugs that may be subjected to a prior authorization requirement, preferred drug list, or generic substitution requirement are mental health drugs that are brand name and for which there are generic equivalents. 50768  
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**Sec. 5111.20.** As used in sections 5111.20 to 5111.34 of the Revised Code: 50776  
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(A) "Allowable costs" are those costs determined by the department of job and family services to be reasonable and do not include fines paid under sections 5111.35 to 5111.61 and section 5111.99 of the Revised Code. 50778  
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(B) "Ancillary and support costs" means all reasonable costs incurred by a nursing facility other than direct care costs or capital costs. "Ancillary and support costs" includes, but is not limited to, costs of activities, social services, pharmacy consultants, habilitation supervisors, qualified mental retardation professionals, program directors, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, medical equipment, utilities, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home office costs not otherwise allocated, legal services, accounting services, minor equipment, maintenance and repairs, help-wanted advertising, informational advertising, start-up costs, organizational expenses, other interest, property 50782  
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insurance, employee training and staff development, employee 50797  
benefits, payroll taxes, and workers' compensation premiums or 50798  
costs for self-insurance claims and related costs as specified in 50799  
rules adopted by the director of job and family services under 50800  
section 5111.02 of the Revised Code, for personnel listed in this 50801  
division. "Ancillary and support costs" also means the cost of 50802  
equipment, including vehicles, acquired by operating lease 50803  
executed before December 1, 1992, if the costs are reported as 50804  
administrative and general costs on the facility's cost report for 50805  
the cost reporting period ending December 31, 1992. 50806

(C) "Capital costs" means costs of ownership and, in the case 50807  
of an intermediate care facility for the mentally retarded, costs 50808  
of nonextensive renovation. 50809

(1) "Cost of ownership" means the actual expense incurred for 50810  
all of the following: 50811

(a) Depreciation and interest on any capital assets that cost 50812  
five hundred dollars or more per item, including the following: 50813

(i) Buildings; 50814

(ii) Building improvements that are not approved as 50815  
nonextensive renovations under section 5111.251 of the Revised 50816  
Code; 50817

(iii) Except as provided in division (B) of this section, 50818  
equipment; 50819

(iv) In the case of an intermediate care facility for the 50820  
mentally retarded, extensive renovations; 50821

(v) Transportation equipment. 50822

(b) Amortization and interest on land improvements and 50823  
leasehold improvements; 50824

(c) Amortization of financing costs; 50825

(d) Except as provided in division (K) of this section, lease 50826

and rent of land, building, and equipment. 50827

The costs of capital assets of less than five hundred dollars 50828  
per item may be considered capital costs in accordance with a 50829  
provider's practice. 50830

(2) "Costs of nonextensive renovation" means the actual 50831  
expense incurred by an intermediate care facility for the mentally 50832  
retarded for depreciation or amortization and interest on 50833  
renovations that are not extensive renovations. 50834

(D) "Capital lease" and "operating lease" shall be construed 50835  
in accordance with generally accepted accounting principles. 50836

(E) "Case-mix score" means the measure determined under 50837  
section 5111.232 of the Revised Code of the relative direct-care 50838  
resources needed to provide care and habilitation to a resident of 50839  
a nursing facility or intermediate care facility for the mentally 50840  
retarded. 50841

(F)(1) "Date of licensure," for a facility originally 50842  
licensed as a nursing home under Chapter 3721. of the Revised 50843  
Code, means the date specific beds were originally licensed as 50844  
nursing home beds under that chapter, regardless of whether they 50845  
were subsequently licensed as residential facility beds under 50846  
section 5123.19 of the Revised Code. For a facility originally 50847  
licensed as a residential facility under section 5123.19 of the 50848  
Revised Code, "date of licensure" means the date specific beds 50849  
were originally licensed as residential facility beds under that 50850  
section. 50851

~~(1)~~ If nursing home beds licensed under Chapter 3721. of the 50852  
Revised Code or residential facility beds licensed under section 50853  
5123.19 of the Revised Code were not required by law to be 50854  
licensed when they were originally used to provide nursing home or 50855  
residential facility services, "date of licensure" means the date 50856  
the beds first were used to provide nursing home or residential 50857

facility services, regardless of the date the present provider  
obtained licensure. 50858  
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~~(2)~~ If a facility adds nursing home beds or residential  
facility beds or extensively renovates all or part of the facility  
after its original date of licensure, it will have a different  
date of licensure for the additional beds or extensively renovated  
portion of the facility, unless the beds are added in a space that  
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. 50860  
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(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. 50868  
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(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. 50874  
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(H) "Direct care costs" means all of the following: 50879

(1)(a) Costs for registered nurses, licensed practical  
nurses, and nurse aides employed by the facility; 50880  
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(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; 50882  
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(c) Costs of purchased nursing services; 50886

(d) Costs of quality assurance; 50887

(e) Costs of training and staff development, employee	50888
benefits, payroll taxes, and workers' compensation premiums or	50889
costs for self-insurance claims and related costs as specified in	50890
rules adopted by the director of job and family services in	50891
accordance with Chapter 119. of the Revised Code, for personnel	50892
listed in divisions (H)(1)(a), (b), and (d) of this section;	50893
(f) Costs of consulting and management fees related to direct	50894
care;	50895
(g) Allocated direct care home office costs.	50896
(2) In addition to the costs specified in division (H)(1) of	50897
this section, for nursing facilities only, direct care costs	50898
include costs of habilitation staff (other than habilitation	50899
supervisors), medical supplies, emergency oxygen, habilitation	50900
supplies, and universal precautions supplies.	50901
(3) In addition to the costs specified in division (H)(1) of	50902
this section, for intermediate care facilities for the mentally	50903
retarded only, direct care costs include both of the following:	50904
(a) Costs for physical therapists and physical therapy	50905
assistants, occupational therapists and occupational therapy	50906
assistants, speech therapists, audiologists, habilitation staff	50907
(including habilitation supervisors), qualified mental retardation	50908
professionals, program directors, social services staff,	50909
activities staff, <u>off-site day programming</u> , psychologists and	50910
psychology assistants, and social workers and counselors;	50911
(b) Costs of training and staff development, employee	50912
benefits, payroll taxes, and workers' compensation premiums or	50913
costs for self-insurance claims and related costs as specified in	50914
rules adopted under section 5111.02 of the Revised Code, for	50915
personnel listed in division (H)(3)(a) of this section.	50916
(4) Costs of other direct-care resources that are specified	50917
as direct care costs in rules adopted under section 5111.02 of the	50918

Revised Code. 50919

(I) "Fiscal year" means the fiscal year of this state, as 50920  
specified in section 9.34 of the Revised Code. 50921

(J) "Franchise permit fee" means the following: 50922

(1) In the context of nursing facilities, the fee imposed by 50923  
sections 3721.50 to 3721.58 of the Revised Code; 50924

(2) In the context of intermediate care facilities for the 50925  
mentally retarded, the fee imposed by sections 5112.30 to 5112.39 50926  
of the Revised Code. 50927

(K) "Indirect care costs" means all reasonable costs incurred 50928  
by an intermediate care facility for the mentally retarded other 50929  
than direct care costs, other protected costs, or capital costs. 50930  
"Indirect care costs" includes but is not limited to costs of 50931  
habilitation supplies, pharmacy consultants, medical and 50932  
habilitation records, program supplies, incontinence supplies, 50933  
food, enterals, dietary supplies and personnel, laundry, 50934  
housekeeping, security, administration, liability insurance, 50935  
bookkeeping, purchasing department, human resources, 50936  
communications, travel, dues, license fees, subscriptions, home 50937  
office costs not otherwise allocated, legal services, accounting 50938  
services, minor equipment, maintenance and repairs, help-wanted 50939  
advertising, informational advertising, start-up costs, 50940  
organizational expenses, other interest, property insurance, 50941  
employee training and staff development, employee benefits, 50942  
payroll taxes, and workers' compensation premiums or costs for 50943  
self-insurance claims and related costs as specified in rules 50944  
adopted under section 5111.02 of the Revised Code, for personnel 50945  
listed in this division. Notwithstanding division (C)(1) of this 50946  
section, "indirect care costs" also means the cost of equipment, 50947  
including vehicles, acquired by operating lease executed before 50948  
December 1, 1992, if the costs are reported as administrative and 50949

general costs on the facility's cost report for the cost reporting 50950  
period ending December 31, 1992. 50951

(L) "Inpatient days" means all days during which a resident, 50952  
regardless of payment source, occupies a bed in a nursing facility 50953  
or intermediate care facility for the mentally retarded that is 50954  
included in the facility's certified capacity under Title XIX. 50955  
Therapeutic or hospital leave days for which payment is made under 50956  
section 5111.33 of the Revised Code are considered inpatient days 50957  
proportionate to the percentage of the facility's per resident per 50958  
day rate paid for those days. 50959

(M) "Intermediate care facility for the mentally retarded" 50960  
means an intermediate care facility for the mentally retarded 50961  
certified as in compliance with applicable standards for the 50962  
medicaid program by the director of health in accordance with 50963  
Title XIX. 50964

(N) "Maintenance and repair expenses" means, except as 50965  
provided in division (BB)(2) of this section, expenditures that 50966  
are necessary and proper to maintain an asset in a normally 50967  
efficient working condition and that do not extend the useful life 50968  
of the asset two years or more. "Maintenance and repair expenses" 50969  
includes but is not limited to the cost of ordinary repairs such 50970  
as painting and wallpapering. 50971

(O) "Medicaid days" means all days during which a resident 50972  
who is a Medicaid recipient eligible for nursing facility services 50973  
occupies a bed in a nursing facility that is included in the 50974  
nursing facility's certified capacity under Title XIX. Therapeutic 50975  
or hospital leave days for which payment is made under section 50976  
5111.33 of the Revised Code are considered Medicaid days 50977  
proportionate to the percentage of the nursing facility's per 50978  
resident per day rate paid for those days. 50979

(P) "Nursing facility" means a facility, or a distinct part 50980

of a facility, that is certified as a nursing facility by the 50981  
director of health in accordance with Title XIX and is not an 50982  
intermediate care facility for the mentally retarded. "Nursing 50983  
facility" includes a facility, or a distinct part of a facility, 50984  
that is certified as a nursing facility by the director of health 50985  
in accordance with Title XIX and is certified as a skilled nursing 50986  
facility by the director in accordance with Title XVIII. 50987

(Q) "Operator" means the person or government entity 50988  
responsible for the daily operating and management decisions for a 50989  
nursing facility or intermediate care facility for the mentally 50990  
retarded. 50991

(R) "Other protected costs" means costs incurred by an 50992  
intermediate care facility for the mentally retarded for medical 50993  
supplies; real estate, franchise, and property taxes; natural gas, 50994  
fuel oil, water, electricity, sewage, and refuse and hazardous 50995  
medical waste collection; allocated other protected home office 50996  
costs; and any additional costs defined as other protected costs 50997  
in rules adopted under section 5111.02 of the Revised Code. 50998

(S)(1) "Owner" means any person or government entity that has 50999  
at least five per cent ownership or interest, either directly, 51000  
indirectly, or in any combination, in any of the following 51001  
regarding a nursing facility or intermediate care facility for the 51002  
mentally retarded: 51003

(a) The land on which the facility is located; 51004

(b) The structure in which the facility is located; 51005

(c) Any mortgage, contract for deed, or other obligation 51006  
secured in whole or in part by the land or structure on or in 51007  
which the facility is located; 51008

(d) Any lease or sublease of the land or structure on or in 51009  
which the facility is located. 51010

(2) "Owner" does not mean a holder of a debenture or bond 51011  
related to the nursing facility or intermediate care facility for 51012  
the mentally retarded and purchased at public issue or a regulated 51013  
lender that has made a loan related to the facility unless the 51014  
holder or lender operates the facility directly or through a 51015  
subsidiary. 51016

(T) "Patient" includes "resident." 51017

(U) Except as provided in divisions (U)(1) and (2) of this 51018  
section, "per diem" means a nursing facility's or intermediate 51019  
care facility for the mentally retarded's actual, allowable costs 51020  
in a given cost center in a cost reporting period, divided by the 51021  
facility's inpatient days for that cost reporting period. 51022

(1) When calculating indirect care costs for the purpose of 51023  
establishing rates under section 5111.241 of the Revised Code, 51024  
"per diem" means an intermediate care facility for the mentally 51025  
retarded's actual, allowable indirect care costs in a cost 51026  
reporting period divided by the greater of the facility's 51027  
inpatient days for that period or the number of inpatient days the 51028  
facility would have had during that period if its occupancy rate 51029  
had been eighty-five per cent. 51030

(2) When calculating capital costs for the purpose of 51031  
establishing rates under section 5111.251 of the Revised Code, 51032  
"per diem" means a facility's actual, allowable capital costs in a 51033  
cost reporting period divided by the greater of the facility's 51034  
inpatient days for that period or the number of inpatient days the 51035  
facility would have had during that period if its occupancy rate 51036  
had been ninety-five per cent. 51037

(V) "Provider" means an operator with a provider agreement. 51038

(W) "Provider agreement" means a contract between the 51039  
department of job and family services and the operator of a 51040  
nursing facility or intermediate care facility for the mentally 51041

retarded for the provision of nursing facility services or 51042  
intermediate care facility services for the mentally retarded 51043  
under the medicaid program. 51044

(X) "Purchased nursing services" means services that are 51045  
provided in a nursing facility by registered nurses, licensed 51046  
practical nurses, or nurse aides who are not employees of the 51047  
facility. 51048

(Y) "Reasonable" means that a cost is an actual cost that is 51049  
appropriate and helpful to develop and maintain the operation of 51050  
patient care facilities and activities, including normal standby 51051  
costs, and that does not exceed what a prudent buyer pays for a 51052  
given item or services. Reasonable costs may vary from provider to 51053  
provider and from time to time for the same provider. 51054

(Z) "Related party" means an individual or organization that, 51055  
to a significant extent, has common ownership with, is associated 51056  
or affiliated with, has control of, or is controlled by, the 51057  
provider. 51058

(1) An individual who is a relative of an owner is a related 51059  
party. 51060

(2) Common ownership exists when an individual or individuals 51061  
possess significant ownership or equity in both the provider and 51062  
the other organization. Significant ownership or equity exists 51063  
when an individual or individuals possess five per cent ownership 51064  
or equity in both the provider and a supplier. Significant 51065  
ownership or equity is presumed to exist when an individual or 51066  
individuals possess ten per cent ownership or equity in both the 51067  
provider and another organization from which the provider 51068  
purchases or leases real property. 51069

(3) Control exists when an individual or organization has the 51070  
power, directly or indirectly, to significantly influence or 51071  
direct the actions or policies of an organization. 51072

(4) An individual or organization that supplies goods or services to a provider shall not be considered a related party if all of the following conditions are met:	51073 51074 51075
(a) The supplier is a separate bona fide organization.	51076
(b) A substantial part of the supplier's business activity of the type carried on with the provider is transacted with others than the provider and there is an open, competitive market for the types of goods or services the supplier furnishes.	51077 51078 51079 51080
(c) The types of goods or services are commonly obtained by other nursing facilities or intermediate care facilities for the mentally retarded from outside organizations and are not a basic element of patient care ordinarily furnished directly to patients by the facilities.	51081 51082 51083 51084 51085
(d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier.	51086 51087 51088 51089
(AA) "Relative of owner" means an individual who is related to an owner of a nursing facility or intermediate care facility for the mentally retarded by one of the following relationships:	51090 51091 51092
(1) Spouse;	51093
(2) Natural parent, child, or sibling;	51094
(3) Adopted parent, child, or sibling;	51095
(4) Stepparent, stepchild, stepbrother, or stepsister;	51096
(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;	51097 51098
(6) Grandparent or grandchild;	51099
(7) Foster caregiver, foster child, foster brother, or foster sister.	51100 51101

(BB) "Renovation" and "extensive renovation" mean: 51102

(1) Any betterment, improvement, or restoration of an 51103  
intermediate care facility for the mentally retarded started 51104  
before July 1, 1993, that meets the definition of a renovation or 51105  
extensive renovation established in rules adopted by the director 51106  
of job and family services in effect on December 22, 1992. 51107

(2) In the case of betterments, improvements, and 51108  
restorations of intermediate care facilities for the mentally 51109  
retarded started on or after July 1, 1993: 51110

(a) "Renovation" means the betterment, improvement, or 51111  
restoration of an intermediate care facility for the mentally 51112  
retarded beyond its current functional capacity through a 51113  
structural change that costs at least five hundred dollars per 51114  
bed. A renovation may include betterment, improvement, 51115  
restoration, or replacement of assets that are affixed to the 51116  
building and have a useful life of at least five years. A 51117  
renovation may include costs that otherwise would be considered 51118  
maintenance and repair expenses if they are an integral part of 51119  
the structural change that makes up the renovation project. 51120  
"Renovation" does not mean construction of additional space for 51121  
beds that will be added to a facility's licensed or certified 51122  
capacity. 51123

(b) "Extensive renovation" means a renovation that costs more 51124  
than sixty-five per cent and no more than eighty-five per cent of 51125  
the cost of constructing a new bed and that extends the useful 51126  
life of the assets for at least ten years. 51127

For the purposes of division (BB)(2) of this section, the 51128  
cost of constructing a new bed shall be considered to be forty 51129  
thousand dollars, adjusted for the estimated rate of inflation 51130  
from January 1, 1993, to the end of the calendar year during which 51131  
the renovation is completed, using the consumer price index for 51132

shelter costs for all urban consumers for the north central 51133  
region, as published by the United States bureau of labor 51134  
statistics. 51135

The department of job and family services may treat a 51136  
renovation that costs more than eighty-five per cent of the cost 51137  
of constructing new beds as an extensive renovation if the 51138  
department determines that the renovation is more prudent than 51139  
construction of new beds. 51140

(CC) "Title XIX" means Title XIX of the "Social Security 51141  
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended. 51142

(DD) "Title XVIII" means Title XVIII of the "Social Security 51143  
Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 51144

Sec. 5111.69. (A) In accordance with 42 C.F.R. 431.12, there 51145  
is hereby created the medical care advisory council. The council 51146  
shall advise the department of job and family services about 51147  
health and medical care services for purposes of the medicaid 51148  
program. The department shall grant the council the opportunity to 51149  
participate in medicaid policy development and program 51150  
administration. 51151

(B) The council shall consist of the following members: 51152

(1) Three individuals representing health professions, 51153  
including one or more individuals representing board-certified 51154  
physicians, who are familiar with the medical needs of low-income 51155  
population groups and with the resources available and required 51156  
for their care, one appointed by the president of the senate, one 51157  
appointed by the speaker of the house of representatives, and one 51158  
appointed by the governor; 51159

(2) Two individuals representing consumers' groups, including 51160  
medicaid recipients and consumer organizations such as labor 51161  
unions, one appointed by the president of the senate and one 51162

<u>appointed by the speaker of the house of representatives;</u>	51163
<u>(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;</u>	51164 51165 51166 51167 51168
<u>(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;</u>	51169 51170 51171
<u>(5) One individual representing county departments of job and family services, appointed by the governor.</u>	51172 51173
<u>(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.</u>	51174 51175 51176
<u>(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.</u>	51177 51178 51179 51180
<b>Sec. 5111.70.</b> <u>(A) As used in sections 5111.70 to 5111.7011 of the Revised Code:</u>	51181 51182
<u>"Applicant" means an individual who applies to participate in the medicaid buy-in for workers with disabilities program.</u>	51183 51184
<u>"Earned income" has the meaning established by rules adopted under section 5111.708 of the Revised Code.</u>	51185 51186
<u>"Employed individual with a medically improved disability" has the same meaning as in 42 U.S.C. 1396d(v).</u>	51187 51188
<u>"Family" means an applicant or participant and the spouse and dependent children of the applicant or participant. If an applicant or participant is under eighteen years of age, "family"</u>	51189 51190 51191

<u>also means the parents of the applicant or participant.</u>	51192
<u>"Federal poverty guidelines" has the same meaning as in</u>	51193
<u>section 5101.46 of the Revised Code.</u>	51194
<u>"Health insurance" has the meaning established by rules</u>	51195
<u>adopted under section 5111.708 of the Revised Code.</u>	51196
<u>"Income" means earned income and unearned income.</u>	51197
<u>"Participant" means an individual who has been determined</u>	51198
<u>eligible for the medicaid buy-in for workers with disabilities</u>	51199
<u>program and is participating in the program.</u>	51200
<u>"Resources" has the meaning established by rules adopted</u>	51201
<u>under section 5111.708 of the Revised Code.</u>	51202
<u>"Spouse" has the meaning established in rules adopted under</u>	51203
<u>section 5111.708 of the Revised Code.</u>	51204
<u>"Supplemental security income program" means the program</u>	51205
<u>established under Title XVI of the "Social Security Act," 86 Stat.</u>	51206
<u>1329 (1972), 42 U.S.C. 1381, as amended.</u>	51207
<u>"Medicaid buy-in for workers with disabilities program" means</u>	51208
<u>the component of the medicaid program established under sections</u>	51209
<u>5111.70 to 5111.7011 of the Revised Code.</u>	51210
<u>"Unearned income" has the meaning established by rules</u>	51211
<u>adopted under section 5111.708 of the Revised Code.</u>	51212
<u>(B) Not later than one hundred eighty days after the</u>	51213
<u>effective date of this section, the director of job and family</u>	51214
<u>services shall submit to the United States secretary of health and</u>	51215
<u>human services an amendment to the state medicaid plan and any</u>	51216
<u>federal waiver necessary to establish the medicaid buy-in for</u>	51217
<u>workers with disabilities program in accordance with 42 U.S.C.</u>	51218
<u>1396a(a) (10)(A)(ii)(XV) and (XVI) and sections 5111.70 to</u>	51219
<u>5111.7011 of the Revised Code. The director shall implement</u>	51220
<u>sections 5111.701 to 5111.7011 of the Revised Code if the</u>	51221

amendment and, if needed, federal waiver are approved. 51222

Sec. 5111.701. Under the medicaid buy-in for workers with 51223  
disabilities program, an individual who does all of the following 51224  
in accordance with rules adopted under section 5111.708 of the 51225  
Revised Code qualifies for medical assistance under the medicaid 51226  
program: 51227

(A) Applies for the medicaid buy-in for workers with 51228  
disabilities program; 51229

(B) Provides satisfactory evidence of all of the following: 51230

(1) That the individual is at least sixteen years of age and 51231  
under sixty-five years of age; 51232

(2) Except as provided in section 5111.706 of the Revised 51233  
Code, that one of the following applies to the individual: 51234

(a) The individual is considered disabled for the purpose of 51235  
the supplemental security income program, regardless of whether 51236  
the individual receives supplemental security income benefits, and 51237  
the individual has earnings from employment. 51238

(b) The individual is an employed individual with a medically 51239  
improved disability. 51240

(3) That the value of the individual's resources, less 51241  
amounts disregarded pursuant to rules adopted under section 51242  
5111.708 of the Revised Code, does not exceed the amount provided 51243  
for by section 5111.702 of the Revised Code; 51244

(4) That the individual's income, less amounts disregarded 51245  
pursuant to section 5111.703 of the Revised Code, does not exceed 51246  
two hundred fifty per cent of the federal poverty guidelines; 51247

(5) That the individual meets the additional eligibility 51248  
requirements for the medicaid buy-in for workers with disabilities 51249  
program that the director of job and family services establishes 51250

in rules adopted under section 5111.708 of the Revised Code. 51251

(C) To the extent required by section 5111.704 of the Revised 51252

Code, pays the premium established under that section. 51253

**Sec. 5111.702.** (A) Except as provided in division (B) of this 51254

section, the maximum value of resources, less amounts disregarded 51255

pursuant to rules adopted under section 5111.708 of the Revised 51256

Code, that an individual may have without the individual exceeding 51257

the resource eligibility limit for the medicaid buy-in for workers 51258

with disabilities program shall not exceed ten thousand dollars. 51259

51260

(B) Each calendar year, the director of job and family 51261

services shall adjust the resource eligibility limit specified in 51262

division (A) of this section by the change in the consumer price 51263

index for all items for all urban consumers for the previous 51264

calendar year, as published by the United States bureau of labor 51265

statistics. The annual adjustment shall go into effect on the 51266

earliest date possible. 51267

**Sec. 5111.703.** For the purpose of determining whether an 51268

individual is within the income eligibility limit for the medicaid 51269

buy-in for workers with disabilities program, all of the following 51270

apply: 51271

(A) Twenty thousand dollars of the individual's earned income 51272

shall be disregarded. 51273

(B) No amount that the individual's employer pays to obtain 51274

health insurance for one or more members of the individual's 51275

family, including any amount of a premium established under 51276

section 5111.704 of the Revised Code that the employer pays, shall 51277

be treated as the individual's income. 51278

(C) Any other amounts, if any, specified in rules adopted 51279

under section 5111.708 of the Revised Code shall be disregarded 51280

from the individual's earned income, unearned income, or both. 51281

Sec. 5111.704. An individual whose income exceeds one hundred 51282  
fifty per cent of the federal poverty guidelines shall pay an 51283  
annual premium as a condition of qualifying for the medicaid 51284  
buy-in for workers with disabilities program. The amount of the 51285  
premium shall be determined as follows: 51286

(A) Subtract one hundred fifty per cent of the federal 51287  
poverty guidelines, as applicable for a family size equal to the 51288  
size of the individual's family, from the amount of the income of 51289  
the individual's family; 51290

(B) Subtract an amount specified in rules adopted under 51291  
section 5111.708 of the Revised Code from the difference 51292  
determined under division (A) of this section; 51293

(C) Multiply the difference determined under division (B) of 51294  
this section by one tenth. 51295

Sec. 5111.705. No individual shall be denied eligibility for 51296  
the medicaid buy-in for workers with disabilities program on the 51297  
basis that the individual receives services under a home and 51298  
community-based services medicaid waiver component as defined in 51299  
section 5111.851 of the Revised Code. 51300

Sec. 5111.706. An individual participating in the medicaid 51301  
buy-in for workers with disabilities program may continue to 51302  
participate in the program for up to six months even though the 51303  
individual ceases to have earnings from employment or to be an 51304  
employed individual with a medically improved disability due to 51305  
ceasing to be employed if the individual continues to meet all 51306  
other eligibility requirements for the program. 51307

Sec. 5111.707. If the United States secretary of health and 51308

human services requires that a provision in the amendment to the 51309  
state medicaid plan or the federal waiver request submitted under 51310  
section 5111.70 of the Revised Code be changed or removed in order 51311  
for the secretary to approve the amendment or waiver or to avoid 51312  
an extended delay in the secretary's approval, the director of job 51313  
and family services shall make the change or removal. The change 51314  
or removal may cause the medicaid buy-in for workers with 51315  
disabilities program to include a provision that is inconsistent 51316  
with sections 5111.70 to 5111.706 of the Revised Code. Such a 51317  
change or removal shall be made only to the extent necessary to 51318  
obtain the United States secretary's approval or avoid an extended 51319  
delay in the secretary's approval and shall be reflected in rules 51320  
adopted under section 5111.708 of the Revised Code. 51321

**Sec. 5111.708.** (A) The director of job and family services, 51322  
after consulting with the medicaid buy-in advisory council, shall 51323  
adopt rules in accordance with Chapter 119. of the Revised Code as 51324  
necessary to implement the medicaid buy-in for workers with 51325  
disabilities program. The rules shall do all of the following: 51326

(1) Specify assets, asset values, and amounts to be 51327  
disregarded in determining asset and income eligibility limits for 51328  
the program; 51329

(2) Establish meanings for the terms "earned income," "health 51330  
insurance," "resources," "spouse," and "unearned income"; 51331

(3) Establish additional eligibility requirements for the 51332  
program that must be established for the United States secretary 51333  
of health and human services to approve the program; 51334

(4) For the purpose of division (B) of section 5111.704 of 51335  
the Revised Code, specify an amount to be subtracted from the 51336  
difference determined under division (A) of that section. 51337

(B) The director, after consulting with the medicaid buy-in 51338

advisory council, may adopt rules in accordance with Chapter 119. 51339  
of the Revised Code to specify amounts to be disregarded from an 51340  
individual's earned income, unearned income, or both under 51341  
division (C) of section 5111.703 of the Revised Code for the 51342  
purpose of determining whether the individual is within the income 51343  
eligibility limit for the medicaid buy-in for workers with 51344  
disabilities program. 51345

Sec. 5111.709. (A) There is hereby created the medicaid 51346  
buy-in advisory council. The council shall consist of all of the 51347  
following: 51348

(1) The following voting members: 51349

(a) The executive director of assistive technology of Ohio or 51350  
the executive director's designee; 51351

(b) The director of the axis center for public awareness of 51352  
people with disabilities or the director's designee; 51353

(c) The executive director of the cerebral palsy association 51354  
of Ohio or the executive director's designee; 51355

(d) The chief executive officer of Ohio advocates for mental 51356  
health or the chief executive officer's designee; 51357

(e) The state director of the Ohio chapter of AARP or the 51358  
state director's designee; 51359

(f) The director of the Ohio developmental disabilities 51360  
council created under section 5123.35 of the Revised Code or the 51361  
director's designee; 51362

(g) The executive director of the governor's council on 51363  
people with disabilities created under section 3303.41 of the 51364  
Revised Code or the executive director's designee; 51365

(h) The administrator of the legal rights service created 51366  
under section 5123.60 of the Revised Code or the administrator's 51367

<u>designee;</u>	51368
<u>(i) The chairperson of the Ohio Olmstead task force or the chairperson's designee;</u>	51369
<u>(j) The executive director of the Ohio statewide independent living council or the executive director's designee;</u>	51370
<u>(k) The president of the Ohio chapter of the national multiple sclerosis society or the president's designee;</u>	51371
<u>(l) The executive director of the arc of Ohio or the executive director's designee;</u>	51372
<u>(m) The executive director of the commission on minority health or the executive director's designee;</u>	51373
<u>(n) The executive director of the brain injury association of Ohio or the executive director's designee;</u>	51374
<u>(o) The executive officer of any other advocacy organization who volunteers to serve on the council, or such an executive officer's designee, if the other voting members, at a meeting called by the chairperson elected under division (C) of this section, determine it is appropriate for the advocacy organization to be represented on the council;</u>	51375
<u>(p) One or more participants who volunteer to serve on the council and are selected by the other voting members at a meeting the chairperson calls after the medicaid buy-in for workers with disabilities program is implemented.</u>	51376
<u>(2) The following non-voting members:</u>	51377
<u>(a) The director of job and family services or the director's designee;</u>	51378
<u>(b) The administrator of the rehabilitation services commission or the administrator's designee;</u>	51382
<u>(c) The director of alcohol and drug addiction services or</u>	51383
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the director's designee; 51397

(d) The director of mental retardation and developmental disabilities or the director's designee; 51398  
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(e) The director of mental health or the director's designee; 51400

(f) The executive officer of any other government entity, or the executive officer's designee, if the voting members, at a meeting called by the chairperson, determine it is appropriate for the government entity to be represented on the council. 51401  
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(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. 51405  
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(C) The voting 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. 51408  
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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. 51412  
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**Sec. 5111.7010.** 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 5111.708 of the Revised Code governing the medicaid buy-in for workers with disabilities program. 51417  
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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: 51422  
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<u>(A) The number of individuals who participated in the program</u>	51427
<u>the previous calendar quarter;</u>	51428
<u>(B) The cost of the program the previous calendar quarter;</u>	51429
<u>(C) The amount of revenue generated the previous quarter by</u>	51430
<u>premiums that participants pay under section 5111.704 of the</u>	51431
<u>Revised Code;</u>	51432
<u>(D) The average amount of earned income of participants'</u>	51433
<u>families;</u>	51434
<u>(E) The average amount of time participants have participated</u>	51435
<u>in the program;</u>	51436
<u>(F) The types of other health insurance participants have</u>	51437
<u>been able to obtain.</u>	51438
<u><b>Sec. 5111.7011.</b> Not less than once each year, the director of</u>	51439
<u>job and family services shall submit a report on the medicaid</u>	51440
<u>buy-in for workers with disabilities program to the governor,</u>	51441
<u>speaker and minority leader of the house of representatives,</u>	51442
<u>president and minority leader of the senate, and chairpersons of</u>	51443
<u>the house and senate committees to which the biennial operating</u>	51444
<u>budget bill is referred. The report shall include all of the</u>	51445
<u>following information:</u>	51446
<u>(A) The number of individuals who participated in the</u>	51447
<u>medicaid buy-in for workers with disabilities program;</u>	51448
<u>(B) The cost of the program;</u>	51449
<u>(C) The amount of revenue generated by premiums that</u>	51450
<u>participants pay under section 5111.704 of the Revised Code;</u>	51451
<u>(D) The average amount of earned income of participants'</u>	51452
<u>families;</u>	51453
<u>(E) The average amount of time participants have participated</u>	51454
<u>in the program;</u>	51455

(F) The types of other health insurance participants have 51456  
been able to obtain. 51457

Sec. 5111.84. The director of job and family services may not 51458  
submit a request to the United States secretary of health and 51459  
human services for a medicaid waiver under section 1115 of the 51460  
"Social Security Act of 1935," 42 U.S.C. 1315, unless the director 51461  
provides the speaker of the house of representatives and president 51462  
of the senate written notice of the director's intent to submit 51463  
the request at least ten days before the date the director submits 51464  
the request to the United States secretary. The notice shall 51465  
include a detailed explanation of the medicaid waiver the director 51466  
proposes to seek. 51467

**Sec. 5111.851.** (A) As used in sections 5111.851 to 5111.855 51468  
of the Revised Code: 51469

"Administrative agency" means, with respect to a home and 51470  
community-based services medicaid waiver component, the department 51471  
of job and family services or, if a state agency or political 51472  
subdivision contracts with the department under section 5111.91 of 51473  
the Revised Code to administer the component, that state agency or 51474  
political subdivision. 51475

"Home and community-based services medicaid waiver component" 51476  
means a medicaid waiver component under which home and 51477  
community-based services are provided as an alternative to 51478  
hospital, nursing facility, or intermediate care facility for the 51479  
mentally retarded services. 51480

"Hospital" has the same meaning as in section 3727.01 of the 51481  
Revised Code. 51482

"Intermediate care facility for the mentally retarded" has 51483  
the same meaning as in section 5111.20 of the Revised Code. 51484

"Level of care determination" means a determination of 51485

whether an individual needs the level of care provided by a 51486  
hospital, nursing facility, or intermediate care facility for the 51487  
mentally retarded and whether the individual, if determined to 51488  
need that level of care, would receive hospital, nursing facility, 51489  
or intermediate care facility for the mentally retarded services 51490  
if not for a home and community-based services medicaid waiver 51491  
component. 51492

"Medicaid buy-in for workers with disabilities program" means 51493  
the component of the medicaid program established under sections 51494  
5111.70 to 5111.7011 of the Revised Code. 51495

"Nursing facility" has the same meaning as in section 5111.20 51496  
of the Revised Code. 51497

"Skilled nursing facility" means a facility certified as a 51498  
skilled nursing facility under Title XVIII of the "Social Security 51499  
Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 51500

(B) The following requirements apply to each home and 51501  
community-based services medicaid waiver component: 51502

(1) Only an individual who qualifies for a component shall 51503  
receive that component's services. 51504

(2) A level of care determination shall be made as part of 51505  
the process of determining whether an individual qualifies for a 51506  
component and shall be made each year after the initial 51507  
determination if, during such a subsequent year, the 51508  
administrative agency determines there is a reasonable indication 51509  
that the individual's needs have changed. 51510

(3) A written plan of care or individual service plan based 51511  
on an individual assessment of the services that an individual 51512  
needs to avoid needing admission to a hospital, nursing facility, 51513  
or intermediate care facility for the mentally retarded shall be 51514  
created for each individual determined eligible for a component. 51515

(4) Each individual determined eligible for a component shall 51516  
receive that component's services in accordance with the 51517  
individual's level of care determination and written plan of care 51518  
or individual service plan. 51519

(5) No individual may receive services under a component 51520  
while the individual is a hospital inpatient or resident of a 51521  
skilled nursing facility, nursing facility, or intermediate care 51522  
facility for the mentally retarded. 51523

(6) No individual may receive prevocational, educational, or 51524  
supported employment services under a component if the individual 51525  
is eligible for such services that are funded with federal funds 51526  
provided under 29 U.S.C. 730 or the "Individuals with Disabilities 51527  
Education Act," 111 Stat. 37 (1997), 20 U.S.C. 1400, as amended. 51528

(7) Safeguards shall be taken to protect the health and 51529  
welfare of individuals receiving services under a component, 51530  
including safeguards established in rules adopted under section 51531  
5111.85 of the Revised Code and safeguards established by 51532  
licensing and certification requirements that are applicable to 51533  
the providers of that component's services. 51534

(8) No services may be provided under a component by a 51535  
provider that is subject to standards that 42 U.S.C. 1382e(e)(1) 51536  
requires be established if the provider fails to comply with the 51537  
standards applicable to the provider. 51538

(9) Individuals determined to be eligible for a component, or 51539  
such individuals' representatives, shall be informed of that 51540  
component's services, including any choices that the individual or 51541  
representative may make regarding the component's services, and 51542  
given the choice of either receiving services under that component 51543  
or, as appropriate, hospital, nursing facility, or intermediate 51544  
care facility for the mentally retarded services. 51545

(10) No individual shall lose eligibility for services under 51546

a component, or have the services reduced or otherwise disrupted, 51547  
on the basis that the individual also receives services under the 51548  
medicaid buy-in for workers with disabilities program. 51549

(11) No individual shall lose eligibility for services under 51550  
a component, or have the services reduced or otherwise disrupted, 51551  
on the basis that the individual's income or resources increase to 51552  
an amount above the eligibility limit for the component if the 51553  
individual is participating in the medicaid buy-in for workers 51554  
with disabilities program and the amount of the individual's 51555  
income or resources does not exceed the eligibility limit for the 51556  
medicaid buy-in for workers with disabilities program. 51557

(12) No individual receiving services under a component shall 51558  
be required to pay any cost sharing expenses for the services for 51559  
any period during which the individual also participates in the 51560  
medicaid buy-in for workers with disabilities program. 51561

**Sec. 5111.871.** The department of job and family services 51562  
shall enter into a contract with the department of mental 51563  
retardation and developmental disabilities under section 5111.91 51564  
of the Revised Code with regard to one or more of the components 51565  
of the medicaid program established by the department of job and 51566  
family services under one or more of the medicaid waivers sought 51567  
under section 5111.87 of the Revised Code. The contract shall 51568  
provide for the department of mental retardation and developmental 51569  
disabilities to administer the components in accordance with the 51570  
terms of the waivers. The directors of job and family services and 51571  
mental retardation and developmental disabilities shall adopt 51572  
rules in accordance with Chapter 119. of the Revised Code 51573  
governing the components. 51574

If the department of mental retardation and developmental 51575  
disabilities or the department of job and family services denies 51576  
an individual's application for home and community-based services 51577

provided under any of these medicaid components, the department 51578  
that denied the services shall give timely notice to the 51579  
individual that the individual may request a hearing under section 51580  
5101.35 of the Revised Code. 51581

The departments of mental retardation and developmental 51582  
disabilities and job and family services may approve, reduce, 51583  
deny, or terminate a service included in the individualized 51584  
service plan developed for a medicaid recipient eligible for home 51585  
and community-based services provided under any of these medicaid 51586  
components. The departments shall consider the recommendations a 51587  
county board of mental retardation and developmental disabilities 51588  
makes under division (A)(1)(c) of section 5126.055 of the Revised 51589  
Code. If either department approves, reduces, denies, or 51590  
terminates a service, that department shall give timely notice to 51591  
the medicaid recipient that the recipient may request a hearing 51592  
under section 5101.35 of the Revised Code. 51593

If supported living ~~or residential services~~, as defined in 51594  
section 5126.01 of the Revised Code, ~~are~~ is to be provided as a 51595  
service under any of these components, any person or government 51596  
entity with a current, valid medicaid provider agreement and a 51597  
current, valid ~~license under section 5123.19 or~~ certificate under 51598  
section ~~5123.16 or 5126.431~~ 5123.161 of the Revised Code may 51599  
provide the ~~services~~ service. 51600

If a service is to be provided under any of these components 51601  
by a residential facility, as defined in section 5123.19 of the 51602  
Revised Code, any person or government entity with a current, 51603  
valid medicaid provider agreement and a current, valid license 51604  
under section 5123.19 of the Revised Code may provide the service. 51605

**Sec. 5111.872.** When the department of mental retardation and 51606  
developmental disabilities allocates enrollment numbers to a 51607  
county board of mental retardation and developmental disabilities 51608

for home and community-based services specified in division (B)(1) 51609  
of section 5111.87 of the Revised Code and provided under any of 51610  
the components of the medicaid program that the department 51611  
administers under section 5111.871 of the Revised Code, the 51612  
department shall consider all of the following: 51613

(A) The number of individuals with mental retardation or 51614  
other developmental disability who are on a waiting list the 51615  
county board establishes under division (C) of section 5126.042 of 51616  
the Revised Code for those services and are given priority on the 51617  
waiting list pursuant to division (D) or (E) of that section; 51618

(B) The implementation component required by division 51619  
(A)~~(4)~~(3) of section 5126.054 of the Revised Code of the county 51620  
board's plan approved under section 5123.046 of the Revised Code; 51621

(C) Anything else the department considers necessary to 51622  
enable county boards to provide those services to individuals in 51623  
accordance with the priority requirements of divisions (D) and (E) 51624  
of section 5126.042 of the Revised Code. 51625

**Sec. 5111.8814.** An intermediate care facility for the 51626  
mentally retarded that converts in whole to providing home and 51627  
community-based services under the ICF/MR conversion pilot program 51628  
shall either be licensed as a residential facility under section 51629  
5123.19 of the Revised Code or certified to provide supported 51630  
living under section ~~5126.431~~ 5123.161 of the Revised Code. If an 51631  
intermediate care facility for the mentally retarded converts in 51632  
part to providing such home and community-based services, the 51633  
distinct part of the facility that provides the home and 51634  
community-based services shall either be licensed as a residential 51635  
facility under section 5123.19 of the Revised Code or certified to 51636  
provide supported living under section ~~5126.431~~ 5123.161 of the 51637  
Revised Code. The facility or distinct part of the facility shall 51638  
be licensed as a residential facility rather than certified to 51639

provide supported living if it meets the definition of 51640  
"residential facility" in section 5123.19 of the Revised Code. 51641

**Sec. 5111.89.** (A) As used in sections 5111.89 to ~~5111.893~~ 51642  
5111.894 of the Revised Code: 51643

"Area agency on aging" has the same meaning as in section 51644  
173.14 of the Revised Code. 51645

"Assisted living program" means the medicaid waiver component 51646  
for which the director of job and family services is authorized by 51647  
this section to request a medicaid waiver. 51648

"Assisted living services" means the following home and 51649  
community-based services: personal care, homemaker, chore, 51650  
attendant care, companion, medication oversight, and therapeutic 51651  
social and recreational programming. 51652

"County or district home" means a county or district home 51653  
operated under Chapter 5155. of the Revised Code. 51654

"Long-term care consultation program" means the program the 51655  
department of aging is required to develop under section 173.42 of 51656  
the Revised Code. 51657

"Long-term care consultation program administrator" or 51658  
"administrator" means the department of aging or, if the 51659  
department contracts with an area agency on aging or other entity 51660  
to administer the long-term care consultation program for a 51661  
particular area, that agency or entity. 51662

"Medicaid waiver component" has the same meaning as in 51663  
section 5111.85 of the Revised Code. 51664

"Nursing facility" has the same meaning as in section 5111.20 51665  
of the Revised Code. 51666

"Residential care facility" has the same meaning as in 51667  
section 3721.01 of the Revised Code. 51668

(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.

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.

The director of job and family services may adopt rules under section 5111.85 of the Revised Code regarding the assisted living program. The director of aging may adopt rules under Chapter 119. of the Revised Code regarding the program that the rules adopted by the director of job and family services authorize the director of aging to adopt.

**Sec. 5111.891.** To be eligible for the assisted living program, an individual must meet all of the following requirements:

(A) Need an intermediate level of care as determined under rule 5101:3-3-06 of the Administrative Code;

(B) At the time the individual applies for the assisted living program, be one of the following:

(1) A nursing facility resident who is seeking to move to a

residential care facility and would remain in a nursing facility	51699
for long term care if not for the assisted living program;	51700
(2) A participant of any of the following medicaid waiver	51701
components who would move to a nursing facility if not for the	51702
assisted living program:	51703
(a) The PASSPORT program created under section 173.40 of the	51704
Revised Code;	51705
(b) The medicaid waiver component called the choices program	51706
that the department of aging administers;	51707
(c) A medicaid waiver component that the department of job	51708
and family services administers.	51709
<u>(3) A resident of a residential care facility who has resided</u>	51710
<u>in a residential care facility for at least six months immediately</u>	51711
<u>before the date the individual applies for the assisted living</u>	51712
<u>program.</u>	51713
(C) At the time the individual receives assisted living	51714
services under the assisted living program, reside in a	51715
residential care facility, including both of the following:	51716
(1) A residential care facility that is owned or operated by	51717
a metropolitan housing authority that has a contract with the	51718
United States department of housing and urban development to	51719
receive an operating subsidy or rental assistance for the	51720
residents of the facility;	51721
(2) A county or district home licensed as a residential care	51722
facility.	51723
(D) Meet all other eligibility requirements for the assisted	51724
living program established in rules adopted under section 5111.85	51725
of the Revised Code.	51726
<u>Sec. 5111.894. When an area agency on aging determines that</u>	51727

an individual who is eligible for the medicaid program and resides 51728  
in the area that the area agency on aging serves has been admitted 51729  
to a nursing facility, the agency shall notify the long-term care 51730  
consultation program administrator serving the area in which the 51731  
individual resides about the determination. The administrator 51732  
shall determine whether the assisted living program is appropriate 51733  
for the individual and whether the individual would rather 51734  
participate in the assisted living program than continue residing 51735  
in the nursing facility. If the administrator determines that the 51736  
assisted living program is appropriate for the individual and the 51737  
individual would rather participate in the assisted living program 51738  
than continue residing in the nursing facility, the administrator 51739  
shall provide the individual or individual's representative 51740  
information about how to apply for the assisted living program and 51741  
whether there is a waiting list for the assisted living program. 51742

**Sec. 5112.341.** (A) In addition to assessing a penalty 51743  
pursuant to section 5112.34 of the Revised Code, the department of 51744  
job and family services may do ~~either~~ any of the following if an 51745  
intermediate care facility for the mentally retarded fails to pay 51746  
the full amount of a franchise permit fee installment when due: 51747

(1) Withhold an amount less than or equal to the installment 51748  
and penalty assessed under section 5112.34 of the Revised Code 51749  
from a medicaid payment due the facility until the facility pays 51750  
the installment and penalty; 51751

(2) Offset an amount less than or equal to the installment 51752  
and penalty assessed under section 5112.34 of the Revised Code 51753  
from a Medicaid payment due the nursing facility or hospital; 51754

(3) Terminate the facility's medicaid provider agreement. 51755

(B) The department may ~~withhold~~ offset a medicaid payment 51756  
under division (A)~~(1)~~ of this section without providing notice to 51757  
the intermediate care facility for the mentally retarded and 51758

without conducting an adjudication under Chapter 119. of the Revised Code. 51759  
51760

**Sec. 5115.12.** (A) The director of job and family services shall adopt rules in accordance with section 111.15 of the Revised Code governing the disability medical assistance program. The rules may establish or specify any or all of the following: 51761  
51762  
51763  
51764

(1) Income, resource, citizenship, age, residence, living arrangement, and other eligibility requirements; 51765  
51766

(2) Health services to be included in the program; 51767

(3) The maximum authorized amount, scope, duration, or limit of payment for services; 51768  
51769

(4) Limits on the length of time an individual may receive disability medical assistance; 51770  
51771

(5) Limits on the total number of individuals in the state who may receive disability medical assistance; 51772  
51773

(6) Limits on the number and types of providers eligible to be reimbursed for services provided to individuals enrolled in the program. 51774  
51775  
51776

(B) For purposes of limiting the cost of the disability medical assistance program, the director may do either of the following: 51777  
51778  
51779

(1) Adopt rules in accordance with section 111.15 of the Revised Code that revise the program's eligibility requirements; the maximum authorized amount, scope, duration, or limit of payment for services included in the program; or any other requirement or standard established or specified by rules adopted under division (A) of this section or under section 5115.10 of the Revised Code; 51780  
51781  
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51786

(2) Suspend acceptance of applications for disability medical 51787

assistance. While a suspension is in effect, no person shall 51788  
receive a determination or redetermination of eligibility for 51789  
disability medical assistance unless the person was receiving the 51790  
assistance during the month immediately preceding the suspension's 51791  
effective date or the person submitted an application prior to the 51792  
suspension's effective date and receives a determination of 51793  
eligibility based on that application. The director may adopt 51794  
rules in accordance with section 111.15 of the Revised Code 51795  
establishing requirements and specifying procedures applicable to 51796  
the suspension of acceptance of applications. 51797

**Sec. 5119.611.** (A) A community mental health agency that 51798  
seeks certification of its community mental health services shall 51799  
submit an application to the director of mental health. On receipt 51800  
of the application, the director may visit and shall evaluate the 51801  
agency to determine whether its services satisfy the standards 51802  
established by rules adopted under division ~~(D)~~(C) of this 51803  
section. The director shall make the evaluation, and, if the 51804  
director visits the agency, shall make the visit, in cooperation 51805  
with the board of alcohol, drug addiction, and mental health 51806  
services with which the agency seeks to contract under division 51807  
(A)(8)(a) of section 340.03 of the Revised Code. 51808

~~Subject to divisions (B) and (C) of this section~~ If the 51809  
director determines that a community mental health agency's 51810  
services satisfy the standards and the agency has paid the fee 51811  
required under division (B) of this section, the director shall 51812  
certify ~~a community mental health agency's~~ the services that 51813  
~~the director determines satisfy the standards.~~ 51814

If the director determines that a community mental health 51815  
agency's services do not satisfy the standards, the director shall 51816  
identify the areas of noncompliance, specify what action is 51817  
necessary to satisfy the standards, and offer technical assistance 51818

to the board of alcohol, drug addiction, and mental health 51819  
services so that the board may assist the agency in satisfying the 51820  
standards. The director shall give the agency a reasonable time 51821  
within which to demonstrate that its services satisfy the 51822  
standards or to bring the services into compliance with the 51823  
standards. If the director concludes that the services continue to 51824  
fail to satisfy the standards, the director may request that the 51825  
board reallocate the funds for the community mental health 51826  
services the agency was to provide to another community mental 51827  
health agency whose community mental health services satisfy the 51828  
standards. If the board does not reallocate those funds in a 51829  
reasonable period of time, the director may withhold state and 51830  
federal funds for the community mental health services and 51831  
allocate those funds directly to a community mental health agency 51832  
whose community mental health services satisfy the standards. 51833

(B) Each community mental health agency seeking certification 51834  
of its community mental health services under this section shall 51835  
pay a fee for the certification review required by this section. 51836  
Fees shall be paid into the sale of goods and services fund 51837  
created pursuant to section 5119.161 of the Revised Code. 51838

~~(C) The director may certify a community mental health 51839  
service only if the service is for individuals whose focus of 51840  
treatment is a mental disorder according to the edition of the 51841  
American psychiatric association's diagnostic and statistical 51842  
manual of mental disorders that is current at the time the 51843  
director issues the certification, including such services for 51844  
individuals who have a mental disorder and a co-occurring 51845  
substance use disorder, substance induced disorder, chronic 51846  
dementing organic mental disorder, mental retardation, or 51847  
developmental disability. The director may not certify a service 51848  
that is for individuals whose focus of treatment is solely a 51849  
substance use disorder, substance induced disorder, chronic 51850~~

~~dementing organic mental disorder, mental retardation, or~~ 51851  
~~developmental disability.~~ 51852

~~(D)~~ The director shall adopt rules in accordance with Chapter 51853  
119. of the Revised Code to implement this section. The rules 51854  
shall do all of the following: 51855

(1) Establish certification standards for community mental 51856  
health services, including assertive community treatment and 51857  
intensive home-based mental health services, that are consistent 51858  
with nationally recognized applicable standards and facilitate 51859  
participation in federal assistance programs. The rules shall 51860  
include as certification standards only requirements that improve 51861  
the quality of services or the health and safety of clients of 51862  
community mental health services. The standards shall address at a 51863  
minimum all of the following: 51864

(a) Reporting major unusual incidents to the director; 51865

(b) Procedures for applicants for and clients of community 51866  
mental health services to file grievances and complaints; 51867

(c) Seclusion; 51868

(d) Restraint; 51869

(e) Development of written policies addressing the rights of 51870  
clients, including all of the following: 51871

(i) The right to a copy of the written policies addressing 51872  
client rights; 51873

(ii) The right at all times to be treated with consideration 51874  
and respect for the client's privacy and dignity; 51875

(iii) The right to have access to the client's own 51876  
psychiatric, medical, or other treatment records unless access is 51877  
specifically restricted in the client's treatment plan for clear 51878  
treatment reasons; 51879

(iv) The right to have a client rights officer provided by 51880

the agency or board of alcohol, drug addiction, and mental health 51881  
services advise the client of the client's rights, including the 51882  
client's rights under Chapter 5122. of the Revised Code if the 51883  
client is committed to the agency or board. 51884

(2) Establish standards for qualifications of mental health 51885  
professionals as defined in section 340.02 of the Revised Code and 51886  
personnel who provide the community mental health services; 51887

(3) Establish the process for certification of community 51888  
mental health services; 51889

(4) Set the amount of certification review fees based on a 51890  
portion of the cost of performing the review; 51891

(5) Specify the type of notice and hearing to be provided 51892  
prior to a decision on whether to reallocate funds. 51893

**Sec. 5123.01.** As used in this chapter: 51894

(A) "Chief medical officer" means the licensed physician 51895  
appointed by the managing officer of an institution for the 51896  
mentally retarded with the approval of the director of mental 51897  
retardation and developmental disabilities to provide medical 51898  
treatment for residents of the institution. 51899

(B) "Chief program director" means a person with special 51900  
training and experience in the diagnosis and management of the 51901  
mentally retarded, certified according to division (C) of this 51902  
section in at least one of the designated fields, and appointed by 51903  
the managing officer of an institution for the mentally retarded 51904  
with the approval of the director to provide habilitation and care 51905  
for residents of the institution. 51906

(C) "Comprehensive evaluation" means a study, including a 51907  
sequence of observations and examinations, of a person leading to 51908  
conclusions and recommendations formulated jointly, with 51909  
dissenting opinions if any, by a group of persons with special 51910

training and experience in the diagnosis and management of persons 51911  
with mental retardation or a developmental disability, which group 51912  
shall include individuals who are professionally qualified in the 51913  
fields of medicine, psychology, and social work, together with 51914  
such other specialists as the individual case may require. 51915

(D) "Education" means the process of formal training and 51916  
instruction to facilitate the intellectual and emotional 51917  
development of residents. 51918

(E) "Habilitation" means the process by which the staff of 51919  
the institution assists the resident in acquiring and maintaining 51920  
those life skills that enable the resident to cope more 51921  
effectively with the demands of the resident's own person and of 51922  
the resident's environment and in raising the level of the 51923  
resident's physical, mental, social, and vocational efficiency. 51924  
Habilitation includes but is not limited to programs of formal, 51925  
structured education and training. 51926

(F) "Health officer" means any public health physician, 51927  
public health nurse, or other person authorized or designated by a 51928  
city or general health district. 51929

(G) "Home and community-based services" means medicaid-funded 51930  
home and community-based services specified in division (B)(1) of 51931  
section 5111.87 of the Revised Code provided under the medicaid 51932  
waiver components the department of mental retardation and 51933  
developmental disabilities administers pursuant to section 51934  
5111.871 of the Revised Code. 51935

(H) "Indigent person" means a person who is unable, without 51936  
substantial financial hardship, to provide for the payment of an 51937  
attorney and for other necessary expenses of legal representation, 51938  
including expert testimony. 51939

(I) "Institution" means a public or private facility, or a 51940  
part of a public or private facility, that is licensed by the 51941

appropriate state department and is equipped to provide 51942  
residential habilitation, care, and treatment for the mentally 51943  
retarded. 51944

(J) "Licensed physician" means a person who holds a valid 51945  
certificate issued under Chapter 4731. of the Revised Code 51946  
authorizing the person to practice medicine and surgery or 51947  
osteopathic medicine and surgery, or a medical officer of the 51948  
government of the United States while in the performance of the 51949  
officer's official duties. 51950

(K) "Managing officer" means a person who is appointed by the 51951  
director of mental retardation and developmental disabilities to 51952  
be in executive control of an institution for the mentally 51953  
retarded under the jurisdiction of the department. 51954

(L) "Medicaid" has the same meaning as in section 5111.01 of 51955  
the Revised Code. 51956

(M) "Medicaid case management services" means case management 51957  
services provided to an individual with mental retardation or 51958  
other developmental disability that the state medicaid plan 51959  
requires. 51960

(N) "Mentally retarded person" means a person having 51961  
significantly subaverage general intellectual functioning existing 51962  
concurrently with deficiencies in adaptive behavior, manifested 51963  
during the developmental period. 51964

(O) "Mentally retarded person subject to institutionalization 51965  
by court order" means a person eighteen years of age or older who 51966  
is at least moderately mentally retarded and in relation to whom, 51967  
because of the person's retardation, either of the following 51968  
conditions exist: 51969

(1) The person represents a very substantial risk of physical 51970  
impairment or injury to self as manifested by evidence that the 51971  
person is unable to provide for and is not providing for the 51972

person's most basic physical needs and that provision for those	51973
needs is not available in the community;	51974
(2) The person needs and is susceptible to significant	51975
habilitation in an institution.	51976
(P) "A person who is at least moderately mentally retarded"	51977
means a person who is found, following a comprehensive evaluation,	51978
to be impaired in adaptive behavior to a moderate degree and to be	51979
functioning at the moderate level of intellectual functioning in	51980
accordance with standard measurements as recorded in the most	51981
current revision of the manual of terminology and classification	51982
in mental retardation published by the American association on	51983
mental retardation.	51984
(Q) As used in this division, "substantial functional	51985
limitation," "developmental delay," and "established risk" have	51986
the meanings established pursuant to section 5123.011 of the	51987
Revised Code.	51988
"Developmental disability" means a severe, chronic disability	51989
that is characterized by all of the following:	51990
(1) It is attributable to a mental or physical impairment or	51991
a combination of mental and physical impairments, other than a	51992
mental or physical impairment solely caused by mental illness as	51993
defined in division (A) of section 5122.01 of the Revised Code.	51994
(2) It is manifested before age twenty-two.	51995
(3) It is likely to continue indefinitely.	51996
(4) It results in one of the following:	51997
(a) In the case of a person under three years of age, at	51998
least one developmental delay or an established risk;	51999
(b) In the case of a person at least three years of age but	52000
under six years of age, at least two developmental delays or an	52001
established risk;	52002

(c) In the case of a person six years of age or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for the person's age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is at least sixteen years of age, capacity for economic self-sufficiency.

(5) It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person.

(R) "Developmentally disabled person" means a person with a developmental disability.

(S) "State institution" means an institution that is tax-supported and under the jurisdiction of the department.

(T) "Residence" and "legal residence" have the same meaning as "legal settlement," which is acquired by residing in Ohio for a period of one year without receiving general assistance prior to July 17, 1995, under former Chapter 5113. of the Revised Code, financial assistance under Chapter 5115. of the Revised Code, or assistance from a private agency that maintains records of assistance given. A person having a legal settlement in the state shall be considered as having legal settlement in the assistance area in which the person resides. No adult person coming into this state and having a spouse or minor children residing in another state shall obtain a legal settlement in this state as long as the spouse or minor children are receiving public assistance, care, or support at the expense of the other state or its subdivisions. For the purpose of determining the legal settlement of a person who is living in a public or private institution or in a home subject to licensing by the department of job and family services, the department of mental health, or the department of mental

retardation and developmental disabilities, the residence of the 52035  
person shall be considered as though the person were residing in 52036  
the county in which the person was living prior to the person's 52037  
entrance into the institution or home. Settlement once acquired 52038  
shall continue until a person has been continuously absent from 52039  
Ohio for a period of one year or has acquired a legal residence in 52040  
another state. A woman who marries a man with legal settlement in 52041  
any county immediately acquires the settlement of her husband. The 52042  
legal settlement of a minor is that of the parents, surviving 52043  
parent, sole parent, parent who is designated the residential 52044  
parent and legal custodian by a court, other adult having 52045  
permanent custody awarded by a court, or guardian of the person of 52046  
the minor, provided that: 52047

(1) A minor female who marries shall be considered to have 52048  
the legal settlement of her husband and, in the case of death of 52049  
her husband or divorce, she shall not thereby lose her legal 52050  
settlement obtained by the marriage. 52051

(2) A minor male who marries, establishes a home, and who has 52052  
resided in this state for one year without receiving general 52053  
assistance prior to July 17, 1995, under former Chapter 5113. of 52054  
the Revised Code, financial assistance under Chapter 5115. of the 52055  
Revised Code, or assistance from a private agency that maintains 52056  
records of assistance given shall be considered to have obtained a 52057  
legal settlement in this state. 52058

(3) The legal settlement of a child under eighteen years of 52059  
age who is in the care or custody of a public or private child 52060  
caring agency shall not change if the legal settlement of the 52061  
parent changes until after the child has been in the home of the 52062  
parent for a period of one year. 52063

No person, adult or minor, may establish a legal settlement 52064  
in this state for the purpose of gaining admission to any state 52065  
institution. 52066

(U)(1) "Resident" means, subject to division (R)(2) of this section, a person who is admitted either voluntarily or involuntarily to an institution or other facility pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a finding of not guilty by reason of insanity or incompetence to stand trial or under this chapter who is under observation or receiving habilitation and care in an institution.

(2) "Resident" does not include a person admitted to an institution or other facility under section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code to the extent that the reference in this chapter to resident, or the context in which the reference occurs, is in conflict with any provision of sections 2945.37 to 2945.402 of the Revised Code.

(V) "Respondent" means the person whose detention, commitment, or continued commitment is being sought in any proceeding under this chapter.

(W) "Working day" and "court day" mean Monday, Tuesday, Wednesday, Thursday, and Friday, except when such day is a legal holiday.

(X) "Prosecutor" means the prosecuting attorney, village solicitor, city director of law, or similar chief legal officer who prosecuted a criminal case in which a person was found not guilty by reason of insanity, who would have had the authority to prosecute a criminal case against a person if the person had not been found incompetent to stand trial, or who prosecuted a case in which a person was found guilty.

(Y) "Court" means the probate division of the court of common pleas.

(Z) "Supported living" has the same meaning as in section 5126.01 of the Revised Code.

Sec. 5123.012. (A) As used in this section:	52097
(1) "Biological risk" and "environmental risk" have the meanings established pursuant to section 5123.011 of the Revised Code.	52098 52099 52100
(2) " <del>Handicapped preschool</del> <u>Preschool child with a disability</u> " has the same meaning as in section 3323.01 of the Revised Code.	52101 52102
(B) Except as provided in division (C) of this section, the department of mental retardation and developmental disabilities shall make eligibility determinations in accordance with the definition of "developmental disability" in section 5123.01 of the Revised Code. The department may adopt rules in accordance with Chapter 119. of the Revised Code establishing eligibility for programs and services for either of the following:	52103 52104 52105 52106 52107 52108 52109
(1) Individuals under age six who have a biological risk or environmental risk of a developmental delay;	52110 52111
(2) Any <del>handicapped</del> preschool child <u>with a disability</u> eligible for services under section 3323.02 of the Revised Code whose <del>handicap</del> <u>disability</u> is not attributable solely to mental illness as defined in section 5122.01 of the Revised Code.	52112 52113 52114 52115
(C)(1) The department shall make determinations of eligibility for protective services in accordance with sections 5123.55 to 5123.59 of the Revised Code.	52116 52117 52118
(2) Determinations of whether a mentally retarded person is subject to institutionalization by court order shall be made in accordance with sections 5123.71 to 5123.76 of the Revised Code and shall be based on the definition of "mentally retarded person subject to institutionalization by court order" in section 5123.01 of the Revised Code.	52119 52120 52121 52122 52123 52124
(3) All persons who were eligible for services and enrolled in programs offered by the department of mental retardation and	52125 52126

developmental disabilities pursuant to this chapter on July 1, 52127  
1991, shall continue to be eligible for those services and to be 52128  
enrolled in those programs as long as they are in need of 52129  
services. 52130

Sec. 5123.033. The program fee fund is hereby created in the 52131  
state treasury. All fees collected pursuant to sections 5123.161, 52132  
5123.164, 5123.19, and 5126.25 of the Revised Code shall be 52133  
credited to the fund. Money credited to the fund shall be used 52134  
solely for the department of mental retardation and developmental 52135  
disabilities' duties under sections 5123.16 to 5123.169, 5123.19, 52136  
and 5126.25 of the Revised Code and to provide continuing 52137  
education and professional training to employees of county boards 52138  
of mental retardation and developmental disabilities for the 52139  
purpose of section 5126.25 of the Revised Code and other providers 52140  
of services to individuals with mental retardation or a 52141  
developmental disability. If the money credited to the fund is 52142  
inadequate to pay all of the department's costs in performing 52143  
those duties and providing the continuing education and 52144  
professional training, the department may use other available 52145  
funds appropriated to the department to pay the remaining costs of 52146  
performing those duties and providing the continuing education and 52147  
professional training. 52148

Sec. 5123.043. (A) The director of mental retardation and 52149  
developmental disabilities shall adopt rules establishing 52150  
procedures for administrative resolution of complaints filed under 52151  
division (B) of this section and section 5126.06 of the Revised 52152  
Code. The rules shall be adopted in accordance with Chapter 119. 52153  
of the Revised Code. 52154

(B) Except as provided in division (C) of this section, any 52155  
person or county board of mental retardation and developmental 52156  
disabilities that has a complaint involving any of the programs, 52157

services, policies, or administrative practices of the department 52158  
of mental retardation and developmental disabilities or any of the 52159  
entities under contract with the department, may file a complaint 52160  
with the department. Prior to commencing a civil action regarding 52161  
the complaint, a person or county board shall attempt to have the 52162  
complaint resolved through the administrative resolution process 52163  
established in the rules adopted under this section. After 52164  
exhausting the administrative resolution process, the person or 52165  
county board may commence a civil action if the complaint is not 52166  
settled to the person's or county board's satisfaction. 52167

(C) An employee of the department may not file under this 52168  
section a complaint related to the terms and conditions of 52169  
employment for the employee. 52170

~~(D) This section does not apply to a conflict between a 52171  
county board of mental retardation and developmental disabilities 52172  
and a person or government entity that provides or seeks to 52173  
provide services to an individual with mental retardation or other 52174  
developmental disability. Section 5126.036 of the Revised Code 52175  
applies to such a conflict. 52176~~

**Sec. 5123.045.** No person or government entity shall receive 52177  
payment for providing home and community-based services unless the 52178  
person or government entity is one of the following: 52179

(A) Certified under section ~~5123.16~~ 5123.161 of the Revised 52180  
Code; 52181

(B) Licensed as a residential facility under section 5123.19 52182  
of the Revised Code. 52183

**Sec. 5123.046.** The department of mental retardation and 52184  
developmental disabilities shall review each component of the 52185  
three-calendar\_year plan it receives from a county board of mental 52186  
retardation and developmental disabilities under section 5126.054 52187

of the Revised Code and, in consultation with the department of 52188  
job and family services and office of budget and management, 52189  
approve each component that includes all the information and 52190  
conditions specified in that section. The ~~fourth~~ third component 52191  
of the plan shall be approved or disapproved not later than 52192  
forty-five days after the ~~fourth~~ third component is submitted to 52193  
the department ~~under division (B)(3) of section 5126.054 of the~~ 52194  
~~Revised Code~~. If the department approves all ~~four~~ three components 52195  
of the plan, the plan is approved. Otherwise, the plan is 52196  
disapproved. If the plan is disapproved, the department shall take 52197  
action against the county board under division (B) of section 52198  
5126.056 of the Revised Code. 52199

In approving plans under this section, the department shall 52200  
ensure that the aggregate of all plans provide for the increased 52201  
enrollment into home and community-based services during each 52202  
state fiscal year of at least five hundred individuals who did not 52203  
receive residential services, supported living, or home and 52204  
community-based services the prior state fiscal year if the 52205  
department has enough additional enrollment available for this 52206  
purpose. 52207

The department shall establish protocols that the department 52208  
shall use to determine whether a county board is complying with 52209  
the programmatic and financial accountability mechanisms and 52210  
achieving outcomes specified in its approved plan. If the 52211  
department determines that a county board is not in compliance 52212  
with the mechanisms or achieving the outcomes specified in its 52213  
approved plan, the department may take action under division (F) 52214  
of section 5126.055 of the Revised Code. 52215

**Sec. 5123.047.** ~~(A)~~ The department of mental retardation and 52216  
developmental disabilities shall pay the nonfederal share of 52217  
medicaid expenditures for medicaid case management services ~~if the~~ 52218

~~services are provided to an individual with mental retardation or 52219  
other developmental disability who a county board of mental 52220  
retardation and developmental disabilities has determined under 52221  
section 5126.041 of the Revised Code is not eligible for county 52222  
board services. 52223~~

~~(B) The department shall pay the nonfederal share of medicaid 52224  
expenditures for and home and community-based services if any of 52225  
the following apply: 52226~~

~~(1) The services are provided to an individual with mental 52227  
retardation or other developmental disability who a county board 52228  
has determined under section 5126.041 of the Revised Code is not 52229  
eligible for county board services; 52230~~

~~(2) The services are provided to an individual with mental 52231  
retardation or other developmental disability given priority for 52232  
the services pursuant to division (D)(3) of section 5126.042 of 52233  
the Revised Code. The department shall pay the nonfederal share of 52234  
medicaid expenditures for home and community based services 52235  
provided to such an individual for as long as the individual 52236  
continues to be eligible for and receive the services, regardless 52237  
of whether the services are provided after June 30, 2003. 52238~~

~~(3) An agreement entered into under section 5123.048 of the 52239  
Revised Code requires that the department pay the nonfederal share 52240  
of medicaid expenditures for the services for which no county 52241  
board of mental retardation and developmental disabilities is 52242  
required by section 5126.059 or 5126.0510 of the Revised Code to 52243  
pay. 52244~~

**Sec. 5123.048.** The director of mental retardation and 52245  
developmental disabilities may enter into an agreement with a 52246  
county board of mental retardation and developmental disabilities 52247  
under which the department of mental retardation and developmental 52248  
disabilities is to pay the nonfederal share of medicaid 52249

expenditures for one or more of the home and community-based 52250  
~~services provided to individuals with mental retardation or other~~ 52251  
~~developmental disability residing in the county served by that~~ 52252  
county board would, if not for the agreement, be required by 52253  
section 5126.0510 of the Revised Code to pay. The agreement shall 52254  
specify which home and community-based services the agreement 52255  
covers. The department shall pay the nonfederal share of medicaid 52256  
expenditures for the home and community-based services that the 52257  
agreement covers as long as the agreement is in effect. 52258

**Sec. 5123.049.** The director of mental retardation and 52259  
developmental disabilities shall adopt rules in accordance with 52260  
Chapter 119. of the Revised Code governing the authorization and 52261  
payment of home and community-based services and medicaid case 52262  
management services. The rules shall provide for private providers 52263  
of the services to receive one hundred per cent of the medicaid 52264  
allowable payment amount and for government providers of the 52265  
services to receive the federal share of the medicaid allowable 52266  
payment, less the amount withheld as a fee under section 5123.0412 52267  
of the Revised Code and any amount that may be required by rules 52268  
adopted under section 5123.0413 of the Revised Code to be 52269  
deposited into the state MR/DD risk fund. The rules shall 52270  
establish the process by which county boards of mental retardation 52271  
and developmental disabilities shall certify and provide the 52272  
nonfederal share of medicaid expenditures that the county board is 52273  
required by ~~division (A) of section 5126.057~~ sections 5126.059 and 52274  
5126.0510 of the Revised Code to pay. The process shall require a 52275  
county board to certify that the county board has funding 52276  
available at one time for two months costs for those expenditures. 52277  
The process may permit a county board to certify that the county 52278  
board has funding available at one time for more than two months 52279  
costs for those expenditures. 52280

**Sec. 5123.0411.** The department of mental retardation and 52281  
developmental disabilities may bring a mandamus action against a 52282  
county board of mental retardation and developmental disabilities 52283  
that fails to pay the nonfederal share of medicaid expenditures 52284  
that the county board is required by ~~division (A) of section~~ 52285  
~~5126.057~~ sections 5126.059 and 5126.0510 of the Revised Code to 52286  
pay. The department may bring the mandamus action in the court of 52287  
common pleas of the county served by the county board or in the 52288  
Franklin county court of common pleas. 52289

**Sec. 5123.0414.** (A) When the director of mental retardation 52290  
and developmental disabilities, under section 119.07 of the 52291  
Revised Code, sends a party a notice by registered mail, return 52292  
receipt requested, that the director intends to take action 52293  
against the party authorized by section 5123.082, 5123.166, 52294  
5123.168, 5123.19, 5123.45, 5123.51, or 5126.25 of the Revised 52295  
Code and the notice is returned to the director with an 52296  
endorsement indicating that the notice was refused or unclaimed, 52297  
the director shall resend the notice by ordinary mail to the 52298  
party. 52299

(B) If the original notice was refused, the notice shall be 52300  
deemed received as of the date the director resends the notice. 52301

(C) If the original notice was unclaimed, the notice shall be 52302  
deemed received as of the date the director resends the notice 52303  
unless, not later than thirty days after the date the director 52304  
sent the original notice, the resent notice is returned to the 52305  
director for failure of delivery. 52306

If the notice concerns taking action under section 5123.51 of 52307  
the Revised Code and the resent notice is returned to the director 52308  
for failure of delivery not later than thirty days after the date 52309  
the director sent the original notice, the director shall cause 52310

the notice to be published in a newspaper of general circulation 52311  
in the county of the party's last known residence or business and 52312  
shall mail a dated copy of the published notice to the party at 52313  
the last known address. The notice shall be deemed received as of 52314  
the date of the publication. 52315

If the notice concerns taking action under section 5123.082, 52316  
5123.166, 5123.168, 5123.19, 5123.45, or 5126.25 of the Revised 52317  
Code and the resent notice is returned to the director for failure 52318  
of delivery not later than thirty days after the date the director 52319  
sent the original notice, the director shall resend the notice to 52320  
the party a second time. The notice shall be deemed received as of 52321  
the date the director resends the notice the second time. 52322

**Sec. 5123.0415.** As used in this section, "license" means a 52323  
license, certificate, or evidence of registration. 52324

Each person and government entity that applies for or holds a 52325  
valid license issued under section 5123.082, 5123.161, 5123.19, 52326  
5123.45, 5126.25, or 5126.252 of the Revised Code shall notify the 52327  
director of mental retardation and developmental disabilities of 52328  
any change in the person or government entity's address. 52329

**Sec. 5123.0416.** (A) Subject to the availability of funds 52330  
appropriated to the department of mental retardation and 52331  
developmental disabilities for medicaid waiver state match, the 52332  
department shall expend, in fiscal year 2009 and each fiscal year 52333  
thereafter, not less than the amount appropriated in appropriation 52334  
item 322-416, medicaid waiver - state match, in fiscal year 2008 52335  
to do both of the following: 52336

(1) Pay the nonfederal share of medicaid expenditures for 52337  
home and community-based services that section 5123.047 of the 52338  
Revised Code requires the department to pay; 52339

(2) Assist county boards of mental retardation and 52340

developmental disabilities in paying the nonfederal share of 52341  
medicaid expenditures for home and community-based services that 52342  
section 5126.0510 of the Revised Code requires county boards to 52343  
pay. 52344

(B) The department shall make the expenditures required by 52345  
division (A)(2) of this section in the form of allocations to 52346  
county boards or by other means. If the department makes the 52347  
expenditures in the form of allocations, the process for making 52348  
the allocations shall conform to a process the department shall 52349  
establish after consulting with representatives of county boards. 52350

**Sec. 5123.051.** (A) If the department of mental retardation 52351  
and developmental disabilities determines pursuant to an audit 52352  
conducted under section 5123.05 of the Revised Code or a 52353  
reconciliation conducted under section 5123.18 ~~or 5123.199~~ of the 52354  
Revised Code that money is owed the state by a provider of a 52355  
service or program, the department may enter into a payment 52356  
agreement with the provider. The agreement shall include the 52357  
following: 52358

(1) A schedule of installment payments whereby the money owed 52359  
the state is to be paid in full within a period not to exceed one 52360  
year; 52361

(2) A provision that the provider may pay the entire balance 52362  
owed at any time during the term of the agreement; 52363

(3) A provision that if any installment is not paid in full 52364  
within forty-five days after it is due, the entire balance owed is 52365  
immediately due and payable; 52366

(4) Any other terms and conditions that are agreed to by the 52367  
department and the provider. 52368

(B) The department may include a provision in a payment 52369  
agreement that requires the provider to pay interest on the money 52370

owed the state. The department, in its discretion, shall determine 52371  
whether to require the payment of interest and, if it so requires, 52372  
the rate of interest. Neither the obligation to pay interest nor 52373  
the rate of interest is subject to negotiation between the 52374  
department and the provider. 52375

(C) If the provider fails to pay any installment in full 52376  
within forty-five days after its due date, the department shall 52377  
certify the entire balance owed to the attorney general for 52378  
collection under section 131.02 of the Revised Code. The 52379  
department may withhold funds from payments made to a provider 52380  
under section 5123.18 ~~or 5123.199~~ of the Revised Code to satisfy a 52381  
judgment secured by the attorney general. 52382

(D) The purchase of service fund is hereby created. Money 52383  
credited to the fund shall be used solely for purposes of section 52384  
5123.05 of the Revised Code. 52385

**Sec. 5123.16.** (A) As used in sections 5123.16 to 5123.169 of 52386  
the Revised Code: 52387

(1) "Provider" means a person or government entity certified 52388  
by the director of mental retardation and developmental 52389  
disabilities to provide supported living. 52390

(2) "Related party" means any of the following: 52391

(a) In the case of a provider who is an individual, any of 52392  
the following: 52393

(i) The spouse of the provider; 52394

(ii) A parent or stepparent of the provider or provider's 52395  
spouse; 52396

(iii) A child of the provider or provider's spouse; 52397

(iv) A sibling, half sibling, or stepsibling of the provider 52398  
or provider's spouse; 52399

<u>(v) A grandparent of the provider or provider's spouse;</u>	52400
<u>(vi) A grandchild of the provider or provider's spouse;</u>	52401
<u>(vii) An employee or employer of the provider or provider's spouse.</u>	52402 52403
<u>(b) In the case of a provider that is a person other than an individual, any of the following:</u>	52404 52405
<u>(i) An employee of the person;</u>	52406
<u>(ii) An officer of the provider, including the chief executive officer, president, vice-president, secretary, and treasurer;</u>	52407 52408 52409
<u>(iii) A member of the provider's board of directors or trustees;</u>	52410 52411
<u>(iv) A person owning a financial interest of five per cent or more in the provider;</u>	52412 52413
<u>(v) A corporation that has a subsidiary relationship with the provider;</u>	52414 52415
<u>(vi) A person or government entity that has control over the provider's day-to-day operation;</u>	52416 52417
<u>(vii) A person over which the provider has control of the day-to-day operation.</u>	52418 52419
<u>(c) In the case of a provider that is a government entity, any of the following:</u>	52420 52421
<u>(i) An employee of the provider;</u>	52422
<u>(ii) An officer of the provider;</u>	52423
<u>(iii) A member of the provider's governing board;</u>	52424
<u>(iv) A government entity that has control over the provider's day-to-day operation;</u>	52425 52426
<u>(v) A person or government entity over which the provider has</u>	52427

control of the day-to-day operation. 52428

(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. 52429  
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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. 52432  
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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. 52436  
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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. 52440  
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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. 52447  
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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 52456  
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Code and shall be made available on the request of any person or 52458  
government entity. 52459

Sec. 5123.163. A supported living certificate is valid for a 52460  
period of time established in rules adopted under section 5123.169 52461  
of the Revised Code, unless any of the following occur before the 52462  
end of that period of time: 52463

(A) The director of mental retardation and developmental 52464  
disabilities issues an order requiring that action be taken 52465  
against the certificate holder under section 5123.166 of the 52466  
Revised Code. 52467

(B) The director issues an order terminating the certificate 52468  
under section 5123.168 of the Revised Code. 52469

(C) The certificate holder voluntarily surrenders the 52470  
certificate to the director. 52471

Sec. 5123.164. Except as provided in section 5123.166 of the 52472  
Revised Code, the director of mental retardation and developmental 52473  
disabilities shall renew a supported living certificate if the 52474  
certificate holder follows the renewal process established in 52475  
rules adopted under section 5123.169 of the Revised Code, 52476  
continues to meet the applicable certification standards 52477  
established in those rules, and pays the renewal fee established 52478  
in those rules. 52479

Sec. 5123.165. (A) Except as provided in division (B) of this 52480  
section, no person or government entity may provide supported 52481  
living to an individual with mental retardation or a developmental 52482  
disability if the person or government entity also provides the 52483  
individual a residence. 52484

(B) A person may provide supported living to an individual 52485  
with mental retardation or a developmental disability even though 52486

the person also provides the individual a residence if either of 52487  
the following apply: 52488

(1) The person also resides in the residence with the 52489  
individual and does not provide at any one time supported living 52490  
to more than a total of three individuals with mental retardation 52491  
or a developmental disability who reside in that residence; 52492

(2) The person is an association of family members related to 52493  
two or more of the individuals with mental retardation or a 52494  
developmental disability who reside in the residence and does not 52495  
provide at any one time supported living to more than a total of 52496  
four individuals with mental retardation or a developmental 52497  
disability who reside in that residence. 52498

**Sec. 5123.166.** (A) If good cause exists as specified in 52499  
division (B) of this section and determined in accordance with 52500  
procedures established in rules adopted under section 5123.169 of 52501  
the Revised Code, the director of mental retardation and 52502  
developmental disabilities may issue an adjudication order 52503  
requiring that one of the following actions be taken against a 52504  
person or government entity seeking or holding a supported living 52505  
certificate: 52506

(1) Refusal to issue or renew a supported living certificate; 52507

(2) Revocation of a supported living certificate; 52508

(3) Suspension of a supported living certificate holder's 52509  
authority to do either or both of the following: 52510

(a) Continue to provide supported living to one or more 52511  
individuals from one or more counties who receive supported living 52512  
from the certificate holder at the time the director takes the 52513  
action; 52514

(b) Begin to provide supported living to one or more 52515  
individuals from one or more counties who do not receive supported 52516

<u>living from the certificate holder at the time the director takes</u>	52517
<u>the action.</u>	52518
<u>(B) The following constitute good cause for taking action</u>	52519
<u>under division (A) of this section against a person or government</u>	52520
<u>entity seeking or holding a supported living certificate:</u>	52521
<u>(1) The person or government entity's failure to meet or</u>	52522
<u>continue to meet the applicable certification standards</u>	52523
<u>established in rules adopted under section 5123.169 of the Revised</u>	52524
<u>Code;</u>	52525
<u>(2) The person or government entity violates section 5123.165</u>	52526
<u>of the Revised Code;</u>	52527
<u>(3) The person or government entity's failure to satisfy the</u>	52528
<u>requirements of section 5123.52, 5126.28, or 5126.281 of the</u>	52529
<u>Revised Code;</u>	52530
<u>(4) Misfeasance;</u>	52531
<u>(5) Malfeasance;</u>	52532
<u>(6) Nonfeasance;</u>	52533
<u>(7) Confirmed abuse or neglect;</u>	52534
<u>(8) Financial irresponsibility;</u>	52535
<u>(9) Other conduct the director determines is or would be</u>	52536
<u>injurious to individuals who receive or would receive supported</u>	52537
<u>living from the person or government entity.</u>	52538
<u>(C) Except as provided in division (D) of this section, the</u>	52539
<u>director shall issue an adjudication order under division (A) of</u>	52540
<u>this section in accordance with Chapter 119. of the Revised Code.</u>	52541
<u>(D)(1) The director may issue an order requiring that action</u>	52542
<u>specified in division (A)(3) of this section be taken before a</u>	52543
<u>provider is provided notice and an opportunity for a hearing if</u>	52544
<u>all of the following are the case:</u>	52545

(a) The director determines such action is warranted by the provider's failure to continue to meet the applicable certification standards; 52546  
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(b) The director determines that the failure either represents a pattern of serious noncompliance or creates a substantial risk to the health or safety of an individual who receives or would receive supported living from the provider; 52549  
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(c) If the order will suspend the provider's authority to continue to provide supported living to an individual who receives supported living from the provider at the time the director issues the order, both of the following are the case: 52553  
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(i) The director makes the individual, or the individual's guardian, aware of the director's determination under division (D)(1)(b) of this section and the individual or guardian does not select another provider. 52557  
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(ii) A county board of mental retardation and developmental disabilities has filed a complaint with a probate court under section 5123.33 of the Revised Code that includes facts describing the nature of abuse or neglect that the individual has suffered due to the provider's actions that are the basis for the director making the determination under division (D)(1)(b) of this section and the probate court does not issue an order authorizing the county board to arrange services for the individual pursuant to an individualized service plan developed for the individual under section 5123.31 of the Revised Code. 52561  
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(2) If the director issues an order under division (D)(1) of this section, sections 119.091 to 119.13 of the Revised Code and all of the following apply: 52571  
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(a) The director shall send the provider notice of the order by registered mail, return receipt requested, not later than twenty-four hours after issuing the order and shall include in the 52574  
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notice the reasons for the order, the citation to the law or rule 52577  
directly involved, and a statement that the provider will be 52578  
afforded a hearing if the provider requests it within ten days of 52579  
the time of receiving the notice. 52580

(b) If the provider requests a hearing within the required 52581  
time and the provider has provided the director the provider's 52582  
current address, the director shall immediately set, and notify 52583  
the provider of, the date, time, and place for the hearing. 52584

(c) The date of the hearing shall be not later than thirty 52585  
days after the director receives the provider's timely request for 52586  
the hearing. 52587

(d) The hearing shall be conducted in accordance with section 52588  
119.09 of the Revised Code, except for all of the following: 52589

(i) The hearing shall continue uninterrupted until its close, 52590  
except for weekends, legal holidays, and other interruptions the 52591  
provider and director agree to. 52592

(ii) If the director appoints a referee or examiner to 52593  
conduct the hearing, the referee or examiner, not later than ten 52594  
days after the date the referee or examiner receives a transcript 52595  
of the testimony and evidence presented at the hearing or, if the 52596  
referee or examiner does not receive the transcript or no such 52597  
transcript is made, the date that the referee or examiner closes 52598  
the record of the hearing, shall submit to the director a written 52599  
report setting forth the referee or examiner's findings of fact 52600  
and conclusions of law and a recommendation of the action the 52601  
director should take. 52602

(iii) The provider may, not later than five days after the 52603  
date the director, in accordance with section 119.09 of the 52604  
Revised Code, sends the provider or the provider's attorney or 52605  
other representative of record a copy of the referee or examiner's 52606  
report and recommendation, file with the director written 52607

objections to the report and recommendation. 52608

(iv) The director shall approve, modify, or disapprove the referee or examiner's report and recommendation not earlier than six days, and not later than fifteen days, after the date the director, in accordance with section 119.09 of the Revised Code, sends a copy of the report and recommendation to the provider or the provider's attorney or other representative of record. 52609  
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(3) The director may lift an order issued under division (D)(1) of this section even though a hearing regarding the order is occurring or pending if the director determines that the provider has taken action eliminating the good cause for issuing the order. The hearing shall proceed unless the provider withdraws the request for the hearing in a written letter to the director. 52615  
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(4) The director shall lift an order issued under division (D)(1) of this section if both of the following are the case: 52621  
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(a) The provider provides the director a plan of compliance the director determines is acceptable. 52623  
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(b) The director determines that the provider has implemented the plan of compliance correctly. 52625  
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**Sec. 5123.167.** If the director of mental retardation and developmental disabilities issues an adjudication order under section 5123.166 of the Revised Code refusing to issue a supported living certificate to a person or government entity or to renew a person or government entity's supported living certificate, neither the person or government entity nor a related party of the person or government entity may apply for another supported living certificate earlier than the date that is one year after the date the order is issued. If the director issues an adjudication order under that section revoking a person or government entity's supported living certificate, neither the person or government 52627  
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entity nor a related party of the person or government entity may 52638  
apply for another supported living certificate earlier than the 52639  
date that is five years after the date the order is issued. 52640

Sec. 5123.168. The director of mental retardation and 52641  
developmental disabilities may issue an adjudication order in 52642  
accordance with Chapter 119. of the Revised Code to terminate a 52643  
supported living certificate if the certificate holder has not 52644  
billed for supported living for twelve consecutive months. 52645

Sec. 5123.169. The director of mental retardation and 52646  
developmental disabilities shall adopt rules under Chapter 119. of 52647  
the Revised Code establishing all of the following: 52648

(A) The extent to which a county board of mental retardation 52649  
and developmental disabilities may provide supported living; 52650

(B) The application process for obtaining a supported living 52651  
certificate under section 5123.161 of the Revised Code; 52652

(C) The certification standards a person or government entity 52653  
must meet to obtain a supported living certificate to provide 52654  
supported living; 52655

(D) The certification fee for a supported living certificate, 52656  
which shall be deposited into the program fee fund created under 52657  
section 5123.033 of the Revised Code; 52658

(E) The period of time a supported living certificate is 52659  
valid; 52660

(F) The process for renewing a supported living certificate 52661  
under section 5123.164 of the Revised Code; 52662

(G) The renewal fee for a supported living certificate, which 52663  
shall be deposited into the program fee fund created under section 52664  
5123.033 of the Revised Code; 52665

(H) Procedures for conducting surveys under section 5123.162 52666

<u>of the Revised Code;</u>	52667
<u>(I) Procedures for determining whether there is good cause to</u>	52668
<u>take action under section 5123.166 of the Revised Code against a</u>	52669
<u>person or government entity seeking or holding a supported living</u>	52670
<u>certificate.</u>	52671
<b>Sec. 5123.19.</b> (A) As used in this section and in sections	52672
5123.191, 5123.194, 5123.196, 5123.198, and 5123.20 of the Revised	52673
Code:	52674
(1)(a) "Residential facility" means a home or facility in	52675
which a mentally retarded or developmentally disabled person	52676
resides, except the home of a relative or legal guardian in which	52677
a mentally retarded or developmentally disabled person resides, a	52678
respite care home certified under section 5126.05 of the Revised	52679
Code, a county home or district home operated pursuant to Chapter	52680
5155. of the Revised Code, or a dwelling in which the only	52681
mentally retarded or developmentally disabled residents are in an	52682
independent living arrangement or are being provided supported	52683
living.	52684
(b) "Intermediate care facility for the mentally retarded"	52685
means a residential facility that is considered an intermediate	52686
care facility for the mentally retarded for the purposes of	52687
Chapter 5111. of the Revised Code.	52688
(2) "Political subdivision" means a municipal corporation,	52689
county, or township.	52690
(3) "Independent living arrangement" means an arrangement in	52691
which a mentally retarded or developmentally disabled person	52692
resides in an individualized setting chosen by the person or the	52693
person's guardian, which is not dedicated principally to the	52694
provision of residential services for mentally retarded or	52695
developmentally disabled persons, and for which no financial	52696

support is received for rendering such service from any 52697  
governmental agency by a provider of residential services. 52698

~~(4) "Supported living" has the same meaning as in section 52699  
5126.01 of the Revised Code. 52700~~

~~(5) "Licensee" means the person or government agency that has 52701  
applied for a license to operate a residential facility and to 52702  
which the license was issued under this section. 52703~~

(5) "Related party" has the same meaning as in section 52704  
5123.16 of the Revised Code except that "provider" as used in the 52705  
definition of "related party" means a person or government entity 52706  
that held or applied for a license to operate a residential 52707  
facility, rather than a person or government entity certified to 52708  
provide supported living. 52709

(B) Every person or government agency desiring to operate a 52710  
residential facility shall apply for licensure of the facility to 52711  
the director of mental retardation and developmental disabilities 52712  
unless the residential facility is subject to section 3721.02, 52713  
3722.04, 5103.03, or 5119.20 of the Revised Code. Notwithstanding 52714  
Chapter 3721. of the Revised Code, a nursing home that is 52715  
certified as an intermediate care facility for the mentally 52716  
retarded under Title XIX of the "Social Security Act," 79 Stat. 52717  
286 (1965), 42 U.S.C.A. 1396, as amended, shall apply for 52718  
licensure of the portion of the home that is certified as an 52719  
intermediate care facility for the mentally retarded. 52720

(C) Subject to section 5123.196 of the Revised Code, the 52721  
director of mental retardation and developmental disabilities 52722  
shall license the operation of residential facilities. An initial 52723  
license shall be issued for a period that does not exceed one 52724  
year, unless the director denies the license under division (D) of 52725  
this section. A license shall be renewed for a period that does 52726  
not exceed three years, unless the director refuses to renew the 52727

license under division (D) of this section. The director, when 52728  
issuing or renewing a license, shall specify the period for which 52729  
the license is being issued or renewed. A license remains valid 52730  
for the length of the licensing period specified by the director, 52731  
unless the license is terminated, revoked, or voluntarily 52732  
surrendered. 52733

(D) If it is determined that an applicant or licensee is not 52734  
in compliance with a provision of this chapter that applies to 52735  
residential facilities or the rules adopted under such a 52736  
provision, the director may deny issuance of a license, refuse to 52737  
renew a license, terminate a license, revoke a license, issue an 52738  
order for the suspension of admissions to a facility, issue an 52739  
order for the placement of a monitor at a facility, issue an order 52740  
for the immediate removal of residents, or take any other action 52741  
the director considers necessary consistent with the director's 52742  
authority under this chapter regarding residential facilities. In 52743  
the director's selection and administration of the sanction to be 52744  
imposed, all of the following apply: 52745

(1) The director may deny, refuse to renew, or revoke a 52746  
license, if the director determines that the applicant or licensee 52747  
has demonstrated a pattern of serious noncompliance or that a 52748  
violation creates a substantial risk to the health and safety of 52749  
residents of a residential facility. 52750

(2) The director may terminate a license if more than twelve 52751  
consecutive months have elapsed since the residential facility was 52752  
last occupied by a resident or a notice required by division 52753  
~~(J)~~(K) of this section is not given. 52754

(3) The director may issue an order for the suspension of 52755  
admissions to a facility for any violation that may result in 52756  
sanctions under division (D)(1) of this section and for any other 52757  
violation specified in rules adopted under division ~~(G)~~(H)(2) of 52758  
this section. If the suspension of admissions is imposed for a 52759

violation that may result in sanctions under division (D)(1) of 52760  
this section, the director may impose the suspension before 52761  
providing an opportunity for an adjudication under Chapter 119. of 52762  
the Revised Code. The director shall lift an order for the 52763  
suspension of admissions when the director determines that the 52764  
violation that formed the basis for the order has been corrected. 52765

(4) The director may order the placement of a monitor at a 52766  
residential facility for any violation specified in rules adopted 52767  
under division ~~(G)~~(H)(2) of this section. The director shall lift 52768  
the order when the director determines that the violation that 52769  
formed the basis for the order has been corrected. 52770

(5) If the director determines that two or more residential 52771  
facilities owned or operated by the same person or government 52772  
entity are not being operated in compliance with a provision of 52773  
this chapter that applies to residential facilities or the rules 52774  
adopted under such a provision, and the director's findings are 52775  
based on the same or a substantially similar action, practice, 52776  
circumstance, or incident that creates a substantial risk to the 52777  
health and safety of the residents, the director shall conduct a 52778  
survey as soon as practicable at each residential facility owned 52779  
or operated by that person or government entity. The director may 52780  
take any action authorized by this section with respect to any 52781  
facility found to be operating in violation of a provision of this 52782  
chapter that applies to residential facilities or the rules 52783  
adopted under such a provision. 52784

(6) When the director initiates license revocation 52785  
proceedings, no opportunity for submitting a plan of correction 52786  
shall be given. The director shall notify the licensee by letter 52787  
of the initiation of the proceedings. The letter shall list the 52788  
deficiencies of the residential facility and inform the licensee 52789  
that no plan of correction will be accepted. The director shall 52790  
also ~~notify each affected resident, the resident's guardian if the~~ 52791

~~resident is an adult for whom a guardian has been appointed, the~~ 52792  
~~resident's parent or guardian if the resident is a minor, and the~~ 52793  
~~county board of mental retardation and developmental disabilities~~ 52794  
send a copy of the letter to the county board of mental 52795  
retardation and developmental disabilities. The county board shall 52796  
send a copy of the letter to each of the following: 52797

(a) Each resident who receives services from the licensee; 52798

(b) The guardian of each resident who receives services from 52799  
the licensee if the resident has a guardian; 52800

(c) The parent or guardian of each resident who receives 52801  
services from the licensee if the resident is a minor. 52802

(7) Pursuant to rules which shall be adopted in accordance 52803  
with Chapter 119. of the Revised Code, the director may order the 52804  
immediate removal of residents from a residential facility 52805  
whenever conditions at the facility present an immediate danger of 52806  
physical or psychological harm to the residents. 52807

(8) In determining whether a residential facility is being 52808  
operated in compliance with a provision of this chapter that 52809  
applies to residential facilities or the rules adopted under such 52810  
a provision, or whether conditions at a residential facility 52811  
present an immediate danger of physical or psychological harm to 52812  
the residents, the director may rely on information obtained by a 52813  
county board of mental retardation and developmental disabilities 52814  
or other governmental agencies. 52815

(9) In proceedings initiated to deny, refuse to renew, or 52816  
revoke licenses, the director may deny, refuse to renew, or revoke 52817  
a license regardless of whether some or all of the deficiencies 52818  
that prompted the proceedings have been corrected at the time of 52819  
the hearing. 52820

(E) The director shall establish a program under which public 52821  
notification may be made when the director has initiated license 52822

revocation proceedings or has issued an order for the suspension 52823  
of admissions, placement of a monitor, or removal of residents. 52824  
The director shall adopt rules in accordance with Chapter 119. of 52825  
the Revised Code to implement this division. The rules shall 52826  
establish the procedures by which the public notification will be 52827  
made and specify the circumstances for which the notification must 52828  
be made. The rules shall require that public notification be made 52829  
if the director has taken action against the facility in the 52830  
eighteen-month period immediately preceding the director's latest 52831  
action against the facility and the latest action is being taken 52832  
for the same or a substantially similar violation of a provision 52833  
of this chapter that applies to residential facilities or the 52834  
rules adopted under such a provision. The rules shall specify a 52835  
method for removing or amending the public notification if the 52836  
director's action is found to have been unjustified or the 52837  
violation at the residential facility has been corrected. 52838

(F)(1) Except as provided in division (F)(2) of this section, 52839  
appeals from proceedings initiated to impose a sanction under 52840  
division (D) of this section shall be conducted in accordance with 52841  
Chapter 119. of the Revised Code. 52842

(2) Appeals from proceedings initiated to order the 52843  
suspension of admissions to a facility shall be conducted in 52844  
accordance with Chapter 119. of the Revised Code, unless the order 52845  
was issued before providing an opportunity for an adjudication, in 52846  
which case all of the following apply: 52847

(a) The licensee may request a hearing not later than ten 52848  
days after receiving the notice specified in section 119.07 of the 52849  
Revised Code. 52850

(b) If a timely request for a hearing that includes the 52851  
licensee's current address is made, the hearing shall commence not 52852  
later than thirty days after the department receives the request. 52853

(c) After commencing, the hearing shall continue 52854  
uninterrupted, except for Saturdays, Sundays, and legal holidays, 52855  
unless other interruptions are agreed to by the licensee and the 52856  
director. 52857

(d) If the hearing is conducted by a hearing examiner, the 52858  
hearing examiner shall file a report and recommendations not later 52859  
than ten days after the last of the following: 52860

(i) The close of the hearing; 52861

(ii) If a transcript of the proceedings is ordered, the 52862  
hearing examiner receives the transcript; 52863

(iii) If post-hearing briefs are timely filed, the hearing 52864  
examiner receives the briefs. 52865

(e) A copy of the written report and recommendation of the 52866  
hearing examiner shall be sent, by certified mail, to the licensee 52867  
and the licensee's attorney, if applicable, not later than five 52868  
days after the report is filed. 52869

(f) Not later than five days after the hearing examiner files 52870  
the report and recommendations, the licensee may file objections 52871  
to the report and recommendations. 52872

~~(f)~~(g) Not later than fifteen days after the hearing examiner 52873  
files the report and recommendations, the director shall issue an 52874  
order approving, modifying, or disapproving the report and 52875  
recommendations. 52876

~~(g)~~(h) Notwithstanding the pendency of the hearing, the 52877  
director shall lift the order for the suspension of admissions 52878  
when the director determines that the violation that formed the 52879  
basis for the order has been corrected. 52880

(G) Neither a person or government agency whose application 52881  
for a license to operate a residential facility is denied nor a 52882  
related party of the person or government agency may apply for a 52883

license to operate a residential facility before the date that is 52884  
one year after the date of the denial. Neither a licensee whose 52885  
residential facility license is revoked nor a related party of the 52886  
licensee may apply for a residential facility license before the 52887  
date that is five years after the date of the revocation. 52888

(H) In accordance with Chapter 119. of the Revised Code, the 52889  
director shall adopt and may amend and rescind rules for licensing 52890  
and regulating the operation of residential facilities, including 52891  
intermediate care facilities for the mentally retarded. The rules 52892  
for intermediate care facilities for the mentally retarded may 52893  
differ from those for other residential facilities. The rules 52894  
shall establish and specify the following: 52895

(1) Procedures and criteria for issuing and renewing 52896  
licenses, including procedures and criteria for determining the 52897  
length of the licensing period that the director must specify for 52898  
each license when it is issued or renewed; 52899

(2) Procedures and criteria for denying, refusing to renew, 52900  
terminating, and revoking licenses and for ordering the suspension 52901  
of admissions to a facility, placement of a monitor at a facility, 52902  
and the immediate removal of residents from a facility; 52903

(3) Fees for issuing and renewing licenses, which shall be 52904  
deposited into the program fee fund created under section 5123.033 52905  
of the Revised Code; 52906

(4) Procedures for surveying residential facilities; 52907

(5) Requirements for the training of residential facility 52908  
personnel; 52909

(6) Classifications for the various types of residential 52910  
facilities; 52911

(7) Certification procedures for licensees and management 52912  
contractors that the director determines are necessary to ensure 52913

that they have the skills and qualifications to properly operate 52914  
or manage residential facilities; 52915

(8) The maximum number of persons who may be served in a 52916  
particular type of residential facility; 52917

(9) Uniform procedures for admission of persons to and 52918  
transfers and discharges of persons from residential facilities; 52919

(10) Other standards for the operation of residential 52920  
facilities and the services provided at residential facilities; 52921

(11) Procedures for waiving any provision of any rule adopted 52922  
under this section. 52923

~~(H)~~(I) Before issuing a license, the director of the 52924  
department or the director's designee shall conduct a survey of 52925  
the residential facility for which application is made. The 52926  
director or the director's designee shall conduct a survey of each 52927  
licensed residential facility at least once during the period the 52928  
license is valid and may conduct additional inspections as needed. 52929  
A survey includes but is not limited to an on-site examination and 52930  
evaluation of the residential facility, its personnel, and the 52931  
services provided there. 52932

In conducting surveys, the director or the director's 52933  
designee shall be given access to the residential facility; all 52934  
records, accounts, and any other documents related to the 52935  
operation of the facility; the licensee; the residents of the 52936  
facility; and all persons acting on behalf of, under the control 52937  
of, or in connection with the licensee. The licensee and all 52938  
persons on behalf of, under the control of, or in connection with 52939  
the licensee shall cooperate with the director or the director's 52940  
designee in conducting the survey. 52941

Following each survey, unless the director initiates a 52942  
license revocation proceeding, the director or the director's 52943  
designee shall provide the licensee with a report listing any 52944

deficiencies, specifying a timetable within which the licensee 52945  
shall submit a plan of correction describing how the deficiencies 52946  
will be corrected, and, when appropriate, specifying a timetable 52947  
within which the licensee must correct the deficiencies. After a 52948  
plan of correction is submitted, the director or the director's 52949  
designee shall approve or disapprove the plan. A copy of the 52950  
report and any approved plan of correction shall be provided to 52951  
any person who requests it. 52952

The director shall initiate disciplinary action against any 52953  
department employee who notifies or causes the notification to any 52954  
unauthorized person of an unannounced survey of a residential 52955  
facility by an authorized representative of the department. 52956

~~(I)~~(J) In addition to any other information which may be 52957  
required of applicants for a license pursuant to this section, the 52958  
director shall require each applicant to provide a copy of an 52959  
approved plan for a proposed residential facility pursuant to 52960  
section 5123.042 of the Revised Code. This division does not apply 52961  
to renewal of a license. 52962

~~(J)~~(K) A licensee shall notify the owner of the building in 52963  
which the licensee's residential facility is located of any 52964  
significant change in the identity of the licensee or management 52965  
contractor before the effective date of the change if the licensee 52966  
is not the owner of the building. 52967

Pursuant to rules which shall be adopted in accordance with 52968  
Chapter 119. of the Revised Code, the director may require 52969  
notification to the department of any significant change in the 52970  
ownership of a residential facility or in the identity of the 52971  
licensee or management contractor. If the director determines that 52972  
a significant change of ownership is proposed, the director shall 52973  
consider the proposed change to be an application for development 52974  
by a new operator pursuant to section 5123.042 of the Revised Code 52975  
and shall advise the applicant within sixty days of the 52976

notification that the current license shall continue in effect or 52977  
a new license will be required pursuant to this section. If the 52978  
director requires a new license, the director shall permit the 52979  
facility to continue to operate under the current license until 52980  
the new license is issued, unless the current license is revoked, 52981  
refused to be renewed, or terminated in accordance with Chapter 52982  
119. of the Revised Code. 52983

~~(K)~~(L) A county board of mental retardation and developmental 52984  
disabilities, the legal rights service, and any interested person 52985  
may file complaints alleging violations of statute or department 52986  
rule relating to residential facilities with the department. All 52987  
complaints shall be in writing and shall state the facts 52988  
constituting the basis of the allegation. The department shall not 52989  
reveal the source of any complaint unless the complainant agrees 52990  
in writing to waive the right to confidentiality or until so 52991  
ordered by a court of competent jurisdiction. 52992

The department shall adopt rules in accordance with Chapter 52993  
119. of the Revised Code establishing procedures for the receipt, 52994  
referral, investigation, and disposition of complaints filed with 52995  
the department under this division. 52996

~~(L)~~(M) The department shall establish procedures for the 52997  
notification of interested parties of the transfer or interim care 52998  
of residents from residential facilities that are closing or are 52999  
losing their license. 53000

~~(M)~~(N) Before issuing a license under this section to a 53001  
residential facility that will accommodate at any time more than 53002  
one mentally retarded or developmentally disabled individual, the 53003  
director shall, by first class mail, notify the following: 53004

(1) If the facility will be located in a municipal 53005  
corporation, the clerk of the legislative authority of the 53006  
municipal corporation; 53007

(2) If the facility will be located in unincorporated 53008  
territory, the clerk of the appropriate board of county 53009  
commissioners and the fiscal officer of the appropriate board of 53010  
township trustees. 53011

The director shall not issue the license for ten days after 53012  
mailing the notice, excluding Saturdays, Sundays, and legal 53013  
holidays, in order to give the notified local officials time in 53014  
which to comment on the proposed issuance. 53015

Any legislative authority of a municipal corporation, board 53016  
of county commissioners, or board of township trustees that 53017  
receives notice under this division of the proposed issuance of a 53018  
license for a residential facility may comment on it in writing to 53019  
the director within ten days after the director mailed the notice, 53020  
excluding Saturdays, Sundays, and legal holidays. If the director 53021  
receives written comments from any notified officials within the 53022  
specified time, the director shall make written findings 53023  
concerning the comments and the director's decision on the 53024  
issuance of the license. If the director does not receive written 53025  
comments from any notified local officials within the specified 53026  
time, the director shall continue the process for issuance of the 53027  
license. 53028

~~(N)~~(O) Any person may operate a licensed residential facility 53029  
that provides room and board, personal care, habilitation 53030  
services, and supervision in a family setting for at least six but 53031  
not more than eight persons with mental retardation or a 53032  
developmental disability as a permitted use in any residential 53033  
district or zone, including any single-family residential district 53034  
or zone, of any political subdivision. These residential 53035  
facilities may be required to comply with area, height, yard, and 53036  
architectural compatibility requirements that are uniformly 53037  
imposed upon all single-family residences within the district or 53038  
zone. 53039

~~(O)~~(P) Any person may operate a licensed residential facility 53040  
that provides room and board, personal care, habilitation 53041  
services, and supervision in a family setting for at least nine 53042  
but not more than sixteen persons with mental retardation or a 53043  
developmental disability as a permitted use in any multiple-family 53044  
residential district or zone of any political subdivision, except 53045  
that a political subdivision that has enacted a zoning ordinance 53046  
or resolution establishing planned unit development districts may 53047  
exclude these residential facilities from those districts, and a 53048  
political subdivision that has enacted a zoning ordinance or 53049  
resolution may regulate these residential facilities in 53050  
multiple-family residential districts or zones as a conditionally 53051  
permitted use or special exception, in either case, under 53052  
reasonable and specific standards and conditions set out in the 53053  
zoning ordinance or resolution to: 53054

(1) Require the architectural design and site layout of the 53055  
residential facility and the location, nature, and height of any 53056  
walls, screens, and fences to be compatible with adjoining land 53057  
uses and the residential character of the neighborhood; 53058

(2) Require compliance with yard, parking, and sign 53059  
regulation; 53060

(3) Limit excessive concentration of these residential 53061  
facilities. 53062

~~(P)~~(O) This section does not prohibit a political subdivision 53063  
from applying to residential facilities nondiscriminatory 53064  
regulations requiring compliance with health, fire, and safety 53065  
regulations and building standards and regulations. 53066

~~(Q)~~(R) Divisions ~~(N)~~(O) and ~~(O)~~(P) of this section are not 53067  
applicable to municipal corporations that had in effect on June 53068  
15, 1977, an ordinance specifically permitting in residential 53069  
zones licensed residential facilities by means of permitted uses, 53070

conditional uses, or special exception, so long as such ordinance 53071  
remains in effect without any substantive modification. 53072

~~(R)~~(S)(1) The director may issue an interim license to 53073  
operate a residential facility to an applicant for a license under 53074  
this section if either of the following is the case: 53075

(a) The director determines that an emergency exists 53076  
requiring immediate placement of persons in a residential 53077  
facility, that insufficient licensed beds are available, and that 53078  
the residential facility is likely to receive a permanent license 53079  
under this section within thirty days after issuance of the 53080  
interim license. 53081

(b) The director determines that the issuance of an interim 53082  
license is necessary to meet a temporary need for a residential 53083  
facility. 53084

(2) To be eligible to receive an interim license, an 53085  
applicant must meet the same criteria that must be met to receive 53086  
a permanent license under this section, except for any differing 53087  
procedures and time frames that may apply to issuance of a 53088  
permanent license. 53089

(3) An interim license shall be valid for thirty days and may 53090  
be renewed by the director for a period not to exceed one hundred 53091  
fifty days. 53092

(4) The director shall adopt rules in accordance with Chapter 53093  
119. of the Revised Code as the director considers necessary to 53094  
administer the issuance of interim licenses. 53095

~~(S)~~(T) Notwithstanding rules adopted pursuant to this section 53096  
establishing the maximum number of persons who may be served in a 53097  
particular type of residential facility, a residential facility 53098  
shall be permitted to serve the same number of persons being 53099  
served by the facility on the effective date of the rules or the 53100  
number of persons for which the facility is authorized pursuant to 53101

a current application for a certificate of need with a letter of support from the department of mental retardation and developmental disabilities and which is in the review process prior to April 4, 1986.

~~(F)~~(U) The director or the director's designee may enter at any time, for purposes of investigation, any home, facility, or other structure that has been reported to the director or that the director has reasonable cause to believe is being operated as a residential facility without a license issued under this section.

The director may petition the court of common pleas of the county in which an unlicensed residential facility is located for an order enjoining the person or governmental agency operating the facility from continuing to operate without a license. The court may grant the injunction on a showing that the person or governmental agency named in the petition is operating a residential facility without a license. The court may grant the injunction, regardless of whether the residential facility meets the requirements for receiving a license under this section.

**Sec. 5123.196.** (A) Except as provided in division (F) of this section, the director of mental retardation and developmental disabilities shall not issue a license under section 5123.19 of the Revised Code on or after July 1, 2003, if issuance will result in there being more beds in all residential facilities licensed under that section than is permitted under division (B) of this section.

(B) Except as provided in division (D) of this section, the maximum number of beds for the purpose of division (A) of this section shall not exceed ten thousand eight hundred thirty-eight minus, except as provided in division (C) of this section, both of the following:

(1) The number of such beds that cease to be residential

facility beds on or after July 1, 2003, because a residential 53133  
facility license is revoked, terminated, or not renewed for any 53134  
reason or is surrendered in accordance with section 5123.19 of the 53135  
Revised Code and after the issuance of an adjudication order 53136  
pursuant to Chapter 119. of the Revised Code; 53137

(2) The number of such beds for which a licensee voluntarily 53138  
converts to use for supported living on or after July 1, 2003. 53139

(C) The director is not required to reduce the maximum number 53140  
of beds pursuant to division (B) of this section by a bed that 53141  
ceases to be a residential facility bed if the director determines 53142  
that the bed is needed to provide services to an individual with 53143  
mental retardation or a developmental disability who resided in 53144  
the residential facility in which the bed was located unless the 53145  
reason the bed ceases to be a residential facility bed is because 53146  
it is converted to providing home and community-based services 53147  
under the ICF/MR conversion pilot program that is authorized by a 53148  
waiver sought under division (B)(1) of section 5111.88 of the 53149  
Revised Code. 53150

(D) The director shall increase the number of beds determined 53151  
under division (B) of this section if necessary to enable the 53152  
operator of a residential facility to do either of the following: 53153

(1) Obtain a residential facility license as required by 53154  
section 5111.8814 of the Revised Code; 53155

(2) Reconvert beds to providing ICF/MR services under section 53156  
5111.8811 of the Revised Code. 53157

(E) The director shall maintain an up-to-date written record 53158  
of the maximum number of residential facility beds provided for by 53159  
division (B) of this section. 53160

(F) The director may issue an interim license under division 53161  
~~(R)~~(S) of section 5123.19 of the Revised Code and issue, pursuant 53162  
to rules adopted under division ~~(G)~~(H)(11) of that section, a 53163

waiver allowing a residential facility to admit more residents 53164  
than the facility is licensed to admit regardless of whether the 53165  
interim license or waiver will result in there being more beds in 53166  
all residential facilities licensed under that section than is 53167  
permitted under division (B) of this section. 53168

**Sec. 5123.198.** (A) As used in this section, "date of the 53169  
commitment" means the date that an individual specified in 53170  
division (B) of this section begins to reside in a state-operated 53171  
intermediate care facility for the mentally retarded after being 53172  
committed to the facility pursuant to sections 5123.71 to 5123.76 53173  
of the Revised Code. 53174

(B) Except as provided in division (C) of this section, 53175  
whenever a resident of a residential facility is committed to a 53176  
state-operated intermediate care facility for the mentally 53177  
retarded pursuant to sections 5123.71 to 5123.76 of the Revised 53178  
Code, the department of mental retardation and developmental 53179  
disabilities, pursuant to an adjudication order issued in 53180  
accordance with Chapter 119. of the Revised Code, shall reduce by 53181  
one the number of residents for which the facility in which the 53182  
resident resided is licensed. 53183

(C) The department shall not reduce under division (B) of 53184  
this section the number of residents for which a residential 53185  
facility is licensed if any of the following are the case: 53186

(1) The resident of the residential facility who is committed 53187  
to a state-operated intermediate care facility for the mentally 53188  
retarded resided in the residential facility because of the 53189  
closure, on or after ~~the effective date of this section~~ June 26, 53190  
2003, of another state-operated intermediate care facility for the 53191  
mentally retarded; 53192

(2) The residential facility admits within ninety days of the 53193  
date of the commitment an individual who resides on the date of 53194

the commitment in a state-operated intermediate care facility for	53195
the mentally retarded or another residential facility;	53196
(3) The department fails to do either of the following within	53197
ninety days of the date of the commitment:	53198
(a) Identify an individual to whom all of the following	53199
applies:	53200
(i) Resides on the date of the commitment in a state-operated	53201
intermediate care facility for the mentally retarded or another	53202
residential facility;	53203
(ii) Has indicated to the department an interest in	53204
relocating to the residential facility or has a parent or guardian	53205
who has indicated to the department an interest for the individual	53206
to relocate to the residential facility;	53207
(iii) The department determines the individual has needs that	53208
the residential facility can meet.	53209
(b) Provide the residential facility with information about	53210
the individual identified under division (C)(2)(a) of this section	53211
that the residential facility needs in order to determine whether	53212
the facility can meet the individual's needs.	53213
(4) If the department completes the actions specified in	53214
divisions (C)(3)(a) and (b) of this section not later than ninety	53215
days after the date of the commitment and except as provided in	53216
division (D) of this section, the residential facility does all of	53217
the following not later than ninety days after the date of the	53218
commitment:	53219
(a) Evaluates the information provided by the department;	53220
(b) Assesses the identified individual's needs;	53221
(c) Determines that the residential facility cannot meet the	53222
identified individual's needs.	53223
(5) If the department completes the actions specified in	53224

divisions (C)(3)(a) and (b) of this section not later than ninety 53225  
days after the date of the commitment and the residential facility 53226  
determines that the residential facility can meet the identified 53227  
individual's needs, the individual, or a parent or guardian of the 53228  
individual, refuses placement in the residential facility. 53229

(D) The department may reduce under division (B) of this 53230  
section the number of residents for which a residential facility 53231  
is licensed even though the residential facility completes the 53232  
actions specified in division (C)(4) of this section not later 53233  
than ninety days after the date of the commitment if all of the 53234  
following are the case: 53235

(1) The department disagrees with the residential facility's 53236  
determination that the residential facility cannot meet the 53237  
identified individual's needs. 53238

(2) The department issues a written decision pursuant to the 53239  
uniform procedures for admissions, transfers, and discharges 53240  
established by rules adopted under division ~~(G)~~(H)(9) of section 53241  
5123.19 of the Revised Code that the residential facility should 53242  
admit the identified individual. 53243

(3) After the department issues the written decision 53244  
specified in division (D)(2) of this section, the residential 53245  
facility refuses to admit the identified individual. 53246

(E) A residential facility that admits, refuses to admit, 53247  
transfers, or discharges a resident under this section shall 53248  
comply with the uniform procedures for admissions, transfers, and 53249  
discharges established by rules adopted under division ~~(G)~~(H)(9) 53250  
of section 5123.19 of the Revised Code. 53251

(F) The department of mental retardation and developmental 53252  
disabilities may notify the department of job and family services 53253  
of any reduction under this section in the number of residents for 53254  
which a residential facility that is an intermediate care facility 53255

for the mentally retarded is licensed. On receiving the notice, 53256  
the department of job and family services may transfer to the 53257  
department of mental retardation and developmental disabilities 53258  
the savings in the nonfederal share of medicaid expenditures for 53259  
each fiscal year after the year of the commitment to be used for 53260  
costs of the resident's care in the state-operated intermediate 53261  
care facility for the mentally retarded. In determining the amount 53262  
saved, the department of job and family services shall consider 53263  
medicaid payments for the remaining residents of the facility in 53264  
which the resident resided. 53265

~~Sec. 5123.20. As used in this section, "supported living" has 53266  
the same meaning as in section 5126.01 of the Revised Code. 53267~~

No person or government agency shall operate a residential 53268  
facility or receive a mentally retarded or developmentally 53269  
disabled person as a resident of a residential facility unless the 53270  
facility is licensed under section 5123.19 of the Revised Code, 53271  
and no person or governmental agency shall operate a respite care 53272  
home or receive a mentally retarded or developmentally disabled 53273  
person in a respite care home unless the home is certified under 53274  
section 5126.05 of the Revised Code. 53275

~~No person or government agency shall provide supported living 53276  
unless that person or government agency is certified under section 53277  
5126.431 of the Revised Code. 53278~~

**Sec. 5123.211.** (A) As used in this section, "residential 53279  
services" and ~~"supported living" have~~ has the same ~~meanings~~ 53280  
meaning as in section 5126.01 of the Revised Code. 53281

(B) The department of mental retardation and developmental 53282  
disabilities shall provide or arrange provision of residential 53283  
services for each person who, on or after July 1, 1989, ceases to 53284  
be a resident of a state institution because of closure of the 53285

institution or a reduction in the institution's population by 53286  
forty per cent or more within a period of one year. The services 53287  
shall be provided in the county in which the person chooses to 53288  
reside and shall consist of one of the following as determined 53289  
appropriate by the department in consultation with the county 53290  
board of mental retardation and developmental disabilities of the 53291  
county in which the services are to be provided: 53292

(1) Residential services provided pursuant to section 5123.18 53293  
of the Revised Code; 53294

~~(2) Supported living provided pursuant to section 5123.182 of 53295  
the Revised Code; 53296~~

~~(3) Residential services for which reimbursement is made 53297  
under the medical assistance program established under section 53298  
5111.01 of the Revised Code; 53299~~

~~(4)~~(3) Residential services provided in a manner or setting 53300  
approved by the director of mental retardation and developmental 53301  
disabilities. 53302

(C) Not less than six months prior to closing a state 53303  
institution or reducing a state institution's population by forty 53304  
per cent or more within a period of one year, the department shall 53305  
identify those counties in which individuals leaving the 53306  
institution have chosen to reside and notify the county boards of 53307  
mental retardation and developmental disabilities in those 53308  
counties of the need to develop the services specified in division 53309  
(B) of this section. The notice shall specify the number of 53310  
individuals requiring services who plan to reside in the county 53311  
and indicate the amount of funds the department will use to 53312  
provide or arrange services for those individuals. 53313

(D) In each county in which one or more persons receive 53314  
residential services pursuant to division (B) of this section, the 53315  
department shall provide or arrange provision of residential 53316

services, or shall distribute moneys to the county board of mental 53317  
retardation and developmental disabilities to provide or arrange 53318  
provision of residential services, for an equal number of persons 53319  
with mental retardation or developmental disabilities in that 53320  
county who the county board has determined need residential 53321  
services but are not receiving them. 53322

**Sec. 5123.38.** (A) Except as provided in division (B) and (C) 53323  
of this section, if an individual receiving supported living or 53324  
home and community-based services, ~~as defined in section 5126.01~~ 53325  
~~of the Revised Code,~~ funded by a county board of mental 53326  
retardation and developmental disabilities is committed to a 53327  
state-operated intermediate care facility for the mentally 53328  
retarded pursuant to sections 5123.71 to 5123.76 of the Revised 53329  
Code, the department of mental retardation and developmental 53330  
disabilities shall use the funds otherwise allocated to the county 53331  
board as the nonfederal share of medicaid expenditures for the 53332  
individual's care in the state-operated facility. 53333

(B) Division (A) of this section does not apply if the county 53334  
board, not later than ninety days after the date of the commitment 53335  
of a person receiving supported services, commences funding of 53336  
supported living for an individual who resides in a state-operated 53337  
intermediate care facility for the mentally retarded on the date 53338  
of the commitment or another eligible individual designated by the 53339  
department. 53340

(C) Division (A) of this section does not apply if the county 53341  
board, not later than ninety days after the date of the commitment 53342  
of a person receiving home and community-based services, commences 53343  
funding of home and community-based services for an individual who 53344  
resides in a state-operated intermediate care facility for the 53345  
mentally retarded on the date of the commitment or another 53346  
eligible individual designated by the department. 53347

Sec. 5123.41. As used in this section and sections 5123.42 to 53348  
5123.47 of the Revised Code: 53349

(A) "Adult services" has the same meaning as in section 53350  
5126.01 of the Revised Code. 53351

~~(B) "Certified home and community based services provider"~~ 53352  
~~means a person or government entity certified under section~~ 53353  
~~5123.16 of the Revised Code.~~ 53354

~~(C)~~ "Certified supported living provider" means a person or 53355  
government entity certified under section ~~5126.431~~ 5123.161 of the 53356  
Revised Code. 53357

~~(D)~~(C) "Drug" has the same meaning as in section 4729.01 of 53358  
the Revised Code. 53359

~~(E)~~(D) "Family support services" has the same meaning as in 53360  
section 5126.01 of the Revised Code. 53361

~~(F)~~(E) "Health-related activities" means the following: 53362

(1) Taking vital signs; 53363

(2) Application of clean dressings that do not require health 53364  
assessment; 53365

(3) Basic measurement of bodily intake and output; 53366

(4) Oral suctioning; 53367

(5) Use of glucometers; 53368

(6) External urinary catheter care; 53369

(7) Emptying and replacing colostomy bags; 53370

(8) Collection of specimens by noninvasive means. 53371

~~(G)~~(F) "Licensed health professional authorized to prescribe 53372  
drugs" has the same meaning as in section 4729.01 of the Revised 53373  
Code. 53374

~~(H)~~ "Medicaid" has the same meaning as in section 5111.01 of the Revised Code. 53375  
53376

~~(I)~~(G) "MR/DD personnel" means the employees and the workers under contract who provide specialized services to individuals with mental retardation and developmental disabilities. "MR/DD personnel" includes those who provide the services as follows: 53377  
53378  
53379  
53380

(1) Through direct employment with the department of mental retardation and developmental disabilities or a county board of mental retardation and developmental disabilities; 53381  
53382  
53383

(2) Through an entity under contract with the department of mental retardation and developmental disabilities or a county board of mental retardation and developmental disabilities; 53384  
53385  
53386

(3) Through direct employment or by being under contract with private entities, including private entities that operate residential facilities. 53387  
53388  
53389

~~(J)~~(H) "Nursing delegation" means the process established in rules adopted by the board of nursing pursuant to Chapter 4723. of the Revised Code under which a registered nurse or licensed practical nurse acting at the direction of a registered nurse transfers the performance of a particular nursing activity or task to another person who is not otherwise authorized to perform the activity or task. 53390  
53391  
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~~(K)~~(I) "Prescribed medication" means a drug that is to be administered according to the instructions of a licensed health professional authorized to prescribe drugs. 53397  
53398  
53399

~~(L)~~(J) "Residential facility" means a facility licensed under section 5123.19 of the Revised Code or subject to section 5123.192 of the Revised Code. 53400  
53401  
53402

~~(M)~~(K) "Specialized services" has the same meaning as in section 5123.50 of the Revised Code. 53403  
53404

~~(N)~~(L) "Tube feeding" means the provision of nutrition to an individual through a gastrostomy tube or a jejunostomy tube.

**Sec. 5123.51.** (A) In addition to any other action required by sections 5123.61 and 5126.31 of the Revised Code, the department of mental retardation and developmental disabilities shall review each report the department receives of abuse or neglect of an individual with mental retardation or a developmental disability or misappropriation of an individual's property that includes an allegation that an MR/DD employee committed or was responsible for the abuse, neglect, or misappropriation. The department shall review a report it receives from a public children services agency only after the agency completes its investigation pursuant to section 2151.421 of the Revised Code. On receipt of a notice under section 2930.061 or 5123.541 of the Revised Code, the department shall review the notice.

(B) The department shall do both of the following:

(1) Investigate the allegation or adopt the findings of an investigation or review of the allegation conducted by another person or government entity and determine whether there is a reasonable basis for the allegation;

(2) If the department determines that there is a reasonable basis for the allegation, conduct an adjudication pursuant to Chapter 119. of the Revised Code.

(C)(1) The department shall appoint an independent hearing officer to conduct any hearing conducted pursuant to division (B)(2) of this section, except that, if the hearing is regarding an employee of the department who is represented by a union, the department and a representative of the union shall jointly select the hearing officer.

(2)(a) Except as provided in division (C)(2)(b) of this section, no hearing shall be conducted under division (B)(2) of this section until any criminal proceeding or collective bargaining arbitration concerning the same allegation has concluded.

(b) The department may conduct a hearing pursuant to division (B)(2) of this section before a criminal proceeding concerning the same allegation is concluded if both of the following are the case:

(i) The department notifies the prosecutor responsible for the criminal proceeding that the department proposes to conduct a hearing.

(ii) The prosecutor consents to the hearing.

(3) In conducting a hearing pursuant to division (B)(2) of this section, the hearing officer shall do all of the following:

(a) Determine whether there is clear and convincing evidence that the MR/DD employee has done any of the following:

(i) Misappropriated property of one or more individuals with mental retardation or a developmental disability that has a value, either separately or taken together, of one hundred dollars or more;

(ii) Misappropriated property of an individual with mental retardation or a developmental disability that is designed to be used as a check, draft, negotiable instrument, credit card, charge card, or device for initiating an electronic fund transfer at a point of sale terminal, automated teller machine, or cash dispensing machine;

(iii) Knowingly abused such an individual;

(iv) Recklessly abused or neglected such an individual, with resulting physical harm;

(v) Negligently abused or neglected such an individual, with 53465  
resulting serious physical harm; 53466

(vi) Recklessly neglected such an individual, creating a 53467  
substantial risk of serious physical harm; 53468

(vii) Engaged in sexual conduct or had sexual contact with an 53469  
individual with mental retardation or another developmental 53470  
disability who was not the MR/DD employee's spouse and for whom 53471  
the MR/DD employee was employed or under a contract to provide 53472  
care; 53473

(viii) Unreasonably failed to make a report pursuant to 53474  
division (C) of section 5123.61 of the Revised Code when the 53475  
employee knew or should have known that the failure would result 53476  
in a substantial risk of harm to an individual with mental 53477  
retardation or a developmental disability. 53478

(b) Give weight to the decision in any collective bargaining 53479  
arbitration regarding the same allegation; 53480

(c) Give weight to any relevant facts presented at the 53481  
hearing. 53482

(D)(1) Unless the director of mental retardation and 53483  
developmental disabilities determines that there are extenuating 53484  
circumstances and except as provided in division (E) of this 53485  
section, if the director, after considering all of the factors 53486  
listed in division (C)(3) of this section, finds that there is 53487  
clear and convincing evidence that an MR/DD employee has done one 53488  
or more of the things described in division (C)(3)(a) of this 53489  
section the director shall include the name of the employee in the 53490  
registry established under section 5123.52 of the Revised Code. 53491

(2) Extenuating circumstances the director must consider 53492  
include the use of physical force by an MR/DD employee that was 53493  
necessary as self-defense. 53494

(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 law enforcement agency. If the MR/DD employee holds a license, certificate, registration, or other authorization to engage in a profession issued pursuant to Title XLVII of the Revised Code, the director shall notify the appropriate agency, board, department, or other entity responsible for regulating the employee's professional practice.

(4) If an individual whose name appears on the registry is involved in a court proceeding or arbitration arising from the same facts as the allegation resulting in the individual's placement on the registry, the disposition of the proceeding or arbitration shall be noted in the registry next to the individual's name.

(E) In the case of an allegation concerning an employee of the department, after the hearing conducted pursuant to division (B)(2) of this section, the director of health or that director's designee shall review the decision of the hearing officer to determine whether the standard described in division (C)(3) of this section has been met. If the director or designee determines that the standard has been met and that no extenuating circumstances exist, the director or designee shall notify the director of mental retardation and developmental disabilities that the MR/DD employee is to be included in the registry established under section 5123.52 of the Revised Code. If the director of mental retardation and developmental disabilities receives such notification, the director shall include the MR/DD employee in the

registry and shall provide the notification described in division 53527  
(D)(3) of this section. 53528

(F) If the department is required by Chapter 119. of the 53529  
Revised Code to give notice of an opportunity for a hearing and 53530  
the MR/DD employee subject to the notice does not timely request a 53531  
hearing in accordance with section 119.07 or 5123.0414 of the 53532  
Revised Code, the department is not required to hold a hearing. 53533

(G) Files and records of investigations conducted pursuant to 53534  
this section are not public records as defined in section 149.43 53535  
of the Revised Code, but, on request, the department shall provide 53536  
copies of those files and records to the attorney general, a 53537  
prosecuting attorney, or a law enforcement agency. 53538

**Sec. 5123.60.** (A) A legal rights service is hereby created 53539  
and established to protect and advocate the rights of mentally ill 53540  
persons, mentally retarded persons, developmentally disabled 53541  
persons, and other disabled persons who may be represented by the 53542  
service pursuant to division (L) of this section; to receive and 53543  
act upon complaints concerning institutional and hospital 53544  
practices and conditions of institutions for mentally retarded or 53545  
developmentally disabled persons and hospitals for the mentally 53546  
ill; and to assure that all persons detained, hospitalized, 53547  
discharged, or institutionalized, and all persons whose detention, 53548  
hospitalization, discharge, or institutionalization is sought or 53549  
has been sought under this chapter or Chapter 5122. of the Revised 53550  
Code are fully informed of their rights and adequately represented 53551  
by counsel in proceedings under this chapter or Chapter 5122. of 53552  
the Revised Code and in any proceedings to secure the rights of 53553  
those persons. Notwithstanding the definitions of "mentally 53554  
retarded person" and "developmentally disabled person" in section 53555  
5123.01 of the Revised Code, the legal rights service shall 53556  
determine who is a mentally retarded or developmentally disabled 53557

person for purposes of this section and sections 5123.601 to 53558  
5123.604 of the Revised Code. 53559

(B)(1) In regard to those persons detained, hospitalized, or 53560  
institutionalized under Chapter 5122. of the Revised Code, the 53561  
legal rights service shall undertake formal representation only of 53562  
those persons who are involuntarily detained, hospitalized, or 53563  
institutionalized pursuant to sections 5122.10 to 5122.15 of the 53564  
Revised Code, and those voluntarily detained, hospitalized, or 53565  
institutionalized who are minors, who have been adjudicated 53566  
incompetent, who have been detained, hospitalized, or 53567  
institutionalized in a public hospital, or who have requested 53568  
representation by the legal rights service. ~~if~~ 53569

(2) If a person referred to in division (A) of this section 53570  
voluntarily requests in writing that the legal rights service 53571  
terminate participation in the person's case, such involvement 53572  
shall cease. 53573

(3) Persons described in divisions (A) and (B)(1) of this 53574  
section who are represented by the legal rights service are 53575  
clients of the legal rights service. 53576

(C) Any person voluntarily hospitalized or institutionalized 53577  
in a public hospital under division (A) of section 5122.02 of the 53578  
Revised Code, after being fully informed of the person's rights 53579  
under division (A) of this section, may, by written request, waive 53580  
assistance by the legal rights service if the waiver is knowingly 53581  
and intelligently made, without duress or coercion. 53582

The waiver may be rescinded at any time by the voluntary 53583  
patient or resident, or by the voluntary patient's or resident's 53584  
legal guardian. 53585

(D)(1) The legal rights service commission is hereby created 53586  
for the purposes of appointing an administrator of the legal 53587  
rights service, advising the administrator, assisting the 53588

administrator in developing a budget, advising the administrator 53589  
in establishing and annually reviewing a strategic plan, creating 53590  
a procedure for filing and determination of grievances against the 53591  
legal rights service, and establishing general policy guidelines, 53592  
including guidelines for the commencement of litigation, for the 53593  
legal rights service. The commission may adopt rules to carry 53594  
these purposes into effect and may receive and act upon appeals of 53595  
personnel decisions by the administrator. 53596

(2) The commission shall consist of seven members. One 53597  
member, who shall serve as chairperson, shall be appointed by the 53598  
chief justice of the supreme court, three members shall be 53599  
appointed by the speaker of the house of representatives, and 53600  
three members shall be appointed by the president of the senate. 53601  
At least two members shall have experience in the field of 53602  
developmental disabilities, and at least two members shall have 53603  
experience in the field of mental health. No member shall be a 53604  
provider or related to a provider of services to mentally 53605  
retarded, developmentally disabled, or mentally ill persons. 53606

(3) Terms of office of the members of the commission shall be 53607  
for three years, each term ending on the same day of the month of 53608  
the year as did the term which it succeeds. Each member shall 53609  
serve subsequent to the expiration of the member's term until a 53610  
successor is appointed and qualifies, or until sixty days has 53611  
elapsed, whichever occurs first. No member shall serve more than 53612  
two consecutive terms. 53613

All vacancies in the membership of the commission shall be 53614  
filled in the manner prescribed for regular appointments to the 53615  
commission and shall be limited to the unexpired terms. 53616

(4) The commission shall meet at least four times each year. 53617  
Members shall be reimbursed for their necessary and actual 53618  
expenses incurred in the performance of their official duties. 53619

(5) The administrator of the legal rights service shall serve 53620  
at the pleasure of the commission. 53621

The administrator shall be ~~a person who has had special~~ 53622  
~~training and experience in the type of work with which the legal~~ 53623  
~~rights service is charged. If the administrator is not an~~ 53624  
~~attorney, the administrator shall seek legal counsel when~~ 53625  
~~appropriate~~ an attorney admitted to practice law in this state. 53626  
The salary of the administrator shall be established in accordance 53627  
with section 124.14 of the Revised Code. 53628

(E) The legal rights service shall be completely independent 53629  
of the department of mental health and the department of mental 53630  
retardation and developmental disabilities and, notwithstanding 53631  
section 109.02 of the Revised Code, shall also be independent of 53632  
the office of the attorney general. The administrator of the legal 53633  
rights service, staff, and attorneys designated by the 53634  
administrator to represent persons detained, hospitalized, or 53635  
institutionalized under this chapter or Chapter 5122. of the 53636  
Revised Code shall have ready access to the following: 53637

(1) During normal business hours and at other reasonable 53638  
times, all records, except records of community residential 53639  
facilities and records of contract agencies of county boards of 53640  
mental retardation and developmental disabilities and boards of 53641  
alcohol, drug addiction and mental health services, relating to 53642  
expenditures of state and federal funds or to the commitment, 53643  
care, treatment, and habilitation of all persons represented by 53644  
the legal rights service, including those who may be represented 53645  
pursuant to division (L) of this section, or persons detained, 53646  
hospitalized, institutionalized, or receiving services under this 53647  
chapter or Chapter 340., 5119., 5122., or 5126. of the Revised 53648  
Code that are records maintained by the following entities 53649  
providing services for those persons: departments; institutions; 53650  
hospitals; ~~community residential facilities;~~ boards of alcohol, 53651

drug addiction, and mental health services; county boards of 53652  
mental retardation and developmental disabilities; ~~contract~~ 53653  
~~agencies of those boards;~~ and any other entity providing services 53654  
to persons who may be represented by the service pursuant to 53655  
division (L) of this section; 53656

(2) Any records maintained in computerized data banks of the 53657  
departments or boards or, in the case of persons who may be 53658  
represented by the service pursuant to division (L) of this 53659  
section, any other entity that provides services to those persons; 53660

(3) During their normal working hours, personnel of the 53661  
departments, facilities, boards, agencies, institutions, 53662  
hospitals, and other service-providing entities; 53663

(4) At any time, all persons detained, hospitalized, or 53664  
institutionalized; persons receiving services under this chapter 53665  
or Chapter 340., 5119., 5122., or 5126. of the Revised Code; and 53666  
persons who may be represented by the service pursuant to division 53667  
(L) of this section. 53668

(5) Records of a community residential facility, a contract 53669  
agency of a board of alcohol, drug addiction, and mental health 53670  
services, or a contract agency of a county board of mental 53671  
retardation and developmental disabilities with one of the 53672  
following consents: 53673

(a) The consent of the person, including when the person is a 53674  
minor or has been adjudicated incompetent; 53675

(b) The consent of the person's guardian of the person, if 53676  
any, or the parent if the person is a minor; 53677

(c) No consent, if the person is unable to consent for any 53678  
reason, and the guardian of the person, if any, or the parent of 53679  
the minor, has refused to consent or has not responded to a 53680  
request for consent and either of the following has occurred: 53681

- (i) A complaint regarding the person has been received by the legal rights service; 53682  
53683
- (ii) The legal rights service has determined that there is probable cause to believe that such person has been subjected to abuse or neglect. 53684  
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53686
- (F) The administrator of the legal rights service shall do the following: 53687  
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- (1) Administer and organize the work of the legal rights service and establish administrative or geographic divisions as the administrator considers necessary, proper, and expedient; 53689  
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53691
- (2) Adopt and promulgate rules that are not in conflict with rules adopted by the commission and prescribe duties for the efficient conduct of the business and general administration of the legal rights service; 53692  
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- (3) Appoint and discharge employees, and hire experts, consultants, advisors, or other professionally qualified persons as the administrator considers necessary to carry out the duties of the legal rights service; 53696  
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- (4) Apply for and accept grants of funds, and accept charitable gifts and bequests; 53700  
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- (5) Prepare and submit a budget to the general assembly for the operation of the legal rights service. At least thirty days prior to submitting the budget to the general assembly, the administrator shall provide a copy of the budget to the commission for review and comment. When submitting the budget to the general assembly, the administrator shall include a copy of any written comments returned by the commission to the administrator. 53702  
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- (6) Enter into contracts and make expenditures necessary for the efficient operation of the legal rights service; 53709  
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- (7) Annually prepare a report of activities and submit copies 53711

of the report to the governor, the chief justice of the supreme 53712  
court, the president of the senate, the speaker of the house of 53713  
representatives, the director of mental health, and the director 53714  
of mental retardation and developmental disabilities, and make the 53715  
report available to the public; 53716

(8) Upon request of the commission or of the chairperson of 53717  
the commission, report to the commission on specific litigation 53718  
issues or activities. 53719

(G)(1) The legal rights service may act directly or contract 53720  
with other organizations or individuals for the provision of the 53721  
services envisioned under this section. 53722

(2) Whenever possible, the administrator shall attempt to 53723  
facilitate the resolution of complaints through administrative 53724  
channels. Subject to division (G)(3) of this section, if attempts 53725  
at administrative resolution prove unsatisfactory, the 53726  
administrator may pursue any legal, administrative, and other 53727  
appropriate remedies or approaches that may be necessary to 53728  
accomplish the purposes of this section. 53729

(3) The administrator may not pursue a class action lawsuit 53730  
under division (G)(2) of this section when attempts at 53731  
administrative resolution of a complaint prove unsatisfactory 53732  
under that division unless both of the following have first 53733  
occurred: 53734

(a) At least four members of the commission, by their 53735  
affirmative vote, have consented to the pursuit of the class 53736  
action lawsuit; 53737

(b) At least five members of the commission are present at 53738  
the meeting of the commission at which that consent is obtained. 53739

(4) All records received or maintained by the legal rights 53740  
service in connection with any investigation, representation, or 53741  
other activity under this section shall be confidential and shall 53742

not be disclosed except as authorized by the person represented by 53743  
the legal rights service or, subject to any privilege, a guardian 53744  
of the person or parent of the minor. Subject to division (G)(5) 53745  
of this section, relationships between personnel and the agents of 53746  
the legal rights service and its clients shall be fiduciary 53747  
relationships, and all communications shall be ~~confidential,~~ 53748  
privileged as if between attorney and client. 53749

(5) Any person who has been represented by the legal rights 53750  
service or who has applied for and been denied representation and 53751  
who files a grievance with the service concerning the 53752  
representation or application may appeal the decision of the 53753  
service on the grievance to the commission. The person may appeal 53754  
notwithstanding any objections of the person's legal guardian. The 53755  
commission may examine any records relevant to the appeal and 53756  
shall maintain the confidentiality of any records that are 53757  
required to be kept confidential. 53758

(H) The legal rights service, on the order of the 53759  
administrator, with the approval by an affirmative vote of at 53760  
least four members of the commission, may compel by subpoena the 53761  
appearance and sworn testimony of any person the administrator 53762  
reasonably believes may be able to provide information or to 53763  
produce any documents, books, records, papers, or other 53764  
information necessary to carry out its duties. On the refusal of 53765  
any person to produce or authenticate any requested documents, the 53766  
legal rights service may apply to the Franklin county court of 53767  
common pleas to compel the production or authentication of 53768  
requested documents. If the court finds that failure to produce or 53769  
authenticate any requested documents was improper, the court may 53770  
hold the person in contempt as in the case of disobedience of the 53771  
requirements of a subpoena issued from the court, or a refusal to 53772  
testify in the court. 53773

(I) The legal rights service may conduct public hearings. 53774

(J) The legal rights service may request from any governmental agency any cooperation, assistance, services, or data that will enable it to perform its duties.

(K) In any malpractice action filed against the administrator of the legal rights service, a member of the staff of the legal rights service, or an attorney designated by the administrator to perform legal services under division (E) of this section, the state shall, when the administrator, member, or attorney has acted in good faith and in the scope of employment, indemnify the administrator, member, or attorney for any judgment awarded or amount negotiated in settlement, and for any court costs or legal fees incurred in defense of the claim.

This division does not limit or waive, and shall not be construed to limit or waive, any defense that is available to the legal rights service, its administrator or employees, persons under a personal services contract with it, or persons designated under division (E) of this section, including, but not limited to, any defense available under section 9.86 of the Revised Code.

(L) In addition to providing services to mentally ill, mentally retarded, or developmentally disabled persons, when a grant authorizing the provision of services to other individuals is accepted pursuant to division (F)(4) of this section, the legal rights service and its ombudsperson section may provide advocacy or ombudsperson services to those other individuals and exercise any other authority granted by this section or sections 5123.601 to 5123.604 of the Revised Code on behalf of those individuals. Determinations of whether an individual is eligible for services under this division shall be made by the legal rights service.

**Sec. 5123.602.** ~~The ombudsman~~ (A) Except as provided in division (B) of this section, the ombudsperson section of the legal rights service may, in order to carry out its duties under

this chapter, make necessary inquiries and obtain information it 53806  
considers necessary. ~~For those purposes~~ Upon receiving a complaint 53807  
and in the course of conducting an investigation in accordance 53808  
with division (B) of section 5123.601 of the Revised Code, the 53809  
section shall have ready access to the premises and records of all 53810  
providers of services to mentally retarded, developmentally 53811  
disabled, or mentally ill persons and shall have the right to 53812  
communicate in a private and confidential setting with any 53813  
mentally retarded, developmentally disabled, or mentally ill 53814  
persons, with their parents, guardians, or advocates, and with 53815  
employees of any provider. 53816

(B) Records held by community residential facilities, 53817  
contract agencies of boards of alcohol, drug addiction, and mental 53818  
health services, and contract agencies of county boards of mental 53819  
retardation and developmental disabilities shall only be 53820  
accessible by the ombudsperson section of the legal rights service 53821  
in a situation as described in division (E)(5) of section 5123.60 53822  
of the Revised Code. 53823

Sec. 5123.605. There is hereby created in the state treasury 53824  
the program income fund. Revenue generated from settlements, 53825  
gifts, donations, and other sources of legal rights service 53826  
program income shall be credited to the fund. The program income 53827  
fund shall be used to support legal rights service programs for 53828  
purposes from which the income was derived and for the general 53829  
support of legal rights service programs. 53830

Sec. 5123.99. (A) Whoever violates section 5123.16 or 5123.20 53831  
of the Revised Code is guilty of a misdemeanor of the first 53832  
degree. 53833

(B) Whoever violates division (C), (E), or (G)(3) of section 53834  
5123.61 of the Revised Code is guilty of a misdemeanor of the 53835

fourth degree or, if the abuse or neglect constitutes a felony, a misdemeanor of the second degree. In addition to any other sanction or penalty authorized or required by law, if a person who is convicted of or pleads guilty to a violation of division (C), (E), or (G)(3) of section 5123.61 of the Revised Code is an MR/DD employee, as defined in section 5123.50 of the Revised Code, the offender shall be eligible to be included in the registry regarding misappropriation, abuse, neglect, or other specified misconduct by MR/DD employees established under section 5123.52 of the Revised Code.

(C) Whoever violates division (A) of section 5123.604 of the Revised Code is guilty of a misdemeanor of the second degree.

(D) Whoever violates division (B) of section 5123.604 of the Revised Code shall be fined not more than one thousand dollars. Each violation constitutes a separate offense.

**Sec. 5126.038.** (A)~~(1)~~ As used in this section, "professional services" means all of the following services provided on behalf of a county board of mental retardation and developmental disabilities, members or employees of a county board, or both:

~~(a)~~(1) Lobbying and other governmental affairs services;

~~(b)~~(2) Legal services other than the legal services provided by a county prosecutor or provided for the purpose of collective bargaining;

~~(c)~~(3) Public relation services;

~~(d)~~(4) Consulting services;

~~(e)~~(5) Personnel training services, not including tuition or professional growth reimbursement programs for county board members or employees.

~~(2) "Professional services" does not mean services provided pursuant to a service contract as defined in section 5126.035 of~~

~~the Revised Code.~~ 53866

(B) Each county board of mental retardation and developmental 53867  
disabilities shall submit to the board of county commissioners of 53868  
each county that is served by the county board, in accordance with 53869  
the normal budget process and as part of its budget request, a 53870  
list identifying the total expenditures projected for any of the 53871  
following: 53872

(1) Any membership dues of the members or employees of the 53873  
county board, in any organization, association, or other entity; 53874

(2) Any professional services of the county board, its 53875  
members or employees, or both; 53876

(3) Any training of the members or employees of the county 53877  
board. 53878

**Sec. 5126.04.** (A) Each county board of mental retardation and 53879  
developmental disabilities shall plan and set priorities based on 53880  
available resources for the provision of facilities, programs, and 53881  
other services to meet the needs of county residents who are 53882  
individuals with mental retardation and other developmental 53883  
disabilities, former residents of the county residing in state 53884  
institutions or placed under purchase of service agreements under 53885  
section 5123.18 of the Revised Code, and children subject to a 53886  
determination made pursuant to section 121.38 of the Revised Code. 53887

Each county board shall assess the facility and service needs 53888  
of the individuals with mental retardation and other developmental 53889  
disabilities who are residents of the county or former residents 53890  
of the county residing in state institutions or placed under 53891  
purchase of service agreements under section 5123.18 of the 53892  
Revised Code. 53893

Each county board shall require individual habilitation or 53894  
service plans for individuals with mental retardation and other 53895

developmental disabilities who are being served or who have been 53896  
determined eligible for services and are awaiting the provision of 53897  
services. Each board shall ensure that methods of having their 53898  
service needs evaluated are available. 53899

(B) The department of mental retardation and developmental 53900  
disabilities may adopt rules in accordance with Chapter 119. of 53901  
the Revised Code as necessary to implement this section. To the 53902  
extent that rules adopted under this section apply to the 53903  
identification and placement of ~~handicapped~~ children with 53904  
disabilities under Chapter 3323. of the Revised Code, the rules 53905  
shall be consistent with the standards and procedures established 53906  
under sections 3323.03 to 3323.05 of the Revised Code. 53907

(C) The responsibility or authority of a county board to 53908  
provide services under this chapter does not affect the 53909  
responsibility of any other entity of state or local government to 53910  
provide services to individuals with mental retardation and 53911  
developmental disabilities. 53912

(D) On or before the first day of February prior to a school 53913  
year, a county board of mental retardation and developmental 53914  
disabilities may elect not to participate during that school year 53915  
in the provision of or contracting for educational services for 53916  
children ages six through twenty-one years of age, provided that 53917  
on or before that date the board gives notice of this election to 53918  
the superintendent of public instruction, each school district in 53919  
the county, and the educational service center serving the county. 53920  
If a board makes this election, it shall not have any 53921  
responsibility for or authority to provide educational services 53922  
that school year for children ages six through twenty-one years of 53923  
age. If a board does not make an election for a school year in 53924  
accordance with this division, the board shall be deemed to have 53925  
elected to participate during that school year in the provision of 53926  
or contracting for educational services for children ages six 53927

through twenty-one years of age. 53928

(E) If a county board of mental retardation and developmental 53929  
disabilities elects to provide educational services during a 53930  
school year to individuals six through twenty-one years of age who 53931  
~~are multiply handicapped~~ have multiple disabilities, the board may 53932  
provide these services to individuals who are appropriately 53933  
identified and determined eligible pursuant to Chapter 3323. of 53934  
the Revised Code, and in accordance with applicable rules of the 53935  
state board of education. The county board may also provide 53936  
related services to individuals six through twenty-one years of 53937  
age who have one or more disabling conditions, in accordance with 53938  
section 3317.20 and Chapter 3323. of the Revised Code and 53939  
applicable rules of the state board of education. 53940

**Sec. 5126.041.** (A) As used in this section: 53941

(1) "Biological risk" and "environmental risk" have the 53942  
meanings established pursuant to section 5123.011 of the Revised 53943  
Code. 53944

(2) "~~Handicapped preschool~~ Preschool child with a disability" 53945  
has the same meaning as in section 3323.01 of the Revised Code. 53946

(3) "State institution" means all or part of an institution 53947  
under the control of the department of mental retardation and 53948  
developmental disabilities pursuant to section 5123.03 of the 53949  
Revised Code and maintained for the care, treatment, and training 53950  
of the mentally retarded. 53951

(B) Except as provided in division (C) of this section, each 53952  
county board of mental retardation and developmental disabilities 53953  
shall make eligibility determinations in accordance with the 53954  
definition of "developmental disability" in section 5126.01 of the 53955  
Revised Code. Pursuant to rules the department of mental 53956  
retardation and developmental disabilities shall adopt in 53957

accordance with Chapter 119. of the Revised Code, a county board 53958  
may establish eligibility for programs and services for either of 53959  
the following: 53960

(1) Individuals under age six who have a biological risk or 53961  
environmental risk of a developmental delay; 53962

(2) Any ~~handicapped~~ preschool child with a disability 53963  
eligible for services under section 3323.02 of the Revised Code 53964  
whose ~~handicap~~ disability is not attributable solely to mental 53965  
illness as defined in section 5122.01 of the Revised Code. 53966

(C)(1) A county board shall make determinations of 53967  
eligibility for service and support administration in accordance 53968  
with rules adopted under section 5126.08 of the Revised Code. 53969

(2) All persons who were eligible for services and enrolled 53970  
in programs offered by a county board of mental retardation and 53971  
developmental disabilities pursuant to this chapter on July 1, 53972  
1991, shall continue to be eligible for those services and to be 53973  
enrolled in those programs as long as they are in need of 53974  
services. 53975

(3) A person who resided in a state institution on or before 53976  
October 29, 1993, is eligible for programs and services offered by 53977  
a county board of mental retardation and developmental 53978  
disabilities, unless the person is determined by the county board 53979  
not to be in need of those programs and services. 53980

(D) A county board shall refer a person who requests but is 53981  
not eligible for programs and services offered by the board to 53982  
other entities of state and local government or appropriate 53983  
private entities that provide services. 53984

(E) Membership of a person on, or employment of a person by, 53985  
a county board of mental retardation and developmental 53986  
disabilities does not affect the eligibility of any member of that 53987  
person's family for services provided by the board or by any 53988

entity under contract with the board. 53989

**Sec. 5126.042.** (A) As used in this section, "emergency" means 53990  
any situation that creates for an individual with mental 53991  
retardation or developmental disabilities a risk of substantial 53992  
self-harm or substantial harm to others if action is not taken 53993  
within thirty days. An "emergency" may include one or more of the 53994  
following situations: 53995

(1) Loss of present residence for any reason, including legal 53996  
action; 53997

(2) Loss of present caretaker for any reason, including 53998  
serious illness of the caretaker, change in the caretaker's 53999  
status, or inability of the caretaker to perform effectively for 54000  
the individual; 54001

(3) Abuse, neglect, or exploitation of the individual; 54002

(4) Health and safety conditions that pose a serious risk to 54003  
the individual or others of immediate harm or death; 54004

(5) Change in the emotional or physical condition of the 54005  
individual that necessitates substantial accommodation that cannot 54006  
be reasonably provided by the individual's existing caretaker. 54007

(B) If a county board of mental retardation and developmental 54008  
disabilities determines that available resources are not 54009  
sufficient to meet the needs of all individuals who request 54010  
programs and services and may be offered the programs and 54011  
services, it shall establish waiting lists for services. The board 54012  
may establish priorities for making placements on its waiting 54013  
lists according to an individual's emergency status and shall 54014  
establish priorities in accordance with divisions (D) and (E) of 54015  
this section. 54016

The individuals who may be placed on a waiting list include 54017  
individuals with a need for services on an emergency basis and 54018

individuals who have requested services for which resources are 54019  
not available. 54020

Except for an individual who is to receive priority for 54021  
services pursuant to division (D)(3) of this section, an 54022  
individual who currently receives a service but would like to 54023  
change to another service shall not be placed on a waiting list 54024  
but shall be placed on a service substitution list. The board 54025  
shall work with the individual, service providers, and all 54026  
appropriate entities to facilitate the change in service as 54027  
expeditiously as possible. The board may establish priorities for 54028  
making placements on its service substitution lists according to 54029  
an individual's emergency status. 54030

In addition to maintaining waiting lists and service 54031  
substitution lists, a board shall maintain a long-term service 54032  
planning registry for individuals who wish to record their 54033  
intention to request in the future a service they are not 54034  
currently receiving. The purpose of the registry is to enable the 54035  
board to document requests and to plan appropriately. The board 54036  
may not place an individual on the registry who meets the 54037  
conditions for receipt of services on an emergency basis. 54038

(C) A county board shall establish a separate waiting list 54039  
for each of the following categories of services, and may 54040  
establish separate waiting lists within the waiting lists: 54041

(1) Early childhood services; 54042

(2) Educational programs for preschool and school age 54043  
children; 54044

(3) Adult services; 54045

(4) Service and support administration; 54046

(5) Residential services and supported living; 54047

(6) Transportation services; 54048

(7) Other services determined necessary and appropriate for persons with mental retardation or a developmental disability according to their individual habilitation or service plans;

(8) Family support services provided under section 5126.11 of the Revised Code.

(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:

(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:

(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:

(i) Is twenty-two years of age or older;

(ii) Receives supported living or family support services.

(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:

(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;

(ii) Receives adult services from the county board.

(2) As federal medicaid funds become available pursuant to 54079  
division (D)(1) of this section, give an individual who is 54080  
eligible for home and community-based services and meets any of 54081  
the following requirements priority for such services over any 54082  
other individual on a waiting list established under division (C) 54083  
of this section: 54084

(a) Does not receive residential services or supported 54085  
living, either needs services in the individual's current living 54086  
arrangement or will need services in a new living arrangement, and 54087  
has a primary caregiver who is sixty years of age or older; 54088

(b) Is less than twenty-two years of age and has at least one 54089  
of the following service needs that are unusual in scope or 54090  
intensity: 54091

(i) Severe behavior problems for which a behavior support 54092  
plan is needed; 54093

(ii) An emotional disorder for which anti-psychotic 54094  
medication is needed; 54095

(iii) A medical condition that leaves the individual 54096  
dependent on life-support medical technology; 54097

(iv) A condition affecting multiple body systems for which a 54098  
combination of specialized medical, psychological, educational, or 54099  
habilitation services are needed; 54100

(v) A condition the county board determines to be comparable 54101  
in severity to any condition described in ~~division~~ divisions 54102  
(D)(2)(b)(i) to (iv) of this section and places the individual at 54103  
significant risk of institutionalization. 54104

(c) Is twenty-two years of age or older, does not receive 54105  
residential services or supported living, and is determined by the 54106  
county board to have intensive needs for home and community-based 54107  
services on an in-home or out-of-home basis. 54108

(3) In fiscal years 2002 and 2003, give an individual who is 54109  
eligible for home and community-based services, resides in an 54110  
intermediate care facility for the mentally retarded or nursing 54111  
facility, chooses to move to another setting with the help of home 54112  
and community-based services, and has been determined by the 54113  
department of mental retardation and developmental disabilities to 54114  
be capable of residing in the other setting, priority over any 54115  
other individual on a waiting list established under division (C) 54116  
of this section for home and community-based services who does not 54117  
meet these criteria. The department of mental retardation and 54118  
developmental disabilities shall identify the individuals to 54119  
receive priority under division (D)(3) of this section, assess the 54120  
needs of the individuals, and notify the county boards that are to 54121  
provide the individuals priority under division (D)(3) of this 54122  
section of the individuals identified by the department and the 54123  
individuals' assessed needs. 54124

(E) Except as provided in division (G) of this section and 54125  
for a number of years and beginning on a date specified in rules 54126  
adopted under division (K) of this section, a county board shall 54127  
give an individual who is eligible for home and community-based 54128  
services, resides in a nursing facility, and chooses to move to 54129  
another setting with the help of home and community-based 54130  
services, priority over any other individual on a waiting list 54131  
established under division (C) of this section for home and 54132  
community-based services who does not meet these criteria. 54133

(F) If two or more individuals on a waiting list established 54134  
under division (C) of this section for home and community-based 54135  
services have priority for the services pursuant to division 54136  
(D)(1) or (2) or (E) of this section, a county board may use, 54137  
until December 31, ~~2007~~ 2009, criteria specified in rules adopted 54138  
under division (K)(2) of this section in determining the order in 54139  
which the individuals with priority will be offered the services. 54140

Otherwise, the county board shall offer the home and 54141  
community-based services to such individuals in the order they are 54142  
placed on the waiting list. 54143

(G)(1) No individual may receive priority for services 54144  
pursuant to division (D) or (E) of this section over an individual 54145  
placed on a waiting list established under division (C) of this 54146  
section on an emergency status. 54147

(2) No more than four hundred individuals in the state may 54148  
receive priority for services during the ~~2006~~ 2008 and ~~2007~~ 2009 54149  
biennium pursuant to division (D)(2)(b) of this section. 54150

(3) No more than a total of seventy-five individuals in the 54151  
state may receive priority for services during state fiscal years 54152  
2002 and 2003 pursuant to division (D)(3) of this section. 54153

(4) No more than forty individuals in the state may receive 54154  
priority for services pursuant to division (E) of this section for 54155  
each year that priority category is in effect as specified in 54156  
rules adopted under division (K) of this section. 54157

(H) Prior to establishing any waiting list under this 54158  
section, a county board shall develop and implement a policy for 54159  
waiting lists that complies with this section and rules adopted 54160  
under division (K) of this section. 54161

Prior to placing an individual on a waiting list, the county 54162  
board shall assess the service needs of the individual in 54163  
accordance with all applicable state and federal laws. The county 54164  
board shall place the individual on the appropriate waiting list 54165  
and may place the individual on more than one waiting list. The 54166  
county board shall notify the individual of the individual's 54167  
placement and position on each waiting list on which the 54168  
individual is placed. 54169

At least annually, the county board shall reassess the 54170  
service needs of each individual on a waiting list. If it 54171

determines that an individual no longer needs a program or 54172  
service, the county board shall remove the individual from the 54173  
waiting list. If it determines that an individual needs a program 54174  
or service other than the one for which the individual is on the 54175  
waiting list, the county board shall provide the program or 54176  
service to the individual or place the individual on a waiting 54177  
list for the program or service in accordance with the board's 54178  
policy for waiting lists. 54179

When a program or service for which there is a waiting list 54180  
becomes available, the county board shall reassess the service 54181  
needs of the individual next scheduled on the waiting list to 54182  
receive that program or service. If the reassessment demonstrates 54183  
that the individual continues to need the program or service, the 54184  
board shall offer the program or service to the individual. If it 54185  
determines that an individual no longer needs a program or 54186  
service, the county board shall remove the individual from the 54187  
waiting list. If it determines that an individual needs a program 54188  
or service other than the one for which the individual is on the 54189  
waiting list, the county board shall provide the program or 54190  
service to the individual or place the individual on a waiting 54191  
list for the program or service in accordance with the board's 54192  
policy for waiting lists. The county board shall notify the 54193  
individual of the individual's placement and position on the 54194  
waiting list on which the individual is placed. 54195

(I) A child subject to a determination made pursuant to 54196  
section 121.38 of the Revised Code who requires the home and 54197  
community-based services provided through a medicaid component 54198  
that the department of mental retardation and developmental 54199  
disabilities administers under section 5111.871 of the Revised 54200  
Code shall receive services through that medicaid component. For 54201  
all other services, a child subject to a determination made 54202  
pursuant to section 121.38 of the Revised Code shall be treated as 54203

an emergency by the county boards and shall not be subject to a 54204  
waiting list. 54205

(J) Not later than the fifteenth day of March of each 54206  
even-numbered year, each county board shall prepare and submit to 54207  
the director of mental retardation and developmental disabilities 54208  
its recommendations for the funding of services for individuals 54209  
with mental retardation and developmental disabilities and its 54210  
proposals for reducing the waiting lists for services. 54211

(K)(1) The department of mental retardation and developmental 54212  
disabilities shall adopt rules in accordance with Chapter 119. of 54213  
the Revised Code governing waiting lists established under this 54214  
section. The rules shall include procedures to be followed to 54215  
ensure that the due process rights of individuals placed on 54216  
waiting lists are not violated. 54217

(2) As part of the rules adopted under this division, the 54218  
department shall adopt rules establishing criteria a county board 54219  
may use under division (F) of this section in determining the 54220  
order in which individuals with priority for home and 54221  
community-based services will be offered the services. The rules 54222  
shall also specify conditions under which a county board, when 54223  
there is no individual with priority for home and community-based 54224  
services pursuant to division (D)(1) or (2) or (E) of this section 54225  
available and appropriate for the services, may offer the services 54226  
to an individual on a waiting list for the services but not given 54227  
such priority for the services. The rules adopted under division 54228  
(K)(2) of this section shall cease to have effect December 31, 54229  
~~2007~~ 2009. 54230

(3) As part of the rules adopted under this division, the 54231  
department shall adopt rules specifying both of the following for 54232  
the priority category established under division (E) of this 54233  
section: 54234

(a) The number of years, which shall not exceed five, that	54235
the priority category will be in effect;	54236
(b) The date that the priority category is to go into effect.	54237
(L) The following shall take precedence over the applicable	54238
provisions of this section:	54239
(1) Medicaid rules and regulations;	54240
(2) Any specific requirements that may be contained within a	54241
medicaid state plan amendment or waiver program that a county	54242
board has authority to administer or with respect to which it has	54243
authority to provide services, programs, or supports.	54244
<b>Sec. 5126.046.</b> (A) Each county board of mental retardation	54245
and developmental disabilities that has medicaid local	54246
administrative authority under division (A) of section 5126.055 of	54247
the Revised Code for habilitation, vocational, or community	54248
employment services provided as part of home and community-based	54249
services shall create a list of all persons and government	54250
entities eligible to provide such habilitation, vocational, or	54251
community employment services. If the county board chooses and is	54252
eligible to provide such habilitation, vocational, or community	54253
employment services, the county board shall include itself on the	54254
list. The county board shall make the list available to each	54255
individual with mental retardation or other developmental	54256
disability who resides in the county and is eligible for such	54257
habilitation, vocational, or community employment services. The	54258
county board shall also make the list available to such	54259
individuals' families.	54260
An individual with mental retardation or other developmental	54261
disability who is eligible for habilitation, vocational, or	54262
community employment services may choose the provider of the	54263
services.	54264

~~A county board that has medicaid local administrative authority under division (A) of section 5126.055 of the Revised Code for habilitation, vocational, and community employment services provided as part of home and community based services shall pay the nonfederal share of the habilitation, vocational, and community employment services when required by section 5126.057 of the Revised Code. The department of mental retardation and developmental disabilities shall pay the nonfederal share of such habilitation, vocational, and community employment services when required by section 5123.047 of the Revised Code.~~

(B) Each month, the department of mental retardation and developmental disabilities shall create a list of all persons and government entities eligible to provide residential services and supported living. The department shall include on the list all residential facilities licensed under section 5123.19 of the Revised Code and all supported living providers certified under section ~~5126.431~~ 5123.161 of the Revised Code. The department shall distribute the monthly lists to county boards that have local administrative authority under division (A) of section 5126.055 of the Revised Code for residential services and supported living provided as part of home and community-based services. A county board that receives a list shall make it available to each individual with mental retardation or other developmental disability who resides in the county and is eligible for such residential services or supported living. The county board shall also make the list available to the families of those individuals.

An individual who is eligible for residential services or supported living may choose the provider of the residential services or supported living.

~~A county board that has medicaid local administrative authority under division (A) of section 5126.055 of the Revised~~

~~Code for residential services and supported living provided as 54297  
part of home and community based services shall pay the nonfederal 54298  
share of the residential services and supported living when 54299  
required by section 5126.057 of the Revised Code. The department 54300  
shall pay the nonfederal share of the residential services and 54301  
supported living when required by section 5123.047 of the Revised 54302  
Code. 54303~~

(C) If a county board that has medicaid local administrative 54304  
authority under division (A) of section 5126.055 of the Revised 54305  
Code for home and community-based services violates the right 54306  
established by this section of an individual to choose a provider 54307  
that is qualified and willing to provide services to the 54308  
individual, the individual shall receive timely notice that the 54309  
individual may request a hearing under section 5101.35 of the 54310  
Revised Code. 54311

(D) The departments of mental retardation and developmental 54312  
disabilities and job and family services shall adopt rules in 54313  
accordance with Chapter 119. of the Revised Code governing the 54314  
implementation of this section. The rules shall include procedures 54315  
for individuals to choose their service providers. The rules shall 54316  
not be limited by a provider selection system established under 54317  
section 5126.42 of the Revised Code, including any pool of 54318  
providers created pursuant to a provider selection system. 54319

**Sec. 5126.05.** (A) Subject to the rules established by the 54320  
director of mental retardation and developmental disabilities 54321  
pursuant to Chapter 119. of the Revised Code for programs and 54322  
services offered pursuant to this chapter, and subject to the 54323  
rules established by the state board of education pursuant to 54324  
Chapter 119. of the Revised Code for programs and services offered 54325  
pursuant to Chapter 3323. of the Revised Code, the county board of 54326  
mental retardation and developmental disabilities shall: 54327

(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;	54328 54329 54330
(2) Coordinate, monitor, and evaluate existing services and facilities available to individuals with mental retardation and developmental disabilities;	54331 54332 54333
(3) Provide early childhood services, supportive home services, and adult services, according to the plan and priorities developed under section 5126.04 of the Revised Code;	54334 54335 54336
(4) Provide or contract for special education services pursuant to Chapters 3317. and 3323. of the Revised Code and ensure that related services, as defined in section 3323.01 of the Revised Code, are available according to the plan and priorities developed under section 5126.04 of the Revised Code;	54337 54338 54339 54340 54341
(5) Adopt a budget, authorize expenditures for the purposes specified in this chapter and do so in accordance with section 319.16 of the Revised Code, approve attendance of board members and employees at professional meetings and approve expenditures for attendance, and exercise such powers and duties as are prescribed by the director;	54342 54343 54344 54345 54346 54347
(6) Submit annual reports of its work and expenditures, pursuant to sections 3323.09 and 5126.12 of the Revised Code, to the director, the superintendent of public instruction, and the board of county commissioners at the close of the fiscal year and at such other times as may reasonably be requested;	54348 54349 54350 54351 54352
(7) Authorize all positions of employment, establish compensation, including but not limited to salary schedules and fringe benefits for all board employees, approve contracts of employment for management employees that are for a term of more than one year, employ legal counsel under section 309.10 of the Revised Code, and contract for employee benefits;	54353 54354 54355 54356 54357 54358

(8) Provide service and support administration in accordance 54359  
with section 5126.15 of the Revised Code; 54360

(9) Certify respite care homes pursuant to rules adopted 54361  
under section 5123.171 of the Revised Code by the director of 54362  
mental retardation and developmental disabilities. 54363

(B) To the extent that rules adopted under this section apply 54364  
to the identification and placement of ~~handicapped~~ children with 54365  
disabilities under Chapter 3323. of the Revised Code, they shall 54366  
be consistent with the standards and procedures established under 54367  
sections 3323.03 to 3323.05 of the Revised Code. 54368

(C) Any county board may enter into contracts with other such 54369  
boards and with public or private, nonprofit, or profit-making 54370  
agencies or organizations of the same or another county, to 54371  
provide the facilities, programs, and services authorized or 54372  
required, upon such terms as may be agreeable, and in accordance 54373  
with this chapter and Chapter 3323. of the Revised Code and rules 54374  
adopted thereunder and in accordance with sections 307.86 and 54375  
5126.071 of the Revised Code. 54376

(D) A county board may combine transportation for children 54377  
and adults enrolled in programs and services offered under section 54378  
5126.12 with transportation for children enrolled in classes 54379  
funded under section 3317.20 or units approved under section 54380  
3317.05 of the Revised Code. 54381

(E) A county board may purchase all necessary insurance 54382  
policies, may purchase equipment and supplies through the 54383  
department of administrative services or from other sources, and 54384  
may enter into agreements with public agencies or nonprofit 54385  
organizations for cooperative purchasing arrangements. 54386

(F) A county board may receive by gift, grant, devise, or 54387  
bequest any moneys, lands, or property for the benefit of the 54388  
purposes for which the board is established and hold, apply, and 54389

dispose of the moneys, lands, and property according to the terms 54390  
of the gift, grant, devise, or bequest. All money received by 54391  
gift, grant, bequest, or disposition of lands or property received 54392  
by gift, grant, devise, or bequest shall be deposited in the 54393  
county treasury to the credit of such board and shall be available 54394  
for use by the board for purposes determined or stated by the 54395  
donor or grantor, but may not be used for personal expenses of the 54396  
board members. Any interest or earnings accruing from such gift, 54397  
grant, devise, or bequest shall be treated in the same manner and 54398  
subject to the same provisions as such gift, grant, devise, or 54399  
bequest. 54400

(G) The board of county commissioners shall levy taxes and 54401  
make appropriations sufficient to enable the county board of 54402  
mental retardation and developmental disabilities to perform its 54403  
functions and duties, and may utilize any available local, state, 54404  
and federal funds for such purpose. 54405

**Sec. 5126.054.** (A) Each county board of mental retardation 54406  
and developmental disabilities shall, by resolution, develop a 54407  
three-calendar year plan that includes the following ~~four~~ three 54408  
components: 54409

(1) An assessment component that includes all of the 54410  
following: 54411

(a) The number of individuals with mental retardation or 54412  
other developmental disability residing in the county who need the 54413  
level of care provided by an intermediate care facility for the 54414  
mentally retarded, may seek home and community-based services, are 54415  
given priority for the services pursuant to division (D) of 54416  
section 5126.042 of the Revised Code; the service needs of those 54417  
individuals; and the projected annualized cost for services; 54418

(b) The source of funds available to the county board to pay 54419  
the nonfederal share of medicaid expenditures that the county 54420

board is required by ~~division (A) of section 5126.057~~ sections 5126.059 and 5126.0510 of the Revised Code to pay; 54421  
54422

(c) Any other applicable information or conditions that the 54423  
department of mental retardation and developmental disabilities 54424  
requires as a condition of approving the component under section 54425  
5123.046 of the Revised Code. 54426

~~(2) A component that provides for the recruitment, training, 54427  
and retention of existing and new direct care staff necessary to 54428  
implement services included in individualized service plans, 54429  
including behavior management services and health management 54430  
services such as delegated nursing and other habilitation 54431  
services, and protect the health and welfare of individuals 54432  
receiving services included in the individual's individualized 54433  
service plan by complying with safeguards for unusual and major 54434  
unusual incidents, day to day program management, and other 54435  
requirements the department shall identify. A county board shall 54436  
develop this component in collaboration with providers of 54437  
medicaid funded services with which the county board contracts. A 54438  
county board shall include all of the following in the component:~~ 54439

~~(a) The source and amount of funds available for the 54440  
component;~~ 54441

~~(b) A plan and timeline for implementing the component with 54442  
the medicaid providers under contract with the county board;~~ 54443

~~(c) The mechanisms the county board shall use to ensure the 54444  
financial and program accountability of the medicaid provider's 54445  
implementation of the component.~~ 54446

~~(3) A preliminary implementation component that specifies the 54447  
number of individuals to be provided, during the first year that 54448  
the plan is in effect, home and community-based services pursuant 54449  
to the priority given to them under divisions (D)(1) and (2) of 54450  
section 5126.042 of the Revised Code and the types of home and 54451~~

community-based services the individuals are to receive; 54452

~~(4)~~(3) A component that provides for the implementation of 54453  
medicaid case management services and home and community-based 54454  
services for individuals who begin to receive the services on or 54455  
after the date the plan is approved under section 5123.046 of the 54456  
Revised Code. A county board shall include all of the following in 54457  
the component: 54458

(a) If the department of mental retardation and developmental 54459  
disabilities or department of job and family services requires, an 54460  
agreement to pay the nonfederal share of medicaid expenditures 54461  
that the county board is required by ~~division (A) of section~~ 54462  
~~5126.057~~ sections 5126.059 and 5126.0510 of the Revised Code to 54463  
pay; 54464

(b) How the services are to be phased in over the period the 54465  
plan covers, including how the county board will serve individuals 54466  
on a waiting list established under division (C) of section 54467  
5126.042 who are given priority status under division (D)(1) of 54468  
that section; 54469

(c) Any agreement or commitment regarding the county board's 54470  
funding of home and community-based services that the county board 54471  
has with the department at the time the county board develops the 54472  
component; 54473

(d) Assurances adequate to the department that the county 54474  
board will comply with all of the following requirements: 54475

(i) To provide the types of home and community-based services 54476  
specified in the preliminary implementation component required by 54477  
division (A)~~(3)~~(2) of this section to at least the number of 54478  
individuals specified in that component; 54479

(ii) To use any additional funds the county board receives 54480  
for the services to improve the county board's resource 54481  
capabilities for supporting such services available in the county 54482

at the time the component is developed and to expand the services 54483  
to accommodate the unmet need for those services in the county; 54484

(iii) To employ a business manager who is either a new 54485  
employee who has earned at least a bachelor's degree in business 54486  
administration or a current employee who has the equivalent 54487  
experience of a bachelor's degree in business administration. If 54488  
the county board will employ a new employee, the county board 54489  
shall include in the component a timeline for employing the 54490  
employee. 54491

(iv) To employ or contract with a medicaid services manager 54492  
who is either a new employee who has earned at least a bachelor's 54493  
degree or a current employee who has the equivalent experience of 54494  
a bachelor's degree. If the county board will employ a new 54495  
employee, the county board shall include in the component a 54496  
timeline for employing the employee. Two or three county boards 54497  
that have a combined total enrollment in county board services not 54498  
exceeding one thousand individuals as determined pursuant to 54499  
certifications made under division (B) of section 5126.12 of the 54500  
Revised Code may satisfy this requirement by sharing the services 54501  
of a medicaid services manager or using the services of a medicaid 54502  
services manager employed by or under contract with a regional 54503  
council that the county boards establish under section 5126.13 of 54504  
the Revised Code. 54505

~~(e) An agreement to comply with the method, developed by 54506  
rules adopted under section 5123.0413 of the Revised Code, of 54507  
paying for extraordinary costs, including extraordinary costs for 54508  
services to individuals with mental retardation or other 54509  
developmental disability, and ensuring the availability of 54510  
adequate funds in the event a county property tax levy for 54511  
services for individuals with mental retardation or other 54512  
developmental disability fails;~~ 54513

~~(f)~~ Programmatic and financial accountability measures and 54514

projected outcomes expected from the implementation of the plan; 54515

~~(g)(f)~~ Any other applicable information or conditions that 54516  
the department requires as a condition of approving the component 54517  
under section 5123.046 of the Revised Code. 54518

~~(B) For the purpose of obtaining the department's approval 54519  
under section 5123.046 of the Revised Code of the plan the county 54520  
board develops under division (A) of this section, a county board 54521  
shall do all of the following: 54522~~

~~(1) Submit the components required by divisions (A)(1) and 54523  
(2) of this section to the department not later than August 1, 54524  
2001; 54525~~

~~(2) Submit the component required by division (A)(3) of this 54526  
section to the department not later than January 31, 2002; 54527~~

~~(3) Submit the component required by division (A)(4) of this 54528  
section to the department not later than July 1, 2002. 54529~~

~~(C) A county board whose plan developed under division (A) of 54530  
this section is approved by the department under section 5123.046 54531  
of the Revised Code shall update and renew the plan in accordance 54532  
with a schedule the department shall develop. 54533~~

**Sec. 5126.055.** (A) Except as provided in section 5126.056 of 54534  
the Revised Code, a county board of mental retardation and 54535  
developmental disabilities has medicaid local administrative 54536  
authority to, and shall, do all of the following for an individual 54537  
with mental retardation or other developmental disability who 54538  
resides in the county that the county board serves and seeks or 54539  
receives home and community-based services: 54540

(1) Perform assessments and evaluations of the individual. As 54541  
part of the assessment and evaluation process, the county board 54542  
shall do all of the following: 54543

(a) Make a recommendation to the department of mental 54544

retardation and developmental disabilities on whether the 54545  
department should approve or deny the individual's application for 54546  
the services, including on the basis of whether the individual 54547  
needs the level of care an intermediate care facility for the 54548  
mentally retarded provides; 54549

(b) If the individual's application is denied because of the 54550  
county board's recommendation and the individual requests a 54551  
hearing under section 5101.35 of the Revised Code, present, with 54552  
the department of mental retardation and developmental 54553  
disabilities or department of job and family services, whichever 54554  
denies the application, the reasons for the recommendation and 54555  
denial at the hearing; 54556

(c) If the individual's application is approved, recommend to 54557  
the departments of mental retardation and developmental 54558  
disabilities and job and family services the services that should 54559  
be included in the individual's individualized service plan and, 54560  
if either department approves, reduces, denies, or terminates a 54561  
service included in the individual's individualized service plan 54562  
under section 5111.871 of the Revised Code because of the county 54563  
board's recommendation, present, with the department that made the 54564  
approval, reduction, denial, or termination, the reasons for the 54565  
recommendation and approval, reduction, denial, or termination at 54566  
a hearing under section 5101.35 of the Revised Code. 54567

(2) If the individual has been identified by the department 54568  
of mental retardation and developmental disabilities as an 54569  
individual to receive priority for home and community-based 54570  
services pursuant to division (D)(3) of section 5126.042 of the 54571  
Revised Code, assist the department in expediting the transfer of 54572  
the individual from an intermediate care facility for the mentally 54573  
retarded or nursing facility to the home and community-based 54574  
services; 54575

(3) In accordance with the rules adopted under section 54576

5126.046 of the Revised Code, perform the county board's duties 54577  
under that section regarding assisting the individual's right to 54578  
choose a qualified and willing provider of the services and, at a 54579  
hearing under section 5101.35 of the Revised Code, present 54580  
evidence of the process for appropriate assistance in choosing 54581  
providers; 54582

~~(4) Unless the county board provides the services under 54583  
division (A)(5) of this section, contract with the person or 54584  
government entity the individual chooses in accordance with 54585  
section 5126.046 of the Revised Code to provide the services if 54586  
the person or government entity is qualified and agrees to provide 54587  
the services. The contract shall contain all the provisions 54588  
required by section 5126.035 of the Revised Code and require the 54589  
provider to agree to furnish, in accordance with the provider's 54590  
medicaid provider agreement and for the authorized reimbursement 54591  
rate, the services the individual requires. 54592~~

~~(5)~~ If the county board is certified under section ~~5123.16~~ 54593  
5123.161 of the Revised Code to provide the services and agrees to 54594  
provide the services to the individual and the individual chooses 54595  
the county board to provide the services, furnish, in accordance 54596  
with the county board's medicaid provider agreement and for the 54597  
authorized reimbursement rate, the services the individual 54598  
requires; 54599

~~(6)~~(5) Monitor the services provided to the individual and 54600  
ensure the individual's health, safety, and welfare. The 54601  
monitoring shall include quality assurance activities. If the 54602  
county board provides the services, the department of mental 54603  
retardation and developmental disabilities shall also monitor the 54604  
services. 54605

~~(7)~~(6) Develop, with the individual and the provider of the 54606  
individual's services, an effective individualized service plan 54607  
that includes coordination of services, recommend that the 54608

departments of mental retardation and developmental disabilities 54609  
and job and family services approve the plan, and implement the 54610  
plan unless either department disapproves it; 54611

~~(8)~~(7) Have an investigative agent conduct investigations 54612  
under section 5126.313 of the Revised Code that concern the 54613  
individual; 54614

~~(9)~~(8) Have a service and support administrator perform the 54615  
duties under division (B)(9) of section 5126.15 of the Revised 54616  
Code that concern the individual. 54617

(B) A county board shall perform its medicaid local 54618  
administrative authority under this section in accordance with all 54619  
of the following: 54620

(1) The county board's plan that the department of mental 54621  
retardation and developmental disabilities approves under section 54622  
5123.046 of the Revised Code; 54623

(2) All applicable federal and state laws; 54624

(3) All applicable policies of the departments of mental 54625  
retardation and developmental disabilities and job and family 54626  
services and the United States department of health and human 54627  
services; 54628

(4) The department of job and family services' supervision 54629  
under its authority under section 5111.01 of the Revised Code to 54630  
act as the single state medicaid agency; 54631

(5) The department of mental retardation and developmental 54632  
disabilities' oversight. 54633

(C) The departments of mental retardation and developmental 54634  
disabilities and job and family services shall communicate with 54635  
and provide training to county boards regarding medicaid local 54636  
administrative authority granted by this section. The 54637  
communication and training shall include issues regarding audit 54638

protocols and other standards established by the United States 54639  
department of health and human services that the departments 54640  
determine appropriate for communication and training. County 54641  
boards shall participate in the training. The departments shall 54642  
assess the county board's compliance against uniform standards 54643  
that the departments shall establish. 54644

(D) A county board may not delegate its medicaid local 54645  
administrative authority granted under this section but may 54646  
contract with a person or government entity, including a council 54647  
of governments, for assistance with its medicaid local 54648  
administrative authority. A county board that enters into such a 54649  
contract shall notify the director of mental retardation and 54650  
developmental disabilities. The notice shall include the tasks and 54651  
responsibilities that the contract gives to the person or 54652  
government entity. The person or government entity shall comply in 54653  
full with all requirements to which the county board is subject 54654  
regarding the person or government entity's tasks and 54655  
responsibilities under the contract. The county board remains 54656  
ultimately responsible for the tasks and responsibilities. 54657

(E) A county board that has medicaid local administrative 54658  
authority under this section shall, through the departments of 54659  
mental retardation and developmental disabilities and job and 54660  
family services, reply to, and cooperate in arranging compliance 54661  
with, a program or fiscal audit or program violation exception 54662  
that a state or federal audit or review discovers. The department 54663  
of job and family services shall timely notify the department of 54664  
mental retardation and developmental disabilities and the county 54665  
board of any adverse findings. After receiving the notice, the 54666  
county board, in conjunction with the department of mental 54667  
retardation and developmental disabilities, shall cooperate fully 54668  
with the department of job and family services and timely prepare 54669  
and send to the department a written plan of correction or 54670

response to the adverse findings. The county board is liable for 54671  
any adverse findings that result from an action it takes or fails 54672  
to take in its implementation of medicaid local administrative 54673  
authority. 54674

(F) If the department of mental retardation and developmental 54675  
disabilities or department of job and family services determines 54676  
that a county board's implementation of its medicaid local 54677  
administrative authority under this section is deficient, the 54678  
department that makes the determination shall require that county 54679  
board do the following: 54680

(1) If the deficiency affects the health, safety, or welfare 54681  
of an individual with mental retardation or other developmental 54682  
disability, correct the deficiency within twenty-four hours; 54683

(2) If the deficiency does not affect the health, safety, or 54684  
welfare of an individual with mental retardation or other 54685  
developmental disability, receive technical assistance from the 54686  
department or submit a plan of correction to the department that 54687  
is acceptable to the department within sixty days and correct the 54688  
deficiency within the time required by the plan of correction. 54689

**Sec. 5126.056.** (A) The department of mental retardation and 54690  
developmental disabilities shall take action under division (B) of 54691  
this section against a county board of mental retardation and 54692  
developmental disabilities if any of the following are the case: 54693

(1) The county board fails to submit to the department all 54694  
the components of its three-year plan required by section 5126.054 54695  
of the Revised Code ~~within the time required by division (B) of~~ 54696  
~~that section.~~ 54697

(2) The department disapproves the county board's three-year 54698  
plan under section 5123.046 of the Revised Code. 54699

(3) The county board fails, as required by division ~~(C)~~(B) of 54700

section 5126.054 of the Revised Code, to update and renew its 54701  
three-year plan in accordance with a schedule the department 54702  
develops under that section. 54703

(4) The county board fails to implement its initial or 54704  
renewed three-year plan approved by the department. 54705

(5) The county board fails to correct a deficiency within the 54706  
time required by division (F) of section 5126.055 of the Revised 54707  
Code to the satisfaction of the department. 54708

(6) The county board fails to submit an acceptable plan of 54709  
correction to the department within the time required by division 54710  
(F)(2) of section 5126.055 of the Revised Code. 54711

(B) If required by division (A) of this section to take 54712  
action against a county board, the department shall issue an order 54713  
terminating the county board's medicaid local administrative 54714  
authority over all or part of home and community-based services, 54715  
medicaid case management services, or all or part of both of those 54716  
services. The department shall provide a copy of the order to the 54717  
board of county commissioners, senior probate judge, county 54718  
auditor, and president and superintendent of the county board. The 54719  
department shall specify in the order the medicaid local 54720  
administrative authority that the department is terminating, the 54721  
reason for the termination, and the county board's option and 54722  
responsibilities under this division. 54723

A county board whose medicaid local administrative authority 54724  
is terminated may, not later than thirty days after the department 54725  
issues the termination order, recommend to the department that 54726  
another county board that has not had any of its medicaid local 54727  
administrative authority terminated or another entity the 54728  
department approves administer the services for which the county 54729  
board's medicaid local administrative authority is terminated. The 54730  
department may contract with the other county board or entity to 54731

administer the services. If the department enters into such a 54732  
contract, the county board shall adopt a resolution giving the 54733  
other county board or entity full medicaid local administrative 54734  
authority over the services that the other county board or entity 54735  
is to administer. The other county board or entity shall be known 54736  
as the contracting authority. 54737

If the department rejects the county board's recommendation 54738  
regarding a contracting authority, the county board may appeal the 54739  
rejection under section 5123.043 of the Revised Code. 54740

If the county board does not submit a recommendation to the 54741  
department regarding a contracting authority within the required 54742  
time or the department rejects the county board's recommendation 54743  
and the rejection is upheld pursuant to an appeal, if any, under 54744  
section 5123.043 of the Revised Code, the department shall appoint 54745  
an administrative receiver to administer the services for which 54746  
the county board's medicaid local administrative authority is 54747  
terminated. To the extent necessary for the department to appoint 54748  
an administrative receiver, the department may utilize employees 54749  
of the department, management personnel from another county board, 54750  
or other individuals who are not employed by or affiliated with in 54751  
any manner a person that provides home and community-based 54752  
services or medicaid case management services pursuant to a 54753  
contract with any county board. The administrative receiver shall 54754  
assume full administrative responsibility for the county board's 54755  
services for which the county board's medicaid local 54756  
administrative authority is terminated. 54757

The contracting authority or administrative receiver shall 54758  
develop and submit to the department a plan of correction to 54759  
remediate the problems that caused the department to issue the 54760  
termination order. If, after reviewing the plan, the department 54761  
approves it, the contracting authority or administrative receiver 54762  
shall implement the plan. 54763

The county board shall transfer control of state and federal funds it is otherwise eligible to receive for the services for which the county board's medicaid local administrative authority is terminated and funds the county board may use under division ~~(B)~~(A) of section ~~5126.057~~ 5126.0511 of the Revised Code to pay the nonfederal share of the services that the county board is required by ~~division (A) of that section~~ sections 5126.059 and 5126.0510 of the Revised Code to pay. The county board shall transfer control of the funds to the contracting authority or administrative receiver administering the services. The amount the county board shall transfer shall be the amount necessary for the contracting authority or administrative receiver to fulfill its duties in administering the services, including its duties to pay its personnel for time worked, travel, and related matters. If the county board fails to make the transfer, the department may withhold the state and federal funds from the county board and bring a mandamus action against the county board in the court of common pleas of the county served by the county board or in the Franklin county court of common pleas. The mandamus action may not require that the county board transfer any funds other than the funds the county board is required by division (B) of this section to transfer.

The contracting authority or administrative receiver has the right to authorize the payment of bills in the same manner that the county board may authorize payment of bills under this chapter and section 319.16 of the Revised Code.

**Sec. 5126.059.** A county board of mental retardation and developmental disabilities shall pay the nonfederal share of medicaid expenditures for medicaid case management services the county board provides to an individual with mental retardation or other developmental disability who the county board determines under section 5126.041 of the Revised Code is eligible for county

board services. 54796

Sec. 5126.0510. (A) Except as otherwise provided in an 54797  
agreement entered into under section 5123.048 of the Revised Code 54798  
and subject to divisions (B), (C), and (D) of this section, a 54799  
county board of mental retardation and developmental disabilities 54800  
shall pay the nonfederal share of medicaid expenditures for the 54801  
following home and community-based services provided to an 54802  
individual with mental retardation or other developmental 54803  
disability who the county board determines under section 5126.041 54804  
of the Revised Code is eligible for county board services: 54805

(1) Home and community-based services provided by the county 54806  
board to such an individual; 54807

(2) Home and community-based services provided by a provider 54808  
other than the county board to such an individual who is enrolled 54809  
as of June 30, 2007, in the medicaid waiver component under which 54810  
the services are provided; 54811

(3) Home and community-based services provided by a provider 54812  
other than the county board to such an individual who, pursuant to 54813  
a request the county board makes, enrolls in the medicaid waiver 54814  
component under which the services are provided after June 30, 54815  
2007; 54816

(4) Home and community-based services provided by a provider 54817  
other than the county board to such an individual for whom there 54818  
is in effect an agreement entered into under division (E) of this 54819  
section between the county board and director of mental 54820  
retardation and developmental disabilities. 54821

(B) In the case of medicaid expenditures for home and 54822  
community-based services for which division (A)(2) of this section 54823  
requires a county board to pay the nonfederal share, the following 54824  
shall apply to such services provided during fiscal year 2008 54825

under the individual options medicaid waiver component: 54826

(1) The county board shall pay no less than the total amount 54827  
the county board paid as the nonfederal share for home and 54828  
community-based services provided in fiscal year 2007 under the 54829  
individual options medicaid waiver component; 54830

(2) The county board shall pay no more than the sum of the 54831  
following: 54832

(a) The total amount the county board paid as the nonfederal 54833  
share for home and community-based services provided in fiscal 54834  
year 2007 under the individual options medicaid waiver component; 54835

(b) An amount equal to one per cent of the total amount the 54836  
department of mental retardation and developmental disabilities 54837  
and county board paid as the nonfederal share for home and 54838  
community-based services provided in fiscal year 2007 under the 54839  
individual options medicaid waiver component to individuals the 54840  
county board determined under section 5126.041 of the Revised Code 54841  
are eligible for county board services. 54842

(C) A county board is not required to pay the nonfederal 54843  
share of home and community-based services provided after June 30, 54844  
2008, that the county board is otherwise required by division 54845  
(A)(2) of this section to pay if the department of mental 54846  
retardation and developmental disabilities fails to comply with 54847  
division (A) of section 5123.0416 of the Revised Code. 54848

(D) A county board is not required to pay the nonfederal 54849  
share of home and community-based services that the county board 54850  
is otherwise required by division (A)(3) of this section to pay if 54851  
both of the following apply: 54852

(1) The services are provided to an individual who enrolls in 54853  
the medicaid waiver component under which the services are 54854  
provided as the result of an order issued following a state 54855  
hearing, administrative appeal, or appeal to a court of common 54856

pleas made under section 5101.35 of the Revised Code; 54857

(2) There are more individuals who are eligible for services 54858  
from the county board enrolled in the medicaid waiver component 54859  
than is required by section 5126.0512 of the Revised Code. 54860

(E) A county board may enter into an agreement with the 54861  
director of mental retardation and developmental disabilities 54862  
under which the county board agrees to pay the nonfederal share of 54863  
medicaid expenditures for one or more home and community-based 54864  
services that the county board is not otherwise required by 54865  
division (A)(1), (2), or (3) of this section to pay and that are 54866  
provided to an individual the county board determines under 54867  
section 5126.041 of the Revised Code is eligible for county board 54868  
services. The agreement shall specify which home and 54869  
community-based services the agreement covers. The county board 54870  
shall pay the nonfederal share of medicaid expenditures for the 54871  
home and community-based services that the agreement covers as 54872  
long as the agreement is in effect. 54873

~~**Sec. 5126.057 5126.0511.** (A) A county board of mental~~ 54874  
~~retardation and developmental disabilities that has medicaid local~~ 54875  
~~administrative authority under division (A) of section 5126.055 of~~ 54876  
~~the Revised Code for home and community based services shall pay~~ 54877  
~~the nonfederal share of medicaid expenditures for such services~~ 54878  
~~provided to an individual with mental retardation or other~~ 54879  
~~developmental disability who the county board determines under~~ 54880  
~~section 5126.041 of the Revised Code is eligible for county board~~ 54881  
~~services unless division (B)(2) or (3) of section 5123.047 of the~~ 54882  
~~Revised Code requires the department of mental retardation and~~ 54883  
~~developmental disabilities to pay the nonfederal share.~~ 54884

~~A county board that provides medicaid case management~~ 54885  
~~services shall pay the nonfederal share of medicaid expenditures~~ 54886  
~~for such services provided to an individual with mental~~ 54887

~~retardation or other developmental disability who the county board determines under section 5126.041 of the Revised Code is eligible for county board services.~~ 54888  
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~~(B)~~ A county board of mental retardation and developmental disabilities may use the following funds to pay the nonfederal share of the ~~services~~ medicaid expenditures that the county board is required by ~~division (A)~~ sections 5126.059 and 5126.0510 of ~~this section~~ the Revised Code to pay: 54891  
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(1) To the extent consistent with the levy that generated the taxes, the following taxes: 54896  
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(a) Taxes levied pursuant to division (L) of section 5705.19 of the Revised Code and section 5705.222 of the Revised Code; 54898  
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(b) Taxes levied under section 5705.191 of the Revised Code that the board of county commissioners allocates to the county board ~~to pay the nonfederal share of the services.~~ 54900  
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(2) Funds that the department of mental retardation and developmental disabilities distributes to the county board under sections 5126.11, ~~5126.12, 5126.15, and~~ 5126.18, ~~and 5126.44~~ of the Revised Code; 54903  
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(3) Earned federal revenue funds the county board receives for medicaid services the county board provides pursuant to the county board's valid medicaid provider agreement; 54907  
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(4) Funds that the department of mental retardation and developmental disabilities distributes to the county board as subsidy payments; 54910  
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(5) In the case of medicaid expenditures for home and community-based services, funds allocated to or otherwise made available for the county board under section 5123.0416 of the Revised Code to pay the nonfederal share of such medicaid expenditures. 54913  
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~~(C) If by December 31, 2001, the United States secretary of health and human services approves at least five hundred more slots for home and community based services for calendar year 2002 than were available for calendar year 2001, each county board shall provide, by the last day of calendar year 2001, assurances to the department of mental retardation and developmental disabilities that the county board will have for calendar year 2002 at least one third of the value of one half, effective mill levied in the county the preceding year available to pay the nonfederal share of the services that the county board is required by division (A) of this section to pay.~~

~~If by December 31, 2002, the United States secretary approves at least five hundred more slots for home and community based services for calendar year 2003 than were available for calendar year 2002, each county board shall provide, by the last day of calendar year 2002, assurances to the department that the county board will have for calendar year 2003 at least two thirds of the value of one half, effective mill levied in the county the preceding year available to pay the nonfederal share of the services that the county board is required by division (A) of this section to pay.~~

~~If by December 31, 2003, the United States secretary approves at least five hundred more slots for home and community based services for calendar year 2004 than were available for calendar year 2003, each county board shall provide, by the last day of calendar year 2003 and each calendar year thereafter, assurances to the department that the county board will have for calendar year 2004 and each calendar year thereafter at least the value of one half, effective mill levied in the county the preceding year available to pay the nonfederal share of the services that the county board is required by division (A) of this section to pay.~~

~~(D) Each year, each county board shall adopt a resolution~~

specifying the amount of funds it will use in the next year to pay 54950  
the nonfederal share of the ~~services~~ medicaid expenditures that 54951  
the county board is required by ~~division (A) of this section~~ 54952  
sections 5126.059 and 5126.0510 of the Revised Code to pay. The 54953  
amount specified shall be adequate to assure that the services for 54954  
which the medicaid expenditures are made will be available in the 54955  
county in a manner that conforms to all applicable state and 54956  
federal laws. A county board shall state in its resolution that 54957  
the payment of the nonfederal share represents an ongoing 54958  
financial commitment of the county board. A county board shall 54959  
adopt the resolution in time for the county auditor to make the 54960  
determination required by division ~~(E)~~(C) of this section. 54961

~~(E)~~(C) Each year, a county auditor shall determine whether 54962  
the amount of funds a county board specifies in the resolution it 54963  
adopts under division ~~(D)~~(B) of this section will be available in 54964  
the following year for the county board to pay the nonfederal 54965  
share of the ~~services~~ medicaid expenditures that the county board 54966  
is required by ~~division (A) of this section~~ sections 5126.059 and 54967  
5126.0510 of the Revised Code to pay. The county auditor shall 54968  
make the determination not later than the last day of the year 54969  
before the year in which the funds are to be used. 54970

**Sec. 5126.0512.** (A) As used in this section, "medicaid waiver 54971  
component" means a medicaid waiver component as defined in section 54972  
5111.85 of the Revised Code under which home and community-based 54973  
services are provided. 54974

(B) Effective July 1, 2007, each county board of mental 54975  
retardation and developmental disabilities shall ensure, for each 54976  
medicaid waiver component, that the number of individuals eligible 54977  
under section 5126.041 of the Revised Code for services from the 54978  
county board who are enrolled in a medicaid waiver component is no 54979  
less than the sum of the following: 54980

(1) The number of individuals eligible for services from the county board who are enrolled in the medicaid waiver component on June 30, 2007; 54981  
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(2) The number of medicaid waiver component slots the county board requested before July 1, 2007, that were assigned to the county board before that date but in which no individual was enrolled before that date. 54984  
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(C) An individual enrolled in a medicaid waiver component after March 1, 2007, due to an emergency reserve capacity waiver assignment shall not be counted in determining the number of individuals a county board must ensure under division (B) of this section are enrolled in a medicaid waiver component. 54988  
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(D) An individual who is enrolled in a medicaid waiver component to comply with the terms of the consent order filed March 5, 2007, in *Martin v. Strickland*, Case No. 89-CV-00362, in the United States district court for the southern district of Ohio, eastern division, shall be excluded in determining whether a county board has complied with division (B) of this section. 54993  
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(E) A county board shall make as many requests for individuals to be enrolled in a medicaid waiver component as necessary for the county board to comply with division (B) of this section. 54999  
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**Sec. 5126.06.** (A) Except as provided in division (B) of this section and ~~section 5126.036~~ of the Revised Code, any person who has a complaint involving any of the programs, services, policies, or administrative practices of a county board of mental retardation and developmental disabilities or any of the entities under contract with the county board, may file a complaint with the board. Prior to commencing a civil action regarding the complaint, a person shall attempt to have the complaint resolved through the administrative resolution process established in the 55003  
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rules adopted under section 5123.043 of the Revised Code. After 55012  
exhausting the administrative resolution process, the person may 55013  
commence a civil action if the complaint is not settled to the 55014  
person's satisfaction. 55015

(B) An employee of a county board may not file under this 55016  
section a complaint related to the terms and conditions of 55017  
employment of the employee. 55018

**Sec. 5126.12.** (A) As used in this section: 55019

(1) "Approved school age class" means a class operated by a 55020  
county board of mental retardation and developmental disabilities 55021  
and funded by the department of education under section 3317.20 of 55022  
the Revised Code. 55023

(2) "Approved preschool unit" means a class or unit operated 55024  
by a county board of mental retardation and developmental 55025  
disabilities and approved under division (B) of section 3317.05 of 55026  
the Revised Code. 55027

(3) "Active treatment" means a continuous treatment program, 55028  
which includes aggressive, consistent implementation of a program 55029  
of specialized and generic training, treatment, health services, 55030  
and related services, that is directed toward the acquisition of 55031  
behaviors necessary for an individual with mental retardation or 55032  
other developmental disability to function with as much 55033  
self-determination and independence as possible and toward the 55034  
prevention of deceleration, regression, or loss of current optimal 55035  
functional status. 55036

(4) "Eligible for active treatment" means that an individual 55037  
with mental retardation or other developmental disability resides 55038  
in an intermediate care facility for the mentally retarded 55039  
certified under Title XIX of the "Social Security Act," 79 Stat. 55040  
286 (1965), 42 U.S.C. 1396, as amended; resides in a state 55041

institution operated by the department of mental retardation and 55042  
developmental disabilities; or is enrolled in home and 55043  
community-based services. 55044

(5) "Traditional adult services" means vocational and 55045  
nonvocational activities conducted within a sheltered workshop or 55046  
adult activity center or supportive home services. 55047

(B) Each county board of mental retardation and developmental 55048  
disabilities shall certify to the director of mental retardation 55049  
and developmental disabilities all of the following: 55050

(1) On or before the fifteenth day of October, the average 55051  
daily membership for the first full week of programs and services 55052  
during October receiving: 55053

(a) Early childhood services provided pursuant to section 55054  
5126.05 of the Revised Code for children who are less than three 55055  
years of age on the thirtieth day of September of the academic 55056  
year; 55057

(b) Special education for ~~handicapped~~ children with 55058  
disabilities in approved school age classes; 55059

(c) Adult services for persons sixteen years of age and older 55060  
operated pursuant to section 5126.05 and division (B) of section 55061  
5126.051 of the Revised Code. Separate counts shall be made for 55062  
the following: 55063

(i) Persons enrolled in traditional adult services who are 55064  
eligible for but not enrolled in active treatment; 55065

(ii) Persons enrolled in traditional adult services who are 55066  
eligible for and enrolled in active treatment; 55067

(iii) Persons enrolled in traditional adult services but who 55068  
are not eligible for active treatment; 55069

(iv) Persons participating in community employment services. 55070  
To be counted as participating in community employment services, a 55071

person must have spent an average of no less than ten hours per 55072  
week in that employment during the preceding six months. 55073

(d) Other programs in the county for individuals with mental 55074  
retardation and developmental disabilities that have been approved 55075  
for payment of subsidy by the department of mental retardation and 55076  
developmental disabilities. 55077

The membership in each such program and service in the county 55078  
shall be reported on forms prescribed by the department of mental 55079  
retardation and developmental disabilities. 55080

The department of mental retardation and developmental 55081  
disabilities shall adopt rules defining full-time equivalent 55082  
enrollees and for determining the average daily membership 55083  
therefrom, except that certification of average daily membership 55084  
in approved school age classes shall be in accordance with rules 55085  
adopted by the state board of education. The average daily 55086  
membership figure shall be determined by dividing the amount 55087  
representing the sum of the number of enrollees in each program or 55088  
service in the week for which the certification is made by the 55089  
number of days the program or service was offered in that week. No 55090  
enrollee may be counted in average daily membership for more than 55091  
one program or service. 55092

(2) By the fifteenth day of December, the number of children 55093  
enrolled in approved preschool units on the first day of December; 55094

(3) On or before the thirtieth day of ~~March~~ April, an 55095  
itemized report of all income and operating expenditures for the 55096  
immediately preceding calendar year, in the format specified by 55097  
the department of mental retardation and developmental 55098  
disabilities; 55099

(4) ~~By the fifteenth day of February, a report of the total 55100  
annual cost per enrollee for operation of programs and services in 55101  
the preceding calendar year. The report shall include a grand 55102~~

~~total of all programs operated, the cost of the individual 55103  
programs, and the sources of funds applied to each program. 55104~~

~~(5) That each required certification and report is in 55105  
accordance with rules established by the department of mental 55106  
retardation and developmental disabilities and the state board of 55107  
education for the operation and subsidization of the programs and 55108  
services. 55109~~

~~(C) To compute payments under this section to the board for 55110  
the fiscal year, the department of mental retardation and 55111  
developmental disabilities shall use the certification of average 55112  
daily membership required by division (B)(1) of this section 55113  
exclusive of the average daily membership in any approved school 55114  
age class and the number in any approved preschool unit. 55115~~

~~(D) The department shall pay each county board for each 55116  
fiscal year an amount equal to nine hundred fifty dollars times 55117  
the certified number of persons who on the first day of December 55118  
of the academic year are under three years of age and are not in 55119  
an approved preschool unit. For persons who are at least age 55120  
sixteen and are not in an approved school age class, the 55121  
department shall pay each county board for each fiscal year the 55122  
following amounts: 55123~~

~~(1) One thousand dollars times the certified average daily 55124  
membership of persons enrolled in traditional adult services who 55125  
are eligible for but not enrolled in active treatment; 55126~~

~~(2) One thousand two hundred dollars times the certified 55127  
average daily membership of persons enrolled in traditional adult 55128  
services who are eligible for and enrolled in active treatment; 55129~~

~~(3) No less than one thousand five hundred dollars times the 55130  
certified average daily membership of persons enrolled in 55131  
traditional adult services but who are not eligible for active 55132  
treatment; 55133~~

~~(4) No less than one thousand five hundred dollars times the certified average daily membership of persons participating in community employment services.~~ 55134  
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~~(E) The department shall distribute this subsidy to county boards in quarterly installments of equal amounts. The installments shall be made not later than the thirtieth day of September, the thirty-first day of December, the thirty-first day of March, and the thirtieth day of June.~~ 55137  
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~~(F) The director of mental retardation and developmental disabilities shall make efforts to obtain increases in the subsidies for early childhood services and adult services so that the amount of the subsidies is equal to at least fifty per cent of the statewide average cost of those services minus any applicable federal reimbursements for those services. The director shall advise the director of budget and management of the need for any such increases when submitting the biennial appropriations request for the department.~~ 55142  
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~~(G) In determining the reimbursement of a county board for the provision of service and support administration, family support services, and other services required or approved by the director for which children three through twenty-one years of age are eligible, the department shall include the average daily membership in approved school age or preschool units. The department, in accordance with this section and upon receipt and approval of the certification required by this section and any other information it requires to enable it to determine a board's payments, shall pay the agency providing the specialized training the amounts payable under this section.~~ 55151  
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**Sec. 5126.15.** (A) A county board of mental retardation and developmental disabilities shall provide service and support administration to each individual three years of age or older who 55163  
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is eligible for service and support administration if the 55166  
individual requests, or a person on the individual's behalf 55167  
requests, service and support administration. A board shall 55168  
provide service and support administration to each individual 55169  
receiving home and community-based services. A board may provide, 55170  
in accordance with the service coordination requirements of 34 55171  
C.F.R. 303.23, service and support administration to an individual 55172  
under three years of age eligible for early intervention services 55173  
under 34 C.F.R. part 303. A board may provide service and support 55174  
administration to an individual who is not eligible for other 55175  
services of the board. Service and support administration shall be 55176  
provided in accordance with rules adopted under section 5126.08 of 55177  
the Revised Code. 55178

A board may provide service and support administration by 55179  
directly employing service and support administrators or by 55180  
contracting with entities for the performance of service and 55181  
support administration. Individuals employed or under contract as 55182  
service and support administrators shall not be in the same 55183  
collective bargaining unit as employees who perform duties that 55184  
are not administrative. 55185

Individuals employed by a board as service and support 55186  
administrators shall not be assigned responsibilities for 55187  
implementing other services for individuals and shall not be 55188  
employed by or serve in a decision-making or policy-making 55189  
capacity for any other entity that provides programs or services 55190  
to individuals with mental retardation or developmental 55191  
disabilities. An individual employed as a conditional status 55192  
service and support administrator shall perform the duties of 55193  
service and support administration only under the supervision of a 55194  
management employee who is a service and support administration 55195  
supervisor. 55196

(B) The individuals employed by or under contract with a 55197

board to provide service and support administration shall do all	55198
of the following:	55199
(1) Establish an individual's eligibility for the services of	55200
the county board of mental retardation and developmental	55201
disabilities;	55202
(2) Assess individual needs for services;	55203
(3) Develop individual service plans with the active	55204
participation of the individual to be served, other persons	55205
selected by the individual, and, when applicable, the provider	55206
selected by the individual, and recommend the plans for approval	55207
by the department of mental retardation and developmental	55208
disabilities when services included in the plans are funded	55209
through medicaid;	55210
(4) Establish budgets for services based on the individual's	55211
assessed needs and preferred ways of meeting those needs;	55212
(5) Assist individuals in making selections from among the	55213
providers they have chosen;	55214
(6) Ensure that services are effectively coordinated and	55215
provided by appropriate providers;	55216
(7) Establish and implement an ongoing system of monitoring	55217
the implementation of individual service plans to achieve	55218
consistent implementation and the desired outcomes for the	55219
individual;	55220
(8) Perform quality assurance reviews as a distinct function	55221
of service and support administration;	55222
(9) Incorporate the results of quality assurance reviews and	55223
identified trends and patterns of unusual incidents and major	55224
unusual incidents into amendments of an individual's service plan	55225
for the purpose of improving and enhancing the quality and	55226
appropriateness of services rendered to the individual;	55227

(10) Ensure that each individual receiving services has a designated person who is responsible on a continuing basis for providing the individual with representation, advocacy, advice, and assistance related to the day-to-day coordination of services in accordance with the individual's service plan. The service and support administrator shall give the individual receiving services an opportunity to designate the person to provide daily representation. If the individual declines to make a designation, the administrator shall make the designation. In either case, the individual receiving services may change at any time the person designated to provide daily representation.

~~(C) Subject to available funds, the department of mental retardation and developmental disabilities shall pay a county board an annual subsidy for service and support administration. The amount of the subsidy shall be equal to the greater of twenty thousand dollars or two hundred dollars times the board's certified average daily membership. The payments shall be made in quarterly installments of equal amounts, which shall be made no later than the thirtieth day of September, the thirty first day of December, the thirty first day of March, and the thirtieth day of June. Funds received shall be used solely for service and support administration.~~

**Sec. 5126.18.** (A) As used in this section:

(1) "County board" means a county board of mental retardation and developmental disabilities.

(2) Notwithstanding section 5126.01 of the Revised Code, "adult services" means the following services, as they are identified on individual information forms submitted by county boards to the department of mental retardation and developmental disabilities ~~for the purpose of subsidies paid to county boards under section 5126.12 of the Revised Code,~~ provided to an

individual with mental retardation or other developmental disability who is at least twenty-two years of age:	55260
(a) Assessment;	55262
(b) Home service;	55263
(c) Adult program;	55264
(d) Community employment services;	55265
(e) Retirement.	55266
(3) "Adult services enrollment" means a county board's average daily membership in adult services, exclusive of such services provided to individuals served solely through service and support administration provided pursuant to section 5126.15 of the Revised Code or family support services provided pursuant to section 5126.11 of the Revised Code.	55267 55268 55269 55270 55271 55272
(4) "Taxable value" means the taxable value of a county board certified under division (B)(1) of this section.	55273 55274
(5) "Per-mill yield" of a county board means the quotient obtained by dividing (a) the taxable value of the county board by (b) one thousand.	55275 55276 55277
(6) "Local adult services cost" means a county board's expenditures for adult services, excluding all federal and state reimbursements and subsidy allocations received by such boards and expended for such services, as certified under section 5126.12 of the Revised Code.	55278 55279 55280 55281 55282
(7) "Statewide average millage" means one thousand multiplied by the quotient obtained by dividing (a) the total of the local adult services costs of all county boards by (b) the total of the taxable values of all county boards.	55283 55284 55285 55286
(8) "County yield" of a county board means the product obtained by multiplying (a) the statewide average millage by (b) the per-mill yield of the county board.	55287 55288 55289

(9) "County yield per enrollee" of a county board means the quotient obtained by dividing (a) the county yield of the county board by (b) the adult enrollment of the county board.

(10) "Statewide yield per enrollee" means the quotient obtained by dividing (a) the sum of the county yields of all county boards by (b) the sum of the adult enrollments of all county boards.

(11) "Local tax effort for adult services" of a county board means one thousand multiplied by the quotient obtained by dividing (a) the local adult services cost of the county board by (b) the taxable value of the county board.

(12) "Funding percentage" for a fiscal year means the percentage that the amount appropriated to the department for the purpose of making payments under this section in the fiscal year is of the amount computed under division (C)(3) of this section for the fiscal year.

(13) "Funding-adjusted required millage" for a fiscal year means the statewide average millage multiplied by the funding percentage for that fiscal year.

(B)(1) On the request of the director of mental retardation and developmental disabilities, the tax commissioner shall provide to the department of mental retardation and developmental disabilities information specifying the taxable value of property on each county's tax list of real and public utility property and tax list of personal property for the most recent tax year for which such information is available. The director may request any other tax information necessary for the purposes of this section.

(2) On the request of the director, each county board shall report the county board's adult services enrollment and local adult services cost.

(C) Each year, the department of mental retardation and

developmental disabilities shall compute the following: 55321

(1) For each county board, the amount, if any, by which the 55322  
statewide yield per enrollee exceeds the county yield per 55323  
enrollee; 55324

(2) For each county board, the amount of any excess computed 55325  
under division (C)(1) of this section multiplied by the adult 55326  
services enrollment of the county board; 55327

(3) The sum of the amounts computed under division (C)(2) of 55328  
this section for all county boards. 55329

(D) From money appropriated for the purpose, the department 55330  
shall provide for payment to each county board of the amount 55331  
computed for that county board under division (C)(2) of this 55332  
section, subject to any reduction or adjustment under division 55333  
(E), (F), or (G) of this section. The department shall make the 55334  
payments in quarterly installments of equal amounts. The 55335  
installments shall be made not later than the thirtieth day of 55336  
September, thirty-first day of December, thirty-first day of 55337  
March, and thirtieth day of June. 55338

(E) If a county board's local tax effort for adult services 55339  
is less than the funding-adjusted required millage, the director 55340  
shall reduce the amount of payment otherwise computed under 55341  
division (C)(2) of this section so that the amount paid, after the 55342  
reduction, is the same percentage of the amount computed under 55343  
division (C)(2) of this section as the county board's local tax 55344  
effort for adult services is of the funding-adjusted required 55345  
millage. 55346

If the director reduces the amount of a county board's 55347  
payment under this division, the department, not later than the 55348  
fifteenth day of July, shall notify the county board of the 55349  
reduction and the amount of the reduction. The notice shall 55350  
include a statement that the county board may request to be 55351

exempted from the reduction by filing a request with the director, 55352  
in the manner and form prescribed by the director, within 55353  
twenty-one days after such notification is issued. The board may 55354  
present evidence of its attempt to obtain passage of levies or any 55355  
other extenuating circumstances the board considers relevant. If 55356  
the county board requests a hearing before the director to present 55357  
such evidence, the director shall conduct a hearing on the request 55358  
unless the director exempts the board from the reduction on the 55359  
basis of the evidence presented in the request filed by the board. 55360  
Upon receiving a properly and timely filed request for exemption, 55361  
but not later than the thirty-first day of August, the director 55362  
shall determine whether the county board shall be exempted from 55363  
all or a part of the reduction. The director may exempt the board 55364  
from all or part of the reduction if the director finds that the 55365  
board has made good faith efforts to obtain passage of tax levies 55366  
or that there are extenuating circumstances. 55367

(F) If a payment is reduced under division (E) of this 55368  
section and the director does not exempt the county board from the 55369  
reduction, the amount of the reduction shall be apportioned among 55370  
all county boards entitled to payments under this section for 55371  
which payments were not so reduced. The amount apportioned to each 55372  
county board shall be proportionate to the amount of the board's 55373  
payment as computed under division (C)(2) of this section. 55374

(G) If, for any fiscal year, the amount appropriated to the 55375  
department for the purpose of this section is less than the amount 55376  
computed under division (C)(3) of this section for the fiscal 55377  
year, the department shall adjust the amount of each payment as 55378  
computed under divisions (C)(2), (E), and (F) of this section by 55379  
multiplying that amount by the funding percentage. 55380

(H) The payments authorized by this section are supplemental 55381  
to all other funds that may be received by a county board. A 55382  
county board shall use the payments solely to pay the nonfederal 55383

share of medicaid expenditures that ~~division (A) of section~~ 55384  
~~5126.057~~ sections 5126.059 and 5126.0510 of the Revised Code 55385  
~~requires~~ require the county board to pay. 55386

**Sec. 5126.19.** (A) The director of mental retardation and 55387  
developmental disabilities may grant temporary funding from the 55388  
community mental retardation and developmental disabilities trust 55389  
fund based on allocations to county boards of mental retardation 55390  
and developmental disabilities. The director may distribute all or 55391  
part of the funding directly to a county board, the persons who 55392  
provide the services for which the funding is granted, or persons 55393  
with mental retardation or developmental disabilities who are to 55394  
receive those services. 55395

(B) Funding granted under division (A) of this section shall 55396  
be granted according to the availability of moneys in the fund and 55397  
priorities established by the director. Funding may be granted for 55398  
any of the following purposes: 55399

(1) Behavioral or short-term interventions for persons with 55400  
mental retardation or developmental disabilities that assist them 55401  
in remaining in the community by preventing institutionalization; 55402

(2) Emergency respite care services, as defined in section 55403  
5126.11 of the Revised Code; 55404

(3) Family support services provided under section 5126.11 of 55405  
the Revised Code; 55406

(4) Supported living, as defined in section 5126.01 of the 55407  
Revised Code; 55408

(5) Staff training for county board employees, employees of 55409  
providers of residential services as defined in section 5126.01 of 55410  
the Revised Code, and other personnel under contract with a county 55411  
board, to provide the staff with necessary training in serving 55412  
mentally retarded or developmentally disabled persons in the 55413

community; 55414

(6) Short-term provision of early childhood services provided 55415  
under section 5126.05, adult services provided under sections 55416  
5126.05 and 5126.051, and service and support administration 55417  
provided under section 5126.15 of the Revised Code, when local 55418  
moneys are insufficient to meet the need for such services due to 55419  
the successive failure within a two-year period of three or more 55420  
proposed levies for the services; 55421

(7) Contracts with providers of residential services to 55422  
maintain persons with mental retardation and developmental 55423  
disabilities in their programs and avoid institutionalization. 55424

(C) If the trust fund contains more than ten million dollars 55425  
on the first day of July the director shall use ~~one million~~ 55426  
~~dollars for payments under section 5126.12 of the Revised Code,~~ 55427  
one million dollars for payments under section 5126.18 of the 55428  
Revised Code, ~~and two million dollars for payments under section~~ 55429  
~~5126.44 of the Revised Code~~ subsidies to county boards for 55430  
supported living, and one million dollars for subsidies to county 55431  
boards for early childhood services and adult services provided 55432  
under section 5126.05 of the Revised Code. Distributions of funds 55433  
under this division shall be made prior to August 31 of the state 55434  
fiscal year in which the funds are available. The funds shall be 55435  
allocated to a county board in an amount equal to the same 55436  
percentage of the total amount allocated to the county board the 55437  
immediately preceding state fiscal year. 55438

(D) In addition to making grants under division (A) of this 55439  
section, the director may use money available in the trust fund 55440  
for the same purposes that rules adopted under section 5123.0413 55441  
of the Revised Code provide for money in the state MR/DD risk fund 55442  
and the state insurance against MR/DD risk fund, both created 55443  
under that section, to be used. 55444

Sec. 5126.25. (A) The director of mental retardation and 55445  
developmental disabilities shall adopt rules in accordance with 55446  
Chapter 119. of the Revised Code establishing uniform standards 55447  
and procedures for the certification of persons for employment by 55448  
county boards of mental retardation and developmental disabilities 55449  
as superintendents, management employees, and professional 55450  
employees and uniform standards and procedures for the 55451  
registration of persons for employment by county boards as 55452  
registered service employees. As part of the rules, the director 55453  
may establish continuing education and professional training 55454  
requirements for renewal of certificates and evidence of 55455  
registration and shall establish such requirements for renewal of 55456  
an investigative agent certificate. In the rules, the director 55457  
shall establish certification standards for employment in the 55458  
position of investigative agent that require an individual to have 55459  
or obtain no less than an associate degree from an accredited 55460  
college or university or have or obtain comparable experience or 55461  
training. The director shall not adopt rules that require any 55462  
service employee to have or obtain a bachelor's or higher degree. 55463

The director shall adopt the rules in a manner that provides 55464  
for the issuance of certificates and evidence of registration 55465  
according to categories, levels, and grades. The rules shall 55466  
describe each category, level, and grade. 55467

The rules adopted under this division shall apply to persons 55468  
employed or seeking employment in a position that includes 55469  
directly providing, or supervising persons who directly provide, 55470  
services or instruction to or on behalf of individuals with mental 55471  
retardation or developmental disabilities, except that the rules 55472  
shall not apply to persons who hold a valid license issued under 55473  
Chapter 3319. of the Revised Code and perform no duties other than 55474  
teaching or supervision of a teaching program or persons who hold 55475  
a valid license or certificate issued under Title XLVII of the 55476

Revised Code and perform only those duties governed by the license 55477  
or certificate. The rules shall specify the positions that require 55478  
certification or registration. The rules shall specify that the 55479  
position of investigative agent requires certification. 55480

(B) The director shall adopt rules in accordance with Chapter 55481  
119. of the Revised Code establishing standards for approval of 55482  
courses of study to prepare persons to meet certification 55483  
requirements. The director shall approve courses of study meeting 55484  
the standards and provide for the inspection of the courses to 55485  
ensure the maintenance of satisfactory training procedures. The 55486  
director shall approve courses of study only if given by a state 55487  
university or college as defined in section 3345.32 of the Revised 55488  
Code, a state university or college of another state, or an 55489  
institution that has received a certificate of authorization to 55490  
confer degrees from the board of regents pursuant to Chapter 1713. 55491  
of the Revised Code or from a comparable agency of another state. 55492

(C) Each applicant for a certificate for employment or 55493  
evidence of registration for employment by a county board shall 55494  
apply to the department of mental retardation and developmental 55495  
disabilities on forms that the director of the department shall 55496  
prescribe and provide. The application shall be accompanied by the 55497  
application fee established in rules adopted under this section. 55498

(D) The director shall issue a certificate for employment to 55499  
each applicant who meets the standards for certification 55500  
established under this section and shall issue evidence of 55501  
registration for employment to each applicant who meets the 55502  
standards for registration established under this section. Each 55503  
certificate or evidence of registration shall state the category, 55504  
level, and grade for which it is issued. 55505

The director shall issue, renew, deny, suspend, or revoke 55506  
certificates and evidence of registration in accordance with rules 55507  
adopted under this section. The director shall deny, suspend, or 55508

revoke a certificate or evidence of registration if the director 55509  
finds, pursuant to an adjudication conducted in accordance with 55510  
Chapter 119. of the Revised Code, that the applicant for or holder 55511  
of the certificate or evidence of registration is guilty of 55512  
intemperate, immoral, or other conduct unbecoming to the 55513  
applicant's or holder's position, or is guilty of incompetence or 55514  
negligence within the scope of the applicant's or holder's duties. 55515  
The director shall deny or revoke a certificate or evidence of 55516  
registration if the director finds, pursuant to an adjudication 55517  
conducted in accordance with Chapter 119. of the Revised Code, 55518  
that the applicant for or holder of the certificate or evidence of 55519  
registration has been convicted of or pleaded guilty to any of the 55520  
offenses described in division (E) of section 5126.28 of the 55521  
Revised Code, unless the individual meets standards for 55522  
rehabilitation that the director establishes in the rules adopted 55523  
under that section. Evidence supporting such allegations shall be 55524  
presented to the director in writing and the director shall 55525  
provide prompt notice of the allegations to the person who is the 55526  
subject of the allegations. A denial, suspension, or revocation 55527  
may be appealed in accordance with procedures the director shall 55528  
establish in the rules adopted under this section. 55529

(E)(1) A person holding a valid certificate under this 55530  
section on the effective date of any rules adopted under this 55531  
section that increase certification standards shall have such 55532  
period as the rules prescribe, but not less than one year after 55533  
the effective date of the rules, to meet the new certification 55534  
standards. 55535

A person who is registered under this section on the 55536  
effective date of any rule that changes the standards adopted 55537  
under this section shall have such period as the rules prescribe, 55538  
but not less than one year, to meet the new registration 55539  
standards. 55540

(2) If an applicant for a certificate for employment has not 55541  
completed the courses of instruction necessary to meet the 55542  
department's standards for certification, the department shall 55543  
inform the applicant of the courses the applicant must 55544  
successfully complete to meet the standards and shall specify the 55545  
time within which the applicant must complete the courses. The 55546  
department shall grant the applicant at least one year to complete 55547  
the courses and shall not require the applicant to complete more 55548  
than four courses in any one year. The applicant is not subject to 55549  
any changes regarding the courses required for certification that 55550  
are made after the department informs the applicant of the courses 55551  
the applicant must complete, unless the applicant does not 55552  
successfully complete the courses within the time specified by the 55553  
department. 55554

(F) A person who holds a certificate or evidence of 55555  
registration, other than one designated as temporary, is qualified 55556  
to be employed according to that certificate or evidence of 55557  
registration by any county board. 55558

(G) The director shall monitor county boards to ensure that 55559  
their employees who must be certified or registered are 55560  
appropriately certified or registered and performing those 55561  
functions they are authorized to perform under their certificate 55562  
or evidence of registration. 55563

(H) A county board superintendent or the superintendent's 55564  
designee may certify to the director that county board employees 55565  
who are required to meet continuing education or professional 55566  
training requirements as a condition of renewal of certificates or 55567  
evidence of registration have met the requirements. The 55568  
superintendent or the superintendent's designee shall maintain in 55569  
appropriate personnel files evidence acceptable to the director 55570  
that the employees have met the requirements and permit 55571  
representatives of the department access to the evidence on 55572

request. 55573

(I) All fees collected pursuant to this section shall be 55574  
deposited in the state treasury to the credit of the ~~employee~~ 55575  
~~certification and registration program fee fund, which is hereby~~ 55576  
created under section 5123.033 of the Revised Code. ~~Money credited~~ 55577  
~~to the fund shall be used solely for the operation of the~~ 55578  
~~certification and registration program established under this~~ 55579  
~~section and for providing continuing training to county board~~ 55580  
~~employees.~~ 55581

(J) Employees of entities that contract with county boards of 55582  
mental retardation and developmental disabilities to operate 55583  
programs and services for individuals with mental retardation and 55584  
developmental disabilities are subject to the certification and 55585  
registration requirements established under section 5123.082 of 55586  
the Revised Code. 55587

**Sec. 5126.40.** (A) Sections 5126.40 to 5126.47 of the Revised 55588  
Code do not apply to medicaid-funded supported living. 55589

(B) As used in ~~this section and~~ sections ~~5126.41~~ 5126.40 to 55590  
5126.47 of the Revised Code, "provider" means a person or 55591  
government entity certified by the ~~department~~ director of mental 55592  
retardation and developmental disabilities to provide supported 55593  
living for individuals with mental retardation and developmental 55594  
disabilities. 55595

~~(B) This division is in effect until July 1, 1995. By~~ 55596  
~~adoption of a resolution by affirmative vote of a majority of its~~ 55597  
~~members, a county board of mental retardation and developmental~~ 55598  
~~disabilities shall have authority to plan and develop supported~~ 55599  
~~living for individuals with mental retardation and developmental~~ 55600  
~~disabilities who are residents of the county and, as provided in~~ 55601  
~~sections 5126.41 to 5126.47 of the Revised Code, contract with~~ 55602  
~~providers and enter into shared funding arrangements. The board's~~ 55603

~~authority under this division is effective on the department's receipt of the resolution.~~ 55604  
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(C) On and after July 1, 1995, each county board shall plan and develop supported living for individuals with mental retardation and developmental disabilities who are residents of the county in accordance with sections 5126.41 to 5126.47 of the Revised Code. 55606  
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**Sec. 5126.42.** (A) A county board of mental retardation and developmental disabilities shall establish an advisory council composed of board members or employees of the board, providers, individuals receiving supported living, and advocates for individuals receiving supported living to provide on-going communication among all persons concerned with supported living. 55611  
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(B) The board shall develop procedures for the resolution of grievances between the board and providers or between the board and an entity with which it has a shared funding agreement. 55617  
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(C) The board shall develop and implement a provider selection system. Each system shall enable an individual to choose to continue receiving supported living from the same providers, to select additional providers, or to choose alternative providers. Annually, the board shall review its provider selection system to determine whether it has been implemented in a manner that allows individuals fair and equitable access to providers. 55620  
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In developing a provider selection system, the county board shall create a pool of providers for individuals to use in choosing their providers of supported living. The pool shall be created by placing in the pool all providers on record with the board or by placing in the pool all providers approved by the board through soliciting requests for proposals for supported living contracts. In either case, only providers that are certified by the ~~department~~ director of mental retardation and 55627  
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developmental disabilities ~~and in compliance with the quality~~ 55635  
~~assurance standards established in rules adopted by the department~~ 55636  
may be placed in the pool. 55637

If the board places all providers on record in the pool, the 55638  
board shall review the pool at least annually to determine whether 55639  
each provider has continued interest in being a provider and has 55640  
maintained its certification by the department. At any time, an 55641  
interested and certified provider may make a request to the board 55642  
that it be added to the pool, and the board shall add the provider 55643  
to the pool not later than seven days after receiving the request. 55644

If the board solicits requests for proposals for inclusion of 55645  
providers in the pool, the board shall develop standards for 55646  
selecting the providers to be included. Requests for proposals 55647  
shall be solicited at least annually. When requests are solicited, 55648  
the board shall cause legal notices to be published at least once 55649  
each week for two consecutive weeks in a newspaper with general 55650  
circulation within the county. The board's formal request for 55651  
proposals shall include a description of any applicable contract 55652  
terms, the standards that are used to select providers for 55653  
inclusion in the pool, and the process the board uses to resolve 55654  
disputes arising from the selection process. The board shall 55655  
accept requests from any entity interested in being a provider of 55656  
supported living for individuals served by the board. Requests 55657  
shall be approved or denied according to the standards developed 55658  
by the board. Providers that previously have been placed in the 55659  
pool are not required to resubmit a request for proposal to be 55660  
included in the pool, unless the board's standards have been 55661  
changed. 55662

In assisting an individual in choosing a provider, the county 55663  
board shall provide the individual with uniform and consistent 55664  
information pertaining to each provider in the pool, ~~including the~~ 55665  
~~provider evaluations conducted under section 5126.431 of the~~ 55666

~~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.~~~~

**Sec. 5126.43.** (A) After receiving notice from the department of mental retardation and developmental disabilities of the amount ~~of state funds~~ to be distributed to it ~~under section 5126.44 of the Revised Code for planning, developing, contracting for, and providing supported living,~~ the county board of mental retardation and developmental disabilities shall arrange for supported living on behalf of and with the consent of individuals based on their individual service plans developed under section 5126.41 of the Revised Code. With the state distribution and any other money designated by the board for supported living, the board shall arrange for supported living in one or more of the following ways:

(1) By contracting under section 5126.45 of the Revised Code with providers selected by the individual to be served;

(2) By entering into shared funding agreements with state agencies, local public agencies, or political subdivisions at rates negotiated by the board;

(3) By providing direct payment or vouchers to be used to purchase supported living, pursuant to a written contract in an amount determined by the board, to the individual or a person providing the individual with protective services as defined in section 5123.55 of the Revised Code.

(B) ~~When the board contracts for supported living on behalf of an individual, the~~ The board may contract arrange for supported living only with providers that are certified by the ~~department~~ director of mental retardation and developmental disabilities ~~and~~

~~are in compliance with the quality assurance standards established 55698  
in rules adopted by the department. The contract terms shall be as 55699  
provided in section 5126.45 of the Revised Code. 55700~~

When no certified provider is willing and able to provide 55701  
supported living for an individual in accordance with the terms of 55702  
the individual service plan for that individual, a county board 55703  
may provide supported living directly, if it ~~complies with 55704  
certification and quality assurance standards established by the 55705  
department~~ is certified by the director of mental retardation and 55706  
developmental disabilities to provide supported living. 55707

A county board may, for a period not to exceed ninety days, 55708  
contract for or provide supported living without meeting the 55709  
requirements of this section for an individual it determines to be 55710  
in emergency need of supported living. Thereafter, the individual 55711  
shall choose providers in accordance with sections 5126.41 and 55712  
5126.42 of the Revised Code. 55713

**Sec. 5126.45.** (A) A contract between a county board of mental 55714  
retardation and developmental disabilities and a provider of 55715  
supported living shall be in writing and shall be based on the 55716  
individual service plan developed by the individual under section 55717  
5126.41 of the Revised Code. The plan may be submitted as an 55718  
addendum to the contract. An individual receiving services 55719  
pursuant to a contract shall be considered a third-party 55720  
beneficiary to the contract. 55721

~~The board shall not contract with a provider to provide a 55722  
residence to a person to whom the provider is providing other 55723  
supported living services, unless one of the following applies: 55724~~

~~(1) The provider is under contract with the board for both 55725  
residence and services on July 17, 1990, and the contract is being 55726  
renewed. 55727~~

~~(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.~~

~~(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.~~

(B) The contract shall be negotiated between the provider and the county board. The terms of the contract shall include at least the following:

(1) The contract period and conditions for renewal;

(2) The services to be provided pursuant to the individual service plan;

(3) The rights and responsibilities of all parties to the contract;

(4) The methods that will be used to evaluate the services delivered by the provider;

(5) Procedures for contract modification that ensure all parties affected by the modification are involved and agree;

(6) A process for resolving conflicts between individuals receiving services, the county board, and the provider, as applicable;

(7) Procedures for the retention of applicable records;

(8) Provisions for contract termination by any party involved that include requirements for an appropriate notice of intent to terminate the contract;

(9) Methods to be used to document services provided;	55757
(10) Procedures for submitting reports required by the county board as a condition of receiving payment under the contract;	55758 55759
(11) The method and schedule the board will use to make payments to the provider and whether periodic payment adjustments will be made to the provider;	55760 55761 55762
(12) Provisions for conducting fiscal reconciliations for payments made through methods other than a fee-for-service arrangement.	55763 55764 55765
(C) Payments to the provider under a supported living contract must be determined by the board to be reasonable in accordance with policies and procedures developed by the board. Goods or services provided without charge to the provider shall not be included as expenditures of the provider.	55766 55767 55768 55769 55770
(D) The board shall establish procedures for reconciling expenditures and payments, other than those made under a fee-for-service arrangement, for the prior contract year when a contract is not renewed and shall reconcile expenditures and payments in accordance with these procedures.	55771 55772 55773 55774 55775
(E) A provider or an entity with which the board has entered into a shared funding agreement may appeal a negotiated contract or proposed shared funding rate to the county board using the procedures established by the board under section 5126.42 of the Revised Code.	55776 55777 55778 55779 55780
<b>Sec. 5126.47.</b> A county board of mental retardation and developmental disabilities <del>that has adopted a resolution under section 5126.40 of the Revised Code</del> may, pursuant to a resolution adopted by an affirmative vote of the majority of its members, establish, by agreement with one or more other county boards of mental retardation and developmental disabilities, a residential	55781 55782 55783 55784 55785 55786

services consortium to jointly provide residential services and 55787  
supported living. The agreement shall designate one board to 55788  
assume the fiscal responsibilities for the consortium. The county 55789  
auditor of the designated county shall establish a community 55790  
mental retardation and developmental disabilities residential 55791  
services fund for the consortium. Each board that is a member of 55792  
the consortium shall cause to be deposited in the fund ~~all moneys~~ 55793  
~~distributed to it by the department of mental retardation and~~ 55794  
~~developmental disabilities under section 5126.44 of the Revised~~ 55795  
~~Code and any other~~ state or federal money received for community 55796  
residential services the county board has agreed to contribute to 55797  
the consortium. 55798

**Sec. 5139.43.** (A) The department of youth services shall 55799  
operate a felony delinquent care and custody program that shall be 55800  
operated in accordance with the formula developed pursuant to 55801  
section 5139.41 of the Revised Code, subject to the conditions 55802  
specified in this section. 55803

(B)(1) Each juvenile court shall use the moneys disbursed to 55804  
it by the department of youth services pursuant to division (B) of 55805  
section 5139.41 of the Revised Code in accordance with the 55806  
applicable provisions of division (B)(2) of this section and shall 55807  
transmit the moneys to the county treasurer for deposit in 55808  
accordance with this division. The county treasurer shall create 55809  
in the county treasury a fund that shall be known as the felony 55810  
delinquent care and custody fund and shall deposit in that fund 55811  
the moneys disbursed to the juvenile court pursuant to division 55812  
(B) of section 5139.41 of the Revised Code. The county treasurer 55813  
also shall deposit into that fund the state subsidy funds granted 55814  
to the county pursuant to section 5139.34 of the Revised Code. The 55815  
moneys disbursed to the juvenile court pursuant to division (B) of 55816  
section 5139.41 of the Revised Code and deposited pursuant to this 55817  
division in the felony delinquent care and custody fund shall not 55818

be commingled with any other county funds except state subsidy 55819  
funds granted to the county pursuant to section 5139.34 of the 55820  
Revised Code; shall not be used for any capital construction 55821  
projects; upon an order of the juvenile court and subject to 55822  
appropriation by the board of county commissioners, shall be 55823  
disbursed to the juvenile court for use in accordance with the 55824  
applicable provisions of division (B)(2) of this section; shall 55825  
not revert to the county general fund at the end of any fiscal 55826  
year; and shall carry over in the felony delinquent care and 55827  
custody fund from the end of any fiscal year to the next fiscal 55828  
year. At the end of each fiscal year, beginning June 30, 2008, the 55829  
balance in the felony delinquent care and custody fund in any 55830  
county shall not exceed the total moneys allocated to the county 55831  
pursuant to sections 5139.34 and 5139.41 of the Revised Code 55832  
during the previous fiscal year, unless that county has applied 55833  
for and been granted an exemption by the director of youth 55834  
services. The department shall withhold from future payments to a 55835  
county an amount equal to any moneys in the felony delinquent care 55836  
and custody fund of the county that exceed the total moneys 55837  
allocated pursuant to those sections to the county during the 55838  
preceding fiscal year and shall reallocate the withheld amount. 55839  
The department shall adopt rules for the withholding and 55840  
reallocation of moneys disbursed under sections 5139.34 and 55841  
5139.41 of the Revised Code and for the criteria and process for a 55842  
county to obtain an exemption from the withholding requirement. 55843  
The moneys disbursed to the juvenile court pursuant to division 55844  
(B) of section 5139.41 of the Revised Code and deposited pursuant 55845  
to this division in the felony delinquent care and custody fund 55846  
shall be in addition to, and shall not be used to reduce, any 55847  
usual annual increase in county funding that the juvenile court is 55848  
eligible to receive or the current level of county funding of the 55849  
juvenile court and of any programs or services for delinquent 55850  
children, unruly children, or juvenile traffic offenders. 55851

(2)(a) A county and the juvenile court that serves the county 55852  
shall use the moneys in its felony delinquent care and custody 55853  
fund in accordance with rules that the department of youth 55854  
services adopts pursuant to division (D) of section 5139.04 of the 55855  
Revised Code and as follows: 55856

(i) The moneys in the fund that represent state subsidy funds 55857  
granted to the county pursuant to section 5139.34 of the Revised 55858  
Code shall be used to aid in the support of prevention, early 55859  
intervention, diversion, treatment, and rehabilitation programs 55860  
that are provided for alleged or adjudicated unruly children or 55861  
delinquent children or for children who are at risk of becoming 55862  
unruly children or delinquent children. The county shall not use 55863  
for capital improvements more than fifteen per cent of the moneys 55864  
in the fund that represent the applicable annual grant of those 55865  
state subsidy funds. 55866

(ii) The moneys in the fund that were disbursed to the 55867  
juvenile court pursuant to division (B) of section 5139.41 of the 55868  
Revised Code and deposited pursuant to division (B)(1) of this 55869  
section in the fund shall be used to provide programs and services 55870  
for the training, treatment, or rehabilitation of felony 55871  
delinquents that are alternatives to their commitment to the 55872  
department, including, but not limited to, community residential 55873  
programs, day treatment centers, services within the home, and 55874  
electronic monitoring, and shall be used in connection with 55875  
training, treatment, rehabilitation, early intervention, or other 55876  
programs or services for any delinquent child, unruly child, or 55877  
juvenile traffic offender who is under the jurisdiction of the 55878  
juvenile court. 55879

The fund also may be used for prevention, early intervention, 55880  
diversion, treatment, and rehabilitation programs that are 55881  
provided for alleged or adjudicated unruly children, delinquent 55882  
children, or juvenile traffic offenders or for children who are at 55883

risk of becoming unruly children, delinquent children, or juvenile traffic offenders. Consistent with division (B)(1) of this section, a county and the juvenile court of a county shall not use any of those moneys for capital construction projects.

(iii) The county and the juvenile court that serves the county may not use moneys in the fund for the provision of care and services for children, including, but not limited to, care and services in a detention facility, in another facility, or in out-of-home placement, unless the minimum standards that apply to the care and services and that the department prescribes in rules adopted pursuant to division (D) of section 5139.04 of the Revised Code have been satisfied.

(b) Each juvenile court shall comply with division (B)(3)(d) of this section as implemented by the department.

(3) In accordance with rules adopted by the department pursuant to division (D) of section 5139.04 of the Revised Code, each juvenile court and the county served by that juvenile court shall do all of the following that apply:

(a) The juvenile court shall prepare an annual grant agreement and application for funding that satisfies the requirements of this section and section 5139.34 of the Revised Code and that pertains to the use, upon an order of the juvenile court and subject to appropriation by the board of county commissioners, of the moneys in its felony delinquent care and custody fund for specified programs, care, and services as described in division (B)(2)(a) of this section, shall submit that agreement and application to the county family and children first council, the regional family and children first council, or the local intersystem services to children cluster as described in sections 121.37 and 121.38 of the Revised Code, whichever is applicable, and shall file that agreement and application with the department for its approval. The annual grant agreement and

application for funding shall include a method of ensuring equal 55916  
access for minority youth to the programs, care, and services 55917  
specified in it. 55918

The department may approve an annual grant agreement and 55919  
application for funding only if the juvenile court involved has 55920  
complied with the preparation, submission, and filing requirements 55921  
described in division (B)(3)(a) of this section. If the juvenile 55922  
court complies with those requirements and the department approves 55923  
that agreement and application, the juvenile court and the county 55924  
served by the juvenile court may expend the state subsidy funds 55925  
granted to the county pursuant to section 5139.34 of the Revised 55926  
Code only in accordance with division (B)(2)(a) of this section, 55927  
the rules pertaining to state subsidy funds that the department 55928  
adopts pursuant to division (D) of section 5139.04 of the Revised 55929  
Code, and the approved agreement and application. 55930

(b) By the thirty-first day of August of each year, the 55931  
juvenile court shall file with the department a report that 55932  
contains all of the statistical and other information for each 55933  
month of the prior state fiscal year. If the juvenile court fails 55934  
to file the report required by division (B)(3)(b) of this section 55935  
by the thirty-first day of August of any year, the department 55936  
shall not disburse any payment of state subsidy funds to which the 55937  
county otherwise is entitled pursuant to section 5139.34 of the 55938  
Revised Code and shall not disburse pursuant to division (B) of 55939  
section 5139.41 of the Revised Code the applicable allocation 55940  
until the juvenile court fully complies with division (B)(3)(b) of 55941  
this section. 55942

(c) If the department requires the juvenile court to prepare 55943  
monthly statistical reports and to submit the reports on forms 55944  
provided by the department, the juvenile court shall file those 55945  
reports with the department on the forms so provided. If the 55946  
juvenile court fails to prepare and submit those monthly 55947

statistical reports within the department's timelines, the 55948  
department shall not disburse any payment of state subsidy funds 55949  
to which the county otherwise is entitled pursuant to section 55950  
5139.34 of the Revised Code and shall not disburse pursuant to 55951  
division (B) of section 5139.41 of the Revised Code the applicable 55952  
allocation until the juvenile court fully complies with division 55953  
(B)(3)(c) of this section. If the juvenile court fails to prepare 55954  
and submit those monthly statistical reports within one hundred 55955  
eighty days of the date the department establishes for their 55956  
submission, the department shall not disburse any payment of state 55957  
subsidy funds to which the county otherwise is entitled pursuant 55958  
to section 5139.34 of the Revised Code and shall not disburse 55959  
pursuant to division (B) of section 5139.41 of the Revised Code 55960  
the applicable allocation, and the state subsidy funds and the 55961  
remainder of the applicable allocation shall revert to the 55962  
department. If a juvenile court states in a monthly statistical 55963  
report that the juvenile court adjudicated within a state fiscal 55964  
year five hundred or more children to be delinquent children for 55965  
committing acts that would be felonies if committed by adults and 55966  
if the department determines that the data in the report may be 55967  
inaccurate, the juvenile court shall have an independent auditor 55968  
or other qualified entity certify the accuracy of the data on a 55969  
date determined by the department. 55970

(d) If the department requires the juvenile court and the 55971  
county to participate in a fiscal monitoring program or another 55972  
monitoring program that is conducted by the department to ensure 55973  
compliance by the juvenile court and the county with division (B) 55974  
of this section, the juvenile court and the county shall 55975  
participate in the program and fully comply with any guidelines 55976  
for the performance of audits adopted by the department pursuant 55977  
to that program and all requests made by the department pursuant 55978  
to that program for information necessary to reconcile fiscal 55979  
accounting. If an audit that is performed pursuant to a fiscal 55980

monitoring program or another monitoring program described in this 55981  
division determines that the juvenile court or the county used 55982  
moneys in the county's felony delinquent care and custody fund for 55983  
expenses that are not authorized under division (B) of this 55984  
section, within forty-five days after the department notifies the 55985  
county of the unauthorized expenditures, the county either shall 55986  
repay the amount of the unauthorized expenditures from the county 55987  
general revenue fund to the state's general revenue fund or shall 55988  
file a written appeal with the department. If an appeal is timely 55989  
filed, the director of the department shall render a decision on 55990  
the appeal and shall notify the appellant county or its juvenile 55991  
court of that decision within forty-five days after the date that 55992  
the appeal is filed. If the director denies an appeal, the 55993  
county's fiscal agent shall repay the amount of the unauthorized 55994  
expenditures from the county general revenue fund to the state's 55995  
general revenue fund within thirty days after receiving the 55996  
director's notification of the appeal decision. If the county 55997  
fails to make the repayment within that thirty-day period and if 55998  
the unauthorized expenditures pertain to moneys allocated under 55999  
sections 5139.41 to 5139.43 of the Revised Code, the department 56000  
shall deduct the amount of the unauthorized expenditures from the 56001  
next allocation of those moneys to the county in accordance with 56002  
this section or from the allocations that otherwise would be made 56003  
under those sections to the county during the next state fiscal 56004  
year in accordance with this section and shall return that 56005  
deducted amount to the state's general revenue fund. If the county 56006  
fails to make the repayment within that thirty-day period and if 56007  
the unauthorized expenditures pertain to moneys granted pursuant 56008  
to section 5139.34 of the Revised Code, the department shall 56009  
deduct the amount of the unauthorized expenditures from the next 56010  
annual grant to the county pursuant to that section and shall 56011  
return that deducted amount to the state's general revenue fund. 56012

(C) The determination of which county a reduction of the care 56013

and custody allocation will be charged against for a particular 56014  
youth shall be made as outlined below for all youths who do not 56015  
qualify as public safety beds. The determination of which county a 56016  
reduction of the care and custody allocation will be charged 56017  
against shall be made as follows until each youth is released: 56018  
56019

(1) In the event of a commitment, the reduction shall be 56020  
charged against the committing county. 56021

(2) In the event of a recommitment, the reduction shall be 56022  
charged against the original committing county until the 56023  
expiration of the minimum period of institutionalization under the 56024  
original order of commitment or until the date on which the youth 56025  
is admitted to the department of youth services pursuant to the 56026  
order of recommitment, whichever is later. Reductions of the 56027  
allocation shall be charged against the county that recommitted 56028  
the youth after the minimum expiration date of the original 56029  
commitment. 56030

(3) In the event of a revocation of a release on parole, the 56031  
reduction shall be charged against the county that revokes the 56032  
youth's parole. 56033

(D) A juvenile court is not precluded by its allocation 56034  
amount for the care and custody of felony delinquents from 56035  
committing a felony delinquent to the department of youth services 56036  
for care and custody in an institution or a community corrections 56037  
facility when the juvenile court determines that the commitment is 56038  
appropriate. 56039

**Sec. 5302.221.** (A) As used in this section: 56040

"Estate" has the same meaning as in section 5111.11 of the 56041  
Revised Code. 56042

"Medicaid estate recovery program" means the program 56043

instituted under section 5111.11 of the Revised Code. 56044

(B) The administrator of the medicaid estate recovery program 56045  
shall prescribe a form on which a beneficiary of a transfer on 56046  
death deed as provided in section 5302.22 of the Revised Code, who 56047  
survives the deceased owner of the real property or an interest in 56048  
the real property or that is in existence on the date of death of 56049  
the deceased owner, or such a beneficiary's representative is to 56050  
indicate both of the following: 56051

(1) Whether the deceased owner was either of the following: 56052

(a) A decedent subject to the medicaid estate recovery 56053  
program; 56054

(b) The spouse of a decedent subject to the medicaid estate 56055  
recovery program. 56056

(2) Whether the real property or interest in the real 56057  
property was part of the estate of a decedent subject to the 56058  
medicaid estate recovery program. 56059

(C) A county recorder shall obtain a properly completed form 56060  
prescribed under division (B) of this section from the beneficiary 56061  
of a transfer on death deed or the beneficiary's representative 56062  
and send a copy of the form to the administrator of the medicaid 56063  
estate recovery program before recording the transfer of the real 56064  
property or interest in the real property under division (C) of 56065  
section 5302.22 of the Revised Code. 56066

**Sec. 5309.082.** (A) As used in this section: 56067

"Estate" has the same meaning as in section 5111.11 of the 56068  
Revised Code. 56069

"Medicaid estate recovery program" means the program 56070  
instituted under section 5111.11 of the Revised Code. 56071

(B) The administrator of the medicaid estate recovery program 56072

shall prescribe a form on which a surviving tenant under a survivorship tenancy or such a surviving tenant's representative is to indicate both of the following: 56073  
56074  
56075

(1) Whether the deceased survivorship tenant was either of the following: 56076  
56077

(a) A decedent subject to the medicaid estate recovery program; 56078  
56079

(b) The spouse of a decedent subject to the medicaid estate recovery program. 56080  
56081

(2) Whether the registered land under a survivorship tenancy was part of the estate of a decedent subject to the medicaid estate recovery program. 56082  
56083  
56084

(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. 56085  
56086  
56087  
56088  
56089  
56090  
56091

**Sec. 5323.01.** As used in this chapter: 56092

(A) "Hotel" has the same meaning as in section 3731.01 of the Revised Code. 56093  
56094

(B) "Manufactured home" has the same meaning as in section 3781.06 of the Revised Code. 56095  
56096

(C) "Mobile home" and "recreational vehicle" have the same meanings as in section 4501.01 of the Revised Code. 56097  
56098

(D) "Political subdivision" means a county, that has a population of more than two hundred thousand according to the most recent decennial census or a township, municipal corporation, or 56099  
56100  
56101

other body corporate and politic that is located in a county that 56102  
has a population of more than two hundred thousand according to 56103  
the most recent decennial census and is responsible for government 56104  
activities in a geographic area smaller than that of the state. 56105

(E) "Residential rental property" means real property that is 56106  
located in a county that has a population of more than two hundred 56107  
thousand according to the most recent decennial census and on 56108  
which is located one or more dwelling units leased or otherwise 56109  
rented to tenants solely for residential purposes, or a mobile 56110  
home park or other permanent or semipermanent site at which lots 56111  
are leased or otherwise rented to tenants for the parking of a 56112  
manufactured home, mobile home, or recreational vehicle that is 56113  
used solely for residential purposes. "Residential rental 56114  
property" does not include a hotel or a college or university 56115  
dormitory. 56116

**Sec. 5323.02.** (A) An owner of residential rental property 56117  
shall file with the county auditor of the county in which the 56118  
property is located the following information: 56119

(1) The name, address, and telephone number of the owner; 56120

(2) If the residential rental property is owned by a trust, 56121  
business trust, estate, partnership, limited partnership, limited 56122  
liability company, association, corporation, or any other business 56123  
entity, the name, address, and telephone number of the following: 56124

(a) A trustee, in the case of a trust or business trust; 56125

(b) The executor or administrator, in the case of an estate; 56126

(c) A general partner, in the case of a partnership or a 56127  
limited partnership; 56128

(d) A member, manager, or officer, in the case of a limited 56129  
liability company; 56130

(e) An associate, in the case of an association; 56131

(f) An officer, in the case of a corporation; 56132

(g) A member, manager, or officer, in the case of any other 56133  
business entity. 56134

(3) The street address and permanent parcel number of the 56135  
residential rental property. 56136

~~(4) If the residential rental property has dwelling units 56137  
that are leased or otherwise rented to tenants, the year the units 56138  
were built. 56139~~

(B) The information required under division (A) of this 56140  
section shall be filed and maintained ~~in a manner to be determined 56141  
by the county auditor on the tax list or the real property record.~~ 56142

(C) An owner of residential rental property shall update the 56143  
information required under division (A) of this section within ~~ten 56144  
sixty~~ days after any change in the information occurs. 56145

(D) The county auditor shall provide an owner of residential 56146  
rental property located in a county that has a population of more 56147  
than two hundred thousand according to the most recent decennial 56148  
census with notice pursuant to division (B) of section 323.131 of 56149  
the Revised Code of the requirement to file the information 56150  
required under division (A) of this section and the requirement to 56151  
update that information under division (C) of this section. 56152

(E) The owner of residential real property shall comply with 56153  
the requirements under divisions (A) and (C) of this section 56154  
within sixty days after receiving the notice provided under 56155  
division (D) of this section, division (D) of section 319.202, or 56156  
division (B) of section 323.131 of the Revised Code. 56157

**Sec. 5323.99.** No owner of residential rental property shall 56158  
fail to comply with the filing or updating of information 56159  
requirements of section 5323.02 of the Revised Code or shall fail 56160  
to satisfy the designation of agent requirement or the filing of 56161

the appropriate designation of agent document requirement of 56162  
section 5323.03 of the Revised Code. ~~Whoever violates this section~~ 56163  
~~is guilty of a minor misdemeanor~~ The county auditor may impose 56164  
upon any person who violates this section a special assessment on 56165  
the residential rental property that is the subject of the 56166  
violation that is not less than fifty dollars or more than one 56167  
hundred fifty dollars. Such special assessment may be appealed to 56168  
the county board of revision. 56169

**Sec. 5528.54.** (A) The commissioners of the sinking fund are 56170  
authorized to issue and sell, as provided in this section and in 56171  
amounts from time to time authorized by the general assembly, 56172  
general obligations of this state for the purpose of financing or 56173  
assisting in the financing of the costs of projects. The full 56174  
faith and credit, revenues, and taxing power of the state are and 56175  
shall be pledged to the timely payment of bond service charges on 56176  
outstanding obligations, all in accordance with Section 2m of 56177  
Article VIII, Ohio Constitution, and sections 5528.51 to 5528.53 56178  
of the Revised Code, and so long as such obligations are 56179  
outstanding there shall be levied and collected excises, taxes, 56180  
and other revenues in amounts sufficient to pay the bond service 56181  
charges on such obligations and costs relating to credit 56182  
enhancement facilities. 56183

(B) Not more than two hundred twenty million dollars 56184  
principal amount of obligations, plus the principal amount of 56185  
obligations that in any prior fiscal years could have been, but 56186  
were not issued within that two-hundred-twenty-million-dollar 56187  
fiscal year limit, may be issued in any fiscal year, and not more 56188  
~~that~~ than one billion two hundred million dollars principal amount 56189  
of obligations may be outstanding at any one time, all determined 56190  
as provided in sections 5528.51 to 5528.53 of the Revised Code. 56191

(C) The state may participate in financing projects by 56192

grants, loans, or contributions to local government entities. 56193

(D) Each issue of obligations shall be authorized by 56194  
resolution of the commissioners. The bond proceedings shall 56195  
provide for the principal amount or maximum principal amount of 56196  
obligations of an issue, and shall provide for or authorize the 56197  
manner for determining the principal maturity or maturities, not 56198  
exceeding the earlier of thirty years from the date of issuance of 56199  
the particular obligations or thirty years from the date the debt 56200  
represented by the particular obligations was originally 56201  
contracted, the interest rate or rates, the date of and the dates 56202  
of payment of interest on the obligations, their denominations, 56203  
and the establishment within or outside the state of a place or 56204  
places of payment of bond service charges. Sections 9.96, 9.98, 56205  
9.981, 9.982, and 9.983 of the Revised Code are applicable to the 56206  
obligations. The purpose of the obligations may be stated in the 56207  
bond proceedings as "financing or assisting in the financing of 56208  
highway capital improvement projects as provided in Section 2m of 56209  
Article VIII, Ohio Constitution." 56210

(E) The proceeds of the obligations, except for any portion 56211  
to be deposited into special funds, or into escrow funds for the 56212  
purpose of refunding outstanding obligations, all as may be 56213  
provided in the bond proceedings, shall be deposited into the 56214  
highway capital improvement fund established by section 5528.53 of 56215  
the Revised Code. 56216

(F) The commissioners may appoint or provide for the 56217  
appointment of paying agents, bond registrars, securities 56218  
depositories, and transfer agents, and may retain the services of 56219  
financial advisers and accounting experts, and retain or contract 56220  
for the services of marketing, remarketing, indexing, and 56221  
administrative agents, other consultants, and independent 56222  
contractors, including printing services, as are necessary in the 56223  
judgment of the commissioners to carry out sections 5528.51 to 56224

5528.53 of the Revised Code. Financing costs are payable, as 56225  
provided in the bond proceedings, from the proceeds of the 56226  
obligations, from special funds, or from other moneys available 56227  
for the purpose. 56228

(G) The bond proceedings, including any trust agreement, may 56229  
contain additional provisions customary or appropriate to the 56230  
financing or to the obligations or to particular obligations 56231  
including, but not limited to: 56232

(1) The redemption of obligations prior to maturity at the 56233  
option of the state or of the holder or upon the occurrence of 56234  
certain conditions at such price or prices and under such terms 56235  
and conditions as are provided in the bond proceedings; 56236

(2) The form of and other terms of the obligations; 56237

(3) The establishment, deposit, investment, and application 56238  
of special funds, and the safeguarding of moneys on hand or on 56239  
deposit, in lieu of otherwise applicable provisions of Chapter 56240  
131. or 135. of the Revised Code, but subject to any special 56241  
provisions of this section with respect to particular funds or 56242  
moneys, and provided that any bank or trust company that acts as a 56243  
depository of any moneys in special funds may furnish such 56244  
indemnifying bonds or may pledge such securities as required by 56245  
the commissioners; 56246

(4) Any or every provision of the bond proceedings binding 56247  
upon the commissioners and such state agency or local government 56248  
entities, officer, board, commission, authority, agency, 56249  
department, or other person or body as may from time to time have 56250  
the authority under law to take such actions as may be necessary 56251  
to perform all or any part of the duty required by such provision; 56252

(5) The maintenance of each pledge, any trust agreement, or 56253  
other instrument composing part of the bond proceedings until the 56254  
state has fully paid or provided for the payment of the bond 56255

service charges on the obligations or met other stated conditions;	56256
(6) In the event of default in any payments required to be made by the bond proceedings, or any other agreement of the commissioners 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;	56257 56258 56259 56260 56261 56262
(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;	56263 56264 56265 56266
(8) The replacement of any obligations that become mutilated or are destroyed, lost, or stolen;	56267 56268
(9) Provision for the funding, refunding, or advance refunding or other provision for payment of obligations that will then no longer be outstanding for purposes of sections 5528.51 to 5528.56 of the Revised Code or of the bond proceedings;	56269 56270 56271 56272
(10) Any provision that may be made in bond proceedings or a trust agreement, including provision for amendment of the bond proceedings;	56273 56274 56275
(11) Any other or additional agreements with the holders of the obligations relating to any of the foregoing;	56276 56277
(12) Such other provisions as the commissioners determine, including limitations, conditions, or qualifications relating to any of the foregoing.	56278 56279 56280
(H) The great seal of the state or a facsimile of that seal may be affixed to or printed on the obligations. The obligations requiring signatures by the commissioners shall be signed by or bear the facsimile signatures of two or more of the commissioners as provided in the bond proceedings. Any obligations may be signed	56281 56282 56283 56284 56285

by the person who, on the date of execution, is the authorized 56286  
signer although on the date of such obligations such person was 56287  
not a commissioner. In case the individual whose signature or a 56288  
facsimile of whose signature appears on any obligation ceases to 56289  
be a commissioner before delivery of the obligation, such 56290  
signature or facsimile is nevertheless valid and sufficient for 56291  
all purposes as if that individual had remained the member until 56292  
such delivery, and in case the seal to be affixed to or printed on 56293  
obligations has been changed after the seal has been affixed to or 56294  
a facsimile of the seal has been printed on the obligations, that 56295  
seal or facsimile seal shall continue to be sufficient as to those 56296  
obligations and obligations issued in substitution or exchange 56297  
therefor. 56298

(I) The obligations are negotiable instruments and securities 56299  
under Chapter 1308. of the Revised Code, subject to the provisions 56300  
of the bond proceedings as to registration. Obligations may be 56301  
issued in coupon or in fully registered form, or both, as the 56302  
commissioners determine. Provision may be made for the 56303  
registration of any obligations with coupons attached as to 56304  
principal alone or as to both principal and interest, their 56305  
exchange for obligations so registered, and for the conversion or 56306  
reconversion into obligations with coupons attached of any 56307  
obligations registered as to both principal and interest, and for 56308  
reasonable charges for such registration, exchange, conversion, 56309  
and reconversion. Pending preparation of definitive obligations, 56310  
the commissioners may issue interim receipts or certificates which 56311  
shall be exchanged for such definitive obligations. 56312

(J) Obligations may be sold at public sale or at private 56313  
sale, and at such price at, above, or below par, as determined by 56314  
the commissioners in the bond proceedings. 56315

(K) In the discretion of the commissioners, obligations may 56316  
be secured additionally by a trust agreement between the state and 56317

a corporate trustee which may be any trust company or bank having 56318  
~~its principal~~ a place of business within the state. Any trust 56319  
agreement may contain the resolution authorizing the issuance of 56320  
the obligations, any provisions that may be contained in the bond 56321  
proceedings, and other provisions that are customary or 56322  
appropriate in an agreement of the type. 56323

(L) Except to the extent that their rights are restricted by 56324  
the bond proceedings, any holder of obligations, or a trustee 56325  
under the bond proceedings may by any suitable form of legal 56326  
proceedings protect and enforce any rights under the laws of this 56327  
state or granted by the bond proceedings. Such rights include the 56328  
right to compel the performance of all duties of the commissioners 56329  
and the state. Each duty of the commissioners and its employees, 56330  
and of each state agency and local government entity and its 56331  
officers, members, or employees, undertaken pursuant to the bond 56332  
proceedings, is hereby established as a duty of the commissioners, 56333  
and of each such agency, local government entity, officer, member, 56334  
or employee having authority to perform such duty, specifically 56335  
enjoined by the law and resulting from an office, trust, or 56336  
station within the meaning of section 2731.01 of the Revised Code. 56337  
The persons who are at the time the commissioners of the sinking 56338  
fund, or its employees, are not liable in their personal 56339  
capacities on any obligations or any agreements of or with the 56340  
commissioners relating to obligations or under the bond 56341  
proceedings. 56342

(M) Obligations are lawful investments for banks, societies 56343  
for savings, savings and loan associations, deposit guarantee 56344  
associations, trust companies, trustees, fiduciaries, insurance 56345  
companies, including domestic for life and domestic not for life, 56346  
trustees or other officers having charge of sinking and bond 56347  
retirement or other special funds of political subdivisions and 56348  
taxing districts of this state, the commissioners of the sinking 56349

fund, the administrator of workers' compensation, subject to the 56350  
approval of the workers' compensation board and the industrial 56351  
commission, the state teachers retirement system, the public 56352  
employees retirement system, the school employees retirement 56353  
system, and the Ohio police and fire pension fund, notwithstanding 56354  
any other provisions of the Revised Code or rules adopted pursuant 56355  
thereto by any state agency with respect to investments by them, 56356  
and are also acceptable as security for the deposit of public 56357  
moneys. 56358

(N) Unless otherwise provided in any applicable bond 56359  
proceedings, moneys to the credit of or in the special funds 56360  
established by or pursuant to this section may be invested by or 56361  
on behalf of the commissioners only in notes, bonds, or other 56362  
direct obligations of the United States or of any agency or 56363  
instrumentality thereof, in obligations of this state or any 56364  
political subdivision of this state, in certificates of deposit of 56365  
any national bank located in this state and any bank, as defined 56366  
in section 1101.01 of the Revised Code, subject to inspection by 56367  
the superintendent of financial institutions, in the Ohio 56368  
subdivision's fund established pursuant to section 135.45 of the 56369  
Revised Code, in no-front-end-load money market mutual funds 56370  
consisting exclusively of direct obligations of the United States 56371  
or of an agency or instrumentality thereof, and in repurchase 56372  
agreements, including those issued by any fiduciary, secured by 56373  
direct obligations of the United States or an agency or 56374  
instrumentality thereof, and in common trust funds established in 56375  
accordance with section 1109.20 of the Revised Code and consisting 56376  
exclusively of direct obligations of the United States or of an 56377  
agency or instrumentality thereof, notwithstanding division (A)(4) 56378  
of that section. The income from investments shall be credited to 56379  
such special funds or otherwise as the commissioners determine in 56380  
the bond proceedings, and the investments may be sold or exchanged 56381  
at such times as the commissioners determine or authorize. 56382

(O) Unless otherwise provided in any applicable bond proceedings, moneys to the credit of or in a special fund shall be disbursed on the order of the commissioners, provided that no such order is required for the payment from the bond service fund or other special fund when due of bond service charges or required payments under credit enhancement facilities.

(P) The commissioners may covenant in the bond proceedings, and any such covenants shall be controlling notwithstanding any other provision of law, that the state and the applicable officers and agencies of the state, including the general assembly, shall, so long as any obligations are outstanding in accordance with their terms, maintain statutory authority for and cause to be charged and collected taxes, excises, and other receipts of the state so that the receipts to the bond service fund shall be sufficient in amounts to meet bond service charges and for the establishment and maintenance of any reserves and other requirements, including payment of financing costs, provided for in the bond proceedings.

(Q) The obligations, and the transfer of, and the interest, interest equivalent, and other income and accreted amounts from, including any profit made on the sale, exchange, or other disposition of, the obligations shall at all times be free from taxation, direct or indirect, within the state.

(R) This section applies only with respect to obligations issued and delivered prior to September 30, 2000.

**Sec. 5531.10.** (A) As used in this chapter:

(1) "Bond proceedings" means the resolution, order, trust agreement, indenture, lease, lease-purchase agreements, and other agreements, amendments and supplements to the foregoing, or any one or more or combination thereof, authorizing or providing for the terms and conditions applicable to, or providing for the

security or liquidity of, obligations issued pursuant to this 56414  
section, and the provisions contained in such obligations. 56415

(2) "Bond service charges" means principal, including 56416  
mandatory sinking fund requirements for retirement of obligations, 56417  
and interest, and redemption premium, if any, required to be paid 56418  
by the state on obligations. 56419

(3) "Bond service fund" means the applicable fund and 56420  
accounts therein created for and pledged to the payment of bond 56421  
service charges, which may be, or may be part of, the state 56422  
infrastructure bank revenue bond service fund created by division 56423  
(R) of this section including all moneys and investments, and 56424  
earnings from investments, credited and to be credited thereto. 56425

(4) "Issuing authority" means the treasurer of state, or the 56426  
officer who by law performs the functions of the treasurer of 56427  
state. 56428

(5) "Obligations" means bonds, notes, or other evidence of 56429  
obligation including interest coupons pertaining thereto, issued 56430  
pursuant to this section. 56431

(6) "Pledged receipts" means moneys accruing to the state 56432  
from the lease, lease-purchase, sale, or other disposition, or 56433  
use, of qualified projects, and from the repayment, including 56434  
interest, of loans made from proceeds received from the sale of 56435  
obligations; accrued interest received from the sale of 56436  
obligations; income from the investment of the special funds; any 56437  
gifts, grants, donations, and pledges, and receipts therefrom, 56438  
available for the payment of bond service charges; and any amounts 56439  
in the state infrastructure bank pledged to the payment of such 56440  
charges. If the amounts in the state infrastructure bank are 56441  
insufficient for the payment of such charges, "pledged receipts" 56442  
also means moneys that are apportioned by the United States 56443  
secretary of transportation under United States Code, Title XXIII, 56444

as amended, or any successor legislation, or under any other 56445  
federal law relating to aid for highways, and that are to be 56446  
received as a grant by the state, to the extent the state is not 56447  
prohibited by state or federal law from using such moneys and the 56448  
moneys are pledged to the payment of such bond service charges. 56449

(7) "Special funds" or "funds" means, except where the 56450  
context does not permit, the bond service fund, and any other 56451  
funds, including reserve funds, created under the bond 56452  
proceedings, and the state infrastructure bank revenue bond 56453  
service fund created by division (R) of this section to the extent 56454  
provided in the bond proceedings, including all moneys and 56455  
investments, and earnings from investment, credited and to be 56456  
credited thereto. 56457

(8) "State infrastructure project" means any public 56458  
transportation project undertaken by the state, including, but not 56459  
limited to, all components of any such project, as described in 56460  
division (D) of section 5531.09 of the Revised Code. 56461

(9) "District obligations" means bonds, notes, or other 56462  
evidence of obligation including interest coupons pertaining 56463  
thereto, issued to finance a qualified project by a transportation 56464  
improvement district created pursuant to section 5540.02 of the 56465  
Revised Code, of which the principal, including mandatory sinking 56466  
fund requirements for retirement of such obligations, and interest 56467  
and redemption premium, if any, are payable by the department of 56468  
transportation. 56469

(B) The issuing authority, after giving written notice to the 56470  
director of budget and management and upon the certification by 56471  
the director of transportation to the issuing authority of the 56472  
amount of moneys or additional moneys needed either for state 56473  
infrastructure projects or to provide financial assistance for any 56474  
of the purposes for which the state infrastructure bank may be 56475  
used under section 5531.09 of the Revised Code, or needed for 56476

capitalized interest, funding reserves, and paying costs and 56477  
expenses incurred in connection with the issuance, carrying, 56478  
securing, paying, redeeming, or retirement of the obligations or 56479  
any obligations refunded thereby, including payment of costs and 56480  
expenses relating to letters of credit, lines of credit, 56481  
insurance, put agreements, standby purchase agreements, indexing, 56482  
marketing, remarketing and administrative arrangements, interest 56483  
swap or hedging agreements, and any other credit enhancement, 56484  
liquidity, remarketing, renewal, or refunding arrangements, all of 56485  
which are authorized by this section, shall issue obligations of 56486  
the state under this section in the required amount. The proceeds 56487  
of such obligations, except for the portion to be deposited in 56488  
special funds, including reserve funds, as may be provided in the 56489  
bond proceedings, shall as provided in the bond proceedings be 56490  
credited to the infrastructure bank obligations fund of the state 56491  
infrastructure bank created by section 5531.09 of the Revised Code 56492  
and disbursed as provided in the bond proceedings for such 56493  
obligations. The issuing authority may appoint trustees, paying 56494  
agents, transfer agents, and authenticating agents, and may retain 56495  
the services of financial advisors, accounting experts, and 56496  
attorneys, and retain or contract for the services of marketing, 56497  
remarketing, indexing, and administrative agents, other 56498  
consultants, and independent contractors, including printing 56499  
services, as are necessary in the issuing authority's judgment to 56500  
carry out this section. The costs of such services are payable 56501  
from funds of the state infrastructure bank. 56502

(C) The holders or owners of such obligations shall have no 56503  
right to have moneys raised by taxation by the state of Ohio 56504  
obligated or pledged, and moneys so raised shall not be obligated 56505  
or pledged, for the payment of bond service charges. The right of 56506  
such holders and owners to the payment of bond service charges is 56507  
limited to all or that portion of the pledged receipts and those 56508  
special funds pledged thereto pursuant to the bond proceedings for 56509

such obligations in accordance with this section, and each such 56510  
obligation shall bear on its face a statement to that effect. 56511  
Moneys received as repayment of loans made by the state 56512  
infrastructure bank pursuant to section 5531.09 of the Revised 56513  
Code shall not be considered moneys raised by taxation by the 56514  
state of Ohio regardless of the source of the moneys. 56515

(D) Obligations shall be authorized by order of the issuing 56516  
authority and the bond proceedings shall provide for the purpose 56517  
thereof and the principal amount or amounts, and shall provide for 56518  
or authorize the manner or agency for determining the principal 56519  
maturity or maturities, not exceeding twenty-five years from the 56520  
date of issuance, the interest rate or rates or the maximum 56521  
interest rate, the date of the obligations and the dates of 56522  
payment of interest thereon, their denomination, and the 56523  
establishment within or without the state of a place or places of 56524  
payment of bond service charges. Sections 9.98 to 9.983 of the 56525  
Revised Code are applicable to obligations issued under this 56526  
section. The purpose of such obligations may be stated in the bond 56527  
proceedings in terms describing the general purpose or purposes to 56528  
be served. The bond proceedings also shall provide, subject to the 56529  
provisions of any other applicable bond proceedings, for the 56530  
pledge of all, or such part as the issuing authority may 56531  
determine, of the pledged receipts and the applicable special fund 56532  
or funds to the payment of bond service charges, which pledges may 56533  
be made either prior or subordinate to other expenses, claims, or 56534  
payments, and may be made to secure the obligations on a parity 56535  
with obligations theretofore or thereafter issued, if and to the 56536  
extent provided in the bond proceedings. The pledged receipts and 56537  
special funds so pledged and thereafter received by the state 56538  
immediately are subject to the lien of such pledge without any 56539  
physical delivery thereof or further act, and the lien of any such 56540  
pledges is valid and binding against all parties having claims of 56541  
any kind against the state or any governmental agency of the 56542

state, irrespective of whether such parties have notice thereof, 56543  
and shall create a perfected security interest for all purposes of 56544  
Chapter 1309. of the Revised Code, without the necessity for 56545  
separation or delivery of funds or for the filing or recording of 56546  
the bond proceedings by which such pledge is created or any 56547  
certificate, statement, or other document with respect thereto; 56548  
and the pledge of such pledged receipts and special funds is 56549  
effective and the money therefrom and thereof may be applied to 56550  
the purposes for which pledged without necessity for any act of 56551  
appropriation. Every pledge, and every covenant and agreement made 56552  
with respect thereto, made in the bond proceedings may therein be 56553  
extended to the benefit of the owners and holders of obligations 56554  
authorized by this section, and to any trustee therefor, for the 56555  
further security of the payment of the bond service charges. 56556

56557

(E) The bond proceedings may contain additional provisions as 56558  
to: 56559

(1) The redemption of obligations prior to maturity at the 56560  
option of the issuing authority at such price or prices and under 56561  
such terms and conditions as are provided in the bond proceedings; 56562

(2) Other terms of the obligations; 56563

(3) Limitations on the issuance of additional obligations; 56564

(4) The terms of any trust agreement or indenture securing 56565  
the obligations or under which the same may be issued; 56566

(5) The deposit, investment, and application of special 56567  
funds, and the safeguarding of moneys on hand or on deposit, 56568  
without regard to Chapter 131. or 135. of the Revised Code, but 56569  
subject to any special provisions of this section with respect to 56570  
particular funds or moneys, provided that any bank or trust 56571  
company which acts as depository of any moneys in the special 56572  
funds may furnish such indemnifying bonds or may pledge such 56573

securities as required by the issuing authority; 56574

(6) Any or every provision of the bond proceedings being 56575  
binding upon such officer, board, commission, authority, agency, 56576  
department, or other person or body as may from time to time have 56577  
the authority under law to take such actions as may be necessary 56578  
to perform all or any part of the duty required by such provision; 56579

(7) Any provision that may be made in a trust agreement or 56580  
indenture; 56581

(8) Any other or additional agreements with the holders of 56582  
the obligations, or the trustee therefor, relating to the 56583  
obligations or the security therefor, including the assignment of 56584  
mortgages or other security relating to financial assistance for 56585  
qualified projects under section 5531.09 of the Revised Code. 56586

(F) The obligations may have the great seal of the state or a 56587  
facsimile thereof affixed thereto or printed thereon. The 56588  
obligations and any coupons pertaining to obligations shall be 56589  
signed or bear the facsimile signature of the issuing authority. 56590  
Any obligations or coupons may be executed by the person who, on 56591  
the date of execution, is the proper issuing authority although on 56592  
the date of such bonds or coupons such person was not the issuing 56593  
authority. In case the issuing authority whose signature or a 56594  
facsimile of whose signature appears on any such obligation or 56595  
coupon ceases to be the issuing authority before delivery thereof, 56596  
such signature or facsimile nevertheless is valid and sufficient 56597  
for all purposes as if the former issuing authority had remained 56598  
the issuing authority until such delivery; and in case the seal to 56599  
be affixed to obligations has been changed after a facsimile of 56600  
the seal has been imprinted on such obligations, such facsimile 56601  
seal shall continue to be sufficient as to such obligations and 56602  
obligations issued in substitution or exchange therefor. 56603

(G) All obligations are negotiable instruments and securities 56604

under Chapter 1308. of the Revised Code, subject to the provisions 56605  
of the bond proceedings as to registration. The obligations may be 56606  
issued in coupon or in registered form, or both, as the issuing 56607  
authority determines. Provision may be made for the registration 56608  
of any obligations with coupons attached thereto as to principal 56609  
alone or as to both principal and interest, their exchange for 56610  
obligations so registered, and for the conversion or reconversion 56611  
into obligations with coupons attached thereto of any obligations 56612  
registered as to both principal and interest, and for reasonable 56613  
charges for such registration, exchange, conversion, and 56614  
reconversion. 56615

(H) Obligations may be sold at public sale or at private 56616  
sale, as determined in the bond proceedings. 56617

(I) Pending preparation of definitive obligations, the 56618  
issuing authority may issue interim receipts or certificates which 56619  
shall be exchanged for such definitive obligations. 56620

(J) In the discretion of the issuing authority, obligations 56621  
may be secured additionally by a trust agreement or indenture 56622  
between the issuing authority and a corporate trustee which may be 56623  
any trust company or bank having ~~its principal~~ a place of business 56624  
within the state. Any such agreement or indenture may contain the 56625  
order authorizing the issuance of the obligations, any provisions 56626  
that may be contained in any bond proceedings, and other 56627  
provisions which are customary or appropriate in an agreement or 56628  
indenture of such type, including, but not limited to: 56629

(1) Maintenance of each pledge, trust agreement, indenture, 56630  
or other instrument comprising part of the bond proceedings until 56631  
the state has fully paid the bond service charges on the 56632  
obligations secured thereby, or provision therefor has been made; 56633

(2) In the event of default in any payments required to be 56634  
made by the bond proceedings, or any other agreement of the 56635

issuing authority made as a part of the contract under which the 56636  
obligations were issued, enforcement of such payments or agreement 56637  
by mandamus, the appointment of a receiver, suit in equity, action 56638  
at law, or any combination of the foregoing; 56639

(3) The rights and remedies of the holders of obligations and 56640  
of the trustee, and provisions for protecting and enforcing them, 56641  
including limitations on the rights of individual holders of 56642  
obligations; 56643

(4) The replacement of any obligations that become mutilated 56644  
or are destroyed, lost, or stolen; 56645

(5) Such other provisions as the trustee and the issuing 56646  
authority agree upon, including limitations, conditions, or 56647  
qualifications relating to any of the foregoing. 56648

(K) Any holder of obligations or a trustee under the bond 56649  
proceedings, except to the extent that the holder's or trustee's 56650  
rights are restricted by the bond proceedings, may by any suitable 56651  
form of legal proceedings, protect and enforce any rights under 56652  
the laws of this state or granted by such bond proceedings. Such 56653  
rights include the right to compel the performance of all duties 56654  
of the issuing authority and the director of transportation 56655  
required by the bond proceedings or sections 5531.09 and 5531.10 56656  
of the Revised Code; to enjoin unlawful activities; and in the 56657  
event of default with respect to the payment of any bond service 56658  
charges on any obligations or in the performance of any covenant 56659  
or agreement on the part of the issuing authority or the director 56660  
of transportation in the bond proceedings, to apply to a court 56661  
having jurisdiction of the cause to appoint a receiver to receive 56662  
and administer the pledged receipts and special funds, other than 56663  
those in the custody of the treasurer of state, which are pledged 56664  
to the payment of the bond service charges on such obligations or 56665  
which are the subject of the covenant or agreement, with full 56666  
power to pay, and to provide for payment of bond service charges 56667

on, such obligations, and with such powers, subject to the 56668  
direction of the court, as are accorded receivers in general 56669  
equity cases, excluding any power to pledge additional revenues or 56670  
receipts or other income or moneys of the state or local 56671  
governmental entities, or agencies thereof, to the payment of such 56672  
principal and interest and excluding the power to take possession 56673  
of, mortgage, or cause the sale or otherwise dispose of any 56674  
project facilities. 56675

Each duty of the issuing authority and the issuing 56676  
authority's officers and employees, and of each state or local 56677  
governmental agency and its officers, members, or employees, 56678  
undertaken pursuant to the bond proceedings or any loan, loan 56679  
guarantee, lease, lease-purchase agreement, or other agreement 56680  
made under authority of section 5531.09 of the Revised Code, and 56681  
in every agreement by or with the issuing authority, is hereby 56682  
established as a duty of the issuing authority, and of each such 56683  
officer, member, or employee having authority to perform such 56684  
duty, specifically enjoined by the law resulting from an office, 56685  
trust, or station within the meaning of section 2731.01 of the 56686  
Revised Code. 56687

The person who is at the time the issuing authority, or the 56688  
issuing authority's officers or employees, are not liable in their 56689  
personal capacities on any obligations issued by the issuing 56690  
authority or any agreements of or with the issuing authority. 56691

(L) The issuing authority may authorize and issue obligations 56692  
for the refunding, including funding and retirement, and advance 56693  
refunding with or without payment or redemption prior to maturity, 56694  
of any obligations previously issued by the issuing authority or 56695  
district obligations. Such refunding obligations may be issued in 56696  
amounts sufficient for payment of the principal amount of the 56697  
prior obligations or district obligations, any redemption premiums 56698  
thereon, principal maturities of any such obligations or district 56699

obligations maturing prior to the redemption of the remaining 56700  
obligations or district obligations on a parity therewith, 56701  
interest accrued or to accrue to the maturity dates or dates of 56702  
redemption of such obligations or district obligations, and any 56703  
expenses incurred or to be incurred in connection with such 56704  
issuance and such refunding, funding, and retirement. Subject to 56705  
the bond proceedings therefor, the portion of proceeds of the sale 56706  
of refunding obligations issued under this division to be applied 56707  
to bond service charges on the prior obligations or district 56708  
obligations shall be credited to an appropriate account held by 56709  
the trustee for such prior or new obligations or to the 56710  
appropriate account in the bond service fund for such obligations 56711  
or district obligations. Obligations authorized under this 56712  
division shall be deemed to be issued for those purposes for which 56713  
such prior obligations or district obligations were issued and are 56714  
subject to the provisions of this section pertaining to other 56715  
obligations, except as otherwise provided in this section. The 56716  
last maturity of obligations authorized under this division shall 56717  
not be later than twenty-five years from the date of issuance of 56718  
the original securities issued for the original purpose. 56719

(M) The authority to issue obligations under this section 56720  
includes authority to issue obligations in the form of bond 56721  
anticipation notes and to renew the same from time to time by the 56722  
issuance of new notes. The holders of such notes or interest 56723  
coupons pertaining thereto shall have a right to be paid solely 56724  
from the pledged receipts and special funds that may be pledged to 56725  
the payment of the bonds anticipated, or from the proceeds of such 56726  
bonds or renewal notes, or both, as the issuing authority provides 56727  
in the order authorizing such notes. Such notes may be 56728  
additionally secured by covenants of the issuing authority to the 56729  
effect that the issuing authority and the state will do such or 56730  
all things necessary for the issuance of such bonds or renewal 56731  
notes in the appropriate amount, and apply the proceeds thereof to 56732

the extent necessary, to make full payment of the principal of and 56733  
interest on such notes at the time or times contemplated, as 56734  
provided in such order. For such purpose, the issuing authority 56735  
may issue bonds or renewal notes in such principal amount and upon 56736  
such terms as may be necessary to provide funds to pay when 56737  
required the principal of and interest on such notes, 56738  
notwithstanding any limitations prescribed by or for purposes of 56739  
this section. Subject to this division, all provisions for and 56740  
references to obligations in this section are applicable to notes 56741  
authorized under this division. 56742

The issuing authority in the bond proceedings authorizing the 56743  
issuance of bond anticipation notes shall set forth for such bonds 56744  
an estimated interest rate and a schedule of principal payments 56745  
for such bonds and the annual maturity dates thereof. 56746

(N) Obligations issued under this section are lawful 56747  
investments for banks, societies for savings, savings and loan 56748  
associations, deposit guarantee associations, trust companies, 56749  
trustees, fiduciaries, insurance companies, including domestic for 56750  
life and domestic not for life, trustees or other officers having 56751  
charge of sinking and bond retirement or other special funds of 56752  
political subdivisions and taxing districts of this state, the 56753  
commissioners of the sinking fund of the state, the administrator 56754  
of workers' compensation, the state teachers retirement system, 56755  
the public employees retirement system, the school employees 56756  
retirement system, and the Ohio police and fire pension fund, 56757  
notwithstanding any other provisions of the Revised Code or rules 56758  
adopted pursuant thereto by any agency of the state with respect 56759  
to investments by them, and are also acceptable as security for 56760  
the deposit of public moneys. 56761

(O) Unless otherwise provided in any applicable bond 56762  
proceedings, moneys to the credit of or in the special funds 56763  
established by or pursuant to this section may be invested by or 56764

on behalf of the issuing authority only in notes, bonds, or other 56765  
obligations of the United States, or of any agency or 56766  
instrumentality of the United States, obligations guaranteed as to 56767  
principal and interest by the United States, obligations of this 56768  
state or any political subdivision of this state, and certificates 56769  
of deposit of any national bank located in this state and any 56770  
bank, as defined in section 1101.01 of the Revised Code, subject 56771  
to inspection by the superintendent of financial institutions. If 56772  
the law or the instrument creating a trust pursuant to division 56773  
(J) of this section expressly permits investment in direct 56774  
obligations of the United States or an agency of the United 56775  
States, unless expressly prohibited by the instrument, such moneys 56776  
also may be invested in no-front-end-load money market mutual 56777  
funds consisting exclusively of obligations of the United States 56778  
or an agency of the United States and in repurchase agreements, 56779  
including those issued by the fiduciary itself, secured by 56780  
obligations of the United States or an agency of the United 56781  
States; and in collective investment funds as defined in division 56782  
(A) of section 1111.01 of the Revised Code and consisting 56783  
exclusively of any such securities. The income from such 56784  
investments shall be credited to such funds as the issuing 56785  
authority determines, and such investments may be sold at such 56786  
times as the issuing authority determines or authorizes. 56787

(P) Provision may be made in the applicable bond proceedings 56788  
for the establishment of separate accounts in the bond service 56789  
fund and for the application of such accounts only to the 56790  
specified bond service charges on obligations pertinent to such 56791  
accounts and bond service fund and for other accounts therein 56792  
within the general purposes of such fund. Unless otherwise 56793  
provided in any applicable bond proceedings, moneys to the credit 56794  
of or in the several special funds established pursuant to this 56795  
section shall be disbursed on the order of the treasurer of state, 56796  
provided that no such order is required for the payment from the 56797

bond service fund when due of bond service charges on obligations. 56798

(Q)(1) The issuing authority may pledge all, or such portion 56799  
as the issuing authority determines, of the pledged receipts to 56800  
the payment of bond service charges on obligations issued under 56801  
this section, and for the establishment and maintenance of any 56802  
reserves, as provided in the bond proceedings, and make other 56803  
provisions therein with respect to pledged receipts as authorized 56804  
by this chapter, which provisions are controlling notwithstanding 56805  
any other provisions of law pertaining thereto. 56806

(2) An action taken under division (Q)(2) of this section 56807  
does not limit the generality of division (Q)(1) of this section, 56808  
and is subject to division (C) of this section and, if and to the 56809  
extent otherwise applicable, Section 13 of Article VIII, Ohio 56810  
Constitution. The bond proceedings may contain a covenant that, in 56811  
the event the pledged receipts primarily pledged and required to 56812  
be used for the payment of bond service charges on obligations 56813  
issued under this section, and for the establishment and 56814  
maintenance of any reserves, as provided in the bond proceedings, 56815  
are insufficient to make any such payment in full when due, or to 56816  
maintain any such reserve, the director of transportation shall so 56817  
notify the governor, and shall determine to what extent, if any, 56818  
the payment may be made or moneys may be restored to the reserves 56819  
from lawfully available moneys previously appropriated for that 56820  
purpose to the department of transportation. The covenant also may 56821  
provide that if the payments are not made or the moneys are not 56822  
immediately and fully restored to the reserves from such moneys, 56823  
the director shall promptly submit to the governor and to the 56824  
director of budget and management a written request for either or 56825  
both of the following: 56826

(a) That the next biennial budget submitted by the governor 56827  
to the general assembly include an amount to be appropriated from 56828  
lawfully available moneys to the department for the purpose of and 56829

sufficient for the payment in full of bond service charges 56830  
previously due and for the full replenishment of the reserves; 56831

(b) That the general assembly be requested to increase 56832  
appropriations from lawfully available moneys for the department 56833  
in the current biennium sufficient for the purpose of and for the 56834  
payment in full of bond service charges previously due and to come 56835  
due in the biennium and for the full replenishment of the 56836  
reserves. 56837

The director of transportation shall include with such 56838  
requests a recommendation that the payment of the bond service 56839  
charges and the replenishment of the reserves be made in the 56840  
interest of maximizing the benefits of the state infrastructure 56841  
bank. Any such covenant shall not obligate or purport to obligate 56842  
the state to pay the bond service charges on such bonds or notes 56843  
or to deposit moneys in a reserve established for such payments 56844  
other than from moneys that may be lawfully available and 56845  
appropriated for that purpose during the then-current biennium. 56846

(R) There is hereby created the state infrastructure bank 56847  
revenue bond service fund, which shall be in the custody of the 56848  
treasurer of state but shall not be a part of the state treasury. 56849  
All moneys received by or on account of the issuing authority or 56850  
state agencies and required by the applicable bond proceedings, 56851  
consistent with this section, to be deposited, transferred, or 56852  
credited to the bond service fund, and all other moneys 56853  
transferred or allocated to or received for the purposes of the 56854  
fund, shall be deposited and credited to such fund and to any 56855  
separate accounts therein, subject to applicable provisions of the 56856  
bond proceedings, but without necessity for any act of 56857  
appropriation. The state infrastructure bank revenue bond service 56858  
fund is a trust fund and is hereby pledged to the payment of bond 56859  
service charges to the extent provided in the applicable bond 56860  
proceedings, and payment thereof from such fund shall be made or 56861

provided for by the treasurer of state in accordance with such 56862  
bond proceedings without necessity for any act of appropriation. 56863

(S) The obligations issued pursuant to this section, the 56864  
transfer thereof, and the income therefrom, including any profit 56865  
made on the sale thereof, shall at all times be free from taxation 56866  
within this state. 56867

Sec. 5533.531. The road known as state route one hundred 56868  
eighteen, commencing at the southernmost boundary of the municipal 56869  
corporation of St. Henry and extending southward to the 56870  
intersection of that state route and state route forty-seven, 56871  
shall be known as "Earl Baltes Highway." 56872

The director of transportation may erect suitable markers 56873  
along the highway indicating its name. 56874

Sec. 5533.632. The road known as state route number two, 56875  
running in an easterly and westerly direction, within the 56876  
municipal corporation of Willoughby only, shall be known as the 56877  
"Brian Montgomery Memorial Highway." 56878

The director of transportation may erect suitable markers 56879  
along the highway indicating its name. 56880

Sec. 5533.91. That part of the road known as state route 56881  
number forty-four, located within Lake county and commencing at 56882  
the intersection of that state route and state route number two 56883  
and extending in a northerly direction and ending at headlands 56884  
beach state park, shall be known as the "LCpl Andy Nowacki 56885  
Memorial Highway." 56886

The director of transportation may erect suitable markers 56887  
along the highway indicating its name. 56888

**Sec. 5537.04.** (A) The Ohio turnpike commission may do any of 56889

the following:	56890
(1) Adopt bylaws for the regulation of its affairs and the conduct of its business;	56891 56892
(2) Adopt an official seal, which shall not be the great seal of the state and which need not be in compliance with section 5.10 of the Revised Code;	56893 56894 56895
(3) Maintain a principal office and suboffices at such places within the state as it designates;	56896 56897
(4) Sue and be sued in its own name, plead and be impleaded, provided any actions against the commission shall be brought in the court of common pleas of the county in which the principal office of the commission is located, or in the court of common pleas of the county in which the cause of action arose if that county is located within this state, and all summonses, exceptions, and notices of every kind shall be served on the commission by leaving a copy thereof at its principal office with the secretary-treasurer or executive director of the commission;	56898 56899 56900 56901 56902 56903 56904 56905 56906
(5) Construct, maintain, repair, police, and operate the turnpike system, and establish rules for the use of any turnpike project;	56907 56908 56909
(6) Issue revenue bonds of the state, payable solely from pledged revenues, as provided in this chapter, for the purpose of paying any part of the cost of constructing any one or more turnpike projects;	56910 56911 56912 56913
(7) Fix, and revise from time to time, and charge and collect tolls;	56914 56915
(8) Acquire, hold, and dispose of property in the exercise of its powers and the performance of its duties under this chapter;	56916 56917
(9) Designate the locations and establish, limit, and control such points of ingress to and egress from each turnpike project as	56918 56919

are necessary or desirable in the judgment of the commission and 56920  
of the director of transportation to ensure the proper operation 56921  
and maintenance of that project, and prohibit entrance to such a 56922  
project from any point not so designated; 56923

(10) Make and enter into all contracts and agreements 56924  
necessary or incidental to the performance of its duties and the 56925  
execution of its powers under this chapter, including 56926  
participation in a multi-jurisdiction electronic toll collection 56927  
agreement and collection or remittance of tolls, fees, or other 56928  
charges to or from entities or agencies that participate in such 56929  
an agreement; 56930

(11) Employ or retain or contract for the services of 56931  
consulting engineers, superintendents, managers, and any other 56932  
engineers, construction and accounting experts, financial 56933  
advisers, trustees, marketing, remarketing, and administrative 56934  
agents, attorneys, and other employees, independent contractors, 56935  
or agents that are necessary in its judgment and fix their 56936  
compensation, provided all such expenses shall be payable solely 56937  
from the proceeds of bonds or from revenues of the Ohio turnpike 56938  
system; 56939

(12) Receive and accept from any federal agency, subject to 56940  
the approval of the governor, and from any other governmental 56941  
agency grants for or in aid of the construction, reconstruction, 56942  
repair, renovation, maintenance, or operation of any turnpike 56943  
project, and receive and accept aid or contributions from any 56944  
source or person of money, property, labor, or other things of 56945  
value, to be held, used, and applied only for the purposes for 56946  
which such grants and contributions are made; 56947

(13) Provide coverage for its employees under Chapters 4123. 56948  
and 4141. of the Revised Code; 56949

(14) Fix and revise by rule, from time to time, such permit 56950

fees, processing fees, or administrative charges for the 56951  
prepayment, deferred payment, or nonpayment of tolls and use of 56952  
electronic tolling equipment or other commission property. 56953

(B) The commission may do all acts necessary or proper to 56954  
carry out the powers expressly granted in this chapter. 56955

**Sec. 5537.16.** (A) The Ohio turnpike commission may adopt such 56956  
bylaws and rules as it considers advisable for the control and 56957  
regulation of traffic on any turnpike project, for the protection 56958  
and preservation of property under its jurisdiction and control, 56959  
~~and~~ for the maintenance and preservation of good order within the 56960  
property under its control, and for the purpose of establishing 56961  
owner or operator liability for failure to comply with toll 56962  
collection rules. The rules of the commission with respect to the 56963  
speed, use of special engine brakes, axle loads, vehicle loads, 56964  
and vehicle dimensions of vehicles on turnpike projects, including 56965  
the issuance of a special permit by the commission to allow the 56966  
operation on any turnpike project of a motor vehicle transporting 56967  
two or fewer steel coils, shall apply notwithstanding sections 56968  
4511.21 to 4511.24, 4513.34, and Chapter 5577. of the Revised 56969  
Code. Such bylaws and rules shall be published in a newspaper of 56970  
general circulation in Franklin county, and in such other manner 56971  
as the commission prescribes. 56972

(B) Such rules shall provide that public police officers 56973  
shall be afforded ready access, while in the performance of their 56974  
official duty, to all property under the jurisdiction of the 56975  
commission and without the payment of tolls. 56976

(C) No person shall violate any such bylaws or rules of the 56977  
commission. ~~All~~ 56978

(D)(1) All fines collected for the violation of applicable 56979  
laws of the state and the bylaws and rules of the commission or 56980  
moneys arising from bonds forfeited for such violation shall be 56981

disposed of in accordance with section 5503.04 of the Revised Code. 56982  
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(2) All fees or charges assessed by the commission against an owner or operator of a vehicle as a civil violation for failure to comply with toll collection rules shall be revenues of the commission. 56984  
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**Sec. 5537.99.** ~~Whoever~~ (A) Except as provided in division (B) of this section, whoever violates division (C) of section 5537.16 of the Revised Code is guilty of a minor misdemeanor on a first offense; on each subsequent offense such person is guilty of a misdemeanor of the fourth degree. 56988  
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(B) Whoever violates division (C) of section 5537.16 of the Revised Code when the violation is a civil violation for failure to comply with toll collection rules is subject to a fee or charge established by the commission by rule. 56993  
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**Sec. 5703.058.** Before January 1, 2008, the tax commissioner and the treasurer of state shall consult and jointly adopt policies and procedures for the processing of payments of taxes administered by the tax commissioner such that payments are deposited in or credited to the appropriate account or fund within thirty days after receipt by the commissioner or treasurer. The policies and procedures shall apply to all such payments received on or after January 1, 2008. The policies and procedures are supplemental to rules adopted by the treasurer of state under section 113.08 of the Revised Code. 56997  
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**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. 57007  
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Each fiscal year between the first and fifteenth days of 57012  
July, the tax commissioner shall compute the following amounts for 57013  
the property in each taxing district in each county, and certify 57014  
to the director of budget and management the sum of those amounts 57015  
for all taxing districts in all counties: 57016

(A) For fiscal year 2006, thirty-three hundredths of one per 57017  
cent of the total amount by which taxes charged against real 57018  
property on the general tax list of real and public utility 57019  
property were reduced under section 319.302 of the Revised Code 57020  
for the preceding tax year; 57021

(B) For fiscal year 2007 and thereafter, thirty-five 57022  
hundredths of one per cent of the total amount by which taxes 57023  
charged against real property on the general tax list of real and 57024  
public utility property were reduced under section 319.302 of the 57025  
Revised Code for the preceding tax year; 57026

(C) For fiscal year 2006, one-half of one per cent of the 57027  
total amount of taxes charged and payable against public utility 57028  
personal property on the general tax list of real and public 57029  
utility property for the preceding tax year and of the total 57030  
amount of taxes charged and payable against tangible personal 57031  
property on the general tax list of personal property of the 57032  
preceding tax year and for which returns were filed with the tax 57033  
commissioner under section 5711.13 of the Revised Code; 57034

(D) For fiscal year 2007, fifty-six hundredths of one per 57035  
cent of the total amount of taxes charged and payable against 57036  
public utility personal property on the general tax list of real 57037  
and public utility property for the preceding tax year and of the 57038  
total amount of taxes charged and payable against tangible 57039  
personal property on the general tax list of personal property of 57040  
the preceding tax year and for which returns were filed with the 57041  
tax commissioner under section 5711.13 of the Revised Code; 57042

(E) For fiscal year 2008 ~~and thereafter~~, six-tenths of one 57043  
per cent of the total amount of taxes charged and payable against 57044  
public utility personal property on the general tax list of real 57045  
and public utility property for the preceding tax year and of the 57046  
total amount of taxes charged and payable against tangible 57047  
personal property on the general tax list of personal property of 57048  
the preceding tax year and for which returns were filed with the 57049  
tax commissioner under section 5711.13 of the Revised Code; 57050

(F) For fiscal year 2009 and thereafter, seven hundred 57051  
twenty-five one-thousandths of one per cent of the total amount of 57052  
taxes charged and payable against public utility personal property 57053  
on the general tax list of real and public utility property for 57054  
the preceding tax year and of the total amount of taxes charged 57055  
and payable against tangible personal property on the general tax 57056  
list of personal property of the preceding tax year and for which 57057  
returns were filed with the tax commissioner under section 5711.13 57058  
of the Revised Code. 57059

After receiving the tax commissioner's certification, the 57060  
director of budget and management shall transfer from the general 57061  
revenue fund to the property tax administration fund one-fourth of 57062  
the amount certified on or before each of the following days: the 57063  
first days of August, November, February, and May. 57064

On or before the thirtieth day of June of the fiscal year, 57065  
the tax commissioner shall certify to the director of budget and 57066  
management the sum of the amounts by which the amounts computed 57067  
for a taxing district under this section exceeded the 57068  
distributions to the taxing district under division (F) of section 57069  
321.24 of the Revised Code, and the director shall transfer that 57070  
sum from the property tax administration fund to the general 57071  
revenue fund. 57072

**Sec. 5705.01.** As used in this chapter: 57073

(A) "Subdivision" means any county; municipal corporation; 57074  
township; township police district; township fire district; joint 57075  
fire district; joint ambulance district; joint emergency medical 57076  
services district; fire and ambulance district; joint recreation 57077  
district; township waste disposal district; township road 57078  
district; community college district; technical college district; 57079  
detention facility district; a district organized under section 57080  
2151.65 of the Revised Code; a combined district organized under 57081  
sections 2152.41 and 2151.65 of the Revised Code; a joint-county 57082  
alcohol, drug addiction, and mental health service district; a 57083  
drainage improvement district created under section 6131.52 of the 57084  
Revised Code; a union cemetery district; a county school financing 57085  
district; ~~or~~ a city, local, exempted village, cooperative 57086  
education, or joint vocational school district; or a student 57087  
special services district created under section 3313.82 of the 57088  
Revised Code. 57089

(B) "Municipal corporation" means all municipal corporations, 57090  
including those that have adopted a charter under Article XVIII, 57091  
Ohio Constitution. 57092

(C) "Taxing authority" or "bond issuing authority" means, in 57093  
the case of any county, the board of county commissioners; in the 57094  
case of a municipal corporation, the council or other legislative 57095  
authority of the municipal corporation; in the case of a city, 57096  
local, exempted village, cooperative education, or joint 57097  
vocational school district, the board of education; in the case of 57098  
a community college district, the board of trustees of the 57099  
district; in the case of a technical college district, the board 57100  
of trustees of the district; in the case of a detention facility 57101  
district, a district organized under section 2151.65 of the 57102  
Revised Code, or a combined district organized under sections 57103  
2152.41 and 2151.65 of the Revised Code, the joint board of county 57104  
commissioners of the district; in the case of a township, the 57105

board of township trustees; in the case of a joint fire district, 57106  
the board of fire district trustees; in the case of a joint 57107  
recreation district, the joint recreation district board of 57108  
trustees; in the case of a joint-county alcohol, drug addiction, 57109  
and mental health service district, the district's board of 57110  
alcohol, drug addiction, and mental health services; in the case 57111  
of a joint ambulance district or a fire and ambulance district, 57112  
the board of trustees of the district; in the case of a union 57113  
cemetery district, the legislative authority of the municipal 57114  
corporation and the board of township trustees, acting jointly as 57115  
described in section 759.341 of the Revised Code; in the case of a 57116  
drainage improvement district, the board of county commissioners 57117  
of the county in which the drainage district is located; in the 57118  
case of a joint emergency medical services district, the joint 57119  
board of county commissioners of all counties in which all or any 57120  
part of the district lies; and in the case of a township police 57121  
district, a township fire district, a township road district, or a 57122  
township waste disposal district, the board of township trustees 57123  
of the township in which the district is located. "Taxing 57124  
authority" also means the educational service center governing 57125  
board that serves as the taxing authority of a county school 57126  
financing district as provided in section 3311.50 of the Revised 57127  
Code, and the board of directors of a student special services 57128  
district created under section 3313.82 of the Revised Code. 57129

(D) "Fiscal officer" in the case of a county, means the 57130  
county auditor; in the case of a municipal corporation, the city 57131  
auditor or village clerk, or an officer who, by virtue of the 57132  
charter, has the duties and functions of the city auditor or 57133  
village clerk, except that in the case of a municipal university 57134  
the board of directors of which have assumed, in the manner 57135  
provided by law, the custody and control of the funds of the 57136  
university, the chief accounting officer of the university shall 57137  
perform, with respect to the funds, the duties vested in the 57138

fiscal officer of the subdivision by sections 5705.41 and 5705.44 57139  
of the Revised Code; in the case of a school district, the 57140  
treasurer of the board of education; in the case of a county 57141  
school financing district, the treasurer of the educational 57142  
service center governing board that serves as the taxing 57143  
authority; in the case of a township, the township fiscal officer; 57144  
in the case of a joint fire district, the clerk of the board of 57145  
fire district trustees; in the case of a joint ambulance district, 57146  
the clerk of the board of trustees of the district; in the case of 57147  
a joint emergency medical services district, the person appointed 57148  
as fiscal officer pursuant to division (D) of section 307.053 of 57149  
the Revised Code; in the case of a fire and ambulance district, 57150  
the person appointed as fiscal officer pursuant to division (B) of 57151  
section 505.375 of the Revised Code; in the case of a joint 57152  
recreation district, the person designated pursuant to section 57153  
755.15 of the Revised Code; in the case of a union cemetery 57154  
district, the clerk of the municipal corporation designated in 57155  
section 759.34 of the Revised Code; in the case of a children's 57156  
home district, educational service center, general health 57157  
district, joint-county alcohol, drug addiction, and mental health 57158  
service district, county library district, detention facility 57159  
district, district organized under section 2151.65 of the Revised 57160  
Code, a combined district organized under sections 2152.41 and 57161  
2151.65 of the Revised Code, or a metropolitan park district for 57162  
which no treasurer has been appointed pursuant to section 1545.07 57163  
of the Revised Code, the county auditor of the county designated 57164  
by law to act as the auditor of the district; in the case of a 57165  
metropolitan park district which has appointed a treasurer 57166  
pursuant to section 1545.07 of the Revised Code, that treasurer; 57167  
in the case of a drainage improvement district, the auditor of the 57168  
county in which the drainage improvement district is located; in 57169  
the case of a student special services district, the fiscal 57170  
officer appointed pursuant to section 3313.82 of the Revised Code; 57171

and in all other cases, the officer responsible for keeping the 57172  
appropriation accounts and drawing warrants for the expenditure of 57173  
the moneys of the district or taxing unit. 57174

(E) "Permanent improvement" or "improvement" means any 57175  
property, asset, or improvement with an estimated life or 57176  
usefulness of five years or more, including land and interests 57177  
therein, and reconstructions, enlargements, and extensions thereof 57178  
having an estimated life or usefulness of five years or more. 57179

(F) "Current operating expenses" and "current expenses" mean 57180  
the lawful expenditures of a subdivision, except those for 57181  
permanent improvements, and except payments for interest, sinking 57182  
fund, and retirement of bonds, notes, and certificates of 57183  
indebtedness of the subdivision. 57184

(G) "Debt charges" means interest, sinking fund, and 57185  
retirement charges on bonds, notes, or certificates of 57186  
indebtedness. 57187

(H) "Taxing unit" means any subdivision or other governmental 57188  
district having authority to levy taxes on the property in the 57189  
district or issue bonds that constitute a charge against the 57190  
property of the district, including conservancy districts, 57191  
metropolitan park districts, sanitary districts, road districts, 57192  
and other districts. 57193

(I) "District authority" means any board of directors, 57194  
trustees, commissioners, or other officers controlling a district 57195  
institution or activity that derives its income or funds from two 57196  
or more subdivisions, such as the educational service center, the 57197  
trustees of district children's homes, the district board of 57198  
health, a joint-county alcohol, drug addiction, and mental health 57199  
service district's board of alcohol, drug addiction, and mental 57200  
health services, detention facility districts, a joint recreation 57201  
district board of trustees, districts organized under section 57202

2151.65 of the Revised Code, combined districts organized under 57203  
sections 2152.41 and 2151.65 of the Revised Code, and other such 57204  
boards. 57205

(J) "Tax list" and "tax duplicate" mean the general tax lists 57206  
and duplicates prescribed by sections 319.28 and 319.29 of the 57207  
Revised Code. 57208

(K) "Property" as applied to a tax levy means taxable 57209  
property listed on general tax lists and duplicates. 57210

(L) "School library district" means a school district in 57211  
which a free public library has been established that is under the 57212  
control and management of a board of library trustees as provided 57213  
in section 3375.15 of the Revised Code. 57214

Sec. 5705.219. (A) If the board of directors of a student 57215  
special services district created under section 3313.82 of the 57216  
Revised Code desires to levy a tax in excess of the ten-mill 57217  
limitation throughout the district for the purpose of funding the 57218  
services to be provided by the district to students enrolled in 57219  
the school districts of which the district is composed and their 57220  
immediate family members, the board shall propose the levy to each 57221  
of the boards of education of those school districts. The proposal 57222  
shall specify the rate or amount of the tax, the number of years 57223  
the tax will be levied or that it will be levied for a continuing 57224  
period of time, and that the aggregate rate of the tax shall not 57225  
exceed three mills per dollar of taxable value in the student 57226  
special services district. 57227

(B)(1) If a majority of the boards of education of the school 57228  
districts of which the student special services district is 57229  
composed approves the proposal for the tax levy, the board of 57230  
directors of the student special services district may adopt a 57231  
resolution approved by a majority of the board's full membership 57232  
declaring the necessity of levying the proposed tax in excess of 57233

the ten-mill limitation throughout the district for the purpose of 57234  
funding the services to be provided by the district to students 57235  
enrolled in the school districts of which the district is composed 57236  
and their immediate family members. The resolution shall provide 57237  
for the question of the tax to be submitted to the electors of the 57238  
district at a general, primary, or special election on a day to be 57239  
specified in the resolution that is consistent with the 57240  
requirements of section 3501.01 of the Revised Code and that 57241  
occurs at least seventy-five days after the resolution is 57242  
certified to the board of elections. The resolution shall specify 57243  
the rate or amount of the tax and the number of years the tax will 57244  
be levied or that the tax will be levied for a continuing period 57245  
of time. The aggregate rate of tax levied by a student special 57246  
services district under this section at any time shall not exceed 57247  
three mills per dollar of taxable value in the district. A tax 57248  
levied under this section may be renewed, subject to section 57249  
5705.25 of the Revised Code, or replaced as provided in section 57250  
5705.192 of the Revised Code. 57251

(2) The resolution shall take effect immediately upon 57252  
passage, and no publication of the resolution is necessary other 57253  
than that provided in the notice of election. The resolution shall 57254  
be certified and submitted in the manner provided under section 57255  
5705.25 of the Revised Code, and that section governs the 57256  
arrangements governing submission of the question and other 57257  
matters concerning the election. 57258

**Sec. 5705.25.** (A) A copy of any resolution adopted as 57259  
provided in section 5705.19 or 5705.219 of the Revised Code shall 57260  
be certified by the taxing authority to the board of elections of 57261  
the proper county not less than seventy-five days before the 57262  
general election in any year, and the board shall submit the 57263  
proposal to the electors of the subdivision at the succeeding 57264  
November election. Except as otherwise provided in this division, 57265

a resolution to renew an existing levy, regardless of the section 57266  
of the Revised Code under which the tax was imposed, shall not be 57267  
placed on the ballot unless the question is submitted at the 57268  
general election held during the last year the tax to be renewed 57269  
or replaced may be extended on the real and public utility 57270  
property tax list and duplicate, or at any election held in the 57271  
ensuing year. The limitation of the foregoing sentence does not 57272  
apply to a resolution to renew and increase or to renew part of an 57273  
existing levy that was imposed under section 5705.191 of the 57274  
Revised Code to supplement the general fund for the purpose of 57275  
making appropriations for one or more of the following purposes: 57276  
for public assistance, human or social services, relief, welfare, 57277  
hospitalization, health, and support of general hospitals. The 57278  
limitation of the second preceding sentence also does not apply to 57279  
a resolution that proposes to renew two or more existing levies 57280  
imposed under section 5705.21 of the Revised Code, in which case 57281  
the question shall be submitted on the date of the general or 57282  
primary election held during the last year at least one of the 57283  
levies to be renewed may be extended on the real and public 57284  
utility property tax list and duplicate, or at any election held 57285  
during the ensuing year. For purposes of this section, a levy 57286  
shall be considered to be an "existing levy" through the year 57287  
following the last year it can be placed on that tax list and 57288  
duplicate. 57289

The board shall make the necessary arrangements for the 57290  
submission of such questions to the electors of such subdivision, 57291  
and the election shall be conducted, canvassed, and certified in 57292  
the same manner as regular elections in such subdivision for the 57293  
election of county officers. Notice of the election shall be 57294  
published in a newspaper of general circulation in the subdivision 57295  
once a week for two consecutive weeks prior to the election, and, 57296  
if the board of elections operates and maintains a web site, the 57297  
board of elections shall post notice of the election on its web 57298

site for thirty days prior to the election. The notice shall state 57299  
the purpose, the proposed increase in rate expressed in dollars 57300  
and cents for each one hundred dollars of valuation as well as in 57301  
mills for each one dollar of valuation, the number of years during 57302  
which the increase will be in effect, the first month and year in 57303  
which the tax will be levied, and the time and place of the 57304  
election. 57305

(B) The form of the ballots cast at an election held pursuant 57306  
to division (A) of this section shall be as follows: 57307

"An additional tax for the benefit of (name of subdivision or 57308  
public library) ..... for the purpose of (purpose stated in 57309  
the resolution) ..... at a rate not exceeding ..... mills 57310  
for each one dollar of valuation, which amounts to (rate expressed 57311  
in dollars and cents) ..... for each one hundred dollars of 57312  
valuation, for ..... (life of indebtedness or number of years the 57313  
levy is to run). 57314

	For the Tax Levy	
	Against the Tax Levy	"

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57316  
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(C) If the levy is to be in effect for a continuing period of 57319  
time, the notice of election and the form of ballot shall so state 57320  
instead of setting forth a specified number of years for the levy. 57321

If the tax is to be placed on the current tax list, the form 57322  
of the ballot shall be modified by adding, after the statement of 57323  
the number of years the levy is to run, the phrase ", commencing 57324  
in ..... (first year the tax is to be levied), first due in 57325  
calendar year ..... (first calendar year in which the tax 57326  
shall be due)." 57327

If the levy submitted is a proposal to renew, increase, or 57328  
decrease an existing levy, the form of the ballot specified in 57329

division (B) of this section may be changed by substituting for 57330  
the words "An additional" at the beginning of the form, the words 57331  
"A renewal of a" in case of a proposal to renew an existing levy 57332  
in the same amount; the words "A renewal of ..... mills and an 57333  
increase of ..... mills to constitute a" in the case of an 57334  
increase; or the words "A renewal of part of an existing levy, 57335  
being a reduction of ..... mills, to constitute a" in the case of 57336  
a decrease in the proposed levy. 57337

If the levy submitted is a proposal to renew two or more 57338  
existing levies imposed under section 5705.21 of the Revised Code, 57339  
the form of the ballot specified in division (B) of this section 57340  
shall be modified by substituting for the words "an additional 57341  
tax" the words "a renewal of ....(insert the number of levies to 57342  
be renewed) existing taxes." 57343

The question covered by such resolution shall be submitted as 57344  
a separate proposition but may be printed on the same ballot with 57345  
any other proposition submitted at the same election, other than 57346  
the election of officers. More than one such question may be 57347  
submitted at the same election. 57348

(D) A levy voted in excess of the ten-mill limitation under 57349  
this section shall be certified to the tax commissioner. In the 57350  
first year of the levy, it shall be extended on the tax lists 57351  
after the February settlement succeeding the election. If the 57352  
additional tax is to be placed upon the tax list of the current 57353  
year, as specified in the resolution providing for its submission, 57354  
the result of the election shall be certified immediately after 57355  
the canvass by the board of elections to the taxing authority, who 57356  
shall make the necessary levy and certify it to the county 57357  
auditor, who shall extend it on the tax lists for collection. 57358  
After the first year, the tax levy shall be included in the annual 57359  
tax budget that is certified to the county budget commission. 57360

Sec. 5705.29. This section does not apply to a subdivision or 57361  
taxing unit for which the county budget commission has waived the 57362  
requirement to adopt a tax budget pursuant to section 5705.281 of 57363  
the Revised Code. The tax budget shall present the following 57364  
information in such detail as is prescribed by the auditor of 57365  
state: 57366

(A)(1) A statement of the necessary current operating 57367  
expenses for the ensuing fiscal year for each department and 57368  
division of the subdivision, classified as to personal services 57369  
and other expenses, and the fund from which such expenditures are 57370  
to be made. Except in the case of a school district, this estimate 57371  
may include a contingent expense not designated for any particular 57372  
purpose, and not to exceed three per cent of the total amount of 57373  
appropriations for current expenses. In the case of a school 57374  
district, this estimate may include a contingent expense not 57375  
designated for any particular purpose and not to exceed thirteen 57376  
per cent of the total amount of appropriations for current 57377  
expenses. 57378

(2) A statement of the expenditures for the ensuing fiscal 57379  
year necessary for permanent improvements, exclusive of any 57380  
expense to be paid from bond issues, classified as to the 57381  
improvements contemplated by the subdivision and the fund from 57382  
which such expenditures are to be made; 57383

(3) The amounts required for the payment of final judgments; 57384

(4) A statement of expenditures for the ensuing fiscal year 57385  
necessary for any purpose for which a special levy is authorized, 57386  
and the fund from which such expenditures are to be made; 57387

(5) Comparative statements, so far as possible, in parallel 57388  
columns of corresponding items of expenditures for the current 57389  
fiscal year and the two preceding fiscal years. 57390

(B)(1) An estimate of receipts from other sources than the 57391  
general property tax during the ensuing fiscal year, which shall 57392  
include an estimate of unencumbered balances at the end of the 57393  
current fiscal year, and the funds to which such estimated 57394  
receipts are credited; 57395

(2) The amount each fund requires from the general property 57396  
tax, which shall be the difference between the contemplated 57397  
expenditure from the fund and the estimated receipts, as provided 57398  
in this section. The section of the Revised Code under which the 57399  
tax is authorized shall be set forth. 57400

(3) Comparative statements, so far as possible, in parallel 57401  
columns of taxes and other revenues for the current fiscal year 57402  
and the two preceding fiscal years. 57403

(C)(1) The amount required for debt charges; 57404

(2) The estimated receipts from sources other than the tax 57405  
levy for payment of such debt charges, including the proceeds of 57406  
refunding bonds to be issued to refund bonds maturing in the next 57407  
succeeding fiscal year; 57408

(3) The net amount for which a tax levy shall be made, 57409  
classified as to bonds authorized and issued prior to January 1, 57410  
1922, and those authorized and issued subsequent to such date, and 57411  
as to what portion of the levy will be within and what in excess 57412  
of the ten-mill limitation. 57413

(D) An estimate of amounts from taxes authorized to be levied 57414  
in excess of the ten-mill limitation on the tax rate, and the fund 57415  
to which such amounts will be credited, together with the sections 57416  
of the Revised Code under which each such tax is exempted from all 57417  
limitations on the tax rate. 57418

(E)(1) A board of education may include in its budget for the 57419  
fiscal year in which a levy proposed under section 5705.194, 57420  
5705.21, or 5705.213, or the original levy under section 5705.212 57421

of the Revised Code is first extended on the tax list and 57422  
duplicate an estimate of expenditures to be known as a voluntary 57423  
contingency reserve balance, which shall not be greater than 57424  
twenty-five per cent of the total amount of the levy estimated to 57425  
be available for appropriation in such year. 57426

(2) A board of education may include in its budget for the 57427  
fiscal year following the year in which a levy proposed under 57428  
section 5705.194, 5705.21, or 5705.213, or the original levy under 57429  
section 5705.212 of the Revised Code is first extended on the tax 57430  
list and duplicate an estimate of expenditures to be known as a 57431  
voluntary contingency reserve balance, which shall not be greater 57432  
than twenty per cent of the amount of the levy estimated to be 57433  
available for appropriation in such year. 57434

(3) Except as provided in division (E)(4) of this section, 57435  
the full amount of any reserve balance the board includes in its 57436  
budget shall be retained by the county auditor and county 57437  
treasurer out of the first semiannual settlement of taxes until 57438  
the beginning of the next succeeding fiscal year, and thereupon, 57439  
with the depository interest apportioned thereto, it shall be 57440  
turned over to the board of education, to be used for the purposes 57441  
of such fiscal year. 57442

(4) A board of education, by a two-thirds vote of all members 57443  
of the board, may appropriate any amount withheld as a voluntary 57444  
contingency reserve balance during the fiscal year for any lawful 57445  
purpose, provided that prior to such appropriation the board of 57446  
education has authorized the expenditure of all amounts 57447  
appropriated for contingencies under section 5705.40 of the 57448  
Revised Code. Upon request by the board of education, the county 57449  
auditor shall draw a warrant on the district's account in the 57450  
county treasury payable to the district in the amount requested. 57451

(F)(1) A board of education may include a spending reserve in 57452  
its budget for fiscal years ending on or before June 30, 2002. The 57453

spending reserve shall consist of an estimate of expenditures not 57454  
to exceed the district's spending reserve balance. A district's 57455  
spending reserve balance is the amount by which the designated 57456  
percentage of the district's estimated personal property taxes to 57457  
be settled during the calendar year in which the fiscal year ends 57458  
exceeds the estimated amount of personal property taxes to be so 57459  
settled and received by the district during that fiscal year. 57460  
Moneys from a spending reserve shall be appropriated in accordance 57461  
with section 133.301 of the Revised Code. 57462

(2) For the purposes of computing a school district's 57463  
spending reserve balance for a fiscal year, the designated 57464  
percentage shall be as follows: 57465

Fiscal year ending in:	Designated percentage	
1998	50%	57466
1999	40%	57467
2000	30%	57468
2001	20%	57469
2002	10%	57470

(G) Except as otherwise provided in this division, the county 57472  
budget commission shall not reduce the taxing authority of a 57473  
subdivision as a result of the creation of a reserve balance 57474  
account. Except as otherwise provided in this division, the county 57475  
budget commission shall not consider the amount in a reserve 57476  
balance account of a township, county, or municipal corporation as 57477  
an unencumbered balance or as revenue for the purposes of division 57478  
(E)(3) or (4) of section 5747.51 ~~or division (E)(3) or (4) of~~ 57479  
~~section 5747.62~~ of the Revised Code. The county budget commission 57480  
may require documentation of the reasonableness of the reserve 57481  
balance held in any reserve balance account. The commission shall 57482  
consider any amount in a reserve balance account that it 57483  
determines to be unreasonable as unencumbered and as revenue for 57484  
the purposes of sections 5747.51 ~~and 5747.62~~ of the Revised Code 57485

and may take such amounts into consideration when determining 57486  
whether to reduce the taxing authority of a subdivision. 57487

**Sec. 5705.44.** When contracts or leases run beyond the 57488  
termination of the fiscal year in which they are made, the fiscal 57489  
officer of the taxing authority shall make a certification for the 57490  
amount required to meet the obligation of such contract or lease 57491  
maturing in such fiscal year. The amount of the obligation under 57492  
such contract or lease remaining unfulfilled at the end of a 57493  
fiscal year, and which will become payable during the next fiscal 57494  
year, shall be included in the annual appropriation measure for 57495  
the next year as a fixed charge. 57496

The certificate required by section 5705.41 of the Revised 57497  
Code as to money in the treasury shall not be required for 57498  
contracts on which payments are to be made from the earnings of a 57499  
publicly operated water works or public utility, but in the case 57500  
of any such contract made without such certification, no payment 57501  
shall be made on account thereof, and no claim or demand thereon 57502  
shall be recoverable, except out of such earnings. That 57503  
certificate also shall not be required if requiring the 57504  
certificate makes it impossible for a county board of mental 57505  
retardation and developmental disabilities to pay the nonfederal 57506  
share of medicaid expenditures that the county board is required 57507  
by ~~division (A) of section 5126.057~~ sections 5126.059 and 57508  
5126.0510 of the Revised Code to pay. 57509

**Sec. 5709.68.** (A) On or before the thirty-first day of March 57510  
each year, a municipal corporation or county that has entered into 57511  
an agreement with an enterprise under section 5709.62, 5709.63, or 57512  
5709.632 of the Revised Code shall submit to the director of 57513  
development and the board of education of each school district of 57514  
which a municipal corporation or township to which such an 57515  
agreement applies is a part a report on all of those agreements in 57516

effect during the preceding calendar year. The report shall 57517  
include all of the following information: 57518

(1) The designation, assigned by the director of development, 57519  
of each urban jobs and enterprise zone within the municipal 57520  
corporation or county, the date each zone was certified, the name 57521  
of each municipal corporation or township within each zone, and 57522  
the total population of each zone according to the most recent 57523  
data available; 57524

(2) The number of enterprises that are subject to those 57525  
agreements and the number of full-time employees subject to those 57526  
agreements within each zone, each according to the most recent 57527  
data available and identified and categorized by the appropriate 57528  
standard industrial code, and the rate of unemployment in the 57529  
municipal corporation or county in which the zone is located for 57530  
each year since each zone was certified; 57531

(3) The number of agreements approved and executed during the 57532  
calendar year for which the report is submitted, the total number 57533  
of agreements in effect on the thirty-first day of December of the 57534  
preceding calendar year, the number of agreements that expired 57535  
during the calendar year for which the report is submitted, and 57536  
the number of agreements scheduled to expire during the calendar 57537  
year in which the report is submitted. For each agreement that 57538  
expired during the calendar year for which the report is 57539  
submitted, the municipal corporation or county shall include the 57540  
amount of taxes exempted and the estimated dollar value of any 57541  
other incentives provided under the agreement. 57542

(4) The number of agreements receiving compliance reviews by 57543  
the tax incentive review council in the municipal corporation or 57544  
county during the calendar year for which the report is submitted, 57545  
including all of the following information: 57546

(a) The number of agreements the terms of which an enterprise 57547

has complied with, indicating separately for each agreement the 57548  
value of the real and personal property exempted pursuant to the 57549  
agreement and a comparison of the stipulated and actual schedules 57550  
for hiring new employees, for retaining existing employees, for 57551  
the amount of payroll of the enterprise attributable to these 57552  
employees, and for investing in establishing, expanding, 57553  
renovating, or occupying a facility; 57554

(b) The number of agreements the terms of which an enterprise 57555  
has failed to comply with, indicating separately for each 57556  
agreement the value of the real and personal property exempted 57557  
pursuant to the agreement and a comparison of the stipulated and 57558  
actual schedules for hiring new employees, for retaining existing 57559  
employees, for the amount of payroll of the enterprise 57560  
attributable to these employees, and for investing in 57561  
establishing, expanding, renovating, or occupying a facility; 57562

(c) The number of agreements about which the tax incentive 57563  
review council made recommendations to the legislative authority 57564  
of the municipal corporation or county, and the number of those 57565  
recommendations that have not been followed; 57566

(d) The number of agreements rescinded during the calendar 57567  
year for which the report is submitted. 57568

(5) The number of enterprises that are subject to agreements 57569  
that expanded within each zone, including the number of new 57570  
employees hired and existing employees retained by each 57571  
enterprise, and the number of new enterprises that are subject to 57572  
agreements and that established within each zone, including the 57573  
number of new employees hired by each enterprise; 57574

(6)(a) The number of enterprises that are subject to 57575  
agreements and that closed or reduced employment at any place of 57576  
business within the state for the primary purpose of establishing, 57577  
expanding, renovating, or occupying a facility, indicating 57578

separately for each enterprise the political subdivision in which 57579  
the enterprise closed or reduced employment at a place of business 57580  
and the number of full-time employees transferred and retained by 57581  
each such place of business; 57582

(b) The number of enterprises that are subject to agreements 57583  
and that closed or reduced employment at any place of business 57584  
outside the state for the primary purpose of establishing, 57585  
expanding, renovating, or occupying a facility. 57586

(7) For each agreement in effect during any part of the 57587  
preceding year, the number of employees employed by the enterprise 57588  
at the project site immediately prior to formal approval of the 57589  
agreement, the number of employees employed by the enterprise at 57590  
the project site on the thirty-first day of December of the 57591  
preceding year, the payroll of the enterprise for the preceding 57592  
year, the amount of taxes paid on tangible personal property 57593  
situated at the project site and the amount of those taxes that 57594  
were not paid because of the exemption granted under the 57595  
agreement, and the amount of taxes paid on real property 57596  
constituting the project site and the amount of those taxes that 57597  
were not paid because of the exemption granted under the 57598  
agreement. If an agreement was entered into under section 5709.632 57599  
of the Revised Code with an enterprise described in division 57600  
(B)(2) of that section, the report shall include the number of 57601  
employee positions at all of the enterprise's locations in this 57602  
state. If an agreement is conditioned on a waiver issued under 57603  
division (B) of section 5709.633 of the Revised Code on the basis 57604  
of the circumstance described in division (B)(3)(a) or (b) of that 57605  
section, the report shall include the number of employees at the 57606  
facilities referred to in division (B)(3)(a)(i) or (b)(i) of that 57607  
section, respectively. 57608

(B) Upon the failure of a municipal corporation or county to 57609  
comply with division (A) of this section: 57610

(1) Beginning on the first day of April of the calendar year 57611  
in which the municipal corporation or county fails to comply with 57612  
that division, the municipal corporation or county shall not enter 57613  
into any agreements with an enterprise under section 5709.62, 57614  
5709.63, or 5709.632 of the Revised Code until the municipal 57615  
corporation or county has complied with division (A) of this 57616  
section. 57617

(2) On the first day of each ensuing calendar month until the 57618  
municipal corporation or county complies with division (A) of this 57619  
section, the director of development shall either order the proper 57620  
county auditor to deduct from the next succeeding payment of taxes 57621  
to the municipal corporation or county under section 321.31, 57622  
321.32, 321.33, or 321.34 of the Revised Code an amount equal to 57623  
one thousand dollars for each calendar month the municipal 57624  
corporation or county fails to comply with that division, or order 57625  
the county auditor to deduct that amount from the next succeeding 57626  
payment to the municipal corporation or county from the undivided 57627  
local government fund under section 5747.51 of the Revised Code. 57628  
At the time such a payment is made, the county auditor shall 57629  
comply with the director's order by issuing a warrant, drawn on 57630  
the fund from which the money would have been paid, to the 57631  
director of development, who shall deposit the warrant into the 57632  
state enterprise zone program administration fund created in 57633  
division (C) of this section. 57634

(C) The director, by rule, shall establish the state's 57635  
application fee for applications submitted to a municipal 57636  
corporation or county to enter into an agreement under section 57637  
5709.62, 5709.63, or 5709.632 of the Revised Code. In establishing 57638  
the amount of the fee, the director shall consider the state's 57639  
cost of administering the enterprise zone program, including the 57640  
cost of reviewing the reports required under division (A) of this 57641  
section. The director may change the amount of the fee at the 57642

times and in the increments the director considers necessary. Any 57643  
municipal corporation or county that receives an application shall 57644  
collect the application fee and remit the fee for deposit in the 57645  
state treasury to the credit of the ~~state enterprise zone program~~ 57646  
~~administration fund, which is hereby created. Money credited to~~ 57647  
~~the fund shall be used by the department of development to pay the~~ 57648  
~~costs of administering the enterprise zone program, including the~~ 57649  
~~cost of reviewing the reports required under division (A) of this~~ 57650  
~~section~~ tax incentive programs operating fund created in section 57651  
122.174 of the Revised Code. 57652

(D) On or before the thirtieth day of June each year, the 57653  
director of development shall certify to the tax commissioner the 57654  
information described under division (A)(7) of this section, 57655  
derived from the reports submitted to the director under this 57656  
section. 57657

On the basis of the information certified under this 57658  
division, the tax commissioner annually shall submit a report to 57659  
the governor, the speaker of the house of representatives, the 57660  
president of the senate, and the chairpersons of the ways and 57661  
means committees of the respective houses of the general assembly, 57662  
indicating for each enterprise zone the amount of state and local 57663  
taxes that were not required to be paid because of exemptions 57664  
granted under agreements entered into under section 5709.62, 57665  
5709.63, or 5709.632 of the Revised Code and the amount of 57666  
additional taxes paid from the payroll of new employees. 57667

**Sec. 5711.01.** As used in this chapter: 57668

(A)(1) "Taxable property" includes all the kinds of property 57669  
mentioned in division (B) of section 5709.01 and section 5709.02 57670  
of the Revised Code, and also the amount or value as of the date 57671  
of conversion of all taxable property converted into bonds or 57672  
other securities not taxed on or after the first day of November 57673

in the year preceding the date of listing, and of all other 57674  
taxable property converted into deposits after the date as of 57675  
which deposits are required to be listed in such year, except in 57676  
the usual course of the taxpayer's business, to the extent the 57677  
taxpayer may hold or control such bonds, securities, or deposits 57678  
on such day, without deduction for indebtedness created in the 57679  
purchase of such bonds or securities from the taxpayer's credits. 57680  
"Taxable property" does not include such investments and deposits 57681  
as are taxable at the source as provided in sections 5725.01 to 57682  
5725.26 of the Revised Code, surrender values under policies of 57683  
insurance, or any tangible personal property acquired from a 57684  
public utility or interexchange telecommunications company as 57685  
defined in section 5727.01 of the Revised Code and leased back to 57686  
the public utility or interexchange telecommunications company 57687  
pursuant to a sale and leaseback transaction as defined in 57688  
division (I) of section 5727.01 of the Revised Code. For tax year 57689  
2007 and thereafter, "taxable property" of a telephone, telegraph, 57690  
or interexchange telecommunications company, as defined in section 57691  
5727.01 of the Revised Code, includes property subject to such a 57692  
sale and leaseback transaction. 57693

(2) For tax year 2007 and thereafter, taxable property leased 57694  
to a telephone, telegraph, or interexchange telecommunications 57695  
company, as defined in section 5727.01 of the Revised Code, other 57696  
than pursuant to a sale and leaseback transaction, shall be listed 57697  
and assessed by the owner of the property as follows: 57698

(a) If the property leased to such a company is not governed 57699  
by division (C) of section 5711.22 of the Revised Code in tax 57700  
years 2007 and 2008, it shall be listed and assessed at the 57701  
percentage of true value in money required under division ~~(H)~~(G) 57702  
of section 5711.22 of the Revised Code. 57703

(b) All property leased to such a company in tax years 2009 57704  
and 2010 shall be listed and assessed at the percentage of true 57705

value in money required under division (H) of section 5711.22 of 57706  
the Revised Code. 57707

(3) For tax years 2009 and 2010, the lessor of property 57708  
subject to division (A)(2) of this section shall have the true 57709  
value of the property the lessor leases to a telephone, telegraph, 57710  
or interexchange telecommunications company determined under 57711  
divisions (A)(5) and (E) of section 5727.06 of the Revised Code. 57712

(B) "Taxpayer" means any owner of taxable property, including 57713  
property exempt under division (C) of section 5709.01 of the 57714  
Revised Code, and includes every person residing in, or 57715  
incorporated or organized by or under the laws of this state, or 57716  
doing business in this state, or owning or having a beneficial 57717  
interest in taxable personal property in this state and every 57718  
fiduciary required by sections 5711.01 to 5711.36 of the Revised 57719  
Code, to make a return for or on behalf of another. For tax year 57720  
2007 and thereafter, "taxpayer" includes telephone companies, 57721  
telegraph companies, and interexchange telecommunications company 57722  
as defined in section 5727.01 of the Revised Code. The tax 57723  
commissioner may by rule define and designate the taxpayer, as to 57724  
any taxable property which would not otherwise be required by this 57725  
section to be returned; and any such rule shall be considered 57726  
supplementary to the enumeration of kinds of taxpayers following: 57727

(1) Individuals of full age and sound mind residing in this 57728  
state; 57729

(2) Partnerships, corporations, associations, and joint-stock 57730  
companies, under whatever laws organized or existing, doing 57731  
business or having taxable property in this state; and 57732  
corporations incorporated by or organized under the laws of this 57733  
state, wherever their actual business is conducted; 57734

(3) Fiduciaries appointed by any court in this state or 57735  
having title, possession, or custody of taxable personal property 57736

in this state or engaged in business in this state; 57737

(4) Unincorporated mutual funds. 57738

"Taxpayer" excludes all individuals, partnerships, 57739  
corporations, associations, and joint-stock companies, their 57740  
executors, administrators, and receivers who are defined in Title 57741  
LVII of the Revised Code as financial institutions, dealers in 57742  
intangibles, domestic insurance companies, or public utilities, 57743  
except to the extent they may be required by sections 5711.01 to 57744  
5711.36 of the Revised Code, to make returns as fiduciaries, or by 57745  
section 5725.26 of the Revised Code, to make returns of property 57746  
leased, or held for the purpose of leasing, to others if the owner 57747  
or lessor of the property acquired it for the sole purpose of 57748  
leasing it to others or to the extent that property is taxable 57749  
under section 5725.25 of the Revised Code. 57750

(C) "Return" means the taxpayer's annual report of taxable 57751  
property. 57752

(D) "List" means the designation, in a return, of the 57753  
description of taxable property, the valuation or amount thereof, 57754  
the name of the owner, and the taxing district where assessable. 57755

(E) "Taxing district" means, in the case of property 57756  
assessable on the classified tax list and duplicate, a municipal 57757  
corporation or the territory in a county outside the limits of all 57758  
municipal corporations therein; in the case of property assessable 57759  
on the general tax list and duplicate, a municipal corporation or 57760  
township, or part thereof, in which the aggregate rate of taxation 57761  
is uniform. 57762

(F) "Assessor" includes the tax commissioner and the county 57763  
auditor as deputy of the commissioner. 57764

(G) "Fiduciary" includes executors, administrators, parents, 57765  
guardians, receivers, assignees, official custodians, factors, 57766  
bailees, lessees, agents, attorneys, and employees, but does not 57767

include trustees unless the sense so requires. 57768

(H) "General tax list and duplicate" means the books or 57769  
records containing the assessments of property subject to local 57770  
tax levies. 57771

(I) "Classified tax list and duplicate" means the books or 57772  
records containing the assessments of property not subject to 57773  
local tax levies. 57774

(J) "Investment company" means any corporation, the shares of 57775  
which are regularly offered for sale to the public, engaged solely 57776  
in the business of investing and reinvesting funds in real 57777  
property or investments, or holding or selling real property or 57778  
investments for the purpose of realizing income or profit which is 57779  
distributed to its shareholders. Investment company does not 57780  
include any dealer in intangibles, as defined in section 5725.01 57781  
of the Revised Code. 57782

(K) "Unincorporated mutual fund" means any partnership, each 57783  
partner of which is a corporation, engaged solely in the business 57784  
of investing and reinvesting funds in investments, or holding or 57785  
selling investments for the purpose of realizing income or profit 57786  
which is distributed to its partners and which is subject to 57787  
Chapter 1707. of the Revised Code. An unincorporated mutual fund 57788  
does not include any dealer in intangibles as defined in section 57789  
5725.01 of the Revised Code. 57790

**Sec. 5713.011.** If the county auditor determines under section 57791  
5713.01 of the Revised Code that the construction of a dwelling on 57792  
a previously vacant parcel of land is now available for use or 57793  
that an additional dwelling is constructed on a parcel of land and 57794  
is now available for use, the county auditor, by ordinary mail, 57795  
shall send to the owner of the dwelling a notice that the 57796  
applicant may apply for a reduction in taxes under division (A)(2) 57797  
of section 323.153 of the Revised Code. The notice shall be 57798

substantially in the form of the notice prescribed under division 57799  
~~(C)-(2)-(A)(3)(b)~~ of section 323.131 of the Revised Code. 57800

**Sec. 5725.24.** (A) As used in this section, "qualifying 57801  
dealer" means a dealer in intangibles that is a qualifying dealer 57802  
in intangibles as defined in section 5733.45 of the Revised Code 57803  
or a member of a qualifying controlled group, as defined in 57804  
section 5733.04 of the Revised Code, of which an insurance company 57805  
also is a member on the first day of January of the year in and 57806  
for which the tax imposed by section 5707.03 of the Revised Code 57807  
is required to be paid by the dealer. 57808

(B) The taxes levied by section 5725.18 of the Revised Code 57809  
and collected pursuant to this chapter shall be paid into the 57810  
state treasury to the credit of the general revenue fund. 57811

(C) The taxes levied by section 5707.03 of the Revised Code 57812  
on the value of shares in and capital employed by dealers in 57813  
intangibles other than those that are qualifying dealers shall be 57814  
for the use of the general revenue fund of the state and the local 57815  
government funds of the several counties in which the taxes 57816  
originate as provided in this division. 57817

~~On or before the first day of~~ During each month ~~on~~ for which 57818  
there is money in the state treasury for disbursement under this 57819  
division, the tax commissioner shall provide for payment to the 57820  
county treasurer of each county of five-eighths of the amount of 57821  
the taxes collected on account of shares in and capital employed 57822  
by dealers in intangibles other than those that are qualifying 57823  
dealers, representing capital employed in the county. The balance 57824  
of the money received and credited on account of taxes assessed on 57825  
shares in and capital employed by such dealers in intangibles 57826  
shall be credited to the general revenue fund. 57827

Reductions in the amount of taxes collected on account of 57828  
credits allowed under section 5725.151 of the Revised Code shall 57829

be applied to reduce the amount credited to the general revenue 57830  
fund and shall not be applied to reduce the amount to be credited 57831  
to the undivided local government funds of the counties in which 57832  
such taxes originate. 57833

For the purpose of this division, such taxes are deemed to 57834  
originate in the counties in which such dealers in intangibles 57835  
have their offices. 57836

Money received into the treasury of a county pursuant to this 57837  
section shall be credited to the undivided local government fund 57838  
of the county and shall be distributed by the budget commission as 57839  
provided by law. 57840

(D) All of the taxes levied under section 5707.03 of the 57841  
Revised Code on the value of the shares in and capital employed by 57842  
dealers in intangibles that are qualifying dealers shall be paid 57843  
into the state treasury to the credit of the general revenue fund. 57844

**Sec. 5727.06.** (A) Except as otherwise provided by law, the 57845  
following constitutes the taxable property of a public utility, 57846  
interexchange telecommunications company, or public utility 57847  
property lessor that shall be assessed by the tax commissioner: 57848

(1) For tax years before tax year 2006: 57849

(a) In the case of a railroad company, all real property and 57850  
tangible personal property owned or operated by the railroad 57851  
company in this state on the thirty-first day of December of the 57852  
preceding year; 57853

(b) In the case of a water transportation company, all 57854  
tangible personal property, except watercraft, owned or operated 57855  
by the water transportation company in this state on the 57856  
thirty-first day of December of the preceding year and all 57857  
watercraft owned or operated by the water transportation company 57858  
in this state during the preceding calendar year; 57859

(c) In the case of all other public utilities and	57860
interexchange telecommunications companies, all tangible personal	57861
property that on the thirty-first day of December of the preceding	57862
year was both located in this state and:	57863
(i) Owned by the public utility or interexchange	57864
telecommunications company; or	57865
(ii) Leased by the public utility or interexchange	57866
telecommunications company under a sale and leaseback transaction.	57867
(2) For tax years 2006, 2007, and 2008:	57868
(a) In the case of a railroad company, all real property used	57869
in railroad operations and tangible personal property owned or	57870
operated by the railroad company in this state on the thirty-first	57871
day of December of the preceding year;	57872
(b) In the case of a water transportation company, all	57873
tangible personal property, except watercraft, owned or operated	57874
by the water transportation company in this state on the	57875
thirty-first day of December of the preceding year and all	57876
watercraft owned or operated by the water transportation company	57877
in this state during the preceding calendar year;	57878
(c) In the case of all other public utilities except	57879
telephone and telegraph companies, all tangible personal property	57880
that on the thirty-first day of December of the preceding year was	57881
both located in this state and either owned by the public utility	57882
or leased by the public utility under a sale and leaseback	57883
transaction.	57884
(3) For tax year 2009 and each tax year thereafter:	57885
(a) In the case of a railroad company, all real property used	57886
in railroad operations and tangible personal property owned or	57887
operated by the railroad company in this state on the thirty-first	57888
day of December of the preceding year;	57889

(b) In the case of a water transportation company, all 57890  
tangible personal property, except watercraft, owned or operated 57891  
by the water transportation company in this state on the 57892  
thirty-first day of December of the preceding year and all 57893  
watercraft owned or operated by the water transportation company 57894  
in this state during the preceding calendar year; 57895

(c) In the case of all other public utilities except 57896  
telephone and telegraph companies, all tangible personal property 57897  
that on the thirty-first day of December of the preceding year was 57898  
both located in this state and either owned by the public utility 57899  
or leased by the public utility under a sale and leaseback 57900  
transaction; 57901

(d) In the case of a public utility property lessor, all 57902  
personal property that on the thirty-first day of December of the 57903  
preceding year was both located in this state and leased, in other 57904  
than a sale and leaseback transaction, to a public utility other 57905  
than a railroad, telephone, telegraph, or water transportation 57906  
company. The assessment rate used under section 5727.111 of the 57907  
Revised Code shall be based on the assessment rate that would 57908  
apply if the public utility owned the property. 57909

(4) For tax years 2005 and 2006, in the case of telephone, 57910  
telegraph, or interexchange telecommunications companies, all 57911  
tangible personal property that on the thirty-first day of 57912  
December of the preceding year was both located in this state and 57913  
either owned by the telephone, telegraph, or interexchange 57914  
telecommunications company or leased by the telephone, telegraph, 57915  
or interexchange telecommunications company under a sale and 57916  
leaseback transaction. 57917

(5)(a) For tax year 2007 and thereafter, in the case of 57918  
telephone, telegraph, or interexchange telecommunications 57919  
companies, all tangible personal property shall be listed and 57920  
assessed for taxation under Chapter 5711. of the Revised Code, but 57921

the tangible personal property shall be valued in accordance with 57922  
this chapter using the composite annual allowances and other 57923  
valuation procedures prescribed under section 5727.11 of the 57924  
Revised Code by the tax commissioner for such property for tax 57925  
year 2006, notwithstanding any section of Chapter 5711. of the 57926  
Revised Code to the contrary. 57927

(b) A telephone, telegraph, or interexchange 57928  
telecommunications company subject to division (A)(5)(a) of this 57929  
section shall file a combined return with the tax commissioner in 57930  
accordance with section 5711.13 of the Revised Code even if the 57931  
company has tangible personal property in only one county. Such a 57932  
company also is subject to the issuance of a preliminary 57933  
assessment certificate by the tax commissioner under section 57934  
5711.25 of the Revised Code. Such a company is not required to 57935  
file a county supplemental return under section 5711.131 of the 57936  
Revised Code. 57937

(B) This division applies to tax years before tax year 2007. 57938

In the case of an interexchange telecommunications company, 57939  
all taxable property shall be subject to the provisions of this 57940  
chapter and shall be valued by the commissioner in accordance with 57941  
division (A) of section 5727.11 of the Revised Code. A person 57942  
described by this division shall file the report required by 57943  
section 5727.08 of the Revised Code. Persons described in this 57944  
division shall not be considered taxpayers, as defined in division 57945  
(B) of section 5711.01 of the Revised Code, and shall not be 57946  
required to file a return and list their taxable property under 57947  
any provision of Chapter 5711. of the Revised Code. 57948

(C) The lien of the state for taxes levied each year on the 57949  
real and personal property of public utilities and interexchange 57950  
telecommunications companies and on the personal property of 57951  
public utility property lessors shall attach thereto on the 57952  
thirty-first day of December of the preceding year. 57953

(D) Property that is required by division (A)(3)(b) of this section to be assessed by the tax commissioner under this chapter shall not be listed by the owner of the property under Chapter 5711. of the Revised Code.

(E) The ten-thousand-dollar exemption provided for in division (C)(3) of section 5709.01 of the Revised Code does not apply to any personal property that is valued under this chapter.

(F) The tax commissioner may adopt rules governing the listing of the taxable property of public utilities and interexchange telecommunications companies and the determination of true value.

**Sec. 5727.45.** ~~Four and two tenths~~ One hundred per cent of all excise taxes and penalties collected under sections 5727.01 to 5727.62 of the Revised Code shall be credited to ~~the local government fund for distribution in accordance with section 5747.50 of the Revised Code, six tenths of one per cent shall be credited to the local government revenue assistance fund for distribution in accordance with section 5747.61 of the Revised Code, and ninety five and two tenths per cent shall be credited to~~ the general revenue fund.

**Sec. 5727.81.** (A) For the purpose of raising revenue for public education and state and local government operations, an excise tax is hereby levied and imposed on an electric distribution company for all electricity distributed by such company ~~beginning with the measurement period that includes May 1, 2001,~~ at the following rates per kilowatt hour of electricity distributed in a thirty-day period by the company through a meter of an end user in this state:

KILOWATT HOURS DISTRIBUTED	RATE PER	57982
TO AN END USER	KILOWATT HOUR	57983

For the first 2,000	\$ .00465	57984
For the next 2,001 to 15,000	\$ .00419	57985
For 15,001 and above	\$ .00363	57986

If no meter is used to measure the kilowatt hours of electricity distributed by the company, the rates shall apply to the estimated kilowatt hours of electricity distributed to an unmetered location in this state.

The electric distribution company shall base the monthly tax on the kilowatt hours of electricity distributed to an end user through the meter of the end user that is not measured for a thirty-day period by dividing the days in the measurement period into the total kilowatt hours measured during the measurement period to obtain a daily average usage. The tax shall be determined by obtaining the sum of divisions (A)(1), (2), and (3) of this section and multiplying that amount by the number of days in the measurement period:

(1) Multiplying \$0.00465 per kilowatt hour for the first sixty-seven kilowatt hours distributed using a daily average;

(2) Multiplying \$0.00419 for the next sixty-eight to five hundred kilowatt hours distributed using a daily average;

(3) Multiplying \$0.00363 for the remaining kilowatt hours distributed using a daily average.

~~Until January 1, 2003, except as provided in division (C) of this section, the electric distribution company shall pay the tax to the treasurer of state in accordance with section 5727.82 of the Revised Code. Beginning January 1, 2003, except~~ Except as provided in division (C) of this section, the electric distribution company shall pay the tax to the tax commissioner in accordance with section 5727.82 of the Revised Code, unless required to remit each tax payment by electronic funds transfer to the treasurer of state in accordance with section 5727.83 of the

Revised Code. 58015

Only the distribution of electricity through a meter of an 58016  
end user in this state shall be used by the electric distribution 58017  
company to compute the amount or estimated amount of tax due. In 58018  
the event a meter is not actually read for a measurement period, 58019  
the estimated kilowatt hours distributed by an electric 58020  
distribution company to bill for its distribution charges shall be 58021  
used. 58022

(B) Except as provided in division (C) of this section, each 58023  
electric distribution company shall pay the tax imposed by this 58024  
section in all of the following circumstances: 58025

(1) The electricity is distributed by the company through a 58026  
meter of an end user in this state; 58027

(2) The company is distributing electricity through a meter 58028  
located in another state, but the electricity is consumed in this 58029  
state in the manner prescribed by the tax commissioner; 58030

(3) The company is distributing electricity in this state 58031  
without the use of a meter, but the electricity is consumed in 58032  
this state as estimated and in the manner prescribed by the tax 58033  
commissioner. 58034

(C)(1) As used in division (C) of this section: 58035

(a) "Total price of electricity" means the aggregate value in 58036  
money of anything paid or transferred, or promised to be paid or 58037  
transferred, to obtain electricity or electric service, including 58038  
but not limited to the value paid or promised to be paid for the 58039  
transmission or distribution of electricity and for transition 58040  
costs as described in Chapter 4928. of the Revised Code. 58041

(b) "Package" means the provision or the acquisition, at a 58042  
combined price, of electricity with other services or products, or 58043  
any combination thereof, such as natural gas or other fuels; 58044

energy management products, software, and services; machinery and 58045  
equipment acquisition; and financing agreements. 58046

(c) "Single location" means a facility located on contiguous 58047  
property separated only by a roadway, railway, or waterway. 58048

(2) Division (C) of this section applies to any commercial or 58049  
industrial purchaser's receipt of electricity through a meter of 58050  
an end user in this state or through more than one meter at a 58051  
single location in this state in a quantity that exceeds 58052  
forty-five million kilowatt hours of electricity over the course 58053  
of the preceding calendar year, or any commercial or industrial 58054  
purchaser that will consume more than forty-five million kilowatt 58055  
hours of electricity over the course of the succeeding twelve 58056  
months as estimated by the tax commissioner. The tax commissioner 58057  
shall make such an estimate upon the written request by an 58058  
applicant for registration as a self-assessing purchaser under 58059  
this division. Such a purchaser may elect to self-assess the 58060  
excise tax imposed by this section at the rate of \$.00075 per 58061  
kilowatt hour on the first five hundred four million kilowatt 58062  
hours distributed to that meter or location during the 58063  
registration year, and ~~four per cent~~ a percentage of the total 58064  
price of all electricity distributed to that meter or location 58065  
equal to four per cent through the meter reading period that 58066  
includes June 30, 2008, and three and one-half per cent beginning 58067  
for the meter reading period including July 1, 2008, and 58068  
thereafter. A qualified end user that receives electricity through 58069  
a meter of an end user in this state or through more than one 58070  
meter at a single location in this state and that consumes, over 58071  
the course of the previous calendar year, more than forty-five 58072  
million kilowatt hours in other than its qualifying manufacturing 58073  
process, may elect to self-assess the tax as allowed by this 58074  
division with respect to the electricity used in other than its 58075  
qualifying manufacturing process. ~~Until January 1, 2003, payment~~ 58076

~~of the tax shall be made directly to the treasurer of state in 58077  
accordance with divisions (A)(4) and (5) of section 5727.82 of the 58078  
Revised Code. Beginning January 1, 2003, payment 58079~~

Payment of the tax shall be made directly to the tax 58080  
commissioner in accordance with divisions (A)(4) and (5) of 58081  
section 5727.82 of the Revised Code, or the treasurer of state in 58082  
accordance with section 5727.83 of the Revised Code. If the 58083  
electric distribution company serving the self-assessing purchaser 58084  
is a municipal electric utility and the purchaser is within the 58085  
municipal corporation's corporate limits, payment shall be made to 58086  
such municipal corporation's general fund and reports shall be 58087  
filed in accordance with divisions (A)(4) and (5) of section 58088  
5727.82 of the Revised Code, except that "municipal corporation" 58089  
shall be substituted for "treasurer of state" and "tax 58090  
commissioner." A self-assessing purchaser that pays the excise tax 58091  
as provided in this division shall not be required to pay the tax 58092  
to the electric distribution company from which its electricity is 58093  
distributed. If a self-assessing purchaser's receipt of 58094  
electricity is not subject to the tax as measured under this 58095  
division, the tax on the receipt of such electricity shall be 58096  
measured and paid as provided in division (A) of this section. 58097

(3) In the case of the acquisition of a package, unless the 58098  
elements of the package are separately stated isolating the total 58099  
price of electricity from the price of the remaining elements of 58100  
the package, the tax imposed under this section applies to the 58101  
entire price of the package. If the elements of the package are 58102  
separately stated, the tax imposed under this section applies to 58103  
the total price of the electricity. 58104

(4) Any electric supplier that sells electricity as part of a 58105  
package shall separately state to the purchaser the total price of 58106  
the electricity and, upon request by the tax commissioner, the 58107  
total price of each of the other elements of the package. 58108

(5) The tax commissioner may adopt rules relating to the 58109  
computation of the total price of electricity with respect to 58110  
self-assessing purchasers, which may include rules to establish 58111  
the total price of electricity purchased as part of a package. 58112

(6) An annual application for registration as a 58113  
self-assessing purchaser shall be made for each qualifying meter 58114  
or location on a form prescribed by the tax commissioner. The 58115  
registration year begins on the first day of May and ends on the 58116  
following thirtieth day of April. Persons may apply after the 58117  
first day of May for the remainder of the registration year. In 58118  
the case of an applicant applying on the basis of an estimated 58119  
consumption of forty-five million kilowatt hours over the course 58120  
of the succeeding twelve months, the applicant shall provide such 58121  
information as the tax commissioner considers to be necessary to 58122  
estimate such consumption. At the time of making the application 58123  
and by the first day of May of each year, ~~excluding May 1, 2000,~~ a 58124  
self-assessing purchaser shall pay a fee of five hundred dollars 58125  
to the tax commissioner, or to the treasurer of state as provided 58126  
in section 5727.83 of the Revised Code, for each qualifying meter 58127  
or location. The tax commissioner shall immediately pay to the 58128  
treasurer of state all amounts that the tax commissioner receives 58129  
under this section. The treasurer of state shall deposit such 58130  
amounts into the kilowatt hour excise tax administration fund, 58131  
which is hereby created in the state treasury. Money in the fund 58132  
shall be used to defray the tax commissioner's cost in 58133  
administering the tax owed under section 5727.81 of the Revised 58134  
Code by self-assessing purchasers. After the application is 58135  
approved by the tax commissioner, the registration shall remain in 58136  
effect for the current registration year, or until canceled by the 58137  
registrant upon written notification to the commissioner of the 58138  
election to pay the tax in accordance with division (A) of this 58139  
section, or until canceled by the tax commissioner for not paying 58140  
the tax or fee under division (C) of this section or for not 58141

meeting the qualifications in division (C)(2) of this section. The 58142  
tax commissioner shall give written notice to the electric 58143  
distribution company from which electricity is delivered to a 58144  
self-assessing purchaser of the purchaser's self-assessing status, 58145  
and the electric distribution company is relieved of the 58146  
obligation to pay the tax imposed by division (A) of this section 58147  
for electricity distributed to that self-assessing purchaser until 58148  
it is notified by the tax commissioner that the self-assessing 58149  
purchaser's registration is canceled. Within fifteen days of 58150  
notification of the canceled registration, the electric 58151  
distribution company shall be responsible for payment of the tax 58152  
imposed by division (A) of this section on electricity distributed 58153  
to a purchaser that is no longer registered as a self-assessing 58154  
purchaser. A self-assessing purchaser with a canceled registration 58155  
must file a report and remit the tax imposed by division (A) of 58156  
this section on all electricity it receives for any measurement 58157  
period prior to the tax being reported and paid by the electric 58158  
distribution company. A self-assessing purchaser whose 58159  
registration is canceled by the tax commissioner is not eligible 58160  
to register as a self-assessing purchaser for two years after the 58161  
registration is canceled. 58162

(7) If the tax commissioner cancels the self-assessing 58163  
registration of a purchaser registered on the basis of its 58164  
estimated consumption because the purchaser does not consume at 58165  
least forty-five million kilowatt hours of electricity over the 58166  
course of the twelve-month period for which the estimate was made, 58167  
the tax commissioner shall assess and collect from the purchaser 58168  
the difference between (a) the amount of tax that would have been 58169  
payable under division (A) of this section on the electricity 58170  
distributed to the purchaser during that period and (b) the amount 58171  
of tax paid by the purchaser on such electricity pursuant to 58172  
division (C)(2)(a) of this section. The assessment shall be paid 58173  
within sixty days after the tax commissioner issues it, regardless 58174

of whether the purchaser files a petition for reassessment under 58175  
section 5727.89 of the Revised Code covering that period. If the 58176  
purchaser does not pay the assessment within the time prescribed, 58177  
the amount assessed is subject to the additional charge and the 58178  
interest prescribed by divisions (B) and (C) of section 5727.82 of 58179  
the Revised Code, and is subject to assessment under section 58180  
5727.89 of the Revised Code. If the purchaser is a qualified end 58181  
user, division (C)(7) of this section applies only to electricity 58182  
it consumes in other than its qualifying manufacturing process. 58183

(D) The tax imposed by this section does not apply to the 58184  
distribution of any kilowatt hours of electricity to the federal 58185  
government, to an end user located at a federal facility that uses 58186  
electricity for the enrichment of uranium, to a qualified 58187  
regeneration meter, or to an end user for any day the end user is 58188  
a qualified end user. The exemption under this division for a 58189  
qualified end user only applies to the manufacturing location 58190  
where the qualified end user uses more than three million kilowatt 58191  
hours per day in a qualifying manufacturing process. 58192

**Sec. 5727.84.** (A) As used in this section and sections 58193  
5727.85, 5727.86, and 5727.87 of the Revised Code: 58194

(1) "School district" means a city, local, or exempted 58195  
village school district. 58196

(2) "Joint vocational school district" means a joint 58197  
vocational school district created under section 3311.16 of the 58198  
Revised Code, and includes a cooperative education school district 58199  
created under section 3311.52 or 3311.521 of the Revised Code and 58200  
a county school financing district created under section 3311.50 58201  
of the Revised Code. 58202

(3) "Local taxing unit" means a subdivision or taxing unit, 58203  
as defined in section 5705.01 of the Revised Code, a park district 58204  
created under Chapter 1545. of the Revised Code, or a township 58205

park district established under section 511.23 of the Revised Code, but excludes school districts and joint vocational school districts. 58206  
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(4) "State education aid," for a school district, means the sum of state aid amounts computed for the district under divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; divisions (B), (C), and (D) of section 3317.023; divisions (G), (L), and (N) of section 3317.024; and sections 3317.029, 3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code; and the adjustments required by: division (C) of section 3310.08; division (C)(2) of section 3310.41; section 3310.55; division (C) of section 3314.08; division (D)(2) of section 3314.091; division (D) of section 3314.13; divisions (E), (K), (L), (M), (N), and (O) of section 3317.023; division (C) of section 3317.20; and sections 3313.979 and 3313.981 of the Revised Code. However, when calculating state education aid for a school district for fiscal years ~~2006~~ 2008 and ~~2007~~ 2009, include the amount computed for the district under Section ~~206.09.21~~ 269.20.80 of ~~Am. Sub. H.B. 66~~ 119 of the ~~126th~~ 127th general assembly, as subsequently amended, instead of division (D) of section 3317.022 of the Revised Code; and include amounts calculated under Section ~~206.09.39~~ 269.30.80 of ~~that~~ this act, as subsequently amended; ~~and account for adjustments under division (C)(2) of section 3310.41 of the Revised Code.~~ 58209  
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(5) "State education aid," for a joint vocational school district, means the sum of the state aid amounts computed for the district under division (N) of section 3317.024 and section 3317.16 of the Revised Code. However, when calculating state education aid for a joint vocational school district for fiscal years ~~2006~~ 2008 and ~~2007~~ 2009, include the amount computed for the district under Section ~~206.09.42~~ 269.30.90 of ~~Am. Sub. H.B. 66~~ 119 of the ~~126th~~ 127th general assembly, as subsequently amended. 58230  
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(6) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5727.85 of the Revised Code.	58238 58239 58240
(7) "Recognized valuation" has the same meaning as in section 3317.02 of the Revised Code.	58241 58242
(8) "Electric company tax value loss" means the amount determined under division (D) of this section.	58243 58244
(9) "Natural gas company tax value loss" means the amount determined under division (E) of this section.	58245 58246
(10) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss.	58247 58248
(11) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy.	58249 58250
(12) "Fixed-rate levy loss" means the amount determined under division (G) of this section.	58251 58252
(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.	58253 58254 58255 58256 58257
(14) "Fixed-sum levy loss" means the amount determined under division (H) of this section.	58258 58259
(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.	58260 58261 58262
(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:	58263 58264 58265 58266
(1) <del>Fifty nine and nine hundred seventy six one thousandths</del>	58267

Sixty-three per cent, shall be credited to the general revenue fund. 58268  
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~~(2) Two and six hundred forty six one thousandths per cent shall be credited to the local government fund, for distribution in accordance with section 5747.50 of the Revised Code.~~ 58270  
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~~(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.~~ 58273  
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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. 58277  
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~~(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. 58281  
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(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: 58285  
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(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. 58289  
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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. 58293  
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(D) Not later than January 1, 2002, the tax commissioner 58297

shall determine for each taxing district its electric company tax value loss, which is the sum of the applicable amounts described in divisions (D)(1) to ~~(3)~~(4) of this section:

(1) The difference obtained by subtracting the amount described in division (D)(1)(b) from the amount described in division (D)(1)(a) of this section.

(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 58329  
described in division (D)(1) of this section from the difference 58330  
obtained by subtracting the amount described in division (D)(3)(b) 58331  
of this section from the amount described in division (D)(3)(a) of 58332  
this section. 58333

(a) The value of electric company tangible personal property 58334  
as assessed by the tax commissioner for tax year 2000 on a 58335  
preliminary assessment, or an amended preliminary assessment if 58336  
issued prior to March 1, 2001, and as apportioned to the taxing 58337  
district for tax year 2000; 58338

(b) The value of electric company tangible personal property 58339  
as assessed by the tax commissioner for tax year 2001 on a 58340  
preliminary assessment, or an amended preliminary assessment if 58341  
issued prior to March 1, 2002, and as apportioned to the taxing 58342  
district for tax year 2001. 58343

(4) In the case of a taxing district having a nuclear power 58344  
plant within its territory, the difference obtained by subtracting 58345  
the amount described in division (D)(4)(b) of this section from 58346  
the amount described in division (D)(4)(a) of this section, 58347  
provided that such difference is greater than ten per cent of the 58348  
amount described in division (D)(4)(a) of this section. 58349

(a) The value of electric company tangible personal property 58350  
as assessed by the tax commissioner for tax year 2005 on a 58351  
preliminary assessment, or an amended preliminary assessment if 58352  
issued prior to March 1, 2006, and as apportioned to the taxing 58353  
district for tax year 2005; 58354

(b) The value of electric company tangible personal property 58355  
as assessed by the tax commissioner for tax year 2006 on a 58356  
preliminary assessment, or an amended preliminary assessment if 58357  
issued prior to March 1, 2007, and as apportioned to the taxing 58358  
district for tax year 2006. 58359

(E) Not later than January 1, 2002, the tax commissioner shall determine for each taxing district its natural gas company tax value loss, which is the sum of the amounts described in divisions (E)(1) and (2) of this section:

(1) The difference obtained by subtracting the amount described in division (E)(1)(b) from the amount described in division (E)(1)(a) of this section.

(a) The value of all natural gas company tangible personal property, other than property described in division (E)(2) of this section, as assessed by the tax commissioner for tax year 1999 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2000, and apportioned to the taxing district for tax year 1999;

(b) The value of all natural gas company tangible personal property, other than property described in division (E)(2) of this section, as assessed by the tax commissioner for tax year 1999 had the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001.

(2) The difference in the value of current gas obtained by subtracting the amount described in division (E)(2)(b) from the amount described in division (E)(2)(a) of this section.

(a) The three-year average assessed value of current gas as assessed by the tax commissioner for tax years 1997, 1998, and 1999 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2001, and as apportioned in the taxing district for those respective years;

(b) The three-year average assessed value from current gas under division (E)(2)(a) of this section for tax years 1997, 1998, and 1999, as reflected in the preliminary assessment, using an assessment rate of twenty-five per cent.

(F) The tax commissioner may request that natural gas

companies, electric companies, and rural electric companies file a report to help determine the tax value loss under divisions (D) and (E) of this section. The report shall be filed within thirty days of the commissioner's request. A company that fails to file the report or does not timely file the report is subject to the penalty in section 5727.60 of the Revised Code.

(G) Not later than January 1, 2002, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-rate levy loss, which is the sum of its electric company tax value loss multiplied by the tax rate in effect in tax year 1998 for fixed-rate levies and its natural gas company tax value loss multiplied by the tax rate in effect in tax year 1999 for fixed-rate levies.

(H) Not later than January 1, 2002, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-sum levy loss, which is the amount obtained by subtracting the amount described in division (H)(2) of this section from the amount described in division (H)(1) of this section:

(1) The sum of the electric company tax value loss multiplied by the tax rate in effect in tax year 1998, and the natural gas company tax value loss multiplied by the tax rate in effect in tax year 1999, for fixed-sum levies for all taxing districts within each school district, joint vocational school district, and local taxing unit. For the years 2002 through 2006, this computation shall include school district emergency levies that existed in 1998 in the case of the electric company tax value loss, and 1999 in the case of the natural gas company tax value loss, and all other fixed-sum levies that existed in 1998 in the case of the electric company tax value loss and 1999 in the case of the natural gas company tax value loss and continue to be charged in the tax year preceding the distribution year. For the years 2007

through 2016 in the case of school district emergency levies, and 58423  
for all years after 2006 in the case of all other fixed-sum 58424  
levies, this computation shall exclude all fixed-sum levies that 58425  
existed in 1998 in the case of the electric company tax value loss 58426  
and 1999 in the case of the natural gas company tax value loss, 58427  
but are no longer in effect in the tax year preceding the 58428  
distribution year. For the purposes of this section, an emergency 58429  
levy that existed in 1998 in the case of the electric company tax 58430  
value loss, and 1999 in the case of the natural gas company tax 58431  
value loss, continues to exist in a year beginning on or after 58432  
January 1, 2007, but before January 1, 2017, if, in that year, the 58433  
board of education levies a school district emergency levy for an 58434  
annual sum at least equal to the annual sum levied by the board in 58435  
tax year 1998 or 1999, respectively, less the amount of the 58436  
payment certified under this division for 2002. 58437

(2) The total taxable value in tax year 1999 less the tax 58438  
value loss in each school district, joint vocational school 58439  
district, and local taxing unit multiplied by one-fourth of one 58440  
mill. 58441

If the amount computed under division (H) of this section for 58442  
any school district, joint vocational school district, or local 58443  
taxing unit is greater than zero, that amount shall equal the 58444  
fixed-sum levy loss reimbursed pursuant to division (E) of section 58445  
5727.85 of the Revised Code or division (A)(2) of section 5727.86 58446  
of the Revised Code, and the one-fourth of one mill that is 58447  
subtracted under division (H)(2) of this section shall be 58448  
apportioned among all contributing fixed-sum levies in the 58449  
proportion of each levy to the sum of all fixed-sum levies within 58450  
each school district, joint vocational school district, or local 58451  
taxing unit. 58452

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 58453  
section, in computing the tax value loss, fixed-rate levy loss, 58454

and fixed-sum levy loss, the tax commissioner shall use the 58455  
greater of the 1998 tax rate or the 1999 tax rate in the case of 58456  
levy losses associated with the electric company tax value loss, 58457  
but the 1999 tax rate shall not include for this purpose any tax 58458  
levy approved by the voters after June 30, 1999, and the tax 58459  
commissioner shall use the greater of the 1999 or the 2000 tax 58460  
rate in the case of levy losses associated with the natural gas 58461  
company tax value loss. 58462

(J) Not later than January 1, 2002, the tax commissioner 58463  
shall certify to the department of education the tax value loss 58464  
determined under divisions (D) and (E) of this section for each 58465  
taxing district, the fixed-rate levy loss calculated under 58466  
division (G) of this section, and the fixed-sum levy loss 58467  
calculated under division (H) of this section. The calculations 58468  
under divisions (G) and (H) of this section shall separately 58469  
display the levy loss for each levy eligible for reimbursement. 58470

(K) Not later than September 1, 2001, the tax commissioner 58471  
shall certify the amount of the fixed-sum levy loss to the county 58472  
auditor of each county in which a school district with a fixed-sum 58473  
levy loss has territory. 58474

**Sec. 5727.85.** (A) By the thirty-first day of July of each 58475  
year, beginning in 2002 and ending in 2016, the department of 58476  
education shall determine the following for each school district 58477  
and each joint vocational school district eligible for payment 58478  
under division (C) or (D) of this section: 58479

(1) The state education aid offset, which is the difference 58480  
obtained by subtracting the amount described in division (A)(1)(b) 58481  
of this section from the amount described in division (A)(1)(a) of 58482  
this section: 58483

(a) The state education aid computed for the school district 58484  
or joint vocational school district for the current fiscal year as 58485

of the thirty-first day of July; 58486

(b) The state education aid that would be computed for the 58487  
school district or joint vocational school district for the 58488  
current fiscal year as of the thirty-first day of July if the 58489  
recognized valuation included the tax value loss for the school 58490  
district or joint vocational school district. 58491

(2) The greater of zero or the difference obtained by 58492  
subtracting the state education aid offset determined under 58493  
division (A)(1) of this section from the fixed-rate levy loss 58494  
certified under division (J) of section 5727.84 of the Revised 58495  
Code for all taxing districts in each school district and joint 58496  
vocational school district. 58497

By the fifth day of August of each such year, the department 58498  
of education shall certify the amount so determined under division 58499  
(A)(1) of this section to the director of budget and management. 58500

(B) Not later than the thirty-first day of October of the 58501  
years 2006 through 2016, the department of education shall 58502  
determine all of the following for each school district: 58503

(1) The amount obtained by subtracting the district's state 58504  
education aid computed for fiscal year 2002 from the district's 58505  
state education aid computed for the current fiscal year; 58506

(2) The inflation-adjusted property tax loss. The 58507  
inflation-adjusted property tax loss equals the fixed-rate levy 58508  
loss, excluding the tax loss from levies within the ten-mill 58509  
limitation to pay debt charges, determined under division (G) of 58510  
section 5727.84 of the Revised Code for all taxing districts in 58511  
each school district, plus the product obtained by multiplying 58512  
that loss by the cumulative percentage increase in the consumer 58513  
price index from January 1, 2002, to the thirtieth day of June of 58514  
the current year. 58515

(3) The difference obtained by subtracting the amount 58516

computed under division (B)(1) from the amount of the 58517  
inflation-adjusted property tax loss. If this difference is zero 58518  
or a negative number, no further payments shall be made under 58519  
division (C) of this section to the school district from the 58520  
school district property tax replacement fund. 58521

(C) The department of education shall pay from the school 58522  
district property tax replacement fund to each school district all 58523  
of the following: 58524

(1) In February 2002, one-half of the fixed-rate levy loss 58525  
certified under division (J) of section 5727.84 of the Revised 58526  
Code between the twenty-first and twenty-eighth days of February. 58527

(2) From August 2002 through August 2017, one-half of the 58528  
amount calculated for that fiscal year under division (A)(2) of 58529  
this section between the twenty-first and twenty-eighth days of 58530  
August and of February, provided the difference computed under 58531  
division (B)(3) of this section is not less than or equal to zero. 58532

For taxes levied within the ten-mill limitation for debt 58533  
purposes in tax year 1998 in the case of electric company tax 58534  
value losses, and in tax year 1999 in the case of natural gas 58535  
company tax value losses, payments shall be made equal to one 58536  
hundred per cent of the loss computed as if the tax were a 58537  
fixed-rate levy, but those payments shall extend from fiscal year 58538  
2006 through fiscal year 2016. 58539

The department of education shall report to each school 58540  
district the apportionment of the payments among the school 58541  
district's funds based on the certifications under division (J) of 58542  
section 5727.84 of the Revised Code. 58543

(D) Not later than January 1, 2002, for all taxing districts 58544  
in each joint vocational school district, the tax commissioner 58545  
shall certify to the department of education the fixed-rate levy 58546  
loss determined under division (G) of section 5727.84 of the 58547

Revised Code. From February 2002 to August 2016, the department 58548  
shall pay from the school district property tax replacement fund 58549  
to the joint vocational school district one-half of the amount 58550  
calculated for that fiscal year under division (A)(2) of this 58551  
section between the twenty-first and twenty-eighth days of August 58552  
and of February. 58553

(E)(1) Not later than January 1, 2002, for each fixed-sum 58554  
levy levied by each school district or joint vocational school 58555  
district and for each year for which a determination is made under 58556  
division (H) of section 5727.84 of the Revised Code that a 58557  
fixed-sum levy loss is to be reimbursed, the tax commissioner 58558  
shall certify to the department of education the fixed-sum levy 58559  
loss determined under that division. The certification shall cover 58560  
a time period sufficient to include all fixed-sum levies for which 58561  
the tax commissioner made such a determination. The department 58562  
shall pay from the school district property tax replacement fund 58563  
to the school district or joint vocational school district 58564  
one-half of the fixed-sum levy loss so certified for each year 58565  
between the twenty-first and twenty-eighth days of August and of 58566  
February. 58567

(2) Beginning in 2003, by the thirty-first day of January of 58568  
each year, the tax commissioner shall review the certification 58569  
originally made under division (E)(1) of this section. If the 58570  
commissioner determines that a debt levy that had been scheduled 58571  
to be reimbursed in the current year has expired, a revised 58572  
certification for that and all subsequent years shall be made to 58573  
the department of education. 58574

(F) If the balance of the half-mill equalization fund created 58575  
under section 3318.18 of the Revised Code is insufficient to make 58576  
the full amount of payments required under division (D) of that 58577  
section, the department of education, at the end of the third 58578  
quarter of the fiscal year, shall certify to the director of 58579

budget and management the amount of the deficiency, and the 58580  
director shall transfer an amount equal to the deficiency from the 58581  
school district property tax replacement fund to the half-mill 58582  
equalization fund. 58583

(G) Beginning in August 2002, and ending in May 2017, the 58584  
director of budget and management shall transfer from the school 58585  
district property tax replacement fund to the general revenue fund 58586  
each of the following: 58587

(1) Between the twenty-eighth day of August and the fifth day 58588  
of September, the lesser of one-half of the amount certified for 58589  
that fiscal year under division (A)(2) of this section or the 58590  
balance in the school district property tax replacement fund; 58591

(2) Between the first and fifth days of May, the lesser of 58592  
one-half of the amount certified for that fiscal year under 58593  
division (A)(2) of this section or the balance in the school 58594  
district property tax replacement fund. 58595

(H) On the first day of June each year, the director of 58596  
budget and management shall transfer any balance remaining in the 58597  
school district property tax replacement fund after the payments 58598  
have been made under divisions (C), (D), (E), (F), and (G) of this 58599  
section to the half-mill equalization fund created under section 58600  
3318.18 of the Revised Code to the extent required to make any 58601  
payments in the current fiscal year under that section, and shall 58602  
transfer the remaining balance to the general revenue fund. 58603

(I) From fiscal year 2002 through fiscal year 2016, if the 58604  
total amount in the school district property tax replacement fund 58605  
is insufficient to make all payments under divisions (C), (D), 58606  
(E), and (F) of this section at the time the payments are to be 58607  
made, the director of budget and management shall transfer from 58608  
the general revenue fund to the school district property tax 58609  
replacement fund the difference between the total amount to be 58610

paid and the total amount in the school district property tax replacement fund, except that no transfer shall be made by reason of a deficiency to the extent that it results from the amendment of section 5727.84 of the Revised Code by Amended Substitute House Bill No. 95 of the 125th general assembly.

(J) If all of the territory of a school district or joint vocational school district is merged with an existing district, or if a part of the territory of a school district or joint vocational school district is transferred to an existing or new district, the department of education, in consultation with the 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 fixed-rate levy loss multiplied by the percentage prescribed by the following schedule:

YEAR	PERCENTAGE	
<del>2009</del>	75%	
2010	70%	
2011	70%	
2012	60%	
2013	50%	
2014	40%	
2015	24%	
2016	11.5%	
2017 and thereafter	0%	

Fixed-sum levy losses for the districts shall be determined under division (J)(4) of this section.

(b) If the new district is created on or after January 1, 2005, the new district shall be deemed not to have any fixed-rate levy loss or, except as provided in division (J)(4) of this section, fixed-sum levy loss. The district or districts from which the territory was transferred shall have no reduction in their fixed-rate levy loss, or, except as provided in division (J)(4) of this section, their fixed-sum levy loss.

(4) If a recipient district under division (J)(2) of this section or a new district under division (J)(3)(a) or (b) of this section takes on debt from one or more of the districts from which territory was transferred, and any of the districts transferring the territory had fixed-sum levy losses, the department of

education, in consultation with the tax commissioner, shall make 58675  
an equitable division of the fixed-sum levy losses. 58676

(K) There is hereby created the public utility property tax 58677  
study committee, effective January 1, 2011. The committee shall 58678  
consist of the following seven members: the tax commissioner, 58679  
three members of the senate appointed by the president of the 58680  
senate, and three members of the house of representatives 58681  
appointed by the speaker of the house of representatives. The 58682  
appointments shall be made not later than January 31, 2011. The 58683  
tax commissioner shall be the chairperson of the committee. 58684

The committee shall study the extent to which each school 58685  
district or joint vocational school district has been compensated, 58686  
under sections 5727.84 and 5727.85 of the Revised Code as enacted 58687  
by Substitute Senate Bill No. 3 of the 123rd general assembly and 58688  
any subsequent acts, for the property tax loss caused by the 58689  
reduction in the assessment rates for natural gas, electric, and 58690  
rural electric company tangible personal property. Not later than 58691  
June 30, 2011, the committee shall issue a report of its findings, 58692  
including any recommendations for providing additional 58693  
compensation for the property tax loss or regarding remedial 58694  
legislation, to the president of the senate and the speaker of the 58695  
house of representatives, at which time the committee shall cease 58696  
to exist. 58697

The department of taxation and department of education shall 58698  
provide such information and assistance as is required for the 58699  
committee to carry out its duties. 58700

**Sec. 5727.86.** (A) Not later than January 1, 2002, the tax 58701  
commissioner shall compute the payments to be made to each local 58702  
taxing unit for each year according to divisions (A)(1), (2), (3), 58703  
and (4) and division (E) of this section, and shall distribute the 58704  
payments in the manner prescribed by division (C) of this section. 58705

The calculation of the fixed-sum levy loss shall cover a time 58706  
period sufficient to include all fixed-sum levies for which the 58707  
tax commissioner determined, pursuant to division (H) of section 58708  
5727.84 of the Revised Code, that a fixed-sum levy loss is to be 58709  
reimbursed. 58710

(1) Except as provided in divisions (A)(3) and (4) of this 58711  
section, for fixed-rate levy losses determined under division (G) 58712  
of section 5727.84 of the Revised Code, payments shall be made in 58713  
each of the following years at the following percentage of the 58714  
fixed-rate levy loss certified under division (A) of this section: 58715

YEAR	PERCENTAGE	
2002	100%	58716
2003	100%	58717
2004	100%	58718
2005	100%	58719
2006	100%	58720
2007	80%	58721
2008	80%	58722
2009	80%	58723
2010	80%	58724
2011	80%	58725
2012	66.7%	58726
2013	53.4%	58727
2014	40.1%	58728
2015	26.8%	58729
2016	13.5%	58730
2017 and thereafter	0%	58731

(2) For fixed-sum levy losses determined under division (H) 58733  
of section 5727.84 of the Revised Code, payments shall be made in 58734  
the amount of one hundred per cent of the fixed-sum levy loss for 58735  
payments required to be made in 2002 and thereafter. 58736

(3) A local taxing unit in a county of less than two hundred 58737

fifty square miles that receives eighty per cent or more of its 58738  
combined general fund and bond retirement fund revenues from 58739  
property taxes and rollbacks based on 1997 actual revenues as 58740  
presented in its 1999 tax budget, and in which electric companies 58741  
and rural electric companies comprise over twenty per cent of its 58742  
property valuation, shall receive one hundred per cent of its 58743  
fixed-rate levy losses from electric company tax value losses 58744  
certified under division (A) of this section in years 2002 to 58745  
2016. 58746

(4) For taxes levied within the ten-mill limitation for debt 58747  
purposes in tax year 1998 in the case of electric company tax 58748  
value losses, and in tax year 1999 in the case of natural gas 58749  
company tax value losses, payments shall be made equal to one 58750  
hundred per cent of the loss computed as if the tax were a 58751  
fixed-rate levy, but those payments shall extend from fiscal year 58752  
2006 through fiscal year 2016. 58753

(B) Beginning in 2003, by the thirty-first day of January of 58754  
each year, the tax commissioner shall review the calculation 58755  
originally made under division (A) of this section of the 58756  
fixed-sum levy loss determined under division (H) of section 58757  
5727.84 of the Revised Code. If the commissioner determines that a 58758  
fixed-sum levy that had been scheduled to be reimbursed in the 58759  
current year has expired, a revised calculation for that and all 58760  
subsequent years shall be made. 58761

(C) Payments to local taxing units required to be made under 58762  
divisions (A) and (E) of this section shall be paid from the local 58763  
government property tax replacement fund to the county undivided 58764  
income tax fund in the proper county treasury. One-half of the 58765  
amount certified under those divisions shall be paid between the 58766  
twenty-first and twenty-eighth days of August and of February. The 58767  
county treasurer shall distribute amounts paid under division (A) 58768  
of this section to the proper local taxing unit as if they had 58769

been levied and collected as taxes, and the local taxing unit 58770  
shall apportion the amounts so received among its funds in the 58771  
same proportions as if those amounts had been levied and collected 58772  
as taxes. ~~Amounts~~ Except in the case of amounts distributed to the 58773  
county as a local taxing unit, amounts distributed under division 58774  
(E)(2) of this section shall be credited to the general fund of 58775  
the local taxing unit that receives them. Amounts distributed to 58776  
each county as a local taxing unit under division (E)(2) of this 58777  
section shall be credited in the proportion that the current taxes 58778  
charged and payable from each levy of or by the county bears to 58779  
the total current taxes charged and payable from all levies of or 58780  
by the county. 58781

(D) By February 5, 2002, the tax commissioner shall estimate 58782  
the amount of money in the local government property tax 58783  
replacement fund in excess of the amount necessary to make 58784  
payments in that month under division (C) of this section. 58785  
Notwithstanding division (A) of this section, the tax commissioner 58786  
may pay any local taxing unit, from those excess funds, nine and 58787  
four-tenths times the amount computed for 2002 under division 58788  
(A)(1) of this section. A payment made under this division shall 58789  
be in lieu of the payment to be made in February 2002 under 58790  
division (A)(1) of this section. A local taxing unit receiving a 58791  
payment under this division will no longer be entitled to any 58792  
further payments under division (A)(1) of this section. A payment 58793  
made under this division shall be paid from the local government 58794  
property tax replacement fund to the county undivided income tax 58795  
fund in the proper county treasury. The county treasurer shall 58796  
distribute the payment to the proper local taxing unit as if it 58797  
had been levied and collected as taxes, and the local taxing unit 58798  
shall apportion the amounts so received among its funds in the 58799  
same proportions as if those amounts had been levied and collected 58800  
as taxes. 58801

(E)(1) On the thirty-first day of July of 2002, 2003, 2004, 2005, and 2006, and on the thirty-first day of January and July of 2007 and each year thereafter, if the amount credited to the local government property tax replacement fund exceeds the amount needed to be distributed from the fund under division (A) of this section in the following month, the tax commissioner shall distribute the excess to each county as follows:

~~(1)~~(a) One-half shall be distributed to each county in proportion to each county's population.

~~(2)~~(b) One-half shall be distributed to each county in the proportion that the amounts determined under divisions (G) and (H) of section 5727.84 of the Revised Code for all local taxing units in the county is of the total amounts so determined for all local taxing units in the state.

(2) The amounts distributed to each county under ~~this~~ division (E) of this section shall be distributed by the county ~~treasurer~~ auditor to each local taxing unit in the county in the proportion that the unit's current taxes charged and payable are of the total current taxes charged and payable of all the local taxing units in the county. If the amount that the county auditor determines to be distributed to a local taxing unit is less than five dollars, that amount shall not be distributed, and the amount not distributed shall remain credited to the county undivided income tax fund. At the time of the next distribution under division (E)(2) of this section, any amount that had not been distributed in the prior distribution shall be added to the amount available for the next distribution prior to calculation of the amount to be distributed. As used in this division, "current taxes charged and payable" means the taxes charged and payable as most recently determined for local taxing units in the county.

(3) If, in the opinion of the tax commissioner, the excess remaining in the local government property tax replacement fund in

any year is not sufficient to warrant distribution under ~~this~~ 58834  
division (E) of this section, the excess shall remain to the 58835  
credit of the fund. 58836

(F) From fiscal year 2002 through fiscal year 2016, if the 58837  
total amount in the local government property tax replacement fund 58838  
is insufficient to make all payments under division (C) of this 58839  
section at the times the payments are to be made, the director of 58840  
budget and management shall transfer from the general revenue fund 58841  
to the local government property tax replacement fund the 58842  
difference between the total amount to be paid and the amount in 58843  
the local government property tax replacement fund, except that no 58844  
transfer shall be made by reason of a deficiency to the extent 58845  
that it results from the amendment of section 5727.84 of the 58846  
Revised Code by Amended Substitute House Bill 95 of the 125th 58847  
general assembly. 58848

(G) If all or a part of the territories of two or more local 58849  
taxing units are merged, or unincorporated territory of a township 58850  
is annexed by a municipal corporation, the tax commissioner shall 58851  
adjust the payments made under this section to each of the local 58852  
taxing units in proportion to the tax value loss apportioned to 58853  
the merged or annexed territory, or as otherwise provided by a 58854  
written agreement between the legislative authorities of the local 58855  
taxing units certified to the tax commissioner not later than the 58856  
first day of June of the calendar year in which the payment is to 58857  
be made. 58858

**Sec. 5727.87.** (A) As used in this section: 58859

(1) "Administrative fees" means the dollar percentages 58860  
allowed by the county auditor for services or by the county 58861  
treasurer as fees, or paid to the credit of the real estate 58862  
assessment fund, under divisions (A) and ~~(B)~~(C) of section 319.54 58863  
and division (A) of section 321.26 of the Revised Code. 58864

(2) "Administrative fee loss" means a county's loss of administrative fees due to its tax value loss, determined as follows:

(a) For purposes of the determination made under division (B) of this section in the years 2002 through 2006, the administrative fee loss shall be computed by multiplying the amounts determined for all taxing districts in the county under divisions (G) and (H) of section 5727.84 of the Revised Code by nine thousand six hundred fifty-nine ten-thousandths of one per cent if total taxes collected in the county in 1999 exceeded one hundred fifty million dollars, or one and one thousand one hundred fifty-nine ten-thousandths of one per cent if total taxes collected in the county in 1999 were one hundred fifty million dollars or less;

(b) For purposes of the determination under division (B) of this section in the years 2007 through 2011, the administrative fee loss shall be the lesser of the amount computed under division (A)(2)(a) of this section or the amount determined by subtracting from the dollar amount of administrative fees collected in the county in 1999, the dollar amount of administrative fees collected in the county in the current calendar year.

(3) "Total taxes collected" means all money collected on any tax duplicate of the county, other than the estate tax duplicates. "Total taxes collected" does not include amounts received pursuant to divisions (F) and (G) of section 321.24 or section 323.156 of the Revised Code.

(B) Not later than the thirty-first day of December of 2001 through 2005, the tax commissioner shall certify to each county auditor the tax levy losses calculated under divisions (G) and (H) of section 5727.84 of the Revised Code for each school district, joint vocational school district, and local taxing unit in the county. Not later than the thirty-first day of January of 2002 through 2011, the county auditor shall determine the

administrative fee loss for the county and apportion that loss 58897  
ratably among the school districts, joint vocational school 58898  
districts, and local taxing units on the basis of the tax levy 58899  
losses certified under this division. 58900

(C) On or before each of the days prescribed for the 58901  
settlements under divisions (A) and (C) of section 321.24 of the 58902  
Revised Code in the years 2002 through 2011, the county treasurer 58903  
shall deduct one-half of the amount apportioned to each school 58904  
district, joint vocational school district, and local taxing unit 58905  
from the portions of revenue payable to them. 58906

(D) On or before each of the days prescribed for settlements 58907  
under divisions (A) and (C) of section 321.24 of the Revised Code 58908  
in the years 2002 through 2011, the county auditor shall cause to 58909  
be deposited an amount equal to one-half of the amount of the 58910  
administrative fee loss in the same funds as if allowed as 58911  
administrative fees. 58912

After payment of the administrative fee loss on or before 58913  
August 10, 2011, all payments under this section shall cease. 58914

**Sec. 5733.12.** (A) ~~Four and two tenths per cent of all~~ All 58915  
payments received from the taxes imposed under sections 5733.06 58916  
and 5733.41 of the Revised Code shall be credited to ~~the local~~ 58917  
~~government fund for distribution in accordance with section~~ 58918  
~~5747.50 of the Revised Code, six tenths of one per cent shall be~~ 58919  
~~credited to the local government revenue assistance fund for~~ 58920  
~~distribution in accordance with section 5747.61 of the Revised~~ 58921  
~~Code, and ninety five and two tenths per cent shall be credited to~~ 58922  
the general revenue fund. 58923

(B) Except as otherwise provided under divisions (C) and (D) 58924  
of this section, an application to refund to the corporation the 58925  
amount of taxes imposed under section 5733.06 of the Revised Code 58926  
that are overpaid, paid illegally or erroneously, or paid on any 58927

illegal, erroneous, or excessive assessment, with interest thereon 58928  
as provided by section 5733.26 of the Revised Code, shall be filed 58929  
with the tax commissioner, on the form prescribed by the 58930  
commissioner, within three years from the date of the illegal, 58931  
erroneous, or excessive payment of the tax, or within any 58932  
additional period allowed by division (C)(2) of section 5733.031, 58933  
division (D)(2) of section 5733.067, or division (A) of section 58934  
5733.11 of the Revised Code. For purposes of division (B) of this 58935  
section, any payment that the applicant made before the due date 58936  
or extended due date for filing the report to which the payment 58937  
relates shall be deemed to have been made on the due date or 58938  
extended due date. 58939

On the filing of the refund application, the commissioner 58940  
shall determine the amount of refund to which the applicant is 58941  
entitled. If the amount is not less than that claimed the 58942  
commissioner shall certify the amount to the director of budget 58943  
and management and treasurer of state for payment from the tax 58944  
refund fund created by section 5703.052 of the Revised Code. If 58945  
the amount is less than that claimed, the commissioner shall 58946  
proceed in accordance with section 5703.70 of the Revised Code. 58947

(C) "Ninety days" shall be substituted for "three years" in 58948  
division (B) of this section if the taxpayer satisfies both of the 58949  
following: 58950

(1) The taxpayer has applied for a refund based in whole or 58951  
in part upon section 5733.0611 of the Revised Code; 58952

(2) The taxpayer asserts that the imposition or collection of 58953  
the tax imposed or charged by section 5733.06 of the Revised Code 58954  
or any portion of such tax violates the Constitution of the United 58955  
States or the Constitution of this state. 58956

(D)(1) Division (D)(2) of this section applies only if all of 58957  
the following conditions are satisfied: 58958

(a) A qualifying pass-through entity pays an amount of the tax imposed by section 5733.41 of the Revised Code; 58959  
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(b) The taxpayer is a qualifying investor as to that qualifying pass-through entity; 58961  
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(c) The taxpayer did not claim the credit provided for in section 5733.0611 of the Revised Code as to the tax described in division (D)(1)(a) of this section; 58963  
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(d) The three-year period described in division (B) of this section has ended as to the taxable year for which the taxpayer otherwise would have claimed that credit. 58966  
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(2) A taxpayer shall file an application for refund pursuant to this division within one year after the date the payment described in division (D)(1)(a) of this section is made. An application filed under this division shall only claim refund of overpayments resulting from the taxpayer's failure to claim the credit described in division (D)(1)(c) of this section. Nothing in this division shall be construed to relieve a taxpayer from complying with the provisions of division (I)(14) of section 5733.04 of the Revised Code. 58969  
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**Sec. 5733.39.** (A) As used in this section: 58978

(1) "Compliance facility" means property that is designed, constructed, or installed, and used, at a coal-fired electric generating facility for the primary purpose of complying with acid rain control requirements under Title IV of the "Clean Air Act Amendments of 1990," 104 Stat. 2584, 42 U.S.C.A. 7651, and that controls or limits emissions of sulfur or nitrogen compounds resulting from the combustion of coal through the removal or reduction of those compounds before, during, or after the combustion of the coal, but before the combustion products are emitted into the atmosphere. "Compliance facility" also includes 58979  
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any of the following:	58989
(a) A facility that removes sulfur compounds from coal before the combustion of the coal and that is located off the premises of the electric generating facility where the coal processed by the compliance facility is burned;	58990 58991 58992 58993
(b) Modifications to the electric generating facility where the compliance facility is constructed or installed that are necessary to accommodate the construction or installation, and operation, of the compliance facility;	58994 58995 58996 58997
(c) A byproduct disposal facility, as defined in section 3734.051 of the Revised Code, that exclusively disposes of wastes produced by the compliance facility and other coal combustion byproducts produced by the generating unit in or to which the compliance facility is incorporated or connected regardless of whether the byproduct disposal facility is located on the same premises as the compliance facility or generating unit that produces the wastes disposed of at the facility;	58998 58999 59000 59001 59002 59003 59004 59005
(d) Facilities or equipment that is acquired, constructed, or installed, and used, at a coal-fired electric generating facility exclusively for the purpose of handling the byproducts produced by the compliance facility or other coal combustion byproducts produced by the generating unit in or to which the compliance facility is incorporated or connected;	59006 59007 59008 59009 59010 59011
(e) A flue gas desulfurization system that is connected to a coal-fired electric generating unit;	59012 59013
(f) Facilities or equipment acquired, constructed, or installed, and used, at a coal-fired electric generating unit primarily for the purpose of handling the byproducts produced by a compliance facility or other coal combustion byproducts produced by the generating unit in or to which the compliance facility is incorporated or connected.	59014 59015 59016 59017 59018 59019

(2) "Ohio coal" means coal mined from coal deposits in the ground that are located within this state, regardless of the location of the mine's tipple.

(3) "Sale and leaseback transaction" has the same meaning as in section 5727.01 of the Revised Code.

(B) An electric company shall be allowed a nonrefundable credit against the tax imposed by section 5733.06 of the Revised Code for Ohio coal used in any of its coal-fired electric generating units after April 30, 2001, but before January 1, ~~2008~~ 2010. Section 5733.057 of the Revised Code shall apply when calculating the credit allowed by this section. The credit shall be claimed at the following rates per ton of Ohio coal burned in a coal-fired electric generating unit during the taxable year ending immediately preceding the tax year: for tax years before tax year 2006, three dollars per ton; and for tax years 2006, 2007, ~~and~~ 2008, and 2009, one dollar per ton. The credit is allowed only if both of the following conditions are met during such taxable year:

(1) The coal-fired electric generating unit is owned and used by the company claiming the credit or leased and used by that company under a sale and leaseback transaction.

(2) A compliance facility is attached to, incorporated in, or used in conjunction with the coal-fired generating unit.

(C) The credit shall be claimed in the order required under section 5733.98 of the Revised Code. The taxpayer may carry forward any credit amount in excess of its tax due after allowing for any other credits that precede the credit allowed under this section in the order required under section 5733.98 of the Revised Code. The excess credit may be carried forward for three years following the tax year for which it is claimed under this section.

(D) The director of environmental protection, upon the request of the tax commissioner, shall certify whether a facility

is a compliance facility. In the case of a compliance facility 59051  
owned by an electric company, the public utilities commission 59052  
shall certify to the tax commissioner the cost of the facility as 59053  
of the date it was placed in service. In the case of a compliance 59054  
facility owned by a person other than an electric company, the tax 59055  
commissioner shall determine the cost of the facility as of the 59056  
date it was placed in service. If the owner of such a facility 59057  
fails to furnish the information necessary to make that 59058  
determination, no credit shall be allowed. 59059

Sec. 5733.48. (A) As used in this section, "alternative 59060  
fuel," "retail dealer," and "retail service station" have the same 59061  
meanings as in section 5747.77 of the Revised Code. 59062

(B) There is hereby allowed a nonrefundable credit against 59063  
the tax imposed by section 5733.06 of the Revised Code for a 59064  
retail dealer that sells alternative fuel. The credit may be 59065  
claimed for tax years 2008 and 2009. The credit for tax year 2008 59066  
shall equal fifteen cents per gallon of alternative fuel sold and 59067  
dispensed through a metered pump at the retail dealer's retail 59068  
service station during any part of calendar year 2007 that is 59069  
included in the dealer's taxable year ending in 2007. The credit 59070  
for tax year 2009 shall equal fifteen cents per gallon of 59071  
alternative fuel sold and dispensed through a metered pump at the 59072  
retail dealer's retail service station during any part of calendar 59073  
year 2007 that is included in the dealer's taxable year ending in 59074  
2008, plus thirteen cents per gallon of alternative fuel sold and 59075  
dispensed in that manner during any part of calendar year 2008 59076  
that is included in that taxable year. The credit shall be 59077  
calculated separately for each retail service station owned or 59078  
operated by the retail dealer. 59079

(C) The retail dealer shall claim the credit under this 59080  
section in the order prescribed in section 5733.98 of the Revised 59081

Code. The credit shall not exceed the amount of tax otherwise due 59082  
under section 5733.06 of the Revised Code after deducting any 59083  
other credits that precede the credit claimed under this section 59084  
in that order. 59085

**Sec. 5733.98.** (A) To provide a uniform procedure for 59086  
calculating the amount of tax imposed by section 5733.06 of the 59087  
Revised Code that is due under this chapter, a taxpayer shall 59088  
claim any credits to which it is entitled in the following order, 59089  
except as otherwise provided in section 5733.058 of the Revised 59090  
Code: 59091

(1) For tax year 2005, the credit for taxes paid by a 59092  
qualifying pass-through entity allowed under section 5733.0611 of 59093  
the Revised Code; 59094

(2) The credit allowed for financial institutions under 59095  
section 5733.45 of the Revised Code; 59096

(3) The credit for qualifying affiliated groups under section 59097  
5733.068 of the Revised Code; 59098

(4) The subsidiary corporation credit under section 5733.067 59099  
of the Revised Code; 59100

(5) The savings and loan assessment credit under section 59101  
5733.063 of the Revised Code; 59102

(6) The credit for recycling and litter prevention donations 59103  
under section 5733.064 of the Revised Code; 59104

(7) The credit for employers that enter into agreements with 59105  
child day-care centers under section 5733.36 of the Revised Code; 59106

(8) The credit for employers that reimburse employee child 59107  
care expenses under section 5733.38 of the Revised Code; 59108

(9) The credit for maintaining railroad active grade crossing 59109  
warning devices under section 5733.43 of the Revised Code; 59110

(10) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;	59111 59112
(11) The job retention credit under division (B) of section 5733.0610 of the Revised Code;	59113 59114
(12) The credit for <del>purchases of new manufacturing machinery and equipment under section 5733.31 or section 5733.311</del> <u>tax years 2008 and 2009 for selling alternative fuel under section 5733.48</u> of the Revised Code;	59115 59116 59117 59118
(13) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	59119 59120
(14) The job training credit under section 5733.42 of the Revised Code;	59121 59122
(15) The credit for qualified research expenses under section 5733.351 of the Revised Code;	59123 59124
(16) The enterprise zone credit under section 5709.66 of the Revised Code;	59125 59126
(17) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	59127 59128
(18) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;	59129 59130
(19) The ethanol plant investment credit under section 5733.46 of the Revised Code;	59131 59132
(20) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;	59133 59134
(21) The export sales credit under section 5733.069 of the Revised Code;	59135 59136
(22) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;	59137 59138
(23) The enterprise zone credits under section 5709.65 of the	59139

Revised Code;	59140
(24) The credit for using Ohio coal under section 5733.39 of the Revised Code;	59141 59142
(25) The credit for small telephone companies under section 5733.57 of the Revised Code;	59143 59144
(26) The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;	59145 59146
(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;	59147 59148 59149
(28) The research and development credit under section 5733.352 of the Revised Code;	59150 59151
(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;	59152 59153 59154
(30) The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;	59155 59156
(31) The refundable jobs creation credit under division (A) of section 5733.0610 of the Revised Code;	59157 59158
(32) The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code;	59159 59160
(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;	59161 59162 59163
(34) For tax years 2006, 2007, and 2008, the refundable credit allowable under division (B) of section 5733.56 of the Revised Code.	59164 59165 59166
(B) For any credit except the credits enumerated in divisions (A)(30) to (34) of this section, the amount of the credit for a	59167 59168

tax year shall not exceed the tax due after allowing for any other 59169  
credit that precedes it in the order required under this section. 59170  
Any excess amount of a particular credit may be carried forward if 59171  
authorized under the section creating that credit. 59172

**Sec. 5739.02.** For the purpose of providing revenue with which 59173  
to meet the needs of the state, for the use of the general revenue 59174  
fund of the state, for the purpose of securing a thorough and 59175  
efficient system of common schools throughout the state, for the 59176  
purpose of affording revenues, in addition to those from general 59177  
property taxes, permitted under constitutional limitations, and 59178  
from other sources, for the support of local governmental 59179  
functions, and for the purpose of reimbursing the state for the 59180  
expense of administering this chapter, an excise tax is hereby 59181  
levied on each retail sale made in this state. 59182

(A)(1) The tax shall be collected as provided in section 59183  
5739.025 of the Revised Code, provided that on and after July 1, 59184  
2003, and on or before June 30, 2005, the rate of tax shall be six 59185  
per cent. On and after July 1, 2005, the rate of the tax shall be 59186  
five and one-half per cent. The tax applies and is collectible 59187  
when the sale is made, regardless of the time when the price is 59188  
paid or delivered. 59189

(2) In the case of the lease or rental, with a fixed term of 59190  
more than thirty days or an indefinite term with a minimum period 59191  
of more than thirty days, of any motor vehicles designed by the 59192  
manufacturer to carry a load of not more than one ton, watercraft, 59193  
outboard motor, or aircraft, or of any tangible personal property, 59194  
other than motor vehicles designed by the manufacturer to carry a 59195  
load of more than one ton, to be used by the lessee or renter 59196  
primarily for business purposes, the tax shall be collected by the 59197  
vendor at the time the lease or rental is consummated and shall be 59198  
calculated by the vendor on the basis of the total amount to be 59199

paid by the lessee or renter under the lease agreement. If the 59200  
total amount of the consideration for the lease or rental includes 59201  
amounts that are not calculated at the time the lease or rental is 59202  
executed, the tax shall be calculated and collected by the vendor 59203  
at the time such amounts are billed to the lessee or renter. In 59204  
the case of an open-end lease or rental, the tax shall be 59205  
calculated by the vendor on the basis of the total amount to be 59206  
paid during the initial fixed term of the lease or rental, and for 59207  
each subsequent renewal period as it comes due. As used in this 59208  
division, "motor vehicle" has the same meaning as in section 59209  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 59210  
unit attached to the watercraft. 59211

A lease with a renewal clause and a termination penalty or 59212  
similar provision that applies if the renewal clause is not 59213  
exercised is presumed to be a sham transaction. In such a case, 59214  
the tax shall be calculated and paid on the basis of the entire 59215  
length of the lease period, including any renewal periods, until 59216  
the termination penalty or similar provision no longer applies. 59217  
The taxpayer shall bear the burden, by a preponderance of the 59218  
evidence, that the transaction or series of transactions is not a 59219  
sham transaction. 59220

(3) Except as provided in division (A)(2) of this section, in 59221  
the case of a sale, the price of which consists in whole or in 59222  
part of the lease or rental of tangible personal property, the tax 59223  
shall be measured by the installments of that lease or rental. 59224

(4) In the case of a sale of a physical fitness facility 59225  
service or recreation and sports club service, the price of which 59226  
consists in whole or in part of a membership for the receipt of 59227  
the benefit of the service, the tax applicable to the sale shall 59228  
be measured by the installments thereof. 59229

(B) The tax does not apply to the following: 59230

(1) Sales to the state or any of its political subdivisions,	59231
or to any other state or its political subdivisions if the laws of	59232
that state exempt from taxation sales made to this state and its	59233
political subdivisions;	59234
(2) Sales of food for human consumption off the premises	59235
where sold;	59236
(3) Sales of food sold to students only in a cafeteria,	59237
dormitory, fraternity, or sorority maintained in a private,	59238
public, or parochial school, college, or university;	59239
(4) Sales of newspapers and of magazine subscriptions and	59240
sales or transfers of magazines distributed as controlled	59241
circulation publications;	59242
(5) The furnishing, preparing, or serving of meals without	59243
charge by an employer to an employee provided the employer records	59244
the meals as part compensation for services performed or work	59245
done;	59246
(6) Sales of motor fuel upon receipt, use, distribution, or	59247
sale of which in this state a tax is imposed by the law of this	59248
state, but this exemption shall not apply to the sale of motor	59249
fuel on which a refund of the tax is allowable under division (A)	59250
of section 5735.14 of the Revised Code; and the tax commissioner	59251
may deduct the amount of tax levied by this section applicable to	59252
the price of motor fuel when granting a refund of motor fuel tax	59253
pursuant to division (A) of section 5735.14 of the Revised Code	59254
and shall cause the amount deducted to be paid into the general	59255
revenue fund of this state;	59256
(7) Sales of natural gas by a natural gas company, of water	59257
by a water-works company, or of steam by a heating company, if in	59258
each case the thing sold is delivered to consumers through pipes	59259
or conduits, and all sales of communications services by a	59260
telegraph company, all terms as defined in section 5727.01 of the	59261

Revised Code, and sales of electricity delivered through wires; 59262

(8) Casual sales by a person, or auctioneer employed directly 59263  
by the person to conduct such sales, except as to such sales of 59264  
motor vehicles, watercraft or outboard motors required to be 59265  
titled under section 1548.06 of the Revised Code, watercraft 59266  
documented with the United States coast guard, snowmobiles, and 59267  
all-purpose vehicles as defined in section 4519.01 of the Revised 59268  
Code; 59269

(9)(a) Sales of services or tangible personal property, other 59270  
than motor vehicles, mobile homes, and manufactured homes, by 59271  
churches, organizations exempt from taxation under section 59272  
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 59273  
organizations operated exclusively for charitable purposes as 59274  
defined in division (B)(12) of this section, provided that the 59275  
number of days on which such tangible personal property or 59276  
services, other than items never subject to the tax, are sold does 59277  
not exceed six in any calendar year, except as otherwise provided 59278  
in division (B)(9)(b) of this section. If the number of days on 59279  
which such sales are made exceeds six in any calendar year, the 59280  
church or organization shall be considered to be engaged in 59281  
business and all subsequent sales by it shall be subject to the 59282  
tax. In counting the number of days, all sales by groups within a 59283  
church or within an organization shall be considered to be sales 59284  
of that church or organization, ~~except that.~~ 59285

(b) The limitation on the number of days on which tax-exempt 59286  
sales may be made by a church or organization under division 59287  
(B)(9)(a) of this section does not apply to sales made by separate 59288  
student clubs and other groups of students of a primary or 59289  
secondary school, ~~and sales made by or~~ a parent-teacher 59290  
association, booster group, or similar organization that raises 59291  
money to support or fund curricular or extracurricular activities 59292  
of a primary or secondary school, ~~shall not be considered to be~~ 59293

~~sales of such school, and sales by each such club, group, 59294  
association, or organization shall be counted separately for 59295  
purposes of the six day limitation. This division does, 59296~~

(c) Divisions (B)(9)(a) and (b) of this section do not apply 59297  
to sales by a noncommercial educational radio or television 59298  
broadcasting station. 59299

(10) Sales not within the taxing power of this state under 59300  
the Constitution of the United States; 59301

(11) Except for transactions that are sales under division 59302  
(B)(3)(r) of section 5739.01 of the Revised Code, the 59303  
transportation of persons or property, unless the transportation 59304  
is by a private investigation and security service; 59305

(12) Sales of tangible personal property or services to 59306  
churches, to organizations exempt from taxation under section 59307  
501(c)(3) of the Internal Revenue Code of 1986, and to any other 59308  
nonprofit organizations operated exclusively for charitable 59309  
purposes in this state, no part of the net income of which inures 59310  
to the benefit of any private shareholder or individual, and no 59311  
substantial part of the activities of which consists of carrying 59312  
on propaganda or otherwise attempting to influence legislation; 59313  
sales to offices administering one or more homes for the aged or 59314  
one or more hospital facilities exempt under section 140.08 of the 59315  
Revised Code; and sales to organizations described in division (D) 59316  
of section 5709.12 of the Revised Code. 59317

"Charitable purposes" means the relief of poverty; the 59318  
improvement of health through the alleviation of illness, disease, 59319  
or injury; the operation of an organization exclusively for the 59320  
provision of professional, laundry, printing, and purchasing 59321  
services to hospitals or charitable institutions; the operation of 59322  
a home for the aged, as defined in section 5701.13 of the Revised 59323  
Code; the operation of a radio or television broadcasting station 59324

that is licensed by the federal communications commission as a 59325  
noncommercial educational radio or television station; the 59326  
operation of a nonprofit animal adoption service or a county 59327  
humane society; the promotion of education by an institution of 59328  
learning that maintains a faculty of qualified instructors, 59329  
teaches regular continuous courses of study, and confers a 59330  
recognized diploma upon completion of a specific curriculum; the 59331  
operation of a parent-teacher association, booster group, or 59332  
similar organization primarily engaged in the promotion and 59333  
support of the curricular or extracurricular activities of a 59334  
primary or secondary school; the operation of a community or area 59335  
center in which presentations in music, dramatics, the arts, and 59336  
related fields are made in order to foster public interest and 59337  
education therein; the production of performances in music, 59338  
dramatics, and the arts; or the promotion of education by an 59339  
organization engaged in carrying on research in, or the 59340  
dissemination of, scientific and technological knowledge and 59341  
information primarily for the public. 59342

Nothing in this division shall be deemed to exempt sales to 59343  
any organization for use in the operation or carrying on of a 59344  
trade or business, or sales to a home for the aged for use in the 59345  
operation of independent living facilities as defined in division 59346  
(A) of section 5709.12 of the Revised Code. 59347

(13) Building and construction materials and services sold to 59348  
construction contractors for incorporation into a structure or 59349  
improvement to real property under a construction contract with 59350  
this state or a political subdivision of this state, or with the 59351  
United States government or any of its agencies; building and 59352  
construction materials and services sold to construction 59353  
contractors for incorporation into a structure or improvement to 59354  
real property that are accepted for ownership by this state or any 59355  
of its political subdivisions, or by the United States government 59356

or any of its agencies at the time of completion of the structures 59357  
or improvements; building and construction materials sold to 59358  
construction contractors for incorporation into a horticulture 59359  
structure or livestock structure for a person engaged in the 59360  
business of horticulture or producing livestock; building 59361  
materials and services sold to a construction contractor for 59362  
incorporation into a house of public worship or religious 59363  
education, or a building used exclusively for charitable purposes 59364  
under a construction contract with an organization whose purpose 59365  
is as described in division (B)(12) of this section; building 59366  
materials and services sold to a construction contractor for 59367  
incorporation into a building under a construction contract with 59368  
an organization exempt from taxation under section 501(c)(3) of 59369  
the Internal Revenue Code of 1986 when the building is to be used 59370  
exclusively for the organization's exempt purposes; building and 59371  
construction materials sold for incorporation into the original 59372  
construction of a sports facility under section 307.696 of the 59373  
Revised Code; and building and construction materials and services 59374  
sold to a construction contractor for incorporation into real 59375  
property outside this state if such materials and services, when 59376  
sold to a construction contractor in the state in which the real 59377  
property is located for incorporation into real property in that 59378  
state, would be exempt from a tax on sales levied by that state; 59379

(14) Sales of ships or vessels or rail rolling stock used or 59380  
to be used principally in interstate or foreign commerce, and 59381  
repairs, alterations, fuel, and lubricants for such ships or 59382  
vessels or rail rolling stock; 59383

(15) Sales to persons primarily engaged in any of the 59384  
activities mentioned in division (B)(42)(a) or (g) of this 59385  
section, to persons engaged in making retail sales, or to persons 59386  
who purchase for sale from a manufacturer tangible personal 59387  
property that was produced by the manufacturer in accordance with 59388

specific designs provided by the purchaser, of packages, including 59389  
material, labels, and parts for packages, and of machinery, 59390  
equipment, and material for use primarily in packaging tangible 59391  
personal property produced for sale, including any machinery, 59392  
equipment, and supplies used to make labels or packages, to 59393  
prepare packages or products for labeling, or to label packages or 59394  
products, by or on the order of the person doing the packaging, or 59395  
sold at retail. "Packages" includes bags, baskets, cartons, 59396  
crates, boxes, cans, bottles, bindings, wrappings, and other 59397  
similar devices and containers, but does not include motor 59398  
vehicles or bulk tanks, trailers, or similar devices attached to 59399  
motor vehicles. "Packaging" means placing in a package. Division 59400  
(B)(15) of this section does not apply to persons engaged in 59401  
highway transportation for hire. 59402

(16) Sales of food to persons using food stamp benefits to 59403  
purchase the food. As used in this division, "food" has the same 59404  
meaning as in the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 59405  
2012, as amended, and federal regulations adopted pursuant to that 59406  
act. 59407

(17) Sales to persons engaged in farming, agriculture, 59408  
horticulture, or floriculture, of tangible personal property for 59409  
use or consumption directly in the production by farming, 59410  
agriculture, horticulture, or floriculture of other tangible 59411  
personal property for use or consumption directly in the 59412  
production of tangible personal property for sale by farming, 59413  
agriculture, horticulture, or floriculture; or material and parts 59414  
for incorporation into any such tangible personal property for use 59415  
or consumption in production; and of tangible personal property 59416  
for such use or consumption in the conditioning or holding of 59417  
products produced by and for such use, consumption, or sale by 59418  
persons engaged in farming, agriculture, horticulture, or 59419  
floriculture, except where such property is incorporated into real 59420

property;	59421
(18) Sales of drugs for a human being that may be dispensed	59422
only pursuant to a prescription; insulin as recognized in the	59423
official United States pharmacopoeia; urine and blood testing	59424
materials when used by diabetics or persons with hypoglycemia to	59425
test for glucose or acetone; hypodermic syringes and needles when	59426
used by diabetics for insulin injections; epoetin alfa when	59427
purchased for use in the treatment of persons with medical	59428
disease; hospital beds when purchased by hospitals, nursing homes,	59429
or other medical facilities; and medical oxygen and medical	59430
oxygen-dispensing equipment when purchased by hospitals, nursing	59431
homes, or other medical facilities;	59432
(19) Sales of prosthetic devices, durable medical equipment	59433
for home use, or mobility enhancing equipment, when made pursuant	59434
to a prescription and when such devices or equipment are for use	59435
by a human being.	59436
(20) Sales of emergency and fire protection vehicles and	59437
equipment to nonprofit organizations for use solely in providing	59438
fire protection and emergency services, including trauma care and	59439
emergency medical services, for political subdivisions of the	59440
state;	59441
(21) Sales of tangible personal property manufactured in this	59442
state, if sold by the manufacturer in this state to a retailer for	59443
use in the retail business of the retailer outside of this state	59444
and if possession is taken from the manufacturer by the purchaser	59445
within this state for the sole purpose of immediately removing the	59446
same from this state in a vehicle owned by the purchaser;	59447
(22) Sales of services provided by the state or any of its	59448
political subdivisions, agencies, instrumentalities, institutions,	59449
or authorities, or by governmental entities of the state or any of	59450
its political subdivisions, agencies, instrumentalities,	59451

institutions, or authorities; 59452

(23) Sales of motor vehicles to nonresidents of this state 59453  
~~upon the presentation of an affidavit executed in this state by~~ 59454  
~~the nonresident purchaser affirming that the purchaser is a~~ 59455  
~~nonresident of this state, that possession of the motor vehicle is~~ 59456  
~~taken in this state for the sole purpose of immediately removing~~ 59457  
~~it from this state, that the motor vehicle will be permanently~~ 59458  
~~titled and registered in another state, and that the motor vehicle~~ 59459  
~~will not be used in this state under the circumstances described~~ 59460  
~~in division (B) of section 5739.029 of the Revised Code;~~ 59461

(24) Sales to persons engaged in the preparation of eggs for 59462  
sale of tangible personal property used or consumed directly in 59463  
such preparation, including such tangible personal property used 59464  
for cleaning, sanitizing, preserving, grading, sorting, and 59465  
classifying by size; packages, including material and parts for 59466  
packages, and machinery, equipment, and material for use in 59467  
packaging eggs for sale; and handling and transportation equipment 59468  
and parts therefor, except motor vehicles licensed to operate on 59469  
public highways, used in intraplant or interplant transfers or 59470  
shipment of eggs in the process of preparation for sale, when the 59471  
plant or plants within or between which such transfers or 59472  
shipments occur are operated by the same person. "Packages" 59473  
includes containers, cases, baskets, flats, fillers, filler flats, 59474  
cartons, closure materials, labels, and labeling materials, and 59475  
"packaging" means placing therein. 59476

(25)(a) Sales of water to a consumer for residential use, 59477  
except the sale of bottled water, distilled water, mineral water, 59478  
carbonated water, or ice; 59479

(b) Sales of water by a nonprofit corporation engaged 59480  
exclusively in the treatment, distribution, and sale of water to 59481  
consumers, if such water is delivered to consumers through pipes 59482  
or tubing. 59483

(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;	59484 59485
(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:	59486 59487 59488 59489
(a) To prepare food for human consumption for sale;	59490
(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;	59491 59492 59493 59494
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	59495 59496
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	59497 59498
(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;	59499 59500 59501 59502
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	59503 59504 59505
(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;	59506 59507 59508
(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	59509 59510 59511 59512 59513

transportation of tangible personal property; 59514

(33) Sales to the state headquarters of any veterans' 59515  
organization in this state that is either incorporated and issued 59516  
a charter by the congress of the United States or is recognized by 59517  
the United States veterans administration, for use by the 59518  
headquarters; 59519

(34) Sales to a telecommunications service vendor, mobile 59520  
telecommunications service vendor, or satellite broadcasting 59521  
service vendor of tangible personal property and services used 59522  
directly and primarily in transmitting, receiving, switching, or 59523  
recording any interactive, one- or two-way electromagnetic 59524  
communications, including voice, image, data, and information, 59525  
through the use of any medium, including, but not limited to, 59526  
poles, wires, cables, switching equipment, computers, and record 59527  
storage devices and media, and component parts for the tangible 59528  
personal property. The exemption provided in this division shall 59529  
be in lieu of all other exemptions under division (B)(42)(a) of 59530  
this section to which the vendor may otherwise be entitled, based 59531  
upon the use of the thing purchased in providing the 59532  
telecommunications, mobile telecommunications, or satellite 59533  
broadcasting service. 59534

(35)(a) Sales where the purpose of the consumer is to use or 59535  
consume the things transferred in making retail sales and 59536  
consisting of newspaper inserts, catalogues, coupons, flyers, gift 59537  
certificates, or other advertising material that prices and 59538  
describes tangible personal property offered for retail sale. 59539

(b) Sales to direct marketing vendors of preliminary 59540  
materials such as photographs, artwork, and typesetting that will 59541  
be used in printing advertising material; of printed matter that 59542  
offers free merchandise or chances to win sweepstake prizes and 59543  
that is mailed to potential customers with advertising material 59544  
described in division (B)(35)(a) of this section; and of equipment 59545

such as telephones, computers, facsimile machines, and similar 59546  
tangible personal property primarily used to accept orders for 59547  
direct marketing retail sales. 59548

(c) Sales of automatic food vending machines that preserve 59549  
food with a shelf life of forty-five days or less by refrigeration 59550  
and dispense it to the consumer. 59551

For purposes of division (B)(35) of this section, "direct 59552  
marketing" means the method of selling where consumers order 59553  
tangible personal property by United States mail, delivery 59554  
service, or telecommunication and the vendor delivers or ships the 59555  
tangible personal property sold to the consumer from a warehouse, 59556  
catalogue distribution center, or similar fulfillment facility by 59557  
means of the United States mail, delivery service, or common 59558  
carrier. 59559

(36) Sales to a person engaged in the business of 59560  
horticulture or producing livestock of materials to be 59561  
incorporated into a horticulture structure or livestock structure; 59562

(37) Sales of personal computers, computer monitors, computer 59563  
keyboards, modems, and other peripheral computer equipment to an 59564  
individual who is licensed or certified to teach in an elementary 59565  
or a secondary school in this state for use by that individual in 59566  
preparation for teaching elementary or secondary school students; 59567

(38) Sales to a professional racing team of any of the 59568  
following: 59569

(a) Motor racing vehicles; 59570

(b) Repair services for motor racing vehicles; 59571

(c) Items of property that are attached to or incorporated in 59572  
motor racing vehicles, including engines, chassis, and all other 59573  
components of the vehicles, and all spare, replacement, and 59574  
rebuilt parts or components of the vehicles; except not including 59575

tires, consumable fluids, paint, and accessories consisting of 59576  
instrumentation sensors and related items added to the vehicle to 59577  
collect and transmit data by means of telemetry and other forms of 59578  
communication. 59579

(39) Sales of used manufactured homes and used mobile homes, 59580  
as defined in section 5739.0210 of the Revised Code, made on or 59581  
after January 1, 2000; 59582

(40) Sales of tangible personal property and services to a 59583  
provider of electricity used or consumed directly and primarily in 59584  
generating, transmitting, or distributing electricity for use by 59585  
others, including property that is or is to be incorporated into 59586  
and will become a part of the consumer's production, transmission, 59587  
or distribution system and that retains its classification as 59588  
tangible personal property after incorporation; fuel or power used 59589  
in the production, transmission, or distribution of electricity; 59590  
and tangible personal property and services used in the repair and 59591  
maintenance of the production, transmission, or distribution 59592  
system, including only those motor vehicles as are specially 59593  
designed and equipped for such use. The exemption provided in this 59594  
division shall be in lieu of all other exemptions in division 59595  
(B)(42)(a) of this section to which a provider of electricity may 59596  
otherwise be entitled based on the use of the tangible personal 59597  
property or service purchased in generating, transmitting, or 59598  
distributing electricity. 59599

(41) Sales to a person providing services under division 59600  
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 59601  
personal property and services used directly and primarily in 59602  
providing taxable services under that section. 59603

(42) Sales where the purpose of the purchaser is to do any of 59604  
the following: 59605

(a) To incorporate the thing transferred as a material or a 59606

part into tangible personal property to be produced for sale by 59607  
manufacturing, assembling, processing, or refining; or to use or 59608  
consume the thing transferred directly in producing tangible 59609  
personal property for sale by mining, including, without 59610  
limitation, the extraction from the earth of all substances that 59611  
are classed geologically as minerals, production of crude oil and 59612  
natural gas, farming, agriculture, horticulture, or floriculture, 59613  
or directly in the rendition of a public utility service, except 59614  
that the sales tax levied by this section shall be collected upon 59615  
all meals, drinks, and food for human consumption sold when 59616  
transporting persons. Persons engaged in rendering farming, 59617  
agricultural, horticultural, or floricultural services, and 59618  
services in the exploration for, and production of, crude oil and 59619  
natural gas, for others are deemed engaged directly in farming, 59620  
agriculture, horticulture, and floriculture, or exploration for, 59621  
and production of, crude oil and natural gas. This paragraph does 59622  
not exempt from "retail sale" or "sales at retail" the sale of 59623  
tangible personal property that is to be incorporated into a 59624  
structure or improvement to real property. 59625

(b) To hold the thing transferred as security for the 59626  
performance of an obligation of the vendor; 59627

(c) To resell, hold, use, or consume the thing transferred as 59628  
evidence of a contract of insurance; 59629

(d) To use or consume the thing directly in commercial 59630  
fishing; 59631

(e) To incorporate the thing transferred as a material or a 59632  
part into, or to use or consume the thing transferred directly in 59633  
the production of, magazines distributed as controlled circulation 59634  
publications; 59635

(f) To use or consume the thing transferred in the production 59636  
and preparation in suitable condition for market and sale of 59637

printed, imprinted, overprinted, lithographic, multilithic, 59638  
blueprinted, photostatic, or other productions or reproductions of 59639  
written or graphic matter; 59640

(g) To use the thing transferred, as described in section 59641  
5739.011 of the Revised Code, primarily in a manufacturing 59642  
operation to produce tangible personal property for sale; 59643

(h) To use the benefit of a warranty, maintenance or service 59644  
contract, or similar agreement, as described in division (B)(7) of 59645  
section 5739.01 of the Revised Code, to repair or maintain 59646  
tangible personal property, if all of the property that is the 59647  
subject of the warranty, contract, or agreement would not be 59648  
subject to the tax imposed by this section; 59649

(i) To use the thing transferred as qualified research and 59650  
development equipment; 59651

(j) To use or consume the thing transferred primarily in 59652  
storing, transporting, mailing, or otherwise handling purchased 59653  
sales inventory in a warehouse, distribution center, or similar 59654  
facility when the inventory is primarily distributed outside this 59655  
state to retail stores of the person who owns or controls the 59656  
warehouse, distribution center, or similar facility, to retail 59657  
stores of an affiliated group of which that person is a member, or 59658  
by means of direct marketing. This division does not apply to 59659  
motor vehicles registered for operation on the public highways. As 59660  
used in this division, "affiliated group" has the same meaning as 59661  
in division (B)(3)(e) of section 5739.01 of the Revised Code and 59662  
"direct marketing" has the same meaning as in division (B)(35) of 59663  
this section. 59664

(k) To use or consume the thing transferred to fulfill a 59665  
contractual obligation incurred by a warrantor pursuant to a 59666  
warranty provided as a part of the price of the tangible personal 59667  
property sold or by a vendor of a warranty, maintenance or service 59668

contract, or similar agreement the provision of which is defined 59669  
as a sale under division (B)(7) of section 5739.01 of the Revised 59670  
Code; 59671

(l) To use or consume the thing transferred in the production 59672  
of a newspaper for distribution to the public; 59673

(m) To use tangible personal property to perform a service 59674  
listed in division (B)(3) of section 5739.01 of the Revised Code, 59675  
if the property is or is to be permanently transferred to the 59676  
consumer of the service as an integral part of the performance of 59677  
the service. 59678

As used in division (B)(42) of this section, "thing" includes 59679  
all transactions included in divisions (B)(3)(a), (b), and (e) of 59680  
section 5739.01 of the Revised Code. 59681

(43) Sales conducted through a coin operated device that 59682  
activates vacuum equipment or equipment that dispenses water, 59683  
whether or not in combination with soap or other cleaning agents 59684  
or wax, to the consumer for the consumer's use on the premises in 59685  
washing, cleaning, or waxing a motor vehicle, provided no other 59686  
personal property or personal service is provided as part of the 59687  
transaction. 59688

(44) Sales of replacement and modification parts for engines, 59689  
airframes, instruments, and interiors in, and paint for, aircraft 59690  
used primarily in a fractional aircraft ownership program, and 59691  
sales of services for the repair, modification, and maintenance of 59692  
such aircraft, and machinery, equipment, and supplies primarily 59693  
used to provide those services. 59694

(45) Sales of telecommunications service that is used 59695  
directly and primarily to perform the functions of a call center. 59696  
As used in this division, "call center" means any physical 59697  
location where telephone calls are placed or received in high 59698  
volume for the purpose of making sales, marketing, customer 59699

service, technical support, or other specialized business 59700  
activity, and that employs at least fifty individuals that engage 59701  
in call center activities on a full-time basis, or sufficient 59702  
individuals to fill fifty full-time equivalent positions. 59703

(46) Sales by a telecommunications service vendor of 900 59704  
service to a subscriber. This division does not apply to 59705  
information services, as defined in division (FF) of section 59706  
5739.01 of the Revised Code. 59707

(47) Sales of value-added non-voice data service. This 59708  
division does not apply to any similar service that is not 59709  
otherwise a telecommunications service. 59710

(C) For the purpose of the proper administration of this 59711  
chapter, and to prevent the evasion of the tax, it is presumed 59712  
that all sales made in this state are subject to the tax until the 59713  
contrary is established. 59714

(D) The levy of this tax on retail sales of recreation and 59715  
sports club service shall not prevent a municipal corporation from 59716  
levying any tax on recreation and sports club dues or on any 59717  
income generated by recreation and sports club dues. 59718

(E) The tax collected by the vendor from the consumer under 59719  
this chapter is not part of the price, but is a tax collection for 59720  
the benefit of the state, and of counties levying an additional 59721  
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 59722  
Code and of transit authorities levying an additional sales tax 59723  
pursuant to section 5739.023 of the Revised Code. Except for the 59724  
discount authorized under section 5739.12 of the Revised Code and 59725  
the effects of any rounding pursuant to section 5703.055 of the 59726  
Revised Code, no person other than the state or such a county or 59727  
transit authority shall derive any benefit from the collection or 59728  
payment of the tax levied by this section or section 5739.021, 59729  
5739.023, or 5739.026 of the Revised Code. 59730

Sec. 5739.029. (A) Notwithstanding sections 5739.02, 59731  
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 59732  
5741.023 of the Revised Code, and except as otherwise provided in 59733  
division (B) of this section, the tax due under this chapter on 59734  
the sale of a motor vehicle required to be titled under Chapter 59735  
4505. of the Revised Code by a motor vehicle dealer to a consumer 59736  
that is a nonresident of this state shall be the lesser of the 59737  
amount of tax that would be due under this chapter and Chapter 59738  
5741. of the Revised Code if the total combined rate were six per 59739  
cent, or the amount of tax that would be due, taking into 59740  
consideration all applicable credits and exemptions, to the state 59741  
in which the consumer titles or registers the motor vehicle or to 59742  
which the consumer removes the vehicle for use. 59743

(B) No tax is due under this section, any other section of 59744  
this chapter, or Chapter 5741. of the Revised Code under any of 59745  
the following circumstances: 59746

(1)(a) The consumer intends to immediately remove the motor 59747  
vehicle from this state for use outside this state; 59748

(b) Upon removal of the motor vehicle from this state, the 59749  
consumer intends to title or register the vehicle in another state 59750  
if such titling or registration is required; 59751

(c) The consumer executes an affidavit as required under 59752  
division (C) of this section affirming the consumer's intentions 59753  
under divisions (B)(1)(a) and (b) of this section; and 59754

(d) The state in which the consumer titles or registers the 59755  
motor vehicle or to which the consumer removes the vehicle for use 59756  
provides an exemption under circumstances substantially similar to 59757  
those described in division (B)(1) of this section. 59758

(2) The state in which the consumer titles or registers the 59759  
motor vehicle or to which the consumer removes the vehicle for use 59760

does not provide a credit against its sales or use tax or similar 59761  
excise tax for sales or use tax paid to this state. 59762

(3) The state in which the consumer titles or registers the 59763  
motor vehicle or to which the consumer removes the vehicle for use 59764  
does not impose a sales or use tax or similar excise tax on the 59765  
ownership or use of motor vehicles. 59766

(C) Any nonresident consumer that purchases a motor vehicle 59767  
from a motor vehicle dealer in this state under the circumstances 59768  
described in divisions (B)(1)(a) and (b) of this section shall 59769  
execute an affidavit affirming the intentions described in those 59770  
divisions. The affidavit shall be executed in triplicate and in 59771  
the form specified by the tax commissioner. The affidavit shall be 59772  
given to the motor vehicle dealer. 59773

A motor vehicle dealer that accepts in good faith an 59774  
affidavit presented under this division by a nonresident consumer 59775  
may rely upon the representations made in the affidavit. 59776

(D) A motor vehicle dealer making a sale subject to the tax 59777  
under division (A) of this section shall collect the tax due 59778  
unless the sale is subject to the exception under division (B) of 59779  
this section or unless the sale is not otherwise subject to taxes 59780  
levied under sections 5739.02, 5739.021, 5739.023, 5739.026, 59781  
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code. In 59782  
the case of a sale under the circumstances described in division 59783  
(B)(1) of this section, the dealer shall retain one copy of the 59784  
affidavit and file the original and the other copy with the clerk 59785  
of the court of common pleas. If tax is due under division (A) of 59786  
this section, the dealer shall remit the tax collected to the 59787  
clerk at the time the dealer obtains the Ohio certificate of title 59788  
in the name of the consumer as required under section 4505.06 of 59789  
the Revised Code. The clerk shall forward the original affidavit 59790  
to the tax commissioner in the manner prescribed by the 59791  
commissioner. 59792

Unless a sale is excepted from taxation under division (B) of this section, upon receipt of an application for certificate of title a clerk of the court of common pleas shall collect the sales tax due under division (A) of this section. The clerk shall remit the tax collected to the tax commissioner in the manner prescribed by the commissioner.

(E) If a motor vehicle is purchased by a corporation described in division (B)(6) of section 5739.01 of the Revised Code, the state of residence of the consumer for the purposes of this section is the state of residence of the corporation's principal shareholder.

(F) Any provision of this chapter or of Chapter 5741. of the Revised Code that is not inconsistent with this section applies to sales described in division (A) of this section.

(G) As used in this section:

(1) For the purposes of this section only, the sale or purchase of a motor vehicle does not include a lease or rental of a motor vehicle subject to division (A)(2) or (3) of section 5739.02 or division (A)(2) or (3) of section 5741.02 of the Revised Code;

(2) "State," except in reference to "this state," means any state, district, commonwealth, or territory of the United States.

**Sec. 5739.032.** (A) If the total amount of tax required to be paid by a permit holder under section 5739.031 of the Revised Code for any calendar year equals or exceeds seventy-five thousand dollars, the permit holder shall remit each monthly tax payment in the second ensuing and each succeeding year by electronic funds transfer as prescribed by division (B) of this section.

If a permit holder's tax payment for each of two consecutive years is less than seventy-five thousand dollars, the permit

holder is relieved of the requirement to remit taxes by electronic 59823  
funds transfer for the year that next follows the second of the 59824  
consecutive years in which the tax payment is less than that 59825  
amount, and is relieved of that requirement for each succeeding 59826  
year, unless the tax payment in a subsequent year equals or 59827  
exceeds seventy-five thousand dollars. 59828

The tax commissioner shall notify each permit holder required 59829  
to remit taxes by electronic funds transfer of the permit holder's 59830  
obligation to do so, shall maintain an updated list of those 59831  
permit holders, and shall timely certify the list and any 59832  
additions thereto or deletions therefrom to the treasurer of 59833  
state. Failure by the tax commissioner to notify a permit holder 59834  
subject to this section to remit taxes by electronic funds 59835  
transfer does not relieve the permit holder of its obligation to 59836  
remit taxes by electronic funds transfer. 59837

(B) Permit holders required by division (A) of this section 59838  
to remit payments by electronic funds transfer shall remit such 59839  
payments to the treasurer of state in the manner prescribed by 59840  
this section and rules adopted by the treasurer of state under 59841  
section 113.061 of the Revised Code, and ~~on or before the~~ 59842  
~~following dates as follows:~~ 59843

(1) ~~On or before each of the fifteenth and twenty-fifth days~~ 59844  
~~of each month, a permit holder shall remit an amount equal to~~ 59845  
~~thirty seven and one half per cent of the permit holder's total~~ 59846  
~~tax liability for the same month in the preceding calendar year On~~ 59847  
~~or before the twenty-third day of each month, a permit holder~~ 59848  
~~shall remit an amount equal to seventy-five per cent of the~~ 59849  
~~anticipated tax liability for that month.~~ 59850

(2) On or before the twenty-third day of each month, a permit 59851  
holder shall report the taxes due for the previous month and shall 59852  
remit that amount, less any amounts paid for that month as 59853  
required by division (B)(1) of this section. 59854

The payment of taxes by electronic funds transfer does not 59855  
affect a permit holder's obligation to file the monthly return as 59856  
required under section 5739.031 of the Revised Code. 59857

(C) A permit holder required by this section to remit taxes 59858  
by electronic funds transfer may apply to the treasurer of state 59859  
in the manner prescribed by the treasurer of state to be excused 59860  
from that requirement. The treasurer of state may excuse the 59861  
permit holder from remittance by electronic funds transfer for 59862  
good cause shown for the period of time requested by the permit 59863  
holder or for a portion of that period. The treasurer of state 59864  
shall notify the tax commissioner and the permit holder of the 59865  
treasurer of state's decision as soon as is practicable. 59866

(D)(1)(a) If a permit holder that is required to remit 59867  
payments under division (B) of this section fails to make a 59868  
payment, or makes a payment under division (B)(1) of this section 59869  
that is less than seventy-five per cent of the actual liability 59870  
for that month, the commissioner may impose an additional charge 59871  
not to exceed five per cent of that unpaid amount. 59872

(b) Division (D)(1)(a) of this section does not apply if the 59873  
permit holder's payment under division (B)(1) of this section is 59874  
equal to or greater than seventy-five per cent of the permit 59875  
holder's reported liability for the same month in the immediately 59876  
preceding calendar year. 59877

(2) If a permit holder required by this section to remit 59878  
taxes by electronic funds transfer remits those taxes by some 59879  
means other than by electronic funds transfer as prescribed by 59880  
this section and the rules adopted by the treasurer of state, and 59881  
the tax commissioner determines that such failure was not due to 59882  
reasonable cause or was due to willful neglect, the commissioner 59883  
may impose an additional charge not to exceed the lesser of five 59884  
per cent of the amount of the taxes required to be paid by 59885  
electronic funds transfer or five thousand dollars. 59886

(3) Any additional charge imposed under division (D)(1) or 59887  
(2) of this section is in addition to any other penalty or charge 59888  
imposed under this chapter, and shall be considered as revenue 59889  
arising from taxes imposed under this chapter. An additional 59890  
charge may be collected by assessment in the manner prescribed by 59891  
section 5739.13 of the Revised Code. The tax commissioner may 59892  
waive all or a portion of such a charge and may adopt rules 59893  
governing such waiver. 59894

No additional charge shall be imposed under division (D)(2) 59895  
of this section against a permit holder that has been notified of 59896  
its obligation to remit taxes under this section and that remits 59897  
its first two tax payments after such notification by some means 59898  
other than electronic funds transfer. The additional charge may be 59899  
imposed upon the remittance of any subsequent tax payment that the 59900  
permit holder remits by some means other than electronic funds 59901  
transfer. 59902

**Sec. 5739.033.** (A) Except as provided in division (B) of this 59903  
section, divisions (C) to (I) of this section apply to sales made 59904  
on and after ~~May 1, 2006~~. ~~Sales made before May 1, 2006, are~~ 59905  
~~subject to section 5739.035 of the Revised Code. On and after~~ 59906  
~~January 1, 2005, any January 1, 2008. Any vendor may previously~~ 59907  
required to comply with divisions (C) to (I) of this section and 59908  
any vendor that irrevocably elect elects to comply with divisions 59909  
(C) to (I) of this section for all of the vendor's sales and 59910  
places of business in this state shall continue to source its 59911  
sales under those divisions. 59912

The amount of tax due pursuant to sections 5739.02, 5739.021, 59913  
5739.023, and 5739.026 of the Revised Code is the sum of the taxes 59914  
imposed pursuant to those sections at the sourcing location of the 59915  
sale as determined under this section or, if applicable, under 59916  
division (C) of section 5739.031 or section 5739.034 of the 59917

Revised Code, or at the situs of the sale as determined under 59918  
section 5739.035 of the Revised Code. This section applies only to 59919  
a vendor's or seller's obligation to collect and remit sales taxes 59920  
under section 5739.02, 5739.021, 5739.023, or 5739.026 of the 59921  
Revised Code or use taxes under section 5741.02, 5741.021, 59922  
5741.022, or 5741.023 of the Revised Code. Division (A) of this 59923  
section does not apply in determining the jurisdiction for which 59924  
sellers are required to collect the use tax under section 5741.05 59925  
of the Revised Code. This section does not affect the obligation 59926  
of a consumer to remit use taxes on the storage, use, or other 59927  
consumption of tangible personal property or on the benefit 59928  
realized of any service provided, to the jurisdiction of that 59929  
storage, use, or consumption, or benefit realized. 59930

(B)(1) As used in this division: 59931

(a) "Delivery sale" means the taxable sale of tangible 59932  
personal property or a service that is received by a consumer, or 59933  
a donee designated by the consumer, in a taxing jurisdiction that 59934  
is not the taxing jurisdiction in which the vendor has a fixed 59935  
place of business. 59936

(b) "Agreement" has the same meaning as in section 5740.01 of 59937  
the Revised Code. 59938

(c) "Governing board" has the same meaning as in section 59939  
5740.02 of the Revised Code. 59940

(2)(a) A If the tax commissioner does not make the 59941  
certification under section 5740.10 of the Revised Code, a vendor 59942  
that is not required by division (A) of this section to situs 59943  
sales under divisions (C) to (I) of this section on the date of 59944  
the commissioner's certification may continue after that date to 59945  
situs its sales under section 5739.035 of the Revised Code unless 59946  
it is required, under division (B)(5) of this section, to situs 59947  
its sales under divisions (C) to (I) of this section. 59948

~~(3) Except as otherwise provided in divisions (B)(4) and (5) of this section, a vendor with total delivery sales within this state in prior calendar year 2005 that are years, beginning with calendar year 2007, of less than thirty million five hundred thousand dollars may continue to situs its sales under section 5739.035 of the Revised Code from May 1, 2006, through April 30, 2007, except that, if the tax commissioner does not enter a determination in the commissioner's journal under division (B)(2)(b) of this section, those dates shall be May 1, 2006, through December 31, 2007.~~

~~(b) On or before February 1, 2007, the tax commissioner shall determine whether certified service provider services are being provided by the governing board of the streamlined sales and use tax agreement for all delivery sales. If the commissioner determines that such services are being so provided, the commissioner shall enter the determination in the commissioner's journal and shall provide notice of the determination on the department of taxation's official internet web site. If the commissioner makes such an entry in the journal, then a vendor with total delivery sales in calendar year 2006 that are less than five million dollars may continue to situs its sales under section 5739.035 of the Revised Code from May 1, 2007, through December 31, 2007.~~

~~(3) Beginning January 1, 2008, all vendors shall source their sales under divisions (C) to (I) of this section.~~

~~(4) Once a vendor has total delivery sales that exceed the dollar amount in division (B)(2)(a) or (b) of this section in this state of five hundred thousand dollars or more for a prior calendar year, 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.~~

(5) A vendor permitted under division (B)(3) of this section 59981  
to situs its sales under section 5739.035 of the Revised Code that 59982  
fails to provide, absent a clerical error, the notices required 59983  
under division (I)(1) of section 5739.035 of the Revised Code 59984  
shall situs all subsequent sales as required under divisions (C) 59985  
to (I) of this section. 59986

(C) Except for sales, other than leases, of titled motor 59987  
vehicles, titled watercraft, or titled outboard motors as provided 59988  
in section 5741.05 of the Revised Code, or as otherwise provided 59989  
in this section and section 5739.034 of the Revised Code, all 59990  
sales shall be sourced as follows: 59991

(1) If the consumer or a donee designated by the consumer 59992  
receives tangible personal property or a service at a vendor's 59993  
place of business, the sale shall be sourced to that place of 59994  
business. 59995

(2) When the tangible personal property or service is not 59996  
received at a vendor's place of business, the sale shall be 59997  
sourced to the location known to the vendor where the consumer or 59998  
the donee designated by the consumer receives the tangible 59999  
personal property or service, including the location indicated by 60000  
instructions for delivery to the consumer or the consumer's donee. 60001

(3) If divisions (C)(1) and (2) of this section do not apply, 60002  
the sale shall be sourced to the location indicated by an address 60003  
for the consumer that is available from the vendor's business 60004  
records that are maintained in the ordinary course of the vendor's 60005  
business, when use of that address does not constitute bad faith. 60006  
60007

(4) If divisions (C)(1), (2), and (3) of this section do not 60008  
apply, the sale shall be sourced to the location indicated by an 60009  
address for the consumer obtained during the consummation of the 60010  
sale, including the address associated with the consumer's payment 60011

instrument, if no other address is available, when use of that 60012  
address does not constitute bad faith. 60013

(5) If divisions (C)(1), (2), (3), and (4) of this section do 60014  
not apply, including in the circumstance where the vendor is 60015  
without sufficient information to apply any of those divisions, 60016  
the sale shall be sourced to the address from which tangible 60017  
personal property was shipped, or from which the service was 60018  
provided, disregarding any location that merely provided the 60019  
electronic transfer of the property sold or service provided. 60020

(6) As used in division (C) of this section, "receive" means 60021  
taking possession of tangible personal property or making first 60022  
use of a service. "Receive" does not include possession by a 60023  
shipping company on behalf of a consumer. 60024

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 60025  
section, a business consumer that is not a holder of a direct 60026  
payment permit granted under section 5739.031 of the Revised Code, 60027  
that purchases a digital good, computer software, except computer 60028  
software received in person by a business consumer at a vendor's 60029  
place of business, or a service, and that knows at the time of 60030  
purchase that such digital good, software, or service will be 60031  
concurrently available for use in more than one taxing 60032  
jurisdiction shall deliver to the vendor in conjunction with its 60033  
purchase an exemption certificate claiming multiple points of use, 60034  
or shall meet the requirements of division (D)(2) of this section. 60035  
On receipt of the exemption certificate claiming multiple points 60036  
of use, the vendor is relieved of its obligation to collect, pay, 60037  
or remit the tax due, and the business consumer must pay the tax 60038  
directly to the state. 60039

(b) A business consumer that delivers the exemption 60040  
certificate claiming multiple points of use to a vendor may use 60041  
any reasonable, consistent, and uniform method of apportioning the 60042  
tax due on the digital good, computer software, or service that is 60043

supported by the consumer's business records as they existed at 60044  
the time of the sale. The business consumer shall report and pay 60045  
the appropriate tax to each jurisdiction where concurrent use 60046  
occurs. The tax due shall be calculated as if the apportioned 60047  
amount of the digital good, computer software, or service had been 60048  
delivered to each jurisdiction to which the sale is apportioned 60049  
under this division. 60050

(c) The exemption certificate claiming multiple points of use 60051  
shall remain in effect for all future sales by the vendor to the 60052  
business consumer until it is revoked in writing by the business 60053  
consumer, except as to the business consumer's specific 60054  
apportionment of a subsequent sale under division (D)(1)(b) of 60055  
this section and the facts existing at the time of the sale. 60056

(2) When the vendor knows that a digital good, computer 60057  
software, or service sold will be concurrently available for use 60058  
by the business consumer in more than one jurisdiction, but the 60059  
business consumer does not provide an exemption certificate 60060  
claiming multiple points of use as required by division (D)(1) of 60061  
this section, the vendor may work with the business consumer to 60062  
produce the correct apportionment. Governed by the principles of 60063  
division (D)(1)(b) of this section, the vendor and business 60064  
consumer may use any reasonable, but consistent and uniform, 60065  
method of apportionment that is supported by the vendor's and 60066  
business consumer's books and records as they exist at the time 60067  
the sale is reported for purposes of the taxes levied under this 60068  
chapter. If the business consumer certifies to the accuracy of the 60069  
apportionment and the vendor accepts the certification, the vendor 60070  
shall collect and remit the tax accordingly. In the absence of bad 60071  
faith, the vendor is relieved of any further obligation to collect 60072  
tax on any transaction where the vendor has collected tax pursuant 60073  
to the information certified by the business consumer. 60074

(3) When the vendor knows that the digital good, computer 60075

software, or service will be concurrently available for use in 60076  
more than one jurisdiction, and the business consumer does not 60077  
have a direct pay permit and does not provide to the vendor an 60078  
exemption certificate claiming multiple points of use as required 60079  
in division (D)(1) of this section, or certification pursuant to 60080  
division (D)(2) of this section, the vendor shall collect and 60081  
remit the tax based on division (C) of this section. 60082

(4) Nothing in this section shall limit a person's obligation 60083  
for sales or use tax to any state in which a digital good, 60084  
computer software, or service is concurrently available for use, 60085  
nor limit a person's ability under local, state, or federal law, 60086  
to claim a credit for sales or use taxes legally due and paid to 60087  
other jurisdictions. 60088

(E) A person who holds a direct payment permit issued under 60089  
section 5739.031 of the Revised Code is not required to deliver an 60090  
exemption certificate claiming multiple points of use to a vendor. 60091  
But such permit holder shall comply with division (D)(2) of this 60092  
section in apportioning the tax due on a digital good, computer 60093  
software, or a service for use in business that will be 60094  
concurrently available for use in more than one taxing 60095  
jurisdiction. 60096

(F)(1) Notwithstanding divisions (C)(1) to (5) of this 60097  
section, the consumer of direct mail that is not a holder of a 60098  
direct payment permit shall provide to the vendor in conjunction 60099  
with the sale either an exemption certificate claiming direct mail 60100  
prescribed by the tax commissioner, or information to show the 60101  
jurisdictions to which the direct mail is delivered to recipients. 60102

(2) Upon receipt of such exemption certificate, the vendor is 60103  
relieved of all obligations to collect, pay, or remit the 60104  
applicable tax and the consumer is obligated to pay that tax on a 60105  
direct pay basis. An exemption certificate claiming direct mail 60106  
shall remain in effect for all future sales of direct mail by the 60107

vendor to the consumer until it is revoked in writing. 60108

(3) Upon receipt of information from the consumer showing the 60109  
jurisdictions to which the direct mail is delivered to recipients, 60110  
the vendor shall collect the tax according to the delivery 60111  
information provided by the consumer. In the absence of bad faith, 60112  
the vendor is relieved of any further obligation to collect tax on 60113  
any transaction where the vendor has collected tax pursuant to the 60114  
delivery information provided by the consumer. 60115

(4) If the consumer of direct mail does not have a direct 60116  
payment permit and does not provide the vendor with either an 60117  
exemption certificate claiming direct mail or delivery information 60118  
as required by division (F)(1) of this section, the vendor shall 60119  
collect the tax according to division (C)(5) of this section. 60120  
Nothing in division (F)(4) of this section shall limit a 60121  
consumer's obligation to pay sales or use tax to any state to 60122  
which the direct mail is delivered. 60123

(5) If a consumer of direct mail provides the vendor with 60124  
documentation of direct payment authority, the consumer shall not 60125  
be required to provide an exemption certificate claiming direct 60126  
mail or delivery information to the vendor. 60127

(G) If the vendor provides lodging to transient guests as 60128  
specified in division (B)(2) of section 5739.01 of the Revised 60129  
Code, the sale shall be sourced to the location where the lodging 60130  
is located. 60131

(H)(1) As used in this division and division (I) of this 60132  
section, "transportation equipment" means any of the following: 60133

(a) Locomotives and railcars that are utilized for the 60134  
carriage of persons or property in interstate commerce. 60135

(b) Trucks and truck-tractors with a gross vehicle weight 60136  
rating of greater than ten thousand pounds, trailers, 60137  
semi-trailers, or passenger buses that are registered through the 60138

international registration plan and are operated under authority 60139  
of a carrier authorized and certificated by the United States 60140  
department of transportation or another federal authority to 60141  
engage in the carriage of persons or property in interstate 60142  
commerce. 60143

(c) Aircraft that are operated by air carriers authorized and 60144  
certificated by the United States department of transportation or 60145  
another federal authority to engage in the carriage of persons or 60146  
property in interstate or foreign commerce. 60147

(d) Containers designed for use on and component parts 60148  
attached to or secured on the items set forth in division 60149  
(H)(1)(a), (b), or (c) of this section. 60150

(2) A sale, lease, or rental of transportation equipment 60151  
shall be sourced pursuant to division (C) of this section. 60152

(I)(1) A lease or rental of tangible personal property that 60153  
does not require recurring periodic payments shall be sourced 60154  
pursuant to division (C) of this section. 60155

(2) A lease or rental of tangible personal property that 60156  
requires recurring periodic payments shall be sourced as follows: 60157

(a) In the case of a motor vehicle, other than a motor 60158  
vehicle that is transportation equipment, or an aircraft, other 60159  
than an aircraft that is transportation equipment, such lease or 60160  
rental shall be sourced as follows: 60161

(i) An accelerated tax payment on a lease or rental taxed 60162  
pursuant to division (A)(2) of section 5739.02 of the Revised Code 60163  
shall be sourced to the primary property location at the time the 60164  
lease or rental is consummated. Any subsequent taxable charges on 60165  
the lease or rental shall be sourced to the primary property 60166  
location for the period in which the charges are incurred. 60167

(ii) For a lease or rental taxed pursuant to division (A)(3) 60168

of section 5739.02 of the Revised Code, each lease or rental 60169  
installment shall be sourced to the primary property location for 60170  
the period covered by the installment. 60171

(b) In the case of a lease or rental of all other tangible 60172  
personal property, other than transportation equipment, such lease 60173  
or rental shall be sourced as follows: 60174

(i) An accelerated tax payment on a lease or rental that is 60175  
taxed pursuant to division (A)(2) of section 5739.02 of the 60176  
Revised Code shall be sourced pursuant to division (C) of this 60177  
section at the time the lease or rental is consummated. Any 60178  
subsequent taxable charges on the lease or rental shall be sourced 60179  
to the primary property location for the period in which the 60180  
charges are incurred. 60181

(ii) For a lease or rental that is taxed pursuant to division 60182  
(A)(3) of section 5739.02 of the Revised Code, the initial lease 60183  
or rental installment shall be sourced pursuant to division (C) of 60184  
this section. Each subsequent installment shall be sourced to the 60185  
primary property location for the period covered by the 60186  
installment. 60187

(3) As used in division (I) of this section, "primary 60188  
property location" means an address for tangible personal property 60189  
provided by the lessee or renter that is available to the lessor 60190  
or owner from its records maintained in the ordinary course of 60191  
business, when use of that address does not constitute bad faith. 60192

**Sec. 5739.035.** This section only applies to sales that ~~are~~ 60193  
~~required to~~ may be sitused under this section pursuant to division 60194  
~~(A) or~~ (B) of section 5739.033 of the Revised Code. 60195

(A) Except as otherwise provided in this section, the situs 60196  
of all sales is the vendor's place of business. 60197

(1) If the consumer or the consumer's agent takes possession 60198

of the tangible personal property at a place of business of the 60199  
vendor where the purchase contract or agreement was made, the 60200  
situs of the sale is that place of business. 60201

(2) If the consumer or the consumer's agent takes possession 60202  
of the tangible personal property other than at a place of 60203  
business of the vendor, or takes possession at a warehouse or 60204  
similar facility of the vendor, the situs of the sale is the 60205  
vendor's place of business where the purchase contract or 60206  
agreement was made or the purchase order was received. 60207

(3) If the vendor provides a service specified in division 60208  
(B)(3)(a), (b), (c), (d), (n), (o), (q), (r), or (s) of section 60209  
5739.01 or makes a sale specified in division (B)(8) of section 60210  
5739.01 of the Revised Code, the situs of the sale is the vendor's 60211  
place of business where the service is performed or the contract 60212  
or agreement for the service was made or the purchase order was 60213  
received. 60214

(B) If the vendor is a transient vendor as specified in 60215  
division (B) of section 5739.17 of the Revised Code, the situs of 60216  
the sale is the vendor's temporary place of business or, if the 60217  
transient vendor is the lessor of titled motor vehicles, titled 60218  
watercraft, or titled outboard motors, at the location where the 60219  
lessee keeps the leased property. 60220

(C) If the vendor makes sales of tangible personal property 60221  
from a stock of goods carried in a motor vehicle, from which the 60222  
purchaser makes selection and takes possession, or from which the 60223  
vendor sells tangible personal property the quantity of which has 60224  
not been determined prior to the time the purchaser takes 60225  
possession, the situs of the sale is the location of the motor 60226  
vehicle when the sale is made. 60227

(D) If the vendor is a delivery vendor as specified in 60228  
division (D) of section 5739.17 of the Revised Code, the situs of 60229

the sale is the place where the tangible personal property is 60230  
delivered, where the leased property is used, or where the service 60231  
is performed or received. 60232

(E) If the vendor provides a service specified in division 60233  
(B)(3)(e), (g), (h), (j), (k), (l), (m), (p), or (t) of section 60234  
5739.01 of the Revised Code, the situs of the sale is the location 60235  
of the consumer where the service is performed or received. 60236

(F) If the vendor provides lodging to transient guests as 60237  
specified in division (B)(2) of section 5739.01 of the Revised 60238  
Code, the situs of the sale is the location where the lodging is 60239  
located. 60240

(G) If the vendor sells a warranty, maintenance or service 60241  
contract, or similar agreement as specified in division (B)(7) of 60242  
section 5739.01 of the Revised Code and the vendor is a delivery 60243  
vendor, the situs of the sale is the location of the consumer. If 60244  
the vendor is not a delivery vendor, the situs of the sale is the 60245  
vendor's place of business where the contract or agreement was 60246  
made, unless the warranty or contract is a component of the sale 60247  
of a titled motor vehicle, titled watercraft, or titled outboard 60248  
motor, in which case the situs of the sale is the county of 60249  
titling. 60250

(H) Except as otherwise provided in this division, if the 60251  
vendor sells a prepaid authorization number or a prepaid telephone 60252  
calling card, the situs of the sale is the vendor's place of 60253  
business and shall be taxed at the time of sale. If the vendor 60254  
sells a prepaid authorization number or prepaid telephone calling 60255  
card through a telephone call, electronic commerce, or any other 60256  
form of remote commerce, the situs of the sale is the consumer's 60257  
shipping address, or, if there is no item shipped, at the 60258  
consumer's billing address. 60259

(I) Division (I) of this section applies only if the tax 60260

commissioner makes the certification provided under section 60261  
5740.10 of the Revised Code. 60262

(1) In each delivery sale by a vendor permitted to situs its 60263  
sales under this section, the vendor shall clearly indicate on the 60264  
invoice or other similar document provided to the purchaser at the 60265  
time of the sale that the vendor is a vendor permitted to situs 60266  
its sales under this section. 60267

(2) A purchaser that receives tangible personal property or 60268  
services in a delivery sale from a vendor permitted to situs its 60269  
sales under this section may claim a refund of the tax the vendor 60270  
collected and remitted on the sale in an amount equal to the 60271  
excess of the tax collected and remitted over the tax that would 60272  
have been due if the sale had been sitused to the tax jurisdiction 60273  
in which the purchaser received the property or service. 60274

A refund is authorized under this division only if the 60275  
invoice or other similar document provided to the purchaser at the 60276  
time of the sale includes the notice required under division 60277  
(I)(1) of this section. 60278

Refunds shall be filed directly with the tax commissioner and 60279  
claimed in the manner prescribed by section 5739.07 of the Revised 60280  
Code. 60281

(3) A purchaser of tangible personal property from a vendor 60282  
permitted to situs its sales under this section that removes the 60283  
property from the tax jurisdiction in which the resident received 60284  
the property is liable for additional tax in an amount equal to 60285  
the excess of the tax that would have been due on the sale if the 60286  
sale had been sitused to the tax jurisdiction to which the 60287  
purchaser removed the property over the tax that the vendor 60288  
collected and remitted on the sale. 60289

(4) Nothing in this section relieves a person claiming to be 60290  
authorized to situs sales under this section, but not so 60291

authorized, from liability for tax, penalty, interest, or 60292  
additional charges imposed under this chapter for failure to 60293  
collect the amount of tax lawfully due applying the situsing 60294  
provisions of divisions (C) to (I) of section 5739.033 of the 60295  
Revised Code. 60296

(5) For the purposes of division (I) of this section, 60297  
"delivery sale" has the same meaning as in section 5739.033 of the 60298  
Revised Code, and "tax jurisdiction" has the same meaning as in 60299  
section 5739.24 of the Revised Code. 60300

**Sec. 5739.09.** (A)(1) A board of county commissioners may, by 60301  
resolution adopted by a majority of the members of the board, levy 60302  
an excise tax not to exceed three per cent on transactions by 60303  
which lodging by a hotel is or is to be furnished to transient 60304  
guests. The board shall establish all regulations necessary to 60305  
provide for the administration and allocation of the tax. The 60306  
regulations may prescribe the time for payment of the tax, and may 60307  
provide for the imposition of a penalty or interest, or both, for 60308  
late payments, provided that the penalty does not exceed ten per 60309  
cent of the amount of tax due, and the rate at which interest 60310  
accrues does not exceed the rate per annum prescribed pursuant to 60311  
section 5703.47 of the Revised Code. Except as provided in 60312  
divisions (A)(2), (3), (4), ~~and~~ (5), (6), and (7) of this section, 60313  
the regulations shall provide, after deducting the real and actual 60314  
costs of administering the tax, for the return to each municipal 60315  
corporation or township that does not levy an excise tax on the 60316  
transactions, a uniform percentage of the tax collected in the 60317  
municipal corporation or in the unincorporated portion of the 60318  
township from each transaction, not to exceed thirty-three and 60319  
one-third per cent. The remainder of the revenue arising from the 60320  
tax shall be deposited in a separate fund and shall be spent 60321  
solely to make contributions to the convention and visitors' 60322  
bureau operating within the county, including a pledge and 60323

contribution of any portion of the remainder pursuant to an 60324  
agreement authorized by section 307.695 of the Revised Code, 60325  
provided that if the board of county commissioners of an eligible 60326  
county as defined in section 307.695 of the Revised Code adopts a 60327  
resolution amending a resolution levying a tax under this division 60328  
to provide that the revenue from the tax shall be used by the 60329  
board as described in division (H) of section 307.695 of the 60330  
Revised Code, the remainder of the revenue shall be used as 60331  
described in the resolution making that amendment. Except as 60332  
provided in division (A)(2), (3), (4), ~~or (5)~~, (6), or (7) or (H) 60333  
of this section, on and after May 10, 1994, a board of county 60334  
commissioners may not levy an excise tax pursuant to this division 60335  
in any municipal corporation or township located wholly or partly 60336  
within the county that has in effect an ordinance or resolution 60337  
levying an excise tax pursuant to division (B) of this section. 60338  
The board of a county that has levied a tax under division (C) of 60339  
this section may, by resolution adopted within ninety days after 60340  
July 15, 1985, by a majority of the members of the board, amend 60341  
the resolution levying a tax under this division to provide for a 60342  
portion of that tax to be pledged and contributed in accordance 60343  
with an agreement entered into under section 307.695 of the 60344  
Revised Code. A tax, any revenue from which is pledged pursuant to 60345  
such an agreement, shall remain in effect at the rate at which it 60346  
is imposed for the duration of the period for which the revenue 60347  
from the tax has been so pledged. 60348

The board of county commissioners of an eligible county as 60349  
defined in section 307.695 of the Revised Code may, by resolution 60350  
adopted by a majority of the members of the board, amend a 60351  
resolution levying a tax under this division to provide that the 60352  
revenue from the tax shall be used by the board as described in 60353  
division (H) of section 307.695 of the Revised Code, in which case 60354  
the tax shall remain in effect at the rate at which it was imposed 60355  
for the duration of any agreement entered into by the board under 60356

section 307.695 of the Revised Code, the duration during which any securities issued by the board under that section are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest.

(2) A board of county commissioners that levies an excise tax under division (A)(1) of this section on June 30, 1997, at a rate of three per cent, and that has pledged revenue from the tax to an agreement entered into under section 307.695 of the Revised Code or, in the case of the board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code, has amended a resolution levying a tax under division (C) of this section to provide that proceeds from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code, may, at any time by a resolution adopted by a majority of the members of the board, amend the resolution levying a tax under division (A)(1) of this section to provide for an increase in the rate of that tax up to seven per cent on each transaction; to provide that revenue from the increase in the rate shall be used as described in division (H) of section 307.695 of the Revised Code or be spent solely to make contributions to the convention and visitors' bureau operating within the county to be used specifically for promotion, advertising, and marketing of the region in which the county is located; and to provide that the rate in excess of the three per cent levied under division (A)(1) of this section shall remain in effect at the rate at which it is imposed for the duration of the period during which any agreement is in effect that was entered into under section 307.695 of the Revised Code by the board of county commissioners levying a tax under division (A)(1) of this section, the duration of the period during which any securities issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns a project as

defined in section 307.695 of the Revised Code, whichever duration 60390  
is longest. The amendment also shall provide that no portion of 60391  
that revenue need be returned to townships or municipal 60392  
corporations as would otherwise be required under division (A)(1) 60393  
of this section. 60394

(3) A board of county commissioners that levies a tax under 60395  
division (A)(1) of this section on March 18, 1999, at a rate of 60396  
three per cent may, by resolution adopted not later than 60397  
forty-five days after March 18, 1999, amend the resolution levying 60398  
the tax to provide for all of the following: 60399

(a) That the rate of the tax shall be increased by not more 60400  
than an additional four per cent on each transaction; 60401

(b) That all of the revenue from the increase in the rate 60402  
shall be pledged and contributed to a convention facilities 60403  
authority established by the board of county commissioners under 60404  
Chapter 351. of the Revised Code on or before November 15, 1998, 60405  
and used to pay costs of constructing, maintaining, operating, and 60406  
promoting a facility in the county, including paying bonds, or 60407  
notes issued in anticipation of bonds, as provided by that 60408  
chapter; 60409

(c) That no portion of the revenue arising from the increase 60410  
in rate need be returned to municipal corporations or townships as 60411  
otherwise required under division (A)(1) of this section; 60412

(d) That the increase in rate shall not be subject to 60413  
diminution by initiative or referendum or by law while any bonds, 60414  
or notes in anticipation of bonds, issued by the authority under 60415  
Chapter 351. of the Revised Code to which the revenue is pledged, 60416  
remain outstanding in accordance with their terms, unless 60417  
provision is made by law or by the board of county commissioners 60418  
for an adequate substitute therefor that is satisfactory to the 60419  
trustee if a trust agreement secures the bonds. 60420

Division (A)(3) of this section does not apply to the board 60421  
of county commissioners of any county in which a convention center 60422  
or facility exists or is being constructed on November 15, 1998, 60423  
or of any county in which a convention facilities authority levies 60424  
a tax pursuant to section 351.021 of the Revised Code on that 60425  
date. 60426

As used in division (A)(3) of this section, "cost" and 60427  
"facility" have the same meanings as in section 351.01 of the 60428  
Revised Code, and "convention center" has the same meaning as in 60429  
section 307.695 of the Revised Code. 60430

(4) A board of county commissioners that levies a tax under 60431  
division (A)(1) of this section on June 30, 2002, at a rate of 60432  
three per cent may, by resolution adopted not later than September 60433  
30, 2002, amend the resolution levying the tax to provide for all 60434  
of the following: 60435

(a) That the rate of the tax shall be increased by not more 60436  
than an additional three and one-half per cent on each 60437  
transaction; 60438

(b) That all of the revenue from the increase in rate shall 60439  
be pledged and contributed to a convention facilities authority 60440  
established by the board of county commissioners under Chapter 60441  
351. of the Revised Code on or before May 15, 2002, and be used to 60442  
pay costs of constructing, expanding, maintaining, operating, or 60443  
promoting a convention center in the county, including paying 60444  
bonds, or notes issued in anticipation of bonds, as provided by 60445  
that chapter; 60446

(c) That no portion of the revenue arising from the increase 60447  
in rate need be returned to municipal corporations or townships as 60448  
otherwise required under division (A)(1) of this section; 60449

(d) That the increase in rate shall not be subject to 60450  
diminution by initiative or referendum or by law while any bonds, 60451

or notes in anticipation of bonds, issued by the authority under 60452  
Chapter 351. of the Revised Code to which the revenue is pledged, 60453  
remain outstanding in accordance with their terms, unless 60454  
provision is made by law or by the board of county commissioners 60455  
for an adequate substitute therefor that is satisfactory to the 60456  
trustee if a trust agreement secures the bonds. 60457

As used in division (A)(4) of this section, "cost" has the 60458  
same meaning as in section 351.01 of the Revised Code, and 60459  
"convention center" has the same meaning as in section 307.695 of 60460  
the Revised Code. 60461

(5)(a) As used in division (A)(5) of this section: 60462

(i) "Port authority" means a port authority created under 60463  
Chapter 4582. of the Revised Code. 60464

(ii) "Port authority military-use facility" means port 60465  
authority facilities on which or adjacent to which is located an 60466  
installation of the armed forces of the United States, a reserve 60467  
component thereof, or the national guard and at least part of 60468  
which is made available for use, for consideration, by the armed 60469  
forces of the United States, a reserve component thereof, or the 60470  
national guard. 60471

(b) For the purpose of contributing revenue to pay operating 60472  
expenses of a port authority that operates a port authority 60473  
military-use facility, the board of county commissioners of a 60474  
county that created, participated in the creation of, or has 60475  
joined such a port authority may do one or both of the following: 60476

(i) Amend a resolution previously adopted under division 60477  
(A)(1) of this section to designate some or all of the revenue 60478  
from the tax levied under the resolution to be used for that 60479  
purpose, notwithstanding that division; 60480

(ii) Amend a resolution previously adopted under division 60481  
(A)(1) of this section to increase the rate of the tax by not more 60482

than an additional two per cent and use the revenue from the 60483  
increase exclusively for that purpose. 60484

(c) If a board of county commissioners amends a resolution to 60485  
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 60486  
of this section, the board also may amend the resolution to 60487  
specify that the increase in rate of the tax does not apply to 60488  
"hotels," as otherwise defined in section 5739.01 of the Revised 60489  
Code, having fewer rooms used for the accommodation of guests than 60490  
a number of rooms specified by the board. 60491

(6) A board of county commissioners of a county organized 60492  
under a county charter adopted pursuant to Article X, Section 3, 60493  
Ohio Constitution, and that levies an excise tax under division 60494  
(A)(1) of this section at a rate of three per cent and levies an 60495  
additional excise tax under division (E) of this section at a rate 60496  
of one and one-half per cent may, by resolution adopted not later 60497  
than January 1, 2008, by a majority of the members of the board, 60498  
amend the resolution levying a tax under division (A)(1) of this 60499  
section to provide for an increase in the rate of that tax by not 60500  
more than an additional one per cent on transactions by which 60501  
lodging by a hotel is or is to be furnished to transient guests. 60502  
Notwithstanding divisions (A)(1) and (E) of this section, the 60503  
resolution shall provide that all of the revenue from the increase 60504  
in rate, after deducting the real and actual costs of 60505  
administering the tax, shall be used to pay the costs of 60506  
improving, expanding, equipping, financing, or operating a 60507  
convention center by a convention and visitors' bureau in the 60508  
county. The increase in rate shall remain in effect for the period 60509  
specified in the resolution, not to exceed ten years. The increase 60510  
in rate shall be subject to the regulations adopted under division 60511  
(A)(1) of this section, except that the resolution may provide 60512  
that no portion of the revenue from the increase in the rate shall 60513  
be returned to townships or municipal corporations as would 60514

otherwise be required under that division. 60515

(7) Division (A)(7) of this section applies only to a county with a population greater than sixty-five thousand and less than seventy thousand according to the most recent federal decennial census and in which, on December 31, 2006, an excise tax is levied under division (A)(1) of this section at a rate not less than and not greater than three per cent, and in which the most recent increase in the rate of that tax was enacted or took effect in November 1984. 60516  
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The board of county commissioners of a county to which this division applies, by resolution adopted by a majority of the members of the board, may increase the rate of the tax by not more than one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The increase in rate shall be for the purpose of paying expenses deemed necessary by the convention and visitors' bureau operating in the county to promote travel and tourism. The increase in rate shall remain in effect for the period specified in the resolution, not to exceed twenty years, provided that the increase in rate may not continue beyond the time when the purpose for which the increase is levied ceases to exist. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding, unless provision is made by law or by the board of county commissioners for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges. The increase in rate shall be subject to the regulations adopted under division (A)(1) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under division (A)(1) of this 60524  
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section. A resolution adopted under division (A)(7) of this 60547  
section is subject to referendum under sections 305.31 to 305.99 60548  
of the Revised Code. 60549

(B)(1) The legislative authority of a municipal corporation 60550  
or the board of trustees of a township that is not wholly or 60551  
partly located in a county that has in effect a resolution levying 60552  
an excise tax pursuant to division (A)(1) of this section may, by 60553  
ordinance or resolution, levy an excise tax not to exceed three 60554  
per cent on transactions by which lodging by a hotel is or is to 60555  
be furnished to transient guests. The legislative authority of the 60556  
municipal corporation or the board of trustees of the township 60557  
shall deposit at least fifty per cent of the revenue from the tax 60558  
levied pursuant to this division into a separate fund, which shall 60559  
be spent solely to make contributions to convention and visitors' 60560  
bureaus operating within the county in which the municipal 60561  
corporation or township is wholly or partly located, and the 60562  
balance of that revenue shall be deposited in the general fund. 60563  
The municipal corporation or township shall establish all 60564  
regulations necessary to provide for the administration and 60565  
allocation of the tax. The regulations may prescribe the time for 60566  
payment of the tax, and may provide for the imposition of a 60567  
penalty or interest, or both, for late payments, provided that the 60568  
penalty does not exceed ten per cent of the amount of tax due, and 60569  
the rate at which interest accrues does not exceed the rate per 60570  
annum prescribed pursuant to section 5703.47 of the Revised Code. 60571  
The levy of a tax under this division is in addition to any tax 60572  
imposed on the same transaction by a municipal corporation or a 60573  
township as authorized by division (A) of section 5739.08 of the 60574  
Revised Code. 60575

(2) The legislative authority of the most populous municipal 60576  
corporation located wholly or partly in a county in which the 60577  
board of county commissioners has levied a tax under division 60578

(A)(4) of this section may amend, on or before September 30, 2002, 60579  
that municipal corporation's ordinance or resolution that levies 60580  
an excise tax on transactions by which lodging by a hotel is or is 60581  
to be furnished to transient guests, to provide for all of the 60582  
following: 60583

(a) That the rate of the tax shall be increased by not more 60584  
than an additional one per cent on each transaction; 60585

(b) That all of the revenue from the increase in rate shall 60586  
be pledged and contributed to a convention facilities authority 60587  
established by the board of county commissioners under Chapter 60588  
351. of the Revised Code on or before May 15, 2002, and be used to 60589  
pay costs of constructing, expanding, maintaining, operating, or 60590  
promoting a convention center in the county, including paying 60591  
bonds, or notes issued in anticipation of bonds, as provided by 60592  
that chapter; 60593

(c) That the increase in rate shall not be subject to 60594  
diminution by initiative or referendum or by law while any bonds, 60595  
or notes in anticipation of bonds, issued by the authority under 60596  
Chapter 351. of the Revised Code to which the revenue is pledged, 60597  
remain outstanding in accordance with their terms, unless 60598  
provision is made by law, by the board of county commissioners, or 60599  
by the legislative authority, for an adequate substitute therefor 60600  
that is satisfactory to the trustee if a trust agreement secures 60601  
the bonds. 60602

As used in division (B)(2) of this section, "cost" has the 60603  
same meaning as in section 351.01 of the Revised Code, and 60604  
"convention center" has the same meaning as in section 307.695 of 60605  
the Revised Code. 60606

(C) For the purposes described in section 307.695 of the 60607  
Revised Code and to cover the costs of administering the tax, a 60608  
board of county commissioners of a county where a tax imposed 60609

under division (A)(1) of this section is in effect may, by 60610  
resolution adopted within ninety days after July 15, 1985, by a 60611  
majority of the members of the board, levy an additional excise 60612  
tax not to exceed three per cent on transactions by which lodging 60613  
by a hotel is or is to be furnished to transient guests. The tax 60614  
authorized by this division shall be in addition to any tax that 60615  
is levied pursuant to division (A) of this section, but it shall 60616  
not apply to transactions subject to a tax levied by a municipal 60617  
corporation or township pursuant to the authorization granted by 60618  
division (A) of section 5739.08 of the Revised Code. The board 60619  
shall establish all regulations necessary to provide for the 60620  
administration and allocation of the tax. The regulations may 60621  
prescribe the time for payment of the tax, and may provide for the 60622  
imposition of a penalty or interest, or both, for late payments, 60623  
provided that the penalty does not exceed ten per cent of the 60624  
amount of tax due, and the rate at which interest accrues does not 60625  
exceed the rate per annum prescribed pursuant to section 5703.47 60626  
of the Revised Code. All revenues arising from the tax shall be 60627  
expended in accordance with section 307.695 of the Revised Code. 60628  
The board of county commissioners of an eligible county as defined 60629  
in section 307.695 of the Revised Code may, by resolution adopted 60630  
by a majority of the members of the board, amend the resolution 60631  
levying a tax under this division to provide that the revenue from 60632  
the tax shall be used by the board as described in division (H) of 60633  
section 307.695 of the Revised Code. A tax imposed under this 60634  
division shall remain in effect at the rate at which it is imposed 60635  
for the duration of the period during which any agreement entered 60636  
into by the board under section 307.695 of the Revised Code is in 60637  
effect, the duration of the period during which any securities 60638  
issued by the board under division (I) of section 307.695 of the 60639  
Revised Code are outstanding, or the duration of the period during 60640  
which the board owns a project as defined in section 307.695 of 60641  
the Revised Code, whichever duration is longest. 60642

(D) For the purpose of providing contributions under division 60643  
(B)(1) of section 307.671 of the Revised Code to enable the 60644  
acquisition, construction, and equipping of a port authority 60645  
educational and cultural facility in the county and, to the extent 60646  
provided for in the cooperative agreement authorized by that 60647  
section, for the purpose of paying debt service charges on bonds, 60648  
or notes in anticipation of bonds, described in division (B)(1)(b) 60649  
of that section, a board of county commissioners, by resolution 60650  
adopted within ninety days after December 22, 1992, by a majority 60651  
of the members of the board, may levy an additional excise tax not 60652  
to exceed one and one-half per cent on transactions by which 60653  
lodging by a hotel is or is to be furnished to transient guests. 60654  
The excise tax authorized by this division shall be in addition to 60655  
any tax that is levied pursuant to divisions (A), (B), and (C) of 60656  
this section, to any excise tax levied pursuant to section 5739.08 60657  
of the Revised Code, and to any excise tax levied pursuant to 60658  
section 351.021 of the Revised Code. The board of county 60659  
commissioners shall establish all regulations necessary to provide 60660  
for the administration and allocation of the tax that are not 60661  
inconsistent with this section or section 307.671 of the Revised 60662  
Code. The regulations may prescribe the time for payment of the 60663  
tax, and may provide for the imposition of a penalty or interest, 60664  
or both, for late payments, provided that the penalty does not 60665  
exceed ten per cent of the amount of tax due, and the rate at 60666  
which interest accrues does not exceed the rate per annum 60667  
prescribed pursuant to section 5703.47 of the Revised Code. All 60668  
revenues arising from the tax shall be expended in accordance with 60669  
section 307.671 of the Revised Code and division (D) of this 60670  
section. The levy of a tax imposed under this division may not 60671  
commence prior to the first day of the month next following the 60672  
execution of the cooperative agreement authorized by section 60673  
307.671 of the Revised Code by all parties to that agreement. The 60674  
tax shall remain in effect at the rate at which it is imposed for 60675

the period of time described in division (C) of section 307.671 of 60676  
the Revised Code for which the revenue from the tax has been 60677  
pledged by the county to the corporation pursuant to that section, 60678  
but, to any extent provided for in the cooperative agreement, for 60679  
no lesser period than the period of time required for payment of 60680  
the debt service charges on bonds, or notes in anticipation of 60681  
bonds, described in division (B)(1)(b) of that section. 60682

(E) For the purpose of paying the costs of acquiring, 60683  
constructing, equipping, and improving a municipal educational and 60684  
cultural facility, including debt service charges on bonds 60685  
provided for in division (B) of section 307.672 of the Revised 60686  
Code, and for any additional purposes determined by the county in 60687  
the resolution levying the tax or amendments to the resolution, 60688  
including subsequent amendments providing for paying costs of 60689  
acquiring, constructing, renovating, rehabilitating, equipping, 60690  
and improving a port authority educational and cultural performing 60691  
arts facility, as defined in section 307.674 of the Revised Code, 60692  
and including debt service charges on bonds provided for in 60693  
division (B) of section 307.674 of the Revised Code, the 60694  
legislative authority of a county, by resolution adopted within 60695  
ninety days after June 30, 1993, by a majority of the members of 60696  
the legislative authority, may levy an additional excise tax not 60697  
to exceed one and one-half per cent on transactions by which 60698  
lodging by a hotel is or is to be furnished to transient guests. 60699  
The excise tax authorized by this division shall be in addition to 60700  
any tax that is levied pursuant to divisions (A), (B), (C), and 60701  
(D) of this section, to any excise tax levied pursuant to section 60702  
5739.08 of the Revised Code, and to any excise tax levied pursuant 60703  
to section 351.021 of the Revised Code. The legislative authority 60704  
of the county shall establish all regulations necessary to provide 60705  
for the administration and allocation of the tax. The regulations 60706  
may prescribe the time for payment of the tax, and may provide for 60707  
the imposition of a penalty or interest, or both, for late 60708

payments, provided that the penalty does not exceed ten per cent 60709  
of the amount of tax due, and the rate at which interest accrues 60710  
does not exceed the rate per annum prescribed pursuant to section 60711  
5703.47 of the Revised Code. All revenues arising from the tax 60712  
shall be expended in accordance with section 307.672 of the 60713  
Revised Code and this division. The levy of a tax imposed under 60714  
this division shall not commence prior to the first day of the 60715  
month next following the execution of the cooperative agreement 60716  
authorized by section 307.672 of the Revised Code by all parties 60717  
to that agreement. The tax shall remain in effect at the rate at 60718  
which it is imposed for the period of time determined by the 60719  
legislative authority of the county, ~~but~~. That period of time 60720  
shall not to exceed fifteen years, except that the legislative 60721  
authority of a county with a population of less than two hundred 60722  
fifty thousand according to the most recent federal decennial 60723  
census, by resolution adopted by a majority of its members before 60724  
the original tax expires, may extend the duration of the tax for 60725  
an additional period of time. The additional period of time by 60726  
which a legislative authority extends a tax levied under this 60727  
division shall not exceed fifteen years. 60728

(F) The legislative authority of a county that has levied a 60729  
tax under division (E) of this section may, by resolution adopted 60730  
within one hundred eighty days after January 4, 2001, by a 60731  
majority of the members of the legislative authority, amend the 60732  
resolution levying a tax under that division to provide for the 60733  
use of the proceeds of that tax, to the extent that it is no 60734  
longer needed for its original purpose as determined by the 60735  
parties to a cooperative agreement amendment pursuant to division 60736  
(D) of section 307.672 of the Revised Code, to pay costs of 60737  
acquiring, constructing, renovating, rehabilitating, equipping, 60738  
and improving a port authority educational and cultural performing 60739  
arts facility, including debt service charges on bonds provided 60740  
for in division (B) of section 307.674 of the Revised Code, and to 60741

pay all obligations under any guaranty agreements, reimbursement 60742  
agreements, or other credit enhancement agreements described in 60743  
division (C) of section 307.674 of the Revised Code. The 60744  
resolution may also provide for the extension of the tax at the 60745  
same rate for the longer of the period of time determined by the 60746  
legislative authority of the county, but not to exceed an 60747  
additional twenty-five years, or the period of time required to 60748  
pay all debt service charges on bonds provided for in division (B) 60749  
of section 307.672 of the Revised Code and on port authority 60750  
revenue bonds provided for in division (B) of section 307.674 of 60751  
the Revised Code. All revenues arising from the amendment and 60752  
extension of the tax shall be expended in accordance with section 60753  
307.674 of the Revised Code, this division, and division (E) of 60754  
this section. 60755

(G) For purposes of a tax levied by a county, township, or 60756  
municipal corporation under this section or section 5739.08 of the 60757  
Revised Code, a board of county commissioners, board of township 60758  
trustees, or the legislative authority of a municipal corporation 60759  
may adopt a resolution or ordinance at any time specifying that 60760  
"hotel," as otherwise defined in section 5739.01 of the Revised 60761  
Code, includes establishments in which fewer than five rooms are 60762  
used for the accommodation of guests. The resolution or ordinance 60763  
may apply to a tax imposed pursuant to this section prior to the 60764  
adoption of the resolution or ordinance if the resolution or 60765  
ordinance so states, but the tax shall not apply to transactions 60766  
by which lodging by such an establishment is provided to transient 60767  
guests prior to the adoption of the resolution or ordinance. 60768

(H)(1) As used in this division: 60769

(a) "Convention facilities authority" has the same meaning as 60770  
in section 351.01 of the Revised Code. 60771

(b) "Convention center" has the same meaning as in section 60772  
307.695 of the Revised Code. 60773

(2) Notwithstanding any contrary provision of division (D) of 60774  
this section, the legislative authority of a county with a 60775  
population of one million or more according to the most recent 60776  
federal decennial census that has levied a tax under division (D) 60777  
of this section may, by resolution adopted by a majority of the 60778  
members of the legislative authority, provide for the extension of 60779  
such levy and may provide that the proceeds of that tax, to the 60780  
extent that they are no longer needed for their original purpose 60781  
as defined by a cooperative agreement entered into under section 60782  
307.671 of the Revised Code, shall be deposited into the county 60783  
general revenue fund. The resolution shall provide for the 60784  
extension of the tax at a rate not to exceed the rate specified in 60785  
division (D) of this section for a period of time determined by 60786  
the legislative authority of the county, but not to exceed an 60787  
additional forty years. 60788

(3) The legislative authority of a county with a population 60789  
of one million or more that has levied a tax under division (A)(1) 60790  
of this section may, by resolution adopted by a majority of the 60791  
members of the legislative authority, increase the rate of the tax 60792  
levied by such county under division (A)(1) of this section to a 60793  
rate not to exceed five per cent on transactions by which lodging 60794  
by a hotel is or is to be furnished to transient guests. 60795  
Notwithstanding any contrary provision of division (A)(1) of this 60796  
section, the resolution may provide that all collections resulting 60797  
from the rate levied in excess of three per cent, after deducting 60798  
the real and actual costs of administering the tax, shall be 60799  
deposited in the county general fund. 60800

(4) The legislative authority of a county with a population 60801  
of one million or more that has levied a tax under division (A)(1) 60802  
of this section may, by resolution adopted on or before August 30, 60803  
2004, by a majority of the members of the legislative authority, 60804  
provide that all or a portion of the proceeds of the tax levied 60805

under division (A)(1) of this section, after deducting the real 60806  
and actual costs of administering the tax and the amounts required 60807  
to be returned to townships and municipal corporations with 60808  
respect to the first three per cent levied under division (A)(1) 60809  
of this section, shall be deposited in the county general fund, 60810  
provided that such proceeds shall be used to satisfy any pledges 60811  
made in connection with an agreement entered into under section 60812  
307.695 of the Revised Code. 60813

(5) No amount collected from a tax levied, extended, or 60814  
required to be deposited in the county general fund under division 60815  
(H) of this section shall be contributed to a convention 60816  
facilities authority, corporation, or other entity created after 60817  
July 1, 2003, for the principal purpose of constructing, 60818  
improving, expanding, equipping, financing, or operating a 60819  
convention center unless the mayor of the municipal corporation in 60820  
which the convention center is to be operated by that convention 60821  
facilities authority, corporation, or other entity has consented 60822  
to the creation of that convention facilities authority, 60823  
corporation, or entity. Notwithstanding any contrary provision of 60824  
section 351.04 of the Revised Code, if a tax is levied by a county 60825  
under division (H) of this section, the board of county 60826  
commissioners of that county may determine the manner of 60827  
selection, the qualifications, the number, and terms of office of 60828  
the members of the board of directors of any convention facilities 60829  
authority, corporation, or other entity described in division 60830  
(H)(5) of this section. 60831

(6)(a) No amount collected from a tax levied, extended, or 60832  
required to be deposited in the county general fund under division 60833  
(H) of this section may be used for any purpose other than paying 60834  
the direct and indirect costs of constructing, improving, 60835  
expanding, equipping, financing, or operating a convention center 60836  
and for the real and actual costs of administering the tax, 60837

unless, prior to the adoption of the resolution of the legislative 60838  
authority of the county authorizing the levy, extension, increase, 60839  
or deposit, the county and the mayor of the most populous 60840  
municipal corporation in that county have entered into an 60841  
agreement as to the use of such amounts, provided that such 60842  
agreement has been approved by a majority of the mayors of the 60843  
other municipal corporations in that county. The agreement shall 60844  
provide that the amounts to be used for purposes other than paying 60845  
the convention center or administrative costs described in 60846  
division (H)(6)(a) of this section be used only for the direct and 60847  
indirect costs of capital improvements, including the financing of 60848  
capital improvements. 60849

(b) If the county in which the tax is levied has an 60850  
association of mayors and city managers, the approval of that 60851  
association of an agreement described in division (H)(6)(a) of 60852  
this section shall be considered to be the approval of the 60853  
majority of the mayors of the other municipal corporations for 60854  
purposes of that division. 60855

(7) Each year, the auditor of state shall conduct an audit of 60856  
the uses of any amounts collected from taxes levied, extended, or 60857  
deposited under division (H) of this section and shall prepare a 60858  
report of the auditor of state's findings. The auditor of state 60859  
shall submit the report to the legislative authority of the county 60860  
that has levied, extended, or deposited the tax, the speaker of 60861  
the house of representatives, the president of the senate, and the 60862  
leaders of the minority parties of the house of representatives 60863  
and the senate. 60864

(I)(1) As used in this division: 60865

(a) "Convention facilities authority" has the same meaning as 60866  
in section 351.01 of the Revised Code. 60867

(b) "Convention center" has the same meaning as in section 60868

307.695 of the Revised Code. 60869

(2) Notwithstanding any contrary provision of division (D) of 60870  
this section, the legislative authority of a county with a 60871  
population of one million two hundred thousand or more according 60872  
to the most recent federal decennial census or the most recent 60873  
annual population estimate published or released by the United 60874  
States census bureau at the time the resolution is adopted placing 60875  
the levy on the ballot, that has levied a tax under division (D) 60876  
of this section may, by resolution adopted by a majority of the 60877  
members of the legislative authority, provide for the extension of 60878  
such levy and may provide that the proceeds of that tax, to the 60879  
extent that the proceeds are no longer needed for their original 60880  
purpose as defined by a cooperative agreement entered into under 60881  
section 307.671 of the Revised Code and after deducting the real 60882  
and actual costs of administering the tax, shall be used for 60883  
paying the direct and indirect costs of constructing, improving, 60884  
expanding, equipping, financing, or operating a convention center. 60885  
The resolution shall provide for the extension of the tax at a 60886  
rate not to exceed the rate specified in division (D) of this 60887  
section for a period of time determined by the legislative 60888  
authority of the county, but not to exceed an additional forty 60889  
years. 60890

(3) The legislative authority of a county with a population 60891  
of one million two hundred thousand or more that has levied a tax 60892  
under division (A)(1) of this section may, by resolution adopted 60893  
by a majority of the members of the legislative authority, 60894  
increase the rate of the tax levied by such county under division 60895  
(A)(1) of this section to a rate not to exceed five per cent on 60896  
transactions by which lodging by a hotel is or is to be furnished 60897  
to transient guests. Notwithstanding any contrary provision of 60898  
division (A)(1) of this section, the resolution shall provide that 60899  
all collections resulting from the rate levied in excess of three 60900

per cent, after deducting the real and actual costs of 60901  
administering the tax, shall be used for paying the direct and 60902  
indirect costs of constructing, improving, expanding, equipping, 60903  
financing, or operating a convention center. 60904

(4) The legislative authority of a county with a population 60905  
of one million two hundred thousand or more that has levied a tax 60906  
under division (A)(1) of this section may, by resolution adopted 60907  
on or before July 1, 2008, by a majority of the members of the 60908  
legislative authority, provide that all or a portion of the 60909  
proceeds of the tax levied under division (A)(1) of this section, 60910  
after deducting the real and actual costs of administering the tax 60911  
and the amounts required to be returned to townships and municipal 60912  
corporations with respect to the first three per cent levied under 60913  
division (A)(1) of this section, shall be used to satisfy any 60914  
pledges made in connection with an agreement entered into under 60915  
section 307.695 of the Revised Code or shall otherwise be used for 60916  
paying the direct and indirect costs of constructing, improving, 60917  
expanding, equipping, financing, or operating a convention center. 60918

(5) Any amount collected from a tax levied or extended under 60919  
division (I) of this section may be contributed to a convention 60920  
facilities authority created before July 1, 2005, but no amount 60921  
collected from a tax levied or extended under division (I) of this 60922  
section may be contributed to a convention facilities authority, 60923  
corporation, or other entity created after July 1, 2005, unless 60924  
the mayor of the municipal corporation in which the convention 60925  
center is to be operated by that convention facilities authority, 60926  
corporation, or other entity has consented to the creation of that 60927  
convention facilities authority, corporation, or entity. 60928

**Sec. 5739.12.** (A) Each person who has or is required to have 60929  
a vendor's license, on or before the twenty-third day of each 60930  
month, shall make and file a return for the preceding month, on 60931

forms prescribed by the tax commissioner, and shall pay the tax 60932  
shown on the return to be due. The commissioner may require a 60933  
vendor that operates from multiple locations or has multiple 60934  
vendor's licenses to report all tax liabilities on one 60935  
consolidated return. The return shall show the amount of tax due 60936  
from the vendor to the state for the period covered by the return 60937  
and such other information as the commissioner deems necessary for 60938  
the proper administration of this chapter. The commissioner may 60939  
extend the time for making and filing returns and paying the tax, 60940  
and may require that the return for the last month of any annual 60941  
or semiannual period, as determined by the commissioner, be a 60942  
reconciliation return detailing the vendor's sales activity for 60943  
the preceding annual or semiannual period. The reconciliation 60944  
return shall be filed by the last day of the month following the 60945  
last month of the annual or semiannual period. The commissioner 60946  
may remit all or any part of amounts or penalties that may become 60947  
due under this chapter and may adopt rules relating thereto. Such 60948  
return shall be filed by mailing it to the tax commissioner, 60949  
together with payment of the amount of tax shown to be due thereon 60950  
after deduction of any discount provided for under this section. 60951  
Remittance shall be made payable to the treasurer of state. The 60952  
return shall be considered filed when received by the tax 60953  
commissioner, and the payment shall be considered made when 60954  
received by the tax commissioner or when credited to an account 60955  
designated by the treasurer of state or the tax commissioner. 60956

(B)(1) If the return is filed and the amount of tax shown 60957  
thereon to be due is paid on or before the date such return is 60958  
required to be filed, the vendor shall be entitled to ~~the~~ 60959  
~~following a~~ discount of: 60960

~~(1)~~(a) On and after July 1, 2005, and on and before June 30, 60961  
2007, nine-tenths of one per cent of the amount shown to be due on 60962  
the return; 60963

~~(2)~~(b) On and after July 1, 2007, three-fourths of one per cent of the amount shown to be due on the return. 60964  
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(2) A vendor that has selected a certified service provider as its agent shall not be entitled to the discount if the certified service provider receives a monetary allowance pursuant to section 5739.06 of the Revised Code for performing the vendor's sales and use tax functions in this state. Amounts paid to the clerk of courts pursuant to section 4505.06 of the Revised Code shall be subject to the applicable discount. The discount shall be in consideration for prompt payment to the clerk of courts and for other services performed by the vendor in the collection of the tax. 60966  
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(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 60976  
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report and pay based upon the average monthly liability for a 60996  
period not to exceed two years. The amount ascertained by the 60997  
commissioner to be the average monthly tax liability of a vendor 60998  
may be adjusted, based upon a review of the returns or other 60999  
information pertaining to the vendor for a period of not less than 61000  
six months nor more than two years preceding such adjustment. 61001

(2) The commissioner may authorize vendors whose tax 61002  
liability is not such as to merit monthly returns, as ascertained 61003  
by the commissioner upon the basis of administrative costs to the 61004  
state, to make and file returns at less frequent intervals. When 61005  
returns are filed at less frequent intervals in accordance with 61006  
such authorization, the vendor shall be allowed the discount 61007  
provided in this section in consideration for prompt payment with 61008  
the return, provided the return is filed together with payment of 61009  
the amount of tax shown to be due thereon, at the time specified 61010  
by the commissioner, but a vendor that has selected a certified 61011  
service provider as its agent shall not be entitled to the 61012  
discount. 61013

(D) Any vendor who fails to file a return or pay the full 61014  
amount of the tax shown on the return to be due under this section 61015  
and the rules of the commissioner may, for each such return the 61016  
vendor fails to file or each such tax the vendor fails to pay in 61017  
full as shown on the return within the period prescribed by this 61018  
section and the rules of the commissioner, be required to forfeit 61019  
and pay into the state treasury an additional charge not exceeding 61020  
fifty dollars or ten per cent of the tax required to be paid for 61021  
the reporting period, whichever is greater, as revenue arising 61022  
from the tax imposed by this chapter, and such sum may be 61023  
collected by assessment in the manner provided in section 5739.13 61024  
of the Revised Code. The commissioner may remit all or a portion 61025  
of the additional charge and may adopt rules relating to the 61026  
imposition and remission of the additional charge. 61027

(E) If the amount required to be collected by a vendor from consumers is in excess of the applicable percentage of the vendor's receipts from sales that are taxable under section 5739.02 of the Revised Code, or in the case of sales subject to a tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code, in excess of the percentage equal to the aggregate rate of such taxes and the tax levied by section 5739.02 of the Revised Code, such excess shall be remitted along with the remittance of the amount of tax due under section 5739.10 of the Revised Code.

(F) The commissioner, if the commissioner deems it necessary in order to insure the payment of the tax imposed by this chapter, may require returns and payments to be made for other than monthly periods. The returns shall be signed by the vendor or the vendor's authorized agent.

(G) Any vendor required to file a return and pay the tax under this section, whose total payment equals or exceeds the amount shown in division (A) of section 5739.122 of the Revised Code, shall make each payment required by this section in the second ensuing and each succeeding year by electronic funds transfer as prescribed by, and on or before the dates specified in, section 5739.122 of the Revised Code, except as otherwise prescribed by that section. For a vendor that operates from multiple locations or has multiple vendor's licenses, in determining whether the vendor's total payment equals or exceeds the amount shown in division (A) of that section, the vendor's total payment amount shall be the amount of the vendor's total tax liability for the previous calendar year for all of the vendor's locations or licenses.

**Sec. 5739.122.** (A) If the total amount of tax required to be paid by a vendor under section 5739.12 of the Revised Code for any

calendar year equals or exceeds seventy-five thousand dollars, the 61059  
vendor shall remit each monthly tax payment in the second ensuing 61060  
and each succeeding tax year by electronic funds transfer as 61061  
prescribed by divisions (B) and (C) of this section. 61062

If a vendor's tax payment for each of two consecutive years 61063  
is less than seventy-five thousand dollars, the vendor is relieved 61064  
of the requirement to remit taxes by electronic funds transfer for 61065  
the year that next follows the second of the consecutive years in 61066  
which the tax payment is less than that amount, and is relieved of 61067  
that requirement for each succeeding year, unless the tax payment 61068  
in a subsequent year equals or exceeds seventy-five thousand 61069  
dollars. 61070

The tax commissioner shall notify each vendor required to 61071  
remit taxes by electronic funds transfer of the vendor's 61072  
obligation to do so, shall maintain an updated list of those 61073  
vendors, and shall timely certify the list and any additions 61074  
thereto or deletions therefrom to the treasurer of state. Failure 61075  
by the tax commissioner to notify a vendor subject to this section 61076  
to remit taxes by electronic funds transfer does not relieve the 61077  
vendor of its obligation to remit taxes by electronic funds 61078  
transfer. 61079

(B) Vendors required by division (A) of this section to remit 61080  
payments by electronic funds transfer shall remit such payments to 61081  
the treasurer of state in the manner prescribed by this section 61082  
and rules adopted by the treasurer of state under section 113.061 61083  
of the Revised Code, and ~~on or before the following dates as~~ 61084  
follows: 61085

~~(1) On or before the fifteenth day of each month, a vendor 61086  
shall remit an amount equal to the taxes collected during the 61087  
first eleven days of the month. On or before the twenty fifth day 61088  
of each month, a vendor shall remit an amount equal to the taxes 61089  
collected on the twelfth through the twenty first day of the 61090~~

~~month.~~ 61091

~~(2) In lieu of remitting the actual amounts collected for the periods specified in division (B)(1) of this section, a vendor 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 vendor's total tax liability for the same month in the preceding calendar year.~~ 61092  
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~~(3) On or before the twenty-third day of each month, a vendor shall remit an amount equal to seventy-five per cent of the anticipated tax liability for that month.~~ 61098  
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(2) On or before the twenty-third day of each month, a vendor shall report the taxes collected for the previous month and shall remit that amount, less any amounts paid for that month as required by division (B)(1) or (2) of this section. 61101  
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The payment of taxes by electronic funds transfer does not affect a vendor's obligation to file the monthly return as required under section 5739.12 of the Revised Code. 61105  
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(C) A vendor required by this section to remit taxes by electronic funds transfer may apply to the treasurer of state in the manner prescribed by the treasurer of state to be excused from that requirement. The treasurer of state may excuse the vendor from remittance by electronic funds transfer for good cause shown for the period of time requested by the vendor or for a portion of that period. The treasurer of state shall notify the tax commissioner and the vendor of the treasurer of state's decision as soon as is practicable. 61108  
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(D)(1)(a) If a vendor that is required to remit payments under division (B) of this section fails to make a payment, or makes a payment under division (B)(1) of this section that is less than seventy-five per cent of the actual liability for that month, the commissioner may impose an additional charge not to exceed 61117  
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five per cent of that unpaid amount. 61122

(b) Division (D)(1)(a) of this section does not apply if the 61123  
vendor's payment under division (B)(1) of this section is equal to 61124  
or greater than seventy-five per cent of the vendor's reported 61125  
liability for the same month in the immediately preceding calendar 61126  
year. 61127

(2) If a vendor required by this section to remit taxes by 61128  
electronic funds transfer remits those taxes by some means other 61129  
than by electronic funds transfer as prescribed by this section 61130  
and the rules adopted by the treasurer of state, and the treasurer 61131  
of state determines that such failure was not due to reasonable 61132  
cause or was due to willful neglect, the treasurer of state shall 61133  
notify the tax commissioner of the failure to remit by electronic 61134  
funds transfer and shall provide the commissioner with any 61135  
information used in making that determination. The tax 61136  
commissioner may impose an additional charge not to exceed the 61137  
lesser of five per cent of the amount of the taxes required to be 61138  
paid by electronic funds transfer or five thousand dollars. 61139

(3) Any additional charge imposed under division (D)(1) or 61140  
(2) of this section is in addition to any other penalty or charge 61141  
imposed under this chapter, and shall be considered as revenue 61142  
arising from taxes imposed under this chapter. An additional 61143  
charge may be collected by assessment in the manner prescribed by 61144  
section 5739.13 of the Revised Code. The tax commissioner may 61145  
waive all or a portion of such a charge and may adopt rules 61146  
governing such waiver. 61147

No additional charge shall be imposed under division (D)(2) 61148  
of this section against a vendor that has been notified of its 61149  
obligation to remit taxes under this section and that remits its 61150  
first two tax payments after such notification by some means other 61151  
than electronic funds transfer. The additional charge may be 61152  
imposed upon the remittance of any subsequent tax payment that the 61153

vendor remits by some means other than electronic funds transfer. 61154

**Sec. 5739.123.** (A) As used in this section, 61155  
"destination-based sourcing requirements" means the manner in 61156  
which sales are required to be sourced under divisions (C) to (I) 61157  
of section 5739.033 of the Revised Code. 61158

(B) A vendor who holds a license issued ~~prior to May 1, 2006,~~ 61159  
under division (A) of section 5739.17 of the Revised Code may 61160  
apply for temporary compensation to assist the vendor in complying 61161  
with the destination-based sourcing requirements for the first six 61162  
months those sourcing requirements become applicable to the vendor 61163  
under section 5739.033 of the Revised Code. The vendor shall file 61164  
the application in accordance with division (C) of this section. 61165  
The compensation shall be the actual amount of tax collected per 61166  
county for each month of the six-month period, not to exceed 61167  
twenty-five dollars per county per month, for sales of tangible 61168  
personal property delivered to each county in which the vendor 61169  
does not have a fixed place of business and does not, or is not 61170  
required to, hold a license issued under division (A) of section 61171  
5739.17 of the Revised Code for that business. Only amounts paid 61172  
by the vendor for which the vendor is eligible for a discount 61173  
under division (B) of section 5739.12 of the Revised Code and that 61174  
are shown on returns filed during that six-month period shall be 61175  
considered in calculating the compensation. In no event shall a 61176  
vendor receive compensation that exceeds its total cost of 61177  
complying with the destination-based sourcing requirements. For 61178  
purposes of the six-month compensation period, a partial month 61179  
shall be considered a month. 61180

(C) A vendor that applies for compensation under this section 61181  
shall file an application with the tax commissioner on a form 61182  
prescribed by the commissioner. The application shall be filed 61183  
within sixty days after the end of the reporting period that 61184

includes the last day of the last month of the six-month period 61185  
for which the vendor is requesting compensation. The commissioner 61186  
shall determine the amount of compensation to which the vendor is 61187  
entitled, and if that amount is equal to or greater than the 61188  
amount claimed on the application, the commissioner shall certify 61189  
that amount to the director of budget and management and the 61190  
treasurer of state for payment from the general revenue fund. If 61191  
the commissioner determines that the amount of compensation to 61192  
which the vendor is entitled is less than the amount claimed on 61193  
the vendor's application, the commissioner shall proceed in 61194  
accordance with section 5703.70 of the Revised Code. 61195

(D) The compensation provided under this section shall not 61196  
reduce the amount required to be returned to counties and transit 61197  
authorities under section 5739.21 of the Revised Code. 61198

Sec. 5739.124. (A) If required by the tax commissioner, a 61199  
person required to make payments by electronic funds transfer 61200  
under section 5739.032 or 5739.122 of the Revised Code shall file 61201  
all returns and reports electronically. The commissioner may 61202  
require the person to use the Ohio business gateway, as defined in 61203  
section 718.051 of the Revised Code, or any other electronic 61204  
means, to file the returns and reports, or to remit the tax, in 61205  
lieu of the manner prescribed by the treasurer of state under 61206  
sections 5739.032 and 5739.122 of the Revised Code. 61207

(B) A person required under this section to file reports and 61208  
returns electronically may apply to the commissioner to be excused 61209  
from that requirement. Applications shall be made on a form 61210  
prescribed by the commissioner. The commissioner may approve the 61211  
application for good cause. 61212

(C)(1) If a person required to file a report or return 61213  
electronically under this section fails to do so, the commissioner 61214  
may impose an additional charge not to exceed the following: 61215

(a) For each of the first two failures, five per cent of the amount required to be reported on the report or return; 61216  
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(b) For the third and any subsequent failure, ten per cent of the amount required to be reported on the report or return. 61218  
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(2) The charges authorized under division (C)(1) of this section are in addition to any other charge or penalty authorized under this chapter, and shall be considered as revenue arising from taxes imposed under this chapter. An additional charge may be collected by assessment in the manner prescribed by section 5739.13 of the Revised Code. The commissioner may waive all or a portion of such a charge and may adopt rules governing such waiver. 61220  
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**Sec. 5739.21.** (A) ~~Four and two tenths~~ One hundred per cent of all money deposited into the state treasury under sections 5739.01 to 5739.31 of the Revised Code and not required to be distributed as provided in section 5739.102 of the Revised Code or division (B) of this section shall be credited to ~~the local government fund for distribution in accordance with section 5747.50 of the Revised Code, six tenths of one per cent shall be credited to the local government revenue assistance fund for distribution in accordance with section 5747.61 of the Revised Code, and ninety five and two tenths per cent shall be credited to the general revenue fund.~~ 61228  
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(B)(1) In any case where any county or transit authority has levied a tax or taxes pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code, the tax commissioner shall, within forty-five days after the end of each month, determine and certify to the director of budget and management the amount of the proceeds of such tax or taxes received during that month from billings and assessments, or associated with tax returns or reports filed during that month, to be returned to the county or 61239  
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transit authority levying the tax or taxes. The amount to be 61247  
returned to each county and transit authority shall be a fraction 61248  
of the aggregate amount of money collected with respect to each 61249  
area in which one or more of such taxes are concurrently in effect 61250  
with the tax levied by section 5739.02 of the Revised Code. The 61251  
numerator of the fraction is the rate of the tax levied by the 61252  
county or transit authority and the denominator of the fraction is 61253  
the aggregate rate of such taxes applicable to such area. The 61254  
amount to be returned to each county or transit authority shall be 61255  
reduced by the amount of any refunds of county or transit 61256  
authority tax paid pursuant to section 5739.07 of the Revised Code 61257  
during the same month, or transfers made pursuant to division 61258  
(B)(2) of section 5703.052 of the Revised Code. 61259

(2) On a periodic basis, using the best information 61260  
available, the tax commissioner shall distribute any amount of a 61261  
county or transit authority tax that cannot be distributed under 61262  
division (B)(1) of this section. Through audit or other means, the 61263  
commissioner shall attempt to obtain the information necessary to 61264  
make the distribution as provided under that division and, on 61265  
receipt of that information, shall make adjustments to 61266  
distributions previously made under this division. 61267

(C) The aggregate amount to be returned to any county or 61268  
transit authority shall be reduced by one per cent, which shall be 61269  
certified directly to the credit of the local sales tax 61270  
administrative fund, which is hereby created in the state 61271  
treasury. For the purpose of determining the amount to be returned 61272  
to a county and transit authority in which the rate of tax imposed 61273  
by the transit authority has been reduced under section 5739.028 61274  
of the Revised Code, the tax commissioner shall use the respective 61275  
rates of tax imposed by the county or transit authority that 61276  
results from the change in the rates authorized under that 61277  
section. 61278

(D) The director of budget and management shall transfer, 61279  
from the same funds and in the same proportions specified in 61280  
division (A) of this section, to the permissive tax distribution 61281  
fund created by division (B)(1) of section 4301.423 of the Revised 61282  
Code and to the local sales tax administrative fund, the amounts 61283  
certified by the tax commissioner. The tax commissioner shall 61284  
then, on or before the twentieth day of the month in which such 61285  
certification is made, provide for payment of such respective 61286  
amounts to the county treasurer and to the fiscal officer of the 61287  
transit authority levying the tax or taxes. The amount transferred 61288  
to the local sales tax administrative fund is for use by the tax 61289  
commissioner in defraying costs incurred in administering such 61290  
taxes levied by a county or transit authority. 61291

Sec. 5739.213. Notwithstanding section 5739.21 or 5741.03 of 61292  
the Revised Code, of the revenue collected from the tax due under 61293  
division (A) of section 5739.029 of the Revised Code, an amount 61294  
equal to one-half per cent of the price of each transaction 61295  
subject to taxation under that division shall be distributed to 61296  
the county where the sale is situated as provided in section 61297  
5739.035 of the Revised Code. The amount to be so distributed to 61298  
each county shall be credited to the funds of the county as 61299  
provided by divisions (A) and (B) of section 5739.211 of the 61300  
Revised Code. 61301

Sec. 5740.10. (A) As used in this section, "delivery sale" 61302  
has the same meaning as in section 5739.033 of the Revised Code. 61303

(B) It is the intent of the General Assembly for this state 61304  
to become a full member in the streamlined sales and use tax 61305  
agreement to enhance collection of the taxes imposed under 61306  
Chapters 5739. and 5741. of the Revised Code by remote multi-state 61307  
sellers. This state's participation has been jeopardized, however, 61308  
because the agreement does not resolve issues relating to the 61309

situsing of certain sales and because of the impact the agreement 61310  
has on businesses located within and outside this state that have 61311  
annual delivery sales in this state of less than five hundred 61312  
thousand dollars. 61313

If the tax commissioner determines, on or before October 1, 61314  
2007, that the agreement has been amended or interpreted by the 61315  
streamlined sales tax governing board to allow, beginning January 61316  
1, 2008, a vendor with total annual delivery sales within this 61317  
state of less than five hundred thousand dollars in a prior 61318  
calendar year, beginning with calendar year 2007, to situs its 61319  
sales under section 5739.035 of the Revised Code, the commissioner 61320  
shall certify that determination by journal entry on or before 61321  
that date, shall provide notice of the determination on the 61322  
department of taxation's web site, and shall notify vendors and 61323  
sellers the commissioner reasonably believes to be affected by the 61324  
certification. 61325

**Sec. 5741.02.** (A)(1) For the use of the general revenue fund 61326  
of the state, an excise tax is hereby levied on the storage, use, 61327  
or other consumption in this state of tangible personal property 61328  
or the benefit realized in this state of any service provided. The 61329  
tax shall be collected as provided in section 5739.025 of the 61330  
Revised Code, provided that on and after July 1, 2003, and on or 61331  
before June 30, 2005, the rate of the tax shall be six per cent. 61332  
On and after July 1, 2005, the rate of the tax shall be five and 61333  
one-half per cent. 61334

(2) In the case of the lease or rental, with a fixed term of 61335  
more than thirty days or an indefinite term with a minimum period 61336  
of more than thirty days, of any motor vehicles designed by the 61337  
manufacturer to carry a load of not more than one ton, watercraft, 61338  
outboard motor, or aircraft, or of any tangible personal property, 61339  
other than motor vehicles designed by the manufacturer to carry a 61340

load of more than one ton, to be used by the lessee or renter 61341  
primarily for business purposes, the tax shall be collected by the 61342  
seller at the time the lease or rental is consummated and shall be 61343  
calculated by the seller on the basis of the total amount to be 61344  
paid by the lessee or renter under the lease or rental agreement. 61345  
If the total amount of the consideration for the lease or rental 61346  
includes amounts that are not calculated at the time the lease or 61347  
rental is executed, the tax shall be calculated and collected by 61348  
the seller at the time such amounts are billed to the lessee or 61349  
renter. In the case of an open-end lease or rental, the tax shall 61350  
be calculated by the seller on the basis of the total amount to be 61351  
paid during the initial fixed term of the lease or rental, and for 61352  
each subsequent renewal period as it comes due. As used in this 61353  
division, "motor vehicle" has the same meaning as in section 61354  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 61355  
unit attached to the watercraft. 61356

(3) Except as provided in division (A)(2) of this section, in 61357  
the case of a transaction, the price of which consists in whole or 61358  
part of the lease or rental of tangible personal property, the tax 61359  
shall be measured by the installments of those leases or rentals. 61360

(B) Each consumer, storing, using, or otherwise consuming in 61361  
this state tangible personal property or realizing in this state 61362  
the benefit of any service provided, shall be liable for the tax, 61363  
and such liability shall not be extinguished until the tax has 61364  
been paid to this state; provided, that the consumer shall be 61365  
relieved from further liability for the tax if the tax has been 61366  
paid to a seller in accordance with section 5741.04 of the Revised 61367  
Code or prepaid by the seller in accordance with section 5741.06 61368  
of the Revised Code. 61369

(C) The tax does not apply to the storage, use, or 61370  
consumption in this state of the following described tangible 61371  
personal property or services, nor to the storage, use, or 61372

consumption or benefit in this state of tangible personal property 61373  
or services purchased under the following described circumstances: 61374

(1) When the sale of property or service in this state is 61375  
subject to the excise tax imposed by sections 5739.01 to 5739.31 61376  
of the Revised Code, provided said tax has been paid; 61377

(2) Except as provided in division (D) of this section, 61378  
tangible personal property or services, the acquisition of which, 61379  
if made in Ohio, would be a sale not subject to the tax imposed by 61380  
sections 5739.01 to 5739.31 of the Revised Code; 61381

(3) Property or services, the storage, use, or other 61382  
consumption of or benefit from which this state is prohibited from 61383  
taxing by the Constitution of the United States, laws of the 61384  
United States, or the Constitution of this state. This exemption 61385  
shall not exempt from the application of the tax imposed by this 61386  
section the storage, use, or consumption of tangible personal 61387  
property that was purchased in interstate commerce, but that has 61388  
come to rest in this state, provided that fuel to be used or 61389  
transported in carrying on interstate commerce that is stopped 61390  
within this state pending transfer from one conveyance to another 61391  
is exempt from the excise tax imposed by this section and section 61392  
5739.02 of the Revised Code; 61393

(4) Transient use of tangible personal property in this state 61394  
by a nonresident tourist or vacationer, or a nonbusiness use 61395  
within this state by a nonresident of this state, if the property 61396  
so used was purchased outside this state for use outside this 61397  
state and is not required to be registered or licensed under the 61398  
laws of this state; 61399

(5) Tangible personal property or services rendered, upon 61400  
which taxes have been paid to another jurisdiction to the extent 61401  
of the amount of the tax paid to such other jurisdiction. Where 61402  
the amount of the tax imposed by this section and imposed pursuant 61403

to section 5741.021, 5741.022, or 5741.023 of the Revised Code 61404  
exceeds the amount paid to another jurisdiction, the difference 61405  
shall be allocated between the tax imposed by this section and any 61406  
tax imposed by a county or a transit authority pursuant to section 61407  
5741.021, 5741.022, or 5741.023 of the Revised Code, in proportion 61408  
to the respective rates of such taxes. 61409

As used in this subdivision, "taxes paid to another 61410  
jurisdiction" means the total amount of retail sales or use tax or 61411  
similar tax based upon the sale, purchase, or use of tangible 61412  
personal property or services rendered legally, levied by and paid 61413  
to another state or political subdivision thereof, or to the 61414  
District of Columbia, where the payment of such tax does not 61415  
entitle the taxpayer to any refund or credit for such payment. 61416

(6) The transfer of a used manufactured home or used mobile 61417  
home, as defined by section 5739.0210 of the Revised Code, made on 61418  
or after January 1, 2000; 61419

(7) Drugs that are or are intended to be distributed free of 61420  
charge to a practitioner licensed to prescribe, dispense, and 61421  
administer drugs to a human being in the course of a professional 61422  
practice and that by law may be dispensed only by or upon the 61423  
order of such a practitioner. 61424

(8) Computer equipment and related software leased from a 61425  
lessor located outside this state and initially received in this 61426  
state on behalf of the consumer by a third party that will retain 61427  
possession of such property for not more than ninety days and that 61428  
will, within that ninety-day period, deliver such property to the 61429  
consumer at a location outside this state. Division (C)(8) of this 61430  
section does not provide exemption from taxation for any otherwise 61431  
taxable charges associated with such property while it is in this 61432  
state or for any subsequent storage, use, or consumption of such 61433  
property in this state by or on behalf of the consumer. 61434

~~(9) Cigarettes that have a wholesale value of three hundred  
dollars or less used, stored, or consumed, but not for resale, in  
any month.~~

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~~(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:

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(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

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(b) This state or any political subdivision of this state,  
but only if donated for exclusively public purposes.

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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.

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(D) The tax applies to the storage, use, or other consumption  
in this state of tangible personal property or services, the  
acquisition of which at the time of sale was excepted under  
division (E) of section 5739.01 of the Revised Code from the tax  
imposed by section 5739.02 of the Revised Code, but which has  
subsequently been temporarily or permanently stored, used, or  
otherwise consumed in a taxable manner.

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(E)(1)(a) If any transaction is claimed to be exempt under  
division (E) of section 5739.01 of the Revised Code or under  
section 5739.02 of the Revised Code, with the exception of  
divisions (B)(1) to (11) or (28) of section 5739.02 of the Revised  
Code, the consumer shall provide to the seller, and the seller  
shall obtain from the consumer, a certificate specifying the  
reason that the transaction is not subject to the tax. The

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certificate shall be in such form, and shall be provided either in a hard copy form or electronic form, as the tax commissioner prescribes.

(b) A seller that obtains a fully completed exemption certificate from a consumer is relieved of liability for collecting and remitting tax on any sale covered by that certificate. If it is determined the exemption was improperly claimed, the consumer shall be liable for any tax due on that sale under this chapter. Relief under this division from liability does not apply to any of the following:

(i) A seller that fraudulently fails to collect tax;

(ii) A seller that solicits consumers to participate in the unlawful claim of an exemption;

(iii) A seller that accepts an exemption certificate from a consumer that claims an exemption based on who purchases or who sells property or a service, when the subject of the transaction sought to be covered by the exemption certificate is actually received by the consumer at a location operated by the seller in this state, and this state has posted to its web site an exemption certificate form that clearly and affirmatively indicates that the claimed exemption is not available in this state;

(iv) A seller that accepts an exemption certificate from a consumer who claims a multiple points of use exemption under division (D) of section 5739.033 of the Revised Code, if the item purchased is tangible personal property, other than prewritten computer software.

(2) The seller shall maintain records, including exemption certificates, of all sales on which a consumer has claimed an exemption, and provide them to the tax commissioner on request.

(3) If no certificate is provided or obtained within ninety days after the date on which the transaction is consummated, it

shall be presumed that the tax applies. Failure to have so 61497  
provided or obtained a certificate shall not preclude a seller, 61498  
within one hundred twenty days after the tax commissioner gives 61499  
written notice of intent to levy an assessment, from either 61500  
establishing that the transaction is not subject to the tax, or 61501  
obtaining, in good faith, a fully completed exemption certificate. 61502

(4) If a transaction is claimed to be exempt under division 61503  
(B)(13) of section 5739.02 of the Revised Code, the contractor 61504  
shall obtain certification of the claimed exemption from the 61505  
contractee. This certification shall be in addition to an 61506  
exemption certificate provided by the contractor to the seller. A 61507  
contractee that provides a certification under this division shall 61508  
be deemed to be the consumer of all items purchased by the 61509  
contractor under the claim of exemption, if it is subsequently 61510  
determined that the exemption is not properly claimed. The 61511  
certification shall be in such form as the tax commissioner 61512  
prescribes. 61513

(F) A seller who files a petition for reassessment contesting 61514  
the assessment of tax on transactions for which the seller 61515  
obtained no valid exemption certificates, and for which the seller 61516  
failed to establish that the transactions were not subject to the 61517  
tax during the one-hundred-twenty-day period allowed under 61518  
division (E) of this section, may present to the tax commissioner 61519  
additional evidence to prove that the transactions were exempt. 61520  
The seller shall file such evidence within ninety days of the 61521  
receipt by the seller of the notice of assessment, except that, 61522  
upon application and for reasonable cause, the tax commissioner 61523  
may extend the period for submitting such evidence thirty days. 61524

(G) For the purpose of the proper administration of sections 61525  
5741.01 to 5741.22 of the Revised Code, and to prevent the evasion 61526  
of the tax hereby levied, it shall be presumed that any use, 61527  
storage, or other consumption of tangible personal property in 61528

this state is subject to the tax until the contrary is 61529  
established. 61530

(H) The tax collected by the seller from the consumer under 61531  
this chapter is not part of the price, but is a tax collection for 61532  
the benefit of the state, and of counties levying an additional 61533  
use tax pursuant to section 5741.021 or 5741.023 of the Revised 61534  
Code and of transit authorities levying an additional use tax 61535  
pursuant to section 5741.022 of the Revised Code. Except for the 61536  
discount authorized under section 5741.12 of the Revised Code and 61537  
the effects of any rounding pursuant to section 5703.055 of the 61538  
Revised Code, no person other than the state or such a county or 61539  
transit authority shall derive any benefit from the collection of 61540  
such tax. 61541

**Sec. 5741.03.** (A) ~~Four and two tenths~~ One hundred per cent of 61542  
all money deposited into the state treasury under sections 5741.01 61543  
to 5741.22 of the Revised Code that is not required to be 61544  
distributed as provided in division (B) or (C) of this section 61545  
shall be credited to ~~the local government fund for distribution in~~ 61546  
~~accordance with section 5747.50 of the Revised Code, six tenths of~~ 61547  
~~one per cent shall be credited to the local government revenue~~ 61548  
~~assistance fund for distribution in accordance with section~~ 61549  
~~5747.61 of the Revised Code, and ninety five and two tenths per~~ 61550  
~~cent shall be credited to the general revenue fund.~~ 61551

(B) In any case where any county or transit authority has 61552  
levied a tax or taxes pursuant to section 5741.021, 5741.022, or 61553  
5741.023 of the Revised Code, the tax commissioner shall, within 61554  
forty-five days after the end of each month, determine and certify 61555  
to the director of budget and management the amount of the 61556  
proceeds of such tax or taxes from billings and assessments 61557  
received during that month, or shown on tax returns or reports 61558  
filed during that month, to be returned to the county or transit 61559

authority levying the tax or taxes, which amounts shall be 61560  
determined in the manner provided in section 5739.21 of the 61561  
Revised Code. The director of budget and management shall 61562  
transfer, from the ~~same funds and in the same proportions~~ 61563  
~~specified in division (A) of this section~~ general revenue fund, to 61564  
the permissive tax distribution fund created by division (B)(1) of 61565  
section 4301.423 of the Revised Code and to the local sales tax 61566  
administrative fund created by division ~~(B)~~(C) of section 5739.21 61567  
of the Revised Code, the amounts certified by the tax 61568  
commissioner. The tax commissioner shall then, on or before the 61569  
twentieth day of the month in which such certification is made, 61570  
provide for payment of such respective amounts to the county 61571  
treasurer or to the fiscal officer of the transit authority 61572  
levying the tax or taxes. The amount transferred to the local 61573  
sales tax administrative fund is for use by the tax commissioner 61574  
in defraying costs the commissioner incurs in administering such 61575  
taxes levied by a county or transit authority. 61576

(C) Of the revenue deposited into the state treasury from 61577  
taxes paid under division (B) of section 5741.05 of the Revised 61578  
Code, a percentage shall be distributed each fiscal year to all 61579  
counties and transit authorities that levy a tax under section 61580  
5739.021, 5739.023, or 5739.026 of the Revised Code. The 61581  
percentage to be distributed each fiscal year shall be computed by 61582  
dividing the amount described in division (C)(1) by the amount 61583  
described in division (C)(2) of this section: 61584

(1) The total sales and use tax revenue distributed to 61585  
counties and transit authorities in the calendar year that ended 61586  
in the preceding fiscal year; 61587

(2) The sum of the total sales and use tax revenue 61588  
distributed to such counties and transit authorities in that 61589  
calendar year plus the total revenue collected in that calendar 61590  
year from the taxes levied under sections 5739.02 and 5741.02 of 61591

the Revised Code. 61592

(D) Each county and transit authority shall receive a 61593  
quarterly distribution each fiscal year from the revenue to be 61594  
distributed as provided in division (C) of this section. The 61595  
amount of the distribution for each such county and transit 61596  
authority shall equal one-fourth of a percentage of the revenue to 61597  
be distributed in the fiscal year under that division. The 61598  
percentage shall be computed by dividing the amount described in 61599  
division (D)(1) by the amount described in division (D)(2) of this 61600  
section: 61601

(1) The total sales and use tax revenue distributed to the 61602  
county or transit authority under division (B) of section 5739.21 61603  
of the Revised Code in the calendar year that ended in the 61604  
preceding fiscal year; 61605

(2) The total sales and use tax revenue distributed to all 61606  
counties and transit authorities under division (B) of section 61607  
5739.21 of the Revised Code in that calendar year. 61608

**Sec. 5741.05.** (A) Beginning January 1, 2005 Except as 61609  
provided in division (B) of this section, a seller that collects 61610  
the tax levied by sections 5741.02, 5741.021, 5741.022, or 61611  
5741.023 of the Revised Code on transactions, other than sales of 61612  
titled motor vehicles, titled watercraft, or titled outboard 61613  
motors, shall determine under section 5739.033 or 5739.034 of the 61614  
Revised Code the jurisdiction for which to collect the tax. A 61615  
vendor or seller of motor vehicles, watercraft, or outboard motors 61616  
required to be titled in this state shall collect the tax levied 61617  
by section 5739.02 or 5741.02 of the Revised Code and the 61618  
additional taxes levied by division (A)(1) of section 5741.021, 61619  
division (A)(1) of section 5741.022, and division (A)(1) of 61620  
section 5741.023 of the Revised Code for the consumer's county of 61621  
residence as provided in section 1548.06 and division (B) of 61622

section 4505.06 of the Revised Code. 61623

(B)(1) Divisions (B) and (C) of this section apply only if 61624  
the tax commissioner makes the certification under section 5740.10 61625  
of the Revised Code. 61626

(2) For the purposes of this division and division (C) of 61627  
this section, "delivery sale" has the same meaning as in section 61628  
5739.033 of the Revised Code, and "tax jurisdiction" has the same 61629  
meaning as in section 5739.24 of the Revised Code. 61630

(3) Except as otherwise provided in division (B)(4) of this 61631  
section, and notwithstanding sections 5741.02, 5741.021, 5741.022, 61632  
and 5741.023 of the Revised Code, beginning January 1, 2008, a 61633  
seller with total delivery sales in this state in calendar year 61634  
2007 and each calendar year thereafter of less than five hundred 61635  
thousand dollars may elect to collect the tax due under this 61636  
chapter at a rate equal to the sum of the tax levied under section 61637  
5741.02 of the Revised Code and the lowest combined rate of tax 61638  
levied in any tax jurisdiction in this state under sections 61639  
5741.021, 5741.022, and 5741.023 of the Revised Code. 61640

(4) Once a seller has total delivery sales in this state of 61641  
five hundred thousand dollars or more for a prior calendar year, 61642  
the seller shall source its sales pursuant to division (A) of this 61643  
section regardless of the amount of the seller's total delivery 61644  
sales in future years. 61645

(C)(1) In each sale by a seller permitted to collect use tax 61646  
under division (B) of this section, the seller shall clearly 61647  
indicate on each invoice or other similar document provided to the 61648  
purchaser at the time of the sale that the seller is authorized to 61649  
collect use tax at the rate prescribed in division (B)(3) of this 61650  
section. 61651

(2) If a purchaser purchases tangible personal property from 61652  
a seller permitted to collect use tax pursuant to division (B) of 61653

this section and pays the tax due under that division to the 61654  
seller, no assessment may be made against the purchaser for 61655  
additional tax due under section 5741.021, 5741.022, or 5741.023 61656  
of the Revised Code unless the purchaser subsequently removes the 61657  
property from the tax jurisdiction in which the resident received 61658  
the property to another tax jurisdiction with a higher tax rate. 61659

(3) Nothing in this section relieves a person that claims to 61660  
be authorized to collect the tax as provided in division (B) of 61661  
this section, but that is not so authorized, from liability for 61662  
tax, penalties, interest, or additional charges imposed under this 61663  
chapter for failure to collect the amount of tax lawfully due 61664  
applying the situsing provisions of division (A) of this section. 61665

(D) A vendor or seller is not responsible for collecting or 61666  
remitting additional tax if a consumer subsequently stores, uses, 61667  
or consumes the tangible personal property or service in another 61668  
jurisdiction with a rate of tax imposed by sections 5741.02, 61669  
5741.021, 5741.022, or 5741.023 of the Revised Code that is higher 61670  
than the amount collected by the vendor or seller pursuant to 61671  
Chapter 5739. or 5741. of the Revised Code. 61672

**Sec. 5741.121.** (A) If the total amount of tax required to be 61673  
paid by a seller or consumer under section 5741.12 of the Revised 61674  
Code for any year equals or exceeds seventy-five thousand dollars, 61675  
the seller or consumer shall remit each monthly tax payment in the 61676  
second ensuing and each succeeding year by electronic funds 61677  
transfer as prescribed by division (B) of this section. 61678

If a seller's or consumer's tax payment for each of two 61679  
consecutive years is less than seventy-five thousand dollars, the 61680  
seller or consumer is relieved of the requirement to remit taxes 61681  
by electronic funds transfer for the year that next follows the 61682  
second of the consecutive years in which the tax payment is less 61683  
than that amount, and is relieved of that requirement for each 61684

succeeding year, unless the tax payment in a subsequent year equals or exceeds seventy-five thousand dollars. 61685  
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The tax commissioner shall notify each seller or consumer required to remit taxes by electronic funds transfer of the seller's or consumer's obligation to do so, shall maintain an updated list of those sellers and consumers, and shall timely certify the list and any additions thereto or deletions therefrom to the treasurer of state. Failure by the tax commissioner to notify a seller or consumer subject to this section to remit taxes by electronic funds transfer does not relieve the seller or consumer of the obligation to remit taxes by electronic funds transfer. 61687  
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(B) Sellers and consumers required by division (A) of this section to remit payments by electronic funds transfer shall remit such payments to the treasurer of state in the manner prescribed by this section and rules adopted by the treasurer of state under section 113.061 of the Revised Code, and ~~on or before the following dates as follows:~~ 61697  
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~~(1)(a) On or before the fifteenth day of each month, a seller 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.~~ 61703  
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~~(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.~~ 61709  
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~~(2) On or before each of the fifteenth and twenty fifth days~~ 61715

~~of each month, a consumer shall remit an amount equal to 61716  
thirty seven and one half per cent of the consumer's total tax 61717  
liability for the same month in the preceding calendar year. 61718~~

~~(3) On or before the twenty-third day of each month, a seller 61719  
or consumer shall remit an amount equal to seventy-five per cent 61720  
of the anticipated tax liability for that month. 61721~~

(2) On or before the twenty-third day of each month, a seller 61722  
shall report the taxes collected and a consumer shall report the 61723  
taxes due for the previous month and shall remit that amount, less 61724  
any amounts paid for that month as required by division (B)(1)~~(a)~~ 61725  
~~er (b) or (B)(2)~~ of this section. 61726

The payment of taxes by electronic funds transfer does not 61727  
affect a seller's or consumer's obligation to file the monthly 61728  
return as required under section 5741.12 of the Revised Code. 61729

(C) A seller or consumer required by this section to remit 61730  
taxes by electronic funds transfer may apply to the treasurer of 61731  
state in the manner prescribed by the treasurer of state to be 61732  
excused from that requirement. The treasurer of state may excuse 61733  
the seller or consumer from remittance by electronic funds 61734  
transfer for good cause shown for the period of time requested by 61735  
the seller or consumer or for a portion of that period. The 61736  
treasurer of state shall notify the tax commissioner and the 61737  
seller or consumer of the treasurer of state's decision as soon as 61738  
is practicable. 61739

(D)(1)(a) If a seller or consumer that is required to remit 61740  
payments under division (B) of this section fails to make a 61741  
payment, or makes a payment under division (B)(1) of this section 61742  
that is less than seventy-five per cent of the actual liability 61743  
for that month, the commissioner may impose an additional charge 61744  
not to exceed five per cent of that unpaid amount. 61745

(b) Division (D)(1)(a) of this section does not apply if the 61746

seller's or consumer's payment under division (B)(1) of this 61747  
section is equal to or greater than seventy-five per cent of the 61748  
seller's or consumer's reported liability for the same month in 61749  
the immediately preceding calendar year. 61750

(2) If a seller or consumer required by this section to remit 61751  
taxes by electronic funds transfer remits those taxes by some 61752  
means other than by electronic funds transfer as prescribed by the 61753  
rules adopted by the treasurer of state, and the treasurer of 61754  
state determines that such failure was not due to reasonable cause 61755  
or was due to willful neglect, the treasurer of state shall notify 61756  
the tax commissioner of the failure to remit by electronic funds 61757  
transfer and shall provide the commissioner with any information 61758  
used in making that determination. The tax commissioner may impose 61759  
an additional charge not to exceed the lesser of five per cent of 61760  
the amount of the taxes required to be paid by electronic funds 61761  
transfer or five thousand dollars. 61762

(3) Any additional charge imposed under this section is in 61763  
addition to any other penalty or charge imposed under this 61764  
chapter, and shall be considered as revenue arising from taxes 61765  
imposed under this chapter. An additional charge may be collected 61766  
by assessment in the manner prescribed by section 5741.13 of the 61767  
Revised Code. The tax commissioner may waive all or a portion of 61768  
such a charge and may adopt rules governing such waiver. 61769

No additional charge shall be imposed under division (D)(2) 61770  
of this section against a seller or consumer that has been 61771  
notified of the obligation to remit taxes under this section and 61772  
that remits its first two tax payments after such notification by 61773  
some means other than electronic funds transfer. The additional 61774  
charge may be imposed upon the remittance of any subsequent tax 61775  
payment that the seller or consumer remits by some means other 61776  
than electronic funds transfer. 61777

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 the amount required to be reported on the report or return.

(2) The charges authorized under division (C)(1) of this section are in addition to any other charge or penalty authorized under this chapter, and shall be considered as revenue arising from taxes imposed under this chapter. An additional charge may be collected by assessment in the manner prescribed by section 5741.13 of the Revised Code. The commissioner may waive all or a portion of such a charge and may adopt rules governing such waiver.

**Sec. 5743.01.** As used in this chapter:

(A) "Person" includes individuals, firms, partnerships, 61808  
associations, joint-stock companies, corporations, combinations of 61809  
individuals of any form, and the state and any of its political 61810  
subdivisions. 61811

(B) "Wholesale dealer" includes only those persons: 61812

(1) Who bring in or cause to be brought into this state 61813  
unstamped cigarettes purchased directly from the manufacturer, 61814  
producer, or importer of cigarettes for sale in this state but 61815  
does not include persons who bring in or cause to be brought into 61816  
this state cigarettes with respect to which no evidence of tax 61817  
payment is required thereon as provided in section 5743.04 of the 61818  
Revised Code; or 61819

(2) Who are engaged in the business of selling cigarettes or 61820  
tobacco products to others for the purpose of resale. 61821

"Wholesale dealer" does not include any cigarette 61822  
manufacturer, export warehouse proprietor, or importer with a 61823  
valid permit under 26 U.S.C. 5713 if that person sells cigarettes 61824  
in this state only to wholesale dealers holding valid and current 61825  
licenses under section 5743.15 of the Revised Code or to an export 61826  
warehouse proprietor or another manufacturer. 61827

(C) "Retail dealer" includes: 61828

(1) In reference to dealers in cigarettes, every person other 61829  
than a wholesale dealer engaged in the business of selling 61830  
cigarettes in this state, regardless of whether the person is 61831  
located in this state or elsewhere, and regardless of quantity, 61832  
amount, or number of sales; 61833

(2) In reference to dealers in tobacco products, any person 61834  
in this state engaged in the business of selling tobacco products 61835  
to ultimate consumers in this state, regardless of quantity, 61836  
amount, or number of sales. 61837

(D) "Sale" includes exchange, barter, gift, offer for sale, 61838  
and distribution, and includes transactions in interstate or 61839  
foreign commerce. 61840

(E) "Cigarettes" includes any roll for smoking made wholly or 61841  
in part of tobacco, irrespective of size or shape, and whether or 61842  
not such tobacco is flavored, adulterated, or mixed with any other 61843  
ingredient, the wrapper or cover of which is made of paper, 61844  
reconstituted cigarette tobacco, homogenized cigarette tobacco, 61845  
cigarette tobacco sheet, or any similar materials other than cigar 61846  
tobacco. 61847

(F) "Package" means the individual package, box, or other 61848  
container in or from which retail sales of cigarettes are normally 61849  
made or intended to be made. 61850

(G) "Stamp" includes an impression made by a metering device 61851  
as provided for in section 5743.04 of the Revised Code. 61852

(H) "Storage" includes any keeping or retention of cigarettes 61853  
or tobacco products for use or consumption in this state. 61854

(I) "Use" includes the exercise of any right or power 61855  
incidental to the ownership of cigarettes or tobacco products. 61856

(J) "Tobacco product" or "other tobacco product" means any 61857  
product made from tobacco, other than cigarettes, that is made for 61858  
smoking or chewing, or both, and snuff. 61859

(K) "Wholesale price" means the invoice price, including all 61860  
federal excise taxes, at which the manufacturer of the tobacco 61861  
product sells the tobacco product to unaffiliated distributors, 61862  
excluding any discounts based on the method of payment of the 61863  
invoice or on time of payment of the invoice. If the taxpayer buys 61864  
from other than a manufacturer, "wholesale price" means the 61865  
invoice price, including all federal excise taxes and excluding 61866  
any discounts based on the method of payment of the invoice or on 61867  
time of payment of the invoice. 61868

- (L) "Distributor" means: 61869
- (1) Any manufacturer who sells, barter, exchanges, or 61870  
distributes tobacco products to a retail dealer in the state, 61871  
except when selling to a retail dealer that has filed with the 61872  
manufacturer a signed statement agreeing to pay and be liable for 61873  
the tax imposed by section 5743.51 of the Revised Code; 61874
- (2) Any wholesale dealer located in the state who receives 61875  
tobacco products from a manufacturer, or who receives tobacco 61876  
products on which the tax imposed by this chapter has not been 61877  
paid; 61878
- (3) Any wholesale dealer located outside the state who sells, 61879  
barter, exchanges, or distributes tobacco products to a wholesale 61880  
or retail dealer in the state; or 61881
- (4) Any retail dealer who receives tobacco products on which 61882  
the tax has not or will not be paid by another distributor, 61883  
including a retail dealer that has filed a signed statement with a 61884  
manufacturer in which the retail dealer agrees to pay and be 61885  
liable for the tax that would otherwise be imposed on the 61886  
manufacturer by section 5743.51 of the Revised Code. 61887
- (M) "Taxpayer" means any person liable for the tax imposed by 61888  
section 5743.51, 5743.62, or 5743.63 of the Revised Code. 61889
- (N) "Seller" means any person located outside this state 61890  
engaged in the business of selling tobacco products to consumers 61891  
for storage, use, or other consumption in this state. 61892
- (O) "Manufacturer" means any person who manufactures and 61893  
sells cigarettes or tobacco products. 61894
- (P) "Importer" means any person that ~~imports~~ is authorized, 61895  
under a valid permit issued under Section 5713 of the Internal 61896  
Revenue Code, to import finished cigarettes into the United 61897  
States, either directly or indirectly. 61898

**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 person other than a licensed manufacturer or licensed importer.

A retail dealer may purchase other tobacco products only from a licensed distributor. A licensed distributor may sell tobacco products only to a retail dealer, except a licensed distributor may sell tobacco products to another licensed distributor if the tax commissioner has authorized the sale of the tobacco products between those distributors and the distributor that sells the tobacco products received them directly from a manufacturer or importer of tobacco products.

The tax commissioner may adopt rules governing sales of tobacco products between licensed distributors, including rules

establishing criteria for authorizing such sales. 61930

The identities of ~~licensed distributors~~ cigarette 61931  
manufacturers and importers, licensed cigarette wholesalers, 61932  
licensed distributors of other tobacco products, and registered 61933  
manufacturers, importers, and brokers of other tobacco products 61934  
are subject to public disclosure. The tax commissioner shall 61935  
maintain an alphabetical list of all such ~~distributors~~ 61936  
manufacturers, importers, wholesalers, distributors, and brokers, 61937  
shall post the list on a web site accessible to the public through 61938  
the internet, and shall periodically update the web site posting. 61939

As used in this section, "licensed" means the manufacturer, 61940  
importer, wholesale dealer, ~~retail dealer,~~ or distributor holds a 61941  
current and valid license issued under section 5743.15 or 5743.61 61942  
of the Revised Code, and "registered" means registered with the 61943  
tax commissioner under section 5743.66 of the Revised Code. 61944

**Sec. 5743.99.** (A) ~~Whoever~~ (1) Except as provided in division 61945  
(A)(2) of this section, whoever violates section 5743.10, 5743.11, 61946  
or 5743.12 or division (C) of section 5743.54 of the Revised Code 61947  
is guilty of a misdemeanor of the first degree. If the offender 61948  
has been previously convicted of an offense under this division, 61949  
violation is a felony of the fourth degree. 61950

(2) Unless the total number of cigarettes exceeds one 61951  
thousand two hundred, an individual who violates section 5743.10 61952  
of the Revised Code is guilty of a minor misdemeanor. If the 61953  
offender has been previously convicted of an offense under this 61954  
division, violation is a misdemeanor of the first degree. 61955

(B) Whoever violates section 5743.111, 5743.112, 5743.13, 61956  
5743.14, 5743.59, or 5743.60 of the Revised Code is guilty of a 61957  
felony of the fourth degree. If the offender has been previously 61958  
convicted of an offense under this division, violation is a felony 61959  
of the second degree. 61960

(C) Whoever violates section 5743.41 or 5743.42 of the Revised Code is guilty of a misdemeanor of the fourth degree. If the offender has been previously convicted of an offense under this division, violation is a misdemeanor of the third degree.

(D) Whoever violates section 5743.21 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender has been previously convicted of an offense under this division, violation is a felony of the fifth degree.

(E) Whoever violates division (F) of section 5743.03 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(F) Whoever violates any provision of this chapter, or any rule promulgated by the tax commissioner under authority of this chapter, for the violation of which no penalty is provided elsewhere, is guilty of a misdemeanor of the fourth degree.

(G) In addition to any other penalty imposed upon a person convicted of a violation of section 5743.112 or 5743.60 of the Revised Code who was the operator of a motor vehicle used in the violation, the court shall suspend for not less than thirty days or more than three years the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege. The court shall send a copy of its suspension order and determination to the registrar of motor vehicles, and the registrar, pursuant to the order and determination, shall impose a suspension of the same duration. No judge shall suspend the first thirty days of suspension of an offender's license, permit, or privilege required by this division.

**Sec. 5745.02.** (A) The annual report filed under section 5745.03 of the Revised Code determines a taxpayer's Ohio net income and the portion of Ohio net income to be apportioned to a municipal corporation.

(B) A taxpayer's Ohio net income is determined by multiplying 61992  
the taxpayer's adjusted federal taxable income by the sum of the 61993  
property factor multiplied by one-third, the payroll factor 61994  
multiplied by one-third, and the sales factor multiplied by 61995  
one-third. If the denominator of one of the factors is zero, the 61996  
remaining two factors each shall be multiplied by one-half instead 61997  
of one-third; if the denominator of two of the factors is zero, 61998  
the remaining factor shall be multiplied by one. The property, 61999  
payroll, and sales factors shall be determined in the manner 62000  
prescribed by divisions (B)(1), (2), and (3) of this section. 62001

(1) The property factor is a fraction, the numerator of which 62002  
is the average value of the taxpayer's real and tangible personal 62003  
property owned or rented, and used in business in this state 62004  
during the taxable year, and the denominator of which is the 62005  
average value of all the taxpayer's real and tangible personal 62006  
property owned or rented, and used in business everywhere during 62007  
such year. Property owned by the taxpayer is valued at its 62008  
original cost. Property rented by the taxpayer is valued at eight 62009  
times the net annual rental rate. "Net annual rental rate" means 62010  
the annual rental rate paid by the taxpayer less any annual rental 62011  
rate received by the taxpayer from subrentals. The average value 62012  
of property shall be determined by averaging the values at the 62013  
beginning and the end of the taxable year, but the tax 62014  
commissioner may require the averaging of monthly values during 62015  
the taxable year, if reasonably required to reflect properly the 62016  
average value of the taxpayer's property. 62017

(2) The payroll factor is a fraction, the numerator of which 62018  
is the total amount paid in this state during the taxable year by 62019  
the taxpayer for compensation, and the denominator of which is the 62020  
total compensation paid everywhere by the taxpayer during such 62021  
year. Compensation means any form of remuneration paid to an 62022  
employee for personal services. Compensation is paid in this state 62023

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 62056  
other means of transportation, the place at which such property is 62057  
ultimately received after all transportation has been completed 62058  
shall be considered as the place at which such property is 62059  
received by the purchaser. Direct delivery in this state, other 62060  
than for purposes of transportation, to a person or firm 62061  
designated by a purchaser constitutes delivery to the purchaser in 62062  
this state, and direct delivery outside this state to a person or 62063  
firm designated by a purchaser does not constitute delivery to the 62064  
purchaser in this state, regardless of where title passes or other 62065  
conditions of sale. 62066

Sales, other than sales of electricity or tangible personal 62067  
property, are in this state if either the income-producing 62068  
activity is performed solely in this state, or the 62069  
income-producing activity is performed both within and without 62070  
this state and a greater proportion of the income-producing 62071  
activity is performed within this state than in any other state, 62072  
based on costs of performance. 62073

For the purposes of division (B)(3) of this section, the tax 62074  
commissioner may adopt rules to apportion sales within this state. 62075

(C) The portion of a taxpayer's Ohio net income taxable by 62076  
each municipal corporation imposing an income tax shall be 62077  
determined by multiplying the taxpayer's Ohio net income by the 62078  
sum of the municipal property factor multiplied by one-third, the 62079  
municipal payroll factor multiplied by one-third, and the 62080  
municipal sales factor multiplied by one-third, and subtracting 62081  
from the product so obtained any "municipal net operating loss 62082  
carryforward from prior taxable years." If the denominator of one 62083  
of the factors is zero, the remaining two factors each shall be 62084  
multiplied by one-half instead of one-third; if the denominator of 62085  
two of the factors is zero, the remaining factor shall be 62086  
multiplied by one. In calculating the "municipal net operating 62087

loss carryforward from prior taxable years" for each municipal 62088  
corporation, net operating losses are apportioned in and out of a 62089  
municipal corporation for the taxable year in which the net 62090  
operating loss occurs in the same manner that positive net income 62091  
would have been so apportioned. Any net operating loss for a 62092  
municipal corporation may be applied to subsequent net income in 62093  
that municipal corporation to reduce that income to zero or until 62094  
the net operating loss has been fully used as a deduction. The 62095  
unused portion of net operating losses for each taxable year 62096  
apportioned to a municipal corporation may only be applied against 62097  
the income apportioned to that municipal corporation for five 62098  
subsequent taxable years. Net operating losses occurring in 62099  
taxable years ending before 2002 may not be subtracted under this 62100  
section. 62101

A taxpayer's municipal property, municipal payroll, and 62102  
municipal sales factors for a municipal corporation shall be 62103  
determined as provided in divisions (C)(1), (2), and (3) of this 62104  
section. 62105

(1) The municipal property factor is the quotient obtained by 62106  
dividing (a) the average value of real and tangible personal 62107  
property owned or rented by the taxpayer and used in business in 62108  
the municipal corporation during the taxable year by (b) the 62109  
average value of all of the taxpayer's real and tangible personal 62110  
property owned or rented and used in business during that taxable 62111  
year in this state. The value and average value of such property 62112  
shall be determined in the same manner provided in division (B)(1) 62113  
of this section. 62114

(2) The municipal payroll factor is the quotient obtained by 62115  
dividing (a) the total amount of compensation earned in the 62116  
municipal corporation by the taxpayer's employees during the 62117  
taxable year for services performed for the taxpayer and that is 62118  
subject to income tax withholding by the municipal corporation by 62119

(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. 62152

For the purposes of division (C)(3) of this section, the tax 62153  
commissioner may adopt rules to apportion sales within each 62154  
municipal corporation. 62155

(D) If a taxpayer is a combined company as defined in section 62156  
5727.01 of the Revised Code, the municipal property, payroll, and 62157  
sales factors under division (C) of this section shall be adjusted 62158  
as follows: 62159

(1) The numerator of the municipal property factor shall 62160  
include only the value, as determined under division (C)(1) of 62161  
this section, of the company's real and tangible property in the 62162  
municipal corporation attributed to the company's activity as an 62163  
electric company using the same methodology prescribed under 62164  
section 5727.03 of the Revised Code for taxable tangible personal 62165  
property. 62166

(2) The numerator of the municipal payroll factor shall 62167  
include only compensation paid in the municipal corporation by the 62168  
company to its employees for personal services rendered in the 62169  
company's activity as an electric company. 62170

(3) The numerator of the municipal sales factor shall include 62171  
only the sales of tangible personal property and services, as 62172  
determined under division (C)(3) of this section, made in the 62173  
municipal corporation in the course of the company's activity as 62174  
an electric company. 62175

(E)(1) If the provisions for apportioning adjusted federal 62176  
taxable income or Ohio net income under divisions (B), (C), and 62177  
(D) of this section do not fairly represent business activity in 62178  
this state or among municipal corporations, the tax commissioner 62179  
may adopt rules for apportioning such income by an alternative 62180  
method that fairly represents business activity in this state or 62181  
among municipal corporations. 62182

(2) If any of the factors determined under division (B), (C), 62183  
or (D) of this section does not fairly represent the extent of a 62184  
taxpayer's business activity in this state or among municipal 62185  
corporations, the taxpayer may request, or the tax commissioner 62186  
may require, that the taxpayer's adjusted federal taxable income 62187  
or Ohio net income be determined by an alternative method, 62188  
including any of the alternative methods enumerated in division 62189  
(B)(2)(d) of section 5733.05 of the Revised Code. A taxpayer 62190  
requesting an alternative method shall make the request in writing 62191  
to the tax commissioner either with the annual report, a timely 62192  
filed amended report, or a timely filed petition for reassessment. 62193  
When the tax commissioner requires or permits an alternative 62194  
method under division (E)(2) of this section, the tax commissioner 62195  
shall cause a written notice to that effect to be delivered to any 62196  
municipal corporation that would be affected by application of the 62197  
alternative method. Nothing in this division shall be construed to 62198  
extend any statute of limitations under this chapter. 62199

(F)(1) The tax commissioner may adopt rules providing for the 62200  
combination of adjusted federal taxable incomes of taxpayers 62201  
satisfying the ownership or control requirements of section 62202  
5733.052 of the Revised Code if the tax commissioner finds that 62203  
such combinations are necessary to properly reflect adjusted 62204  
federal taxable income, Ohio net income, or the portion of Ohio 62205  
net income to be taxable by municipal corporations. 62206

(2) A taxpayer satisfying the ownership or control 62207  
requirements of section 5733.052 of the Revised Code with respect 62208  
to one or more other taxpayers may not combine their adjusted 62209  
federal taxable incomes for the purposes of this section unless 62210  
rules are adopted under division (F)(1) of this section allowing 62211  
such a combination or the tax commissioner finds that such a 62212  
combination is necessary to properly reflect the taxpayers' 62213  
adjusted federal taxable incomes, Ohio net incomes, or the portion 62214

of Ohio net incomes to be subject to taxation within a municipal corporation. 62215  
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(G) The tax commissioner may adopt rules providing for alternative apportionment methods for a telephone company. 62217  
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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. 62219  
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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 62234  
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corporation during the ensuing twelve months, the tax commissioner 62246  
shall so notify the municipal corporation and the municipal 62247  
corporation shall issue a refund of the excess to the taxpayer 62248  
within ninety days after receiving such a notice. Interest shall 62249  
accrue on the amount to be refunded and is payable to the taxpayer 62250  
at the rate per annum prescribed by section 5703.47 of the Revised 62251  
Code from the ninety-first day after the notice is received by the 62252  
municipal corporation until the day the refund is paid. 62253  
Immediately after notifying a municipal corporation under this 62254  
division of an excess to be refunded, the commissioner also shall 62255  
notify the director of budget and management of the amount of the 62256  
excess, and the director shall transfer from the municipal income 62257  
tax administrative fund to the municipal income tax fund one and 62258  
one-half per cent of the amount of the excess. The commissioner 62259  
shall include the transferred amount in the computation of the 62260  
amount due the municipal corporation in the next certification to 62261  
the director under division (A) of this section. 62262

**Sec. 5745.13.** If, upon examination of any books, records, 62263  
reports, or other documents of a taxpayer, the tax commissioner 62264  
determines that an adjustment shall be made in the portion of the 62265  
taxpayer's income that is to be apportioned to a municipal 62266  
corporation, the tax commissioner shall notify the taxpayer and, 62267  
if the adjustment causes an adjustment in the taxpayer's tax owed 62268  
to a municipal corporation for the taxpayer's taxable year of more 62269  
than five hundred dollars, shall notify ~~each affected~~ that 62270  
municipal corporation that the taxpayer's tax has been adjusted. 62271

Any municipal corporation to which such a notice is issued 62272  
may request a review and redetermination of the taxpayer's federal 62273  
taxable income, Ohio net income, or the portion of Ohio net income 62274  
apportioned to the municipal corporation by filing a petition with 62275  
the tax commissioner not later than sixty days after the tax 62276  
commissioner issues the notice. The petition shall be filed either 62277

personally or by certified mail, and shall indicate the objections 62278  
of the municipal corporation. 62279

Upon receiving such a petition, if a hearing is requested the 62280  
tax commissioner shall assign a time and place for a hearing on 62281  
the petition and shall notify the petitioner of the time and place 62282  
of the hearing by ordinary mail. The tax commissioner may continue 62283  
the hearing from time to time as necessary. The tax commissioner 62284  
shall make any correction to the taxpayer's federal taxable 62285  
income, Ohio net income, or apportionment of Ohio net income that 62286  
the commissioner finds proper, and issue notice of any correction 62287  
by ordinary mail to the petitioner, to each other municipal 62288  
corporation affected by the correction of the apportionment, and 62289  
to the taxpayer. The tax commissioner's decision on the matter is 62290  
final, and is not subject to further appeal. 62291

**Sec. 5747.01.** Except as otherwise expressly provided or 62292  
clearly appearing from the context, any term used in this chapter 62293  
that is not otherwise defined in this section has the same meaning 62294  
as when used in a comparable context in the laws of the United 62295  
States relating to federal income taxes or if not used in a 62296  
comparable context in those laws, has the same meaning as in 62297  
section 5733.40 of the Revised Code. Any reference in this chapter 62298  
to the Internal Revenue Code includes other laws of the United 62299  
States relating to federal income taxes. 62300

As used in this chapter: 62301

(A) "Adjusted gross income" or "Ohio adjusted gross income" 62302  
means federal adjusted gross income, as defined and used in the 62303  
Internal Revenue Code, adjusted as provided in this section: 62304

(1) Add interest or dividends on obligations or securities of 62305  
any state or of any political subdivision or authority of any 62306  
state, other than this state and its subdivisions and authorities. 62307

(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 62340  
to such income, and (iii) the amount of taxable income that has 62341  
been included in the adjusted gross income of a beneficiary by 62342  
reason of a prior accumulation distribution. Any undistributed net 62343  
income included in the adjusted gross income of a beneficiary 62344  
shall reduce the undistributed net income of the trust commencing 62345  
with the earliest years of the accumulation period. 62346

(7) Deduct the amount of wages and salaries, if any, not 62347  
otherwise allowable as a deduction but that would have been 62348  
allowable as a deduction in computing federal adjusted gross 62349  
income for the taxable year, had the targeted jobs credit allowed 62350  
and determined under sections 38, 51, and 52 of the Internal 62351  
Revenue Code not been in effect. 62352

(8) Deduct any interest or interest equivalent on public 62353  
obligations and purchase obligations to the extent that the 62354  
interest or interest equivalent is included in federal adjusted 62355  
gross income. 62356

(9) Add any loss or deduct any gain resulting from the sale, 62357  
exchange, or other disposition of public obligations to the extent 62358  
that the loss has been deducted or the gain has been included in 62359  
computing federal adjusted gross income. 62360

(10) Deduct or add amounts, as provided under section 5747.70 62361  
of the Revised Code, related to contributions to variable college 62362  
savings program accounts made or tuition units purchased pursuant 62363  
to Chapter 3334. of the Revised Code. 62364

(11)(a) Deduct, to the extent not otherwise allowable as a 62365  
deduction or exclusion in computing federal or Ohio adjusted gross 62366  
income for the taxable year, the amount the taxpayer paid during 62367  
the taxable year for medical care insurance and qualified 62368  
long-term care insurance for the taxpayer, the taxpayer's spouse, 62369  
and dependents. No deduction for medical care insurance under 62370

division (A)(11) of this section shall be allowed either to any taxpayer who is eligible to participate in any subsidized health plan maintained by any employer of the taxpayer or of the taxpayer's spouse, or to any taxpayer who is entitled to, or on application would be entitled to, benefits under part A of Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of division (A)(11)(a) of this section, "subsidized health plan" means a health plan for which the employer pays any portion of the plan's cost. The deduction allowed under division (A)(11)(a) of this section shall be the net of any related premium refunds, related premium reimbursements, or related insurance premium dividends received during the taxable year.

(b) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income during the taxable year, the amount the taxpayer paid during the taxable year, not compensated for by any insurance or otherwise, for medical care of the taxpayer, the taxpayer's spouse, and dependents, to the extent the expenses exceed seven and one-half per cent of the taxpayer's federal adjusted gross income.

(c) For purposes of division (A)(11) of this section, "medical care" has the meaning given in section 213 of the Internal Revenue Code, subject to the special rules, limitations, and exclusions set forth therein, and "qualified long-term care" has the same meaning given in section 7702B(c) of the Internal Revenue Code.

(12)(a) Deduct any amount included in federal adjusted gross income solely because the amount represents a reimbursement or refund of expenses that in any year the taxpayer had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable United States department of the treasury regulations. The deduction otherwise allowed under

division (A)(12)(a) of this section shall be reduced to the extent 62403  
the reimbursement is attributable to an amount the taxpayer 62404  
deducted under this section in any taxable year. 62405

(b) Add any amount not otherwise included in Ohio adjusted 62406  
gross income for any taxable year to the extent that the amount is 62407  
attributable to the recovery during the taxable year of any amount 62408  
deducted or excluded in computing federal or Ohio adjusted gross 62409  
income in any taxable year. 62410

(13) Deduct any portion of the deduction described in section 62411  
1341(a)(2) of the Internal Revenue Code, for repaying previously 62412  
reported income received under a claim of right, that meets both 62413  
of the following requirements: 62414

(a) It is allowable for repayment of an item that was 62415  
included in the taxpayer's adjusted gross income for a prior 62416  
taxable year and did not qualify for a credit under division (A) 62417  
or (B) of section 5747.05 of the Revised Code for that year; 62418

(b) It does not otherwise reduce the taxpayer's adjusted 62419  
gross income for the current or any other taxable year. 62420

(14) Deduct an amount equal to the deposits made to, and net 62421  
investment earnings of, a medical savings account during the 62422  
taxable year, in accordance with section 3924.66 of the Revised 62423  
Code. The deduction allowed by division (A)(14) of this section 62424  
does not apply to medical savings account deposits and earnings 62425  
otherwise deducted or excluded for the current or any other 62426  
taxable year from the taxpayer's federal adjusted gross income. 62427

(15)(a) Add an amount equal to the funds withdrawn from a 62428  
medical savings account during the taxable year, and the net 62429  
investment earnings on those funds, when the funds withdrawn were 62430  
used for any purpose other than to reimburse an account holder 62431  
for, or to pay, eligible medical expenses, in accordance with 62432  
section 3924.66 of the Revised Code; 62433

(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. 62434  
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(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: 62437  
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(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; 62440  
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(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. 62444  
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(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. 62447  
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(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 62455  
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this state and is enrolled in or attending a program that 62465  
culminates in a degree or diploma at an eligible institution. The 62466  
deduction may be claimed only to the extent that qualified tuition 62467  
and fees are not otherwise deducted or excluded for any taxable 62468  
year from federal or Ohio adjusted gross income. The deduction may 62469  
not be claimed for educational expenses for which the taxpayer 62470  
claims a credit under section 5747.27 of the Revised Code. 62471

(19) Add any reimbursement received during the taxable year 62472  
of any amount the taxpayer deducted under division (A)(18) of this 62473  
section in any previous taxable year to the extent the amount is 62474  
not otherwise included in Ohio adjusted gross income. 62475

(20)(a)(i) Add five-sixths of the amount of depreciation 62476  
expense allowed by subsection (k) of section 168 of the Internal 62477  
Revenue Code, including the taxpayer's proportionate or 62478  
distributive share of the amount of depreciation expense allowed 62479  
by that subsection to a pass-through entity in which the taxpayer 62480  
has a direct or indirect ownership interest. 62481

(ii) Add five-sixths of the amount of qualifying section 179 62482  
depreciation expense, including a person's proportionate or 62483  
distributive share of the amount of qualifying section 179 62484  
depreciation expense allowed to any pass-through entity in which 62485  
the person has a direct or indirect ownership. For the purposes of 62486  
this division, "qualifying section 179 depreciation expense" means 62487  
the difference between (I) the amount of depreciation expense 62488  
directly or indirectly allowed to the taxpayer under section 179 62489  
of the Internal Revenue Code, and (II) the amount of depreciation 62490  
expense directly or indirectly allowed to the taxpayer under 62491  
section 179 of the Internal Revenue Code as that section existed 62492  
on December 31, 2002. 62493

The tax commissioner, under procedures established by the 62494  
commissioner, may waive the add-backs related to a pass-through 62495  
entity if the taxpayer owns, directly or indirectly, less than 62496

five per cent of the pass-through entity. 62497

(b) Nothing in division (A)(20) of this section shall be 62498  
construed to adjust or modify the adjusted basis of any asset. 62499

(c) To the extent the add-back required under division 62500  
(A)(20)(a) of this section is attributable to property generating 62501  
nonbusiness income or loss allocated under section 5747.20 of the 62502  
Revised Code, the add-back shall be situated to the same location 62503  
as the nonbusiness income or loss generated by the property for 62504  
the purpose of determining the credit under division (A) of 62505  
section 5747.05 of the Revised Code. Otherwise, the add-back shall 62506  
be apportioned, subject to one or more of the four alternative 62507  
methods of apportionment enumerated in section 5747.21 of the 62508  
Revised Code. 62509

(d) For the purposes of division (A) of this section, net 62510  
operating loss carryback and carryforward shall not include 62511  
five-sixths of the allowance of any net operating loss deduction 62512  
carryback or carryforward to the taxable year to the extent such 62513  
loss resulted from depreciation allowed by section 168(k) of the 62514  
Internal Revenue Code and by the qualifying section 179 62515  
depreciation expense amount. 62516

(21)(a) If the taxpayer was required to add an amount under 62517  
division (A)(20)(a) of this section for a taxable year, deduct 62518  
one-fifth of the amount so added for each of the five succeeding 62519  
taxable years. 62520

(b) If the amount deducted under division (A)(21)(a) of this 62521  
section is attributable to an add-back allocated under division 62522  
(A)(20)(c) of this section, the amount deducted shall be situated 62523  
to the same location. Otherwise, the add-back shall be apportioned 62524  
using the apportionment factors for the taxable year in which the 62525  
deduction is taken, subject to one or more of the four alternative 62526  
methods of apportionment enumerated in section 5747.21 of the 62527

Revised Code. 62528

(c) No deduction is available under division (A)(21)(a) of 62529  
this section with regard to any depreciation allowed by section 62530  
168(k) of the Internal Revenue Code and by the qualifying section 62531  
179 depreciation expense amount to the extent that such 62532  
depreciation resulted in or increased a federal net operating loss 62533  
carryback or carryforward to a taxable year to which division 62534  
(A)(20)(d) of this section does not apply. 62535

(22) Deduct, to the extent not otherwise deducted or excluded 62536  
in computing federal or Ohio adjusted gross income for the taxable 62537  
year, the amount the taxpayer received during the taxable year as 62538  
reimbursement for life insurance premiums under section 5919.31 of 62539  
the Revised Code. 62540

(23) Deduct, to the extent not otherwise deducted or excluded 62541  
in computing federal or Ohio adjusted gross income for the taxable 62542  
year, the amount the taxpayer received during the taxable year as 62543  
a death benefit paid by the adjutant general under section 5919.33 62544  
of the Revised Code. 62545

(24) Deduct, to the extent included in federal adjusted gross 62546  
income and not otherwise allowable as a deduction or exclusion in 62547  
computing federal or Ohio adjusted gross income for the taxable 62548  
year, military pay and allowances received by the taxpayer during 62549  
the taxable year for active duty service in the United States 62550  
army, air force, navy, marine corps, or coast guard or reserve 62551  
components thereof or the national guard. The deduction may not be 62552  
claimed for military pay and allowances received by the taxpayer 62553  
while the taxpayer is stationed in this state. 62554

(25) Deduct, to the extent not otherwise allowable as a 62555  
deduction or exclusion in computing federal or Ohio adjusted gross 62556  
income for the taxable year and not otherwise compensated for by 62557  
any other source, the amount of qualified organ donation expenses 62558

incurred by the taxpayer during the taxable year, not to exceed 62559  
ten thousand dollars. A taxpayer may deduct qualified organ 62560  
donation expenses only once for all taxable years beginning with 62561  
taxable years beginning in 2007. 62562

For the purposes of division (A)(25) of this section: 62563

(a) "Human organ" means all or any portion of a human liver, 62564  
pancreas, kidney, intestine, or lung, and any portion of human 62565  
bone marrow. 62566

(b) "Qualified organ donation expenses" means travel 62567  
expenses, lodging expenses, and wages and salary forgone by a 62568  
taxpayer in connection with the taxpayer's donation, while living, 62569  
of one or more of the taxpayer's human organs to another human 62570  
being. 62571

(B) "Business income" means income, including gain or loss, 62572  
arising from transactions, activities, and sources in the regular 62573  
course of a trade or business and includes income, gain, or loss 62574  
from real property, tangible property, and intangible property if 62575  
the acquisition, rental, management, and disposition of the 62576  
property constitute integral parts of the regular course of a 62577  
trade or business operation. "Business income" includes income, 62578  
including gain or loss, from a partial or complete liquidation of 62579  
a business, including, but not limited to, gain or loss from the 62580  
sale or other disposition of goodwill. 62581

(C) "Nonbusiness income" means all income other than business 62582  
income and may include, but is not limited to, compensation, rents 62583  
and royalties from real or tangible personal property, capital 62584  
gains, interest, dividends and distributions, patent or copyright 62585  
royalties, or lottery winnings, prizes, and awards. 62586

(D) "Compensation" means any form of remuneration paid to an 62587  
employee for personal services. 62588

(E) "Fiduciary" means a guardian, trustee, executor, 62589

administrator, receiver, conservator, or any other person acting 62590  
in any fiduciary capacity for any individual, trust, or estate. 62591

(F) "Fiscal year" means an accounting period of twelve months 62592  
ending on the last day of any month other than December. 62593

(G) "Individual" means any natural person. 62594

(H) "Internal Revenue Code" means the "Internal Revenue Code 62595  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 62596

(I) "Resident" means any of the following, provided that 62597  
division (I)(3) of this section applies only to taxable years of a 62598  
trust beginning in 2002 or thereafter: 62599

(1) An individual who is domiciled in this state, subject to 62600  
section 5747.24 of the Revised Code; 62601

(2) The estate of a decedent who at the time of death was 62602  
domiciled in this state. The domicile tests of section 5747.24 of 62603  
the Revised Code are not controlling for purposes of division 62604  
(I)(2) of this section. 62605

(3) A trust that, in whole or part, resides in this state. If 62606  
only part of a trust resides in this state, the trust is a 62607  
resident only with respect to that part. 62608

For the purposes of division (I)(3) of this section: 62609

(a) A trust resides in this state for the trust's current 62610  
taxable year to the extent, as described in division (I)(3)(d) of 62611  
this section, that the trust consists directly or indirectly, in 62612  
whole or in part, of assets, net of any related liabilities, that 62613  
were transferred, or caused to be transferred, directly or 62614  
indirectly, to the trust by any of the following: 62615

(i) A person, a court, or a governmental entity or 62616  
instrumentality on account of the death of a decedent, but only if 62617  
the trust is described in division (I)(3)(e)(i) or (ii) of this 62618  
section; 62619

(ii) A person who was domiciled in this state for the 62620  
purposes of this chapter when the person directly or indirectly 62621  
transferred assets to an irrevocable trust, but only if at least 62622  
one of the trust's qualifying beneficiaries is domiciled in this 62623  
state for the purposes of this chapter during all or some portion 62624  
of the trust's current taxable year; 62625

(iii) A person who was domiciled in this state for the 62626  
purposes of this chapter when the trust document or instrument or 62627  
part of the trust document or instrument became irrevocable, but 62628  
only if at least one of the trust's qualifying beneficiaries is a 62629  
resident domiciled in this state for the purposes of this chapter 62630  
during all or some portion of the trust's current taxable year. If 62631  
a trust document or instrument became irrevocable upon the death 62632  
of a person who at the time of death was domiciled in this state 62633  
for purposes of this chapter, that person is a person described in 62634  
division (I)(3)(a)(iii) of this section. 62635

(b) A trust is irrevocable to the extent that the transferor 62636  
is not considered to be the owner of the net assets of the trust 62637  
under sections 671 to 678 of the Internal Revenue Code. 62638

(c) With respect to a trust other than a charitable lead 62639  
trust, "qualifying beneficiary" has the same meaning as "potential 62640  
current beneficiary" as defined in section 1361(e)(2) of the 62641  
Internal Revenue Code, and with respect to a charitable lead trust 62642  
"qualifying beneficiary" is any current, future, or contingent 62643  
beneficiary, but with respect to any trust "qualifying 62644  
beneficiary" excludes a person or a governmental entity or 62645  
instrumentality to any of which a contribution would qualify for 62646  
the charitable deduction under section 170 of the Internal Revenue 62647  
Code. 62648

(d) For the purposes of division (I)(3)(a) of this section, 62649  
the extent to which a trust consists directly or indirectly, in 62650  
whole or in part, of assets, net of any related liabilities, that 62651

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 62683  
the testator's death for purposes of the taxes levied under 62684  
Chapter 5731. of the Revised Code. 62685

(ii) A trust is described in division (I)(3)(e)(ii) of this 62686  
section if the transfer is a qualifying transfer described in any 62687  
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 62688  
irrevocable inter vivos trust, and at least one of the trust's 62689  
qualifying beneficiaries is domiciled in this state for purposes 62690  
of this chapter during all or some portion of the trust's current 62691  
taxable year. 62692

(f) For the purposes of division (I)(3)(e)(ii) of this 62693  
section, a "qualifying transfer" is a transfer of assets, net of 62694  
any related liabilities, directly or indirectly to a trust, if the 62695  
transfer is described in any of the following: 62696

(i) The transfer is made to a trust, created by the decedent 62697  
before the decedent's death and while the decedent was domiciled 62698  
in this state for the purposes of this chapter, and, prior to the 62699  
death of the decedent, the trust became irrevocable while the 62700  
decedent was domiciled in this state for the purposes of this 62701  
chapter. 62702

(ii) The transfer is made to a trust to which the decedent, 62703  
prior to the decedent's death, had directly or indirectly 62704  
transferred assets, net of any related liabilities, while the 62705  
decedent was domiciled in this state for the purposes of this 62706  
chapter, and prior to the death of the decedent the trust became 62707  
irrevocable while the decedent was domiciled in this state for the 62708  
purposes of this chapter. 62709

(iii) The transfer is made on account of a contractual 62710  
relationship existing directly or indirectly between the 62711  
transferor and either the decedent or the estate of the decedent 62712  
at any time prior to the date of the decedent's death, and the 62713

decedent was domiciled in this state at the time of death for 62714  
purposes of the taxes levied under Chapter 5731. of the Revised 62715  
Code. 62716

(iv) The transfer is made to a trust on account of a 62717  
contractual relationship existing directly or indirectly between 62718  
the transferor and another person who at the time of the 62719  
decedent's death was domiciled in this state for purposes of this 62720  
chapter. 62721

(v) The transfer is made to a trust on account of the will of 62722  
a testator. 62723

(vi) The transfer is made to a trust created by or caused to 62724  
be created by a court, and the trust was directly or indirectly 62725  
created in connection with or as a result of the death of an 62726  
individual who, for purposes of the taxes levied under Chapter 62727  
5731. of the Revised Code, was domiciled in this state at the time 62728  
of the individual's death. 62729

(g) The tax commissioner may adopt rules to ascertain the 62730  
part of a trust residing in this state. 62731

(J) "Nonresident" means an individual or estate that is not a 62732  
resident. An individual who is a resident for only part of a 62733  
taxable year is a nonresident for the remainder of that taxable 62734  
year. 62735

(K) "Pass-through entity" has the same meaning as in section 62736  
5733.04 of the Revised Code. 62737

(L) "Return" means the notifications and reports required to 62738  
be filed pursuant to this chapter for the purpose of reporting the 62739  
tax due and includes declarations of estimated tax when so 62740  
required. 62741

(M) "Taxable year" means the calendar year or the taxpayer's 62742  
fiscal year ending during the calendar year, or fractional part 62743

thereof, upon which the adjusted gross income is calculated 62744  
pursuant to this chapter. 62745

(N) "Taxpayer" means any person subject to the tax imposed by 62746  
section 5747.02 of the Revised Code or any pass-through entity 62747  
that makes the election under division (D) of section 5747.08 of 62748  
the Revised Code. 62749

(O) "Dependents" means dependents as defined in the Internal 62750  
Revenue Code and as claimed in the taxpayer's federal income tax 62751  
return for the taxable year or which the taxpayer would have been 62752  
permitted to claim had the taxpayer filed a federal income tax 62753  
return. 62754

(P) "Principal county of employment" means, in the case of a 62755  
nonresident, the county within the state in which a taxpayer 62756  
performs services for an employer or, if those services are 62757  
performed in more than one county, the county in which the major 62758  
portion of the services are performed. 62759

(Q) As used in sections 5747.50 to 5747.55 of the Revised 62760  
Code: 62761

(1) "Subdivision" means any county, municipal corporation, 62762  
park district, or township. 62763

(2) "Essential local government purposes" includes all 62764  
functions that any subdivision is required by general law to 62765  
exercise, including like functions that are exercised under a 62766  
charter adopted pursuant to the Ohio Constitution. 62767

(R) "Overpayment" means any amount already paid that exceeds 62768  
the figure determined to be the correct amount of the tax. 62769

(S) "Taxable income" or "Ohio taxable income" applies only to 62770  
estates and trusts, and means federal taxable income, as defined 62771  
and used in the Internal Revenue Code, adjusted as follows: 62772

(1) Add interest or dividends, net of ordinary, necessary, 62773

and reasonable expenses not deducted in computing federal taxable 62774  
income, on obligations or securities of any state or of any 62775  
political subdivision or authority of any state, other than this 62776  
state and its subdivisions and authorities, but only to the extent 62777  
that such net amount is not otherwise includible in Ohio taxable 62778  
income and is described in either division (S)(1)(a) or (b) of 62779  
this section: 62780

(a) The net amount is not attributable to the S portion of an 62781  
electing small business trust and has not been distributed to 62782  
beneficiaries for the taxable year; 62783

(b) The net amount is attributable to the S portion of an 62784  
electing small business trust for the taxable year. 62785

(2) Add interest or dividends, net of ordinary, necessary, 62786  
and reasonable expenses not deducted in computing federal taxable 62787  
income, on obligations of any authority, commission, 62788  
instrumentality, territory, or possession of the United States to 62789  
the extent that the interest or dividends are exempt from federal 62790  
income taxes but not from state income taxes, but only to the 62791  
extent that such net amount is not otherwise includible in Ohio 62792  
taxable income and is described in either division (S)(1)(a) or 62793  
(b) of this section; 62794

(3) Add the amount of personal exemption allowed to the 62795  
estate pursuant to section 642(b) of the Internal Revenue Code; 62796

(4) Deduct interest or dividends, net of related expenses 62797  
deducted in computing federal taxable income, on obligations of 62798  
the United States and its territories and possessions or of any 62799  
authority, commission, or instrumentality of the United States to 62800  
the extent that the interest or dividends are exempt from state 62801  
taxes under the laws of the United States, but only to the extent 62802  
that such amount is included in federal taxable income and is 62803  
described in either division (S)(1)(a) or (b) of this section; 62804

(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. 62837

(b) Add any amount not otherwise included in Ohio taxable 62838  
income for any taxable year to the extent that the amount is 62839  
attributable to the recovery during the taxable year of any amount 62840  
deducted or excluded in computing federal or Ohio taxable income 62841  
in any taxable year, but only to the extent such amount has not 62842  
been distributed to beneficiaries for the taxable year. 62843

(10) Deduct any portion of the deduction described in section 62844  
1341(a)(2) of the Internal Revenue Code, for repaying previously 62845  
reported income received under a claim of right, that meets both 62846  
of the following requirements: 62847

(a) It is allowable for repayment of an item that was 62848  
included in the taxpayer's taxable income or the decedent's 62849  
adjusted gross income for a prior taxable year and did not qualify 62850  
for a credit under division (A) or (B) of section 5747.05 of the 62851  
Revised Code for that year. 62852

(b) It does not otherwise reduce the taxpayer's taxable 62853  
income or the decedent's adjusted gross income for the current or 62854  
any other taxable year. 62855

(11) Add any amount claimed as a credit under section 62856  
5747.059 of the Revised Code to the extent that the amount 62857  
satisfies either of the following: 62858

(a) The amount was deducted or excluded from the computation 62859  
of the taxpayer's federal taxable income as required to be 62860  
reported for the taxpayer's taxable year under the Internal 62861  
Revenue Code; 62862

(b) The amount resulted in a reduction in the taxpayer's 62863  
federal taxable income as required to be reported for any of the 62864  
taxpayer's taxable years under the Internal Revenue Code. 62865

(12) Deduct any amount, net of related expenses deducted in 62866

computing federal taxable income, that a trust is required to 62867  
report as farm income on its federal income tax return, but only 62868  
if the assets of the trust include at least ten acres of land 62869  
satisfying the definition of "land devoted exclusively to 62870  
agricultural use" under section 5713.30 of the Revised Code, 62871  
regardless of whether the land is valued for tax purposes as such 62872  
land under sections 5713.30 to 5713.38 of the Revised Code. If the 62873  
trust is a pass-through entity investor, section 5747.231 of the 62874  
Revised Code applies in ascertaining if the trust is eligible to 62875  
claim the deduction provided by division (S)(12) of this section 62876  
in connection with the pass-through entity's farm income. 62877

Except for farm income attributable to the S portion of an 62878  
electing small business trust, the deduction provided by division 62879  
(S)(12) of this section is allowed only to the extent that the 62880  
trust has not distributed such farm income. Division (S)(12) of 62881  
this section applies only to taxable years of a trust beginning in 62882  
2002 or thereafter. 62883

(13) Add the net amount of income described in section 641(c) 62884  
of the Internal Revenue Code to the extent that amount is not 62885  
included in federal taxable income. 62886

(14) Add or deduct the amount the taxpayer would be required 62887  
to add or deduct under division (A)(20) or (21) of this section if 62888  
the taxpayer's Ohio taxable income were computed in the same 62889  
manner as an individual's Ohio adjusted gross income is computed 62890  
under this section. In the case of a trust, division (S)(14) of 62891  
this section applies only to any of the trust's taxable years 62892  
beginning in 2002 or thereafter. 62893

(T) "School district income" and "school district income tax" 62894  
have the same meanings as in section 5748.01 of the Revised Code. 62895

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 62896  
of this section, "public obligations," "purchase obligations," and 62897

"interest or interest equivalent" have the same meanings as in 62898  
section 5709.76 of the Revised Code. 62899

(V) "Limited liability company" means any limited liability 62900  
company formed under Chapter 1705. of the Revised Code or under 62901  
the laws of any other state. 62902

(W) "Pass-through entity investor" means any person who, 62903  
during any portion of a taxable year of a pass-through entity, is 62904  
a partner, member, shareholder, or equity investor in that 62905  
pass-through entity. 62906

(X) "Banking day" has the same meaning as in section 1304.01 62907  
of the Revised Code. 62908

(Y) "Month" means a calendar month. 62909

(Z) "Quarter" means the first three months, the second three 62910  
months, the third three months, or the last three months of the 62911  
taxpayer's taxable year. 62912

(AA)(1) "Eligible institution" means a state university or 62913  
state institution of higher education as defined in section 62914  
3345.011 of the Revised Code, or a private, nonprofit college, 62915  
university, or other post-secondary institution located in this 62916  
state that possesses a certificate of authorization issued by the 62917  
Ohio board of regents pursuant to Chapter 1713. of the Revised 62918  
Code or a certificate of registration issued by the state board of 62919  
career colleges and schools under Chapter 3332. of the Revised 62920  
Code. 62921

(2) "Qualified tuition and fees" means tuition and fees 62922  
imposed by an eligible institution as a condition of enrollment or 62923  
attendance, not exceeding two thousand five hundred dollars in 62924  
each of the individual's first two years of post-secondary 62925  
education. If the individual is a part-time student, "qualified 62926  
tuition and fees" includes tuition and fees paid for the academic 62927  
equivalent of the first two years of post-secondary education 62928

during a maximum of five taxable years, not exceeding a total of 62929  
five thousand dollars. "Qualified tuition and fees" does not 62930  
include: 62931

(a) Expenses for any course or activity involving sports, 62932  
games, or hobbies unless the course or activity is part of the 62933  
individual's degree or diploma program; 62934

(b) The cost of books, room and board, student activity fees, 62935  
athletic fees, insurance expenses, or other expenses unrelated to 62936  
the individual's academic course of instruction; 62937

(c) Tuition, fees, or other expenses paid or reimbursed 62938  
through an employer, scholarship, grant in aid, or other 62939  
educational benefit program. 62940

(BB)(1) "Modified business income" means the business income 62941  
included in a trust's Ohio taxable income after such taxable 62942  
income is first reduced by the qualifying trust amount, if any. 62943

(2) "Qualifying trust amount" of a trust means capital gains 62944  
and losses from the sale, exchange, or other disposition of equity 62945  
or ownership interests in, or debt obligations of, a qualifying 62946  
investee to the extent included in the trust's Ohio taxable 62947  
income, but only if the following requirements are satisfied: 62948

(a) The book value of the qualifying investee's physical 62949  
assets in this state and everywhere, as of the last day of the 62950  
qualifying investee's fiscal or calendar year ending immediately 62951  
prior to the date on which the trust recognizes the gain or loss, 62952  
is available to the trust. 62953

(b) The requirements of section 5747.011 of the Revised Code 62954  
are satisfied for the trust's taxable year in which the trust 62955  
recognizes the gain or loss. 62956

Any gain or loss that is not a qualifying trust amount is 62957  
modified business income, qualifying investment income, or 62958

modified nonbusiness income, as the case may be. 62959

(3) "Modified nonbusiness income" means a trust's Ohio 62960  
taxable income other than modified business income, other than the 62961  
qualifying trust amount, and other than qualifying investment 62962  
income, as defined in section 5747.012 of the Revised Code, to the 62963  
extent such qualifying investment income is not otherwise part of 62964  
modified business income. 62965

(4) "Modified Ohio taxable income" applies only to trusts, 62966  
and means the sum of the amounts described in divisions (BB)(4)(a) 62967  
to (c) of this section: 62968

(a) The fraction, calculated under section 5747.013, and 62969  
applying section 5747.231 of the Revised Code, multiplied by the 62970  
sum of the following amounts: 62971

(i) The trust's modified business income; 62972

(ii) The trust's qualifying investment income, as defined in 62973  
section 5747.012 of the Revised Code, but only to the extent the 62974  
qualifying investment income does not otherwise constitute 62975  
modified business income and does not otherwise constitute a 62976  
qualifying trust amount. 62977

(b) The qualifying trust amount multiplied by a fraction, the 62978  
numerator of which is the sum of the book value of the qualifying 62979  
investee's physical assets in this state on the last day of the 62980  
qualifying investee's fiscal or calendar year ending immediately 62981  
prior to the day on which the trust recognizes the qualifying 62982  
trust amount, and the denominator of which is the sum of the book 62983  
value of the qualifying investee's total physical assets 62984  
everywhere on the last day of the qualifying investee's fiscal or 62985  
calendar year ending immediately prior to the day on which the 62986  
trust recognizes the qualifying trust amount. If, for a taxable 62987  
year, the trust recognizes a qualifying trust amount with respect 62988  
to more than one qualifying investee, the amount described in 62989

division (BB)(4)(b) of this section shall equal the sum of the 62990  
products so computed for each such qualifying investee. 62991

(c)(i) With respect to a trust or portion of a trust that is 62992  
a resident as ascertained in accordance with division (I)(3)(d) of 62993  
this section, its modified nonbusiness income. 62994

(ii) With respect to a trust or portion of a trust that is 62995  
not a resident as ascertained in accordance with division 62996  
(I)(3)(d) of this section, the amount of its modified nonbusiness 62997  
income satisfying the descriptions in divisions (B)(2) to (5) of 62998  
section 5747.20 of the Revised Code, except as otherwise provided 62999  
in division (BB)(4)(c)(ii) of this section. With respect to a 63000  
trust or portion of a trust that is not a resident as ascertained 63001  
in accordance with division (I)(3)(d) of this section, the trust's 63002  
portion of modified nonbusiness income recognized from the sale, 63003  
exchange, or other disposition of a debt interest in or equity 63004  
interest in a section 5747.212 entity, as defined in section 63005  
5747.212 of the Revised Code, without regard to division (A) of 63006  
that section, shall not be allocated to this state in accordance 63007  
with section 5747.20 of the Revised Code but shall be apportioned 63008  
to this state in accordance with division (B) of section 5747.212 63009  
of the Revised Code without regard to division (A) of that 63010  
section. 63011

If the allocation and apportionment of a trust's income under 63012  
divisions (BB)(4)(a) and (c) of this section do not fairly 63013  
represent the modified Ohio taxable income of the trust in this 63014  
state, the alternative methods described in division (C) of 63015  
section 5747.21 of the Revised Code may be applied in the manner 63016  
and to the same extent provided in that section. 63017

(5)(a) Except as set forth in division (BB)(5)(b) of this 63018  
section, "qualifying investee" means a person in which a trust has 63019  
an equity or ownership interest, or a person or unit of government 63020  
the debt obligations of either of which are owned by a trust. For 63021

the purposes of division (BB)(2)(a) of this section and for the 63022  
purpose of computing the fraction described in division (BB)(4)(b) 63023  
of this section, all of the following apply: 63024

(i) If the qualifying investee is a member of a qualifying 63025  
controlled group on the last day of the qualifying investee's 63026  
fiscal or calendar year ending immediately prior to the date on 63027  
which the trust recognizes the gain or loss, then "qualifying 63028  
investee" includes all persons in the qualifying controlled group 63029  
on such last day. 63030

(ii) If the qualifying investee, or if the qualifying 63031  
investee and any members of the qualifying controlled group of 63032  
which the qualifying investee is a member on the last day of the 63033  
qualifying investee's fiscal or calendar year ending immediately 63034  
prior to the date on which the trust recognizes the gain or loss, 63035  
separately or cumulatively own, directly or indirectly, on the 63036  
last day of the qualifying investee's fiscal or calendar year 63037  
ending immediately prior to the date on which the trust recognizes 63038  
the qualifying trust amount, more than fifty per cent of the 63039  
equity of a pass-through entity, then the qualifying investee and 63040  
the other members are deemed to own the proportionate share of the 63041  
pass-through entity's physical assets which the pass-through 63042  
entity directly or indirectly owns on the last day of the 63043  
pass-through entity's calendar or fiscal year ending within or 63044  
with the last day of the qualifying investee's fiscal or calendar 63045  
year ending immediately prior to the date on which the trust 63046  
recognizes the qualifying trust amount. 63047

(iii) For the purposes of division (BB)(5)(a)(iii) of this 63048  
section, "upper level pass-through entity" means a pass-through 63049  
entity directly or indirectly owning any equity of another 63050  
pass-through entity, and "lower level pass-through entity" means 63051  
that other pass-through entity. 63052

An upper level pass-through entity, whether or not it is also 63053

a qualifying investee, is deemed to own, on the last day of the 63054  
upper level pass-through entity's calendar or fiscal year, the 63055  
proportionate share of the lower level pass-through entity's 63056  
physical assets that the lower level pass-through entity directly 63057  
or indirectly owns on the last day of the lower level pass-through 63058  
entity's calendar or fiscal year ending within or with the last 63059  
day of the upper level pass-through entity's fiscal or calendar 63060  
year. If the upper level pass-through entity directly and 63061  
indirectly owns less than fifty per cent of the equity of the 63062  
lower level pass-through entity on each day of the upper level 63063  
pass-through entity's calendar or fiscal year in which or with 63064  
which ends the calendar or fiscal year of the lower level 63065  
pass-through entity and if, based upon clear and convincing 63066  
evidence, complete information about the location and cost of the 63067  
physical assets of the lower pass-through entity is not available 63068  
to the upper level pass-through entity, then solely for purposes 63069  
of ascertaining if a gain or loss constitutes a qualifying trust 63070  
amount, the upper level pass-through entity shall be deemed as 63071  
owning no equity of the lower level pass-through entity for each 63072  
day during the upper level pass-through entity's calendar or 63073  
fiscal year in which or with which ends the lower level 63074  
pass-through entity's calendar or fiscal year. Nothing in division 63075  
(BB)(5)(a)(iii) of this section shall be construed to provide for 63076  
any deduction or exclusion in computing any trust's Ohio taxable 63077  
income. 63078

(b) With respect to a trust that is not a resident for the 63079  
taxable year and with respect to a part of a trust that is not a 63080  
resident for the taxable year, "qualifying investee" for that 63081  
taxable year does not include a C corporation if both of the 63082  
following apply: 63083

(i) During the taxable year the trust or part of the trust 63084  
recognizes a gain or loss from the sale, exchange, or other 63085

disposition of equity or ownership interests in, or debt obligations of, the C corporation.	63086 63087
(ii) Such gain or loss constitutes nonbusiness income.	63088
(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.	63089 63090 63091 63092
(CC) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code.	63093 63094
(DD) "Related member" has the same meaning as in section 5733.042 of the Revised Code.	63095 63096
(EE)(1) For the purposes of division (EE) of this section:	63097
(a) "Qualifying person" means any person other than a qualifying corporation.	63098 63099
(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following:	63100 63101 63102
(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;	63103 63104 63105 63106
(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.	63107 63108 63109 63110
(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.	63111 63112 63113
(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:	63114 63115

(1) "Trust" does not include a qualified pre-income tax trust. 63116  
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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. 63118  
63119  
63120

(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. 63121  
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(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements: 63132  
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(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972; 63134  
63135

(b) The trust became irrevocable upon the creation of the trust; and 63136  
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(c) The grantor was domiciled in this state at the time the trust was created. 63138  
63139

**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+ 63140  
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63142  
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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~~ 63144  
63145

~~fund, which is hereby created in the state treasury, for 63146  
distribution in accordance with section 5747.50 of the Revised 63147  
Code; 63148~~

~~(2) Credit an amount equal to five and seven tenths per cent 63149  
of those taxes collected under this chapter to the library and 63150  
local government support fund, which is hereby created in the 63151  
state treasury, for distribution in accordance with section 63152  
5747.47 of the Revised Code; 63153~~

~~(3) At, at the beginning of each calendar quarter, credit to 63154  
the Ohio political party fund, pursuant to section 3517.16 of the 63155  
Revised Code, an amount equal to the total dollar value realized 63156  
from the taxpayer exercise of the income tax checkoff option on 63157  
tax forms processed during the preceding calendar quarter; 63158~~

~~(4) Credit an amount equal to six tenths of one per cent of 63159  
those taxes collected under this chapter to the local government 63160  
revenue assistance fund for distribution in accordance with 63161  
section 5747.61 of the Revised Code. 63162~~

(B)(1) Following the crediting of moneys pursuant to division 63163  
(A) of this section, the remainder deposited in the general 63164  
revenue fund shall be distributed pursuant to division (F) of 63165  
section 321.24 and section 323.156 of the Revised Code; to make 63166  
subsidy payments to institutions of higher education from 63167  
appropriations to the Ohio board of regents; to support 63168  
expenditures for programs and services for the mentally ill, 63169  
mentally retarded, developmentally disabled, and elderly; for 63170  
primary and secondary education; for medical assistance; and for 63171  
any other purposes authorized by law, subject to the limitation 63172  
that at least fifty per cent of the income tax collected by the 63173  
state from the tax imposed by section 5747.02 of the Revised Code 63174  
shall be returned pursuant to Section 9 of Article XII, Ohio 63175  
Constitution. 63176

(2) To ensure that such constitutional requirement is 63177  
satisfied the tax commissioner shall, on or before the thirtieth 63178  
day of June of each year, from the best information available to 63179  
the tax commissioner, determine and certify for each county to the 63180  
director of budget and management the amount of taxes collected 63181  
under this chapter from the tax imposed under section 5747.02 of 63182  
the Revised Code during the preceding calendar year that are 63183  
required to be returned to the county by Section 9 of Article XII, 63184  
Ohio Constitution. The director shall provide for payment from the 63185  
general revenue fund to the county in the amount, if any, that the 63186  
sum of the amount so certified for that county exceeds the sum of 63187  
the following: 63188

(a) The sum of the payments from the general revenue fund for 63189  
the preceding calendar year credited to the ~~credit of the~~ county's 63190  
undivided income tax fund pursuant to division (F) of section 63191  
321.24 and section 323.156 of the Revised Code or made directly 63192  
from the general revenue fund to political subdivisions located in 63193  
the county; 63194

(b) The sum of the amounts from the general revenue fund 63195  
distributed in the county during the preceding calendar year for 63196  
subsidy payments to institutions of higher education from 63197  
appropriations to the Ohio board of regents; for programs and 63198  
services for mentally ill, mentally retarded, developmentally 63199  
disabled, and elderly persons; for primary and secondary 63200  
education; and for medical assistance. 63201

(c) ~~The~~ In the case of payments made by the director under 63202  
this division in 2007, the total amount distributed to the county 63203  
during the preceding calendar year from the local government fund 63204  
and the local government revenue assistance fund, and, in the case 63205  
of payments made by the director under this division in subsequent 63206  
calendar years, the amount distributed to the county from the 63207  
local government fund; 63208

(d) ~~The~~ In the case of payments made by the director under 63209  
this division, the total amount distributed to the county during 63210  
the preceding calendar year from the library and local government 63211  
support fund~~+~~ 63212

~~(e) The amount distributed to the county during the preceding~~ 63213  
~~calendar year from the local government revenue assistance fund.~~ 63214

Payments under this division shall be credited to the 63215  
county's undivided income tax fund, except that, notwithstanding 63216  
section 5705.14 of the Revised Code, such payments may be 63217  
transferred by the board of county commissioners to the county 63218  
general fund by resolution adopted with the affirmative vote of 63219  
two-thirds of the members thereof. 63220

(C) All payments received in each month from taxes imposed 63221  
under Chapter 5748. of the Revised Code and any penalties or 63222  
interest thereon shall be paid into the school district income tax 63223  
fund, which is hereby created in the state treasury, except that 63224  
an amount equal to the following portion of such payments shall be 63225  
paid into the general school district income tax administrative 63226  
fund, which is hereby created in the state treasury: 63227

(1) One and three-quarters of one per cent of those received 63228  
in fiscal year 1996; 63229

(2) One and one-half per cent of those received in fiscal 63230  
year 1997 and thereafter. 63231

Money in the school district income tax administrative fund 63232  
shall be used by the tax commissioner to defray costs incurred in 63233  
administering the school district's income tax, including the cost 63234  
of providing employers with information regarding the rate of tax 63235  
imposed by any school district. Any moneys remaining in the fund 63236  
after such use shall be deposited in the school district income 63237  
tax fund. 63238

All interest earned on moneys in the school district income 63239

tax fund shall be credited to the fund. 63240

(D)(1)(a) Within thirty days of the end of each calendar 63241  
quarter ending on the last day of March, June, September, and 63242  
December, the director of budget and management shall make a 63243  
payment from the school district income tax fund to each school 63244  
district for which school district income tax revenue was received 63245  
during that quarter. The amount of the payment shall equal the 63246  
balance in the school district's account at the end of that 63247  
quarter. 63248

(b) After a school district ceases to levy an income tax, the 63249  
director of budget and management shall adjust the payments under 63250  
division (D)(1)(a) of this section to retain sufficient money in 63251  
the school district's account to pay refunds. For the calendar 63252  
quarters ending on the last day of March and December of the 63253  
calendar year following the last calendar year the tax is levied, 63254  
the director shall make the payments in the amount required under 63255  
division (D)(1)(a) of this section. For the calendar quarter 63256  
ending on the last day of June of the calendar year following the 63257  
last calendar year the tax is levied, the director shall make a 63258  
payment equal to nine-tenths of the balance in the account at the 63259  
end of that quarter. For the calendar quarter ending on the last 63260  
day of September of the calendar year following the last calendar 63261  
year the tax is levied, the director shall make no payment. For 63262  
the second and succeeding calendar years following the last 63263  
calendar year the tax is levied, the director shall make one 63264  
payment each year, within thirty days of the last day of June, in 63265  
an amount equal to the balance in the district's account on the 63266  
last day of June. 63267

(2) Moneys paid to a school district under this division 63268  
shall be deposited in its school district income tax fund. All 63269  
interest earned on moneys in the school district income tax fund 63270  
shall be apportioned by the tax commissioner pro rata among the 63271

school districts in the proportions and at the times the districts  
are entitled to receive payments under this division.

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**Sec. 5747.47.** (A)(1) By the twentieth day of July of each  
year, the tax commissioner shall estimate and certify the  
following for each county to its county auditor:

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(a) Its guaranteed share of the ensuing year's fund balance;

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(b) Its share of the excess of the ensuing year's fund  
balance;

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(c) Its total entitlement.

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(2) In December and in June following such estimations and  
certifications, the commissioner shall revise such estimates and  
certify such revised estimates to the respective county auditors.

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(B) By the tenth day of each month the commissioner shall  
distribute the amount credited to the library and local government  
support fund ~~from taxes collected under this chapter during the~~  
~~preceding month~~ in the current month under section 131.51 of the  
Revised Code. The distributions shall be made as follows:

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(1) During the first six months of each year, each county  
shall be paid a percentage of the balance that is the same per  
cent that the revised estimate of the county's total entitlement  
certified in December under division (A)(2) of this section is of  
the sum of such revised estimates of the total entitlements for  
all counties.

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(2) During the last six months, each county shall be paid a  
percentage of the balance that is the same per cent that the  
revised estimate of the county's total entitlement certified in  
June under division (A)(2) of this section is of the sum of such  
revised estimates of the total entitlements for all counties.

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(3) During each of the first six months of each year, the  
payments made to each county shall be adjusted as follows:

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(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 63331  
plus the payments made to the county's undivided local government 63332  
fund in 1983 from the tax imposed on deposits under division (C) 63333  
of section 5707.03 of the Revised Code. 63334~~

~~(3) "Amount available for distribution under division (B) of 63335  
this section" means for any calendar year, both of the following: 63336~~

~~(a) Nine tenths of the difference between the amount 63337  
available for distribution under this section during that year and 63338  
the deposit tax revenue of all counties; 63339~~

~~(b) The deposit tax revenue of all counties less six million 63340  
dollars. 63341~~

~~Each year, an amount equal to the amount available for 63342  
distribution under division (B) of this section shall be 63343  
distributed from the local government fund as provided in that 63344  
division. The balance in the fund available for distribution in 63345  
that year under this section and not available for distribution 63346  
under this division shall be distributed in accordance with 63347  
division (C) of this section. The tax commissioner shall determine 63348  
in each month what proportion of that month's local government 63349  
fund balance shall be distributed under division (B) of this 63350  
section and what proportion shall be distributed under division 63351  
(C) of this section "County's proportionate share of the total 63352  
amount of the local government fund additional revenue formula" 63353  
means each county's proportionate share of the state's population 63354  
as determined for and certified to the county for distributions to 63355  
be made during the current calendar year under division (B)(2)(a) 63356  
of section 5747.501 of the Revised Code. If prior to the first day 63357  
of January of the current calendar year the federal government has 63358  
issued a revision to the population figures reflected in the 63359  
estimate produced pursuant to division (B)(2)(a) of section 63360  
5747.501 of the Revised Code, such revised population figures 63361  
shall be used for making the distributions during the current 63362~~

calendar year. 63363

(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: 63364  
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(a) The total amount available for distribution to counties from the local government fund during the current month. 63368  
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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. 63370  
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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. 63375  
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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. 63383  
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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: 63388  
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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 63391  
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that if the 2007 LGF and LGRAF county distribution base available 63394  
in that month is zero, no payment shall be made under division 63395  
(B)(1) of this section for the month or the remainder of the 63396  
calendar year; and 63397

(2) The county's proportionate share of the total amount of 63398  
the local government fund additional revenue formula multiplied by 63399  
the local government fund additional revenue distribution base 63400  
available for distribution during that month under this division, 63401  
except as otherwise provided and in such a way that on the last 63402  
day of each calendar year, each county shall have received an 63403  
amount equal to its proportionate share of the amount available 63404  
for distribution under this division during that year. Counties 63405  
whose proportionate shares are less than their 1983 shares shall 63406  
receive an amount equal to their 1983 shares during the year in 63407  
lieu of their proportionate shares, and the amounts required to be 63408  
paid to all other counties shall be proportionately reduced to 63409  
fund such deficiency. If any county receives payments in any year 63410  
that exceed the amount to which it is entitled, that excess shall 63411  
be deducted from the payments due the county in the ensuing 63412  
calendar year and apportioned among and paid to the counties that 63413  
did not receive any such excess. 63414

The amount paid to any county in any month shall not be less 63415  
than twenty five thousand dollars unless a smaller payment is 63416  
required in order to avoid paying that county more during the year 63417  
than the amount to which it is entitled for that year. 63418

Money received into the treasury of a county under this 63419  
division shall be credited to the undivided local government fund 63420  
in the treasury of the county on or before the fifteenth day of 63421  
each month. The On or before the twentieth day of each month, the 63422  
county auditor shall issue warrants against all of the undivided 63423  
local government fund in the county treasury in the respective 63424  
amounts allowed as provided in section 5747.51 of the Revised 63425

Code, and the treasurer shall distribute and pay such sums to the 63426  
subdivision therein. 63427

(C)(1) As used in division (C) of this section: 63428

(a) "Total amount available for distribution to 63429  
municipalities during the current month" means the product 63430  
obtained by multiplying the total amount available for 63431  
distribution from the local government fund during the current 63432  
month by the aggregate municipal share. 63433

(b) "Aggregate municipal share" means the quotient obtained 63434  
by dividing the total amount distributed directly from the local 63435  
government fund to municipal corporations during calendar year 63436  
2007 by the total distributions from the local government fund and 63437  
local government revenue assistance fund during calendar year 63438  
2007. 63439

(2) On or before the tenth day of each month, the tax 63440  
commissioner shall provide for payment from the local government 63441  
fund to each municipal corporation which had in effect during the 63442  
preceding calendar year a tax imposed under Chapter 718. of the 63443  
Revised Code. The amount paid to each municipal corporation shall 63444  
bear the same an amount equal to the product derived by 63445  
multiplying the municipal corporation's percentage ~~to~~ of the total 63446  
amount ~~to be~~ distributed to all such municipal corporations under 63447  
this division as the total income taxes collected by such 63448  
municipal corporation during the second calendar year ~~preceeding~~ 63449  
the year in which distribution is made bears to the total amount 63450  
of such taxes collected by all municipal corporations during such 63451  
period 2007 by the total amount available for distribution to 63452  
municipal corporations during the current month. ~~Payments~~ 63453

(3) ~~Payments~~ received by a municipal corporation under this 63454  
division shall be paid into its general fund and may be used for 63455  
any lawful purpose. 63456

(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. 63457  
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(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. 63466  
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(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. 63472  
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**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 63481  
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~~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 63519  
is necessary shall be proportionately reduced so that the sum of 63520  
the allocations to all counties equals the amount to be allocated 63521  
under divisions (A)(1)(c)(i) to (iii) of this section. 63522~~

~~(d) Add the amount allocated to each county under division 63523  
(A)(1)(c) to its deposit tax revenue. 63524~~

~~(2) Determine how much each county would receive if 63525  
nine tenths of the amount certified by the commissioner, less six 63526  
million dollars, were allocated in the manner prescribed by 63527  
division (A)(1)(c) of this section. 63528~~

~~(B) Upon the completion of the computations required by 63529  
division (A) of this section, the commissioner shall assign to 63530  
each county, the amount computed for it under division (A)(1)(d) 63531  
of this section or the amount computed under division (A)(2) of 63532  
this section, whichever is the higher amount, and compute the per 63533  
cent that the assigned amount for each county is of the sum of the 63534  
assigned amounts for all counties. The percentage so computed 63535  
shall be the proportionate share of the county for the following 63536  
calendar year for purposes of making the distributions required by 63537  
section 5747.50 of the Revised Code (1) The product obtained by 63538  
multiplying the percentage described in division (B)(1)(a) of this 63539  
section by the amount described in division (B)(1)(b) of this 63540  
section. 63541~~

~~(a) Each county's proportionate share of the total amount 63542  
distributed to the counties from the local government fund and the 63543  
local government revenue assistance fund during calendar year 63544  
2007. 63545~~

~~(b) The total amount distributed to counties from the local 63546  
government fund and the local government revenue assistance fund 63547  
during calendar year 2007 adjusted downward if, and to the extent 63548  
that, total local government fund distributions to counties for 63549~~

the following year are projected to be less than what was 63550  
distributed to counties from the local government fund and local 63551  
government revenue assistance fund during calendar year 2007. 63552

(2) The product obtained by multiplying the percentage 63553  
described in division (B)(2)(a) of this section by the amount 63554  
described in division (B)(2)(b) of this section. 63555

(a) Each county's proportionate share of the state's 63556  
population as reflected in the most recent federal decennial 63557  
census or the federal government's most recent census estimates, 63558  
whichever represents the most recent year. 63559

(b) The amount by which total estimated distributions from 63560  
the local government fund during the immediately succeeding 63561  
calendar year, less the total estimated amount to be distributed 63562  
from the fund to municipal corporations under division (C) of 63563  
section 5747.50 of the Revised Code during the immediately 63564  
succeeding calendar year, exceed the total amount distributed to 63565  
counties from the local government fund and local government 63566  
revenue assistance fund during calendar year 2007. 63567

**Sec. 5747.51.** (A) ~~Within ten days after~~ On or before the 63568  
~~fifteenth~~ twenty-fifth day of July of each year, the tax 63569  
commissioner shall make and certify to the county auditor of each 63570  
county an estimate of the amount of the local government fund to 63571  
be allocated to the undivided local government fund of each county 63572  
for the ensuing calendar year and the estimated amount to be 63573  
received by the undivided local government fund of each county 63574  
from the taxes levied pursuant to section 5707.03 of the Revised 63575  
Code for the ensuing calendar year. 63576

(B) At each annual regular session of the county budget 63577  
commission convened pursuant to section 5705.27 of the Revised 63578  
Code, each auditor shall present to the commission the certificate 63579  
of the commissioner, the annual tax budget and estimates, and the 63580

records showing the action of the commission in its last preceding 63581  
regular session. The estimates shown on the certificate of the 63582  
commissioner of the amount to be allocated from the local 63583  
government fund and the amount to be received from taxes levied 63584  
pursuant to section 5707.03 of the Revised Code shall be combined 63585  
into one total comprising the estimate of the undivided local 63586  
government fund of the county. The commission, after extending to 63587  
the representatives of each subdivision an opportunity to be 63588  
heard, under oath administered by any member of the commission, 63589  
and considering all the facts and information presented to it by 63590  
the auditor, shall determine the amount of the undivided local 63591  
government fund needed by and to be apportioned to each 63592  
subdivision for current operating expenses, as shown in the tax 63593  
budget of the subdivision. This determination shall be made 63594  
pursuant to divisions (C) to (I) of this section, unless the 63595  
commission has provided for a formula pursuant to section 5747.53 63596  
of the Revised Code. 63597

Nothing in this section prevents the budget commission, for 63598  
the purpose of apportioning the undivided local government fund, 63599  
from inquiring into the claimed needs of any subdivision as stated 63600  
in its tax budget, or from adjusting claimed needs to reflect 63601  
actual needs. For the purposes of this section, "current operating 63602  
expenses" means the lawful expenditures of a subdivision, except 63603  
those for permanent improvements and except payments for interest, 63604  
sinking fund, and retirement of bonds, notes, and certificates of 63605  
indebtedness of the subdivision. 63606

(C) The commission shall determine the combined total of the 63607  
estimated expenditures, including transfers, from the general fund 63608  
and any special funds other than special funds established for 63609  
road and bridge; street construction, maintenance, and repair; 63610  
state highway improvement; and gas, water, sewer, and electric 63611  
public utilities operated by a subdivision, as shown in the 63612

subdivision's tax budget for the ensuing calendar year. 63613

(D) From the combined total of expenditures calculated 63614  
pursuant to division (C) of this section, the commission shall 63615  
deduct the following expenditures, if included in these funds in 63616  
the tax budget: 63617

(1) Expenditures for permanent improvements as defined in 63618  
division (E) of section 5705.01 of the Revised Code; 63619

(2) In the case of counties and townships, transfers to the 63620  
road and bridge fund, and in the case of municipalities, transfers 63621  
to the street construction, maintenance, and repair fund and the 63622  
state highway improvement fund; 63623

(3) Expenditures for the payment of debt charges; 63624

(4) Expenditures for the payment of judgments. 63625

(E) In addition to the deductions made pursuant to division 63626  
(D) of this section, revenues accruing to the general fund and any 63627  
special fund considered under division (C) of this section from 63628  
the following sources shall be deducted from the combined total of 63629  
expenditures calculated pursuant to division (C) of this section: 63630

(1) Taxes levied within the ten-mill limitation, as defined 63631  
in section 5705.02 of the Revised Code; 63632

(2) The budget commission allocation of estimated county 63633  
library and local government support fund revenues to be 63634  
distributed pursuant to section 5747.48 of the Revised Code; 63635

(3) Estimated unencumbered balances as shown on the tax 63636  
budget as of the thirty-first day of December of the current year 63637  
in the general fund, but not any estimated balance in any special 63638  
fund considered in division (C) of this section; 63639

(4) Revenue, including transfers, shown in the general fund 63640  
and any special funds other than special funds established for 63641  
road and bridge; street construction, maintenance, and repair; 63642

state highway improvement; and gas, water, sewer, and electric 63643  
public utilities, from all other sources except those that a 63644  
subdivision receives from an additional tax or service charge 63645  
voted by its electorate or receives from special assessment or 63646  
revenue bond collection. For the purposes of this division, where 63647  
the charter of a municipal corporation prohibits the levy of an 63648  
income tax, an income tax levied by the legislative authority of 63649  
such municipal corporation pursuant to an amendment of the charter 63650  
of that municipal corporation to authorize such a levy represents 63651  
an additional tax voted by the electorate of that municipal 63652  
corporation. For the purposes of this division, any measure 63653  
adopted by a board of county commissioners pursuant to section 63654  
322.02, 324.02, 4504.02, or 5739.021 of the Revised Code, 63655  
including those measures upheld by the electorate in a referendum 63656  
conducted pursuant to section 322.021, 324.021, 4504.021, or 63657  
5739.022 of the Revised Code, shall not be considered an 63658  
additional tax voted by the electorate. 63659

Subject to division (G) of section 5705.29 of the Revised 63660  
Code, money in a reserve balance account established by a county, 63661  
township, or municipal corporation under section 5705.13 of the 63662  
Revised Code shall not be considered an unencumbered balance or 63663  
revenue under division (E)(3) or (4) of this section. Money in a 63664  
reserve balance account established by a township under section 63665  
5705.132 of the Revised Code shall not be considered an 63666  
unencumbered balance or revenue under division (E)(3) or (4) of 63667  
this section. 63668

If a county, township, or municipal corporation has created 63669  
and maintains a nonexpendable trust fund under section 5705.131 of 63670  
the Revised Code, the principal of the fund, and any additions to 63671  
the principal arising from sources other than the reinvestment of 63672  
investment earnings arising from such a fund, shall not be 63673  
considered an unencumbered balance or revenue under division 63674

(E)(3) or (4) of this section. Only investment earnings arising 63675  
from investment of the principal or investment of such additions 63676  
to principal may be considered an unencumbered balance or revenue 63677  
under those divisions. 63678

(F) The total expenditures calculated pursuant to division 63679  
(C) of this section, less the deductions authorized in divisions 63680  
(D) and (E) of this section, shall be known as the "relative need"  
of the subdivision, for the purposes of this section. 63681  
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(G) The budget commission shall total the relative need of 63683  
all participating subdivisions in the county, and shall compute a 63684  
relative need factor by dividing the total estimate of the 63685  
undivided local government fund by the total relative need of all 63686  
participating subdivisions. 63687

(H) The relative need of each subdivision shall be multiplied 63688  
by the relative need factor to determine the proportionate share 63689  
of the subdivision in the undivided local government fund of the 63690  
county; provided, that the maximum proportionate share of a county 63691  
shall not exceed the following maximum percentages of the total 63692  
estimate of the undivided local government fund governed by the 63693  
relationship of the percentage of the population of the county 63694  
that resides within municipal corporations within the county to 63695  
the total population of the county as reported in the reports on 63696  
population in Ohio by the department of development as of the 63697  
twentieth day of July of the year in which the tax budget is filed 63698  
with the budget commission: 63699

Percentage of	Percentage share	63700
municipal population	of the county	63701
within the county:	shall not exceed:	63702
Less than forty-one per cent	Sixty per cent	63703
Forty-one per cent or more but less		63704
than eighty-one per cent	Fifty per cent	63705
Eighty-one per cent or more	Thirty per cent	63706

Where the proportionate share of the county exceeds the 63707  
limitations established in this division, the budget commission 63708  
shall adjust the proportionate shares determined pursuant to this 63709  
division so that the proportionate share of the county does not 63710  
exceed these limitations, and it shall increase the proportionate 63711  
shares of all other subdivisions on a pro rata basis. In counties 63712  
having a population of less than one hundred thousand, not less 63713  
than ten per cent shall be distributed to the townships therein. 63714

(I) The proportionate share of each subdivision in the 63715  
undivided local government fund determined pursuant to division 63716  
(H) of this section for any calendar year shall not be less than 63717  
the product of the average of the percentages of the undivided 63718  
local government fund of the county as apportioned to that 63719  
subdivision for the calendar years 1968, 1969, and 1970, 63720  
multiplied by the total amount of the undivided local government 63721  
fund of the county apportioned pursuant to former section 5735.23 63722  
of the Revised Code for the calendar year 1970. For the purposes 63723  
of this division, the total apportioned amount for the calendar 63724  
year 1970 shall be the amount actually allocated to the county in 63725  
1970 from the state collected intangible tax as levied by section 63726  
5707.03 of the Revised Code and distributed pursuant to section 63727  
5725.24 of the Revised Code, plus the amount received by the 63728  
county in the calendar year 1970 pursuant to division (B)(1) of 63729  
former section 5739.21 of the Revised Code, and distributed 63730  
pursuant to former section 5739.22 of the Revised Code. If the 63731  
total amount of the undivided local government fund for any 63732  
calendar year is less than the amount of the undivided local 63733  
government fund apportioned pursuant to former section 5739.23 of 63734  
the Revised Code for the calendar year 1970, the minimum amount 63735  
guaranteed to each subdivision for that calendar year pursuant to 63736  
this division shall be reduced on a basis proportionate to the 63737  
amount by which the amount of the undivided local government fund 63738  
for that calendar year is less than the amount of the undivided 63739

local government fund apportioned for the calendar year 1970. 63740

(J) On the basis of such apportionment, the county auditor 63741  
shall compute the percentage share of each such subdivision in the 63742  
undivided local government fund and shall at the same time certify 63743  
to the tax commissioner the percentage share of the county as a 63744  
subdivision. No payment shall be made from the undivided local 63745  
government fund, except in accordance with such percentage shares. 63746

Within ten days after the budget commission has made its 63747  
apportionment, whether conducted pursuant to section 5747.51 or 63748  
5747.53 of the Revised Code, the auditor shall publish a list of 63749  
the subdivisions and the amount each is to receive from the 63750  
undivided local government fund and the percentage share of each 63751  
subdivision, in a newspaper or newspapers of countywide 63752  
circulation, and send a copy of such allocation to the tax 63753  
commissioner. 63754

The county auditor shall also send by certified mail, return 63755  
receipt requested, a copy of such allocation to the fiscal officer 63756  
of each subdivision entitled to participate in the allocation of 63757  
the undivided local government fund of the county. This copy shall 63758  
constitute the official notice of the commission action referred 63759  
to in section 5705.37 of the Revised Code. 63760

All money received into the treasury of a subdivision from 63761  
the undivided local government fund in a county treasury shall be 63762  
paid into the general fund and used for the current operating 63763  
expenses of the subdivision. 63764

If a municipal corporation maintains a municipal university, 63765  
such municipal university, when the board of trustees so requests 63766  
the legislative authority of the municipal corporation, shall 63767  
participate in the money apportioned to such municipal corporation 63768  
from the total local government fund, however created and 63769  
constituted, in such amount as requested by the board of trustees, 63770

provided such sum does not exceed nine per cent of the total 63771  
amount paid to the municipal corporation. 63772

If any public official fails to maintain the records required 63773  
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 63774  
issued by the tax commissioner, the auditor of state, or the 63775  
treasurer of state pursuant to such sections, or fails to comply 63776  
with any law relating to the enforcement of such sections, the 63777  
local government fund money allocated to the county ~~shall~~ may be 63778  
withheld until such time as the public official has complied with 63779  
such sections or such law or the rules issued pursuant thereto. 63780

**Sec. 5747.54.** The tax commissioner ~~shall not distribute~~ may 63781  
withhold distributions of local government fund money to any 63782  
county where the county auditor has failed to certify to the tax 63783  
commissioner the percentage share of the undivided local 63784  
government fund of the county as a subdivision for the year for 63785  
which distribution is to be made. The director ~~shall~~ of budget and 63786  
management may direct the tax commissioner to withhold from ~~such a~~ 63787  
county the percentage of the amount distributable thereto that 63788  
constitutes the share of the county as a subdivision of the local 63789  
government fund so long as such county is indebted or otherwise 63790  
obligated to the state, until such indebtedness or other 63791  
obligation has been duly paid, but no distribution of such 63792  
percentage share of the local government fund shall be withheld 63793  
unless an itemized statement of such indebtedness is furnished the 63794  
county auditor of the county from which the indebtedness is due at 63795  
least thirty days prior to the withholding of the distribution. 63796

Any indebtedness or obligation of the state to a county shall 63797  
be deducted from the amount owing to the state by such county in 63798  
determining the indebtedness or obligation as to which 63799  
distribution is withheld. 63800

<u>Sec. 5747.77. (A) As used in this section:</u>	63801
<u>(1) "Alternative fuel" means E85 blend fuel or blended biodiesel.</u>	63802 63803
<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>	63804 63805 63806 63807 63808
<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>	63809 63810 63811 63812 63813
<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>	63814 63815 63816
<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>	63817 63818 63819 63820 63821 63822 63823 63824 63825 63826
<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>	63827 63828 63829 63830

necessary to provide for the requirements of cold start, safety, 63831  
or other vehicle functions, and that meets the American society 63832  
for testing and materials specification for E85 blend fuel. 63833

(7) "Retail dealer" means any person that is a taxpayer under 63834  
this chapter that owns or operates a retail service station 63835  
located in this state. 63836

(8) "Retail service station" means a location in this state 63837  
from which alternative fuel is sold to the general public and is 63838  
dispensed or pumped directly into motor vehicle fuel tanks for 63839  
consumption. 63840

(B) For taxable years ending in 2008 and 2009, there is 63841  
hereby allowed a nonrefundable credit against the tax imposed by 63842  
section 5747.02 of the Revised Code for a retail dealer that sells 63843  
alternative fuel. The credit for a dealer's taxable year ending in 63844  
2008 shall equal fifteen cents per gallon of alternative fuel sold 63845  
and dispensed through a metered pump at the retail dealer's retail 63846  
service station during any part of calendar year 2007 or 2008 63847  
included in that taxable year. The credit for a dealer's taxable 63848  
year ending in 2009 shall equal fifteen cents per gallon of 63849  
alternative fuel sold and dispensed through a metered pump at the 63850  
retail dealer's retail service station during any part of calendar 63851  
year 2008 included in that taxable year, plus thirteen cents per 63852  
gallon of alternative fuel sold and dispensed in that manner 63853  
during any part of calendar year 2009 included in that taxable 63854  
year. 63855

The credit shall be calculated separately for each retail 63856  
service station owned or operated by the retail dealer. The credit 63857  
allowed under this section may not be claimed for alternative fuel 63858  
sold or dispensed before January 1, 2008, or on or after January 63859  
1, 2010. 63860

(C) The retail dealer shall claim the credit under this 63861

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. 63862  
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(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. 63867  
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**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: 63875  
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(1) The retirement income credit under division (B) of section 5747.055 of the Revised Code; 63879  
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(2) The senior citizen credit under division (C) of section 5747.05 of the Revised Code; 63881  
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(3) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code; 63883  
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(4) The dependent care credit under section 5747.054 of the Revised Code; 63885  
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(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code; 63887  
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(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code; 63889  
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(7) The lump sum retirement income credit under division (E) 63891

of section 5747.055 of the Revised Code;	63892
(8) The low-income credit under section 5747.056 of the Revised Code;	63893 63894
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	63895 63896
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	63897 63898
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	63899 63900
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	63901 63902
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	63903 63904
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	63905 63906
(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	63907 63908
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	63909 63910
(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	63911 63912
(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	63913 63914
(19) The job retention credit under division (B) of section 5747.058 of the Revised Code;	63915 63916
(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;	63917 63918 63919 63920

(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;	63921 63922 63923
(22) The job training credit under section 5747.39 of the Revised Code;	63924 63925
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	63926 63927
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	63928 63929
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	63930 63931
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	63932 63933
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	63934 63935
(28) The export sales credit under section 5747.057 of the Revised Code;	63936 63937
(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	63938 63939
(30) The enterprise zone credits under section 5709.65 of the Revised Code;	63940 63941
(31) The research and development credit under section 5747.331 of the Revised Code;	63942 63943
(32) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	63944 63945
(33) The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code;	63946 63947
(34) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	63948 63949

(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; 63950  
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(36) The refundable credit for tax withheld under division (B)(1) of section 5747.062 of the Revised Code; 63953  
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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. 63955  
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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. 63958  
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**Sec. 5748.01.** As used in this chapter: 63968

(A) "School district income tax" means an income tax adopted under one of the following: 63969  
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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; 63971  
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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; 63974  
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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; 63976  
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(4) Section 5748.021 of the Revised Code; 63978

(5) Section 5748.081 of the Revised Code.	63979
(B) "Individual" means an individual subject to the tax levied by section 5747.02 of the Revised Code.	63980 63981
(C) "Estate" means an estate subject to the tax levied by section 5747.02 of the Revised Code.	63982 63983
(D) "Taxable year" means a taxable year as defined in division (M) of section 5747.01 of the Revised Code.	63984 63985
(E) "Taxable income" means:	63986
(1) In the case of an individual, one of the following, as specified in the resolution imposing the tax:	63987 63988
(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;	63989 63990 63991 63992
(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.	63993 63994 63995 63996 63997 63998
(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.	63999 64000 64001
(F) "Resident" of the school district means:	64002
(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;	64003 64004 64005 64006 64007 64008

(2) An estate of a decedent who, at the time of death, was 64009  
domiciled in the school district. 64010

(G) "School district income" means: 64011

(1) With respect to an individual, the portion of the taxable 64012  
income of an individual that is received by the individual during 64013  
the portion of the taxable year that the individual is a resident 64014  
of the school district and the school district income tax is in 64015  
effect in that school district. An individual may have school 64016  
district income with respect to more than one school district. 64017

(2) With respect to an estate, the taxable income of the 64018  
estate for the portion of the taxable year that the school 64019  
district income tax is in effect in that school district. 64020

(H) "Taxpayer" means an individual or estate having school 64021  
district income upon which a school district income tax is 64022  
imposed. 64023

(I) "School district purposes" means any of the purposes for 64024  
which a tax may be levied pursuant to section 5705.21 of the 64025  
Revised Code, including the combined purposes authorized by 64026  
section 5705.217 of the Revised Code. 64027

**Sec. 5748.02.** (A) The board of education of any school 64028  
district, except a joint vocational school district, may declare, 64029  
by resolution, the necessity of raising annually a specified 64030  
amount of money for school district purposes. The resolution shall 64031  
specify whether the income that is to be subject to the tax is 64032  
taxable income of individuals and estates as defined in divisions 64033  
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 64034  
taxable income of individuals as defined in division (E)(1)(b) of 64035  
that section. A copy of the resolution shall be certified to the 64036  
tax commissioner no later than eighty-five days prior to the date 64037  
of the election at which the board intends to propose a levy under 64038

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 64071  
submitted, and the date of the election at which the proposal 64072  
shall be submitted to the electors of the district, which shall be 64073  
on the date of a primary, general, or special election the date of 64074  
which is consistent with section 3501.01 of the Revised Code. The 64075  
resolution shall specify whether the income that is to be subject 64076  
to the tax is taxable income of individuals and estates as defined 64077  
in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised 64078  
Code or taxable income of individuals as defined in division 64079  
(E)(1)(b) of that section. The specification shall be the same as 64080  
the specification in the resolution adopted and certified under 64081  
division (A) of this section. ~~If~~ 64082

If the tax is to be levied for current expenses and permanent 64083  
improvements, the resolution shall apportion the annual rate of 64084  
the tax. The apportionment may be the same or different for each 64085  
year the tax is levied, but the respective portions of the rate 64086  
actually levied each year for current expenses and for permanent 64087  
improvements shall be limited by the apportionment. 64088

If the board of education currently imposes an income tax 64089  
pursuant to this chapter that is due to expire and a question is 64090  
submitted under this section for a proposed income tax to take 64091  
effect upon the expiration of the existing tax, the board may 64092  
specify in the resolution that the proposed tax renews the 64093  
expiring tax and is not an additional income tax, provided that 64094  
the tax rate being proposed is no higher than the tax rate that is 64095  
currently imposed. 64096

(2) A board of education adopting a resolution under division 64097  
(B)(1) of this section proposing a school district income tax for 64098  
a continuing period of time and limited to the purpose of current 64099  
expenses may propose in that resolution to reduce the rate or 64100  
rates of one or more of the school district's property taxes 64101  
levied for a continuing period of time in excess of the ten-mill 64102

limitation for the purpose of current expenses. The reduction in 64103  
the rate of a property tax may be any amount, expressed in mills 64104  
per one dollar in valuation, not exceeding the rate at which the 64105  
tax is authorized to be levied. The reduction in the rate of a tax 64106  
shall first take effect for the tax year that includes the day on 64107  
which the school district income tax first takes effect, and shall 64108  
continue for each tax year that both the school district income 64109  
tax and the property tax levy are in effect. 64110

In addition to the matters required to be set forth in the 64111  
resolution under division (B)(1) of this section, a resolution 64112  
containing a proposal to reduce the rate of one or more property 64113  
taxes shall state for each such tax the maximum rate at which it 64114  
currently may be levied and the maximum rate at which the tax 64115  
could be levied after the proposed reduction, expressed in mills 64116  
per one dollar in valuation, and that the tax is levied for a 64117  
continuing period of time. 64118

If a board of education proposes to reduce the rate of one or 64119  
more property taxes under division (B)(2) of this section, the 64120  
board, when it makes the certification required under division (A) 64121  
of this section, shall designate the specific levy or levies to be 64122  
reduced, the maximum rate at which each levy currently is 64123  
authorized to be levied, and the rate by which each levy is 64124  
proposed to be reduced. The tax commissioner, when making the 64125  
certification to the board under division (A) of this section, 64126  
also shall certify the reduction in the total effective tax rate 64127  
for current expenses for each class of property that would have 64128  
resulted if the proposed reduction in the rate or rates had been 64129  
in effect the previous tax year. As used in this paragraph, 64130  
"effective tax rate" has the same meaning as in section 323.08 of 64131  
the Revised Code. 64132

(C) A resolution adopted under division (B) of this section 64133  
shall go into immediate effect upon its passage, and no 64134

publication of the resolution shall be necessary other than that 64135  
provided for in the notice of election. Immediately after its 64136  
adoption and at least seventy-five days prior to the election at 64137  
which the question will appear on the ballot, a copy of the 64138  
resolution shall be certified to the board of elections of the 64139  
proper county, which shall submit the proposal to the electors on 64140  
the date specified in the resolution. The form of the ballot shall 64141  
be as provided in section 5748.03 of the Revised Code. Publication 64142  
of notice of the election shall be made in one or more newspapers 64143  
of general circulation in the county once a week for two 64144  
consecutive weeks prior to the election, and, if the board of 64145  
elections operates and maintains a web site, the board of 64146  
elections shall post notice of the election on its web site for 64147  
thirty days prior to the election. The notice shall contain the 64148  
time and place of the election and the question to be submitted to 64149  
the electors. The question covered by the resolution shall be 64150  
submitted as a separate proposition, but may be printed on the 64151  
same ballot with any other proposition submitted at the same 64152  
election, other than the election of officers. 64153

(D) No board of education shall submit the question of a tax 64154  
on school district income to the electors of the district more 64155  
than twice in any calendar year. If a board submits the question 64156  
twice in any calendar year, one of the elections on the question 64157  
shall be held on the date of the general election. 64158

(E)(1) No board of education may submit to the electors of 64159  
the district the question of a tax on school district income on 64160  
the taxable income of individuals as defined in division (E)(1)(b) 64161  
of section 5748.01 of the Revised Code if that tax would be in 64162  
addition to an existing tax on the taxable income of individuals 64163  
and estates as defined in divisions (E)(1)(a) and (2) of that 64164  
section. 64165

(2) No board of education may submit to the electors of the 64166

district the question of a tax on school district income on the 64167  
taxable income of individuals and estates as defined in divisions 64168  
(E)(1)(a) and (2) of section 5748.01 of the Revised Code if that 64169  
tax would be in addition to an existing tax on the taxable income 64170  
of individuals as defined in division (E)(1)(b) of that section. 64171

Sec. 5748.022. A majority of the members of a board of 64172  
education of a school district levying a tax under section 5748.02 64173  
of the Revised Code may adopt a resolution reducing the rate of 64174  
the tax by a multiple of one-fourth of one per cent. 64175

The resolution shall set forth the current rate of the tax, 64176  
the reduced rate of tax that results from adoption of the 64177  
resolution, the purpose or purposes for which the tax is levied, 64178  
the remaining number of years the tax will be levied or that it is 64179  
levied for a continuing period of time, and the date on which the 64180  
reduced tax rate shall take effect, which shall be the ensuing 64181  
first day of January occurring at least sixty days after a copy of 64182  
the resolution is certified to the tax commissioner. 64183

**Sec. 5749.02.** (A) For the purpose of providing revenue to 64184  
administer the state's coal mining and reclamation regulatory 64185  
program, to meet the environmental and resource management needs 64186  
of this state, and to reclaim land affected by mining, an excise 64187  
tax is hereby levied on the privilege of engaging in the severance 64188  
of natural resources from the soil or water of this state. The tax 64189  
shall be imposed upon the severer and shall be: 64190

- (1) Ten cents per ton of coal; 64191
- (2) Four cents per ton of salt; 64192
- (3) Two cents per ton of limestone or dolomite; 64193
- (4) Two cents per ton of sand and gravel; 64194
- (5) Ten cents per barrel of oil; 64195

(6) Two and one-half cents per thousand cubic feet of natural gas;	64196 64197
(7) One cent per ton of clay, sandstone or conglomerate, shale, gypsum, or quartzite;	64198 64199
(8) Except as otherwise provided in this division or in rules adopted by the reclamation forfeiture fund advisory board under section 1513.182 of the Revised Code, an additional fourteen cents per ton of coal produced from an area under a coal mining and reclamation permit issued under Chapter 1513. of the Revised Code for which the performance security is provided under division (C)(2) of section 1513.08 of the Revised Code. <del>If</del> <u>Beginning July 1, 2007, if</u> at the end of a fiscal biennium the balance of the reclamation forfeiture fund created in section 1513.18 of the Revised Code is equal to or greater than ten million dollars, the rate levied shall be twelve cents per ton. <del>If</del> <u>Beginning July 1, 2007, if</u> at the end of a fiscal biennium the balance of the fund is at least five million dollars, but less than ten million dollars, the rate levied shall be fourteen cents per ton. <del>If</del> <u>Beginning July 1, 2007, if</u> at the end of a fiscal biennium the balance of the fund is less than five million dollars, the rate levied shall be sixteen cents per ton. <del>Not</del> <u>Beginning July 1, 2009, not</u> later than thirty days after the close of a fiscal biennium, the chief of the division of mineral resources management shall certify to the tax commissioner the amount of the balance of the reclamation forfeiture fund as of the close of the fiscal biennium. Any necessary adjustment of the rate levied shall take effect on the first day of the following January and shall remain in effect during the calendar biennium that begins on that date.	64200 64201 64202 64203 64204 64205 64206 64207 64208 64209 64210 64211 64212 64213 64214 64215 64216 64217 64218 64219 64220 64221 64222 64223
(9) An additional one and two-tenths cents per ton of coal mined by surface mining methods.	64224 64225
(B) Of the moneys received by the treasurer of state from the tax levied in division (A)(1) of this section, four and	64226 64227

seventy-six-hundredths per cent shall be credited to the 64228  
geological mapping fund created in section 1505.09 of the Revised 64229  
Code, eighty and ninety-five-hundredths per cent shall be credited 64230  
to the coal mining administration and reclamation reserve fund 64231  
created in section 1513.181 of the Revised Code, and fourteen and 64232  
twenty-nine-hundredths per cent shall be credited to the 64233  
unreclaimed lands fund created in section 1513.30 of the Revised 64234  
Code. 64235

Fifteen per cent of the moneys received by the treasurer of 64236  
state from the tax levied in division (A)(2) of this section shall 64237  
be credited to the geological mapping fund and the remainder shall 64238  
be credited to the unreclaimed lands fund. 64239

Of the moneys received by the treasurer of state from the tax 64240  
levied in divisions (A)(3) and (4) of this section, seven and 64241  
five-tenths per cent shall be credited to the geological mapping 64242  
fund, forty-two and five-tenths per cent shall be credited to the 64243  
unreclaimed lands fund, and the remainder shall be credited to the 64244  
surface mining fund created in section 1514.06 of the Revised 64245  
Code. 64246

Of the moneys received by the treasurer of state from the tax 64247  
levied in divisions (A)(5) and (6) of this section, ninety per 64248  
cent shall be credited to the oil and gas well fund created in 64249  
section 1509.02 of the Revised Code and ten per cent shall be 64250  
credited to the geological mapping fund. All of the moneys 64251  
received by the treasurer of state from the tax levied in division 64252  
(A)(7) of this section shall be credited to the surface mining 64253  
fund. 64254

All of the moneys received by the treasurer of state from the 64255  
tax levied in division (A)(8) of this section shall be credited to 64256  
the reclamation forfeiture fund. 64257

All of the moneys received by the treasurer of state from the 64258

tax levied in division (A)(9) of this section shall be credited to 64259  
the unreclaimed lands fund. 64260

(C) When, at the close of any fiscal year, the chief finds 64261  
that the balance of the reclamation forfeiture fund, plus 64262  
estimated transfers to it from the coal mining administration and 64263  
reclamation reserve fund under section 1513.181 of the Revised 64264  
Code, plus the estimated revenues from the tax levied by division 64265  
(A)(8) of this section for the remainder of the calendar year that 64266  
includes the close of the fiscal year, are sufficient to complete 64267  
the reclamation of lands for which the performance security has 64268  
been provided under division (C)(2) of section 1513.08 of the 64269  
Revised Code, the purposes for which the tax under division (A)(8) 64270  
of this section is levied shall be deemed accomplished at the end 64271  
of that calendar year. The chief, within thirty days after the 64272  
close of the fiscal year, shall certify those findings to the tax 64273  
commissioner, and the tax levied under division (A)(8) of this 64274  
section shall cease to be imposed after the last day of that 64275  
calendar year on coal produced under a coal mining and reclamation 64276  
permit issued under Chapter 1513. of the Revised Code if the 64277  
permittee has made tax payments under division (A)(8) of this 64278  
section during each of the preceding five full calendar years. Not 64279  
later than thirty days after the close of a fiscal year, the chief 64280  
shall certify to the tax commissioner the identity of any 64281  
permittees who accordingly no longer are required to pay the tax 64282  
levied under division (A)(8) of this section. 64283

**Sec. 5751.20.** (A) As used in sections 5751.20 to 5751.22 of 64284  
the Revised Code: 64285

(1) "School district," "joint vocational school district," 64286  
"local taxing unit," ~~"state education aid,"~~ "recognized 64287  
valuation," "fixed-rate levy," and "fixed-sum levy" have the same 64288  
meanings as used in section 5727.84 of the Revised Code. 64289

(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.

(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.

(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.

~~(3)~~(5) "Machinery and equipment property tax value loss" means the amount determined under division (C)(1) of this section.

~~(4)~~(6) "Inventory property tax value loss" means the amount determined under division (C)(2) of this section.

~~(5)~~(7) "Furniture and fixtures property tax value loss" means

the amount determined under division (C)(3) of this section. 64321

~~(6)~~(8) "Machinery and equipment fixed-rate levy loss" means 64322  
the amount determined under division (D)(1) of this section. 64323

~~(7)~~(9) "Inventory fixed-rate levy loss" means the amount 64324  
determined under division (D)(2) of this section. 64325

~~(8)~~(10) "Furniture and fixtures fixed-rate levy loss" means 64326  
the amount determined under division (D)(3) of this section. 64327

~~(9)~~(11) "Total fixed-rate levy loss" means the sum of the 64328  
machinery and equipment fixed-rate levy loss, the inventory 64329  
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 64330  
loss, and the telephone company fixed-rate levy loss. 64331

~~(10)~~(12) "Fixed-sum levy loss" means the amount determined 64332  
under division (E) of this section. 64333

~~(11)~~(13) "Machinery and equipment" means personal property 64334  
subject to the assessment rate specified in division (F) of 64335  
section 5711.22 of the Revised Code. 64336

~~(12)~~(14) "Inventory" means personal property subject to the 64337  
assessment rate specified in division (E) of section 5711.22 of 64338  
the Revised Code. 64339

~~(13)~~(15) "Furniture and fixtures" means personal property 64340  
subject to the assessment rate specified in division (G) of 64341  
section 5711.22 of the Revised Code. 64342

~~(14)~~(16) "Qualifying levies" are levies in effect for tax 64343  
year 2004 or applicable to tax year 2005 or approved at an 64344  
election conducted before September 1, 2005. For the purpose of 64345  
determining the rate of a qualifying levy authorized by section 64346  
5705.212 or 5705.213 of the Revised Code, the rate shall be the 64347  
rate that would be in effect for tax year 2010. 64348

~~(15)~~(17) "Telephone property" means tangible personal 64349  
property of a telephone, telegraph, or interexchange 64350

telecommunications company subject to an assessment rate specified 64351  
in section 5727.111 of the Revised Code in tax year 2004. 64352

~~(16)~~(18) "Telephone property tax value loss" means the amount 64353  
determined under division (C)(4) of this section. 64354

~~(17)~~(19) "Telephone property fixed-rate levy loss" means the 64355  
amount determined under division (D)(4) of this section. 64356

(B) The commercial activities tax receipts fund is hereby 64357  
created in the state treasury and shall consist of money arising 64358  
from the tax imposed under this chapter. All money in that fund 64359  
shall be credited for each fiscal year in the following 64360  
percentages to the general revenue fund, to the school district 64361  
tangible property tax replacement fund, which is hereby created in 64362  
the state treasury for the purpose of making the payments 64363  
described in section 5751.21 of the Revised Code, and to the local 64364  
government tangible property tax replacement fund, which is hereby 64365  
created in the state treasury for the purpose of making the 64366  
payments described in section 5751.22 of the Revised Code, in the 64367  
following percentages: 64368

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	64369
2006	67.7%	22.6%	9.7%	64370
2007	0%	70.0%	30.0%	64371
2008	0%	70.0%	30.0%	64372
2009	0%	70.0%	30.0%	64373
2010	0%	70.0%	30.0%	64374
2011	0%	70.0%	30.0%	64375
2012	5.3%	70.0%	24.7%	64376
2013	<del>19.4</del> 10.6%	70.0%	<del>10.6</del> 19.4%	64377
2014	14.1%	70.0%	15.9%	64378
2015	17.6%	70.0%	12.4%	64379

2016	21.1%	70.0%	8.9%	64380
2017	24.6%	70.0%	5.4%	64381
2018	28.1%	70.0%	1.9%	64382
2019 and thereafter	<del>100%</del> <u>30%</u>	<del>0%</del> <u>70%</u>	0%	64383

(C) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory property, furniture and fixtures property, and telephone property tax value losses, which are the applicable amounts described in divisions (C)(1), (2), (3), and (4) of this section, except as provided in division (C)(5) of this section:

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, thirty-three and eight-tenths per cent;

(b) For tax year 2007, sixty-one and three-tenths per cent;

(c) For tax year 2008, eighty-three per cent;

(d) For tax year 2009 and thereafter, one hundred per cent.

(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;

(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;

(c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is

twenty-three;	64409
(d) For tax year 2009 and thereafter a fraction, the numerator of which is seventeen and the denominator of which is twenty-three.	64410 64411 64412
(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:	64413 64414 64415
(a) For tax year 2006, twenty-five per cent;	64416
(b) For tax year 2007, fifty per cent;	64417
(c) For tax year 2008, seventy-five per cent;	64418
(d) For tax year 2009 and thereafter, one hundred per cent.	64419
The taxable value of property reported by taxpayers used in divisions (C)(1), (2), and (3) of this section shall be such values as determined to be final by the tax commissioner as of August 31, 2005. Such determinations shall be final except for any correction of a clerical error that was made prior to August 31, 2005, by the tax commissioner.	64420 64421 64422 64423 64424 64425
(4) Telephone property tax value loss is the taxable value of telephone property as taxpayers would have reported that property for tax year 2004 if the assessment rate for all telephone property for that year were twenty-five per cent, multiplied by:	64426 64427 64428 64429
(a) For tax year 2006, zero per cent;	64430
(b) For tax year 2007, zero per cent;	64431
(c) For tax year 2008, zero per cent;	64432
(d) For tax year 2009, sixty per cent;	64433
(e) For tax year 2010, eighty per cent;	64434
(f) For tax year 2011 and thereafter, one hundred per cent.	64435
(5) Division (C)(5) of this section applies to any school	64436

district, joint vocational school district, or local taxing unit 64437  
in a county in which is located a facility currently or formerly 64438  
devoted to the enrichment or commercialization of uranium or 64439  
uranium products, and for which the total taxable value of 64440  
property listed on the general tax list of personal property for 64441  
any tax year from tax year 2001 to tax year 2004 was fifty per 64442  
cent or less of the taxable value of such property listed on the 64443  
general tax list of personal property for the next preceding tax 64444  
year. 64445

In computing the fixed-rate levy losses under divisions 64446  
(D)(1), (2), and (3) of this section for any school district, 64447  
joint vocational school district, or local taxing unit to which 64448  
division (C)(5) of this section applies, the taxable value of such 64449  
property as listed on the general tax list of personal property 64450  
for tax year 2000 shall be substituted for the taxable value of 64451  
such property as reported by taxpayers for tax year 2004, in the 64452  
taxing district containing the uranium facility, if the taxable 64453  
value listed for tax year 2000 is greater than the taxable value 64454  
reported by taxpayers for tax year 2004. For the purpose of making 64455  
the computations under divisions (D)(1), (2), and (3) of this 64456  
section, the tax year 2000 valuation is to be allocated to 64457  
machinery and equipment, inventory, and furniture and fixtures 64458  
property in the same proportions as the tax year 2004 values. For 64459  
the purpose of the calculations in division (A) of section 5751.21 64460  
of the Revised Code, the tax year 2004 taxable values shall be 64461  
used. 64462

To facilitate the calculations required under division (C) of 64463  
this section, the county auditor, upon request from the tax 64464  
commissioner, shall provide by August 1, 2005, the values of 64465  
machinery and equipment, inventory, and furniture and fixtures for 64466  
all single-county personal property taxpayers for tax year 2004. 64467

(D) Not later than September 15, 2005, the tax commissioner 64468

shall determine for each tax year from 2006 through 2009 for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory, and furniture and fixtures fixed-rate levy losses, and for each tax year from 2006 through 2011 its telephone property fixed-rate levy loss, which are the applicable amounts described in divisions (D)(1), (2), (3), and (4) of this section:

(1) The machinery and equipment fixed-rate levy loss is the machinery and equipment property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(2) The inventory fixed-rate loss is the inventory property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(3) The furniture and fixtures fixed-rate levy loss is the furniture and fixture property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(4) The telephone property fixed-rate levy loss is the telephone property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(E) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-sum levy loss. The fixed-sum levy loss is the amount obtained by subtracting the amount described in division (E)(2) of this section from the amount described in division (E)(1) of this section:

(1) The sum of the machinery and equipment property tax value loss, the inventory property tax value loss, and the furniture and fixtures property tax value loss, and, for 2008 through 2017 the telephone property tax value loss of the district or unit multiplied by the sum of the fixed-sum tax rates of qualifying levies. For 2006 through 2010, this computation shall include all

qualifying levies remaining in effect for the current tax year and 64500  
any school district emergency levies that are qualifying levies 64501  
not remaining in effect for the current year. For 2011 through 64502  
2017 in the case of school district emergency levies and for all 64503  
years after 2010 in the case of other fixed-sum levies, this 64504  
computation shall include only qualifying levies remaining in 64505  
effect for the current year. For purposes of this computation, a 64506  
qualifying school district emergency levy remains in effect in a 64507  
year after 2010 only if, for that year, the board of education 64508  
levies a school district emergency levy for an annual sum at least 64509  
equal to the annual sum levied by the board in tax year 2004 less 64510  
the amount of the payment certified under this division for 2006. 64511

(2) The total taxable value in tax year 2004 less the sum of 64512  
the machinery and equipment, inventory, furniture and fixtures, 64513  
and telephone property tax value losses in each school district, 64514  
joint vocational school district, and local taxing unit multiplied 64515  
by one-half of one mill per dollar. 64516

(3) For the calculations in divisions (E)(1) and (2) of this 64517  
section, the tax value losses are those that would be calculated 64518  
for tax year 2009 under divisions (C)(1), (2), and (3) of this 64519  
section and for tax year 2011 under division (C)(4) of this 64520  
section. 64521

(4) To facilitate the calculation under divisions (D) and (E) 64522  
of this section, not later than September 1, 2005, any school 64523  
district, joint vocational school district, or local taxing unit 64524  
that has a qualifying levy that was approved at an election 64525  
conducted during 2005 before September 1, 2005, shall certify to 64526  
the tax commissioner a copy of the county auditor's certificate of 64527  
estimated property tax millage for such levy as required under 64528  
division (B) of section 5705.03 of the Revised Code, which is the 64529  
rate that shall be used in the calculations under such divisions. 64530

If the amount determined under division (E) of this section 64531

for any school district, joint vocational school district, or 64532  
local taxing unit is greater than zero, that amount shall equal 64533  
the reimbursement to be paid pursuant to division (D) of section 64534  
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 64535  
and the one-half of one mill that is subtracted under division 64536  
(E)(2) of this section shall be apportioned among all contributing 64537  
fixed-sum levies in the proportion that each levy bears to the sum 64538  
of all fixed-sum levies within each school district, joint 64539  
vocational school district, or local taxing unit. 64540

(F) Not later than October 1, 2005, the tax commissioner 64541  
shall certify to the department of education for every school 64542  
district and joint vocational school district the machinery and 64543  
equipment, inventory, furniture and fixtures, and telephone 64544  
property tax value losses determined under division (C) of this 64545  
section, the machinery and equipment, inventory, furniture and 64546  
fixtures, and telephone fixed-rate levy losses determined under 64547  
division (D) of this section, and the fixed-sum levy losses 64548  
calculated under division (E) of this section. The calculations 64549  
under divisions (D) and (E) of this section shall separately 64550  
display the levy loss for each levy eligible for reimbursement. 64551

(G) Not later than October 1, 2005, the tax commissioner 64552  
shall certify the amount of the fixed-sum levy losses to the 64553  
county auditor of each county in which a school district, joint 64554  
vocational school district, or local taxing unit with a fixed-sum 64555  
levy loss reimbursement has territory. 64556

**Sec. 5751.21.** (A) Not later than the ~~thirty-first~~ fifteenth 64557  
day of July of 2007 through 2017, the department of education 64558  
shall consult with the director of budget and management and 64559  
determine the following for each school district and each joint 64560  
vocational school district eligible for payment under division (B) 64561  
of this section: 64562

(1) The state education aid offset, which is the difference 64563  
obtained by subtracting the amount described in division (A)(1)(b) 64564  
of this section from the amount described in division (A)(1)(a) of 64565  
this section: 64566

(a) The state education aid computed for the school district 64567  
or joint vocational school district for the current fiscal year as 64568  
of the ~~thirty-first~~ fifteenth day of July; 64569

(b) The state education aid that would be computed for the 64570  
school district or joint vocational school district for the 64571  
current fiscal year as of the ~~thirty-first~~ fifteenth day of July 64572  
if the recognized valuation included the machinery and equipment, 64573  
inventory, furniture and fixtures, and telephone property tax 64574  
value losses for the school district or joint vocational school 64575  
district for the second preceding tax year. 64576

(2) The greater of zero or the difference obtained by 64577  
subtracting the state education aid offset determined under 64578  
division (A)(1) of this section from the sum of the machinery and 64579  
equipment fixed-rate levy loss, the inventory fixed-rate levy 64580  
loss, furniture and fixtures fixed-rate levy loss, and telephone 64581  
property fixed-rate levy loss certified under division (F) of 64582  
section 5751.20 of the Revised Code for all taxing districts in 64583  
each school district and joint vocational school district for the 64584  
second preceding tax year. 64585

By the ~~fifth~~ twentieth day of ~~August~~ July of each such year, 64586  
the department of education and the director of budget and 64587  
management shall ~~certify~~ agree upon the amount ~~to be~~ determined 64588  
under division (A)(1) of this section ~~to the director of budget~~ 64589  
~~and management~~. 64590

(B) The department of education shall pay from the school 64591  
district tangible property tax replacement fund to each school 64592  
district and joint vocational school district all of the following 64593

for fixed-rate levy losses certified under division (F) of section 64594  
5751.20 of the Revised Code: 64595

(1) On or before May 31, 2006, one-seventh of the total 64596  
fixed-rate levy loss for tax year 2006; 64597

(2) On or before August 31, 2006, and October 31, 2006, 64598  
one-half of six-sevenths of the total fixed-rate levy loss for tax 64599  
year 2006; 64600

(3) On or before May 31, 2007, one-seventh of the total 64601  
fixed-rate levy loss for tax year 2007; 64602

(4) On or before August 31, 2007, and October 31, 2007, 64603  
forty-three per cent of the amount determined under division 64604  
(A)(2) of this section for fiscal year 2008, but not less than 64605  
zero, plus one-half of six-sevenths of the difference between the 64606  
total fixed-rate levy loss for tax year 2007 and the total 64607  
fixed-rate levy loss for tax year 2006. 64608

(5) On or before May 31, 2008, fourteen per cent of the 64609  
amount determined under division (A)(2) of this section for fiscal 64610  
year 2008, but not less than zero, plus one-seventh of the 64611  
difference between the total fixed-rate levy loss for tax year 64612  
2008 and the total fixed-rate levy loss for tax year 2006. 64613

(6) On or before August 31, 2008, and October 31, 2008, 64614  
forty-three per cent of the amount determined under division 64615  
(A)(2) of this section for fiscal year 2009, but not less than 64616  
zero, plus one-half of six-sevenths of the difference between the 64617  
total fixed-rate levy loss in tax year 2008 and the total 64618  
fixed-rate levy loss in tax year 2007. 64619

(7) On or before May 31, 2009, fourteen per cent of the 64620  
amount determined under division (A)(2) of this section for fiscal 64621  
year 2009, but not less than zero, plus one-seventh of the 64622  
difference between the total fixed-rate levy loss for tax year 64623  
2009 and the total fixed-rate levy loss for tax year 2007. 64624

(8) On or before August 31, 2009, and October 31, 2009, 64625  
forty-three per cent of the amount determined under division 64626  
(A)(2) of this section for fiscal year 2010, but not less than 64627  
zero, plus one-half of six-sevenths of the difference between the 64628  
total fixed-rate levy loss in tax year 2009 and the total 64629  
fixed-rate levy loss in tax year 2008. 64630

(9) On or before May 31, 2010, fourteen per cent of the 64631  
amount determined under division (A)(2) of this section for fiscal 64632  
year 2010, but not less than zero, plus one-seventh of the 64633  
difference between the total fixed-rate levy loss in tax year 2010 64634  
and the total fixed-rate levy loss in tax year 2008. 64635

(10) On or before August 31, 2010, and October 31, 2010, 64636  
~~one-third~~ forty-three per cent of the amount determined under 64637  
division (A)(2) of this section for fiscal year 2011, but not less 64638  
than zero, plus one-half of six-sevenths of the difference between 64639  
the telephone property fixed-rate levy loss for tax year 2010 and 64640  
the telephone property fixed-rate levy loss for tax year 2009. 64641

(11) On or before May 31, 2011, fourteen per cent of the 64642  
amount determined under division (A)(2) of this section for fiscal 64643  
year 2011, but not less than zero, plus one-seventh of the 64644  
difference between the telephone property fixed-rate levy loss for 64645  
tax year 2011 and the telephone property fixed-rate levy loss for 64646  
tax year 2009. 64647

(12) On or before August 31, 2011, and October 31, 2011, ~~and~~ 64648  
~~May 31, 2012,~~ the amount determined under division (A)(2) of this 64649  
section multiplied by a fraction, the numerator of which is 64650  
fourteen and the denominator of which is seventeen, but not less 64651  
than zero, multiplied by ~~one-third~~ forty-three per cent, plus 64652  
one-half of six-sevenths of the difference between the telephone 64653  
property fixed-rate levy loss for tax year 2011 and the telephone 64654  
property fixed-rate levy loss for tax year 2010. 64655

(13) On or before May 31, 2012, fourteen per cent of the 64656  
amount determined under division (A)(2) of this section for fiscal 64657  
year 2012, multiplied by a fraction, the numerator of which is 64658  
fourteen and the denominator of which is seventeen, plus 64659  
one-seventh of the difference between the telephone property 64660  
fixed-rate levy loss for tax year 2011 and the telephone property 64661  
fixed-rate levy loss for tax year 2010. 64662

(14) On or before August 31, 2012, October 31, 2012, and May 64663  
31, 2013, the amount determined under division (A)(2) of this 64664  
section multiplied by a fraction, the numerator of which is eleven 64665  
and the denominator of which is seventeen, but not less than zero, 64666  
multiplied by one-third. 64667

(15) On or before August 31, 2013, October 31, 2013, and May 64668  
31, 2014, the amount determined under division (A)(2) of this 64669  
section multiplied by a fraction, the numerator of which is nine 64670  
and the denominator of which is seventeen, but not less than zero, 64671  
multiplied by one-third. 64672

(16) On or before August 31, 2014, October 31, 2014, and May 64673  
31, 2015, the amount determined under division (A)(2) of this 64674  
section multiplied by a fraction, the numerator of which is seven 64675  
and the denominator of which is seventeen, but not less than zero, 64676  
multiplied by one-third. 64677

(17) On or before August 31, 2015, October 31, 2015, and May 64678  
31, 2016, the amount determined under division (A)(2) of this 64679  
section multiplied by a fraction, the numerator of which is five 64680  
and the denominator of which is seventeen, but not less than zero, 64681  
multiplied by one-third. 64682

(18) On or before August 31, 2016, October 31, 2016, and May 64683  
31, 2017, the amount determined under division (A)(2) of this 64684  
section multiplied by a fraction, the numerator of which is three 64685  
and the denominator of which is seventeen, but not less than zero, 64686

multiplied by one-third. 64687

(19) On or before August 31, 2017, October 31, 2017, and May 31, 2018, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is one and the denominator of which is seventeen, but not less than zero, multiplied by one-third. 64688  
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~~(20) After May 31, 2018, no payments shall be made under this section.~~ 64693  
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The department of education shall report to each school district and joint vocational school district the apportionment of the payments among the school district's or joint vocational school district's funds based on the certifications under division (F) of section 5751.20 of the Revised Code. 64695  
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Any qualifying levy that is a fixed-rate levy that is not applicable to a tax year after 2010 does not qualify for any reimbursement after the tax year to which it is last applicable. 64700  
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(C) For taxes levied within the ten-mill limitation for debt purposes in tax year 2005, payments shall be made equal to one hundred per cent of the loss computed as if the tax were a fixed-rate levy, but those payments shall extend from fiscal year 2006 through fiscal year 2018, as long as the qualifying levy continues to be used for debt purposes. If the purpose of such a qualifying levy is changed, that levy becomes subject to the payments determined in division (B) of this section. 64703  
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(D)(1) Not later than January 1, 2006, for each fixed-sum levy of each school district or joint vocational school district and for each year for which a determination is made under division (F) of section 5751.20 of the Revised Code that a fixed-sum levy loss is to be reimbursed, the tax commissioner shall certify to the department of education the fixed-sum levy loss determined under that division. The certification shall cover a time period 64711  
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sufficient to include all fixed-sum levies for which the 64718  
commissioner made such a determination. The department shall pay 64719  
from the school district property tax replacement fund to the 64720  
school district or joint vocational school district one-third of 64721  
the fixed-sum levy loss so certified for each year on or before 64722  
the last day of May, August, and October of the current year. 64723

(2) Beginning in 2006, by the first day of January of each 64724  
year, the tax commissioner shall review the certification 64725  
originally made under division (D)(1) of this section. If the 64726  
commissioner determines that a debt levy that had been scheduled 64727  
to be reimbursed in the current year has expired, a revised 64728  
certification for that and all subsequent years shall be made to 64729  
the department of education. 64730

(E) Beginning in September 2007 and through June 2018, the 64731  
director of budget and management shall transfer from the school 64732  
district tangible property tax replacement fund to the general 64733  
revenue fund each of the following: 64734

(1) On the first day of September, ~~the lesser of~~ one-fourth 64735  
of the amount ~~certified~~ determined for that fiscal year under 64736  
division (A)(1) of this section ~~or the balance in the school~~ 64737  
~~district tangible property tax replacement fund;~~ 64738

(2) On the first day of December, ~~the lesser of~~ one-fourth of 64739  
the amount ~~certified~~ determined for that fiscal year under 64740  
division (A)(1) of this section ~~or the balance in the school~~ 64741  
~~district tangible property tax replacement fund;~~ 64742

(3) On the first day of March, ~~the lesser of~~ one-fourth of 64743  
the amount ~~certified~~ determined for that fiscal year under 64744  
division (A)(1) of this section ~~or the balance in the school~~ 64745  
~~district tangible property tax replacement fund;~~ 64746

(4) On the first day of June, ~~the lesser of~~ one-fourth of the 64747  
amount ~~certified~~ determined for that fiscal year under division 64748

(A)(1) of this section ~~or the balance in the school district  
tangible property tax replacement fund.~~ 64749  
64750

If, when a transfer is required under division (E)(1), (2),  
(3), or (4) of this section, there is not sufficient money in the  
school district tangible property tax replacement fund to make the  
transfer in the required amount, the director shall transfer the  
balance in the fund to the general revenue fund and may make  
additional transfers on later dates as determined by the director  
in a total amount that does not exceed one-fourth of the amount  
determined for the fiscal year. 64751  
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(F) For each of the fiscal years 2006 through 2018, if the 64759  
total amount in the school district tangible property tax 64760  
replacement fund is insufficient to make all payments under 64761  
divisions (B), (C), and (D) of this section at the times the 64762  
payments are to be made, the director of budget and management 64763  
shall transfer from the general revenue fund to the school 64764  
district tangible property tax replacement fund the difference 64765  
between the total amount to be paid and the amount in the school 64766  
district tangible property tax replacement fund. For each fiscal 64767  
year after 2018, at the time payments under division (D) of this 64768  
section are to be made, the director of budget and management 64769  
shall transfer from the general revenue fund to the school 64770  
district property tax replacement fund the amount necessary to 64771  
make such payments. 64772

(G)(1) On the fifteenth day of June of 2006 through 2011, the 64773  
director of budget and management may transfer any balance in the 64774  
school district tangible property tax replacement fund to the 64775  
general revenue fund. At the end of fiscal years 2012 through 64776  
2018, any balance in the school district tangible property tax 64777  
replacement fund shall remain in the fund to be used in future 64778  
fiscal years for school purposes. 64779

(2) In each fiscal year beginning with fiscal year 2019, all 64780

amounts credited to the school district tangible personal property 64781  
tax replacement fund shall be appropriated for school purposes. 64782

(H) If all of the territory of a school district or joint 64783  
vocational school district is merged with another district, or if 64784  
a part of the territory of a school district or joint vocational 64785  
school district is transferred to an existing or newly created 64786  
district, the department of education, in consultation with the 64787  
tax commissioner, shall adjust the payments made under this 64788  
section as follows: 64789

(1) For a merger of two or more districts, the machinery and 64790  
equipment, inventory, furniture and fixtures, and telephone 64791  
property fixed-rate levy losses and the fixed-sum levy losses of 64792  
the successor district shall be equal to the sum of the machinery 64793  
and equipment, inventory, furniture and fixtures, and telephone 64794  
property fixed-rate levy losses and debt levy losses as determined 64795  
in section 5751.20 of the Revised Code, for each of the districts 64796  
involved in the merger. 64797

(2) If property is transferred from one district to a 64798  
previously existing district, the amount of machinery and 64799  
equipment, inventory, furniture and fixtures, and telephone 64800  
property tax value losses and fixed-rate levy losses that shall be 64801  
transferred to the recipient district shall be an amount equal to 64802  
the total machinery and equipment, inventory, furniture and 64803  
fixtures, and telephone property fixed-rate levy losses times a 64804  
fraction, the numerator of which is the value of business tangible 64805  
personal property on the land being transferred in the most recent 64806  
year for which data are available, and the denominator of which is 64807  
the total value of business tangible personal property in the 64808  
district from which the land is being transferred in the most 64809  
recent year for which data are available. For each of the first 64810  
five years after the property is transferred, but not after fiscal 64811  
year 2012, if the tax rate in the recipient district is less than 64812

the tax rate of the district from which the land was transferred, 64813  
one-half of the payments arising from the amount of fixed-rate 64814  
levy losses so transferred to the recipient district shall be paid 64815  
to the recipient district and one-half of the payments arising 64816  
from the fixed-rate levy losses so transferred shall be paid to 64817  
the district from which the land was transferred. Fixed-rate levy 64818  
losses so transferred shall be computed on the basis of the sum of 64819  
the rates of fixed-rate qualifying levies of the district from 64820  
which the land was transferred, notwithstanding division (D) of 64821  
this section. 64822

(3) After December 31, 2004, if property is transferred from 64823  
one or more districts to a district that is newly created out of 64824  
the transferred property, the newly created district shall be 64825  
deemed not to have any machinery and equipment, inventory, 64826  
furniture and fixtures, or telephone property fixed-rate levy 64827  
losses and the districts from which the property was transferred 64828  
shall have no reduction in their machinery and equipment, 64829  
inventory, furniture and fixtures, and telephone property 64830  
fixed-rate levy losses. 64831

(4) If the recipient district under division (H)(2) of this 64832  
section or the newly created district under divisions (H)(3) of 64833  
this section is assuming debt from one or more of the districts 64834  
from which the property was transferred and any of the districts 64835  
losing the property had fixed-sum levy losses, the department of 64836  
education, in consultation with the tax commissioner, shall make 64837  
an equitable division of the fixed-sum levy loss reimbursements. 64838

**Sec. 5751.23.** (A) As used in this section: 64839

(1) "Administrative fees" means the dollar percentages 64840  
allowed by the county auditor for services or by the county 64841  
treasurer as fees, or paid to the credit of the real estate 64842  
assessment fund, under divisions (A) and ~~(B)~~(C) of section 319.54 64843

and division (A) of section 321.26 of the Revised Code. 64844

(2) "Administrative fee loss" means a county's loss of 64845  
administrative fees due to its tax value loss, determined as 64846  
follows: 64847

(a) For purposes of the determination made under division (B) 64848  
of this section in the years 2006 through 2010, the administrative 64849  
fee loss shall be computed by multiplying the amounts determined 64850  
for all taxing districts in the county under divisions (D) and (E) 64851  
of section 5751.20 of the Revised Code by nine thousand six 64852  
hundred fifty-nine ten-thousandths of one per cent if total taxes 64853  
collected in the county in 2004 exceeded one hundred fifty million 64854  
dollars, or one and one thousand one hundred fifty-nine 64855  
ten-thousandths of one per cent if total taxes collected in the 64856  
county in 2004 were one hundred fifty million dollars or less; 64857

(b) For purposes of the determination under division (B) of 64858  
this section in the years after 2010, the administrative fee 64859  
losses shall be determined by multiplying the administrative fee 64860  
losses calculated for 2010 by the fractions in divisions (A)(1)(b) 64861  
to (i) of section 5751.22 of the Revised Code. 64862

(3) "Total taxes collected" means all money collected on any 64863  
tax duplicate of the county, other than the estate tax duplicates. 64864  
"Total taxes collected" does not include amounts received pursuant 64865  
to divisions (F) and (G) of section 321.24 or section 323.156 of 64866  
the Revised Code. 64867

(B) Not later than December 31, 2005, the tax commissioner 64868  
shall certify to each county auditor the tax levy losses 64869  
calculated under divisions (D) and (E) of section 5751.20 of the 64870  
Revised Code for each school district, joint vocational school 64871  
district, and local taxing unit in the county. Not later than the 64872  
thirty-first day of January of 2006 through 2017, the county 64873  
auditor shall determine the administrative fee loss for the county 64874

and apportion that loss ratably among the school districts, joint vocational school districts, and local taxing units on the basis of the tax levy losses certified under this division.

(C) On or before each of the days prescribed for the settlements under divisions (A) and (C) of section 321.24 of the Revised Code in the years 2006 through 2017, the county treasurer shall deduct one-half of the amount apportioned to each school district, joint vocational school district, and local taxing unit from the portions of revenue payable to them.

(D) On or before each of the days prescribed for settlements under divisions (A) and (C) of section 321.24 of the Revised Code in the years 2006 through 2017, the county auditor shall cause to be deposited an amount equal to one-half of the amount of the administrative fee loss in the same funds as if allowed as administrative fees.

**Sec. 5907.15.** There is hereby created in the state treasury the Ohio veterans' homes rental, ~~and service, and medicare reimbursement~~ fund. Revenue generated from temporary use agreements of a veterans' home, from the sale of meals at a home's dining halls, and from rental, lease, or sharing agreements for the use of facilities, supplies, equipment, utilities, or services provided by a home, ~~and from medicare reimbursements~~ shall be credited to the fund. The fund shall be used ~~only~~ for maintenance costs of the homes and for the purchase of medications, medication services, medical supplies, and medical equipment by the homes.

**Sec. 5907.16.** There is hereby created in the state treasury the medicare services fund. Revenue from federal reimbursement of medicare services that were provided at state veterans' homes shall be credited to the fund. The fund shall be used for paying the operating costs of the state veterans' homes.

Sec. 6109.21. (A) Except as provided in divisions (D) and (E) 64905  
of this section, on and after January 1, 1994, no person shall 64906  
operate or maintain a public water system in this state without a 64907  
license issued by the director of environmental protection. A 64908  
person who operates or maintains a public water system on January 64909  
1, 1994, shall obtain an initial license under this section in 64910  
accordance with the following schedule: 64911

(1) If the public water system is a community water system, 64912  
not later than January 31, 1994; 64913

(2) If the public water system is not a community water 64914  
system and serves a nontransient population, not later than 64915  
January 31, 1994; 64916

(3) If the public water system is not a community water 64917  
system and serves a transient population, not later than January 64918  
31, 1995. 64919

A person proposing to operate or maintain a new public water 64920  
system after January 1, 1994, in addition to complying with 64921  
section 6109.07 of the Revised Code and rules adopted under it, 64922  
shall submit an application for an initial license under this 64923  
section to the director prior to commencing operation of the 64924  
system. 64925

A license or license renewal issued under this section shall 64926  
be renewed annually. Such a license or license renewal shall 64927  
expire on the thirtieth day of January in the year following its 64928  
issuance. A license holder that proposes to continue operating the 64929  
public water system for which the license or license renewal was 64930  
issued shall apply for a license renewal at least thirty days 64931  
prior to that expiration date. 64932

The director shall adopt, and may amend and rescind, rules in 64933  
accordance with Chapter 119. of the Revised Code establishing 64934

procedures governing and information to be included on 64935  
applications for licenses and license renewals under this section. 64936  
Through June 30, ~~2008~~ 2010, each application shall be accompanied 64937  
by the appropriate fee established under division (M) of section 64938  
3745.11 of the Revised Code, provided that an applicant for an 64939  
initial license who is proposing to operate or maintain a new 64940  
public water system after January 1, 1994, shall submit a fee that 64941  
equals a prorated amount of the appropriate fee established under 64942  
that division for the remainder of the licensing year. 64943

(B) Not later than thirty days after receiving a completed 64944  
application and the appropriate license fee for an initial license 64945  
under division (A) of this section, the director shall issue the 64946  
license for the public water system. Not later than thirty days 64947  
after receiving a completed application and the appropriate 64948  
license fee for a license renewal under division (A) of this 64949  
section, the director shall do one of the following: 64950

(1) Issue the license renewal for the public water system; 64951

(2) Issue the license renewal subject to terms and conditions 64952  
that the director determines are necessary to ensure compliance 64953  
with this chapter and rules adopted under it; 64954

(3) Deny the license renewal if the director finds that the 64955  
public water system was not operated in substantial compliance 64956  
with this chapter and rules adopted under it. 64957

(C) The director may suspend or revoke a license or license 64958  
renewal issued under this section if the director finds that the 64959  
public water system was not operated in substantial compliance 64960  
with this chapter and rules adopted under it. The director shall 64961  
adopt, and may amend and rescind, rules in accordance with Chapter 64962  
119. of the Revised Code governing such suspensions and 64963  
revocations. 64964

(D)(1) As used in division (D) of this section, "church" 64965

means a fellowship of believers, congregation, society, 64966  
corporation, convention, or association that is formed primarily 64967  
or exclusively for religious purposes and that is not formed or 64968  
operated for the private profit of any person. 64969

(2) This section does not apply to a church that operates or 64970  
maintains a public water system solely to provide water for that 64971  
church or for a campground that is owned by the church and 64972  
operated primarily or exclusively for members of the church and 64973  
their families. A church that, on or before March 5, 1996, has 64974  
obtained a license under this section for such a public water 64975  
system need not obtain a license renewal under this section. 64976

(E) This section does not apply to any public or nonpublic 64977  
school that meets minimum standards of the state board of 64978  
education that operates or maintains a public water system solely 64979  
to provide water for that school. 64980

Sec. 6111.0381. There is hereby created in the state treasury 64981  
the water quality protection fund. The fund shall consist of 64982  
federal grants, including grants made pursuant to the Federal 64983  
Water Pollution Control Act, and contributions made to the 64984  
environmental protection agency for water quality protection and 64985  
restoration. The director of environmental protection shall use 64986  
money in the fund for water quality protection and restoration. 64987

**Sec. 6111.04.** (A) Both of the following apply except as 64988  
otherwise provided in division (A) or (F) of this section: 64989

(1) No person shall cause pollution or place or cause to be 64990  
placed any sewage, sludge, sludge materials, industrial waste, or 64991  
other wastes in a location where they cause pollution of any 64992  
waters of the state. 64993

(2) Such an action prohibited under division (A)(1) of this 64994  
section is hereby declared to be a public nuisance. 64995

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.

(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:

(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.

(2) An action prohibited under division (B)(1) of this section is hereby declared to be a public nuisance.

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 65027  
without first receiving a modification of the existing sludge 65028  
management permit or a new sludge management permit to do so from 65029  
the director. 65030

(E) The director may require the submission of plans, 65031  
specifications, and other information that the director considers 65032  
relevant in connection with the issuance of permits. 65033

(F) This section does not apply to any of the following: 65034

(1) Waters used in washing sand, gravel, other aggregates, or 65035  
mineral products when the washing and the ultimate disposal of the 65036  
water used in the washing, including any sewage, industrial waste, 65037  
or other wastes contained in the waters, are entirely confined to 65038  
the land under the control of the person engaged in the recovery 65039  
and processing of the sand, gravel, other aggregates, or mineral 65040  
products and do not result in the pollution of waters of the 65041  
state; 65042

(2) Water, gas, or other material injected into a well to 65043  
facilitate, or that is incidental to, the production of oil, gas, 65044  
artificial brine, or water derived in association with oil or gas 65045  
production and disposed of in a well, in compliance with a permit 65046  
issued under Chapter 1509. of the Revised Code, or sewage, 65047  
industrial waste, or other wastes injected into a well in 65048  
compliance with an injection well operating permit. Division 65049

(F)(2) of this section does not authorize, without a permit, any 65050  
discharge that is prohibited by, or for which a permit is required 65051  
by, regulation of the United States environmental protection 65052  
agency. 65053

(3) Application of any materials to land for agricultural 65054  
purposes or runoff of the materials from that application or 65055  
pollution by animal waste or soil sediment, including attached 65056  
substances, resulting from farming, silvicultural, or earthmoving 65057

activities regulated by Chapter 307. or 1511. of the Revised Code. 65058  
Division (F)(3) of this section does not authorize, without a 65059  
permit, any discharge that is prohibited by, or for which a permit 65060  
is required by, the Federal Water Pollution Control Act or 65061  
regulations adopted under it. 65062

(4) The excrement of domestic and farm animals defecated on 65063  
land or runoff therefrom into any waters of the state. Division 65064  
(F)(4) of this section does not authorize, without a permit, any 65065  
discharge that is prohibited by, or for which a permit is required 65066  
by, the Federal Water Pollution Control Act or regulations adopted 65067  
under it. 65068

(5) On and after the date on which the United States 65069  
environmental protection agency approves the NPDES program 65070  
submitted by the director of agriculture under section 903.08 of 65071  
the Revised Code, any discharge that is within the scope of the 65072  
approved NPDES program submitted by the director of agriculture; 65073

(6) The discharge of sewage, industrial waste, or other 65074  
wastes into a sewerage system tributary to a treatment works. 65075  
Division (F)(6) of this section does not authorize any discharge 65076  
into a publicly owned treatment works in violation of a 65077  
pretreatment program applicable to the publicly owned treatment 65078  
works. 65079

(7) ~~A household sewage treatment system or a small flow~~ 65080  
~~on-site sewage treatment system, as applicable, as defined in~~ 65081  
~~section 3718.01 of the Revised Code that is installed~~ Septic tanks 65082  
or other disposal systems for the disposal or treatment of sewage 65083  
from single-family, two-family, or three-family dwellings in 65084  
compliance with ~~Chapter 3718. the sanitary code and section~~ 65085  
3707.01 of the Revised Code ~~and rules adopted under it.~~ Division 65086  
(F)(7) of this section does not authorize, without a permit, any 65087  
discharge that is prohibited by, or for which a permit is required 65088  
by, regulation of the United States environmental protection 65089

agency. 65090

(8) Exceptional quality sludge generated outside of this 65091  
state and contained in bags or other containers not greater than 65092  
one hundred pounds in capacity. As used in division (F)(8) of this 65093  
section, "exceptional quality sludge" has the same meaning as in 65094  
division (Y) of section 3745.11 of the Revised Code. 65095

(G) The holder of a permit issued under section 402 (a) of 65096  
the Federal Water Pollution Control Act need not obtain a permit 65097  
for a discharge authorized by the permit until its expiration 65098  
date. Except as otherwise provided in this division, the director 65099  
of environmental protection shall administer and enforce those 65100  
permits within this state and may modify their terms and 65101  
conditions in accordance with division (J) of section 6111.03 of 65102  
the Revised Code. On and after the date on which the United States 65103  
environmental protection agency approves the NPDES program 65104  
submitted by the director of agriculture under section 903.08 of 65105  
the Revised Code, the director of agriculture shall administer and 65106  
enforce those permits within this state that are issued for any 65107  
discharge that is within the scope of the approved NPDES program 65108  
submitted by the director of agriculture. 65109

**Sec. 6111.44.** (A) Except as otherwise provided in division 65110  
(B) of this section, in section 6111.14 of the Revised Code, or in 65111  
rules adopted under division (G) of section 6111.03 of the Revised 65112  
Code, no municipal corporation, county, public institution, 65113  
corporation, or officer or employee thereof or other person shall 65114  
provide or install sewerage or treatment works for sewage, sludge, 65115  
or sludge materials disposal or treatment or make a change in any 65116  
sewerage or treatment works until the plans therefor have been 65117  
submitted to and approved by the director of environmental 65118  
protection. Sections 6111.44 to 6111.46 of the Revised Code apply 65119  
to sewerage and treatment works of a municipal corporation or part 65120

thereof, an unincorporated community, a county sewer district, or 65121  
other land outside of a municipal corporation or any publicly or 65122  
privately owned building or group of buildings or place, used for 65123  
the assemblage, entertainment, recreation, education, correction, 65124  
hospitalization, housing, or employment of persons. 65125

In granting an approval, the director may stipulate 65126  
modifications, conditions, and rules that the public health and 65127  
prevention of pollution may require. Any action taken by the 65128  
director shall be a matter of public record and shall be entered 65129  
in the director's journal. Each period of thirty days that a 65130  
violation of this section continues, after a conviction for the 65131  
violation, constitutes a separate offense. 65132

(B) Sections 6111.45 and 6111.46 of the Revised Code and 65133  
division (A) of this section do not apply to any of the following: 65134

(1) Sewerage or treatment works for sewage installed or to be 65135  
installed for the use of a private residence or dwelling; 65136

(2) Sewerage systems, treatment works, or disposal systems 65137  
for storm water from an animal feeding facility or manure, as 65138  
"animal feeding facility" and "manure" are defined in section 65139  
903.01 of the Revised Code; 65140

(3) Animal waste treatment or disposal works and related 65141  
management and conservation practices that are subject to rules 65142  
adopted under division (E)(2) of section 1511.02 of the Revised 65143  
Code; 65144

~~(4) Sewerage or treatment works for the on-lot disposal or 65145  
treatment of sewage from a small flow on-site sewage treatment 65146  
system, as defined in section 3718.01 of the Revised Code, if the 65147  
board of health of a city or general health district has notified 65148  
the director of health and the director of environmental 65149  
protection under section 3718.021 of the Revised Code that the 65150  
board has chosen to regulate the system, provided that the board 65151~~

~~remains in compliance with the rules adopted under division 65152  
(A)(13) of section 3718.02 of the Revised Code. 65153~~

The exclusions established in divisions (B)(2) and (3) of 65154  
this section do not apply to the construction or installation of 65155  
disposal systems, as defined in section 6111.01 of the Revised 65156  
Code, that are located at an animal feeding facility and that 65157  
store, treat, or discharge wastewaters that do not include storm 65158  
water or manure or that discharge to a publicly owned treatment 65159  
works. 65160

**Sec. 6119.06.** Upon the declaration of the court of common 65161  
pleas organizing the regional water and sewer district pursuant to 65162  
section 6119.04 of the Revised Code and upon the qualifying of its 65163  
board of trustees and the election of a president and a secretary, 65164  
said district shall exercise in its own name all the rights, 65165  
powers, and duties vested in it by Chapter 6119. of the Revised 65166  
Code, and, subject to such reservations, limitations and 65167  
qualifications as are set forth in this Chapter, such district 65168  
may: 65169

(A) Adopt bylaws for the regulation of its affairs, the 65170  
conduct of its business, and notice of its actions; 65171

(B) Adopt an official seal; 65172

(C) Maintain a principal office and suboffices at such places 65173  
within the district as it designates; 65174

(D) Sue and plead in its own name; be sued and impleaded in 65175  
its own name with respect to its contracts or torts of its 65176  
members, employees, or agents acting within the scope of their 65177  
employment, or to enforce its obligations and covenants made under 65178  
sections 6119.09, 6119.12, and 6119.14 of the Revised Code. Any 65179  
such actions against the district shall be brought in the court of 65180  
common pleas of the county in which the principal office of the 65181

district is located, or in the court of common pleas of the county 65182  
in which the cause of action arose, and all summonses, exceptions, 65183  
and notices of every kind shall be served on the district by 65184  
leaving a copy thereof at the principal office with the person in 65185  
charge thereof or with the secretary of the district. 65186

(E) Assume any liability or obligation of any person or 65187  
political subdivision, including a right on the part of such 65188  
district to indemnify and save harmless the other contracting 65189  
party from any loss, cost, or liability by reason of the failure, 65190  
refusal, neglect, or omission of such district to perform any 65191  
agreement assumed by it or to act or discharge any such 65192  
obligation; 65193

(F) Make loans and grants to political subdivisions for the 65194  
acquisition or construction of water resource projects by such 65195  
political subdivisions and adopt rules, regulations, and 65196  
procedures for making such loans and grants; 65197

(G) Acquire, construct, reconstruct, enlarge, improve, 65198  
furnish, equip, maintain, repair, operate, lease or rent to or 65199  
from, or contract for operation by or for, a political subdivision 65200  
or person, water resource projects within or without the district; 65201

(H) Make available the use or service of any water resource 65202  
project to one or more persons, one or more political 65203  
subdivisions, or any combination thereof; 65204

(I) Levy and collect taxes and special assessments; 65205

(J) Issue bonds and notes and refunding bonds and notes as 65206  
provided in Chapter 6119. of the Revised Code; 65207

(K) Acquire by gift or purchase, hold, and dispose of real 65208  
and personal property in the exercise of its powers and the 65209  
performance of its duties under Chapter 6119. of the Revised Code; 65210

(L) Dispose of, by public or private sale, or lease any real 65211

or personal property determined by the board of trustees to be no longer necessary or needed for the operation or purposes of the district;

(M) Acquire, in the name of the district, by purchase or otherwise, on such terms and in such manner as it considers proper, or by the exercise of the right of condemnation in the manner provided by section 6119.11 of the Revised Code, such public or private lands, including public parks, playgrounds, or reservations, or parts thereof or rights therein, rights-of-way, property, rights, easements, and interests as it considers necessary for carrying out Chapter 6119. of the Revised Code, 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 political subdivision, and compensation shall be paid for public or private lands so taken;

(N) Adopt rules and regulations to protect augmented flow by the district in waters of the state, to the extent augmented by a water resource project, from depletion so it will be available for beneficial use, to provide standards for the withdrawal from waters of the state of the augmented flow created by a water resource project which is not returned to the waters of the state so augmented, and to establish reasonable charges therefor, if considered necessary by the district;

(O) Make and enter into all contracts and agreements and execute all instruments necessary or incidental to the performance of its duties and the execution of its powers under Chapter 6119. of the Revised Code;

(P) Enter into contracts with any person or any political subdivision to render services to such contracting party for any service the district is authorized to provide;

(Q) Enter into agreements for grants or the receipt and

<u>repayment of loans from a board of township trustees under section</u>	65243
<u>505.705 of the Revised Code;</u>	65244
<u>(R)</u> Make provision for, contract for, or sell any of its	65245
by-products or waste;	65246
<del>(R)</del> <u>(S)</u> Exercise the power of eminent domain in the manner	65247
provided in Chapter 6119. of the Revised Code;	65248
<del>(S)</del> <u>(T)</u> Remove or change the location of any fence, building,	65249
railroad, canal, or other structure or improvement located in or	65250
out of the district, and in case it is not feasible or economical	65251
to move any such building, structure, or improvement situated in	65252
or upon lands required, and if the cost is determined by the board	65253
to be less than that of purchase or condemnation, to acquire land	65254
and construct, acquire, or install therein or thereon buildings,	65255
structures, or improvements similar in purpose, to be exchanged	65256
for such buildings, structures, or improvements under contracts	65257
entered into between the owner thereof and the district;	65258
<del>(T)</del> <u>(U)</u> Receive and accept, from any federal or state agency,	65259
grants for or in aid of the construction of any water resource	65260
project, and receive and accept aid or contributions from any	65261
source of money, property, labor, or other things of value, to be	65262
held, used, and applied only for the purposes for which such	65263
grants and contributions are made;	65264
<del>(U)</del> <u>(V)</u> Purchase fire and extended coverage and liability	65265
insurance for any water resource project and for the principal	65266
office and suboffices of the district, insurance protecting the	65267
district and its officers and employees against liability for	65268
damage to property or injury to or death of persons arising from	65269
its operations, and any other insurance the district may agree to	65270
provide under any resolution authorizing its water resource	65271
revenue bonds or in any trust agreement securing the same;	65272
<del>(V)</del> <u>(W)</u> Charge, alter, and collect rentals and other charges	65273

for the use of services of any water resource project as provided 65274  
in section 6119.09 of the Revised Code. Such district may refuse 65275  
the services of any of its projects if any of such rentals or 65276  
other charges, including penalties for late payment, are not paid 65277  
by the user thereof, and, if such rentals or other charges are not 65278  
paid when due and upon certification of nonpayment to the county 65279  
auditor, such rentals or other charges constitute a lien upon the 65280  
property so served, shall be placed by ~~him~~ the auditor upon the 65281  
real property tax list and duplicate, and shall be collected in 65282  
the same manner as other taxes~~;~~. 65283

~~(W)~~(X) Provide coverage for its employees under Chapters 65284  
145., 4123., and 4141. of the Revised Code; 65285

~~(X)~~(Y) Merge or combine with any other regional water and 65286  
sewer district into a single district, which shall be one of the 65287  
constituent districts, on terms so that the surviving district 65288  
shall be possessed of all rights, capacity, privileges, powers, 65289  
franchises, and authority of the constituent districts and shall 65290  
be subject to all the liabilities, obligations, and duties of each 65291  
of the constituent districts and all rights of creditors of such 65292  
constituent districts shall be preserved unimpaired, limited in 65293  
lien to the property affected by such liens immediately prior to 65294  
the time of the merger and all debts, liabilities, and duties of 65295  
the respective constituent districts shall thereafter attach to 65296  
the surviving district and may be enforced against it, and such 65297  
other terms as are agreed upon, provided two-thirds of the members 65298  
of each of the boards consent to such merger or combination. Such 65299  
merger or combination shall become legally effective unless, prior 65300  
to the ninetieth day following the later of the consents, 65301  
qualified electors residing in either district equal in number to 65302  
a majority of the qualified electors voting at the last general 65303  
election in such district file with the secretary of the board of 65304  
trustees of their regional water and sewer district a petition of 65305

remonstrance against such merger or combination. The secretary 65306  
shall cause the board of elections of the proper county or 65307  
counties to check the sufficiency of the signatures on such 65308  
petition. 65309

~~(Y)~~(Z) Exercise the powers of the district without obtaining 65310  
the consent of any other political subdivision, provided that all 65311  
public or private property damaged or destroyed in carrying out 65312  
the powers of the district shall be restored or repaired and 65313  
placed in its original condition as nearly as practicable or 65314  
adequate compensation made therefor by the district; 65315

~~(Z)~~(AA) Require the owner of any premises located within the 65316  
district to connect ~~his~~ the owner's premises to a water resource 65317  
project determined to be accessible to such premises and found to 65318  
require such connection so as to prevent or abate pollution or 65319  
protect the health and property of persons in the district. Such 65320  
connection shall be made in accordance with procedures established 65321  
by the board of trustees of such district and pursuant to such 65322  
orders as the board may find necessary to ensure and enforce 65323  
compliance with such procedures~~+~~. 65324

~~(AA)~~(BB) Do all acts necessary or proper to carry out the 65325  
powers granted in Chapter 6119. of the Revised Code. 65326

**Sec. 6121.04.** The Ohio water development authority may do any 65327  
or all of the following: 65328

(A) Adopt bylaws for the regulation of its affairs and the 65329  
conduct of its business; 65330

(B) Adopt an official seal; 65331

(C) Maintain a principal office and suboffices at places 65332  
within the state that it designates; 65333

(D) Sue and plead in its own name and be sued and impleaded 65334  
in its own name with respect to its contracts or torts of its 65335

members, employees, or agents acting within the scope of their 65336  
employment, or to enforce its obligations and covenants made under 65337  
sections 6121.06, 6121.08, and 6121.13 of the Revised Code. Any 65338  
such actions against the authority shall be brought in the court 65339  
of common pleas of the county in which the principal office of the 65340  
authority is located or in the court of common pleas of the county 65341  
in which the cause of action arose, provided that the county is 65342  
located within this state, and all summonses, exceptions, and 65343  
notices of every kind shall be served on the authority by leaving 65344  
a copy thereof at the principal office with the person in charge 65345  
thereof or with the secretary-treasurer of the authority. 65346

(E) Make loans and grants to governmental agencies for the 65347  
acquisition or construction of water development projects by any 65348  
such governmental agency and adopt rules and procedures for making 65349  
such loans and grants; 65350

(F) Acquire, construct, reconstruct, enlarge, improve, 65351  
furnish, equip, maintain, repair, operate, or lease or rent to, or 65352  
contract for operation by, a governmental agency or person, water 65353  
development projects, and establish rules for the use of those 65354  
projects; 65355

(G) Make available the use or services of any water 65356  
development project to one or more persons, one or more 65357  
governmental agencies, or any combination thereof; 65358

(H) Issue water development revenue bonds and notes and water 65359  
development revenue refunding bonds of the state, payable solely 65360  
from revenues as provided in section 6121.06 of the Revised Code, 65361  
unless the bonds are refunded by refunding bonds, for the purpose 65362  
of paying any part of the cost of one or more water development 65363  
projects or parts thereof; 65364

(I) Acquire by gift or purchase, hold, and dispose of real 65365  
and personal property in the exercise of its powers and the 65366

performance of its duties under this chapter; 65367

(J) Acquire, in the name of the state, by purchase or 65368  
otherwise, on terms and in the manner that it considers proper, or 65369  
by the exercise of the right of condemnation in the manner 65370  
provided by section 6121.18 of the Revised Code, public or private 65371  
lands, including public parks, playgrounds, or reservations, or 65372  
parts thereof or rights therein, rights-of-way, property, rights, 65373  
easements, and interests that it considers necessary for carrying 65374  
out this chapter, but excluding the acquisition by the exercise of 65375  
the right of condemnation of any waste water facility or water 65376  
management facility owned by any person or governmental agency, 65377  
and compensation shall be paid for public or private lands so 65378  
taken, except that a government-owned waste water facility may be 65379  
appropriated in accordance with section 6121.041 of the Revised 65380  
Code; 65381

(K) Adopt rules to protect augmented flow in waters of the 65382  
state, to the extent augmented by a water development project, 65383  
from depletion so it will be available for beneficial use, and to 65384  
provide standards for the withdrawal from waters of the state of 65385  
the augmented flow created by a water development project that is 65386  
not returned to the waters of the state so augmented and to 65387  
establish reasonable charges therefor if considered necessary by 65388  
the authority; 65389

(L) Make and enter into all contracts and agreements and 65390  
execute all instruments necessary or incidental to the performance 65391  
of its duties and the execution of its powers under this chapter 65392  
in accordance with the following requirements: 65393

(1) When the cost under any such contract or agreement, other 65394  
than compensation for personal services, involves an expenditure 65395  
of more than twenty-five thousand dollars, the authority shall 65396  
make a written contract with the lowest responsive and responsible 65397  
bidder, in accordance with section 9.312 of the Revised Code, 65398

after advertisement for not less than two consecutive weeks in a 65399  
newspaper of general circulation in Franklin county, and in other 65400  
publications that the authority determines, which shall state the 65401  
general character of the work and the general character of the 65402  
materials to be furnished, the place where plans and 65403  
specifications therefor may be examined, and the time and place of 65404  
receiving bids, provided that a contract or lease for the 65405  
operation of a water development project constructed and owned by 65406  
the authority or an agreement for cooperation in the acquisition 65407  
or construction of a water development project pursuant to section 65408  
6121.13 of the Revised Code or any contract for the construction 65409  
of a water development project that is to be leased by the 65410  
authority to, and operated by, persons who are not governmental 65411  
agencies and the cost of the project is to be amortized 65412  
exclusively from rentals or other charges paid to the authority by 65413  
persons who are not governmental agencies is not subject to the 65414  
foregoing requirements and the authority may enter into such a 65415  
contract or lease or such an agreement pursuant to negotiation and 65416  
upon terms and conditions and for the period that it finds to be 65417  
reasonable and proper in the circumstances and in the best 65418  
interests of proper operation or of efficient acquisition or 65419  
construction of the project. 65420

(2) Each bid for a contract for the construction, demolition, 65421  
alteration, repair, or reconstruction of an improvement shall 65422  
contain the full name of every person interested in it and shall 65423  
meet the requirements of section 153.54 of the Revised Code. 65424

(3) Each bid for a contract except as provided in division 65425  
(L)(2) of this section shall contain the full name of every person 65426  
or company interested in it and shall be accompanied by a 65427  
sufficient bond or certified check on a solvent bank that if the 65428  
bid is accepted, a contract will be entered into and the 65429  
performance thereof secured. 65430

(4) The authority may reject any and all bids. 65431

(5) A bond with good and sufficient surety, approved by the 65432  
authority, shall be required of every contractor awarded a 65433  
contract except as provided in division (L)(2) of this section, in 65434  
an amount equal to at least fifty per cent of the contract price, 65435  
conditioned upon the faithful performance of the contract. 65436

(M) Employ managers, superintendents, and other employees and 65437  
retain or contract with consulting engineers, financial 65438  
consultants, accounting experts, architects, attorneys, and other 65439  
consultants and independent contractors that are necessary in its 65440  
judgment to carry out this chapter, and fix the compensation 65441  
thereof. All expenses thereof shall be payable solely from the 65442  
proceeds of water development revenue bonds or notes issued under 65443  
this chapter, from revenues, or from funds appropriated for that 65444  
purpose by the general assembly. 65445

(N) Receive and accept from any federal agency, subject to 65446  
the approval of the governor, grants for or in aid of the 65447  
construction of any water development project or for research and 65448  
development with respect to waste water or water management 65449  
facilities, and receive and accept aid or contributions from any 65450  
source of money, property, labor, or other things of value, to be 65451  
held, used, and applied only for the purposes for which the grants 65452  
and contributions are made; 65453

(O) Engage in research and development with respect to waste 65454  
water or water management facilities; 65455

(P) Purchase fire and extended coverage and liability 65456  
insurance for any water development project and for the principal 65457  
office and suboffices of the authority, insurance protecting the 65458  
authority and its officers and employees against liability for 65459  
damage to property or injury to or death of persons arising from 65460  
its operations, and any other insurance the authority may agree to 65461

provide under any resolution authorizing its water development 65462  
revenue bonds or in any trust agreement securing the same; 65463

(Q) Charge, alter, and collect rentals and other charges for 65464  
the use or services of any water development project as provided 65465  
in section 6121.13 of the Revised Code; 65466

(R) Provide coverage for its employees under Chapters 145., 65467  
4123., and 4141. of the Revised Code; 65468

(S) Assist in the implementation and administration of the 65469  
drinking water assistance fund and program created in section 65470  
6109.22 of the Revised Code and the water pollution control loan 65471  
fund and program created in section 6111.036 of the Revised Code, 65472  
including, without limitation, performing or providing fiscal 65473  
management for the funds and investing and disbursing moneys in 65474  
the funds, and enter into all necessary and appropriate agreements 65475  
with the director of environmental protection for those purposes; 65476

(T) Issue water development revenue bonds and notes of the 65477  
state in principal amounts that are necessary for the purpose of 65478  
raising moneys for the sole benefit of the water pollution control 65479  
loan fund created in section 6111.036 of the Revised Code, 65480  
including moneys to meet the requirement for providing matching 65481  
moneys under division (D) of that section. The bonds and notes may 65482  
be secured by appropriate trust agreements and repaid from moneys 65483  
credited to the fund from payments of principal and interest on 65484  
loans made from the fund, as provided in division (F) of section 65485  
6111.036 of the Revised Code. 65486

(U) Issue water development revenue bonds and notes of the 65487  
state in principal amounts that are necessary for the purpose of 65488  
raising moneys for the sole benefit of the drinking water 65489  
assistance fund created in section 6109.22 of the Revised Code, 65490  
including moneys to meet the requirement for providing matching 65491  
moneys under divisions (B) and (F) of that section. The bonds and 65492

notes may be secured by appropriate trust agreements and repaid 65493  
from moneys credited to the fund from payments of principal and 65494  
interest on loans made from the fund, as provided in division (F) 65495  
of section 6109.22 of the Revised Code. 65496

(V) Make loans to and enter into agreements with boards of 65497  
county commissioners for the purposes of section ~~1521.26~~ 1506.44 65498  
of the Revised Code and adopt rules establishing requirements and 65499  
procedures for making the loans and entering into the agreements; 65500

(W) Do all acts necessary or proper to carry out the powers 65501  
expressly granted in this chapter. 65502

Any instrument by which real property is acquired pursuant to 65503  
this section shall identify the agency of the state that has the 65504  
use and benefit of the real property as specified in section 65505  
5301.012 of the Revised Code. 65506

**Sec. 6131.23.** The assessments estimated in accordance with 65507  
section 6131.14 of the Revised Code shall be payable in not less 65508  
than two semiannual installments. At the time of the final 65509  
hearing, in the order approving the levying of the assessments, 65510  
the board of county commissioners shall determine how long a 65511  
period of time, in semiannual installments, as taxes are paid, 65512  
shall be given the owners of land benefited to pay the assessments 65513  
that are made for an improvement and whether or not bonds or notes 65514  
shall be issued and sold in anticipation of such payments. If 65515  
bonds or notes are to be issued, the interest shall be added to 65516  
the assessments. If the estimated cost of the improvement does not 65517  
exceed five hundred dollars, not more than two semiannual 65518  
installments, as taxes are paid, shall be given to owners of lands 65519  
benefited to pay the assessments that are made for the 65520  
improvement. If the estimated cost of the improvement exceeds five 65521  
hundred dollars, the board may determine the number of 65522  
installments in which the assessments are to be paid. If any such 65523

assessment is twenty-five dollars or less, or whenever the unpaid 65524  
balance of any such assessment is twenty-five dollars or less, the 65525  
same shall be paid in full, and not in installments, at the time 65526  
the first or next installment would otherwise become due. 65527

When assessments are payable in installments and county 65528  
general funds are used to pay for the improvement, the assessment 65529  
shall not exceed ~~ten~~ thirty semiannual installments, as computed 65530  
by the county auditor pursuant to section 6131.49 of the Revised 65531  
Code, and shall be payable upon completion of the contract. 65532

When assessments are made payable in installments and bonds 65533  
or notes have been sold to pay for the improvement, interest shall 65534  
be added to the installments of assessments at the same rate as is 65535  
drawn by the bonds or notes issued to pay for the improvements. 65536  
Any owner may pay the estimated assessments on the owner's land in 65537  
cash within thirty days after the final hearing without paying any 65538  
interest thereon. If the legislative authority of a political 65539  
subdivision chooses to pay the assessments on all parcels within 65540  
the subdivision, both public and private, in one installment, it 65541  
shall pass a resolution so stating and shall send the resolution, 65542  
or a copy thereof, to the board of county commissioners before 65543  
making the payment. The legislative authority shall pay all 65544  
subsequent maintenance assessments levied under section 6137.03 of 65545  
the Revised Code if it chooses to pay the construction assessments 65546  
on all parcels within the subdivision. 65547

Bonds may be sold for any repayment period that the board of 65548  
county commissioners may determine proper, not to exceed ~~sixteen~~ 65549  
thirty semiannual installments, except that for bonds sold by a 65550  
board of county commissioners for soil and water conservation 65551  
district improvements pursuant to section 1515.24 of the Revised 65552  
Code, the repayment period shall not exceed thirty semiannual 65553  
installments. 65554

**Section 101.02.** That existing sections 9.821, 9.822, 9.823, 65555  
9.83, 107.12, 107.40, 109.57, 109.572, 109.93, 111.18, 117.11, 65556  
119.07, 120.33, 121.48, 121.51, 122.17, 122.171, 122.602, 122.652, 65557  
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126.08, 126.16, 126.21, 126.22, 127.16, 131.44, 133.01, 133.081, 65559  
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3314.02, 3314.06, 3314.061, 3314.074, 3314.08, 3314.083, 3314.091, 65579  
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5748.02, 5749.02, 5751.20, 5751.21, 5751.23, 5907.15, 6109.21, 65633  
6111.04, 6111.44, 6119.06, 6121.04, and 6131.23 of the Revised 65634  
Code are hereby repealed. 65635

**Section 105.01.** That sections 103.141, 125.95, 183.02, 65636  
183.27, 183.32, 3318.47, 3318.48, 3318.49, 3323.01, 3323.06, 65637  
3323.08, 3323.11, 3333.29, 3704.14, 4911.021, 5111.161, 5123.16, 65638  
5123.182, 5123.199, 5126.035, 5126.036, 5126.053, 5126.431, 65639  
5126.44, 5126.451, 5743.331, 5747.61, 5747.62, and 5747.63 of the 65640  
Revised Code are hereby repealed. 65641

**Section 105.03.** That the version of section 3702.68 of the 65642  
Revised Code that was to have taken effect July 1, 2007, as a 65643  
result of Sections 3 to 5 of Am. Sub. S.B. 50 of the 121st General 65644  
Assembly, as most recently amended by Am. Sub. H.B. 66 of the 65645  
126th General Assembly, is hereby repealed. It is the intent of 65646  
this section to prevent the amendment of section 3702.68 of the 65647  
Revised Code that was to have taken effect July 1, 2007. 65648

**Section 115.03.** That section 5101.213 of the Revised Code is 65649

hereby repealed, effective July 1, 2008. 65650

**Section 120.01.** During the period beginning July 1, 2007, and 65651  
expiring July 1, 2009, the operation of sections 3718.02, 3718.05, 65652  
3718.06, 3718.07, 3718.08, 3718.09, 3718.10, 3718.99, and 6111.441 65653  
of the Revised Code is suspended. On July 1, 2009, sections 65654  
3718.02, 3718.05, 3718.06, 3718.07, 3718.08, 3718.09, 3718.10, 65655  
3718.99, and 6111.441 of the Revised Code, in either their present 65656  
form or as they are later amended, again become operational. 65657  
65658

**Section 120.02.** (A)(1) Effective July 2, 2007, the rules 65659  
adopted by the Public Health Council under section 3718.02 of the 65660  
Revised Code that took effect on January 1, 2007, are not valid. 65661  
Not later than July 2, 2007, the Director of Health shall adopt 65662  
rules that are identical to the rules adopted by the Public Health 65663  
Council that were in effect prior to January 1, 2007, and were 65664  
codified in Chapter 3701-29 of the Administrative Code, except the 65665  
rules in that chapter that established requirements for separation 65666  
distances from a water table and soil absorption requirements. 65667

At the same time that the Public Health Council adopts the 65668  
rules required under division (A)(2) of this section, the Director 65669  
shall rescind the rules adopted under this division. 65670

The adoption and rescission of rules under this division are 65671  
not subject to section 119.03 of the Revised Code. However, the 65672  
Director shall file the adoption and rescission of the rules in 65673  
accordance with section 119.04 of the Revised Code. Upon that 65674  
filing, the adoption and rescission of the rules take immediate 65675  
effect. 65676

(2) Not later than thirty days after the effective date of 65677  
this section and notwithstanding any provision of law to the 65678  
contrary, the Public Health Council shall rescind rules adopted by 65679

the Council under section 3718.02 of the Revised Code, that took 65680  
effect on January 1, 2007. At the same time as those rules are 65681  
rescinded, the Council shall adopt rules that are identical to the 65682  
rules adopted by the Council that were in effect prior to January 65683  
1, 2007, and were codified in Chapter 3701-29 of the 65684  
Administrative Code, except the rules in that Chapter that 65685  
established requirements for separation distances from a water 65686  
table and soil absorption requirements. Instead, a board of health 65687  
or the authority having the duties of a board of health shall 65688  
adopt standards establishing requirements for separation distances 65689  
from a water table and soil absorption requirements based on the 65690  
water table and soils in the applicable health district for 65691  
purposes of the installation and operation of household sewage 65692  
treatment systems and small flow on-site sewage treatment systems 65693  
in the applicable health district. 65694

The rescission and adoption of rules under this division are 65695  
not subject to section 119.03 of the Revised Code. However, the 65696  
Public Health Council shall file the rules in accordance with 65697  
section 119.04 of the Revised Code. Upon that filing, the rules 65698  
take immediate effect. 65699

(B) A local board of health or the authority having the 65700  
duties of a board of health may adopt standards for use in the 65701  
health district that are more stringent than the rules adopted 65702  
under division (A)(1) or (2) of this section, provided that the 65703  
board of health or authority having the duties of a board of 65704  
health in adopting such standards considers the economic impact of 65705  
those standards on property owners, the state of available 65706  
technology, and the nature and economics of the available 65707  
alternatives. If a board of health or authority having the duties 65708  
of a board of health adopts standards that are more stringent than 65709  
the rules adopted under division (A)(1) or (2) of this section, 65710  
the board or authority shall send a copy of the standards to the 65711

Department of Health. 65712

(C)(1) A board of health or the authority having the duties 65713  
of a board of health shall approve or deny the use of household 65714  
sewage treatment systems and small flow on-site sewage treatment 65715  
systems in the applicable health district. In approving or denying 65716  
a household sewage treatment system or a small flow on-site sewage 65717  
treatment system for use in the health district, the board or 65718  
authority shall consider the economic impact of the system on 65719  
property owners, the state of available technology, and the nature 65720  
and economics of the available alternatives, ensure that a system 65721  
will not create a public health nuisance, and require a system to 65722  
comply with the requirements established in divisions (C)(2) and 65723  
(3) of this section. 65724

(2) Notwithstanding any rule adopted by the Director of 65725  
Health or the Public Health Council or standard adopted by a board 65726  
of health or the authority having the duties of a board of health 65727  
governing the installation and operation of sewage treatment 65728  
systems, a board of health or the authority having the duties of a 65729  
board of health shall ensure that the design and installation of a 65730  
soil absorption system prevents public health nuisances. To the 65731  
extent determined necessary by a board of health or the authority 65732  
having the duties of a board of health, a sewage treatment system 65733  
that is installed after the effective date of this section shall 65734  
not discharge to a ditch, stream, pond, lake, natural or 65735  
artificial waterway, drain tile, other surface water, or the 65736  
surface of the ground unless authorized by a national pollutant 65737  
discharge elimination system (NPDES) permit issued under Chapter 65738  
6111. of the Revised Code and rules adopted under it. In addition, 65739  
a sewage treatment system shall not discharge to an abandoned 65740  
well, a drainage well, a dry well or cesspool, a sinkhole, or 65741  
another connection to ground water. As a condition to the issuance 65742  
of a permit to operate a system, a board of health or the 65743

authority having the duties of a board of health shall require a 65744  
service contract for any sewage treatment system that is subject 65745  
to an NPDES permit to the extent required by the Environmental 65746  
Protection Agency. If classified as a class V injection well, a 65747  
household sewage treatment system serving a two- or three-family 65748  
dwelling or a small flow on-site sewage treatment system shall 65749  
comply with 40 C.F.R. 144, as published in the July 1, 2005, Code 65750  
of Federal Regulations and with the registration requirements 65751  
established in rule 3745-34-13 of the Administrative Code. 65752

(3) Notwithstanding any rule adopted by the Director of 65754  
Health or the Public Health Council or standard adopted by a board 65755  
of health or the authority having the duties of a board of health 65756  
governing the installation and operation of household sewage 65757  
treatment systems, all septic tanks, other disposal component 65758  
tanks, dosing tanks, pump vaults, household sewage disposal system 65759  
holding tanks and privy vaults, or other applicable sewage 65760  
disposal system components manufactured after the effective date 65761  
of this section and used in this state shall be watertight and 65762  
structurally sound. 65763

(4) For purposes of division (C) of this section, "economic 65764  
impact" means all of the following with respect to the approval or 65765  
denial of a household sewage treatment system or small flow 65766  
on-site sewage treatment system, as applicable: 65767

(a) The cost of a proposed system; 65768

(b) The cost of an alternative system that will not create a 65769  
public health nuisance; 65770

(c) A comparison of the costs of repairing a system as 65771  
opposed to replacing the system with a new system; 65772

(d) The value of the dwelling or facility, as applicable, 65773  
that the system services as indicated in the most recent tax 65774

duplicate. 65775

(D)(1) Notwithstanding any rule adopted by the Director of 65776  
Health or the Public Health Council governing the installation and 65777  
operation of household sewage treatment systems, a board of health 65778  
or the authority having the duties of a board of health may 65779  
establish and collect fees for the purposes of this section. 65780

(2) In addition to the fees that are authorized to be 65781  
established under division (D)(1) of this section, there is hereby 65782  
levied an application fee of twenty-five dollars for a sewage 65783  
treatment system installation permit. A board of health or the 65784  
authority having the duties of a board of health shall collect the 65785  
fee on behalf of the Department of Health and forward the fee to 65786  
the Department to be deposited in the state treasury to the credit 65787  
of the Sewage Treatment System Innovation Fund, which is hereby 65788  
created. Not more than seventy-five per cent of the money in the 65789  
Fund shall be used by the Department to administer the sewage 65790  
treatment system program, and not less than twenty-five per cent 65791  
of the money in the Fund shall be used to establish a grant 65792  
program in cooperation with boards of health to fund the 65793  
installation and evaluation of new technology pilot projects. In 65794  
the selection of the pilot projects, the Director of Health shall 65795  
consult with the Sewage Treatment System Technical Advisory 65796  
Committee created in section 3718.03 of the Revised Code. 65797

(E) Not later than one year after the installation of a 65798  
household sewage treatment system, a board of health or the 65799  
authority having the duties of a board of health shall inspect the 65800  
system to ensure that it is not a public health nuisance. 65801

(F) The Department of Health may file an injunctive action 65802  
against a board of health or the authority having the duties of a 65803  
board of health that allows a household sewage treatment system or 65804  
small flow on-site sewage treatment system to cause a public 65805  
health nuisance, provided that the Department provides reasonable 65806

notice to the board or authority and allows for the opportunity to 65807  
abate the nuisance prior to the action. 65808

(G) The Environmental Protection Agency shall not require a 65809  
board of health or the authority having the duties of a board of 65810  
health to enter into a memorandum of understanding or any other 65811  
agreement with the Agency regarding the issuance of NPDES permits 65812  
for off-lot sewage treatment systems. Instead, a representative of 65813  
a board of health or the authority having the duties of a board of 65814  
health may meet with a person who intends to install such a system 65815  
to determine the feasibility of the system and refer the person to 65816  
the Agency to secure an NPDES permit for the system if needed. The 65817  
Environmental Protection Agency, within ninety days or as quickly 65818  
as possible after the effective date of this section, shall seek a 65819  
revision to the general NPDES permit, issued pursuant to the 65820  
federal Water Pollution Control Act as defined in section 6111.01 65821  
of the Revised Code, in order not to require a memorandum of 65822  
understanding with a board of health or the authority having the 65823  
duties of a board of health and that allows a property owner to 65824  
seek coverage under the general NPDES permit for purposes of this 65825  
division. A board of health or the authority having the duties of 65826  
a board of health voluntarily may enter into a memorandum of 65827  
understanding with the Environmental Protection Agency to 65828  
implement the general NPDES permit. In the interim, the Agency 65829  
shall work with boards of health or authorities having the duties 65830  
of boards of health and with property owners in order to 65831  
facilitate the owners' securing an NPDES permit in counties 65832  
without a memorandum of understanding. 65833

(H) Notwithstanding any rule adopted by the Director of 65834  
Health or the Public Health Council governing the installation and 65835  
operation of household sewage treatment systems, a board of health 65836  
or the authority having the duties of a board of health that, 65837  
prior to the effective date of this section, has obtained 65838

authority from the Department of Health and the Environmental 65839  
Protection Agency to regulate small flow on-site sewage treatment 65840  
systems may continue to regulate such systems on and after the 65841  
effective date of this section. A board of health or the authority 65842  
having the duties of a board of health that has not obtained such 65843  
authority may request the authority from the Department of Health 65844  
and the Environmental Protection Agency in the manner provided by 65845  
law. 65846

(I) Because the rules adopted by the Public Health Council 65847  
under section 3718.02 of the Revised Code that were effective on 65848  
January 1, 2007, have been rescinded by operation of this section, 65849  
the references to those rules in section 3718.021 of the Revised 65850  
Code are not operable. Instead, notwithstanding any other 65851  
provisions of this section, the Director of Health or the Public 65852  
Health Council, as applicable, shall provide for the 65853  
implementation of section 3718.021 of the Revised Code in the 65854  
rules that are required to be adopted under division (A) of this 65855  
section. 65856

(J) The Department of Health in cooperation with a board of 65857  
health or the authority having the duties of a board of health 65858  
shall assess the familiarity of the board's or authority's staff 65859  
with the best practices in the use of sewage treatment systems and 65860  
conduct appropriate training to educate the board's or authority's 65861  
staff in those best practices and in the use of any new sewage 65862  
treatment system technology that is recommended for use by the 65863  
Sewage Treatment System Technical Advisory Committee created in 65864  
section 3718.03 of the Revised Code. 65865

(K)(1) As used in this section, "household sewage treatment 65866  
system," "small flow on-site sewage treatment system," and "sewage 65867  
treatment system" have the same meanings as in section 3718.01 of 65868  
the Revised Code. 65869

(2) For the purposes of this section, "household sewage 65870

treatment system" is deemed to mean "household sewage disposal system" as necessary for the operation of this section. 65871  
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(3) For purposes of this section, a public health nuisance shall be deemed to exist when an inspection conducted by a board of health documents odor, color, or other visual manifestations of raw or poorly treated sewage and either of the following applies: 65873  
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(a) Water samples exceed five thousand fecal coliform counts per one hundred milliliters (either MPN or MF) in two or more samples when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples are taken. 65877  
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(b) Water samples exceed five hundred seventy-six E. Coli counts per one hundred milliliters in two or more samples when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples are taken. 65882  
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(L) Neither the Director of Health or the Public Health Council shall adopt rules prior to July 1, 2009, that modify or change the requirements established by this section. 65886  
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(M) 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. 65889  
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**Section 120.03.** That sections 711.001, 711.05, 711.10, 711.131, 4736.01, 6111.04, and 6111.44 be further amended and section 3718.022 of the Revised Code be enacted to read as follows: 65893  
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**Sec. 711.001.** As used in this chapter: 65897

(A) "Plat" means a map of a tract or parcel of land. 65898

(B) "Subdivision" means either of the following: 65899

(1) The division of any parcel of land shown as a unit or as 65900  
contiguous units on the last preceding general tax list and 65901  
duplicate of real and public utility property, into two or more 65902  
parcels, sites, or lots, any one of which is less than five acres 65903  
for the purpose, whether immediate or future, of transfer of 65904  
ownership, provided, however, that the following are exempt: 65905

(a) A division or partition of land into parcels of more than 65906  
five acres not involving any new streets or easements of access; 65907

(b) The sale or exchange of parcels between adjoining lot 65908  
owners, where that sale or exchange does not create additional 65909  
building sites; 65910

(c) If the planning authority adopts a rule in accordance 65911  
with section 711.133 of the Revised Code that exempts from 65912  
division (B)(1) of this section any parcel of land that is four 65913  
acres or more, parcels in the size range delineated in that rule. 65914

(2) The improvement of one or more parcels of land for 65915  
residential, commercial, or industrial structures or groups of 65916  
structures involving the division or allocation of land for the 65917  
opening, widening, or extension of any public or private street or 65918  
streets, except private streets serving industrial structures, or 65919  
involving the division or allocation of land as open spaces for 65920  
common use by owners, occupants, or leaseholders or as easements 65921  
for the extension and maintenance of public or private sewer, 65922  
water, storm drainage, or other similar facilities. 65923

~~(C) "Household sewage treatment system" has the same meaning 65924  
as in section 3709.091 of the Revised Code. 65925~~

**Sec. 711.05.** (A) Upon the submission of a plat for approval, 65926  
in accordance with section 711.041 of the Revised Code, the board 65927  
of county commissioners shall certify on it the date of the 65928  
submission. Within five days of submission of the plat, the board 65929

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 65962  
sewage treatment ~~systems~~ rules adopted under section 3718.02 of 65963  
the Revised Code, as a basis for approval of a plat. Where under 65964  
section 711.101 of the Revised Code the board of county 65965  
commissioners has set up standards and specifications for the 65966  
construction of streets, utilities, and other improvements for 65967  
common use, the general rules may require the submission of 65968  
appropriate plans and specifications for approval. The board shall 65969  
not require the person submitting the plat to alter the plat or 65970  
any part of it as a condition for approval, as long as the plat is 65971  
in accordance with general rules governing plats and subdivisions 65972  
of land, adopted by the board as provided in this section, in 65973  
effect at the time the plat was submitted and the plat is in 65974  
accordance with any standards and specifications set up under 65975  
section 711.101 of the Revised Code, in effect at the time the 65976  
plat was submitted. 65977

(C) The ground of refusal to approve any plat, submitted in 65978  
accordance with section 711.041 of the Revised Code, shall be 65979  
stated upon the record of the board, and, within sixty days 65980  
thereafter, the person submitting any plat that the board refuses 65981  
to approve may file a petition in the court of common pleas of the 65982  
county in which the land described in the plat is situated to 65983  
review the action of the board. A board of township trustees is 65984  
not entitled to appeal a decision of the board of county 65985  
commissioners under this section. 65986

**Sec. 711.10.** (A) Whenever a county planning commission or a 65987  
regional planning commission adopts a plan for the major streets 65988  
or highways of the county or region, no plat of a subdivision of 65989  
land within the county or region, other than land within a 65990  
municipal corporation or land within three miles of a city or one 65991  
and one-half miles of a village as provided in section 711.09 of 65992  
the Revised Code, shall be recorded until it is approved by the 65993

county or regional planning commission under division (C) of this 65994  
section and the approval is endorsed in writing on the plat. 65995

(B) A county or regional planning commission may require the 65996  
submission of a preliminary plan for each plat sought to be 65997  
recorded. If the commission requires this submission, it shall 65998  
provide for a review process for the preliminary plan. Under this 65999  
review process, the planning commission shall give its approval, 66000  
its approval with conditions, or its disapproval of each 66001  
preliminary plan. The commission's decision shall be in writing, 66002  
shall be under the signature of the secretary of the commission, 66003  
and shall be issued within thirty-five business days after the 66004  
submission of the preliminary plan to the commission. The 66005  
disapproval of a preliminary plan shall state the reasons for the 66006  
disapproval. A decision of the commission under this division is 66007  
preliminary to and separate from the commission's decision to 66008  
approve, conditionally approve, or refuse to approve a plat under 66009  
division (C) of this section. 66010

(C) Within five calendar days after the submission of a plat 66011  
for approval under this division, the county or regional planning 66012  
commission shall schedule a meeting to consider the plat and send 66013  
a notice by regular mail or by electronic mail to the fiscal 66014  
officer of the board of township trustees of the township in which 66015  
the plat is located and the board of health of the health district 66016  
in which the plat is located. The notice shall inform the trustees 66017  
and the board of health of the submission of the plat and of the 66018  
date, time, and location of any meeting at which the county or 66019  
regional planning commission will consider or act upon the plat. 66020  
The meeting shall take place within thirty calendar days after 66021  
submission of the plat, and no meeting shall be held until at 66022  
least seven calendar days have passed from the date the planning 66023  
commission sent the notice. 66024

The approval of the county or regional planning commission, 66025

the commission's conditional approval as described in this 66026  
division, or the refusal of the commission to approve shall be 66027  
endorsed on the plat within thirty calendar days after the 66028  
submission of the plat for approval under this division or within 66029  
such further time as the applying party may agree to in writing; 66030  
otherwise that plat is deemed approved, and the certificate of the 66031  
commission as to the date of the submission of the plat for 66032  
approval under this division and the failure to take action on it 66033  
within that time shall be sufficient in lieu of the written 66034  
endorsement or evidence of approval required by this division. 66035

A county or regional planning commission may grant 66036  
conditional approval under this division to a plat by requiring a 66037  
person submitting the plat to alter the plat or any part of it, 66038  
within a specified period after the end of the thirty calendar 66039  
days, as a condition for final approval under this division. Once 66040  
all the conditions have been met within the specified period, the 66041  
commission shall cause its final approval under this division to 66042  
be endorsed on the plat. No plat shall be recorded until it is 66043  
endorsed with the commission's final or unconditional approval 66044  
under this division. 66045

The ground of refusal of approval of any plat submitted under 66046  
this division, including citation of or reference to the rule 66047  
violated by the plat, shall be stated upon the record of the 66048  
county or regional planning commission. Within sixty calendar days 66049  
after the refusal under this division, the person submitting any 66050  
plat that the commission refuses to approve under this division 66051  
may file a petition in the court of common pleas of the proper 66052  
county, and the proceedings on the petition shall be governed by 66053  
section 711.09 of the Revised Code as in the case of the refusal 66054  
of a planning authority to approve a plat. A board of township 66055  
trustees is not entitled to appeal a decision of the commission 66056  
under this division. 66057

A county or regional planning commission shall adopt general 66058  
rules, of uniform application, governing plats and subdivisions of 66059  
land falling within its jurisdiction, to secure and provide for 66060  
the proper arrangement of streets or other highways in relation to 66061  
existing or planned streets or highways or to the county or 66062  
regional plan, for adequate and convenient open spaces for 66063  
traffic, utilities, access of firefighting apparatus, recreation, 66064  
light, and air, and for the avoidance of congestion of population. 66065  
The rules may provide for their modification by the commission in 66066  
specific cases where unusual topographical and other exceptional 66067  
conditions require the modification. The rules may require the 66068  
board of health to review and comment on a plat before the 66069  
commission acts upon it and also may require proof of compliance 66070  
with any applicable zoning resolutions, and with ~~rules governing~~ 66071  
household sewage treatment ~~systems~~ rules adopted under section 66072  
3718.02 of the Revised Code, as a basis for approval of a plat. 66073

Before adoption of its rules or amendment of its rules, the 66074  
commission shall hold a public hearing on the adoption or 66075  
amendment. Notice of the public hearing shall be sent to all 66076  
townships in the county or region by regular mail or electronic 66077  
mail at least thirty business days before the hearing. No county 66078  
or regional planning commission shall adopt any rules requiring 66079  
actual construction of streets or other improvements or facilities 66080  
or assurance of that construction as a condition precedent to the 66081  
approval of a plat of a subdivision unless the requirements have 66082  
first been adopted by the board of county commissioners after a 66083  
public hearing. A copy of the rules shall be certified by the 66084  
planning commission to the county recorders of the appropriate 66085  
counties. 66086

After a county or regional street or highway plan has been 66087  
adopted as provided in this section, the approval of plats and 66088  
subdivisions provided for in this section shall be in lieu of any 66089

approvals provided for in other sections of the Revised Code, 66090  
insofar as the territory within the approving jurisdiction of the 66091  
county or regional planning commission, as provided in this 66092  
section, is concerned. Approval of a plat shall not be an 66093  
acceptance by the public of the dedication of any street, highway, 66094  
or other way or open space shown upon the plat. 66095

No county or regional planning commission shall require a 66096  
person submitting a plat to alter the plat or any part of it as 66097  
long as the plat is in accordance with the general rules governing 66098  
plats and subdivisions of land, adopted by the commission as 66099  
provided in this section, in effect at the time the plat is 66100  
submitted. 66101

A county or regional planning commission and a city or 66102  
village planning commission, or platting commissioner or 66103  
legislative authority of a village, with subdivision regulation 66104  
jurisdiction over unincorporated territory within the county or 66105  
region may cooperate and agree by written agreement that the 66106  
approval of a plat by the city or village planning commission, or 66107  
platting commissioner or legislative authority of a village, as 66108  
provided in section 711.09 of the Revised Code, shall be 66109  
conditioned upon receiving advice from or approval by the county 66110  
or regional planning commission. 66111

(D) As used in this section, "business day" means a day of 66112  
the week excluding Saturday, Sunday, or a legal holiday as defined 66113  
in section 1.14 of the Revised Code. 66114

**Sec. 711.131.** (A) Notwithstanding sections 711.001 to 711.13 66115  
of the Revised Code and except as provided in division (C) of this 66116  
section, unless the rules adopted under section 711.05, 711.09, or 66117  
711.10 of the Revised Code are amended pursuant to division (B) of 66118  
this section, a proposed division of a parcel of land along an 66119  
existing public street, not involving the opening, widening, or 66120

extension of any street or road, and involving no more than five 66121  
lots after the original tract has been completely subdivided, may 66122  
be submitted to the planning authority having approving 66123  
jurisdiction of plats under section 711.05, 711.09, or 711.10 of 66124  
the Revised Code for approval without plat. If the authority 66125  
acting through a properly designated representative finds that a 66126  
proposed division is not contrary to applicable platting, 66127  
subdividing, zoning, health, sanitary, or access management 66128  
regulations, regulations adopted under division (B)(3) of section 66129  
307.37 of the Revised Code regarding existing surface or 66130  
subsurface drainage, or ~~rules governing~~ household sewage treatment 66131  
~~systems~~ rules adopted under section 3718.02 of the Revised Code, 66132  
it shall approve the proposed division within seven business days 66133  
after its submission and, on presentation of a conveyance of the 66134  
parcel, shall stamp the conveyance "approved by (planning 66135  
authority); no plat required" and have it signed by its clerk, 66136  
secretary, or other official as may be designated by it. The 66137  
planning authority may require the submission of a sketch and 66138  
other information that is pertinent to its determination under 66139  
this division. 66140

(B) For a period of up to two years after April 15, 2005, the 66141  
rules adopted under section 711.05, 711.09, or 711.10 of the 66142  
Revised Code may be amended within that period to authorize the 66143  
planning authority involved to approve proposed divisions of 66144  
parcels of land without plat under this division. If an authority 66145  
so amends its rules, it may approve no more than five lots without 66146  
a plat from an original tract as that original tract exists on the 66147  
effective date of the amendment to the rules. The authority shall 66148  
make the findings and approve a proposed division in the time and 66149  
manner specified in division (A) of this section. 66150

(C) This section does not apply to parcels subject to section 66151  
711.133 of the Revised Code. 66152

(D) As used in this section, "business day" means a day of 66153  
the week excluding Saturday, Sunday, or a legal holiday as defined 66154  
in section 1.14 of the Revised Code. 66155

Sec. 3718.022. Notwithstanding any provision in this chapter 66156  
to the contrary, in adopting rules under division (A) of section 66157  
3718.02 of the Revised Code, the public health council shall 66158  
consider the economic impact of the rules on property owners, the 66159  
state of available technology, and the nature and economics of the 66160  
available alteratives. 66161

**Sec. 4736.01.** As used in this chapter: 66162

(A) "Environmental health science" means the aspect of public 66163  
health science that includes, but is not limited to, the following 66164  
bodies of knowledge: air quality, food quality and protection, 66165  
hazardous and toxic substances, consumer product safety, housing, 66166  
institutional health and safety, community noise control, 66167  
radiation protection, recreational facilities, solid and liquid 66168  
waste management, vector control, drinking water quality, milk 66169  
sanitation, and rabies control. 66170

(B) "Sanitarian" means a person who performs for compensation 66171  
educational, investigational, technical, or administrative duties 66172  
requiring specialized knowledge and skills in the field of 66173  
environmental health science. 66174

(C) "Registered sanitarian" means a person who is registered 66175  
as a sanitarian in accordance with this chapter. 66176

(D) "Sanitarian-in-training" means a person who is registered 66177  
as a sanitarian-in-training in accordance with this chapter. 66178

(E) "Practice of environmental health" means consultation, 66179  
instruction, investigation, inspection, or evaluation by an 66180  
employee of a city health district, a general health district, the 66181  
environmental protection agency, the department of health, or the 66182

department of agriculture requiring specialized knowledge, 66183  
training, and experience in the field of environmental health 66184  
science, with the primary purpose of improving or conducting 66185  
administration or enforcement under any of the following: 66186

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., or 66187  
3733. of the Revised Code; 66188

(2) Chapter 3734. of the Revised Code as it pertains to solid 66189  
waste; 66190

(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 66191  
3707.38 to 3707.99, or section 3715.21 of the Revised Code; 66192

(4) Rules adopted under section 3701.34 of the Revised Code 66193  
pertaining to ~~home sewage~~, rabies control, or swimming pools; 66194

(5) Rules adopted under section 3701.935 of the Revised Code 66195  
for school health and safety network inspections and rules adopted 66196  
under section 3707.26 of the Revised Code for sanitary 66197  
inspections. 66198

"Practice of environmental health" does not include sampling, 66199  
testing, controlling of vectors, reporting of observations, or 66200  
other duties that do not require application of specialized 66201  
knowledge and skills in environmental health science performed 66202  
under the supervision of a registered sanitarian. 66203

The state board of sanitarian registration may further define 66204  
environmental health science in relation to specific functions in 66205  
the practice of environmental health through rules adopted by the 66206  
board under Chapter 119. of the Revised Code. 66207

**Sec. 6111.04.** (A) Both of the following apply except as 66208  
otherwise provided in division (A) or (F) of this section: 66209

(1) No person shall cause pollution or place or cause to be 66210  
placed any sewage, sludge, sludge materials, industrial waste, or 66211  
other wastes in a location where they cause pollution of any 66212

waters of the state. 66213

(2) Such an action prohibited under division (A)(1) of this 66214  
section is hereby declared to be a public nuisance. 66215

Divisions (A)(1) and (2) of this section do not apply if the 66216  
person causing pollution or placing or causing to be placed wastes 66217  
in a location in which they cause pollution of any waters of the 66218  
state holds a valid, unexpired permit, or renewal of a permit, 66219  
governing the causing or placement as provided in sections 6111.01 66220  
to 6111.08 of the Revised Code or if the person's application for 66221  
renewal of such a permit is pending. 66222

(B) If the director of environmental protection administers a 66223  
sludge management program pursuant to division (S) of section 66224  
6111.03 of the Revised Code, both of the following apply except as 66225  
otherwise provided in division (B) or (F) of this section: 66226

(1) No person, in the course of sludge management, shall 66227  
place on land located in the state or release into the air of the 66228  
state any sludge or sludge materials. 66229

(2) An action prohibited under division (B)(1) of this 66230  
section is hereby declared to be a public nuisance. 66231

Divisions (B)(1) and (2) of this section do not apply if the 66232  
person placing or releasing the sludge or sludge materials holds a 66233  
valid, unexpired permit, or renewal of a permit, governing the 66234  
placement or release as provided in sections 6111.01 to 6111.08 of 66235  
the Revised Code or if the person's application for renewal of 66236  
such a permit is pending. 66237

(C) No person to whom a permit has been issued shall place or 66238  
discharge, or cause to be placed or discharged, in any waters of 66239  
the state any sewage, sludge, sludge materials, industrial waste, 66240  
or other wastes in excess of the permissive discharges specified 66241  
under an existing permit without first receiving a permit from the 66242  
director to do so. 66243

(D) No person to whom a sludge management permit has been 66244  
issued shall place on the land or release into the air of the 66245  
state any sludge or sludge materials in excess of the permissive 66246  
amounts specified under the existing sludge management permit 66247  
without first receiving a modification of the existing sludge 66248  
management permit or a new sludge management permit to do so from 66249  
the director. 66250

(E) The director may require the submission of plans, 66251  
specifications, and other information that the director considers 66252  
relevant in connection with the issuance of permits. 66253

(F) This section does not apply to any of the following: 66254

(1) Waters used in washing sand, gravel, other aggregates, or 66255  
mineral products when the washing and the ultimate disposal of the 66256  
water used in the washing, including any sewage, industrial waste, 66257  
or other wastes contained in the waters, are entirely confined to 66258  
the land under the control of the person engaged in the recovery 66259  
and processing of the sand, gravel, other aggregates, or mineral 66260  
products and do not result in the pollution of waters of the 66261  
state; 66262

(2) Water, gas, or other material injected into a well to 66263  
facilitate, or that is incidental to, the production of oil, gas, 66264  
artificial brine, or water derived in association with oil or gas 66265  
production and disposed of in a well, in compliance with a permit 66266  
issued under Chapter 1509. of the Revised Code, or sewage, 66267  
industrial waste, or other wastes injected into a well in 66268  
compliance with an injection well operating permit. Division 66269

(F)(2) of this section does not authorize, without a permit, any 66270  
discharge that is prohibited by, or for which a permit is required 66271  
by, regulation of the United States environmental protection 66272  
agency. 66273

(3) Application of any materials to land for agricultural 66274

purposes or runoff of the materials from that application or 66275  
pollution by animal waste or soil sediment, including attached 66276  
substances, resulting from farming, silvicultural, or earthmoving 66277  
activities regulated by Chapter 307. or 1511. of the Revised Code. 66278  
Division (F)(3) of this section does not authorize, without a 66279  
permit, any discharge that is prohibited by, or for which a permit 66280  
is required by, the Federal Water Pollution Control Act or 66281  
regulations adopted under it. 66282

(4) The excrement of domestic and farm animals defecated on 66283  
land or runoff therefrom into any waters of the state. Division 66284  
(F)(4) of this section does not authorize, without a permit, any 66285  
discharge that is prohibited by, or for which a permit is required 66286  
by, the Federal Water Pollution Control Act or regulations adopted 66287  
under it. 66288

(5) On and after the date on which the United States 66289  
environmental protection agency approves the NPDES program 66290  
submitted by the director of agriculture under section 903.08 of 66291  
the Revised Code, any discharge that is within the scope of the 66292  
approved NPDES program submitted by the director of agriculture; 66293

(6) The discharge of sewage, industrial waste, or other 66294  
wastes into a sewerage system tributary to a treatment works. 66295  
Division (F)(6) of this section does not authorize any discharge 66296  
into a publicly owned treatment works in violation of a 66297  
pretreatment program applicable to the publicly owned treatment 66298  
works. 66299

(7) ~~Septic tanks or other disposal systems for the disposal~~ 66300  
~~or treatment of sewage from single family, two family, or~~ 66301  
~~three family dwellings~~ A household sewage treatment system or a 66302  
small flow on-site sewage treatment system, as applicable, as 66303  
defined in section 3718.01 of the Revised Code that is installed 66304  
in compliance with the sanitary code and section 3707.01 Chapter 66305  
3718. of the Revised Code and rules adopted under it. Division 66306

(F)(7) 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.

(8) Exceptional quality sludge generated outside of this state and contained in bags or other containers not greater than one hundred pounds in capacity. As used in division (F)(8) of this section, "exceptional quality sludge" has the same meaning as in division (Y) of section 3745.11 of the Revised Code.

(G) The holder of a permit issued under section 402 (a) of the Federal Water Pollution Control Act need not obtain a permit for a discharge authorized by the permit until its expiration date. Except as otherwise provided in this division, the director of environmental protection shall administer and enforce those permits within this state and may modify their terms and conditions in accordance with division (J) of section 6111.03 of the Revised Code. 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, the director of agriculture shall administer and enforce those permits within this state that are issued for any discharge that is within the scope of the approved NPDES program submitted by the director of agriculture.

**Sec. 6111.44.** (A) Except as otherwise provided in division (B) of this section, in section 6111.14 of the Revised Code, or in rules adopted under division (G) of section 6111.03 of the Revised Code, no municipal corporation, county, public institution, corporation, or officer or employee thereof or other person shall provide or install sewerage or treatment works for sewage, sludge, or sludge materials disposal or treatment or make a change in any sewerage or treatment works until the plans therefor have been

submitted to and approved by the director of environmental 66338  
protection. Sections 6111.44 to 6111.46 of the Revised Code apply 66339  
to sewerage and treatment works of a municipal corporation or part 66340  
thereof, an unincorporated community, a county sewer district, or 66341  
other land outside of a municipal corporation or any publicly or 66342  
privately owned building or group of buildings or place, used for 66343  
the assemblage, entertainment, recreation, education, correction, 66344  
hospitalization, housing, or employment of persons. 66345

In granting an approval, the director may stipulate 66346  
modifications, conditions, and rules that the public health and 66347  
prevention of pollution may require. Any action taken by the 66348  
director shall be a matter of public record and shall be entered 66349  
in the director's journal. Each period of thirty days that a 66350  
violation of this section continues, after a conviction for the 66351  
violation, constitutes a separate offense. 66352

(B) Sections 6111.45 and 6111.46 of the Revised Code and 66353  
division (A) of this section do not apply to any of the following: 66354

(1) Sewerage or treatment works for sewage installed or to be 66355  
installed for the use of a private residence or dwelling; 66356

(2) Sewerage systems, treatment works, or disposal systems 66357  
for storm water from an animal feeding facility or manure, as 66358  
"animal feeding facility" and "manure" are defined in section 66359  
903.01 of the Revised Code; 66360

(3) Animal waste treatment or disposal works and related 66361  
management and conservation practices that are subject to rules 66362  
adopted under division (E)(2) of section 1511.02 of the Revised 66363  
Code; 66364

(4) Sewerage or treatment works for the on-lot disposal or 66365  
treatment of sewage from a small flow on-site sewage treatment 66366  
system, as defined in section 3718.01 of the Revised Code, if the 66367  
board of health of a city or general health district has notified 66368

the director of health and the director of environmental 66369  
protection under section 3718.021 of the Revised Code that the 66370  
board has chosen to regulate the system, provided that the board 66371  
remains in compliance with the rules adopted under division 66372  
(A)(13) of section 3718.02 of the Revised Code. 66373

The exclusions established in divisions (B)(2) and (3) of 66374  
this section do not apply to the construction or installation of 66375  
disposal systems, as defined in section 6111.01 of the Revised 66376  
Code, that are located at an animal feeding facility and that 66377  
store, treat, or discharge wastewaters that do not include storm 66378  
water or manure or that discharge to a publicly owned treatment 66379  
works. 66380

**Section 120.04.** That existing sections 711.001, 711.05, 66381  
711.10, 711.131, 4736.01, 6111.04, and 6111.44 of the Revised Code 66382  
are hereby repealed. 66383

**Section 120.05.** Sections 120.03 and 120.04 take effect on 66384  
July 1, 2009. 66385

**Section 130.01.** As is more completely explained in Sections 66386  
130.02 and 130.03 that follow, this act, pursuant to Section 66387  
611.03 of Am. Sub. H.B. 66 of the 126th General Assembly, confirms 66388  
and orders implementation of the amendments and the enactment 66389  
referred to in Section 611.03, the taking effect of which 66390  
amendments and enactment by Am. Sub. H.B. 66 was postponed in 66391  
whole or in part by Section 611.03 pending this confirmation and 66392  
order. 66393

**Section 130.02.** (A)(1) Sections 3311.19, 3313.12, and 4117.08 66394  
of the Revised Code are presented in division (B) of this section 66395  
solely for the purpose of confirming the sections and ordering 66396  
their implementation as they result from Am. Sub. H.B. 66 of the 66397

126th General Assembly. No other action is being taken with regard 66398  
to these sections. 66399

(2) Section 9.833 of the Revised Code is presented in 66400  
division (B) of this section for the purpose of confirming the 66401  
section and ordering its implementation as it results from Am. 66402  
Sub. H.B. 46 and Am. Sub. H.B. 66, both of the 126th General 66403  
Assembly, and of amending the section to read as directed by this 66404  
act. Section 9.90 of the Revised Code is presented in division (B) 66405  
of this section for the purposes of confirming the section and 66406  
ordering its implementation as it results from Am. Sub. H.B. 66 66407  
and Sub. H.B. 193 of the 126th General Assembly and of amending 66408  
the section to read as directed by this act. Section 9.901 of the 66409  
Revised Code is presented in division (B) of this section for the 66410  
purposes of confirming the section and ordering its complete 66411  
implementation as it results from Am. Sub. H.B. 66 of the 126th 66412  
General Assembly and as it was subsequently amended by Am. Sub. 66413  
H.B. 530 of the 126th General Assembly and of amending the section 66414  
to read as directed by this act. Sections 3313.202, 3313.33, and 66415  
4117.03 of the Revised Code are presented in division (B) of this 66416  
section for the purposes of confirming the sections and ordering 66417  
their implementation as they result from Am. Sub. H.B. 66 of the 66418  
126th General Assembly and of amending the sections to read as 66419  
directed by this act. 66420

(B) Sections 9.833, 9.90, 9.901, 3311.19, 3313.12, 3313.202, 66421  
3313.33, 4117.03, and 4117.08 of the Revised Code are presented in 66422  
this division as explained in divisions (A)(1) and (2) of this 66423  
section: 66424

**Sec. 9.833.** (A) As used in this section, "political 66425  
subdivision" means a municipal corporation, township, county, or 66426  
other body corporate and politic responsible for governmental 66427  
activities in a geographic area smaller than that of the state, 66428

and agencies and instrumentalities of these entities. ~~For purposes~~ 66429  
~~of this section, a school district is not a "political~~ 66430  
~~subdivision."~~ 66431

(B) Political subdivisions that provide health care benefits 66432  
for their officers or employees may do any of the following: 66433

(1) Establish and maintain an individual self-insurance 66434  
program with public moneys to provide authorized health care 66435  
benefits, including but not limited to, health care, prescription 66436  
drugs, dental care, and vision care, in accordance with division 66437  
(C) of this section; 66438

(2) Establish and maintain a health savings account program 66439  
whereby employees or officers may establish and maintain health 66440  
savings accounts in accordance with section 223 of the Internal 66441  
Revenue Code. Public moneys may be used to pay for or fund 66442  
federally qualified high deductible health plans that are linked 66443  
to health savings accounts or to make contributions to health 66444  
savings accounts. A health savings account program may be a part 66445  
of a self-insurance program. 66446

(3) After establishing an individual self-insurance program, 66447  
agree with other political subdivisions that have established 66448  
individual self-insurance programs for health care benefits, that 66449  
their programs will be jointly administered in a manner specified 66450  
in the agreement; 66451

(4) Pursuant to a written agreement and in accordance with 66452  
division (C) of this section, join in any combination with other 66453  
political subdivisions to establish and maintain a joint 66454  
self-insurance program to provide health care benefits; 66455

(5) Pursuant to a written agreement, join in any combination 66456  
with other political subdivisions to procure or contract for 66457  
policies, contracts, or plans of insurance to provide health care 66458  
benefits, which may include a health savings account program, for 66459

their officers and employees subject to the agreement; 66460

(6) Use in any combination any of the policies, contracts, 66461  
plans, or programs authorized under this division. 66462

(C) Except as otherwise provided in division (E) of this 66463  
section, the following apply to individual or joint self-insurance 66464  
programs established pursuant to this section: 66465

(1) Such funds shall be reserved as are necessary, in the 66466  
exercise of sound and prudent actuarial judgment, to cover 66467  
potential cost of health care benefits for the officers and 66468  
employees of the political subdivision. A report of amounts so 66469  
reserved and disbursements made from such funds, together with a 66470  
written report of a member of the American academy of actuaries 66471  
certifying whether the amounts reserved conform to the 66472  
requirements of this division, are computed in accordance with 66473  
accepted loss reserving standards, and are fairly stated in 66474  
accordance with sound loss reserving principles, shall be prepared 66475  
and maintained, within ninety days after the last day of the 66476  
fiscal year of the entity for which the report is provided for 66477  
that fiscal year, in the office of the program administrator 66478  
described in division (C)(3) of this section. 66479

The report required by division (C)(1) of this section shall 66480  
include, but not be limited to, disbursements made for the 66481  
administration of the program, including claims paid, costs of the 66482  
legal representation of political subdivisions and employees, and 66483  
fees paid to consultants. 66484

The program administrator described in division (C)(3) of 66485  
this section shall make the report required by this division 66486  
available for inspection by any person at all reasonable times 66487  
during regular business hours, and, upon the request of such 66488  
person, shall make copies of the report available at cost within a 66489  
reasonable period of time. 66490

(2) Each political subdivision shall reserve funds necessary 66491  
for an individual or joint self-insurance program in a special 66492  
fund that may be established for political subdivisions other than 66493  
an agency or instrumentality pursuant to an ordinance or 66494  
resolution of the political subdivision and not subject to section 66495  
5705.12 of the Revised Code. An agency or instrumentality shall 66496  
reserve the funds necessary for an individual or joint 66497  
self-insurance program in a special fund established pursuant to a 66498  
resolution duly adopted by the agency's or instrumentality's 66499  
governing board. The political subdivision may allocate the costs 66500  
of insurance or any self-insurance program, or both, among the 66501  
funds or accounts established under this division on the basis of 66502  
relative exposure and loss experience. 66503

(3) A contract may be awarded, without the necessity of 66504  
competitive bidding, to any person, political subdivision, 66505  
nonprofit corporation organized under Chapter 1702. of the Revised 66506  
Code, or regional council of governments created under Chapter 66507  
167. of the Revised Code for purposes of administration of an 66508  
individual or joint self-insurance program. No such contract shall 66509  
be entered into without full, prior, public disclosure of all 66510  
terms and conditions. The disclosure shall include, at a minimum, 66511  
a statement listing all representations made in connection with 66512  
any possible savings and losses resulting from the contract, and 66513  
potential liability of any political subdivision or employee. The 66514  
proposed contract and statement shall be disclosed and presented 66515  
at a meeting of the political subdivision not less than one week 66516  
prior to the meeting at which the political subdivision authorizes 66517  
the contract. 66518

A contract awarded to a nonprofit corporation or a regional 66519  
council of governments under this division may provide that all 66520  
employees of the nonprofit corporation or regional council of 66521  
governments and the employees of all entities related to the 66522

nonprofit corporation or regional council of governments may be 66523  
covered by the individual or joint self-insurance program under 66524  
the terms and conditions set forth in the contract. 66525

(4) The individual or joint self-insurance program shall 66526  
include a contract with a member of the American academy of 66527  
actuaries for the preparation of the written evaluation of the 66528  
reserve funds required under division (C)(1) of this section. 66529

(5) A joint self-insurance program may allocate the costs of 66530  
funding the program among the funds or accounts established under 66531  
this division to the participating political subdivisions on the 66532  
basis of their relative exposure and loss experience. 66533

(6) An individual self-insurance program may allocate the 66534  
costs of funding the program among the funds or accounts 66535  
established under this division to the political subdivision that 66536  
established the program. 66537

(7) Two or more political subdivisions may also authorize the 66538  
establishment and maintenance of a joint health care cost 66539  
containment program, including, but not limited to, the employment 66540  
of risk managers, health care cost containment specialists, and 66541  
consultants, for the purpose of preventing and reducing health 66542  
care costs covered by insurance, individual self-insurance, or 66543  
joint self-insurance programs. 66544

(8) A political subdivision is not liable under a joint 66545  
self-insurance program for any amount in excess of amounts payable 66546  
pursuant to the written agreement for the participation of the 66547  
political subdivision in the joint self-insurance program. Under a 66548  
joint self-insurance program agreement, a political subdivision 66549  
may, to the extent permitted under the written agreement, assume 66550  
the risks of any other political subdivision. A joint 66551  
self-insurance program established under this section is deemed a 66552  
separate legal entity for the public purpose of enabling the 66553

members of the joint self-insurance program to obtain insurance or 66554  
to provide for a formalized, jointly administered self-insurance 66555  
fund for its members. An entity created pursuant to this section 66556  
is exempt from all state and local taxes. 66557

(9) Any political subdivision, other than an agency or 66558  
instrumentality, may issue general obligation bonds, or special 66559  
obligation bonds that are not payable from real or personal 66560  
property taxes, and may also issue notes in anticipation of such 66561  
bonds, pursuant to an ordinance or resolution of its legislative 66562  
authority or other governing body for the purpose of providing 66563  
funds to pay expenses associated with the settlement of claims, 66564  
whether by way of a reserve or otherwise, and to pay the political 66565  
subdivision's portion of the cost of establishing and maintaining 66566  
an individual or joint self-insurance program or to provide for 66567  
the reserve in the special fund authorized by division (C)(2) of 66568  
this section. 66569

In its ordinance or resolution authorizing bonds or notes 66570  
under this section, a political subdivision may elect to issue 66571  
such bonds or notes under the procedures set forth in Chapter 133. 66572  
of the Revised Code. In the event of such an election, 66573  
notwithstanding Chapter 133. of the Revised Code, the maturity of 66574  
the bonds may be for any period authorized in the ordinance or 66575  
resolution not exceeding twenty years, which period shall be the 66576  
maximum maturity of the bonds for purposes of section 133.22 of 66577  
the Revised Code. 66578

Bonds and notes issued under this section shall not be 66579  
considered in calculating the net indebtedness of the political 66580  
subdivision under sections 133.04, 133.05, 133.06, and 133.07 of 66581  
the Revised Code. Sections 9.98 to 9.983 of the Revised Code are 66582  
hereby made applicable to bonds or notes authorized under this 66583  
section. 66584

(10) A joint self-insurance program is not an insurance 66585

company. Its operation does not constitute doing an insurance 66586  
business and is not subject to the insurance laws of this state. 66587

(D) A political subdivision may procure group life insurance 66588  
for its employees in conjunction with an individual or joint 66589  
self-insurance program authorized by this section, provided that 66590  
the policy of group life insurance is not self-insured. 66591

(E) Divisions (C)(1), (2), and (4) of this section do not 66592  
apply to individual self-insurance programs in municipal 66593  
corporations, townships, or counties. 66594

(F) A public official or employee of a political subdivision 66595  
who is or becomes a member of the governing body of the program 66596  
administrator of a joint self-insurance program in which the 66597  
political subdivision participates is not in violation of division 66598  
(D) or (E) of section 102.03, division (C) of section 102.04, or 66599  
section 2921.42 of the Revised Code as a result of either of the 66600  
following: 66601

(1) The political subdivision's entering under this section 66602  
into the written agreement to participate in the joint 66603  
self-insurance program; 66604

(2) The political subdivision's entering under this section 66605  
into any other contract with the joint self-insurance program. 66606

**Sec. 9.90.** (A) The governing board of any public institution 66607  
of higher education, including without limitation state 66608  
universities and colleges, community college districts, university 66609  
branch districts, technical college districts, and municipal 66610  
universities, may, in addition to all other powers provided in the 66611  
Revised Code: 66612

(1) Contract for, purchase, or otherwise procure from an 66613  
insurer or insurers licensed to do business by the state of Ohio 66614  
for or on behalf of such of its employees as it may determine, 66615

life insurance, or sickness, accident, annuity, endowment, health, 66616  
medical, hospital, dental, or surgical coverage and benefits, or 66617  
any combination thereof, by means of insurance plans or other 66618  
types of coverage, family, group or otherwise, and may pay from 66619  
funds under its control and available for such purpose all or any 66620  
portion of the cost, premium, or charge for such insurance, 66621  
coverage, or benefits. However, the governing board, in addition 66622  
to or as an alternative to the authority otherwise granted by 66623  
division (A)(1) of this section, may elect to procure coverage for 66624  
health care services, for or on behalf of such of its employees as 66625  
it may determine, by means of policies, contracts, certificates, 66626  
or agreements issued by at least two health insuring corporations 66627  
holding a certificate of authority under Chapter 1751. of the 66628  
Revised Code and may pay from funds under the governing board's 66629  
control and available for such purpose all or any portion of the 66630  
cost of such coverage. 66631

(2) Make payments to a custodial account for investment in 66632  
regulated investment company stock for the purpose of providing 66633  
retirement benefits as described in section 403(b)(7) of the 66634  
Internal Revenue Code of 1954, as amended. Such stock shall be 66635  
purchased only from persons authorized to sell such stock in this 66636  
state. 66637

Any income of an employee deferred under divisions (A)(1) and 66638  
(2) of this section in a deferred compensation program eligible 66639  
for favorable tax treatment under the Internal Revenue Code of 66640  
1954, as amended, shall continue to be included as regular 66641  
compensation for the purpose of computing the contributions to and 66642  
benefits from the retirement system of such employee. Any sum so 66643  
deferred shall not be included in the computation of any federal 66644  
and state income taxes withheld on behalf of any such employee. 66645

(B) All or any portion of the cost, premium, or charge 66646  
therefor may be paid in such other manner or combination of 66647

manners as the governing board may determine, including direct 66648  
payment by the employee in cases under division (A)(1) of this 66649  
section, and, if authorized in writing by the employee in cases 66650  
under division (A)(1) or (2) of this section, by such governing 66651  
board with moneys made available by deduction from or reduction in 66652  
salary or wages or by the foregoing of a salary or wage increase. 66653  
Nothing in section 3917.01 or section 3917.06 of the Revised Code 66654  
shall prohibit the issuance or purchase of group life insurance 66655  
authorized by this section by reason of payment of premiums 66656  
therefor by the governing board from its funds, and such group 66657  
life insurance may be so issued and purchased if otherwise 66658  
consistent with the provisions of sections 3917.01 to 3917.07 of 66659  
the Revised Code. 66660

(C) The board of education of any school district may 66661  
exercise any of the powers granted to the governing boards of 66662  
public institutions of higher education under divisions (A) and 66663  
(B) of this section, except in relation to the provision of health 66664  
care benefits to employees. All health care benefits provided to 66665  
persons employed by the public schools of this state shall be 66666  
medical health care plans designed that contain best practices 66667  
established by the school employees health care board pursuant to 66668  
section 9.901 of the Revised Code. 66669

**Sec. 9.901.** (A)(1) All health care benefits provided to 66670  
persons employed by the public ~~schools~~ school districts of this 66671  
state shall be provided by ~~medical~~ health care plans ~~designed that~~ 66672  
contain best practices established pursuant to this section by the 66673  
school employees health care board. ~~The board, in consultation~~ 66674  
~~with the superintendent of insurance, shall negotiate with and, in~~ 66675  
~~accordance with the competitive selection procedures of Chapter~~ 66676  
~~125. of the Revised Code, contract with one or more insurance~~ 66677  
~~companies authorized to do business in this state for the issuance~~ 66678  
~~of the plans. Twelve months after the release of best practices by~~ 66679

the board all policies or contracts for health care benefits 66680  
provided to public school district employees that are issued or 66681  
renewed after the expiration of any applicable collective 66682  
bargaining agreement must contain best practices established 66683  
pursuant to this section by the board. Any or all of the medical 66684  
health care plans designed that contain best practices specified 66685  
by the board may be self-insured. ~~All self-insured plans adopted~~ 66686  
~~shall be administered by the board in accordance with this~~ 66687  
~~section.~~ As used in this section, a "public school district" means 66688  
~~a school in~~ a city, local, exempted village, or joint vocational 66689  
school district, and includes the educational service centers 66690  
associated with those ~~schools~~ districts but not charter schools. 66691

~~(2) Prior to soliciting proposals from insurance companies~~ 66692  
~~for the issuance of medical plans, the board shall determine what~~ 66693  
~~geographic regions exist in the state based on the availability of~~ 66694  
~~providers, networks, costs, and other factors relating to~~ 66695  
~~providing health care benefits. The board shall then determine~~ 66696  
~~what medical plans are offered by school districts and existing~~ 66697  
~~consortiums in the state. The board shall determine what medical~~ 66698  
~~plan offered by a school district or existing consortium in the~~ 66699  
~~region offers the lowest premium cost plan.~~ 66700

~~(3) The board shall develop a request for proposals and~~ 66701  
~~solicit bids for medical plans for the school districts in a~~ 66702  
~~region similar to the existing plans. The board shall also~~ 66703  
~~determine the benefits offered by existing medical plans, the~~ 66704  
~~employees' costs, and the cost sharing arrangements used by public~~ 66705  
~~schools participating in a consortium. The board shall determine~~ 66706  
~~what strategies are used by the existing medical plans to manage~~ 66707  
~~health care costs and shall study the potential benefits of state~~ 66708  
~~or regional consortiums of public schools offering multiple health~~ 66709  
~~care plans.~~ 66710

~~(4) As used in this section, a:~~ 66711

(a) A "medical health care plan" includes group policies, 66712  
contracts, and agreements that provide hospital, surgical, or 66713  
medical expense coverage, including self-insured plans. A "~~medical~~ 66714  
health care plan" does not include an individual plan offered to 66715  
the employees of a public school district, or a plan that provides 66716  
coverage only for dental services, vision services, specific 66717  
disease or accidents, or a hospital indemnity, medicare 66718  
supplement, or other plan including a group voluntary plan that 66719  
provides only supplemental benefits, paid for by the employees of 66720  
a public school district. 66721

(b) A "health plan sponsor" means a public school district, a 66722  
consortium of public school districts, or a council of 66723  
governments. 66724

(B) The school employees health care board is hereby created. 66725  
The school employees health care board shall consist of the 66726  
following ~~nine~~ twelve members and shall include individuals with 66727  
experience with public school district benefit programs, health 66728  
care industry providers, and ~~medical health care plan~~ 66729  
beneficiaries: 66730

(1) ~~Three~~ Four members appointed by the governor, one of whom 66731  
shall be representative of nonadministrative public school 66732  
district employees; 66733

(2) ~~Three~~ Four members appointed by the president of the 66734  
senate, one of whom shall be representative of nonadministrative 66735  
public school district employees; 66736

(3) ~~Three~~ Four members appointed by the speaker of the house 66737  
of representatives, one of whom shall be representative of 66738  
nonadministrative public school district employees. 66739

A member of the school employees health care board shall not 66740  
be employed by, represent, or in any way be affiliated with a 66741  
private entity that is providing services to the board, an 66742

individual school district, employers, or employees in the state 66743  
of Ohio. 66744

(C)(1) Members of the school employees health care board 66745  
shall serve four-year terms; ~~however, one of each of the initial~~ 66746  
~~members appointed under divisions (B)(1) to (3) of this section~~ 66747  
~~shall be appointed to a term of one year. The initial appointments~~ 66748  
~~under this section shall be made within forty five days after~~ 66749  
~~September 29, 2005, but may be reappointed, except as otherwise~~ 66750  
specified in division (B) of this section. 66751

~~Members' terms shall end on the twenty ninth day of~~ 66752  
~~September, but a~~ A member shall continue to serve subsequent to 66753  
the expiration of the member's term until a successor is 66754  
appointed. Any vacancy occurring during a member's term shall be 66755  
filled in the same manner as the original appointment, except that 66756  
the person appointed to fill the vacancy shall be appointed to the 66757  
remainder of the unexpired term. 66758

(2) Members shall ~~serve without~~ receive compensation ~~but~~ 66759  
fixed pursuant to division (J) of section 124.15 of the Revised 66760  
Code and shall be reimbursed from the school employees health care 66761  
fund for actual and necessary expenses incurred in the performance 66762  
of their official duties as members of the board. 66763

(3) Members may be removed by their appointing authority for 66764  
misfeasance, malfeasance, incompetence, dereliction of duty, or 66765  
other just cause. 66766

(D)(1) ~~The governor shall call the first meeting of the~~ 66767  
~~school employees health care board. At that meeting, and annually~~ 66768  
~~thereafter~~ At the first meeting of the board after the first day 66769  
of January of each calendar year, the board shall elect a 66770  
chairperson and may elect members to other positions on the board 66771  
as the board considers necessary or appropriate. The board shall 66772  
meet at least ~~four~~ nine times each calendar year and shall also 66773

meet at the call of the chairperson or ~~three~~ four or more board members. The chairperson shall provide reasonable advance notice of the time and place of board meetings to all members.

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

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

(F) The school employees health care fund is hereby created in the state treasury. ~~The public schools shall pay all school employees health care board plan premiums in the manner prescribed by the school employees health care board to the board for deposit into the school employees health care fund. All~~ The board shall use all funds in the school employees health care fund ~~shall be used solely for the provision of health care benefits to public schools employees pursuant to this section to carry out the provisions of this section~~ and related administrative costs. ~~Premiums received by the board or insurance companies contracted pursuant to division (A) of this section are not subject to any state insurance premium tax.~~

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

(1) ~~Design multiple medical plans, including regional plans, to provide, in the board's judgment, the optimal combination of 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;~~ 66805  
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~~(3) Set employer and employee plan copayments, deductibles, exclusions, limitations, formularies, premium shares, and other responsibilities;~~ 66809  
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~~(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.~~ 66812  
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~~(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 contracts; Adopt and release a set of standards that shall be considered the best practices to which public school districts shall adhere in the selection and implementation of health care plans. The standards developed by the board shall not duplicate or~~ 66819  
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conflict with existing requirements with which health insuring corporations and sickness and accident insurers must comply pursuant to Chapters 1751. and 3923. of the Revised Code. 66837  
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(2) Require that the plans the health plan sponsors administer make readily available to the public all cost and design elements of the plan; 66840  
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(3) Work with health plan sponsors through educational outlets and consultation; 66843  
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(4) Maintain a commitment to transparency and public access of its meetings and activity pursuant to division (E) of this section; 66845  
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(5) Promote cooperation among all organizations affected by this section in identifying the elements for the successful implementation of this section; 66848  
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(6) Utilize Promote cost containment measures aligned with patient, plan, and provider management strategies in developing and managing ~~medical~~ health care plans; 66851  
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(7) Prepare and disseminate to the public an annual report on the status of health plan sponsors' effectiveness in making progress to reduce the rate of increase in insurance premiums and employee out of pocket expenses, as well as progress in improving the health status of school district employees and their families. 66854  
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(H) The sections in Chapter 3923. of the Revised Code regulating public employee benefit plans are not applicable to the ~~medical health care~~ plans designed pursuant to this section. 66859  
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~~(I)(1) Public schools are not subject to this section prior to the release of medical plans designed pursuant to this section.~~ 66862  
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~~(2) Prior to the school employees health care board's release of the board's initial medical plans, the~~ The board shall may 66864  
66865  
contract with ~~an~~ one or more independent consultant consultants to 66866

analyze costs related to employee health care benefits provided by 66867  
existing public school district plans in this state. The 66868  
~~consultant shall determine~~ consultants may evaluate the benefits 66869  
offered by existing ~~medical~~ health care plans, the employees' 66870  
costs, and the cost-sharing arrangements used by public ~~schools~~ 66871  
school districts either participating in a consortium or by other 66872  
means. The ~~consultant shall determine~~ consultants may evaluate 66873  
what strategies are used by the existing ~~medical~~ health care plans 66874  
to manage health care costs and ~~shall study the potential benefits~~ 66875  
~~of state or regional consortiums of public schools offering~~ 66876  
~~multiple health care plans.~~ Based on the findings of the analysis, 66877  
the ~~consultant shall~~ consultants may submit written 66878  
recommendations to the board for the development and 66879  
implementation of a successful ~~program~~ best practices and programs 66880  
for ~~pooling~~ improving school districts' ~~purchasing power for the~~ 66881  
~~acquisition of employee medical~~ health care plans. The 66882  
~~consultant's recommendations shall address, at a minimum, all of~~ 66883  
~~the following issues:~~ 66884

(a) ~~The establishment of regions for the provision of medical~~ 66885  
~~plans, based on the availability of providers and plans in the~~ 66886  
~~state at the time that the school employees health care board is~~ 66887  
~~established;~~ 66888

(b) ~~The use of regional preferred provider and closed panel~~ 66889  
~~plans, health savings accounts, and alternative medical plans, to~~ 66890  
~~stabilize both costs and the premiums charged school districts and~~ 66891  
~~district employees;~~ 66892

(c) ~~The development of a system to obtain eligibility data~~ 66893  
~~and data compiled pursuant to the "Consolidated Omnibus Budget~~ 66894  
~~Reconciliation Act of 1985 (COBRA)," 100 Stat. 227, 29 U.S.C.~~ 66895  
~~1161, as amended;~~ 66896

(d) ~~The use of the competitive bidding process for regional~~ 66897  
~~medical plans;~~ 66898

<del>(e) The development of a timeline planning for the design and use of board medical plans by not later than December 31, 2007;</del>	66899
<del>(f) The use of information on claims and costs and of information reported by districts pursuant to COBRA in analyzing administrative and premium costs;</del>	66900
<del>(f) The use of information on claims and costs and of information reported by districts pursuant to COBRA in analyzing administrative and premium costs;</del>	66901
<del>(f) The use of information on claims and costs and of information reported by districts pursuant to COBRA in analyzing administrative and premium costs;</del>	66902
<del>(f) The use of information on claims and costs and of information reported by districts pursuant to COBRA in analyzing administrative and premium costs;</del>	66903
<del>(g) The experience of states that have mandated statewide medical plans for public school employees, including the implementation strategies used by those states;</del>	66904
<del>(g) The experience of states that have mandated statewide medical plans for public school employees, including the implementation strategies used by those states;</del>	66905
<del>(g) The experience of states that have mandated statewide medical plans for public school employees, including the implementation strategies used by those states;</del>	66906
<del>(h) Recommended strategies for the use of first year roll in premiums in the transition from district medical plans to school employees health care board plans;</del>	66907
<del>(h) Recommended strategies for the use of first year roll in premiums in the transition from district medical plans to school employees health care board plans;</del>	66908
<del>(h) Recommended strategies for the use of first year roll in premiums in the transition from district medical plans to school employees health care board plans;</del>	66909
<del>(i) The option of allowing school districts to join an existing regional consortium as an alternative to school employees health care board plans;</del>	66910
<del>(i) The option of allowing school districts to join an existing regional consortium as an alternative to school employees health care board plans;</del>	66911
<del>(i) The option of allowing school districts to join an existing regional consortium as an alternative to school employees health care board plans;</del>	66912
<del>(j) Mandatory and optional coverages to be offered by the board's medical plans;</del>	66913
<del>(j) Mandatory and optional coverages to be offered by the board's medical plans;</del>	66914
<del>(k) Potential risks to the state from the use of medical plans developed pursuant to this section;</del>	66915
<del>(k) Potential risks to the state from the use of medical plans developed pursuant to this section;</del>	66916
<del>(l) Any legislation needed to ensure the long term financial solvency and stability of a health care purchasing system;</del>	66917
<del>(l) Any legislation needed to ensure the long term financial solvency and stability of a health care purchasing system;</del>	66918
<del>(m) The potential impacts of any changes to the existing purchasing structure on all of the following:</del>	66919
<del>(m) The potential impacts of any changes to the existing purchasing structure on all of the following:</del>	66920
<del>(i) Existing health care pooling and consortiums;</del>	66921
<del>(ii) School district employees;</del>	66922
<del>(iii) Individual school districts.</del>	66923
<del>(n) Issues that could arise when school districts transition from the existing purchasing structure to a new purchasing structure;</del>	66924
<del>(n) Issues that could arise when school districts transition from the existing purchasing structure to a new purchasing structure;</del>	66925
<del>(n) Issues that could arise when school districts transition from the existing purchasing structure to a new purchasing structure;</del>	66926
<del>(o) Strategies available to the board in the creation of fund</del>	66927

~~reserves and the need for stop loss insurance coverage for~~ 66928  
~~catastrophic losses;~~ 66929

~~(p) Any legislation needed to establish and maintain medical~~ 66930  
~~plans designed pursuant to this section. The consultant shall~~ 66931  
~~submit all legislative recommendations not later than December 31,~~ 66932  
~~2006, in writing, to the school employees health care board and to~~ 66933  
~~the governor, the speaker of the house of representatives, and the~~ 66934  
~~president of the senate.~~ 66935

~~(3)(J) The public schools health care advisory committee is~~ 66936  
~~hereby created under the school employees health care board. The~~ 66937  
~~committee shall make recommendations to the school employees~~ 66938  
~~health care board related to the board's accomplishment of the~~ 66939  
~~duties assigned to the board under this section. The committee~~ 66940  
~~shall consist of eighteen members. The governor, the speaker of~~ 66941  
~~the house of representatives, and the president of the senate~~ 66942  
~~shall each appoint a representative shall appoint two~~ 66943  
~~representatives each~~ from the Ohio education association, the Ohio 66944  
~~school boards association, and a health insuring corporation~~ 66945  
~~licensed to do business in Ohio and recommended by the Ohio~~ 66946  
~~association of Health Plans. The speaker shall appoint two~~ 66947  
~~representatives each from~~ the Ohio association of school business 66948  
~~officials, the Ohio federation of teachers, and the buckeye~~ 66949  
~~association of school administrators. The president of the senate~~ 66950  
~~shall appoint two representatives each from~~ the Ohio association 66951  
~~of health underwriters, an existing health care consortium serving~~ 66952  
~~public schools, and a health insuring corporation licensed to do~~ 66953  
~~business in Ohio and recommended by the Ohio association of health~~ 66954  
~~plans and the Ohio association of public school employees. The~~ 66955  
~~initial appointees shall be appointed to a one year term not later~~ 66956  
~~than July 31, 2007, the members' term to begin on that date.~~ 66957  
~~Subsequent one year serve until December 31, 2007; subsequent~~ 66958  
~~two-year~~ appointments, to commence on the ~~thirty first day of July~~ 66959

first day of January of each year thereafter, and shall be made in 66960  
the same manner. A member shall continue to serve subsequent to 66961  
the expiration of the member's term until the member's successor 66962  
is appointed. Any vacancy occurring during a member's term shall 66963  
be filled in the same manner as the original appointment, except 66964  
that the person appointed to fill the vacancy shall be appointed 66965  
to the remainder of the unexpired term. ~~The governor shall call~~ 66966  
~~the first meeting of each newly appointed committee. At that~~ 66967  
~~meeting the board~~ advisory committee shall elect a chairperson at 66968  
its first meeting after the first day of January each year who 66969  
shall call the time and place of future committee meetings in 66970  
addition to the meetings that are to be held jointly with the 66971  
school employees health care board. Committee members are not 66972  
subject to the conditions for eligibility set by division (B) of 66973  
this section for members of the school employees health care 66974  
board. 66975

~~(4) The school employees health care board shall submit a~~ 66976  
~~written study to the governor and the general assembly not later~~ 66977  
~~than January 31, 2007, of a plan to operate in compliance with~~ 66978  
~~this section, and on the governance of the school employees health~~ 66979  
~~care board. A copy of the board's plan of operation, including~~ 66980  
~~audit provisions, shall accompany the report on the board's~~ 66981  
~~governance and the report shall include the board's~~ 66982  
~~recommendations on any legislation needed to enforce the~~ 66983  
~~recommendations of the board on implementing the provisions of~~ 66984  
~~this section.~~ 66985

~~(5) Not later than January 15, 2009, and not later than the~~ 66986  
~~same day of each subsequent year, the school employees health care~~ 66987  
~~board shall submit a written report to the governor and each~~ 66988  
~~member of the general assembly, which report evaluates the~~ 66989  
~~performance of school employees health care board medical plans~~ 66990  
~~during the previous year. Districts offering employee health care~~ 66991

~~benefits through a plan offered by a consortium of two or more districts, or a consortium of one or more districts and one or more political subdivisions as defined in section 9.833 of the Revised Code, representing five thousand or more employees as of January 1, 2005, may request permission from the school employees health care board to continue offering consortium plans to the districts' employees at the discretion of the board. If the board grants permission, the permission is valid for only one year but may be renewed annually thereafter upon application to an approval of the board. The board shall grant initial or continued approval upon finding, based on an actuarial evaluation of the existing consortium plan offerings, that benefit design, premium costs, administrative cost, and other factors considered by the board are equivalent to or lower than comparable costs of the board's plan options offered to the local district. Age and gender adjustments, benefit comparison adjustments, and the total cost of the consortium plan, including administration, benefit cost, stop loss insurance, and all other expenses or information requested by the board shall be presented to the board prior to the board's decision to allow a local district to continue to offer health care benefits under a consortium plan. A district shall not participate in the consortium plan once the district has chosen to offer plans designed by the board to the district's employees and begins premium payments for deposit into the school employees health care fund.~~

(K) The board may adopt rules for the enforcement of health plan sponsors' compliance with the best practices standards adopted by the board pursuant to this section.

(L) Any districts providing medical health care plan coverage for the employees of public schools, or that have provided coverage within two years prior to September 29, 2005, school districts shall provide nonidentifiable aggregate claims data for

the coverage to the school employees health care board ~~or the~~ 67024  
~~department of administrative services,~~ without charge, within 67025  
~~thirty~~ sixty days after receiving a written request from the board 67026  
~~or the department.~~ The claims data shall include data relating to 67027  
employee group benefit sets, demographics, and claims experience. 67028

~~(J)~~(M)(1) The school employees health care board may contract 67029  
with other state agencies for services as the board deems 67030  
necessary for the implementation and operation of this section, 67031  
based on demonstrated experience and expertise in administration, 67032  
management, data handling, actuarial studies, quality assurance, 67033  
or for other needed services. The school employees health care 67034  
board ~~shall~~ may contract with the department of administrative 67035  
services for central services until such time the board ~~is~~ deems 67036  
itself able to obtain such services from its own staff or from 67037  
other sources. The board shall reimburse the department of 67038  
administrative services for the reasonable cost of those services. 67039

~~(K) The board's administrative functions shall include, but~~ 67040  
~~are not limited to, the following:~~ 67041

~~(1) Maintaining reserves in the school employees health care~~ 67042  
~~fund, reinsurance, and other measures that in the judgment of the~~ 67043  
~~board will result in the long term stability and solvency of the~~ 67044  
~~medical plans designed by the board. The board shall bill school~~ 67045  
~~districts, in proportion to a district's premium payments to all~~ 67046  
~~premium payments paid into the school employees health care fund~~ 67047  
~~during the previous year, in order to maintain necessary reserves,~~ 67048  
~~reinsurance, and administrative and operating funds. Each school~~ 67049  
~~district contributing to a board medical plan shall share any~~ 67050  
~~losses due to the expense of claims paid by the plan. In the event~~ 67051  
~~of a loss, the board may bill each district an amount, in~~ 67052  
~~proportion to the district's premium payments to all premium~~ 67053  
~~payments paid into the school employees health care fund during~~ 67054  
~~the previous year, sufficient in total to cover the loss. The~~ 67055

~~state is not liable for any obligations of the school employees health care board or the school employees health care fund, or for expenses of public schools or school districts related to the board's medical plans.~~ 67056  
67057  
67058  
67059

~~(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;~~ 67060  
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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.~~ 67064  
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67066

~~(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.~~ 67067  
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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.~~ 67070  
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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.~~ 67076  
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~~(N) The department of administrative services shall report to the governor, the speaker of the house of representatives, and the president of the senate not later than April 30, 2007, on the feasibility of achieving all of the following:~~ 67080  
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67082  
67083

~~(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,~~ 67084  
67085  
67086

~~which plans include both state and regional preferred provider 67087  
plans, set employee and employer premiums, and set employee plan 67088  
copayments, deductibles, exclusions, limitations, formularies, and 67089  
other responsibilities. For this purpose, "public institutions of 67090  
higher education" include, without limitation, state universities 67091  
and colleges, state community college districts, community college 67092  
districts, university branch districts, technical college 67093  
districts, and municipal universities. 67094~~

~~(2) Maintaining reserves, reinsurance, and other measures to 67095  
insure the long term stability and solvency of the medical plans; 67096~~

~~(3) Providing appropriate health care information, wellness 67097  
programs, and other preventive health care measures to medical 67098  
plan beneficiaries; 67099~~

~~(4) Coordinating contracts for services related to the 67100  
medical plans. 67101~~

(P)(1) Pursuant to Chapter 117. of the Revised Code, the 67102  
auditor of state shall conduct all necessary and required audits 67103  
of the board. The auditor of state, upon request, also shall 67104  
furnish to the board copies of audits of public school districts 67105  
or consortia performed by the auditor of state. 67106

(2) Annually, the superintendent of insurance shall evaluate 67107  
the performance of the school employee health care board best 67108  
practices during the previous year and submit the results in 67109  
writing to the governor and the general assembly. The 67110  
superintendent also shall include in the audit of the health care 67111  
plans of the health plan sponsors for which the superintendent has 67112  
jurisdiction for a determination of adherence to the best 67113  
practices established by the board. 67114

**Sec. 3311.19.** (A) The management and control of a joint 67115  
vocational school district shall be vested in the joint vocational 67116

school district board of education. Where a joint vocational 67117  
school district is composed only of two or more local school 67118  
districts located in one county, or when all the participating 67119  
districts are in one county and the boards of such participating 67120  
districts so choose, the educational service center governing 67121  
board of the county in which the joint vocational school district 67122  
is located shall serve as the joint vocational school district 67123  
board of education. Where a joint vocational school district is 67124  
composed of local school districts of more than one county, or of 67125  
any combination of city, local, or exempted village school 67126  
districts or educational service centers, unless administration by 67127  
the educational service center governing board has been chosen by 67128  
all the participating districts in one county pursuant to this 67129  
section, the board of education of the joint vocational school 67130  
district shall be composed of one or more persons who are members 67131  
of the boards of education from each of the city or exempted 67132  
village school districts or members of the educational service 67133  
centers' governing boards affected to be appointed by the boards 67134  
of education or governing boards of such school districts and 67135  
educational service centers. In such joint vocational school 67136  
districts the number and terms of members of the joint vocational 67137  
school district board of education and the allocation of a given 67138  
number of members to each of the city and exempted village 67139  
districts and educational service centers shall be determined in 67140  
the plan for such district, provided that each such joint 67141  
vocational school district board of education shall be composed of 67142  
an odd number of members. 67143

(B) Notwithstanding division (A) of this section, a governing 67144  
board of an educational service center that has members of its 67145  
governing board serving on a joint vocational school district 67146  
board of education may make a request to the joint vocational 67147  
district board that the joint vocational school district plan be 67148  
revised to provide for one or more members of boards of education 67149

of local school districts that are within the territory of the 67150  
educational service district and within the joint vocational 67151  
school district to serve in the place of or in addition to its 67152  
educational service center governing board members. If agreement 67153  
is obtained among a majority of the boards of education and 67154  
governing boards that have a member serving on the joint 67155  
vocational school district board of education and among a majority 67156  
of the local school district boards of education included in the 67157  
district and located within the territory of the educational 67158  
service center whose board requests the substitution or addition, 67159  
the state board of education may revise the joint vocational 67160  
school district plan to conform with such agreement. 67161

(C) If the board of education of any school district or 67162  
educational service center governing board included within a joint 67163  
vocational district that has had its board or governing board 67164  
membership revised under division (B) of this section requests the 67165  
joint vocational school district board to submit to the state 67166  
board of education a revised plan under which one or more joint 67167  
vocational board members chosen in accordance with a plan revised 67168  
under such division would again be chosen in the manner prescribed 67169  
by division (A) of this section, the joint vocational board shall 67170  
submit the revised plan to the state board of education, provided 67171  
the plan is agreed to by a majority of the boards of education 67172  
represented on the joint vocational board, a majority of the local 67173  
school district boards included within the joint vocational 67174  
district, and each educational service center governing board 67175  
affected by such plan. The state board of education may revise the 67176  
joint vocational school district plan to conform with the revised 67177  
plan. 67178

(D) The vocational schools in such joint vocational school 67179  
district shall be available to all youth of school age within the 67180  
joint vocational school district subject to the rules adopted by 67181

the joint vocational school district board of education in regard 67182  
to the standards requisite to admission. A joint vocational school 67183  
district board of education shall have the same powers, duties, 67184  
and authority for the management and operation of such joint 67185  
vocational school district as is granted by law, except by this 67186  
chapter and Chapters 124., 3317., 3323., and 3331. of the Revised 67187  
Code, to a board of education of a city school district, and shall 67188  
be subject to all the provisions of law that apply to a city 67189  
school district, except such provisions in this chapter and 67190  
Chapters 124., 3317., 3323., and 3331. of the Revised Code. 67191

(E) Where a governing board of an educational service center 67192  
has been designated to serve as the joint vocational school 67193  
district board of education, the educational service center 67194  
superintendent shall be the executive officer for the joint 67195  
vocational school district, and the governing board may provide 67196  
for additional compensation to be paid to the educational service 67197  
center superintendent by the joint vocational school district, but 67198  
the educational service center superintendent shall have no 67199  
continuing tenure other than that of educational service center 67200  
superintendent. The superintendent of schools of a joint 67201  
vocational school district shall exercise the duties and authority 67202  
vested by law in a superintendent of schools pertaining to the 67203  
operation of a school district and the employment and supervision 67204  
of its personnel. The joint vocational school district board of 67205  
education shall appoint a treasurer of the joint vocational school 67206  
district who shall be the fiscal officer for such district and who 67207  
shall have all the powers, duties, and authority vested by law in 67208  
a treasurer of a board of education. Where a governing board of an 67209  
educational service center has been designated to serve as the 67210  
joint vocational school district board of education, such board 67211  
may appoint the educational service center superintendent as the 67212  
treasurer of the joint vocational school district. 67213

(F) Each member of a joint vocational school district board of education may be paid such compensation as the board provides by resolution, but it shall not exceed one hundred twenty-five dollars per member for each meeting attended plus mileage, at the rate per mile provided by resolution of the board, to and from meetings of the board.

The board may provide by resolution for the deduction of amounts payable for benefits under section 3313.202 of the Revised Code.

Each member of a joint vocational school district board may be paid such compensation as the board provides by resolution for attendance at an approved training program, provided that such compensation shall not exceed sixty dollars per day for attendance at a training program three hours or fewer in length and one hundred twenty-five dollars a day for attendance at a training program longer than three hours in length. However, no board member shall be compensated for the same training program under this section and section 3313.12 of the Revised Code.

**Sec. 3313.12.** Each member of the educational service center governing board may be paid such compensation as the governing board provides by resolution, provided that any such compensation shall not exceed one hundred twenty-five dollars a day plus mileage both ways, at the rate per mile provided by resolution of the governing board, for attendance at any meeting of the board. Such compensation and the expenses of the educational service center superintendent, itemized and verified, shall be paid from the educational service center governing board fund upon vouchers signed by the president of the governing board.

The board of education of any city, local, or exempted village school district may provide by resolution for compensation of its members, provided that such compensation shall not exceed

one hundred twenty-five dollars per member for meetings attended. 67245  
The board may provide by resolution for the deduction of amounts 67246  
payable for benefits under section 3313.202 of the Revised Code. 67247

Each member of a district board or educational service center 67248  
governing board may be paid such compensation as the respective 67249  
board provides by resolution for attendance at an approved 67250  
training program, provided that such compensation shall not exceed 67251  
sixty dollars a day for attendance at a training program three 67252  
hours or fewer in length and one hundred twenty-five dollars a day 67253  
for attendance at a training program longer than three hours in 67254  
length. 67255

**Sec. 3313.202.** Any elected or appointed member of the board 67256  
of education of a school district and the dependent children and 67257  
spouse of the member may be covered, at the option of the member, 67258  
under any ~~medical~~ health care plan ~~designed~~ containing best 67259  
practices prescribed by the school employees health care board 67260  
under section 9.901 of the Revised Code. The member shall pay all 67261  
premiums for that coverage. Payments for such coverage shall be 67262  
made, in advance, in a manner prescribed by the school employees 67263  
health care board. The member's exercise of an option to be 67264  
covered under this section shall be in writing, announced at a 67265  
regular public meeting of the board of education, and recorded as 67266  
a public record in the minutes of the board. 67267

**Sec. 3313.33.** (A) Conveyances made by a board of education 67268  
shall be executed by the president and treasurer thereof. 67269

(B) Except as provided in division (C) of this section, no 67270  
member of the board shall have, directly or indirectly, any 67271  
pecuniary interest in any contract of the board or be employed in 67272  
any manner for compensation by the board of which the person is a 67273  
member. No contract shall be binding upon any board unless it is 67274

made or authorized at a regular or special meeting of such board. 67275

(C) A member of the board may have a pecuniary interest in a 67276  
contract of the board if all of the following apply: 67277

(1) The member's pecuniary interest in that contract is that 67278  
the member is employed by a political subdivision, 67279  
instrumentality, or agency of the state that is contracting with 67280  
the board; 67281

(2) The member does not participate in any discussion or 67282  
debate regarding the contract or vote on the contract; 67283

(3) The member files with the school district treasurer an 67284  
affidavit stating the member's exact employment status with the 67285  
political subdivision, instrumentality, or agency contracting with 67286  
the board. 67287

(D) This section does not apply where a member of the board, 67288  
being a shareholder of a corporation but not being an officer or 67289  
director thereof, owns not in excess of five per cent of the stock 67290  
of such corporation. If a stockholder desires to avail self of the 67291  
exception, before entering upon such contract such person shall 67292  
first file with the treasurer an affidavit stating the 67293  
stockholder's exact status and connection with said corporation. 67294

This section does not apply where a member of the board 67295  
elects to be covered by a ~~medical~~ health care plan under section 67296  
3313.202 of the Revised Code. 67297

**Sec. 4117.03.** (A) Public employees have the right to: 67298

(1) Form, join, assist, or participate in, or refrain from 67299  
forming, joining, assisting, or participating in, except as 67300  
otherwise provided in Chapter 4117. of the Revised Code, any 67301  
employee organization of their own choosing; 67302

(2) Engage in other concerted activities for the purpose of 67303  
collective bargaining or other mutual aid and protection; 67304

(3) Representation by an employee organization; 67305

(4) Bargain collectively with their public employers to 67306  
determine wages, hours, terms and other conditions of employment 67307  
and the continuation, modification, or deletion of an existing 67308  
provision of a collective bargaining agreement, and enter into 67309  
collective bargaining agreements; 67310

(5) Present grievances and have them adjusted, without the 67311  
intervention of the bargaining representative, as long as the 67312  
adjustment is not inconsistent with the terms of the collective 67313  
bargaining agreement then in effect and as long as the bargaining 67314  
representatives have the opportunity to be present at the 67315  
adjustment. 67316

(B) Persons on active duty or acting in any capacity as 67317  
members of the organized militia do not have collective bargaining 67318  
rights. 67319

(C) Except as provided in division (D) of this section, 67320  
nothing in Chapter 4117. of the Revised Code prohibits public 67321  
employers from electing to engage in collective bargaining, to 67322  
meet and confer, to hold discussions, or to engage in any other 67323  
form of collective negotiations with public employees who are not 67324  
subject to Chapter 4117. of the Revised Code pursuant to division 67325  
(C) of section 4117.01 of the Revised Code. 67326

(D) A public employer shall not engage in collective 67327  
bargaining or other forms of collective negotiations with the 67328  
employees of county boards of elections referred to in division 67329  
(C)(12) of section 4117.01 of the Revised Code. 67330

(E)~~(1)~~ Employees of public ~~school~~ schools may bargain 67331  
collectively for health care benefits; however, all health care 67332  
benefits shall ~~be provided through~~ include best practices 67333  
prescribed by the school employees health care board ~~medical~~ 67334  
~~plans~~, in accordance with section 9.901 of the Revised Code. ~~If a~~ 67335

~~school district provides its employees with health care benefits 67336  
pursuant to collective bargaining, the employees shall be 67337  
permitted to choose a plan option from among the school employees 67338  
health care board plans agreed to during collective bargaining. 67339~~

~~(2) During collective bargaining, employees of public schools 67340  
may agree to pay a higher percentage of the premium for health 67341  
benefit coverage under the plans designed by the school employees 67342  
health care board pursuant to section 9.901 of the Revised Code 67343  
than the percentage designated as the employees' contribution 67344  
level by the board. A collective bargaining agreement, however, 67345  
shall not permit the employees to contribute a lesser percentage 67346  
of the premium than that set as the employees' contribution level 67347  
by the school employees health care board, unless, in so doing, 67348  
the participating school board is able to remain in compliance 67349  
with the aggregate goal set pursuant to division (C)(3) of section 67350  
9.901 of the Revised Code. 67351~~

**Sec. 4117.08.** (A) All matters pertaining to wages, hours, or 67352  
terms and other conditions of employment and the continuation, 67353  
modification, or deletion of an existing provision of a collective 67354  
bargaining agreement are subject to collective bargaining between 67355  
the public employer and the exclusive representative, except as 67356  
otherwise specified in this section and division (E) of section 67357  
4117.03 of the Revised Code. 67358

(B) The conduct and grading of civil service examinations, 67359  
the rating of candidates, the establishment of eligible lists from 67360  
the examinations, and the original appointments from the eligible 67361  
lists are not appropriate subjects for collective bargaining. 67362

(C) Unless a public employer agrees otherwise in a collective 67363  
bargaining agreement, nothing in Chapter 4117. of the Revised Code 67364  
impairs the right and responsibility of each public employer to: 67365

(1) Determine matters of inherent managerial policy which 67366

include, but are not limited to areas of discretion or policy such 67367  
as the functions and programs of the public employer, standards of 67368  
services, its overall budget, utilization of technology, and 67369  
organizational structure; 67370

(2) Direct, supervise, evaluate, or hire employees; 67371

(3) Maintain and improve the efficiency and effectiveness of 67372  
governmental operations; 67373

(4) Determine the overall methods, process, means, or 67374  
personnel by which governmental operations are to be conducted; 67375

(5) Suspend, discipline, demote, or discharge for just cause, 67376  
or lay off, transfer, assign, schedule, promote, or retain 67377  
employees; 67378

(6) Determine the adequacy of the work force; 67379

(7) Determine the overall mission of the employer as a unit 67380  
of government; 67381

(8) Effectively manage the work force; 67382

(9) Take actions to carry out the mission of the public 67383  
employer as a governmental unit. 67384

The employer is not required to bargain on subjects reserved 67385  
to the management and direction of the governmental unit except as 67386  
affect wages, hours, terms and conditions of employment, and the 67387  
continuation, modification, or deletion of an existing provision 67388  
of a collective bargaining agreement. A public employee or 67389  
exclusive representative may raise a legitimate complaint or file 67390  
a grievance based on the collective bargaining agreement. 67391

**Section 130.03.** Section 611.03 of Am. Sub. H.B. 66 of the 67392  
126th General Assembly is hereby repealed. 67393

**Section 130.04.** Existing sections 9.833, 9.90, 9.901, 67394

3313.202, 3313.33, and 4117.03 of the Revised Code are hereby 67395  
repealed. 67396

**Section 130.05.** The Governor, the President of the Senate, 67397  
and the Speaker of the House of Representatives each shall appoint 67398  
one additional member to the School Employees Health Care Board 67399  
created pursuant to section 9.901 of the Revised Code. The initial 67400  
terms of these additional members as well as the terms of the 67401  
three current members whose terms are scheduled to end in 67402  
September 2007, shall be extended and shall end on December 31, 67403  
2008. The initial terms of the remaining six current members shall 67404  
be extended and end on December 31, 2010. Thereafter, terms of 67405  
office shall be as specified in section 9.901 of the Revised Code 67406  
as it results from its amendment by this act. 67407

**Section 201.01.** Except as otherwise provided in this act, all 67408  
appropriation items in this act are appropriated out of any moneys 67409  
in the state treasury to the credit of the designated fund that 67410  
are not otherwise appropriated. For all appropriations made in 67411  
this act, the amounts in the first column are for fiscal year 2008 67412  
and the amounts in the second column are for fiscal year 2009. 67413  
67414

**Section 203.10.** ACC ACCOUNTANCY BOARD OF OHIO 67415

General Services Fund Group				67416
4J8 889-601 CPA Education	\$	325,000	\$ 325,000	67417
Assistance				
4K9 889-609 Operating Expenses	\$	1,092,246	\$ 1,117,000	67418
TOTAL GSF General Services Fund				67419
Group	\$	1,417,246	\$ 1,442,000	67420
TOTAL ALL BUDGET FUND GROUPS	\$	1,417,246	\$ 1,442,000	67421

**Section 205.10.** ADJ ADJUTANT GENERAL 67423

General Revenue Fund				67424
GRF 745-401	Ohio Military Reserve	\$ 15,188	\$ 15,188	67425
GRF 745-404	Air National Guard	\$ 2,246,005	\$ 2,284,198	67426
GRF 745-407	National Guard	\$ 1,400,000	\$ 1,400,000	67427
Benefits				
GRF 745-409	Central Administration	\$ 4,295,778	\$ 4,460,069	67428
GRF 745-499	Army National Guard	\$ 5,064,836	\$ 5,169,368	67429
GRF 745-502	Ohio National Guard	\$ 102,973	\$ 102,973	67430
Unit Fund				
TOTAL GRF	General Revenue Fund	\$ 13,124,780	\$ 13,431,796	67431
General Services Fund Group				67432
534 745-612	Property	\$ 534,304	\$ 534,304	67433
Operations/Management				
536 745-620	Camp Perry/Buckeye Inn	\$ 1,202,970	\$ 1,202,970	67434
Operations				
537 745-604	Ohio National Guard	\$ 269,826	\$ 269,826	67435
Facility Maintenance				
TOTAL GSF	General Services Fund	\$ 2,007,100	\$ 2,007,100	67436
Group				
Federal Special Revenue Fund Group				67437
3E8 745-628	Air National Guard	\$ 14,100,000	\$ 14,906,820	67438
Agreement				
3R8 745-603	Counter Drug	\$ 25,000	\$ 25,000	67439
Operations				
341 745-615	Air National Guard	\$ 2,497,480	\$ 2,729,939	67440
Base Security				
342 745-616	Army National Guard	\$ 10,146,178	\$ 10,590,050	67441
Agreement				
TOTAL FED	Federal Special Revenue	\$ 26,768,658	\$ 28,251,809	67442
Fund Group				
State Special Revenue Fund Group				67443
5U8 745-613	Community Match	\$ 220,000	\$ 220,000	67444

Armories					
528	745-605	Marksmanship	\$	128,600	\$ 128,600 67445
Activities					
TOTAL SSR State Special Revenue			\$	348,600	\$ 348,600 67446
Fund Group					
TOTAL ALL BUDGET FUND GROUPS			\$	42,249,138	\$ 44,039,305 67447

NATIONAL GUARD BENEFITS 67448

The foregoing appropriation item 745-407, National Guard 67449  
Benefits, shall be used for purposes of sections 5919.31 and 67450  
5919.33 of the Revised Code, and for administrative costs of the 67451  
associated programs. 67452

For active duty members of the Ohio National Guard who died 67453  
after October 7, 2001, while performing active duty, the death 67454  
benefit, pursuant to section 5919.33 of the Revised Code, shall be 67455  
paid to the beneficiary or beneficiaries designated on the 67456  
member's Servicemembers' Group Life Insurance Policy. 67457

STATE ACTIVE DUTY COSTS 67458

Of the foregoing appropriation item 745-409, Central 67459  
Administration, \$50,000 in each fiscal year shall be used for the 67460  
purpose of paying expenses related to state active duty of members 67461  
of the Ohio organized militia, in accordance with a proclamation 67462  
of the Governor. Expenses include, but are not limited to, the 67463  
cost of equipment, supplies, and services, as determined by the 67464  
Adjutant General's Department. 67465

Of the foregoing appropriation item 745-409, Central 67466  
Administration, up to \$60,000 in each fiscal year of unspent and 67467  
unencumbered funds remaining after meeting all other obligations 67468  
of this appropriation shall be used for a grant to the American 67469  
Red Cross Greater Columbus Chapter to be distributed equally to 67470  
the Ohio chapters in existence on the effective date of this 67471  
section. The funds from this grant shall be used for the Armed 67472

Forces Emergency Services program of the American Red Cross in 67473  
Ohio to support members of the military and their families. Upon 67474  
distribution of the funds, the American Red Cross Greater Columbus 67475  
Chapter shall report to the Adjutant General on the actual 67476  
distribution to the various chapters and any administrative costs 67477  
associated with the distribution. 67478

**Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 67479**

General Revenue Fund 67480

GRF 100-403 Public School Employee \$ 1,425,000 \$ 1,425,000 67481  
Benefits

GRF 100-404 CRP Procurement \$ 255,000 \$ 255,000 67482  
Program

GRF 100-405 Agency Audit Expenses \$ 400,000 \$ 400,000 67483

GRF 100-406 County & University \$ 875,000 \$ 875,000 67484  
Human Resources  
Services

GRF 100-410 Veterans' Records \$ 46,170 \$ 46,171 67485  
Conversion

GRF 100-415 OAKS Rental Payments \$ 14,162,000 \$ 14,165,000 67486

GRF 100-418 Web Sites and Business \$ 3,270,473 \$ 3,270,083 67487  
Gateway

GRF 100-419 IT Security \$ 1,500,000 \$ 1,500,000 67488  
Infrastructure

GRF 100-421 OAKS Project \$ 375,000 \$ 375,000 67489  
Implementation

GRF 100-433 State of Ohio Computer \$ 5,092,502 \$ 5,007,502 67490  
Center

GRF 100-439 Equal Opportunity \$ 750,236 \$ 750,236 67491  
Certification Programs

GRF 100-447 OBA - Building Rent \$ 112,294,800 \$ 106,476,400 67492  
Payments

GRF 100-448	OBA - Building	\$	26,457,000	\$	27,303,000	67493
	Operating Payments					
GRF 100-449	DAS - Building	\$	3,769,510	\$	3,834,871	67494
	Operating Payments					
GRF 100-451	Minority Affairs	\$	52,927	\$	52,927	67495
GRF 100-734	Major Maintenance -	\$	42,000	\$	42,000	67496
	State Bldgs					
GRF 102-321	Construction	\$	1,167,099	\$	1,167,099	67497
	Compliance					
GRF 130-321	State Agency Support	\$	5,495,163	\$	5,855,163	67498
	Services					
TOTAL GRF	General Revenue Fund	\$	177,429,880	\$	172,800,452	67499
	General Services Fund Group					67500
112 100-616	DAS Administration	\$	5,299,427	\$	5,299,427	67501
115 100-632	Central Service Agency	\$	860,878	\$	928,403	67502
117 100-644	General Services	\$	8,295,772	\$	8,540,772	67503
	Division - Operating					
122 100-637	Fleet Management	\$	2,182,968	\$	2,032,968	67504
125 100-622	Human Resources	\$	19,890,614	\$	20,560,614	67505
	Division - Operating					
128 100-620	Collective Bargaining	\$	3,464,533	\$	3,662,534	67506
130 100-606	Risk Management	\$	2,568,548	\$	2,568,548	67507
	Reserve					
131 100-639	State Architect's	\$	7,348,483	\$	7,544,164	67508
	Office					
132 100-631	DAS Building	\$	9,716,228	\$	10,166,228	67509
	Management					
133 100-607	IT Services Delivery	\$	92,539,887	\$	75,847,949	67510
188 100-649	Equal Opportunity	\$	847,409	\$	884,650	67511
	Division - Operating					
201 100-653	General Services	\$	1,553,000	\$	1,553,000	67512
	Resale Merchandise					
210 100-612	State Printing	\$	5,681,421	\$	5,436,421	67513

229	100-630	IT Governance	\$	17,108,546	\$	17,108,546	67514
4N6	100-617	Major IT Purchases	\$	7,495,719	\$	7,495,719	67515
4P3	100-603	DAS Information	\$	4,793,190	\$	4,958,218	67516
		Services					
427	100-602	Investment Recovery	\$	5,683,564	\$	5,683,564	67517
5C2	100-605	MARCS Administration	\$	11,069,291	\$	11,069,291	67518
5C3	100-608	Skilled Trades	\$	934,982	\$	934,982	67519
5D7	100-621	Workforce Development	\$	70,000	\$	0	67520
5EB	100-635	OAKS Support	\$	19,132,671	\$	19,132,671	67521
		Organization					
5L7	100-610	Professional	\$	3,900,000	\$	3,900,000	67522
		Development					
5V6	100-619	Employee Educational	\$	936,129	\$	936,129	67523
		Development					
5X3	100-634	Centralized Gateway	\$	974,023	\$	974,023	67524
		Enhancement					
TOTAL GSF General Services Fund							67525
Group			\$	232,347,283	\$	217,218,821	67526
TOTAL ALL BUDGET FUND GROUPS			\$	409,777,163	\$	390,019,273	67527

**Section 207.10.10. PUBLIC SCHOOL EMPLOYEE BENEFITS** 67529

The foregoing appropriation item 100-403, Public School 67530  
Employee Benefits, shall be used by the School Employees Health 67531  
Care Board to hire staff to provide administrative support to the 67532  
Board and other lawful uses of said fund as prescribed under 67533  
section 9.901 of the Revised Code. This section succeeds Section 67534  
203.12.02 of Am. Sub. H.B. 66 of the 126th General Assembly. 67535

**Section 207.10.20. AGENCY AUDIT EXPENSES** 67536

The foregoing appropriation item 100-405, Agency Audit 67537  
Expenses, shall be used for auditing expenses designated in 67538  
division (A)(1) of section 117.13 of the Revised Code for those 67539  
state agencies audited on a biennial basis. 67540

**Section 207.10.30. OAKS RENTAL PAYMENTS** 67541

The foregoing appropriation item 100-415, OAKS Rental 67542  
Payments, shall be used for payments for the period from July 1, 67543  
2007, through June 30, 2009, pursuant to leases and agreements 67544  
entered into under Chapter 125. of the Revised Code, as 67545  
supplemented by Section 403.10 of Am. Sub. H.B. 530 of the 126th 67546  
General Assembly with respect to financing the costs associated 67547  
with the acquisition, development, installation, and 67548  
implementation of the Ohio Administrative Knowledge System. If it 67549  
is determined that additional appropriations are necessary for 67550  
this purpose, the amounts are hereby appropriated. 67551

**Section 207.10.40. BUILDING RENT PAYMENTS** 67552

The foregoing appropriation item 100-447, OBA - Building Rent 67553  
Payments, shall be used to meet all payments at the times they are 67554  
required to be made during the period from July 1, 2007, to June 67555  
30, 2009, by the Department of Administrative Services to the Ohio 67556  
Building Authority pursuant to leases and agreements under Chapter 67557  
152. of the Revised Code. These appropriations are the source of 67558  
funds pledged for bond service charges on obligations issued 67559  
pursuant to Chapter 152. of the Revised Code. 67560

The foregoing appropriation item 100-448, OBA - Building 67561  
Operating Payments, shall be used to meet all payments at the 67562  
times that they are required to be made during the period from 67563  
July 1, 2007, to June 30, 2009, by the Department of 67564  
Administrative Services to the Ohio Building Authority pursuant to 67565  
leases and agreements under Chapter 152. of the Revised Code, but 67566  
limited to the aggregate amount of \$53,760,000. 67567

The payments to the Ohio Building Authority are for the 67568  
purpose of paying the expenses of agencies that occupy space in 67569  
the various state facilities. The Department of Administrative 67570

Services may enter into leases and agreements with the Ohio Building Authority providing for the payment of these expenses. The Ohio Building Authority shall report to the Department of Administrative Services and the Office of Budget and Management not later than five months after the start of a fiscal year the actual expenses incurred by the Ohio Building Authority in operating the facilities and any balances remaining from payments and rentals received in the prior fiscal year. The Department of Administrative Services shall reduce subsequent payments by the amount of the balance reported to it by the Ohio Building Authority.

**Section 207.10.50. DAS - BUILDING OPERATING PAYMENTS**

The foregoing appropriation item 100-449, DAS - Building Operating Payments, shall be used to pay the rent expenses of veterans organizations pursuant to section 123.024 of the Revised Code in fiscal years 2008 and 2009.

The foregoing appropriation item, 100-449, DAS - Building Operating Payments, may be used to provide funding for the cost of property appraisals or building studies that the Department of Administrative Services may be required to obtain for property that is being sold by the state or property under consideration to be renovated or purchased by the state.

Notwithstanding section 125.28 of the Revised Code, the remaining portion of the appropriation may be used to pay the operating expenses of state facilities maintained by the Department of Administrative Services that are not billed to building tenants. These expenses may include, but are not limited to, the costs for vacant space and space undergoing renovation, and the rent expenses of tenants that are relocated due to building renovations. These payments shall be processed by the Department of Administrative Services through intrastate transfer

vouchers and placed in the Building Management Fund (Fund 132). 67602

**Section 207.10.60. CENTRAL SERVICE AGENCY FUND** 67603

The Department of Administrative Services shall not allocate 67604  
annual costs for maintaining an automated application for the 67605  
professional licensing boards and for the costs of supporting 67606  
licensing functions in excess of the amounts supported by 67607  
licensing and registration fees established for fiscal year 2007. 67608  
The charges shall be billed to the professional licensing boards 67609  
and deposited via intrastate transfer vouchers to the credit of 67610  
the Central Service Agency Fund (Fund 115). 67611

**Section 207.10.70. ELIMINATION OF THE VEHICLE LIABILITY FUND** 67612  
**ASSETS** 67613

(A) Effective July 1, 2007, the Vehicle Liability Fund (Fund 67614  
127) is abolished and its functions, assets, and liabilities are 67615  
transferred to the Risk Management Reserve Fund (Fund 130). The 67616  
Risk Management Reserve Fund is thereupon and thereafter successor 67617  
to, assumes the obligations of, and otherwise constitutes the 67618  
continuation of the Vehicle Liability Fund. 67619

Any business commenced but not completed with regard to the 67620  
Vehicle Liability Fund on July 1, 2007, shall be completed with 67621  
regard to the Risk Management Reserve Fund, in the same manner, 67622  
and with the same effect, as if completed with regard to the 67623  
Vehicle Liability Fund. No validation, cure, right, privilege, 67624  
remedy, obligation, or liability is lost or impaired by reason of 67625  
the transfer and shall be administered with regard to the Risk 67626  
Management Reserve Fund. All of the rules, orders, and 67627  
determinations associated with the Vehicle Liability Fund continue 67628  
in effect as rules, orders, and determinations associated with the 67629  
Risk Management Reserve Fund, until modified or rescinded by the 67630  
Director of Administrative Services. If necessary to ensure the 67631

integrity of the Administrative Code, the Director of the 67632  
Legislative Service Commission shall renumber the rules relating 67633  
to the Vehicle Liability Fund to reflect its transfer to the Risk 67634  
Management Reserve Fund. 67635

(B) Employees paid from the Vehicle Liability Fund shall be 67636  
transferred to the Risk Management Reserve Fund or dismissed. 67637  
Employees paid from the Vehicle Liability Fund so dismissed cease 67638  
to hold their positions of employment on July 1, 2007. 67639

(C) No judicial or administrative action or proceeding by 67640  
which the Vehicle Liability Fund is affected that is pending on 67641  
July 1, 2007, is affected by the transfer of functions under 67642  
division (A) of this section. The action or proceeding shall be 67643  
prosecuted or defended on behalf of the Risk Management Reserve 67644  
Fund and the Risk Management Reserve Fund upon application to the 67645  
court or agency shall be substituted for the Vehicle Liability 67646  
Fund as affected by the action or proceeding. 67647

(D) On and after July 1, 2007, when the Vehicle Liability 67648  
Fund is referred to in any statute, rule, contract, grant, or 67649  
other document, the reference is hereby deemed to refer to the 67650  
Risk Management Reserve Fund. 67651

**Section 207.10.80. TRANSFER OF VEHICLE LIABILITY FUND ASSETS** 67652

On and after July 1, 2007, notwithstanding any provision to 67653  
the contrary, the Director of Budget and Management is authorized 67654  
to take the actions and effectuate the budget changes made 67655  
necessary by administrative reorganization, program transfers, the 67656  
creation of new funds, and the consolidation of funds required for 67657  
the transfer of the Vehicle Liability Fund Assets to the Risk 67658  
Management Reserve Fund. The Director of Budget and Management may 67659  
make any transfer of cash balances between funds. At the request 67660  
of the Director of Budget and Management, the Director of 67661  
Administrative Services shall certify to the Director of Budget 67662

and Management an estimate of the amount of the Vehicle Liability Fund cash balance to be transferred to the Risk Management Reserve Fund. The Director of Budget and Management may transfer the estimated amount when needed to make payments. Not more than thirty days after certifying the estimated amount, the Director of Administrative Services shall certify the final amount to the Director of Budget and Management. The Director of Budget and Management shall transfer the difference between any amount previously transferred and the certified final amount. The Director of Budget and Management may cancel encumbrances and re-establish encumbrances or parts of encumbrances of the Vehicle Liability Fund as needed in fiscal year 2008 in the Risk Management Reserve Fund for the same purposes. The appropriation authority necessary to re-establish such encumbrances in fiscal year 2008, as determined by the Director of Budget and Management, in appropriation item 100-606, Risk Management Reserve, is hereby appropriated. When re-established encumbrances or parts of re-established encumbrances of the Vehicle Liability Fund are canceled, the Director of Budget and Management shall reduce the appropriation for appropriation item 100-606, Risk Management Reserve, by the amount of the encumbrances canceled. The amounts canceled are hereby authorized. Any fiscal year 2007 unencumbered or unallotted appropriation for appropriation item 100-627, Vehicle Liability Insurance, may be transferred to appropriation item 100-606, Risk Management Reserve, to be used for the same purposes, as determined by the Director of Budget and Management. The amounts transferred are hereby appropriated.

**Section 207.10.90. COLLECTIVE BARGAINING ARBITRATION EXPENSES**

With approval of the Director of Budget and Management, the Department of Administrative Services may seek reimbursement from state agencies for the actual costs and expenses the department

incurs in the collective bargaining arbitration process. The 67695  
reimbursements shall be processed through intrastate transfer 67696  
vouchers and placed in the Collective Bargaining Fund (Fund 128). 67697

**Section 207.20.10. EQUAL OPPORTUNITY PROGRAM** 67698

The Department of Administrative Services, with the approval 67699  
of the Director of Budget and Management, shall establish charges 67700  
for recovering the costs of administering the activities supported 67701  
by the State EEO Fund (Fund 188). These charges shall be deposited 67702  
to the credit of the State EEO Fund (Fund 188) upon payment made 67703  
by state agencies, state-supported or state-assisted institutions 67704  
of higher education, and tax-supported agencies, municipal 67705  
corporations, and other political subdivisions of the state, for 67706  
services rendered. 67707

**Section 207.20.20. MERCHANDISE FOR RESALE** 67708

The foregoing appropriation item 100-653, General Services 67709  
Resale Merchandise, shall be used to account for merchandise for 67710  
resale, which is administered by the General Services Division. 67711  
Deposits to the fund may comprise the cost of merchandise for 67712  
resale and shipping fees. 67713

**Section 207.20.30. DAS INFORMATION SERVICES** 67714

There is hereby established in the State Treasury the DAS 67715  
Information Services Fund. The foregoing appropriation item 67716  
100-603, DAS Information Services, shall be used to pay the costs 67717  
of providing information systems and services in the Department of 67718  
Administrative Services. 67719

The Department of Administrative Services shall establish 67720  
user charges for all information systems and services that are 67721  
allowable in the statewide indirect cost allocation plan submitted 67722  
annually to the United States Department of Health and Human 67723

Services. These charges shall comply with federal regulations and 67724  
shall be deposited to the credit of the DAS Information Services 67725  
Fund (Fund 4P3). 67726

**Section 207.20.40. INVESTMENT RECOVERY FUND** 67727

Notwithstanding division (B) of section 125.14 of the Revised 67728  
Code, cash balances in the Investment Recovery Fund (Fund 427) may 67729  
be used to support the operating expenses of the Federal Surplus 67730  
Operating Program created in sections 125.84 to 125.90 of the 67731  
Revised Code. 67732

Notwithstanding division (B) of section 125.14 of the Revised 67733  
Code, cash balances in the Investment Recovery Fund may be used to 67734  
support the operating expenses of the Asset Management Services 67735  
Program, including, but not limited to, the cost of establishing 67736  
and maintaining procedures for inventory records for state 67737  
property as described in section 125.16 of the Revised Code. 67738

Of the foregoing appropriation item 100-602, Investment 67739  
Recovery, up to \$2,271,209 in fiscal year 2008 and up to 67740  
\$2,353,372 in fiscal year 2009 shall be used to pay the operating 67741  
expenses of the State Surplus Property Program, the Surplus 67742  
Federal Property Program, and the Asset Management Services 67743  
Program under Chapter 125. of the Revised Code and this section. 67744  
If additional appropriations are necessary for the operations of 67745  
these programs, the Director of Administrative Services shall seek 67746  
increased appropriations from the Controlling Board under section 67747  
131.35 of the Revised Code. 67748

Of the foregoing appropriation item 100-602, Investment 67749  
Recovery, \$3,412,355 in fiscal year 2008 and \$3,330,192 in fiscal 67750  
year 2009 shall be used to transfer proceeds from the sale of 67751  
surplus property from the Investment Recovery Fund to non-General 67752  
Revenue Funds under division (A)(2) of section 125.14 of the 67753  
Revised Code. If it is determined by the Director of 67754

Administrative Services that additional appropriations are 67755  
necessary for the transfer of such sale proceeds, the Director of 67756  
Administrative Services may request the Director of Budget and 67757  
Management to increase the amounts. Such amounts are hereby 67758  
appropriated. 67759

Notwithstanding division (B) of section 125.14 of the Revised 67760  
Code, the Director of Budget and Management, at the request of the 67761  
Director of Administrative Services, shall transfer up to \$500,000 67762  
of the amounts held for transfer to the General Revenue Fund from 67763  
the Investment Recovery Fund to the State Architect's Fund (Fund 67764  
131) to provide operating cash. 67765

**Section 207.20.50. MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM** 67766

Effective with the implementation of the Multi-Agency Radio 67767  
Communications System, the State Chief Information Officer shall 67768  
collect user fees from participants in the system. The State Chief 67769  
Information Officer, with the advice of the Multi-Agency Radio 67770  
Communications System Steering Committee and the Director of 67771  
Budget and Management, shall determine the amount of the fees and 67772  
the manner by which the fees shall be collected. Such user charges 67773  
shall comply with the applicable cost principles issued by the 67774  
federal Office of Management and Budget. All moneys from user 67775  
charges and fees shall be deposited in the state treasury to the 67776  
credit of the Multi-Agency Radio Communications System 67777  
Administration Fund (Fund 5C2), which is hereby established in the 67778  
state treasury. All interest income derived from the investment of 67779  
the fund shall accrue to the fund. 67780

**Section 207.20.60. WORKFORCE DEVELOPMENT FUND** 67781

There is hereby established in the state treasury the 67782  
Workforce Development Fund (Fund 5D7). The foregoing appropriation 67783  
item 100-621, Workforce Development, shall be used to make 67784

payments from the fund. The fund shall be under the supervision of 67785  
the Department of Administrative Services, which may adopt rules 67786  
with regard to administration of the fund. The fund shall be used 67787  
to pay the costs of any remaining obligations of the Workforce 67788  
Development Program, in accordance with Article 37 of the contract 67789  
between the State of Ohio and OCSEA/AFSCME, Local 11, abolished 67790  
effective March 1, 2006. These costs include, but are not limited 67791  
to, remaining grant obligations, payments for tuition 67792  
reimbursement, contracted services and general overhead, and any 67793  
settlement costs associated with the Statewide Cost Allocation 67794  
Program (SWCAP). The program shall be administered in accordance 67795  
with the contract. Revenues shall accrue to the fund as specified 67796  
in the contract. The fund may be used to pay direct and indirect 67797  
costs of the program that are attributable to staff, consultants, 67798  
and service providers. All income derived from the investment of 67799  
the fund shall accrue to the fund. 67800

If it is determined by the Director of Administrative 67801  
Services that additional appropriation amounts are necessary, the 67802  
Director of Administrative Services may request that the Director 67803  
of Budget and Management increase such amounts. Such amounts are 67804  
hereby appropriated. 67805

**Section 207.20.70. OAKS SUPPORT ORGANIZATION** 67806

The foregoing appropriation item 100-635, OAKS Support 67807  
Organization, shall be used by the Office of Information 67808  
Technology to support the operating costs associated with the 67809  
implementation and maintenance of the state's enterprise resource 67810  
planning system, OAKS, consistent with its responsibilities under 67811  
this section and Chapters 125. and 126. of the Revised Code. The 67812  
OAKS Support Organization shall operate and maintain the human 67813  
capital management and financial management modules of the state's 67814  
enterprise resource planning system to support statewide human 67815

resources and financial management activities administered by the 67816  
Department of Administrative Services' human resources division 67817  
and the Office of Budget and Management. The OAKS Support 67818  
Organization shall recover the costs to establish, operate, and 67819  
maintain the OAKS system through intrastate transfer voucher 67820  
billings to the Department of Administrative Services and the 67821  
Office of Budget and Management. Effective July 1, 2007, the 67822  
Department of Administrative Services, with the approval of the 67823  
Director of Budget and Management, shall include the recovery of 67824  
the costs of administering the human capital management module of 67825  
the OAKS System within the human resources services payroll rate. 67826  
These revenues shall be deposited to the credit of the Human 67827  
Resources Services Fund (Fund 125). Amounts deposited under this 67828  
section are hereby appropriated to appropriation item 100-622, 67829  
Human Resources Division-Operating. Not less than quarterly, the 67830  
Department of Administrative Services shall process the intrastate 67831  
transfer billings to transfer cash from the Human Resources 67832  
Services Fund (Fund 125) to the OAKS Support Organization Fund 67833  
(Fund 5EB) to pay for the OAKS Support Organization costs. 67834

**Section 207.20.80. PROFESSIONAL DEVELOPMENT FUND** 67835

The foregoing appropriation item 100-610, Professional 67836  
Development, shall be used to make payments from the Professional 67837  
Development Fund (Fund 5L7) under section 124.182 of the Revised 67838  
Code. 67839

**Section 207.20.90. EMPLOYEE EDUCATIONAL DEVELOPMENT** 67840

There is hereby established in the state treasury the 67841  
Employee Educational Development Fund (Fund 5V6). The foregoing 67842  
appropriation item 100-619, Employee Educational Development, 67843  
shall be used to make payments from the fund. The fund shall be 67844  
used to pay the costs of the administration of educational 67845

programs per existing collective bargaining agreements with 67846  
District 1199, the Health Care and Social Service Union; State 67847  
Council of Professional Educators; Ohio Education Association and 67848  
National Education Association; the Fraternal Order of Police Ohio 67849  
Labor Council, Unit 2; and the Ohio State Troopers Association, 67850  
Units 1 and 15. The fund shall be under the supervision of the 67851  
Department of Administrative Services, which may adopt rules with 67852  
regard to administration of the fund. The fund shall be 67853  
administered in accordance with the applicable sections of the 67854  
collective bargaining agreements between the State and the 67855  
aforementioned unions. The Department of Administrative Services, 67856  
with the approval of the Director of Budget and Management, shall 67857  
establish charges for recovering the costs of administering the 67858  
educational programs. Receipts for these charges shall be 67859  
deposited into the Employee Educational Development Fund. All 67860  
income derived from the investment of the funds shall accrue to 67861  
the fund. 67862

If it is determined by the Director of Administrative 67863  
Services that additional appropriation amounts are necessary, the 67864  
Director of Administrative Services may request that the Director 67865  
of Budget and Management increase such amounts. Such amounts are 67866  
hereby appropriated with the approval of the Director of Budget 67867  
and Management. 67868

**Section 207.30.10. CENTRALIZED GATEWAY ENHANCEMENTS FUND** 67869

(A) As used in this section, "Ohio Business Gateway" refers 67870  
to the internet-based system operated by the Office of Information 67871  
Technology with the advice of the Ohio Business Gateway Steering 67872  
Committee established under section 5703.57 of the Revised Code. 67873  
The Ohio Business Gateway is established to provide businesses a 67874  
central web site where various filings and payments are submitted 67875  
on-line to government. The information is then distributed to the 67876

various government entities that interact with the business community. 67877  
67878

(B) As used in this section: 67879

(1) "State Portal" refers to the official web site of the state, operated by the Office of Information Technology. 67880  
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(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. 67882  
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(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. 67886  
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**Section 207.30.20. MAJOR IT PURCHASES** 67900

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 67901  
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of the rates charged by the IT Service Delivery Fund (Fund 133) 67907  
created in section 125.15 of the Revised Code. The Director of 67908  
Budget and Management may transfer cash in an amount not to exceed 67909  
the amount of amortization computed from the IT Service Delivery 67910  
Fund (Fund 133) to the Major IT Purchases Fund (Fund 4N6). 67911

**Section 207.30.30. INFORMATION TECHNOLOGY ASSESSMENT** 67912

The State Chief Information Officer, with the approval of the 67913  
Director of Budget and Management, may establish an information 67914  
technology assessment for the purpose of recovering the cost of 67915  
selected infrastructure and statewide programs. Such assessment 67916  
shall comply with applicable cost principles issued by the federal 67917  
Office of Management and Budget. The information technology 67918  
assessment shall be charged to all organized bodies, offices, or 67919  
agencies established by the laws of the state for the exercise of 67920  
any function of state government except for the General Assembly, 67921  
any legislative agency, the Supreme Court, the other courts of 67922  
record in Ohio, or any judicial agency, the Adjutant General, the 67923  
Bureau of Workers' Compensation, and institutions administered by 67924  
a board of trustees. Any state-entity exempted by this section may 67925  
utilize the infrastructure or statewide program by participating 67926  
in the information technology assessment. All charges for the 67927  
information technology assessment shall be deposited to the credit 67928  
of the IT Governance Fund (Fund 229). 67929

**Section 207.30.40. MULTI-AGENCY RADIO COMMUNICATION SYSTEM** 67930  
**DEBT SERVICE PAYMENTS** 67931

The Director of Administrative Services, in consultation with 67932  
the Multi-Agency Radio Communication System (MARCS) Steering 67933  
Committee and the Director of Budget and Management, shall 67934  
determine the share of debt service payments attributable to 67935  
spending for MARCS components that are not specific to any one 67936

agency and that shall be charged to agencies supported by the 67937  
motor fuel tax. Such share of debt service payments shall be 67938  
calculated for MARCS capital disbursements made beginning July 1, 67939  
1997. Within thirty days of any payment made from appropriation 67940  
item 100-447, OBA - Building Rent Payments, the Director of 67941  
Administrative Services shall certify to the Director of Budget 67942  
and Management the amount of this share. The Director of Budget 67943  
and Management shall transfer such amounts to the General Revenue 67944  
Fund from the State Highway Safety Fund (Fund 036) established in 67945  
section 4501.06 of the Revised Code. 67946

The State Chief Information Officer shall consider renting or 67947  
leasing existing tower sites at reasonable or current market 67948  
rates, so long as these existing sites are equipped with the 67949  
technical capabilities to support the MARCS project. 67950

**Section 207.30.50. DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY** 67951

Whenever the Director of Administrative Services declares a 67952  
"public exigency," as provided in division (C) of section 123.15 67953  
of the Revised Code, the Director shall also notify the members of 67954  
the Controlling Board. 67955

**Section 207.30.60. GENERAL SERVICE CHARGES** 67956

The Department of Administrative Services, with the approval 67957  
of the Director of Budget and Management, shall establish charges 67958  
for recovering the costs of administering the programs in the 67959  
General Services Fund (Fund 117) and the State Printing Fund (Fund 67960  
210). 67961

**Section 207.30.70. STATE ENERGY SERVICES PROGRAM** 67962

Within 30 days after the effective date of this section, or 67963  
as soon possible thereafter, the Director of Administrative 67964  
Services shall certify the remaining cash in the Federal Special 67965

Revenue Fund (Fund 307) to the Director of Budget and Management, 67966  
 who shall transfer that amount to the State Architect's Office 67967  
 (Fund 131). The cash shall be used to operate the state's energy 67968  
 services program. 67969

Within thirty days after the effective date of this section, 67970  
 or as soon as possible thereafter, the Director of Administrative 67971  
 Services shall certify the remaining cash in the Energy Grants 67972  
 Fund (Fund 5A8) to the Director of Budget and Management, who 67973  
 shall transfer that amount to the State Architect's Office (Fund 67974  
 131). The cash shall be used to operate the state's energy 67975  
 services program. 67976

**Section 207.30.80. FEDERAL GRANTS OGRIP** 67977

As soon as possible on or after July 1, 2007, the Director of 67978  
 Budget and Management may transfer cash in the amount of 67979  
 \$15,072.03 from the Federal Grants OGRIP Fund (Fund 3H6) to the 67980  
 General Revenue Fund. 67981

**Section 209.10. AAM COMMISSION ON AFRICAN AMERICAN MALES** 67982

General Revenue Fund				67983
GRF 036-100 Personal Services	\$	235,091	\$ 235,091	67984
GRF 036-200 Maintenance	\$	29,000	\$ 29,000	67985
GRF 036-300 Equipment	\$	1,000	\$ 1,000	67986
GRF 036-502 Community Projects	\$	516,909	\$ 1,016,909	67987
TOTAL GRF General Revenue Fund	\$	782,000	\$ 1,282,000	67988
State Special Revenue Fund Group				67989
4H3 036-601 Commission on African	\$	10,000	\$ 10,000	67990
American Males -				
Gifts/Grants				
TOTAL SSR State Special Revenue	\$	10,000	\$ 10,000	67991
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	792,000	\$ 1,292,000	67992

CAAM STRATEGIC PLAN 67993

The Commission on African American Males shall develop a 67994  
strategic plan to accomplish the tasks put forth in section 67995  
4112.13 of the Revised Code. 67996

On January 1, 2008, or as soon as possible thereafter, the 67997  
Director of the Commission on African American Males shall submit 67998  
a strategic plan for the use of \$500,000 in fiscal year 2008 and 67999  
\$1,000,000 in fiscal year 2009 to the Governor, the President of 68000  
the Senate, the Minority Leader of the Senate, the Speaker of the 68001  
House of Representatives, and the Minority Leader of the House of 68002  
Representatives. 68003

Not later than June 30, 2009, the Commission on African 68004  
American Males shall submit a report on the impacts and outcomes 68005  
of the strategic plan to the Governor, the President of the 68006  
Senate, the Minority Leader of the Senate, the Speaker of the 68007  
House of Representatives, and the Minority Leader of the House of 68008  
Representatives. 68009

FUND TRANSFERS 68010

(A) All moneys appropriated or reappropriated to the Ohio 68011  
Commission on African-American Males for the performance of its 68012  
duties, powers, obligations, and functions, and the exercise of 68013  
rights, that are transferred by this act to the Ohio State 68014  
University, to the extent of the remaining unexpended or 68015  
unencumbered balance of the appropriations or reappropriations, 68016  
whether obligated or unobligated, are hereby transferred, 68017  
effective October 1, 2007, to the University for performing the 68018  
duties, powers, obligations, and functions, and exercising the 68019  
rights of the University in operating and overseeing the 68020  
Commission. 68021

(B) On and after October 1, 2007, notwithstanding any 68022  
provision of law to the contrary, the Director of Budget and 68023

Management is authorized to take the actions described in this 68024  
section with respect to budget changes made necessary by 68025  
administrative reorganization, program transfers, the creation of 68026  
new funds, and the consolidation of funds as authorized by this 68027  
act. The Director may make any transfer of cash balances between 68028  
funds. At the request of the Director of Budget and Management, 68029  
the Board of Trustees of the Ohio State University shall certify 68030  
to the Director an estimate of the amount of the cash balance to 68031  
be transferred to the receiving fund. The Director may transfer 68032  
the estimated amount when needed to make payments. Not more than 68033  
thirty days after certifying the estimated amount, the Board of 68034  
Trustees shall certify the final amount to the Director. The 68035  
Director shall transfer the difference between any amount 68036  
previously transferred and the certified final amount. The 68037  
Director may cancel encumbrances and re-establish encumbrances or 68038  
parts of encumbrances as needed in the fiscal year in the 68039  
appropriate fund and appropriation line item for the same purpose 68040  
and to the same vendor. As determined by the Director, the 68041  
appropriation authority necessary to re-establish such 68042  
encumbrances in the fiscal year in a different fund or 68043  
appropriation line item within an agency or between agencies is 68044  
hereby appropriated by the General Assembly. The Director shall 68045  
reduce each year's appropriation balances by the amount of the 68046  
encumbrance canceled in their respective funds and appropriation 68047  
line item. Any unencumbered or unallocated appropriation balances 68048  
from the previous fiscal year may be transferred to the 68049  
appropriate appropriation line item to be used for the same 68050  
purposes, as determined by the Director. 68051

**Section 211.10.** JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 68052

General Revenue Fund 68053

GRF 029-321 Operating Expenses \$ 397,000 \$ 403,000 68054

TOTAL GRF General Revenue Fund	\$	397,000	\$	403,000	68055
TOTAL ALL BUDGET FUND GROUPS	\$	397,000	\$	403,000	68056

OPERATING 68057

The Chief Administrative Officer of the House of 68058  
Representatives and the Clerk of the Senate shall determine, by 68059  
mutual agreement, which of them shall act as fiscal agent for the 68060  
Joint Committee on Agency Rule Review. Members of the Committee 68061  
shall be paid in accordance with section 101.35 of the Revised 68062  
Code. 68063

OPERATING EXPENSES 68064

On July 1, 2007, or as soon as possible thereafter, the 68065  
designated fiscal agent shall certify to the Director of Budget 68066  
and Management the total fiscal year 2007 unencumbered 68067  
appropriations in appropriation item 029-321, Operating Expenses. 68068  
The designated fiscal agent may direct the Director of Budget and 68069  
Management to transfer an amount not to exceed the total fiscal 68070  
year 2007 unencumbered appropriations to fiscal year 2008 for use 68071  
in appropriation item 029-321, Operating Expenses. Additional 68072  
appropriation authority equal to the amount certified by the 68073  
designated fiscal agent is hereby appropriated to appropriation 68074  
item 029-321, Operating Expenses, in fiscal year 2008. 68075

On July 1, 2008, or as soon as possible thereafter, the 68076  
designated fiscal agent shall certify to the Director of Budget 68077  
and Management the total fiscal year 2008 unencumbered 68078  
appropriations in appropriation item 029-321, Operating Expenses. 68079  
The designated fiscal agent may direct the Director of Budget and 68080  
Management to transfer an amount not to exceed the total fiscal 68081  
year 2008 unencumbered appropriations to fiscal year 2009 for use 68082  
in appropriation item 029-321, Operating Expenses. Additional 68083  
appropriation authority equal to the amount certified by the 68084  
designated fiscal agent is hereby appropriated to appropriation 68085  
item 029-321, Operating Expenses, in fiscal year 2009. 68086

<b>Section 213.10. AGE DEPARTMENT OF AGING</b>				68087
General Revenue Fund				68088
GRF 490-321	Operating Expenses	\$ 2,637,571	\$ 2,637,271	68089
GRF 490-403	PASSPORT	\$ 128,391,189	\$ 158,196,465	68090
GRF 490-406	Senior Olympics	\$ 14,856	\$ 14,856	68091
GRF 490-409	Ohio Community Service	\$ 183,792	\$ 183,792	68092
Council Operations				
GRF 490-410	Long-Term Care	\$ 654,965	\$ 654,965	68093
Ombudsman				
GRF 490-411	Senior Community	\$ 10,349,439	\$ 10,349,439	68094
Services				
GRF 490-412	Residential State	\$ 9,156,771	\$ 9,156,771	68095
Supplement				
GRF 490-414	Alzheimers Respite	\$ 4,131,594	\$ 4,131,594	68096
GRF 490-416	JCFS Community Options	\$ 250,000	\$ 250,000	68097
GRF 490-421	PACE	\$ 10,214,809	\$ 10,214,809	68098
GRF 490-422	Assisted Living Waiver	\$ 12,554,940	\$ 15,213,890	68099
GRF 490-506	National Senior	\$ 335,296	\$ 335,296	68100
Service Corps				
TOTAL GRF	General Revenue Fund	\$ 178,875,222	\$ 211,339,148	68101
General Services Fund Group				68102
480 490-606	Senior Community	\$ 372,677	\$ 372,677	68103
Outreach and Education				
TOTAL GSF	General Services Fund			68104
Group		\$ 372,677	\$ 372,677	68105
Federal Special Revenue Fund Group				68106
3C4 490-607	PASSPORT	\$ 301,767,486	\$ 301,274,172	68107
3C4 490-621	PACE-Federal	\$ 14,586,135	\$ 14,586,135	68108
3C4 490-622	Assisted	\$ 14,972,892	\$ 21,810,442	68109
Living-Federal				
3M4 490-612	Federal Independence	\$ 62,406,819	\$ 63,655,080	68110

Services			
3R7	490-617	Ohio Community Service	\$ 8,870,000 \$ 8,870,000 68111
Council Programs			
322	490-618	Federal Aging Grants	\$ 10,000,000 \$ 10,200,000 68112
TOTAL FED Federal Special Revenue			68113
Fund Group		\$ 412,603,332	\$ 420,395,829 68114
State Special Revenue Fund Group			68115
4C4	490-609	Regional Long-Term	\$ 935,000 \$ 935,000 68116
Care Ombudsman Program			
4J4	490-610	PASSPORT/Residential	\$ 33,491,930 \$ 33,263,984 68117
State Supplement			
4U9	490-602	PASSPORT Fund	\$ 4,424,969 \$ 4,424,969 68118
5AA	490-673	Ohio's Best Rx	\$ 1,184,154 \$ 910,801 68119
Administration			
5BA	490-620	Ombudsman Support	\$ 600,000 \$ 600,000 68120
5K9	490-613	Long Term Care	\$ 820,400 \$ 820,400 68121
Consumers Guide			
5W1	490-616	Resident Services	\$ 330,000 \$ 330,000 68122
Coordinator Program			
624	490-604	OCSC Community Support	\$ 470,000 \$ 470,000 68123
TOTAL SSR State Special Revenue			68124
Fund Group		\$ 42,256,453	\$ 41,755,154 68125
TOTAL ALL BUDGET FUND GROUPS		\$ 634,107,684	\$ 673,862,808 68126

**Section 213.20.** PRE-ADMISSION REVIEW FOR NURSING FACILITY 68128  
ADMISSION 68129

Pursuant to an interagency agreement, the Department of Job 68130  
and Family Services shall designate the Department of Aging to 68131  
perform assessments under sections 173.42 and 5111.204 of the 68132  
Revised Code. Of the foregoing appropriation item 490-403, 68133  
PASSPORT, the Department of Aging may use not more than \$2,731,000 68134  
in fiscal year 2008 and \$2,813,000 in fiscal year 2009 to perform 68135  
the assessments for persons not eligible for Medicaid under the 68136

department's interagency agreement with the Department of Job and 68137  
Family Services and to assist individuals in planning for their 68138  
long-term health care needs. 68139

PASSPORT 68140

Appropriation item 490-403, PASSPORT, and the amounts set 68141  
aside for the PASSPORT Waiver Program in appropriation item 68142  
490-610, PASSPORT/Residential State Supplement, may be used to 68143  
assess clients regardless of Medicaid eligibility. 68144

The Director of Aging shall adopt rules under section 111.15 68145  
of the Revised Code governing the nonwaiver funded PASSPORT 68146  
program, including client eligibility. 68147

The Department of Aging shall administer the Medicaid 68148  
waiver-funded PASSPORT Home Care Program as delegated by the 68149  
Department of Job and Family Services in an interagency agreement. 68150  
The foregoing appropriation item 490-403, PASSPORT, and the 68151  
amounts set aside for the PASSPORT Waiver Program in appropriation 68152  
item 490-610, PASSPORT/Residential State Supplement, shall be used 68153  
to provide the required state match for federal Medicaid funds 68154  
supporting the Medicaid Waiver-funded PASSPORT Home Care Program. 68155  
Appropriation item 490-403, PASSPORT, and the amounts set aside 68156  
for the PASSPORT Waiver Program in appropriation item 490-610, 68157  
PASSPORT/Residential State Supplement, may also be used to support 68158  
the Department of Aging's administrative costs associated with 68159  
operating the PASSPORT program. 68160

The foregoing appropriation item 490-607, PASSPORT, shall be 68161  
used to provide the federal matching share for all PASSPORT 68162  
program costs determined by the Department of Job and Family 68163  
Services to be eligible for Medicaid reimbursement. 68164

OHIO COMMUNITY SERVICE COUNCIL 68165

The foregoing appropriation items 490-409, Ohio Community 68166  
Service Council Operations, and 490-617, Ohio Community Service 68167

Council Programs, shall be used in accordance with section 121.40 68168  
of the Revised Code. 68169

LONG-TERM CARE OMBUDSMAN 68170

The foregoing appropriation item 490-410, Long-Term Care 68171  
Ombudsman, shall be used for a program to fund ombudsman program 68172  
activities as authorized in sections 173.14 to 173.27 and section 68173  
173.99 of the Revised Code. 68174

SENIOR COMMUNITY SERVICES 68175

Of the foregoing appropriation item 490-411, Senior Community 68176  
Services, \$10,299,439 in each fiscal year shall be used for 68177  
services designated by the Department of Aging, including, but not 68178  
limited to, home-delivered and congregate meals, transportation 68179  
services, personal care services, respite services, adult day 68180  
services, home repair, care coordination, and decision support 68181  
systems. Service priority shall be given to low income, frail, and 68182  
cognitively impaired persons 60 years of age and over. The 68183  
department shall promote cost sharing by service recipients for 68184  
those services funded with senior community services funds, 68185  
including, when possible, sliding-fee scale payment systems based 68186  
on the income of service recipients. 68187

Of the foregoing appropriation item 490-411, Senior Community 68188  
Services, \$50,000 in each fiscal year shall be allocated to the 68189  
Eastlake Senior Center. 68190

RESIDENTIAL STATE SUPPLEMENT 68191

Under the Residential State Supplement Program, the amount 68192  
used to determine whether a resident is eligible for payment and 68193  
for determining the amount per month the eligible resident will 68194  
receive shall be as follows: 68195

(A) \$927 for a residential care facility, as defined in 68196  
section 3721.01 of the Revised Code; 68197

(B) \$927 for an adult group home, as defined in Chapter 3722. of the Revised Code;	68198 68199
(C) \$824 for an adult foster home, as defined in Chapter 173. of the Revised Code;	68200 68201
(D) \$824 for an adult family home, as defined in Chapter 3722. of the Revised Code;	68202 68203
(E) \$824 for an adult community alternative home, as defined in Chapter 3724. of the Revised Code;	68204 68205
(F) \$824 for an adult residential facility, as defined in Chapter 5119. of the Revised Code;	68206 68207
(G) \$618 for adult community mental health housing services, as defined in division (B)(5) of section 173.35 of the Revised Code.	68208 68209 68210
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.	68211 68212 68213
TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS	68214
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.	68215 68216 68217 68218 68219 68220 68221
ALZHEIMERS RESPITE	68222
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.	68223 68224 68225
JCFS COMMUNITY OPTIONS	68226

The foregoing appropriation item 490-416, JCFS Community Options, shall be used for noncapital expenses related to transportation services for the elderly that provide access to such things as healthcare services, congregate meals, socialization programs, and grocery shopping. The funds shall pass through and shall be administered by the Area Agencies on Aging. Agencies receiving funding from appropriation item 490-416, JCFS Community Options, shall coordinate services with other local service agencies. The appropriation shall be allocated to the following agencies:

(A) \$80,000 in both fiscal years to Cincinnati Jewish Vocational Services;

(B) \$70,000 in both fiscal years to Wexner Heritage Village;

(C) \$20,000 in both fiscal years to Yassenoff Jewish Community Center;

(D) \$80,000 in both fiscal years to Cleveland Jewish Community Center.

ALLOCATION OF PACE SLOTS

In order to effectively administer and manage growth within the PACE Program, the Director of Aging may, as the director deems appropriate and to the extent funding is available, allocate funds for the PACE Program between the PACE sites in Cleveland and Cincinnati.

OHIO'S BEST RX START-UP COSTS

An amount equal to the unencumbered balance in appropriation item 490-440, Ohio's Best Rx Start-up Costs, from fiscal year 2007 is hereby appropriated for fiscal year 2008 into appropriation item 490-440, Ohio's Best Rx Start-up Costs.

An amount equal to the remaining unencumbered balance in appropriation item 490-440, Ohio's Best Rx Start-Up Costs, from

fiscal year 2008 is hereby appropriated for fiscal year 2009 into 68257  
appropriation item 490-440, Ohio's Best Rx Start-Up Costs. The 68258  
appropriation item 490-440, Ohio's Best Rx Start-Up Costs, shall 68259  
be used by the Department of Aging to pay for the administrative 68260  
and operational expenses of the Ohio's Best Rx Program in 68261  
accordance with sections 173.71 to 173.91 of the Revised Code, 68262  
including costs associated with the duties assigned by the 68263  
department to the Ohio's Best Rx Program Administrator and for 68264  
making payments to participating terminal distributors until 68265  
sufficient cash exists to make payments from the accounts created 68266  
in sections 173.85 and 173.86 of the Revised Code. Of 68267  
appropriation item 490-440, Ohio's Best Rx Start-Up Costs, not 68268  
more than \$750,000 in each fiscal year may be used by the 68269  
department for administrative and operational costs, excluding 68270  
outreach, that are not associated with the Ohio's Best Rx Program 68271  
Administrator or the payments to participating terminal 68272  
distributors. 68273

EDUCATION AND TRAINING 68274

The foregoing appropriation item 490-606, Senior Community 68275  
Outreach and Education, may be used to provide training to workers 68276  
in the field of aging pursuant to division (G) of section 173.02 68277  
of the Revised Code. 68278

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM 68279

The foregoing appropriation item 490-609, Regional Long-Term 68280  
Care Ombudsman Program, shall be used solely to pay the costs of 68281  
operating the regional long-term care ombudsman programs 68282  
designated by the Long-Term Care Ombudsman. 68283

PASSPORT/RESIDENTIAL STATE SUPPLEMENT 68284

Of the foregoing appropriation item 490-610, 68285  
PASSPORT/Residential State Supplement, up to \$2,835,000 each 68286  
fiscal year may be used to fund the Residential State Supplement 68287

Program. The remaining available funds shall be used to fund the 68288  
PASSPORT program. 68289

FEDERAL SUPPORTIVE SERVICES FUND 68290

On July 1, 2007, as soon as possible thereafter, the Director 68291  
of Budget and Management shall transfer all assets, liabilities, 68292  
revenues, and obligations associated with the Federal Aging 68293  
Nutrition Fund (Fund 3M3) to the Federal Supportive Services Fund 68294  
(Fund 3M4). Upon the transfer, the Federal Aging Nutrition Fund 68295  
(Fund 3M3) shall cease to exist. The Director of Budget and 68296  
Management shall cancel any existing encumbrances against 68297  
appropriation item 490-611, Federal Aging Nutrition Fund (Fund 68298  
3M3), and re-establish them against appropriation item 490-612, 68299  
Federal Independence Services (Fund 3M4). The amounts of the 68300  
re-established encumbrances are hereby appropriated. 68301

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES 68302  
AND FEDERAL AGING GRANTS 68303

Upon written request of the Director of Aging, the Director 68304  
of Budget and Management may transfer appropriation authority 68305  
among appropriation items 490-612, Federal Independence Services, 68306  
and 490-618, Federal Aging Grants, in amounts not to exceed 30 per 68307  
cent of the appropriation from which the transfer is made. The 68308  
Department of Aging shall report a transfer to the Controlling 68309  
Board at the next regularly scheduled meeting of the board. 68310

TRANSFER OF RESIDENT PROTECTION FUNDS 68311

The Director of Budget and Management shall transfer \$600,000 68312  
per year in cash from Fund 4E3, Resident Protection Fund, in the 68313  
Department of Job and Family Services, to Fund 5BA in the 68314  
Department of Aging, to be used for the expansion of ombudsman 68315  
services to enhance consumer involvement and person-centered care 68316  
planning in nursing homes by the Office of the State Long-Term 68317  
Care Ombudsman created by the Department of Aging under division 68318

(M) of section 173.01 of the Revised Code.	68319
OHIO'S BEST RX ADMINISTRATION	68320
The foregoing appropriation item 490-673, Ohio's Best Rx Administration, shall be used on an ongoing basis to cover expenses associated with the Ohio's Best Rx Program specified in section 173.86 of the Revised Code. If receipts to the fund exceed the appropriated amount, the Director of Aging may seek Controlling Board approval to increase the appropriation of this fund. Upon approval from the Controlling Board, the additional amounts are hereby appropriated.	68321 68322 68323 68324 68325 68326 68327 68328
<b>Section 213.30. UNIFIED LONG-TERM CARE BUDGET WORKGROUP</b>	68329
(A) There is hereby created the Unified Long-Term Care Budget Workgroup. The Workgroup shall consist of the following members:	68330 68331
(1) The Director of Aging;	68332
(2) Consumer advocates, representatives of the provider community, and state policy makers, appointed by the Governor;	68333 68334
(3) Two members of the House of Representatives, one member from the majority party and one member from the minority party, appointed by the Speaker of the House of Representatives;	68335 68336 68337
(4) Two members of the Senate, one member from the majority party and one member from the minority party, appointed by the President of the Senate.	68338 68339 68340
The Director of Aging shall serve as the chairperson of the Workgroup.	68341 68342
(B) The Workgroup shall develop a unified long-term care budget that facilitates the following:	68343 68344
(1) Providing a consumer a choice of services that meet the consumer's health care needs and improve the consumer's quality of life;	68345 68346 68347

(2) Providing a continuum of services that meet the needs of a consumer throughout life;	68348 68349
(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;	68350 68351 68352 68353
(4) Assuring the state has a system that is cost effective and links disparate services across agencies and jurisdictions.	68354 68355
(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:	68356 68357 68358 68359 68360 68361 68362
(1) Recommendations regarding the structure of the unified long-term care budget;	68363 68364
(2) A plan outlining how funds can be transferred among involved agencies in a fiscally neutral manner;	68365 68366
(3) Identification of the resources needed to implement the unified budget in a multiphase approach starting in fiscal year 2009;	68367 68368 68369
(4) Success criteria and tools to measure progress against the success criteria.	68370 68371
The plan shall consider the recommendations of the Medicaid Administrative Study Council and the Ohio Commission to Reform Medicaid.	68372 68373 68374
(D) In support of the Unified Long-Term Care Budget the following shall be established in the General Revenue Fund:	68375 68376
(1) In the Department of Aging, 490-423, Long-Term Care	68377

Budget - State;	68378
(2) In the Department of Job and Family Services, 600-435,	68379
Long-Term Care Budget - State;	68380
(3) In the Department of Mental Retardation and Developmental	68381
Disabilities, 322-406, Long-Term Care Budget - State;	68382
(4) In the Department of Mental Health, 335-411, Long-Term	68383
Care Budget - State.	68384
(E) On an annual basis, the Directors of Aging and Budget and	68385
Management shall submit a written report to the Speaker of the	68386
House of Representatives, the Minority Leader of the House of	68387
Representatives, the President of the Senate, the Minority Leader	68388
of the Senate, and the members of the Joint Legislative Committee	68389
on Medicaid Technology and Reform describing the progress towards	68390
establishing, or if already established, the effectiveness of the	68391
unified long-term care budget.	68392
(F) When the Governor creates the administration described in	68393
section 309.30.03 of this act for the Medicaid program, the	68394
Director of Budget and Management may do all of the following in	68395
support of the Workgroup's proposal:	68396
(1) Transfer funds and appropriations currently appropriated	68397
to pay for Medicaid services to any appropriation item referenced	68398
in division (D) of this section;	68399
(2) Transfer funds between appropriation items referenced in	68400
division (D) of this section;	68401
(3) Develop a reporting mechanism to transparently show how	68402
the funds are being transferred and expended.	68403
The Director shall obtain Controlling Board approval before	68404
transferring funds or appropriations under division (F) of this	68405
section.	68406
(G) Before a proposal for a unified long-term care budget may	68407

be implemented, the Joint Legislative Committee on Medicaid 68408  
Technology and Reform shall approve implementation of the proposal 68409  
and submit the Committee's approval to the Governor. 68410

**Section 215.10.** AGR DEPARTMENT OF AGRICULTURE 68411

General Revenue Fund 68412

GRF 700-321 Operating Expenses \$ 2,605,330 \$ 2,605,330 68413

GRF 700-401 Animal Disease Control \$ 3,574,506 \$ 3,574,506 68414

GRF 700-403 Dairy Division \$ 1,304,504 \$ 1,304,504 68415

GRF 700-404 Ohio Proud \$ 196,895 \$ 196,895 68416

GRF 700-405 Animal Damage Control \$ 60,000 \$ 60,000 68417

GRF 700-406 Consumer Analytical \$ 953,906 \$ 953,906 68418

Lab

GRF 700-407 Food Safety \$ 865,100 \$ 865,100 68419

GRF 700-409 Farmland Preservation \$ 241,573 \$ 241,573 68420

GRF 700-410 Plant Industry \$ 350,000 \$ 350,000 68421

GRF 700-411 International Trade \$ 617,524 \$ 617,524 68422

and Market Development

GRF 700-412 Weights and Measures \$ 1,300,000 \$ 1,300,000 68423

GRF 700-413 Gypsy Moth Prevention \$ 200,000 \$ 200,000 68424

GRF 700-415 Poultry Inspection \$ 400,000 \$ 400,000 68425

GRF 700-418 Livestock Regulation \$ 1,428,496 \$ 1,428,496 68426

Program

GRF 700-424 Livestock Testing and \$ 115,946 \$ 115,946 68427

Inspections

GRF 700-499 Meat Inspection \$ 4,696,889 \$ 4,696,889 68428

Program - State Share

GRF 700-501 County Agricultural \$ 483,226 \$ 483,226 68429

Societies

GRF 700-503 Livestock Exhibition \$ 62,500 \$ 62,500 68430

Fund

TOTAL GRF General Revenue Fund \$ 19,456,395 \$ 19,456,395 68431

General Services Fund Group				68432
5DA 700-644 Laboratory	\$	1,100,000	\$ 1,100,000	68433
Administration Support				
TOTAL GSF General Services Fund	\$	1,100,000	\$ 1,100,000	68434
Group				
Federal Special Revenue Fund Group				68435
3AB 700-641 Agricultural Easement	\$	2,000,000	\$ 2,000,000	68436
3J4 700-607 Indirect Cost	\$	600,000	\$ 600,000	68437
3R2 700-614 Federal Plant Industry	\$	4,800,000	\$ 4,800,000	68438
326 700-618 Meat Inspection	\$	4,960,000	\$ 4,950,000	68439
Program - Federal				
Share				
336 700-617 Ohio Farm Loan	\$	44,679	\$ 44,679	68440
Revolving Fund				
382 700-601 Cooperative Contracts	\$	3,700,000	\$ 3,700,000	68441
TOTAL FED Federal Special Revenue				68442
Fund Group	\$	16,104,679	\$ 16,094,679	68443
State Special Revenue Fund Group				68444
4C9 700-605 Feed, Fertilizer,	\$	1,850,000	\$ 1,850,000	68445
Seed, and Lime				
Inspection				
4D2 700-609 Auction Education	\$	24,601	\$ 24,601	68446
4E4 700-606 Utility Radiological	\$	73,059	\$ 73,059	68447
Safety				
4P7 700-610 Food Safety Inspection	\$	858,096	\$ 858,096	68448
4R2 700-637 Dairy Industry	\$	1,500,000	\$ 1,500,000	68449
Inspection				
4T6 700-611 Poultry and Meat	\$	47,294	\$ 47,294	68450
Inspection				
4T7 700-613 International Trade	\$	15,000	\$ 15,000	68451
and Market Development				
494 700-612 Agricultural Commodity	\$	250,000	\$ 250,000	68452

		Marketing Program				
496	700-626	Ohio Grape Industries	\$	850,000	\$	849,999 68453
497	700-627	Commodity Handlers	\$	500,000	\$	500,000 68454
		Regulatory Program				
5B8	700-629	Auctioneers	\$	365,390	\$	365,390 68455
5H2	700-608	Metrology Lab and	\$	427,526	\$	427,526 68456
		Scale Certification				
5L8	700-604	Livestock Management	\$	30,000	\$	30,000 68457
		Program				
578	700-620	Ride Inspection Fees	\$	1,000,000	\$	1,000,001 68458
652	700-634	Animal and Consumer	\$	3,000,000	\$	3,000,000 68459
		Analytical Laboratory				
669	700-635	Pesticide Program	\$	2,800,000	\$	2,800,000 68460
		TOTAL SSR State Special Revenue				68461
		Fund Group	\$	13,590,966	\$	13,590,966 68462
		Clean Ohio Conservation Fund Group				68463
057	700-632	Clean Ohio	\$	149,000	\$	149,000 68464
		Agricultural Easement				
		TOTAL CLF Clean Ohio Conservation	\$	149,000	\$	149,000 68465
		Fund Group				
		TOTAL ALL BUDGET FUND GROUPS	\$	50,401,040	\$	50,391,040 68466
		OHIO - ISRAEL AGRICULTURAL INITIATIVE				68467
		Of the foregoing General Revenue Fund appropriation item				68468
		700-411, International Trade and Market Development, \$100,000				68469
		shall be used in each fiscal year for the Ohio - Israel				68470
		Agricultural Initiative.				68471
		COUNTY AGRICULTURAL SOCIETIES				68472
		The foregoing appropriation item 700-501, County Agricultural				68473
		Societies, shall be used to reimburse county and independent				68474
		agricultural societies for expenses related to Junior Fair				68475
		activities.				68476

LIVESTOCK EXHIBITION FUND				68477
The foregoing appropriation item 700-503, Livestock				68478
Exhibition Fund, shall be used in accordance with section 901.42				68479
of the Revised Code.				68480
CORRECTIVE CASH TRANSFER TO ANIMAL HEALTH AND FOOD SAFETY				68481
FUND				68482
On the effective date of this section, or as soon as possible				68483
thereafter, the Director of Budget and Management may transfer all				68484
cash from the Animal Industry Laboratory Fund (Fund 4V5) to the				68485
Laboratory Services Fund (Fund 652) to correct deposits that were				68486
mistakenly deposited to the Laboratory Services Fund (Fund 4V5).				68487
<b>Section 217.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY</b>				68488
General Revenue Fund				68489
GRF 898-402 Coal Development	\$	565,097	\$ 589,092	68490
Office				
GRF 898-901 Coal R&D General	\$	7,232,400	\$ 8,192,500	68491
Obligation Debt				
Service				
TOTAL GRF General Revenue Fund	\$	7,797,497	\$ 8,781,592	68492
General Services Fund Group				68493
5EG 898-608 Energy Strategy	\$	307,000	\$ 307,000	68494
Development				
TOTAL GSF General Services Fund	\$	307,000	\$ 307,000	68495
Agency Fund Group				68496
4Z9 898-602 Small Business	\$	287,146	\$ 294,290	68497
Ombudsman				
5A0 898-603 Small Business	\$	71,087	\$ 71,087	68498
Assistance				
570 898-601 Operating Expenses	\$	255,000	\$ 264,000	68499
TOTAL AGY Agency Fund Group	\$	613,233	\$ 629,377	68500

Coal Research/Development Fund				68501	
046 898-604 Coal Research and	\$	10,000,000	\$	10,000,000	68502
Development Fund					
TOTAL 046 Coal	\$	10,000,000	\$	10,000,000	68503
Research/Development Fund					
TOTAL ALL BUDGET FUND GROUPS	\$	18,717,730	\$	19,717,969	68504
COAL DEVELOPMENT OFFICE				68505	
The foregoing appropriation item GRF 898-402, Coal				68506	
Development Office, shall be used for the administrative costs of				68507	
the Coal Development Office.				68508	
COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE				68509	
The foregoing appropriation item GRF 898-901, Coal R & D				68510	
General Obligation Debt Service, shall be used to pay all debt				68511	
service and related financing costs at the times they are required				68512	
to be made during the period from July 1, 2007 to June 30, 2009				68513	
for obligations issued under sections 151.01 and 151.07 of the				68514	
Revised Code.				68515	
SCIENCE AND TECHNOLOGY COLLABORATION				68516	
The Air Quality Development Authority shall work in close				68517	
collaboration with the Department of Development, the Board of				68518	
Regents, and the Third Frontier Commission in relation to				68519	
appropriation items and programs referred to as Alignment Programs				68520	
in the following paragraph, and other technology-related				68521	
appropriations and programs in the Department of Development, Air				68522	
Quality Development Authority, and the Board of Regents as those				68523	
agencies may designate, to ensure implementation of a coherent				68524	
state strategy with respect to science and technology.				68525	
To the extent permitted by law, the Air Quality Development				68526	
Authority shall assure that coal research and development				68527	
programs, proposals, and projects consider or incorporate				68528	
appropriate collaborations with Third Frontier Project programs				68529	

and grantees and with Alignment Programs and grantees. 68530

"Alignment Programs" means: appropriation items 195-401, 68531  
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 68532  
Third Frontier Action Fund; 898-604, Coal Research and Development 68533  
Fund; 235-433, Economic Growth Challenge; 235-508, Air Force 68534  
Institute of Technology; 235-510, Ohio Supercomputer Center; 68535  
235-451, Eminent Scholars; 235-527, Ohio Aerospace Institute; 68536  
235-535, Ohio Agricultural Research and Development Center; 68537  
235-553, Dayton Area Graduate Studies Institute; 235-554, 68538  
Priorities in Collaborative Graduate Education; 235-556, Ohio 68539  
Academic Resources Network; and 195-435, Biomedical Research and 68540  
Technology Transfer Trust. 68541

Consistent with the recommendations of the Governor's 68542  
Commission on Higher Education and the Economy, Alignment Programs 68543  
shall be managed and administered (1) to build on existing 68544  
competitive research strengths, (2) to encourage new and emerging 68545  
discoveries and commercialization of ideas and products that will 68546  
benefit the Ohio economy, and (3) to assure improved collaboration 68547  
among Alignment Programs, with programs administered by the Third 68548  
Frontier Commission, and with other state programs that are 68549  
intended to improve economic growth and job creation. 68550

As directed by the Third Frontier Commission, Alignment 68551  
Program managers shall report to the Commission or to the Third 68552  
Frontier Advisory Board on the contributions of their programs to 68553  
achieving the objectives stated in the preceding paragraph. 68554

Each alignment program shall be reviewed annually by the 68555  
Third Frontier Commission with respect to its development of 68556  
complementary relationships within a combined state science and 68557  
technology investment portfolio and its overall contribution to 68558  
the state's science and technology strategy, including the 68559  
adoption of appropriately consistent criteria for: (1) the 68560  
scientific merit of activities supported by the program; (2) the 68561

relevance of the program's activities to commercial opportunities 68562  
in the private sector; (3) the private sector's involvement in a 68563  
process that continually evaluates commercial opportunities to use 68564  
the work supported by the program; and (4) the ability of the 68565  
program and recipients of grant funding from the program to engage 68566  
in activities that are collaborative, complementary, and efficient 68567  
with respect to the expenditure of state funds. Each alignment 68568  
program shall provide annual reports to the Third Frontier 68569  
Commission discussing existing, planned, or possible 68570  
collaborations between programs and recipients of grant funding 68571  
related to technology, development, commercialization, and 68572  
supporting Ohio's economic development. The annual review by the 68573  
Third Frontier Commission shall be a comprehensive review of the 68574  
entire state science and technology program portfolio rather than 68575  
a review of individual programs. 68576

Applicants for Third Frontier and Alignment Program funding 68577  
shall identify their requirements for high-performance computing 68578  
facilities and services, including both hardware and software, in 68579  
all proposals. If an applicant's requirements exceed approximately 68580  
\$100,000 for a proposal, the Ohio Supercomputer Center shall 68581  
convene a panel of experts. The panel shall review the proposal to 68582  
determine whether the proposal's requirements can be met through 68583  
Ohio Supercomputer Center facilities or through other means and 68584  
report its conclusion to the Third Frontier Commission. 68585

To ensure that the state receives the maximum benefit from 68586  
its investment in the Third Frontier Project and the Third 68587  
Frontier Network, organizations receiving Third Frontier awards 68588  
and Alignment Program awards shall, as appropriate, be expected to 68589  
have a connection to the Third Frontier Network that enables them 68590  
and their collaborators to achieve award objectives through the 68591  
Third Frontier Network. 68592

CORRECTIVE CASH TRANSFER 68593

On the effective date of this section, or as soon as possible 68594  
thereafter, the Director of Budget and Management may transfer 68595  
\$35,555.35 in cash from the General Revenue Fund (GRF) into the 68596  
Coal Research and Development Bond Services Fund (Fund 076) to 68597  
correct deposits that were mistakenly deposited into the General 68598  
Revenue Fund (GRF). 68599

**Section 219.10.** ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 68600  
SERVICES 68601

General Revenue Fund 68602

GRF 038-321 Operating Expenses	\$	1,071,861	\$	1,071,861	68603
GRF 038-401 Treatment Services	\$	38,661,063	\$	41,661,063	68604
GRF 038-404 Prevention Services	\$	1,052,127	\$	1,552,127	68605
TOTAL GRF General Revenue Fund	\$	40,785,051	\$	44,285,051	68606

General Services Fund 68607

5T9 038-616 Problem Gambling	\$	285,000	\$	285,000	68608
Services					
TOTAL GSF General Services Fund	\$	285,000	\$	285,000	68609

Group

Federal Special Revenue Fund Group 68610

3G3 038-603 Drug Free Schools	\$	3,500,000	\$	3,500,000	68611
3G4 038-614 Substance Abuse Block	\$	73,000,000	\$	73,000,000	68612
Grant					

3H8 038-609 Demonstration Grants	\$	7,093,075	\$	7,093,075	68613
3J8 038-610 Medicaid	\$	46,000,000	\$	46,000,000	68614
3N8 038-611 Administrative	\$	500,000	\$	500,000	68615

Reimbursement

TOTAL FED Federal Special Revenue					68616
Fund Group	\$	130,093,075	\$	130,093,075	68617

State Special Revenue Fund Group 68618

475 038-621 Statewide Treatment	\$	18,000,000	\$	18,000,000	68619
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	and Prevention				
5BR 038-406	Tobacco Use Prevention	\$	205,000	\$	205,000
	and Control Program				68620
5DH 038-620	Fetal Alcohol Spectrum	\$	327,500	\$	327,500
	Disorder				68621
689 038-604	Education and	\$	350,000	\$	350,000
	Conferences				68622
TOTAL SSR State Special Revenue					68623
Fund Group		\$	18,882,500	\$	18,882,500
TOTAL ALL BUDGET FUND GROUPS		\$	190,045,626	\$	193,545,626
	TREATMENT SERVICES				68626
	Of the foregoing appropriation item 038-401, Treatment				68627
	Services, not more than \$8,190,000 shall be used by the Department				68628
	of Alcohol and Drug Addiction Services for program grants for				68629
	priority populations in each year of the biennium.				68630
	SUBSTANCE ABUSE SERVICES FOR FAMILIES OF AT RISK CHILDREN				68631
	Of the foregoing appropriation item 038-401, Treatment				68632
	Services, \$4 million in each fiscal year shall be used to provide				68633
	substance abuse services to families involved in the child welfare				68634
	system under the requirements of Am. Sub. H.B. 484 of the 122nd				68635
	General Assembly.				68636
	THERAPEUTIC COMMUNITIES				68637
	Of the foregoing appropriation item 038-401, Treatment				68638
	Services, \$750,000 shall be used in each fiscal year for the				68639
	Therapeutic Communities Program in the Department of				68640
	Rehabilitation and Correction.				68641
	JUVENILE AFTERCARE PROGRAM				68642
	Of the foregoing appropriation item 038-401, Treatment				68643
	Services, \$2,500,000 shall be used in fiscal year 2009 for the				68644
	Juvenile Aftercare Program to provide community-based alcohol and				68645
	other drug treatment to parolees from the Department of Youth				68646

Services. 68647

Of the foregoing appropriation item 038-401, Treatment 68648  
Services, \$5 million in each fiscal year shall be used for 68649  
TANF-eligible expenses for substance abuse and treatment services 68650  
to children or their families whose income is at or below 200 per 68651  
cent of the federal poverty level. 68652

PERFORMANCE AUDIT 68653

The Auditor of State shall complete a performance audit of 68654  
the Department of Alcohol and Drug Addiction Services. Upon 68655  
completing the performance audit, the Auditor of State shall 68656  
submit a report of the findings of the audit to the Governor, the 68657  
President of the Senate, the Speaker of the House of 68658  
Representatives, and the Director of Alcohol and Drug Addiction 68659  
Services. Expenses incurred by the Auditor of State to conduct the 68660  
performance audit shall be reimbursed by the Department of Alcohol 68661  
and Drug Addiction Services. 68662

INTERNAL REVIEW 68663

The Director of Alcohol and Drug Addiction Services shall 68664  
consult with the Director of Budget and Management and 68665  
representatives of local and county alcohol and drug addiction 68666  
services agencies to conduct an internal review of policies and 68667  
procedures to increase efficiency and identify and eliminate 68668  
duplicative practices. Any savings identified as a result of the 68669  
internal review or the performance audit conducted by the Auditor 68670  
of State shall be used for community-based care. 68671

The Director of Alcohol and Drug Addiction Services shall 68672  
seek Controlling Board approval before expending any funds 68673  
identified as a result of the internal review or the performance 68674  
audit. 68675

**Section 221.10.** ARC STATE BOARD OF EXAMINERS OF ARCHITECTS 68676

General Services Fund Group				68677
4K9 891-609 Operating Expenses	\$	638,110	\$ 565,141	68678
TOTAL GSF General Services Fund				68679
Group	\$	638,110	\$ 565,141	68680
TOTAL ALL BUDGET FUND GROUPS	\$	638,110	\$ 565,141	68681

**Section 223.10. ART OHIO ARTS COUNCIL** 68683

General Revenue Fund				68684
GRF 370-100 Personal Services	\$	1,798,235	\$ 1,798,235	68685
GRF 370-200 Maintenance	\$	459,746	\$ 459,746	68686
GRF 370-300 Equipment	\$	82,700	\$ 82,700	68687
GRF 370-502 State Program	\$	10,147,480	\$ 10,147,480	68688

Subsidies

TOTAL GRF General Revenue Fund	\$	12,488,161	\$ 12,488,161	68689
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General Services Fund Group				68690
4B7 370-603 Percent for Art	\$	86,366	\$ 86,366	68691

Acquisitions

460 370-602 Management Expenses	\$	285,000	\$ 285,000	68692
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and Donations

TOTAL GSF General Services Fund	\$	371,366	\$ 371,366	68693
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Group

Federal Special Revenue Fund Group				68694
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314 370-601 Federal Support	\$	800,000	\$ 800,000	68695
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TOTAL FED Federal Special Revenue	\$	800,000	\$ 800,000	68696
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Fund Group

TOTAL ALL BUDGET FUND GROUPS	\$	13,659,527	\$ 13,659,527	68697
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**PROGRAM SUBSIDIES** 68698

A museum is not eligible to receive funds from appropriation 68699

item 370-502, State Program Subsidies, if \$8,000,000 or more in 68700

capital appropriations were appropriated by the state for the 68701

museum between January 1, 1986, and December 31, 2002. 68702

<b>Section 225.10. ATH ATHLETIC COMMISSION</b>				68703
General Services Fund Group				68704
4K9 175-609 Operating Expenses	\$	255,850	\$ 255,850	68705
TOTAL GSF General Services Fund	\$	255,850	\$ 255,850	68706
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	255,850	\$ 255,850	68707
 <b>Section 227.10. AGO ATTORNEY GENERAL</b>				68709
General Revenue Fund				68710
GRF 055-321 Operating Expenses	\$	54,063,833	\$ 54,007,332	68711
GRF 055-411 County Sheriffs' Pay	\$	813,117	\$ 842,134	68712
Supplement				
GRF 055-415 County Prosecutors'	\$	896,404	\$ 923,888	68713
Pay Supplement				
TOTAL GRF General Revenue Fund	\$	55,773,354	\$ 55,773,354	68714
General Services Fund Group				68715
106 055-612 General Reimbursement	\$	29,870,196	\$ 29,870,196	68716
195 055-660 Workers' Compensation	\$	8,002,720	\$ 8,002,720	68717
Section				
4Y7 055-608 Title Defect	\$	750,000	\$ 750,000	68718
Rescission				
4Z2 055-609 BCI Asset Forfeiture	\$	1,000,000	\$ 1,000,000	68719
and Cost Reimbursement				
418 055-615 Charitable Foundations	\$	6,919,850	\$ 7,064,978	68720
420 055-603 Attorney General	\$	1,500,000	\$ 1,500,000	68721
Antitrust				
421 055-617 Police Officers'	\$	2,000,000	\$ 2,000,000	68722
Training Academy Fee				
5A9 055-618 Telemarketing Fraud	\$	7,500	\$ 7,500	68723
Enforcement				
590 055-633 Peace Officer Private	\$	98,370	\$ 98,370	68724

		Security Fund					
629	055-636	Corrupt Activity	\$	15,000	\$	15,000	68725
		Investigation and Prosecution					
631	055-637	Consumer Protection	\$	2,500,000	\$	2,500,000	68726
		Enforcement					
TOTAL GSF General Services Fund							68727
Group			\$	52,663,636	\$	52,808,764	68728
Federal Special Revenue Fund Group							68729
3E5	055-638	Attorney General	\$	2,850,000	\$	3,030,000	68730
		Pass-Through Funds					
3R6	055-613	Attorney General	\$	4,870,000	\$	5,115,000	68731
		Federal Funds					
306	055-620	Medicaid Fraud Control	\$	3,139,500	\$	3,296,500	68732
381	055-611	Civil Rights Legal	\$	402,540	\$	402,540	68733
		Service					
383	055-634	Crime Victims	\$	16,000,000	\$	16,000,000	68734
		Assistance					
TOTAL FED Federal Special Revenue							68735
Fund Group			\$	27,262,040	\$	27,844,040	68736
State Special Revenue Fund Group							68737
4L6	055-606	DARE	\$	3,927,962	\$	3,927,962	68738
402	055-616	Victims of Crime	\$	34,000,000	\$	34,000,000	68739
419	055-623	Claims Section	\$	25,000,000	\$	25,000,000	68740
659	055-641	Solid and Hazardous	\$	621,159	\$	621,159	68741
		Waste Background Investigations					
TOTAL SSR State Special Revenue							68742
Fund Group			\$	63,549,121	\$	63,549,121	68743
Holding Account Redistribution Fund Group							68744
R04	055-631	General Holding	\$	1,000,000	\$	1,000,000	68745
		Account					

R05	055-632	Antitrust Settlements	\$	1,000	\$	1,000	68746
R18	055-630	Consumer Frauds	\$	750,000	\$	750,000	68747
R42	055-601	Organized Crime	\$	25,025	\$	25,025	68748
		Commission					
		Distributions					
TOTAL	090	Holding Account					68749
		Redistribution Fund Group	\$	1,776,025	\$	1,776,025	68750
TOTAL ALL BUDGET FUND GROUPS			\$	201,024,176	\$	201,751,304	68751

COUNTY SHERIFFS' PAY SUPPLEMENT 68752

The foregoing appropriation item 055-411, County Sheriffs' 68753  
 Pay Supplement, shall be used for the purpose of supplementing the 68754  
 annual compensation of county sheriffs as required by section 68755  
 325.06 of the Revised Code. 68756

At the request of the Attorney General, the Director of 68757  
 Budget and Management may transfer appropriation authority from 68758  
 appropriation item 055-321, Operating Expenses, to appropriation 68759  
 item 055-411, County Sheriffs' Pay Supplement. Any appropriation 68760  
 authority so transferred to appropriation item 055-411, County 68761  
 Sheriffs' Pay Supplement, shall be used to supplement the annual 68762  
 compensation of county sheriffs as required by section 325.06 of 68763  
 the Revised Code. 68764

COUNTY PROSECUTORS' PAY SUPPLEMENT 68765

The foregoing appropriation item 055-415, County Prosecutors' 68766  
 Pay Supplement, shall be used for the purpose of supplementing the 68767  
 annual compensation of certain county prosecutors as required by 68768  
 section 325.111 of the Revised Code. 68769

At the request of the Attorney General, the Director of 68770  
 Budget and Management may transfer appropriation authority from 68771  
 appropriation item 055-321, Operating Expenses, to appropriation 68772  
 item 055-415, County Prosecutors' Pay Supplement. Any 68773  
 appropriation authority so transferred to appropriation item 68774

055-415, County Prosecutors' Pay Supplement, shall be used to 68775  
supplement the annual compensation of county prosecutors as 68776  
required by section 325.111 of the Revised Code. 68777

WORKERS' COMPENSATION SECTION 68778

The Workers' Compensation Section Fund (Fund 195) is entitled 68779  
to receive payments from the Bureau of Workers' Compensation and 68780  
the Ohio Industrial Commission at the beginning of each quarter of 68781  
each fiscal year to fund legal services to be provided to the 68782  
Bureau of Workers' Compensation and the Ohio Industrial Commission 68783  
during the ensuing quarter. The advance payment shall be subject 68784  
to adjustment. 68785

In addition, the Bureau of Workers' Compensation shall 68786  
transfer payments at the beginning of each quarter for the support 68787  
of the Workers' Compensation Fraud Unit. 68788

All amounts shall be mutually agreed upon by the Attorney 68789  
General, the Bureau of Workers' Compensation, and the Ohio 68790  
Industrial Commission. 68791

CORRUPT ACTIVITY INVESTIGATION AND PROSECUTION 68792

The foregoing appropriation item 055-636, Corrupt Activity 68793  
Investigation and Prosecution, shall be used as provided by 68794  
division (D)(2) of section 2923.35 of the Revised Code to dispose 68795  
of the proceeds, fines, and penalties credited to the Corrupt 68796  
Activity Investigation and Prosecution Fund, which is created in 68797  
division (D)(1)(b) of section 2923.35 of the Revised Code. 68798

GENERAL HOLDING ACCOUNT 68799

The foregoing appropriation item 055-631, General Holding 68800  
Account, shall be used to distribute moneys under the terms of 68801  
relevant court orders received from settlements in a variety of 68802  
cases involving the Office of the Attorney General. 68803

ATTORNEY GENERAL PASS-THROUGH FUNDS 68804

The foregoing appropriation item 055-638, Attorney General Pass-Through Funds, shall be used to receive federal grant funds provided to the Attorney General by other state agencies, including, but not limited to, the Department of Youth Services and the Department of Public Safety.

ANTITRUST SETTLEMENTS

The foregoing appropriation item 055-632, Antitrust Settlements, shall be used to distribute court-ordered antitrust settlements in which the Office of Attorney General represents the state or a political subdivision under section 109.81 of the Revised Code.

CONSUMER FRAUDS

The foregoing appropriation item 055-630, Consumer Frauds, shall be used for distribution of moneys from court-ordered judgments against sellers in actions brought by the Office of Attorney General under sections 1334.08 and 4549.48 and division (B) of section 1345.07 of the Revised Code. These moneys shall be used to provide restitution to consumers victimized by the fraud that generated the court-ordered judgments.

ORGANIZED CRIME COMMISSION DISTRIBUTIONS

The foregoing appropriation item 055-601, Organized Crime Commission Distributions, shall be used by the Organized Crime Investigations Commission, as provided by section 177.011 of the Revised Code, to reimburse political subdivisions for the expenses the political subdivisions incur when their law enforcement officers participate in an organized crime task force.

BCI ASSET FORFEITURE AND COST REIMBURSEMENT

The Bureau of Criminal Identification and Investigation Asset Forfeiture and Cost Reimbursement Fund created by section 109.521 of the Revised Code is the same fund as the BCI Asset Forfeiture

and Cost Reimbursement Fund created by the Controlling Board in 68835  
 January 1997. 68836

FUND ADJUSTMENTS 68837

On July 1, 2007, or as soon as practicable thereafter, the 68838  
 Director of Budget and Management shall transfer the cash balance 68839  
 in the Employment Services Fund (Fund 107) to the General 68840  
 Reimbursement Fund (Fund 106). The Director shall cancel any 68841  
 existing encumbrances against appropriation item 055-624, 68842  
 Employment Services, and re-establish them against appropriation 68843  
 item 055-612, General Reimbursement. The amounts of the 68844  
 re-established encumbrances are hereby appropriated. Upon 68845  
 completion of these transfers, the Employment Services Fund (Fund 68846  
 107) is hereby abolished. 68847

On July 1, 2007, or as soon as practicable thereafter, the 68848  
 Director of Budget and Management shall transfer the cash balance 68849  
 in the Crime Victims Compensation Fund (Fund 108) to the 68850  
 Reparations Fund (Fund 402). Upon completion of this transfer, the 68851  
 Crime Victims Compensation Fund (Fund 108) is hereby abolished. 68852

**Section 229.10. AUD AUDITOR OF STATE** 68853

General Revenue Fund 68854

GRF 070-321 Operating Expenses \$ 31,469,552 \$ 32,771,482 68855

GRF 070-403 Fiscal Watch/Emergency \$ 600,000 \$ 600,000 68856

Technical Assistance

TOTAL GRF General Revenue Fund \$ 32,069,552 \$ 33,371,482 68857

Auditor of State Fund Group 68858

109 070-601 Public Audit Expense - \$ 11,000,000 \$ 11,000,000 68859

Intra-State

422 070-601 Public Audit Expense - \$ 33,000,000 \$ 34,000,000 68860

Local Government

584 070-603 Training Program \$ 181,250 \$ 181,250 68861

675 070-605 Uniform Accounting	\$	3,317,336	\$	3,317,336	68862
Network					
TOTAL AUD Auditor of State Fund					68863
Group	\$	47,498,586	\$	48,498,586	68864
TOTAL ALL BUDGET FUND GROUPS	\$	79,568,138	\$	81,870,068	68865

FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE 68866

The foregoing appropriation item 070-403, Fiscal 68867  
 Watch/Emergency Technical Assistance, shall be used for expenses 68868  
 incurred by the Office of the Auditor of State in its role 68869  
 relating to fiscal watch or fiscal emergency activities under 68870  
 Chapters 118. and 3316. of the Revised Code. Expenses include, but 68871  
 are not limited to, the following: duties related to the 68872  
 determination or termination of fiscal watch or fiscal emergency 68873  
 of municipal corporations, counties, or townships as outlined in 68874  
 Chapter 118. of the Revised Code and of school districts as 68875  
 outlined in Chapter 3316. of the Revised Code; development of 68876  
 preliminary accounting reports; performance of annual forecasts; 68877  
 provision of performance audits; and supervisory, accounting, or 68878  
 auditing services for the mentioned public entities and school 68879  
 districts. The unencumbered balance of appropriation item 070-403, 68880  
 Fiscal Watch/Emergency Technical Assistance, at the end of fiscal 68881  
 year 2008 is transferred to fiscal year 2009 for use under the 68882  
 same appropriation item. 68883

UNIFORM ACCOUNTING NETWORK/TECHNOLOGY IMPROVEMENTS FUND 68884  
 TRANSFER 68885

Upon the request of the Auditor of State, and subject to 68886  
 approval from the Controlling Board, effective July 1, 2007, or as 68887  
 soon thereafter as possible, the Director of Budget and Management 68888  
 shall transfer the appropriation balance in GRF appropriation item 68889  
 070-406, Uniform Accounting Network/Technology Improvements Fund, 68890  
 to GRF appropriation item 070-321, Operating Expenses. The 68891  
 Director shall cancel any existing encumbrances against GRF 68892

appropriation item 070-406, Uniform Accounting Network/Technology 68893  
Improvement Fund, and re-establish them against GRF appropriation 68894  
item 070-321, Operating Expenses. The amounts of the 68895  
re-established encumbrances are hereby appropriated. 68896

**Section 231.10.** BRB BOARD OF BARBER EXAMINERS 68897

General Services Fund Group 68898  
4K9 877-609 Operating Expenses \$ 608,045 \$ 628,264 68899  
TOTAL GSF General Services Fund 68900  
Group \$ 608,045 \$ 628,264 68901  
TOTAL ALL BUDGET FUND GROUPS \$ 608,045 \$ 628,264 68902

**Section 233.10.** OBM OFFICE OF BUDGET AND MANAGEMENT 68904

General Revenue Fund 68905  
GRF 042-321 Budget Development and \$ 2,026,011 \$ 2,128,284 68906  
Implementation  
GRF 042-410 National Association \$ 28,700 \$ 29,561 68907  
Dues  
GRF 042-412 Audit of Auditor of \$ 60,460 \$ 60,460 68908  
State  
GRF 042-413 Payment Issuance \$ 1,191,802 \$ 1,150,192 68909  
GRF 042-416 Medicaid Agency \$ 0 \$ 1,500,000 68910  
Transition  
TOTAL GRF General Revenue Fund \$ 3,306,973 \$ 4,868,497 68911  
General Services Fund Group 68912  
105 042-603 State Accounting and \$ 12,115,134 \$ 12,742,551 68913  
Budgeting  
TOTAL GSF General Services Fund \$ 12,115,134 \$ 12,742,551 68914  
Group  
Federal Special Revenue Fund Group 68915  
3CM 042-606 Medicaid Agency \$ 0 \$ 1,500,000 68916  
Transition

TOTAL FED Federal Special Revenue	\$	0	\$	1,500,000	68917
Fund Group					
State Special Revenue Fund Group					68918
5N4 042-602 OAKS Project	\$	2,200,725	\$	2,132,168	68919
Implementation					
TOTAL SSR State Special Revenue	\$	2,200,725	\$	2,132,168	68920
Fund Group					
Agency Fund Group					68921
5EH 042-604 Forgery Recovery	\$	35,000	\$	35,000	68922
TOTAL AGY Agency Fund Group	\$	35,000	\$	35,000	68923
TOTAL ALL BUDGET FUND GROUPS	\$	17,657,832	\$	21,278,216	68924
AUDIT COSTS					68925

Of the foregoing appropriation item 042-603, State Accounting 68926  
and Budgeting, not more than \$435,000 in fiscal year 2008 and 68927  
\$445,000 in fiscal year 2009 shall be used to pay for centralized 68928  
audit costs associated with either Single Audit Schedules or 68929  
financial statements prepared in conformance with generally 68930  
accepted accounting principles for the state. 68931

**Section 233.20. OAKS SUPPORT ORGANIZATION** 68932

The OAKS Support Organization shall operate and maintain the 68933  
financial management module of the state's enterprise resource 68934  
planning system to support the activities of the Office of Budget 68935  
and Management. The OAKS Support Organization shall recover the 68936  
costs to establish and maintain the enterprise resource planning 68937  
system through billings to the Office of Budget and Management. 68938

Effective July 1, 2007, the Office of Budget Management shall 68939  
include the recovery of costs to administer the financial module 68940  
of the OAKS System in the accounting and budgeting services 68941  
payroll rate. These revenues shall be deposited to the credit of 68942  
the Accounting and Budgeting Services Fund (Fund 105). Amounts 68943

deposited under this section are hereby appropriated to 68944  
 appropriation item 042-603, State Accounting and Budgeting. Not 68945  
 less than quarterly, the Office of Budget and Management shall 68946  
 process the intrastate transfer voucher billings to transfer the 68947  
 Accounting and Budgeting Services Fund (Fund 105) to the OAKS 68948  
 Support Organization Fund (Fund 5EB), to pay for the OAKS Support 68949  
 Organization Costs. 68950

TRANSFER BALANCE OF CONTINUOUS RECEIPTS FUND 68951

On or before July 31, 2007, the unencumbered cash balance in 68952  
 the Continuous Receipts Fund (Fund R06) shall be transferred to 68953  
 the Forgery Recovery Fund (Fund 5EH). 68954

**Section 235.10.** CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 68955

General Revenue Fund 68956

GRF 874-100 Personal Services \$ 2,057,000 \$ 2,057,000 68957

GRF 874-320 Maintenance and \$ 1,085,837 \$ 1,080,837 68958

Equipment

TOTAL GRF General Revenue Fund \$ 3,142,837 \$ 3,137,837 68959

General Services Fund Group 68960

4G5 874-603 Capitol Square \$ 15,000 \$ 15,000 68961

Education Center and

Arts

4S7 874-602 Statehouse Gift \$ 650,484 \$ 650,484 68962

Shop/Events

TOTAL GSF General Services 68963

Fund Group \$ 665,484 \$ 665,484 68964

Underground Parking Garage 68965

208 874-601 Underground Parking \$ 2,706,993 \$ 2,706,993 68966

Garage Operations

TOTAL UPG Underground Parking 68967

Garage \$ 2,706,993 \$ 2,706,993 68968



State Special Revenue Fund Group				68998
217 876-604 Operations Support	\$	60,000	\$ 60,000	68999
TOTAL SSR State Special Revenue Fund Group	\$	60,000	\$ 60,000	69001
TOTAL ALL BUDGET FUND GROUPS	\$	11,440,641	\$ 11,759,319	69002
OPERATING EXPENSES				69003
Of the foregoing appropriation item 876-321, Operating Expenses, at least \$318,000 in fiscal year 2008 is to be used to purchase computer and information technology equipment.				69004 69005 69006
<b>Section 245.10. COM DEPARTMENT OF COMMERCE</b>				69007
General Revenue Fund				69008
GRF 800-410 Labor and Worker Safety	\$	2,132,396	\$ 2,132,396	69009
Total GRF General Revenue Fund	\$	2,132,396	\$ 2,132,396	69010
General Services Fund Group				69011
163 800-620 Division of Administration	\$	4,323,037	\$ 4,413,037	69012
163 800-637 Information Technology	\$	6,650,150	\$ 6,780,963	69013
5F1 800-635 Small Government Fire Departments	\$	300,000	\$ 300,000	69014
543 800-602 Unclaimed Funds-Operating	\$	7,880,468	\$ 8,049,937	69015
543 800-625 Unclaimed Funds-Claims	\$	70,000,000	\$ 75,000,000	69016
TOTAL GSF General Services Fund Group	\$	89,153,655	\$ 94,543,937	69017 69018
Federal Special Revenue Fund Group				69019
348 800-622 Underground Storage Tanks	\$	195,008	\$ 195,008	69020
348 800-624 Leaking Underground Storage Tanks	\$	1,850,000	\$ 1,850,000	69021

TOTAL FED Federal Special Revenue				69022
Fund Group	\$	2,045,008	\$ 2,045,008	69023
State Special Revenue Fund Group				69024
4B2 800-631 Real Estate Appraisal	\$	35,000	\$ 35,000	69025
Recovery				
4H9 800-608 Cemeteries	\$	273,465	\$ 273,465	69026
4X2 800-619 Financial Institutions	\$	2,474,414	\$ 2,523,918	69027
5K7 800-621 Penalty Enforcement	\$	50,000	\$ 50,000	69028
544 800-612 Banks	\$	6,516,507	\$ 6,703,253	69029
545 800-613 Savings Institutions	\$	2,244,370	\$ 2,286,616	69030
546 800-610 Fire Marshal	\$	13,104,393	\$ 13,579,150	69031
546 800-639 Fire Department Grants	\$	1,647,140	\$ 1,647,140	69032
546 800-640 Homeland Security	\$	10,000	\$ 10,000	69033
Grants				
547 800-603 Real Estate	\$	250,000	\$ 250,000	69034
Education/Research				
548 800-611 Real Estate Recovery	\$	50,000	\$ 50,000	69035
549 800-614 Real Estate	\$	3,480,038	\$ 3,574,171	69036
550 800-617 Securities	\$	4,312,453	\$ 4,473,094	69037
552 800-604 Credit Union	\$	3,521,037	\$ 3,627,390	69038
553 800-607 Consumer Finance	\$	5,800,445	\$ 5,800,445	69039
556 800-615 Industrial Compliance	\$	25,033,908	\$ 25,570,011	69040
6A4 800-630 Real Estate	\$	664,006	\$ 664,006	69041
Appraiser-Operating				
653 800-629 UST Registration/Permit	\$	1,512,512	\$ 1,467,160	69042
Fee				
TOTAL SSR State Special Revenue				69043
Fund Group	\$	70,979,688	\$ 72,584,819	69044
Liquor Control Fund Group				69045
043 800-601 Merchandising	\$	440,499,979	\$ 464,027,015	69046
043 800-627 Liquor Control	\$	15,980,724	\$ 16,334,583	69047
Operating				

043 800-633	Development Assistance	\$	33,678,800	\$	38,616,800	69048
	Debt Service					
043 800-636	Revitalization Debt	\$	12,620,900	\$	15,683,300	69049
	Service					
TOTAL LCF Liquor Control						69050
Fund Group		\$	502,780,403	\$	534,661,698	69051
TOTAL ALL BUDGET FUND GROUPS		\$	667,091,150	\$	705,967,858	69052

SMALL GOVERNMENT FIRE DEPARTMENTS 69053

Notwithstanding section 3737.17 of the Revised Code, the 69054  
foregoing appropriation item 800-635, Small Government Fire 69055  
Departments, may be used to provide loans to private fire 69056  
departments. 69057

UNCLAIMED FUNDS PAYMENTS 69058

The foregoing appropriation item 800-625, Unclaimed 69059  
Funds-Claims, shall be used to pay claims under section 169.08 of 69060  
the Revised Code. If it is determined that additional amounts are 69061  
necessary, the amounts are hereby appropriated. 69062

UNCLAIMED FUNDS TRANSFERS 69063

Notwithstanding division (A) of section 169.05 of the Revised 69064  
Code, prior to June 30, 2008, and upon the request of the Director 69065  
of Budget and Management, the Director of Commerce shall transfer 69066  
to the General Revenue Fund up to \$29,275,000 of unclaimed funds 69067  
that have been reported by holders of unclaimed funds under 69068  
section 169.05 of the Revised Code, irrespective of the allocation 69069  
of the unclaimed funds under that section. 69070

Notwithstanding division (A) of section 169.05 of the Revised 69071  
Code, prior to June 30, 2009, and upon the request of the Director 69072  
of Budget and Management, the Director of Commerce shall transfer 69073  
to the General Revenue Fund up to \$29,275,000 of unclaimed funds 69074  
that have been reported by holders of unclaimed funds under 69075  
section 169.05 of the Revised Code, irrespective of the allocation 69076

of the unclaimed funds under that section. 69077

CASH TRANSFER TO GENERAL REVENUE FUND 69078

Notwithstanding any other law to the contrary, the Director 69079  
of Budget and Management shall transfer up to \$5,700,000 in cash 69080  
in fiscal year 2008 and up to \$5,800,000 in cash in fiscal year 69081  
2009 from the State Fire Marshal Fund (Fund 546) to the General 69082  
Revenue Fund. 69083

FIRE DEPARTMENT GRANTS 69084

Of the foregoing appropriation item 800-639, Fire Department 69085  
Grants, up to \$760,000 in each fiscal year shall be used to make 69086  
annual grants to volunteer fire departments of up to \$10,000, or 69087  
up to \$25,000 if the volunteer fire department provides service 69088  
for an area affected by a natural disaster. The grant program 69089  
shall be administered by the Fire Marshal under the Department of 69090  
Commerce. The Fire Marshal shall adopt rules as are necessary for 69091  
the administration and operation of the grant program. 69092

Of the foregoing appropriation item 800-639, Fire Department 69093  
Grants, up to \$687,140 in each fiscal year shall be used as full 69094  
or partial reimbursement to local units of government and fire 69095  
departments for the cost of firefighter training and equipment or 69096  
gear. Under rules that the department shall adopt, a local unit of 69097  
government or fire department may apply to the department for a 69098  
grant to cover all documented costs that are incurred to provide 69099  
firefighter training and equipment or gear. The department shall 69100  
make grants within the limits of the funding provided, with 69101  
priority given to fire departments that serve small villages and 69102  
townships. 69103

Of the foregoing appropriation item 800-639, Fire Department 69104  
Grants, up to \$200,000 in each fiscal year shall be used to make 69105  
grants to fire departments to assist in the conversion of existing 69106  
data systems to the NFIRS 5 electronic fire reporting system. 69107

Under rules that the department shall adopt, awards shall have a 69108  
maximum of \$50,000 per fire department and shall be based on a 69109  
point system that includes factors such as consideration of the 69110  
fire department's information technology and operating budgets, 69111  
population and area served, number of incidents, data conversion 69112  
and implementation methods, and readiness. 69113

CASH TRANSFER TO REAL ESTATE OPERATING FUND 69114

At the request of the Director of Commerce, the Director of 69115  
Budget and Management may transfer up to \$100,000 in cash from the 69116  
Real Estate Recovery Fund (Fund 548) and up to \$350,000 in cash 69117  
from the Real Estate Appraiser Recovery Fund (Fund 4B2) to the 69118  
Real Estate Operating Fund (Fund 549) during fiscal years 69119  
2008-2009. 69120

INCREASED APPROPRIATION AUTHORITY - MERCHANDISING 69121

The foregoing appropriation item 800-601, Merchandising, 69122  
shall be used under section 4301.12 of the Revised Code. If it is 69123  
determined that additional amounts are necessary, the amounts are 69124  
hereby appropriated. 69125

DEVELOPMENT ASSISTANCE DEBT SERVICE 69126

The foregoing appropriation item 800-633, Development 69127  
Assistance Debt Service, shall be used to pay debt service and 69128  
related financing costs at the times they are required to be made 69129  
during the period from July 1, 2007, to June 30, 2009, for bond 69130  
service charges on obligations issued under Chapter 166. of the 69131  
Revised Code. If it is determined that additional appropriations 69132  
are necessary for this purpose, such amounts are hereby 69133  
appropriated, subject to the limitations set forth in section 69134  
166.11 of the Revised Code. An appropriation for this purpose is 69135  
not required, but is made in this form and in this act for record 69136  
purposes only. 69137

REVITALIZATION DEBT SERVICE 69138

The foregoing appropriation item 800-636, Revitalization Debt Service, shall be used to pay debt service and related financing costs under sections 151.01 and 151.40 of the Revised Code during the period from July 1, 2007, to June 30, 2009. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated. The General Assembly acknowledges the priority of the pledge of a portion of receipts from that source to obligations issued and to be issued under Chapter 166. of the Revised Code.

ADMINISTRATIVE ASSESSMENTS

Notwithstanding any other provision of law to the contrary, Fund 163, Division of Administration, is entitled to receive assessments from all operating funds of the department in accordance with procedures prescribed by the Director of Commerce and approved by the Director of Budget and Management.

**Section 247.10.** OCC OFFICE OF CONSUMERS' COUNSEL

General Services Fund Group  
5F5 053-601 Operating Expenses \$ 8,498,070 \$ 8,498,070  
TOTAL GSF General Services Fund \$ 8,498,070 \$ 8,498,070  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 8,498,070 \$ 8,498,070

**Section 249.10.** CEB CONTROLLING BOARD

General Revenue Fund  
GRF 911-404 Mandate Assistance \$ 650,000 \$ 650,000  
GRF 911-441 Ballot Advertising \$ 300,000 \$ 300,000  
Costs  
TOTAL GRF General Revenue Fund \$ 950,000 \$ 950,000  
TOTAL ALL BUDGET FUND GROUPS \$ 950,000 \$ 950,000

DISASTER SERVICES FUND TRANSFERS TO THE EMERGENCY PURPOSES/CONTINGENCIES APPROPRIATION LINE ITEM

Notwithstanding any other provision of law to the contrary, 69168  
the Director of Budget and Management may, with Controlling Board 69169  
approval, transfer up to \$4,000,000 in cash, in each of fiscal 69170  
years 2008 and 2009, from the Disaster Services Fund (Fund 5E2) to 69171  
the General Revenue Fund. Upon completion of the transfer, the 69172  
Director of Budget and Management shall appropriate the 69173  
transferred amount to appropriation item 911-401, Emergency 69174  
Purposes/Contingencies. The Controlling Board may, at the request 69175  
of any state agency or the Director of Budget and Management, 69176  
transfer all or part of the appropriation in appropriation item 69177  
911-401, Emergency Purposes/Contingencies, for the purpose of 69178  
providing disaster and emergency situation aid to state agencies 69179  
and political subdivisions in the event of disasters and emergency 69180  
situations or for the other purposes noted in this section, 69181  
including, but not limited to, costs related to the disturbance 69182  
that occurred on April 11, 1993, at the Southern Ohio Correctional 69183  
Facility in Lucasville, Ohio. 69184

FEDERAL SHARE 69185

In transferring appropriations to or from appropriation items 69186  
that have federal shares identified in this act, the Controlling 69187  
Board shall add or subtract corresponding amounts of federal 69188  
matching funds at the percentages indicated by the state and 69189  
federal division of the appropriations in this act. Such changes 69190  
are hereby appropriated. 69191

DISASTER ASSISTANCE 69192

Pursuant to requests submitted by the Department of Public 69193  
Safety, the Controlling Board may approve transfers from 69194  
appropriation item 911-401, Emergency Purposes/Contingencies, to 69195  
Department of Public Safety appropriation items to provide funding 69196  
for assistance to political subdivisions and individuals made 69197  
necessary by natural disasters or emergencies. Such transfers may 69198  
be requested and approved prior to or following the occurrence of 69199

any specific natural disasters or emergencies in order to 69200  
facilitate the provision of timely assistance. 69201

DISASTER SERVICES 69202

Pursuant to requests submitted by the Department of Public 69203  
Safety, the Controlling Board may approve transfers from the 69204  
Disaster Services Fund (5E2) to a Department of Public Safety fund 69205  
and appropriation item to provide for assistance to political 69206  
subdivisions made necessary by natural disasters or emergencies. 69207  
These transfers may be requested and approved prior to the 69208  
occurrence of any specific natural disasters or emergencies in 69209  
order to facilitate the provision of timely assistance. The 69210  
Emergency Management Agency of the Department of Public Safety 69211  
shall use the funding to fund the State Disaster Relief Program 69212  
for disasters that have been declared by the Governor, and the 69213  
State Individual Assistance Program for disasters that have been 69214  
declared by the Governor and the federal Small Business 69215  
Administration. The Ohio Emergency Management Agency shall publish 69216  
and make available application packets outlining procedures for 69217  
the State Disaster Relief Program and the State Individual 69218  
Assistance Program. 69219

The Disaster Services Fund (5E2) shall be used by the 69220  
Controlling Board, pursuant to requests submitted by state 69221  
agencies, to transfer cash and appropriation authority to any fund 69222  
and appropriation item for the payment of state agency disaster 69223  
relief program expenses for disasters declared by the Governor, if 69224  
the Director of Budget and Management determines that sufficient 69225  
funds exist. 69226

The unencumbered balance of the Disaster Services Fund (5E2) 69227  
at the end of fiscal year 2008 is transferred to fiscal year 2009 69228  
for use for the same purposes as in fiscal year 2009. 69229

SOUTHERN OHIO CORRECTIONAL FACILITY COST 69230

The Division of Criminal Justice Services in the Department of Public Safety and the Public Defender Commission may each request, upon approval of the Director of Budget and Management, additional funds from appropriation item 911-401, Emergency Purposes/Contingencies, for costs related to the disturbance that occurred on April 11, 1993, at the Southern Ohio Correctional Facility in Lucasville, Ohio.

MANDATE ASSISTANCE

(A) The foregoing appropriation item 911-404, Mandate Assistance, shall be used to provide financial assistance to local units of government and school districts for the cost of the following two state mandates:

(1) The cost to county prosecutors for prosecuting certain felonies that occur on the grounds of state institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services;

(2) The cost to school districts of in-service training for child abuse detection.

(B) The Division of Criminal Justice Services in the Department of Public Safety and the Department of Education may prepare and submit to the Controlling Board one or more requests to transfer appropriations from appropriation item 911-404, Mandate Assistance. The state agencies charged with this administrative responsibility are listed below, as well as the estimated annual amounts that may be used for each program of state financial assistance.

	ADMINISTERING	ESTIMATED ANNUAL	
PROGRAM	AGENCY	AMOUNT	
Prosecution Costs	Division of Criminal Justice Services	\$150,000	
Child Abuse Detection	Department of	\$500,000	

Training Costs

Education

(C) Subject to the total amount appropriated in each fiscal year for appropriation item 911-404, Mandate Assistance, the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education may request from the Controlling Board that amounts smaller or larger than these estimated annual amounts be transferred to each program.

(D) In addition to making the initial transfers requested by the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education, the Controlling Board may transfer appropriations received by a state agency under this section back to appropriation item 911-404, Mandate Assistance, or to the other program of state financial assistance identified under this section.

(E) It is expected that not all costs incurred by local units of government and school districts under each of the two programs of state financial assistance identified in this section will be fully reimbursed by the state. Reimbursement levels may vary by program and shall be based on: the relationship between the appropriation transfers requested by the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education and provided by the Controlling Board for each of the programs; the rules and procedures established for each program by the administering state agency; and the actual costs incurred by local units of government and school districts.

(F) Each of these programs of state financial assistance shall be carried out as follows:

(1) PROSECUTION COSTS

(a) Appropriations may be transferred to the Division of Criminal Justice Services in the Department of Public Safety to cover local prosecution costs for aggravated murder, murder,

felonies of the first degree, and felonies of the second degree 69292  
that occur on the grounds of institutions operated by the 69293  
Department of Rehabilitation and Correction and the Department of 69294  
Youth Services. 69295

(b) Upon a delinquency filing in juvenile court or the return 69296  
of an indictment for aggravated murder, murder, or any felony of 69297  
the first or second degree that was committed at a Department of 69298  
Youth Services or a Department of Rehabilitation and Correction 69299  
institution, the affected county may, in accordance with rules 69300  
that the Division of Criminal Justice Services in the Department 69301  
of Public Safety shall adopt, apply to the Division of Criminal 69302  
Justice Services for a grant to cover all documented costs that 69303  
are incurred by the county prosecutor's office. 69304

(c) Twice each year, the Division of Criminal Justice 69305  
Services in the Department of Public Safety shall designate 69306  
counties to receive grants from those counties that have submitted 69307  
one or more applications in compliance with the rules that have 69308  
been adopted by the Division of Criminal Justice Services for the 69309  
receipt of such grants. In each year's first round of grant 69310  
awards, if sufficient appropriations have been made, up to a total 69311  
of \$100,000 may be awarded. In each year's second round of grant 69312  
awards, the remaining appropriations available for this purpose 69313  
may be awarded. 69314

(d) If for a given round of grants there are insufficient 69315  
appropriations to make grant awards to all the eligible counties, 69316  
the first priority shall be given to counties with cases involving 69317  
aggravated murder and murder; second priority shall be given to 69318  
counties with cases involving a felony of the first degree; and 69319  
third priority shall be given to counties with cases involving a 69320  
felony of the second degree. Within these priorities, the grant 69321  
awards shall be based on the order in which the applications were 69322  
received, except that applications for cases involving a felony of 69323

the first or second degree shall not be considered in more than 69324  
two consecutive rounds of grant awards. 69325

(2) CHILD ABUSE DETECTION TRAINING COSTS 69326

Appropriations may be transferred to the Department of 69327  
Education for disbursement to local school districts as full or 69328  
partial reimbursement for the cost of providing in-service 69329  
training for child abuse detection. In accordance with rules that 69330  
the department shall adopt, a local school district may apply to 69331  
the department for a grant to cover all documented costs that are 69332  
incurred to provide in-service training for child abuse detection. 69333  
The department shall make grants within the limits of the funding 69334  
provided. 69335

(G) Any moneys allocated within appropriation item 911-404, 69336  
Mandate Assistance, not fully utilized may, upon application of 69337  
the Ohio Public Defender Commission, and with the approval of the 69338  
Controlling Board, be disbursed to boards of county commissioners 69339  
to provide additional reimbursement for the costs incurred by 69340  
counties in providing defense to indigent defendants pursuant to 69341  
Chapter 120. of the Revised Code. Application for the unutilized 69342  
funds shall be made by the Ohio Public Defender Commission at the 69343  
first June meeting of the Controlling Board. 69344

The amount to be disbursed to each county shall be allocated 69345  
proportionately on the basis of the total amount of reimbursement 69346  
paid to each county as a percentage of the amount of reimbursement 69347  
paid to all of the counties during the most recent state fiscal 69348  
year for which data is available and as calculated by the Ohio 69349  
Public Defender Commission. 69350

BALLOT ADVERTISING COSTS 69351

Pursuant to requests submitted by the Ohio Ballot Board, the 69352  
Controlling Board shall approve transfers from the foregoing 69353  
appropriation item 911-441, Ballot Advertising Costs, to an Ohio 69354

Ballot Board appropriation item in order to reimburse county 69355  
boards of elections for the cost of public notices associated with 69356  
statewide ballot initiatives. 69357

**Section 251.10. COS STATE BOARD OF COSMETOLOGY 69358**

General Services Fund Group 69359  
4K9 879-609 Operating Expenses \$ 3,533,679 \$ 3,533,679 69360  
TOTAL GSF General Services Fund 69361  
Group \$ 3,533,679 \$ 3,533,679 69362  
TOTAL ALL BUDGET FUND GROUPS \$ 3,533,679 \$ 3,533,679 69363

**Section 253.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE 69365**

AND FAMILY THERAPIST BOARD 69366  
General Services Fund Group 69367  
4K9 899-609 Operating Expenses \$ 1,124,267 \$ 1,179,774 69368  
TOTAL GSF General Services Fund 69369  
Group \$ 1,124,267 \$ 1,179,774 69370  
TOTAL ALL BUDGET FUND GROUPS \$ 1,124,267 \$ 1,179,774 69371

**Section 255.10. CLA COURT OF CLAIMS 69373**

General Revenue Fund 69374  
GRF 015-321 Operating Expenses \$ 2,758,681 \$ 2,841,441 69375  
TOTAL GRF General Revenue Fund \$ 2,758,681 \$ 2,841,441 69376  
State Special Revenue Fund Group 69377  
5K2 015-603 CLA Victims of Crime \$ 1,582,684 \$ 1,582,684 69378  
TOTAL SSR State Special Revenue 69379  
Fund Group \$ 1,582,684 \$ 1,582,684 69380  
TOTAL ALL BUDGET FUND GROUPS \$ 4,341,365 \$ 4,424,125 69381

**Section 257.10. AFC OHIO CULTURAL FACILITIES COMMISSION 69383**

General Revenue Fund 69384

GRF 371-321 Operating Expenses	\$	176,136	\$	176,136	69385
GRF 371-401 Lease Rental Payments	\$	36,604,600	\$	37,455,500	69386
TOTAL GRF General Revenue Fund	\$	36,780,736	\$	37,631,636	69387
State Special Revenue Fund Group					69388
4T8 371-601 Riffe Theatre	\$	81,000	\$	81,000	69389
Equipment Maintenance					
4T8 371-603 Project Administration	\$	1,302,866	\$	1,302,866	69390
Services					
TOTAL SSR State Special Revenue	\$	1,383,866	\$	1,383,866	69391
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	38,164,602	\$	39,015,502	69392

LEASE RENTAL PAYMENTS 69393

The foregoing appropriation item 371-401, Lease Rental 69394  
 Payments, shall be used to meet all payments from the Ohio 69395  
 Cultural Facilities Commissions to the Treasurer of State during 69396  
 the period from July 1, 2007, to June 30, 2009, under the primary 69397  
 leases and agreements for those arts and sports facilities made 69398  
 under Chapters 152. and 154. of the Revised Code. This 69399  
 appropriation is the source of funds pledged for bond service 69400  
 charges on related obligations issued pursuant to Chapters 152. 69401  
 and 154. of the Revised Code. 69402

OPERATING EXPENSES 69403

The foregoing appropriation item 371-321, Operating Expenses, 69404  
 shall be used by the Ohio Cultural Facilities Commission to carry 69405  
 out its responsibilities under this section and Chapter 3383. of 69406  
 the Revised Code. 69407

By the tenth day following each calendar quarter in each 69408  
 fiscal year, or as soon as possible thereafter, the Director of 69409  
 Budget and Management shall determine the amount of cash from 69410  
 interest earnings to be transferred from the Cultural and Sports 69411  
 Facilities Building Fund (Fund 030) to the Cultural Facilities 69412

Commission Administration Fund (Fund 4T8). 69413

As soon as possible after each bond issuance made on behalf 69414  
of the Cultural Facilities Commission, the Director of Budget and 69415  
Management shall determine the amount of cash from any premium 69416  
paid on each issuance that is available to be transferred after 69417  
all issuance costs have been paid from the Cultural and Sports 69418  
Facilities Building Fund (Fund 030) to the Cultural Facilities 69419  
Commission Administration Fund (Fund 4T8). 69420

CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS 69421

The Executive Director of the Cultural Facilities Commission 69422  
shall certify to the Director of Budget and Management the amount 69423  
of cash receipts and related investment income, irrevocable 69424  
letters of credit from a bank, or certification of the 69425  
availability of funds that have been received from a county or a 69426  
municipal corporation for deposit into the Capital Donations Fund 69427  
(Fund 5A1) and are related to an anticipated project. These 69428  
amounts are hereby appropriated to appropriation item CAP-702, 69429  
Capital Donations. Prior to certifying these amounts to the 69430  
Director, the Executive Director shall make a written agreement 69431  
with the participating entity on the necessary cash flows required 69432  
for the anticipated construction or equipment acquisition project. 69433

**Section 259.10.** DEN STATE DENTAL BOARD 69434

General Services Fund Group 69435

4K9 880-609 Operating Expenses \$ 1,437,392 \$ 1,528,749 69436

TOTAL GSF General Services Fund 69437

Group \$ 1,437,392 \$ 1,528,749 69438

TOTAL ALL BUDGET FUND GROUPS \$ 1,437,392 \$ 1,528,749 69439

**Section 261.10.** BDP BOARD OF DEPOSIT 69441

General Services Fund Group 69442

4M2 974-601 Board of Deposit	\$	1,676,000	\$	1,676,000	69443
TOTAL GSF General Services Fund					69444
Group	\$	1,676,000	\$	1,676,000	69445
TOTAL ALL BUDGET FUND GROUPS	\$	1,676,000	\$	1,676,000	69446

BOARD OF DEPOSIT EXPENSE FUND 69447

Upon receiving certification of expenses from the Treasurer 69448  
of State, the Director of Budget and Management shall transfer 69449  
cash from the Investment Earnings Redistribution Fund (Fund 608) 69450  
to the Board of Deposit Expense Fund (Fund 4M2). The latter fund 69451  
shall be used to pay for banking charges and fees required for the 69452  
operation of the State of Ohio Regular Account. 69453

**Section 263.10.** DEV DEPARTMENT OF DEVELOPMENT 69454

General Revenue Fund 69455

GRF 195-401 Thomas Edison Program \$ 19,404,838 \$ 17,978,483 69456

GRF 195-404 Small Business \$ 1,740,722 \$ 1,792,944 69457

Development

GRF 195-405 Minority Business \$ 1,580,291 \$ 1,627,700 69458

Development Division

GRF 195-407 Travel and Tourism \$ 1,800,000 \$ 1,800,000 69459

GRF 195-410 Defense Conversion \$ 5,000,000 \$ 0 69460

Assistance

GRF 195-412 Rapid Outreach Grants \$ 10,750,000 \$ 10,000,000 69461

GRF 195-415 Economic Development \$ 5,894,975 \$ 6,071,824 69462

Division and Regional

Offices

GRF 195-416 Governor's Office of \$ 4,746,043 \$ 4,746,043 69463

Appalachia

GRF 195-422 Third Frontier Action \$ 18,790,000 \$ 16,790,000 69464

Fund

GRF 195-426 Clean Ohio \$ 300,000 \$ 309,000 69465

Implementation

GRF 195-432	International Trade	\$	4,650,501	\$	4,650,501	69466
GRF 195-434	Investment in Training	\$	12,227,500	\$	12,594,325	69467
	Grants					
GRF 195-436	Labor/Management	\$	836,225	\$	836,225	69468
	Cooperation					
GRF 195-497	CDBG Operating Match	\$	1,072,184	\$	1,072,184	69469
GRF 195-498	State Match Energy	\$	96,820	\$	96,820	69470
GRF 195-501	Appalachian Local	\$	391,482	\$	391,482	69471
	Development Districts					
GRF 195-502	Appalachian Regional	\$	254,208	\$	254,208	69472
	Commission Dues					
GRF 195-507	Travel and Tourism	\$	1,130,000	\$	1,115,000	69473
	Grants					
GRF 195-516	Shovel Ready Sites	\$	1,000,000	\$	1,000,000	69474
GRF 195-520	Ohio Main Street	\$	750,000	\$	250,000	69475
	Program					
GRF 195-521	Discover Ohio!	\$	7,182,845	\$	8,182,845	69476
GRF 195-905	Third Frontier	\$	14,349,500	\$	24,523,400	69477
	Research & Development					
	General Obligation					
	Debt Service					
GRF 195-912	Job Ready Site	\$	4,359,400	\$	8,232,500	69478
	Development General					
	Obligation Debt					
	Service					
TOTAL GRF	General Revenue Fund	\$	118,307,534	\$	124,315,484	69479
	General Services Fund Group					69480
135 195-684	Supportive Services	\$	11,699,404	\$	11,321,444	69481
5AD 195-667	Investment in Training	\$	2,000,000	\$	0	69482
	Expansion					
5AD 195-668	Workforce Guarantee	\$	1,000,000	\$	0	69483
	Program					
5AD 195-677	Economic Development	\$	5,000,000	\$	24,400,000	69484

		Contingency					
5W5	195-690	Travel and Tourism	\$	350,000	\$	350,000	69485
		Cooperative Projects					
5W6	195-691	International Trade	\$	300,000	\$	300,000	69486
		Cooperative Projects					
685	195-636	Direct Cost Recovery	\$	800,000	\$	800,000	69487
		Expenditures					
TOTAL	GSF	General Services Fund					69488
Group			\$	21,149,404	\$	37,171,444	69489
		Federal Special Revenue Fund Group					69490
3AE	195-643	Workforce Development	\$	5,839,900	\$	5,860,000	69491
		Initiatives					
3BJ	195-685	TANF Heating	\$	45,000,000	\$	15,000,000	69492
		Assistance					
3K8	195-613	Community Development	\$	65,000,000	\$	65,000,000	69493
		Block Grant					
3K9	195-611	Home Energy Assistance	\$	110,000,000	\$	110,000,000	69494
		Block Grant					
3K9	195-614	HEAP Weatherization	\$	22,000,000	\$	22,000,000	69495
3L0	195-612	Community Services	\$	25,235,000	\$	25,235,000	69496
		Block Grant					
3V1	195-601	HOME Program	\$	40,000,000	\$	40,000,000	69497
308	195-602	Appalachian Regional	\$	475,000	\$	475,000	69498
		Commission					
308	195-603	Housing and Urban	\$	6,000,000	\$	6,000,000	69499
		Development					
308	195-605	Federal Projects	\$	27,000,000	\$	27,000,000	69500
308	195-609	Small Business	\$	4,296,381	\$	4,396,381	69501
		Administration					
308	195-618	Energy Federal Grants	\$	3,400,000	\$	3,400,000	69502
335	195-610	Energy Conservation	\$	2,200,000	\$	2,200,000	69503
		and Emerging					
		Technology					

TOTAL FED Federal Special Revenue				69504
Fund Group	\$	356,446,281	\$ 326,566,381	69505
State Special Revenue Fund Group				69506
4F2 195-639 State Special Projects	\$	518,393	\$ 518,393	69507
4F2 195-676 Marketing Initiatives	\$	5,000,000	\$ 1,000,000	69508
4S0 195-630 Tax Incentive Programs	\$	650,800	\$ 650,800	69509
4W1 195-646 Minority Business	\$	2,580,597	\$ 2,580,597	69510
Enterprise Loan				
444 195-607 Water and Sewer	\$	523,775	\$ 523,775	69511
Commission Loans				
450 195-624 Minority Business	\$	53,967	\$ 53,967	69512
Bonding Program				
Administration				
451 195-625 Economic Development	\$	3,233,311	\$ 3,233,311	69513
Financing Operating				
5AR 195-674 Industrial Site	\$	4,500,000	\$ 4,500,000	69514
Improvements				
5CG 195-679 Alternative Fuel	\$	1,500,000	\$ 1,000,000	69515
Transportation				
5DU 195-689 Energy Projects	\$	840,000	\$ 840,000	69516
5M4 195-659 Low Income Energy	\$	245,000,000	\$ 245,000,000	69517
Assistance				
5M5 195-660 Advanced Energy	\$	17,000,000	\$ 17,000,000	69518
Programs				
5X1 195-651 Exempt Facility	\$	25,000	\$ 25,000	69519
Inspection				
611 195-631 Water and Sewer	\$	15,713	\$ 15,713	69520
Administration				
617 195-654 Volume Cap	\$	200,000	\$ 200,000	69521
Administration				
646 195-638 Low- and Moderate-	\$	53,000,000	\$ 53,000,000	69522
Income Housing Trust				
Fund				

TOTAL SSR State Special Revenue				69523
Fund Group	\$	334,641,556	\$ 330,141,556	69524
Facilities Establishment Fund Group				69525
009 195-664 Innovation Ohio	\$	50,000,000	\$ 50,000,000	69526
010 195-665 Research and Development	\$	50,000,000	\$ 50,000,000	69527
037 195-615 Facilities Establishment	\$	110,000,000	\$ 110,000,000	69528
4Z6 195-647 Rural Industrial Park Loan	\$	3,000,000	\$ 3,000,000	69529
5D2 195-650 Urban Redevelopment Loans	\$	5,475,000	\$ 5,475,000	69530
5S8 195-627 Rural Development Initiative	\$	3,000,000	\$ 3,000,000	69531
5S9 195-628 Capital Access Loan Program	\$	3,000,000	\$ 3,000,000	69532
TOTAL 037 Facilities Establishment Fund Group	\$	224,475,000	\$ 224,475,000	69533 69534
Clean Ohio Revitalization Fund				69535
003 195-663 Clean Ohio Operating	\$	625,000	\$ 550,000	69536
TOTAL 003 Clean Ohio Revitalization Fund	\$	625,000	\$ 550,000	69537
Third Frontier Research & Development Fund Group				69538
011 195-686 Third Frontier Operating	\$	1,932,056	\$ 1,932,056	69539
011 195-687 Third Frontier Research & Development Projects	\$	94,000,000	\$ 72,000,000	69540
014 195-692 Research & Development Taxable Bond Projects	\$	28,000,000	\$ 28,000,000	69541
TOTAL 011 Third Frontier Research & Development Fund Group	\$	123,932,056	\$ 101,932,056	69542

Job Ready Site Development Fund Group				69543	
012 195-688 Job Ready Site	\$	1,246,155	\$	1,246,155	69544
Operating					
TOTAL 012 Job Ready Site	\$	1,246,155	\$	1,246,155	69545
Development Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,180,822,986	\$	1,146,398,076	69546

**Section 263.10.10. THOMAS EDISON PROGRAM** 69548

The foregoing appropriation item 195-401, Thomas Edison 69549  
Program, shall be used for the purposes of sections 122.28 to 69550  
122.38 of the Revised Code in order to provide funds for 69551  
cooperative public and private efforts in technological innovation 69552  
to promote the development and transfer of technology by and to 69553  
Ohio businesses that will lead to the creation of jobs. Of the 69554  
foregoing appropriation item 195-401, Thomas Edison Program, not 69555  
more than ten per cent in each fiscal year shall be used for 69556  
operating expenditures in administering the programs of the 69557  
Technology Division. 69558

Of the foregoing appropriation item 195-401, Thomas Edison 69559  
Program, \$2,000,000 in fiscal year 2008 shall be used by 69560  
Development Projects, Inc., for technology commercialization. 69561

**Section 263.10.20. SMALL BUSINESS DEVELOPMENT** 69562

The foregoing appropriation item 195-404, Small Business 69563  
Development, shall be used to ensure that the unique needs and 69564  
concerns of small businesses are addressed. 69565

The foregoing appropriation item 195-404, Small Business 69566  
Development, may be used to provide grants to local organizations 69567  
to support the operation of Small Business Development Centers and 69568  
other local economic development activity promoting small 69569  
business, including the 1st Stop Business Connection, and for the 69570  
cost of administering the small business development center 69571

program. The centers shall provide technical, financial, and 69572  
management consultation for small business and shall facilitate 69573  
access to state and federal programs. These funds shall be used as 69574  
matching funds for grants from the United States Small Business 69575  
Administration and other federal agencies, pursuant to Public Law 69576  
No. 96-302 (1980) as amended by Public Law No. 98-395 (1984), and 69577  
regulations and policy guidelines for the programs under this law. 69578

**MINORITY BUSINESS DEVELOPMENT DIVISION** 69579

Of the foregoing appropriation item 195-405, Minority 69580  
Business Development Division, up to \$1,060,000 but not less than 69581  
\$954,000 in each fiscal year shall be used to fund minority 69582  
contractors and business assistance organizations. The Minority 69583  
Business Development Division shall determine which cities need 69584  
minority contractors and business assistance organizations by 69585  
utilizing United States Census Bureau data and zip codes to locate 69586  
the highest concentrations of minority businesses. The Minority 69587  
Business Development Division also shall determine the numbers of 69588  
minority contractors and business assistance organizations 69589  
necessary and the amount of funding to be provided each. In 69590  
addition, the Minority Business Development Division shall 69591  
continue to plan and implement business conferences. 69592

**Section 263.10.30. RAPID OUTREACH GRANTS** 69593

The foregoing appropriation item 195-412, Rapid Outreach 69594  
Grants, shall be used as an incentive for attracting and retaining 69595  
business opportunities for the state. Any such business 69596  
opportunity, whether new, expanding, or relocating in Ohio, is 69597  
eligible for funding. The project must create or retain a 69598  
significant number of jobs for Ohioans. Grant awards may be 69599  
considered only when (1) the project's viability hinges on an 69600  
award of funds from appropriation item 195-412, Rapid Outreach 69601  
Grants; (2) all other public or private sources of financing have 69602

been considered; or (3) the funds act as a catalyst for the 69603  
infusion into the project of other financing sources. 69604

The department's primary goal shall be to award funds to 69605  
political subdivisions of the state for off-site infrastructure 69606  
improvements. In order to meet the particular needs of economic 69607  
development in a region, the department may elect to award funds 69608  
directly to a business for on-site infrastructure improvements. 69609  
"Infrastructure improvements" mean improvements to water system 69610  
facilities, sewer and sewage treatment facilities, electric or gas 69611  
service facilities, fiber optic facilities, rail facilities, site 69612  
preparation, and parking facilities. The Director of Development 69613  
may recommend the funds be used in an alternative manner when 69614  
considered appropriate to meet an extraordinary economic 69615  
development opportunity or need. 69616

The foregoing appropriation item 195-412, Rapid Outreach 69617  
Grants, may be expended only after the submission of a request to 69618  
the Controlling Board by the Department of Development outlining 69619  
the planned use of the funds, and the subsequent approval of the 69620  
request by the Controlling Board. 69621

The foregoing appropriation item 195-412, Rapid Outreach 69622  
Grants, may be used for, but is not limited to, construction, 69623  
rehabilitation, and acquisition projects for rail freight 69624  
assistance as requested by the Department of Transportation. The 69625  
Director of Transportation shall submit the proposed projects to 69626  
the Director of Development for an evaluation of potential 69627  
economic benefit. 69628

**Section 263.10.40. ECONOMIC DEVELOPMENT DIVISION AND REGIONAL** 69629  
**OFFICES** 69630

The foregoing appropriation item 195-415, Economic 69631  
Development Division and Regional Offices, shall be used for the 69632  
operating expenses of the Economic Development Division and the 69633

regional economic development offices and for grants for 69634  
cooperative economic development ventures. 69635

**Section 263.10.50. GOVERNOR'S OFFICE OF APPALACHIA 69636**

The foregoing appropriation item 195-416, Governor's Office 69637  
of Appalachia, shall be used for the administrative costs of 69638  
planning and liaison activities for the Governor's Office of 69639  
Appalachia, and to provide financial assistance to projects in 69640  
Ohio's Appalachian counties. 69641

Of the foregoing appropriation item 195-416, Governor's 69642  
Office of Appalachia, up to \$250,000 each fiscal year shall be 69643  
used to match federal funds from the Appalachian Regional 69644  
Commission to provide job training to impact the Appalachian 69645  
Region. 69646

Of the foregoing appropriation item 195-416, Governor's 69647  
Office of Appalachia, up to \$4,246,043 in each fiscal year shall 69648  
be used in conjunction with other federal and state funds to 69649  
provide financial assistance to projects in Ohio's Appalachian 69650  
counties in order to further the goals of the Appalachian Regional 69651  
Commission. The projects and project sponsors shall meet 69652  
Appalachian Regional Commission eligibility requirements. Grants 69653  
shall be administered by the Department of Development. 69654

**Section 263.10.60. THIRD FRONTIER ACTION FUND 69655**

The foregoing appropriation item 195-422, Third Frontier 69656  
Action Fund, shall be used to make grants under sections 184.01 69657  
and 184.02 of the Revised Code. Prior to the release of funds from 69658  
appropriation item 195-422, Third Frontier Action Fund, each grant 69659  
award shall be recommended for funding by the Third Frontier 69660  
Commission and obtain approval from the Controlling Board. 69661

Of the foregoing appropriation item 195-422, Third Frontier 69662  
Action Fund, not more than six per cent in each fiscal year shall 69663

be used for operating expenditures in administering the program. 69664

In addition to the six per cent for operating expenditures, 69665  
an additional administrative amount, not to exceed \$1,500,000 69666  
within the biennium, shall be available for proposal evaluation, 69667  
research and analyses, and marketing efforts considered necessary 69668  
to receive and disseminate information about science and 69669  
technology-related opportunities in the state. 69670

Of the foregoing appropriation item 195-422, Third Frontier 69671  
Action Fund, \$2,000,000 in fiscal year 2008 shall be used by 69672  
Development Projects, Inc., for business and job creation 69673  
resulting from Third Frontier investments. 69674

SCIENCE AND TECHNOLOGY COLLABORATION 69675

The Department of Development shall work in close 69676  
collaboration with the Board of Regents, the Air Quality 69677  
Development Authority, and the Third Frontier Commission in 69678  
relation to appropriation items and programs referred to as 69679  
Alignment Programs in the following paragraph, and other 69680  
technology-related appropriations and programs in the Department 69681  
of Development, Air Quality Development Authority, and the Board 69682  
of Regents as these agencies may designate, to ensure 69683  
implementation of a coherent state strategy with respect to 69684  
science and technology. 69685

"Alignment Programs" means appropriation items 195-401, 69686  
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 69687  
Third Frontier Action Fund; 898-604, Coal Research and Development 69688  
Fund; 235-433, Economic Growth Challenge; 235-508, Air Force 69689  
Institute of Technology; 235-510, Ohio Supercomputer Center; 69690  
235-451, Eminent Scholars; 235-527, Ohio Aerospace Institute; 69691  
235-535, Ohio Agricultural Research and Development Center; 69692  
235-553, Dayton Area Graduate Studies Institute; 235-554, 69693  
Priorities in Collaborative Graduate Education; 235-556, Ohio 69694

Academic Resources Network; 195-435, Biomedical Research and 69695  
Technology Transfer Trust; 195-687, Third Frontier Research & 69696  
Development Projects; CAP-068, Third Frontier Project; and 69697  
195-692, Research & Development Taxable Bond Projects. 69698

Consistent with the recommendations of the Governor's 69699  
Commission on Higher Education and the Economy, Alignment Programs 69700  
shall be managed and administered in accordance with the following 69701  
objectives: (1) to build on existing competitive research 69702  
strengths; (2) to encourage new and emerging discoveries and 69703  
commercialization of products and ideas that will benefit the Ohio 69704  
economy; and (3) to assure improved collaboration among Alignment 69705  
Programs with programs administered by the Third Frontier 69706  
Commission and with other state programs that are intended to 69707  
improve economic growth and job creation. As directed by the Third 69708  
Frontier Commission, Alignment Program managers shall report to 69709  
the Commission or the Third Frontier Advisory Board regarding the 69710  
contributions of their programs to achieving these objectives. 69711

Each Alignment Program shall be reviewed annually by the 69712  
Third Frontier Commission with respect to its development of 69713  
complementary relationships within a combined state science and 69714  
technology investment portfolio, and with respect to its overall 69715  
contribution to the state's science and technology strategy, 69716  
including the adoption of appropriately consistent criteria for: 69717  
(1) the scientific merit of activities supported by the program; 69718  
(2) the relevance of the program's activities to commercial 69719  
opportunities in the private sector; (3) the private sector's 69720  
involvement in a process that continually evaluates commercial 69721  
opportunities to use the work supported by the program; and (4) 69722  
the ability of the program and recipients of grant funding from 69723  
the program to engage in activities that are collaborative, 69724  
complementary, and efficient with respect to the expenditures of 69725  
state funds. Each Alignment Program shall provide an annual report 69726

to the Third Frontier Commission that discusses existing, planned, 69727  
or possible collaborations between programs and between recipients 69728  
of grant funding related to technology, development, 69729  
commercialization, and the support of Ohio's economic development. 69730  
The annual review conducted by the Third Frontier Commission shall 69731  
be a comprehensive review of the entire state science and 69732  
technology program portfolio rather than a review of individual 69733  
programs. 69734

Applicants for Third Frontier and Alignment Programs funding 69735  
shall identify their requirements for high-performance computing 69736  
facilities and services, including both hardware and software, in 69737  
all proposals. If an applicant's requirements exceed approximately 69738  
\$100,000 for a proposal, the Ohio Supercomputer Center shall 69739  
convene a panel of experts. The panel shall review the proposal to 69740  
determine whether the proposal's requirements can be met through 69741  
Ohio Supercomputer Center facilities or through other means and 69742  
report such information to the Third Frontier Commission. 69743

To ensure that the state receives the maximum benefit from 69744  
its investment in the Third Frontier Project and the Third 69745  
Frontier Network, organizations receiving Third Frontier awards 69746  
and Alignment Programs awards shall, as appropriate, be expected 69747  
to have a connection to the Third Frontier Network that enables 69748  
them and their collaborators to achieve award objectives through 69749  
the Third Frontier Network. 69750

**Section 263.10.70. INTERNATIONAL TRADE** 69751

The foregoing appropriation item 195-432, International 69752  
Trade, shall be used to operate and to maintain Ohio's 69753  
out-of-state trade offices. 69754

The Director of Development may enter into contracts with 69755  
foreign nationals to staff foreign offices. The contracts may be 69756  
paid in local currency or United States currency and shall be 69757

exempt from section 127.16 of the Revised Code. The director also 69758  
may establish foreign currency accounts under section 122.05 of 69759  
the Revised Code for the payment of expenses related to the 69760  
operation and maintenance of the foreign trade offices. 69761

The foregoing appropriation item 195-432, International 69762  
Trade, shall be used to fund the International Trade Division and 69763  
to assist Ohio manufacturers and agricultural producers in 69764  
exporting to foreign countries in conjunction with the Department 69765  
of Agriculture. 69766

Of the foregoing appropriation item 195-432, International 69767  
Trade, up to \$35,000 may be used to purchase gifts for 69768  
representatives of foreign governments or dignitaries of foreign 69769  
countries. 69770

**Section 263.10.80. OHIO INVESTMENT IN TRAINING PROGRAM** 69771

The foregoing appropriation items 195-434, Investment in 69772  
Training Grants, and 195-667, Investment in Training Expansion, 69773  
shall be used to promote training through grants for the 69774  
reimbursement of eligible training expenses. 69775

Of the foregoing appropriation item 195-434, Investment in 69776  
Training Grants, \$300,000 in each fiscal year shall be used for 69777  
the Re-Tooling for Success Program at Washington State Community 69778  
College. 69779

**Section 263.10.90. CDBG OPERATING MATCH** 69780

The foregoing appropriation item 195-497, CDBG Operating 69781  
Match, shall be used to provide matching funds as requested by the 69782  
United States Department of Housing and Urban Development to 69783  
administer the federally funded Community Development Block Grant 69784  
(CDBG) program. 69785

**STATE OPERATING MATCH** 69786

The foregoing appropriation item 195-498, State Match Energy, 69787  
shall be used to provide matching funds as required by the United 69788  
States Department of Energy to administer the federally funded 69789  
State Energy Plan. 69790

**Section 263.10.95. DEFENSE CONVERSION ASSISTANCE** 69791

Of the foregoing appropriation item 195-410, Defense 69792  
Conversion Assistance, \$5,000,000 in fiscal year 2008 shall be 69793  
used by Development Projects, Inc., for the creation of new jobs 69794  
to leverage and support mission gains at Wright-Patterson Air 69795  
Force Base in defense intelligence, aerospace research, and 69796  
related areas from successful base realignment and closure 69797  
efforts. 69798

**Section 263.10.97. STATE FILM BUREAU** 69799

There is hereby created the State Film Bureau. The mission of 69800  
the Bureau shall be to promote media production in the state and 69801  
to help the industry optimize its production experience in the 69802  
state, including enhancing local economies through increased 69803  
employment and tax revenues and ensuring an accurate portrayal of 69804  
Ohio. The Bureau shall serve as an informational clearinghouse and 69805  
provide technical assistance to the media production industry and 69806  
business entities engaged in media production in the state. The 69807  
Bureau shall promote Ohio as the ideal site for media production 69808  
and help those in the industry benefit from their experience in 69809  
the state. 69810

The primary objective of the Bureau shall be to encourage 69811  
development of a strong capital base for electronic media 69812  
production in order to achieve an independent, self-supporting 69813  
industry in Ohio. Other objectives shall include: 69814

(A) Attracting private investment for the electronic media 69815  
production industry; 69816

(B) Developing a tax infrastructure that encourages private investment; and 69817  
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(C) Encouraging increased employment opportunities within this sector and increased competition with other states. 69819  
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The State Film Bureau shall conduct a study of Ohio's media production industry and make recommendations that lead to job growth in that industry. The study shall identify and benchmark Ohio's current and potential capabilities for growth in the sectors and sub-sectors of commercial, industrial, education, and entertainment media. The Bureau shall prepare a comprehensive report of its findings, along with recommendations for private sector and public policy initiatives that can lead to the future growth of the media production industry in Ohio, increased job opportunities, and the enhancement of Ohio's image as a desirable place to do business. 69821  
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**Section 263.20.10. TRAVEL AND TOURISM GRANTS** 69832

The foregoing appropriation item 195-507, Travel and Tourism Grants, shall be used to provide grants to local organizations to support various local travel and tourism events in Ohio. 69833  
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69835

Of the foregoing appropriation item 195-507, Travel and Tourism Grants, \$50,000 in each fiscal year shall be used for the Cleveland Film Bureau. 69836  
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Of the foregoing appropriation item 195-507, Travel and Tourism Grants, \$50,000 in each fiscal year shall be used for the Cincinnati Film Bureau. 69839  
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69841

Of the foregoing appropriation item 195-507, Travel and Tourism Grants, \$500,000 in each fiscal year shall be used for grants to The International Center for the Preservation of Wild Animals. 69842  
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Of the foregoing appropriation item 195-507, Travel and 69846

Tourism Grants, \$50,000 in each fiscal year shall be used for the 69847  
Greater Cleveland Sports Commission. 69848

Of the foregoing appropriation item 195-507, Travel and 69849  
Tourism Grants, \$50,000 in each fiscal year shall be used for the 69850  
Greater Columbus Sports Commission. 69851

Of the foregoing appropriation item 195-507, Travel and 69852  
Tourism Grants, \$50,000 in fiscal year 2008 shall be used for the 69853  
Ohio Alliance of Science Centers. 69854

Of the foregoing appropriation item 195-507, Travel and 69855  
Tourism Grants, \$100,000 in each fiscal year shall be used for the 69856  
Harbor Heritage Society/Great Lakes Science Center in support of 69857  
operations of the Steamship William G. Mather Maritime Museum, and 69858  
\$100,000 in each fiscal year shall be used for the Great Lakes 69859  
Historical Society. 69860

Of the foregoing appropriation item 195-507, Travel and 69861  
Tourism Grants, \$35,000 in fiscal year 2009 shall be used for the 69862  
Ohio Junior Angus Association to assist with costs associated with 69863  
hosting the Eastern Regional Junior Angus Show in June 2009. 69864

Of the foregoing appropriation item 195-507, Travel and 69865  
Tourism Grants, \$60,000 in each fiscal year shall be used for the 69866  
Ohio River Trails program. 69867

Of the foregoing appropriation item 195-507, Travel and 69868  
Tourism Grants, \$60,000 in each fiscal year shall be used to 69869  
support the outdoor drama "Tecumseh!" 69870

Of the foregoing appropriation item 195-507, Travel and 69871  
Tourism Grants, \$25,000 in each fiscal year shall be used for 69872  
Ohio's Appalachian Country. 69873

Of the foregoing appropriation item 195-507, Travel and 69874  
Tourism Grants, \$25,000 in each fiscal year shall be used for the 69875  
Garst Museum. 69876

Of the foregoing appropriation item 195-507, Travel and 69877  
Tourism Grants, \$10,000 in each fiscal year shall be used for the 69878  
Pro Football Hall of Fame Festival. 69879

**Section 263.10.12. SHOVEL READY SITES** 69880

The foregoing appropriation item 195-516, Shovel Ready Sites, 69881  
shall be used for Development Projects, Inc., for advanced 69882  
technical intelligence centers, the Springfield Port Authority, 69883  
and other qualifying projects under section 122.083 of the Revised 69884  
Code. 69885

**Section 263.20.13. OHIO MAIN STREET PROGRAM** 69886

Of the foregoing appropriation item 195-520, Ohio Main Street 69887  
Program, \$500,000 in fiscal year 2008 shall be used for the 69888  
rebuilding and revitalization of downtown Wauseon following the 69889  
April 14, 2007, fire in that community. Such funds shall be used 69890  
by the mayor of Wauseon or the mayor's designee to provide grants 69891  
and matching grants to owners or their successors whose buildings 69892  
and property were damaged or destroyed by the fire. Such grants 69893  
shall only be used to supplement investments of owners or 69894  
successors who are rebuilding in the downtown location of the 69895  
fire. 69896

**Section 263.20.16. DISCOVER OHIO!** 69897

The foregoing appropriation item 195-521, Discover Ohio!, 69898  
shall be used by the Division of Travel and Tourism in the 69899  
Department of Development for marketing and promoting Ohio as a 69900  
tourism destination and for nonpersonnel costs associated with 69901  
operating such programs. 69902

**Section 263.20.20. THIRD FRONTIER RESEARCH & DEVELOPMENT** 69903  
GENERAL OBLIGATION DEBT SERVICE 69904

The foregoing appropriation item 195-905, Third Frontier Research & Development General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2007, to June 30, 2009, on obligations issued for research and development purposes under sections 151.01 and 151.10 of the Revised Code.

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE

The foregoing appropriation item 195-912, Job Ready Site Development General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2007, to June 30, 2009, on obligations issued for job ready site development purposes under sections 151.01 and 151.11 of the Revised Code.

**Section 263.20.30. SUPPORTIVE SERVICES**

The Director of Development may assess divisions of the department for the cost of central service operations. An assessment shall be based on a plan submitted to and approved by the Office of Budget and Management by August 1, 2007, and shall contain the characteristics of administrative ease and uniform application.

A division's payments shall be credited to the Supportive Services Fund (Fund 135) using an intrastate transfer voucher.

Of the foregoing appropriation item 195-684, Supportive Services, \$50,000 in fiscal year 2008 and \$35,000 in fiscal year 2009 shall be used for Crawford County to hire a local economic development coordinator.

WORKFORCE GUARANTEE PROGRAM

The foregoing appropriation item 195-668, Workforce Guarantee Program, shall be used for the Workforce Guarantee Program.

Benefited employers must create at least 20 high-paying,

full-time jobs over a one-year period and must demonstrate prior 69935  
to the commitment of state funds that the availability of those 69936  
skilled workers is a major factor in the employer's decision to 69937  
locate or expand in Ohio. Customized training activities are 69938  
eligible for funding through the Workforce Guarantee Program. 69939

The Director of Development, under Chapter 119. of the 69940  
Revised Code, shall adopt, and may amend or rescind, rules the 69941  
Director finds necessary for the implementation and successful 69942  
operation of the Workforce Guarantee Program. 69943

ECONOMIC DEVELOPMENT CONTINGENCY 69944

Of the foregoing appropriation item 195-677, Economic 69945  
Development Contingency, up to \$19,400,000 shall be used by the 69946  
Third Frontier Commission in fiscal year 2009 for biomedical 69947  
research and technology transfer purposes under sections 184.01 to 69948  
184.03 of the Revised Code. 69949

Of the foregoing appropriation item 195-677, Economic 69950  
Development Contingency, \$1,500,000 in fiscal year 2008 shall be 69951  
used for Cleveland Hopkins International Airport projects to 69952  
support increased service and expand the existing hub, as defined 69953  
in 49 U.S.C. 40102, Infrastructure. 69954

DIRECT COST RECOVERY EXPENDITURES 69955

The foregoing appropriation item 195-636, Direct Cost 69956  
Recovery Expenditures, shall be used for conference and 69957  
subscription fees and other reimbursable costs. Revenues to the 69958  
General Reimbursement Fund (Fund 685) shall consist of fees and 69959  
other moneys charged for conferences, subscriptions, and other 69960  
administrative costs that are not central service costs. 69961

**Section 263.20.40.** HEAP WEATHERIZATION 69962

Fifteen per cent of the federal funds received by the state 69963  
for the Home Energy Assistance Block Grant shall be deposited in 69964

appropriation item 195-614, HEAP Weatherization (Fund 3K9), and 69965  
shall be used to provide home weatherization services in the 69966  
state. 69967

The Department of Development shall seek, and if approved 69968  
shall implement, a federal waiver to increase the percentage of 69969  
the Home Energy Block Grant that may be used for weatherization to 69970  
at least sixteen and one-half per cent in fiscal year 2008 and at 69971  
least seventeen and one-half per cent in fiscal year 2009. Upon 69972  
approval of the federal waiver, the Director of Development shall 69973  
seek Controlling Board approval to adjust appropriation items 69974  
195-611, Home Energy Assistance Block Grant, and 195-614, HEAP 69975  
Weatherization, as needed to implement the federal waiver. 69976

STATE SPECIAL PROJECTS 69977

The foregoing fund, Fund 4F2, State Special Projects Fund, 69978  
shall be used for the deposit of private-sector funds from utility 69979  
companies and for the deposit of other miscellaneous state funds. 69980  
Private-sector moneys shall be used to (1) pay the expenses of 69981  
verifying the income-eligibility of HEAP applicants, (2) market 69982  
economic development opportunities in the state, and (3) leverage 69983  
additional federal funds. State funds shall be used to match 69984  
federal housing grants for the homeless and to market economic 69985  
development opportunities in the state. 69986

**Section 263.20.50. TAX INCENTIVE PROGRAMS OPERATING** 69987

On July 1, 2007, or as soon thereafter as possible, the 69988  
Director of Budget and Management shall transfer the cash balance 69989  
in the Job Creation Tax Credit Operating Fund (Fund 4S1) to the 69990  
Tax Incentive Programs Operating Fund (Fund 4S0). The Director 69991  
shall cancel any existing encumbrances against appropriation item 69992  
195-634, Job Creation Tax Credit Operating (Fund 4S1), and 69993  
re-establish them against appropriation item 195-630, Tax 69994  
Incentive Programs Operating (Fund 4S0). The amounts of the 69995

re-established encumbrances are hereby appropriated. 69996

**Section 263.20.53. MINORITY BUSINESS DEVELOPMENT** 69997  
ORGANIZATIONS 69998

Notwithstanding Chapter 122. of the Revised Code and any 69999  
other law to the contrary, of the foregoing appropriation item 70000  
195-646, Minority Business Enterprise Loan, \$300,000 in each 70001  
fiscal year shall be used to award grants of \$150,000 each to two 70002  
minority business development organizations in the state. The 70003  
grants shall be awarded through a competitive process and shall be 70004  
used for efforts to build capacity and long term sustainability. 70005

**Section 263.20.60. MINORITY BUSINESS ENTERPRISE LOAN** 70006

All repayments from the Minority Development Financing 70007  
Advisory Board Loan Program and the Ohio Mini-Loan Guarantee 70008  
Program shall be deposited in the State Treasury to the credit of 70009  
the Minority Business Enterprise Loan Fund (Fund 4W1). 70010

All operating costs of administering the Minority Business 70011  
Enterprise Loan Fund shall be paid from the Minority Business 70012  
Enterprise Loan Fund (Fund 4WI). 70013

**MINORITY BUSINESS BONDING FUND** 70014

Notwithstanding Chapters 122., 169., and 175. of the Revised 70015  
Code and other provisions of Am. Sub. H.B. 283 of the 123rd 70016  
General Assembly, the Director of Development may, upon the 70017  
recommendation of the Minority Development Financing Advisory 70018  
Board, pledge up to \$10,000,000 in the FY 2008-2009 biennium of 70019  
unclaimed funds administered by the Director of Commerce and 70020  
allocated to the Minority Business Bonding Program under section 70021  
169.05 of the Revised Code. The transfer of any cash by the 70022  
Director of Budget and Management from the Department of 70023  
Commerce's Unclaimed Funds Fund (Fund 543) to the Department of 70024  
Development's Minority Business Bonding Fund (Fund 449) shall 70025

occur, if requested by the Director of Development, only if such 70026  
funds are needed for payment of losses arising from the Minority 70027  
Business Bonding Program, and only after proceeds of the initial 70028  
transfer of \$2,700,000 by the Controlling Board to the Minority 70029  
Business Bonding Program has been used for that purpose. Moneys 70030  
transferred by the Director of Budget and Management from the 70031  
Department of Commerce for this purpose may be moneys in custodial 70032  
funds held by the Treasurer of State. If expenditures are required 70033  
for payment of losses arising from the Minority Business Bonding 70034  
Program, such expenditures shall be made from appropriation item 70035  
195-623, Minority Business Bonding Contingency in the Minority 70036  
Business Bonding Fund, and such amounts are appropriated. 70037

**Section 263.20.70. ECONOMIC DEVELOPMENT FINANCING OPERATING** 70038

The foregoing appropriation item 195-625, Economic 70039  
Development Financing Operating, shall be used for the operating 70040  
expenses of financial assistance programs authorized under Chapter 70041  
166. of the Revised Code and under sections 122.43 and 122.45 of 70042  
the Revised Code. 70043

**ALTERNATIVE FUEL TRANSPORTATION** 70044

The foregoing appropriation item 195-679, Alternative Fuel 70045  
Transportation, shall be used by the Director of Development to 70046  
make grants under the Alternative Fuel Transportation Grant Fund 70047  
Program in accordance with section 122.075 of the Revised Code, 70048  
and for administrative costs associated with the program. 70049

Of the foregoing appropriation item 195-679, Alternative Fuel 70050  
Transportation, up to \$1,000,000 in each fiscal year shall be used 70051  
to encourage retail gas stations to provide E85 and B20 (or 70052  
higher) fuel to customers in accordance with section 122.075 of 70053  
the Revised Code. 70054

**LOW INCOME ENERGY ASSISTANCE** 70055

The foregoing appropriation item 195-659, Low Income Energy Assistance, shall be used to provide payments to regulated electric utility companies for low-income customers enrolled in Percentage of Income Payment Plan (PIPP) electric accounts, to fund targeted energy efficiency and customer education services to PIPP customers, and to cover the department's administrative costs related to Universal Service Fund Programs. If it is determined that additional appropriations are necessary to provide payments to regulated utility companies for low income customers enrolled in PIPP electric accounts, such appropriations are subject to approval by the Controlling Board upon the submission of a request by the Department of Development.

ADVANCED ENERGY FUND

The foregoing appropriation item 195-660, Advanced Energy Programs, shall be used to provide financial assistance to customers for eligible advanced energy projects for residential, commercial and industrial business, local government, educational institution, nonprofit, and agriculture customers, and to pay for the program's administrative costs as provided in the Revised Code and rules adopted by the Director of Development.

Of the foregoing appropriation item 195-660, Advanced Energy Programs, up to \$1,500,000 over the biennium shall be used for methane digester projects in certified territories of electric distribution utilities and elsewhere throughout the state.

Of the foregoing appropriation item 195-660, Advanced Energy Programs, up to \$250,000 in each fiscal year shall be used for grants to school districts under section 3327.17 of the Revised Code.

By July 1, 2007, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$90,485 in cash from the Advanced Energy Fund (Fund 5M5) to the General Revenue

Fund for use by the Division of Geological Survey in the 70087  
Department of Natural Resources. The amount of the transfer is 70088  
hereby appropriated in GRF appropriation item 728-321, Division of 70089  
Geological Survey. 70090

By July 1, 2008, or as soon as possible thereafter, the 70091  
Director of Budget and Management shall transfer \$64,557 in cash 70092  
from the Advanced Energy Fund (Fund 5M5) to the General Revenue 70093  
Fund for use by the Division of Geological Survey in the 70094  
Department of Natural Resources. The amount of the transfer is 70095  
hereby appropriated in GRF appropriation item 728-321, Division of 70096  
Geological Survey. 70097

TRANSFER FROM THE ADVANCED ENERGY FUND TO THE INDUSTRIAL SITE 70098  
IMPROVEMENTS FUND 70099

Notwithstanding Chapters 122. and 4928. of the Revised Code 70100  
and any other law to the contrary, the Director of Budget and 70101  
Management shall transfer \$4,500,000 in cash in fiscal year 2008 70102  
and \$4,500,000 in cash in fiscal year 2009 from the Advanced 70103  
Energy Fund (Fund 5M5) to the Industrial Site Improvements Fund 70104  
(Fund 5AR). 70105

Moneys in Fund 5AR, Industrial Site Improvements, shall be 70106  
used by the Director of Development to make grants to eligible 70107  
counties for the improvement of commercial or industrial areas 70108  
within those counties under section 122.951 of the Revised Code. 70109

GLOBAL ANALYST SETTLEMENT AGREEMENTS PAYMENTS 70110

All payments received by the state pursuant to a series of 70111  
settlements with ten brokerage firms reached with the United 70112  
States Securities and Exchange Commission, the National 70113  
Association of Securities Dealers, the New York Stock Exchange, 70114  
the New York Attorney General, and other state regulators 70115  
(henceforth referred to as the "Global Analysts Settlement 70116  
Agreements"), shall be deposited into the state treasury to the 70117

credit of the Economic Development Contingency Fund (Fund 5Y6), 70118  
which is hereby created in the state treasury. The fund shall be 70119  
used by the Director of Development to support economic 70120  
development projects for which appropriations would not otherwise 70121  
be available, and shall be subject to the submission of a request 70122  
to the Controlling Board by the Director outlining the planned use 70123  
of the funds, and the subsequent approval of the request by the 70124  
Controlling Board. 70125

VOLUME CAP ADMINISTRATION 70126

The foregoing appropriation item 195-654, Volume Cap 70127  
Administration, shall be used for expenses related to the 70128  
administration of the Volume Cap Program. Revenues received by the 70129  
Volume Cap Administration Fund (Fund 617) shall consist of 70130  
application fees, forfeited deposits, and interest earned from the 70131  
custodial account held by the Treasurer of State. 70132

INNOVATION OHIO LOAN FUND 70133

The foregoing appropriation item 195-664, Innovation Ohio, 70134  
shall be used to provide for innovation Ohio purposes, including 70135  
loan guarantees and loans under Chapter 166. and particularly 70136  
sections 166.12 to 166.16 of the Revised Code. 70137

RESEARCH AND DEVELOPMENT 70138

The foregoing appropriation item 195-665, Research and 70139  
Development, shall be used to provide for research and development 70140  
purposes, including loans, under Chapter 166. and particularly 70141  
sections 166.17 to 166.21 of the Revised Code. 70142

**Section 263.20.75.** TRANSFER FROM THE LOW- AND MODERATE-INCOME 70143  
HOUSING TRUST FUND TO THE RESIDENTIAL STATE SUPPLEMENT FUND 70144

Notwithstanding Chapter 175. of the Revised Code and any 70145  
other law to the contrary, the Director of Budget and Management 70146  
shall transfer \$1,500,000 cash in fiscal year 2008 and \$1,500,000 70147

cash in fiscal year 2009 from the Low- and Moderate-Income Housing Trust Fund (Fund 646) in the Department of Development to the Residential State Supplement Fund (Fund 5CH) in the Department of Mental Health.

**Section 263.20.80. FACILITIES ESTABLISHMENT FUND**

The foregoing appropriation item 195-615, Facilities Establishment (Fund 037), shall be used for the purposes of the Facilities Establishment Fund under Chapter 166. of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed \$1,800,000 in cash each fiscal year may be transferred from the Facilities Establishment Fund (Fund 037) to the Economic Development Financing Operating Fund (Fund 451). The transfer is subject to Controlling Board approval under division (B) of section 166.03 of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed \$5,475,000 in cash each fiscal year may be transferred during the biennium from the Facilities Establishment Fund (Fund 037) to the Urban Redevelopment Loans Fund (Fund 5D2) for the purpose of removing barriers to urban core redevelopment. The Director of Development shall develop program guidelines for the transfer and release of funds, including, but not limited to, the completion of all appropriate environmental assessments before state assistance is committed to a project. 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. 70179

Notwithstanding Chapter 166. of the Revised Code, of the 70180  
foregoing appropriation item 195-615, Facilities Establishment, 70181  
\$1,500,000 in fiscal year 2008 shall be used for business 70182  
development by any current or future port authority located in 70183  
Clark County. 70184

Notwithstanding Chapter 166. of the Revised Code, on July 1, 70185  
2007, or as soon as possible thereafter, the Director of Budget 70186  
and Management, at the request of the Director of Development, 70187  
shall transfer \$5,719,325 cash from the Facilities Establishment 70188  
Fund (Fund 037) to the General Revenue Fund. Of the amount to be 70189  
transferred, \$5,352,500 in fiscal year 2008 is hereby appropriated 70190  
in appropriation item 195-412, Rapid Outreach Grants, and \$366,825 70191  
in fiscal year 2008 is hereby appropriated in appropriation item 70192  
195-434, Investment in Training Grants. 70193

Notwithstanding Chapter 166. of the Revised Code, on July 1, 70194  
2008, or as soon as possible thereafter, the Director of Budget 70195  
and Management, at the request of the Director of Development, 70196  
shall transfer \$6,102,500 cash from the Facilities Establishment 70197  
Fund (Fund 037) to the General Revenue Fund. The amount 70198  
transferred is hereby appropriated in appropriation item 195-412, 70199  
Rapid Outreach Grants, for fiscal year 2009. 70200

Notwithstanding Chapter 166. of the Revised Code, on the 70201  
first day of July of each year of the biennium, or as soon as 70202  
possible thereafter, the Director of Budget and Management, at the 70203  
request of the Director of Development, shall transfer \$4,275,000 70204  
cash from the Facilities Establishment Fund (Fund 037) to the Job 70205  
Development Initiatives Fund (Fund 5AD). The amount transferred is 70206  
hereby appropriated in each fiscal year in appropriation item 70207  
195-677, Economic Development Contingency. 70208

Notwithstanding Chapter 166. of the Revised Code, of the 70209

foregoing appropriation item 195-615, Facilities Establishment, 70210  
\$1,500,000 in fiscal year 2008 shall be used for the City of 70211  
Toledo's Marina District Development project. Disbursement of 70212  
funds for this purpose shall not take precedence over any existing 70213  
obligations from the Facilities Establishment Fund or any other 70214  
provision in this section. 70215

ALTERNATIVE FUEL TRANSPORTATION GRANT FUND 70216

Notwithstanding Chapter 166. of the Revised Code, an amount 70217  
not to exceed \$1,000,000 in cash each fiscal year shall be 70218  
transferred from moneys in the Facilities Establishment Fund (Fund 70219  
037) to the Alternative Fuel Transportation Grant Fund (Fund 5CG) 70220  
in the Department of Development. 70221

RURAL DEVELOPMENT INITIATIVE FUND 70222

(A)(1) The Rural Development Initiative Fund (Fund 5S8) is 70223  
entitled to receive moneys from the Facilities Establishment Fund 70224  
(Fund 037). The Director of Development may make grants from the 70225  
Rural Development Initiative Fund as specified in division (A)(2) 70226  
of this section to eligible applicants in Appalachian counties and 70227  
in rural counties in the state that are designated as distressed 70228  
under section 122.25 of the Revised Code. Preference shall be 70229  
given to eligible applicants located in Appalachian counties 70230  
designated as distressed by the federal Appalachian Regional 70231  
Commission. The Rural Development Initiative Fund (Fund 5S8) shall 70232  
cease to exist after June 30, 2009. All moneys remaining in the 70233  
Fund after that date shall revert to the Facilities Establishment 70234  
Fund (Fund 037). 70235

(2) The Director of Development shall make grants from the 70236  
Rural Development Initiative Fund (Fund 5S8) only to eligible 70237  
applicants who also qualify for and receive funding under the 70238  
Rural Industrial Park Loan Program as specified in sections 122.23 70239  
to 122.27 of the Revised Code. Eligible applicants shall use the 70240

grants for the purposes specified in section 122.24 of the Revised Code. All projects supported by grants from the fund are subject to Chapter 4115. of the Revised Code as specified in division (E) of section 166.02 of the Revised Code. The Director shall develop program guidelines for the transfer and release of funds. The release of grant moneys to an eligible applicant is subject to Controlling Board approval.

(B) Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed \$3,000,000 in cash each fiscal year on an as-needed basis at the request of the Director of Development from the Facilities Establishment Fund (Fund 037) to the Rural Development Initiative Fund (Fund 5S8). The transfer is subject to Controlling Board approval under section 166.03 of the Revised Code.

**CAPITAL ACCESS LOAN PROGRAM**

The foregoing appropriation item 195-628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Funds of the Capital Access Loan Program shall be used to assist participating financial institutions in making program loans to eligible businesses that face barriers in accessing working capital and obtaining fixed-asset financing.

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed \$3,000,000 in cash each fiscal year on an as-needed basis at the request of the Director of Development from the Facilities Establishment Fund (Fund 037) to the Capital Access Loan Program Fund (Fund 5S9). The transfer is subject to Controlling Board approval under section 166.03 of the Revised Code.

**Section 263.20.90. CLEAN OHIO OPERATING EXPENSES**

The foregoing appropriation item 195-663, Clean Ohio

Operating, shall be used by the Department of Development in 70271  
administering sections 122.65 to 122.658 of the Revised Code. 70272

THIRD FRONTIER OPERATING 70273

The foregoing appropriation item 195-686, Third Frontier 70274  
Operating, shall be used for operating expenses incurred by the 70275  
Department of Development in administering sections 184.10 to 70276  
184.20 of the Revised Code. 70277

THIRD FRONTIER RESEARCH & DEVELOPMENT PROJECTS AND RESEARCH & 70278  
DEVELOPMENT TAXABLE BOND PROJECTS 70279

The foregoing appropriation items 195-687, Third Frontier 70280  
Research & Development Projects, and 195-692, Research & 70281  
Development Taxable Bond Projects, shall be used by the Department 70282  
of Development to fund selected projects pursuant to sections 70283  
184.10 to 184.20 of the Revised Code. These projects are 70284  
designated as costs of research and development projects to which 70285  
the proceeds of the Third Frontier Research and Development Fund 70286  
(Fund 011) and the Research & Development Taxable Bond Project 70287  
Fund (Fund 014) are to be applied. 70288

Of the foregoing appropriation items 195-687, Third Frontier 70289  
Research and Development Projects, and 195-692, Research & 70290  
Development Taxable Bond Projects, up to \$8,600,000 in fiscal year 70291  
2008, shall be used by the Office of Information Technology, in 70292  
partnership with the Ohio Supercomputer Center's OSCnet, to 70293  
acquire the equipment and services necessary to migrate state 70294  
agencies' network to the existing OSCnet network backbone. This 70295  
state network shall be known as the NextGen Network. 70296

The proposal for the NextGen Network shall be subject to the 70297  
process for rating and ranking of projects by the Third Frontier 70298  
Commission pursuant to Chapter 184. of the Revised Code. The 70299  
proposal shall compete among other proposals and be merit-selected 70300  
based upon existing criteria for all Third Frontier-eligible 70301

projects. If selected by the Third Frontier Commission, funding 70302  
for the NextGen Network shall be subject to approval by the 70303  
Controlling Board. 70304

Notwithstanding sections 184.10 to 184.20 of the Revised 70305  
Code, up to \$20,000,000 in fiscal year 2009 from the total of the 70306  
amounts in appropriation items 195-687, Third Frontier Research & 70307  
Development Projects, and 195-692, Research & Development Taxable 70308  
Bond Projects, shall be used to fund the Ohio Research Scholars 70309  
Program in the Board of Regents pursuant to sections 3333.60 to 70310  
3333.70 of the Revised Code. 70311

Notwithstanding sections 184.10 to 184.20 of the Revised 70312  
Code, at the direction of the Director of Budget and Management up 70313  
to \$18,000,000 in each fiscal year from appropriation item 70314  
195-687, Third Frontier Research & Development Projects, and 70315  
appropriation item 195-692, Research & Development Taxable Bond 70316  
Projects, shall be used to fund the Research Incentive Program in 70317  
the Board of Regents. 70318

On or before June 30, 2008, any unencumbered balances of the 70319  
foregoing appropriation items 195-687, Third Frontier Research & 70320  
Development Projects, and 195-692, Research & Development Taxable 70321  
Bond Projects, for fiscal year 2008 are hereby appropriated for 70322  
the same purposes for fiscal year 2009. 70323

**AUTHORITY TO ISSUE AND SELL ORIGINAL OBLIGATIONS** 70324

The Ohio Public Facilities Commission, upon request of the 70325  
Department of Development, is hereby authorized to issue and sell, 70326  
in accordance with Section 2p of Article VIII, Ohio Constitution, 70327  
and particularly sections 151.01 and 151.10 of the Revised Code, 70328  
original obligations of the State of Ohio in an aggregate amount 70329  
not to exceed \$150,000,000. The authorized obligations shall be 70330  
issued and sold from time to time and in amounts necessary to 70331  
ensure sufficient moneys to the credit of the Third Frontier 70332

Research & Development Fund (Fund 011) to pay costs of research and development projects. 70333  
70334

JOB READY SITE OPERATING 70335

The foregoing appropriation item 195-688, Job Ready Site Operating, shall be used for operating expenses incurred by the Department of Development in administering sections 122.085 to 122.0820 of the Revised Code. Operating expenses include, but are not limited to, certain expenses of the District Public Works Integrating Committees, audit and accountability activities, and costs associated with formal certifications verifying that site infrastructure is in place and is functional. 70336  
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**Section 263.20.95.** THIRD FRONTIER BIOMEDICAL RESEARCH AND COMMERCIALIZATION PROGRAM 70344  
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The General Assembly and the Governor recognize the role that the biomedical industry has in job creation, innovation, and economic development throughout Ohio. It is the intent of the General Assembly, the Governor, the Director of Development and the Director of Budget and Management to work together to continue to provide comprehensive state support for the biomedical industry as a whole through the Third Frontier Biomedical Research and Commercialization Program. 70346  
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**Section 263.30.10.** UNCLAIMED FUNDS TRANSFER 70354

(A) Notwithstanding division (A) of section 169.05 of the Revised Code, upon the request of the Director of Budget and Management, the Director of Commerce, prior to June 30, 2008, shall transfer to the Job Development Initiatives Fund (Fund 5AD) an amount not to exceed \$5,000,000 in cash of the unclaimed funds that have been reported by the holders of unclaimed funds under section 169.05 of the Revised Code, regardless of the allocation of the unclaimed funds described under that section. 70355  
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Notwithstanding division (A) of section 169.05 of the Revised Code, upon the request of the Director of Budget and Management, the Director of Commerce, prior to June 30, 2009, shall transfer to the Job Development Initiatives Fund (Fund 5AD) an amount not to exceed \$24,400,000 in cash of the unclaimed funds that have been reported by the holders of unclaimed funds under section 169.05 of the Revised Code, regardless of the allocation of the unclaimed funds described under that section.

(B) Notwithstanding division (A) of section 169.05 of the Revised Code, upon the request of the Director of Budget and Management, the Director of Commerce, prior to June 30, 2008, shall transfer to the State Special Projects Fund (Fund 4F2) an amount not to exceed \$2,500,000 of the unclaimed funds that have been reported by the holders of unclaimed funds under section 169.05 of the Revised Code, regardless of the allocation of the unclaimed funds described under that section.

Notwithstanding division (A) of section 169.05 of the Revised Code, upon the request of the Director of Budget and Management, the Director of Commerce, prior to June 30, 2009, shall transfer to the State Special Projects Fund (Fund 4F2) an amount not to exceed \$2,500,000 in cash of the unclaimed funds that have been reported by the holders of unclaimed funds under section 169.05 of the Revised Code, regardless of the allocation of the unclaimed funds described under that section.

**Section 263.30.20. WORKFORCE DEVELOPMENT**

The Director of Development and the Director of Job and Family Services may enter into one or more interagency agreements between the two departments, hire staff, transfer staff, assign duties to staff, enter into contracts, transfer assets, and take other actions the directors consider necessary to provide services and assistance as necessary to integrate workforce development

into a larger economic development strategy, to implement the 70394  
recommendations of the Workforce Policy Board, and to perform 70395  
activities related to the transition of the administration of 70396  
employment programs identified by the board. Subject to the 70397  
approval of the Director of Budget and Management, the Department 70398  
of Development and the Department of Job and Family Services may 70399  
expend funds to support the recommendations of the Workforce 70400  
Policy Board in the area of integration of employment functions as 70401  
described in this paragraph and to provide implementation and 70402  
transition activities from the appropriations to those 70403  
departments. 70404

**Section 263.30.30.** COMMISSION ON THE FUTURE OF HEALTH CARE 70405  
EDUCATION AND PHYSICIAN RETENTION IN NW OH 70406

(A) Whereas, There is a physician shortage, particularly in 70407  
certain specialties, that is predicted to worsen within the next 70408  
decade; and 70409

Whereas, This shortage may worsen as a result of, among other 70410  
factors, fewer than ten per cent of new graduates from the 70411  
University of Toledo who choose to continue their training in 70412  
northwest Ohio; and 70413

Whereas, Many of the problems confronting physician training 70414  
at the graduate medical education level are already manifest in 70415  
northwest Ohio; and 70416

Whereas, It is prudent to examine the physician shortage 70417  
using northwest Ohio as a microcosm for the entire state of Ohio; 70418  
now therefore be it 70419

Resolved by the Ohio General Assembly that there is hereby 70420  
created the Commission on the Future of Health Care Education and 70421  
Physician Retention in NW OH. 70422

(B) The Commission shall be composed of the following 70423

members:	70424
(1) Six representatives of health care providers in northwest Ohio, none of whom shall be from the same organization;	70425 70426
(2) Six representatives of the health care profession in northwest Ohio, composed of the following individuals:	70427 70428
(a) One from the College of Medicine at the University of Toledo;	70429 70430
(b) One from the northwest Ohio chapter of the Ohio Nurses Association;	70431 70432
(c) One from the Academy of Medicine of Toledo and Lucas County;	70433 70434
(d) One from the Northwest Ohio Pediatric Society;	70435
(e) One geriatric medicine physician; and	70436
(f) One osteopathic physician affiliated with Ohio University College of Osteopathic Medicine.	70437 70438
(3) Three representatives from northwest Ohio business and labor organizations, composed of the following individuals:	70439 70440
(a) One from the Toledo Area Regional Chamber of Commerce;	70441
(b) One from the labor community of northwest Ohio; and	70442
(c) One from the health insurance industry.	70443
(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.	70444 70445 70446
(5) Nine representatives of state and local government, composed of the following individuals:	70447 70448
(a) Two members of the Ohio House of Representatives, one from the minority party and one from the majority party;	70449 70450
(b) Two members of the Ohio Senate, one from the minority	70451

party and one from the majority party; 70452

(c) One township trustee of northwest Ohio; 70453

(d) Two representatives of northwest Ohio municipal 70454  
corporations, only one of whom shall be from the City of Toledo; 70455

(e) Two representatives of county commissioners, only one of 70456  
whom shall be from Lucas County. 70457

(C) Members of the committee shall be appointed as follows: 70458

(1) For those members described in divisions (B)(1) and (2) 70459  
of this section, two each by the Governor, the Speaker of the 70460  
House of Representatives, and the President of the Senate; 70461

(2) For those members described in divisions (B)(3) and (4) 70462  
of this section, one each by the Governor, the Speaker of the 70463  
House of Representatives, and the President of the Senate; 70464

(3) For those members described in division (B)(5), three 70465  
each by the Governor, the Speaker of the House of Representatives, 70466  
and the President of the Senate. 70467

(D) Members of the Commission shall be appointed not later 70468  
than 30 days after the effective date of this section and shall 70469  
first meet not later than 30 days after all appointments have been 70470  
made. At its first meeting, the commission shall elect from among 70471  
its members who are members of the Senate and House of 70472  
Representatives a chairperson and vice-chairperson. 70473

Members of the commission shall serve without compensation, 70474  
but may solicit on behalf of the Commission public and private 70475  
funds to defray any costs of the Commission. The Commission shall 70476  
meet at the call of the chairperson to conduct its official 70477  
business. A majority of members shall constitute a quorum and a 70478  
quorum shall be necessary to conduct any activities of the 70479  
Commission. 70480

(E) The Toledo Community Foundation or a similar organization 70481

shall provide meeting space and administrative support for the 70482  
Commission. The Ohio Board of Regents shall serve as a resource to 70483  
the Commission. 70484

(F) The Commission shall prepare a report that examines and 70485  
makes recommendations regarding the graduate medical education 70486  
system in northwest Ohio, including: 70487

(1) Ways to increase the number and retention of medical 70488  
graduates in northwest Ohio; 70489

(2) The status of the health care workforce in northwest 70490  
Ohio; 70491

(3) The role of the University of Toledo in the health care 70492  
education of the surrounding region; 70493

(4) Potential changes in federal and state statutes and rules 70494  
regarding Medicaid support of graduate medical education; and 70495

(5) Policy initiatives that the Governor and General Assembly 70496  
may consider to strengthen graduate medical education 70497  
opportunities and physician retention in northwest Ohio. 70498

(G) The Commission shall, not later than nine months after 70499  
the effective date of this section, submit to the Governor and 70500  
General Assembly the report and recommendations prepared under 70501  
division (F) of this section. On submission of the report, the 70502  
Commission shall cease to exist. 70503

**Section 265.10.** OBD OHIO BOARD OF DIETETICS 70504

General Services Fund Group 70505

4K9 860-609 Operating Expenses \$ 342,501 \$ 348,964 70506

TOTAL GSF General Services Fund 70507

Group \$ 342,501 \$ 348,964 70508

TOTAL ALL BUDGET FUND GROUPS \$ 342,501 \$ 348,964 70509

**Section 267.10.** CDR COMMISSION ON DISPUTE RESOLUTION AND 70511

CONFLICT MANAGEMENT				70512
General Revenue Fund				70513
GRF 145-401 Commission Operations	\$	455,123	\$ 460,000	70514
TOTAL GRF General Revenue Fund	\$	455,123	\$ 460,000	70515
General Services Fund Group				70516
4B6 145-601 Dispute Resolution	\$	140,000	\$ 140,000	70517
Programs				
TOTAL GSF General Services Fund	\$	140,000	\$ 140,000	70518
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	595,123	\$ 600,000	70519
<b>Section 269.10.</b> EDU DEPARTMENT OF EDUCATION				70521
General Revenue Fund				70522
GRF 200-100 Personal Services	\$	11,533,494	\$ 12,110,169	70523
GRF 200-320 Maintenance and	\$	4,549,479	\$ 4,778,203	70524
Equipment				
GRF 200-408 Early Childhood	\$	31,002,195	\$ 36,502,195	70525
Education				
GRF 200-410 Educator Training	\$	19,628,817	\$ 20,628,817	70526
GRF 200-416 Career-Technical	\$	2,233,195	\$ 2,233,195	70527
Education Match				
GRF 200-420 Computer/Application/	\$	5,536,362	\$ 5,793,700	70528
Network Development				
GRF 200-421 Alternative Education	\$	14,910,665	\$ 13,110,665	70529
Programs				
GRF 200-422 School Management	\$	3,360,572	\$ 3,375,572	70530
Assistance				
GRF 200-424 Policy Analysis	\$	556,687	\$ 556,687	70531
GRF 200-425 Tech Prep Consortia	\$	2,069,217	\$ 2,069,217	70532
Support				
GRF 200-426 Ohio Educational	\$	30,446,197	\$ 30,446,197	70533
Computer Network				

GRF 200-427	Academic Standards	\$	7,197,730	\$	7,197,730	70534
GRF 200-431	School Improvement Initiatives	\$	21,589,235	\$	21,924,235	70535
GRF 200-433	Literacy Improvement-Professional Development	\$	15,515,000	\$	15,515,000	70536
GRF 200-437	Student Assessment	\$	77,150,819	\$	76,187,144	70537
GRF 200-439	Accountability/Report Cards	\$	7,096,040	\$	8,223,540	70538
GRF 200-442	Child Care Licensing	\$	1,302,495	\$	1,302,495	70539
GRF 200-446	Education Management Information System	\$	16,110,510	\$	16,586,082	70540
GRF 200-447	GED Testing	\$	1,544,360	\$	1,544,360	70541
GRF 200-448	Educator Preparation	\$	1,301,000	\$	1,301,000	70542
GRF 200-455	Community Schools	\$	1,533,661	\$	1,533,661	70543
GRF 200-457	STEM Initiatives	\$	10,000,000	\$	10,000,000	70544
GRF 200-502	Pupil Transportation	\$	424,783,117	\$	429,030,948	70545
GRF 200-503	Bus Purchase Allowance	\$	14,000,000	\$	14,000,000	70546
GRF 200-505	School Lunch Match	\$	8,998,025	\$	8,998,025	70547
GRF 200-509	Adult Literacy Education	\$	8,669,738	\$	8,669,738	70548
GRF 200-511	Auxiliary Services	\$	131,740,457	\$	135,692,670	70549
GRF 200-514	Postsecondary Adult Career-Technical Education	\$	19,481,875	\$	19,481,875	70550
GRF 200-521	Gifted Pupil Program	\$	47,608,030	\$	48,008,613	70551
GRF 200-532	Nonpublic Administrative Cost Reimbursement	\$	59,810,517	\$	61,604,832	70552
GRF 200-536	Ohio Core Support	\$	7,700,000	\$	15,125,000	70553
GRF 200-540	Special Education Enhancements	\$	138,869,945	\$	140,006,839	70554
GRF 200-545	Career-Technical	\$	9,298,651	\$	9,373,926	70555

		Education Enhancements				
GRF	200-550	Foundation Funding	\$	5,761,699,328	\$	6,034,943,246 70556
GRF	200-566	Literacy	\$	12,062,336	\$	12,062,336 70557
		Improvement-Classroom				
		Grants				
GRF	200-578	Violence Prevention	\$	1,218,555	\$	1,218,555 70558
		and School Safety				
GRF	200-901	Property Tax	\$	794,583,404	\$	850,868,654 70559
		Allocation - Education				
GRF	200-906	Tangible Tax Exemption	\$	21,415,244	\$	10,707,622 70560
		- Education				
TOTAL GRF		General Revenue Fund	\$	7,748,106,952	\$	8,092,712,743 70561
		General Services Fund Group				70562
138	200-606	Computer	\$	7,600,091	\$	7,600,091 70563
		Services-Operational				
		Support				
4D1	200-602	Ohio	\$	832,000	\$	832,000 70564
		Prevention/Education				
		Resource Center				
4L2	200-681	Teacher Certification	\$	5,966,032	\$	6,323,994 70565
		and Licensure				
452	200-638	Miscellaneous	\$	273,166	\$	279,992 70566
		Educational Services				
5H3	200-687	School District	\$	18,000,000	\$	18,000,000 70567
		Solvency Assistance				
596	200-656	Ohio Career	\$	529,761	\$	529,761 70568
		Information System				
TOTAL GSF		General Services				70569
		Fund Group	\$	33,201,050	\$	33,565,838 70570
		Federal Special Revenue Fund Group				70571
3AF	200-603	Schools Medicaid	\$	486,000	\$	639,000 70572
		Administrative Claims				

3BK	200-628	Longitudinal Data Systems	\$	1,795,570	\$	307,050	70573
3BV	200-636	Character Education	\$	700,000	\$	700,000	70574
3CF	200-644	Foreign Language Assistance	\$	85,000	\$	285,000	70575
3CG	200-646	Teacher Incentive Fund	\$	6,552,263	\$	3,994,338	70576
3C5	200-661	Early Childhood Education	\$	18,989,779	\$	18,989,779	70577
3D1	200-664	Drug Free Schools	\$	13,347,966	\$	13,347,966	70578
3D2	200-667	Honors Scholarship Program	\$	6,573,968	\$	6,665,000	70579
3H9	200-605	Head Start Collaboration Project	\$	275,000	\$	275,000	70580
3L6	200-617	Federal School Lunch	\$	244,714,211	\$	249,903,970	70581
3L7	200-618	Federal School Breakfast	\$	63,927,606	\$	69,041,814	70582
3L8	200-619	Child/Adult Food Programs	\$	69,280,946	\$	70,691,653	70583
3L9	200-621	Career-Technical Education Basic Grant	\$	48,029,701	\$	48,029,701	70584
3M0	200-623	ESEA Title 1A	\$	415,000,000	\$	420,000,000	70585
3M1	200-678	Innovative Education	\$	5,369,100	\$	5,363,706	70586
3M2	200-680	Individuals with Disabilities Education Act	\$	500,000,000	\$	405,000,000	70587
3S2	200-641	Education Technology	\$	10,000,000	\$	5,000,000	70588
3T4	200-613	Public Charter Schools	\$	13,850,827	\$	14,212,922	70589
3Y2	200-688	21st Century Community Learning Centers	\$	30,681,554	\$	30,681,554	70590
3Y4	200-632	Reading First	\$	35,215,798	\$	31,215,798	70591
3Y6	200-635	Improving Teacher Quality	\$	102,692,685	\$	102,698,246	70592
3Y7	200-689	English Language	\$	8,000,000	\$	8,000,000	70593

		Acquisition					
3Y8	200-639	Rural and Low Income	\$	1,500,000	\$	1,500,000	70594
		Technical Assistance					
3Z2	200-690	State Assessments	\$	12,883,799	\$	12,883,799	70595
3Z3	200-645	Consolidated Federal	\$	8,500,000	\$	8,500,000	70596
		Grant Administration					
309	200-601	Educationally	\$	12,750,000	\$	8,750,000	70597
		Disadvantaged Programs					
366	200-604	Adult Basic Education	\$	19,425,000	\$	20,396,250	70598
367	200-607	School Food Services	\$	5,849,748	\$	6,088,737	70599
368	200-614	Veterans' Training	\$	710,373	\$	745,892	70600
369	200-616	Career-Technical	\$	5,000,000	\$	5,000,000	70601
		Education Federal					
		Enhancement					
370	200-624	Education of	\$	1,811,520	\$	575,454	70602
		Exceptional Children					
374	200-647	Troops to Teachers	\$	100,000	\$	100,000	70603
378	200-660	Learn and Serve	\$	1,561,954	\$	1,561,954	70604
		TOTAL FED Federal Special					70605
		Revenue Fund Group	\$	1,665,660,368	\$	1,571,144,583	70606
		State Special Revenue Fund Group					70607
4R7	200-695	Indirect Operational	\$	5,449,748	\$	5,810,464	70608
		Support					
4V7	200-633	Interagency	\$	392,100	\$	376,423	70609
		Operational Support					
454	200-610	Guidance and Testing	\$	400,000	\$	400,000	70610
455	200-608	Commodity Foods	\$	24,000,000	\$	24,000,000	70611
5BB	200-696	State Action for	\$	1,250,000	\$	1,250,000	70612
		Education Leadership					
5BJ	200-626	Half-Mill Maintenance	\$	10,700,000	\$	10,700,000	70613
		Equalization					
5U2	200-685	National Education	\$	300,000	\$	300,000	70614
		Statistics					

5W2	200-663	Early Learning Initiative	\$	2,200,000	\$	2,200,000	70615
598	200-659	Auxiliary Services Reimbursement	\$	1,328,910	\$	1,328,910	70616
620	200-615	Educational Improvement Grants	\$	3,000,000	\$	3,000,000	70617
TOTAL SSR State Special Revenue							70618
Fund Group			\$	49,020,758	\$	49,365,797	70619
Lottery Profits Education Fund Group							70620
017	200-612	Foundation Funding	\$	666,198,000	\$	667,900,000	70621
017	200-682	Lease Rental Payment Reimbursement	\$	22,702,000	\$	0	70622
TOTAL LPE Lottery Profits							70623
Education Fund Group			\$	688,900,000	\$	667,900,000	70624
Revenue Distribution Fund Group							70625
047	200-909	School District Property Tax Replacement-Business	\$	611,596,856	\$	763,316,819	70626
053	200-900	School District Property Tax Replacement-Utility	\$	91,123,523	\$	91,123,523	70627
TOTAL RDF Revenue Distribution							70628
Fund Group			\$	702,720,379	\$	854,440,342	70629
TOTAL ALL BUDGET FUND GROUPS			\$	10,887,609,507	\$	11,269,129,303	70630

**Section 269.10.10. PERSONAL SERVICES** 70632

The foregoing appropriation item 200-100, Personal Services, 70633  
 may be used to pay fees for the Department's membership in the 70634  
 Education Commission of the States, an interstate nonprofit, 70635  
 nonpartisan organization that supports states with the development 70636  
 of education policy. 70637

Of the foregoing appropriation item 200-100, Personal 70638

Services, up to \$25,000 may be expended in each fiscal year for 70639  
the State Board of Education to pay for outside professionals to 70640  
help inform the Board on topics of education policy. 70641

**Section 269.10.20. EARLY CHILDHOOD EDUCATION** 70642

The Department of Education shall distribute the foregoing 70643  
appropriation item 200-408, Early Childhood Education, to pay the 70644  
costs of early childhood education programs. 70645

(A) As used in this section: 70646

(1) "Provider" means a city, local, exempted village, or 70647  
joint vocational school district, or an educational service 70648  
center. 70649

(2) In the case of a city, local, or exempted village school 70650  
district, "new eligible provider" means a district that is 70651  
eligible for poverty-based assistance under section 3317.029 of 70652  
the Revised Code. 70653

(3) "Eligible child" means a child who is at least three 70654  
years of age, is not of the age to be eligible for kindergarten, 70655  
and whose family earns not more than two hundred per cent of the 70656  
federal poverty guidelines. 70657

(B) In each fiscal year, up to two per cent of the total 70658  
appropriation may be used by the Department for program support 70659  
and technical assistance. The Department shall distribute the 70660  
remainder of the appropriation in each fiscal year to serve 70661  
eligible children. 70662

(C) The Department shall provide an annual report to the 70663  
Governor, the Speaker of the House of Representatives, and the 70664  
President of the Senate and post the report to the Department's 70665  
web site, regarding early childhood education programs operated 70666  
under this section and the early learning program guidelines for 70667  
school readiness. 70668

(D) After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2008, the Department shall distribute funds first to recipients of funds for early childhood education programs under Section 206.09.06 of Am. Sub. H.B. 66 of the 126th General Assembly in the previous fiscal year and the balance to new eligible providers of early childhood education programs under this section. However, the total amount of funds distributed in fiscal year 2008 to all providers that received funds for early childhood education programs in fiscal year 2007 shall not exceed \$18,622,151, unless the number of new eligible providers that notifies the Department of their interest in establishing early childhood education programs is insufficient to expend all available funding. In that case, the Department may direct available funding to providers that received funds for early childhood education programs in fiscal year 2007 for purposes of program expansion, improvement, or special projects to promote quality and innovation.

After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2009, the Department shall distribute funds first to providers of early childhood education programs under this section in the previous fiscal year and the balance to new eligible providers. However, the total amount of funds distributed in fiscal year 2009 to all providers that received funds for early childhood education programs in fiscal year 2007 shall not exceed \$18,622,151, unless the number of providers that received funding in fiscal year 2008 and new eligible providers that notify the Department of their interest in establishing early childhood education programs is insufficient to expend all available funding. In that case, the Department may direct available funding to providers that received funds for early childhood education programs in fiscal year 2007 or 2008 for purposes of program expansion, improvement, or special projects to promote quality and innovation.

In each of fiscal years 2008 and 2009, if funding is 70702  
insufficient to serve all new eligible providers that notify the 70703  
Department of their interest in establishing early childhood 70704  
education programs, the Department shall determine which of those 70705  
providers will receive funds using a selection process that first 70706  
gives preference to providers that, as of March 15, 2007, did not 70707  
offer early childhood education programs, but that had offered 70708  
early childhood education programs or public preschool programs 70709  
for some time after June 30, 2000, and second to providers that 70710  
demonstrate a need for early childhood education programs, as 70711  
determined by the Department. Demonstration of need shall include 70712  
having higher rates of eligible children to be served. 70713

Awards under this section shall be distributed on a per-pupil 70714  
basis, and in accordance with division (H) of this section. The 70715  
Department may adjust the per-pupil amount so that the per-pupil 70716  
amount multiplied by the number of eligible children enrolled and 70717  
receiving services, as defined by the Department, reported on the 70718  
first day of December or the first business day following that 70719  
date equals the amount allocated under this section. 70720

(E) Costs for developing and administering an early childhood 70721  
education program may not exceed fifteen per cent of the total 70722  
approved costs of the program. 70723

All providers shall maintain such fiscal control and 70724  
accounting procedures as may be necessary to ensure the 70725  
disbursement of, and accounting for, these funds. The control of 70726  
funds provided in this program, and title to property obtained 70727  
therefrom, shall be under the authority of the approved provider 70728  
for purposes provided in the program unless, as described in 70729  
division (J) of this section, the program waives its right for 70730  
funding or a program's funding is eliminated or reduced due to its 70731  
inability to meet financial or early learning program guidelines 70732  
for school readiness. The approved provider shall administer and 70733

use such property and funds for the purposes specified. 70734

(F) The Department may examine a provider's financial and 70735  
program records. If the financial practices of the program are not 70736  
in accordance with standard accounting principles or do not meet 70737  
financial standards outlined under division (E) of this section, 70738  
or if the program fails to substantially meet the early learning 70739  
program guidelines for school readiness or exhibits below average 70740  
performance as measured against the guidelines, the early 70741  
childhood education program shall propose and implement a 70742  
corrective action plan that has been approved by the Department. 70743  
The approved corrective action plan shall be signed by the chief 70744  
executive officer and the executive of the official governing body 70745  
of the provider. The corrective action plan shall include a 70746  
schedule for monitoring by the Department. Such monitoring may 70747  
include monthly reports, inspections, a timeline for correction of 70748  
deficiencies, and technical assistance to be provided by the 70749  
Department or obtained by the early childhood education program. 70750  
The Department may withhold funding pending corrective action. If 70751  
an early childhood education program fails to satisfactorily 70752  
complete a corrective action plan, the Department may deny 70753  
expansion funding to the program or withdraw all or part of the 70754  
funding to the program and establish a new eligible provider 70755  
through a selection process established by the Department. 70756

(G) Each early childhood education program shall do all of 70757  
the following: 70758

(1) Meet teacher qualification requirements prescribed by 70759  
section 3301.311 of the Revised Code; 70760

(2) Align curriculum to the early learning content standards; 70761

(3) Meet any assessment requirements prescribed by section 70762  
3301.0715 of the Revised Code that are applicable to the program; 70763

(4) Require teachers, except teachers enrolled and working to 70764

obtain a degree pursuant to section 3301.311 of the Revised Code, 70765  
to attend a minimum of twenty hours every two years of 70766  
professional development as prescribed by the Department regarding 70767  
the implementation of early learning program guidelines for school 70768  
readiness; 70769

(5) Document and report child progress; 70770

(6) Meet and report compliance with the early learning 70771  
program guidelines for school readiness; 70772

(7) Participate in early language and literacy classroom 70773  
observation evaluation studies. 70774

(H) This division applies only to early childhood education 70775  
programs established on or after March 15, 2007. 70776

Per-pupil funding for programs subject to this division shall 70777  
be sufficient to provide eligible children with services for 70778  
one-half of the statewide average length of the school day, as 70779  
determined by the Department, for one hundred eighty-two days each 70780  
school year. Nothing in this section shall be construed to 70781  
prohibit program providers from utilizing other funds to serve 70782  
eligible children in programs that exceed the statewide average 70783  
length of the school day or that exceed one hundred eighty-two 70784  
days in a school year. 70785

(I) Each provider shall develop a sliding fee scale based on 70786  
family incomes and shall charge families who earn more than the 70787  
federal poverty guidelines for the early childhood education 70788  
program. 70789

(J) If an early childhood education program voluntarily 70790  
waives its right for funding, or has its funding eliminated for 70791  
not meeting financial standards or the early learning program 70792  
guidelines for school readiness, the provider shall transfer 70793  
control of title to property, equipment, and remaining supplies 70794  
obtained through the program to providers designated by the 70795

Department and return any unexpended funds to the Department along 70796  
with any reports prescribed by the Department. The funding made 70797  
available from a program that waives its right for funding or has 70798  
its funding eliminated or reduced may be used by the Department 70799  
for new grant awards or expansion grants. The Department may award 70800  
new grants or expansion grants to eligible providers who apply. 70801  
The eligible providers who apply must do so in accordance with the 70802  
selection process established by the Department. 70803

(K) As used in this section, "early learning program 70804  
guidelines for school readiness" means the guidelines established 70805  
by the Department pursuant to division (C)(3) of Section 206.09.54 70806  
of Am. Sub. H.B. 66 of the 126th General Assembly. 70807

**Section 269.10.30. EDUCATOR TRAINING** 70808

The foregoing appropriation item 200-410, Educator Training, 70809  
shall be used to fund professional development programs in Ohio. 70810  
The Department of Education shall, when possible, incorporate 70811  
cultural competency as a component of professional development and 70812  
actively promote the development of cultural competency in the 70813  
operation of its professional development programs. As used in 70814  
this section, "cultural competency" has the meaning specified by 70815  
the Educator Standards Board under section 3319.61 of the Revised 70816  
Code. 70817

Of the foregoing appropriation item 200-410, Educator 70818  
Training, up to \$9,250,000 in fiscal year 2008 and up to 70819  
\$10,250,000 in fiscal year 2009 shall be used by the Department of 70820  
Education to provide grants to pay \$2,225 of the application fee 70821  
in order to assist teachers from public and chartered nonpublic 70822  
schools applying for the first time to the National Board for 70823  
Professional Teaching Standards for professional teaching 70824  
certificates or licenses that the board offers. These moneys shall 70825  
be used to pay up to the first 400 applications in each fiscal 70826

year received by the Department. This set aside shall also be used 70827  
to recognize and reward teachers who become certified by the 70828  
National Board for Professional Teaching Standards under section 70829  
3319.55 of the Revised Code. Up to \$300,000 in each fiscal year of 70830  
this set aside may be used by the Department to pay for costs 70831  
associated with activities to support candidates through the 70832  
application and certification process. Up to \$39,500 of this set 70833  
aside in each fiscal year may be used to support the application 70834  
fee for candidates participating in the Take One program for 70835  
beginning teachers in years two and three. 70836

Of the foregoing appropriation item 200-410, Educator 70837  
Training, up to \$9,515,817 in each fiscal year shall be allocated 70838  
for entry year teacher and principal programs. These funds shall 70839  
be used to support mentoring services and performance assessments 70840  
of beginning teachers and principals in school districts and 70841  
chartered nonpublic schools. 70842

Of the foregoing appropriation item 200-410, Educator 70843  
Training, up to \$200,000 in each fiscal year shall be used to 70844  
provide technical assistance and grants for districts to develop 70845  
local knowledge/skills-based compensation systems. Each district 70846  
receiving grants shall issue an annual report to the Department of 70847  
Education detailing the use of the funds and the impact of the 70848  
system developed by the district. 70849

Of the foregoing appropriation item 200-410, Educator 70850  
Training, up to \$350,000 in each fiscal year shall be used for 70851  
training and professional development of school administrators, 70852  
school treasurers, and school business officials. 70853

Of the foregoing appropriation item 200-410, Educator 70854  
Training, up to \$63,000 in each fiscal year shall be used to 70855  
support the Ohio University Leadership Program. 70856

Of the foregoing appropriation item 200-410, Educator 70857

Training, \$250,000 in each fiscal year shall be used to support 70858  
the Ohio School Leadership Institute. 70859

**Section 269.10.40. CAREER-TECHNICAL EDUCATION MATCH** 70860

The foregoing appropriation item 200-416, Career-Technical 70861  
Education Match, shall be used by the Department of Education to 70862  
provide vocational administration matching funds under 20 U.S.C. 70863  
2311. 70864

**COMPUTER/APPLICATION/NETWORK DEVELOPMENT** 70865

The foregoing appropriation item 200-420, 70866  
Computer/Application/Network Development, shall be used to support 70867  
the development and implementation of information technology 70868  
solutions designed to improve the performance and services of the 70869  
Department of Education. Funds may be used for personnel, 70870  
maintenance, and equipment costs related to the development and 70871  
implementation of these technical system projects. Implementation 70872  
of these systems shall allow the Department to provide greater 70873  
levels of assistance to school districts and to provide more 70874  
timely information to the public, including school districts, 70875  
administrators, and legislators. Funds may also be used to support 70876  
data-driven decision-making and differentiated instruction, as 70877  
well as to communicate academic content standards and curriculum 70878  
models to schools through web-based applications. 70879

**Section 269.10.50. ALTERNATIVE EDUCATION PROGRAMS** 70880

Of the foregoing appropriation item 200-421, Alternative 70881  
Education Programs, up to \$6,227,310 in each fiscal year shall be 70882  
used for the renewal of successful implementation grants and for 70883  
competitive matching grants to the 21 urban school districts as 70884  
defined in division (O) of section 3317.02 of the Revised Code as 70885  
it existed prior to July 1, 1998, and up to \$6,161,074 in each 70886  
fiscal year shall be used for the renewal of successful 70887

implementation grants and for competitive matching grants to rural 70888  
and suburban school districts for alternative educational programs 70889  
for existing and new at-risk and delinquent youth. Programs shall 70890  
be focused on youth in one or more of the following categories: 70891  
those who have been expelled or suspended, those who have dropped 70892  
out of school or who are at risk of dropping out of school, those 70893  
who are habitually truant or disruptive, or those on probation or 70894  
on parole from a Department of Youth Services facility. Grants 70895  
shall be awarded according to the criteria established by the 70896  
Alternative Education Advisory Council in 1999. Grants shall be 70897  
awarded only to programs in which the grant will not serve as the 70898  
program's primary source of funding. These grants shall be 70899  
administered by the Department of Education. 70900

The Department of Education may waive compliance with any 70901  
minimum education standard established under section 3301.07 of 70902  
the Revised Code for any alternative school that receives a grant 70903  
under this section on the grounds that the waiver will enable the 70904  
program to more effectively educate students enrolled in the 70905  
alternative school. 70906

Of the foregoing appropriation item 200-421, Alternative 70907  
Education Programs, up to \$272,281 in each fiscal year may be used 70908  
for program administration, monitoring, technical assistance, 70909  
support, research, and evaluation. Any unexpended balance may be 70910  
used to provide additional matching grants to urban, suburban, or 70911  
rural school districts as outlined above. 70912

Of the foregoing appropriation item 200-421, Alternative 70913  
Education Programs, \$100,000 in each fiscal year shall be used to 70914  
support the Toledo Tech Academy. Of this amount, \$25,000 in each 70915  
fiscal year shall be used by the Toledo Tech Academy to enhance 70916  
and establish For Inspiration and Recognition in Science and 70917  
Technology programs. (F.I.R.S.T.) 70918

Of the foregoing appropriation item 200-421, Alternative 70919

Education Programs, \$2,000,000 in fiscal year 2008 shall be used 70920  
to support Improved Solutions for Urban Students (ISUS). 70921

Of the foregoing appropriation item 200-421, Alternative 70922  
Education Programs, \$100,000 in each fiscal year shall be provided 70923  
to the Cincinnati Arts and Technology Center to increase program 70924  
support for high-risk teens and unemployed urban adults. 70925

Of the foregoing appropriation item 200-421, Alternative 70926  
Education Programs, \$50,000 in fiscal year 2008 and \$250,000 in 70927  
fiscal year 2009 shall be used for the administration of the 70928  
Special Education Scholarship Pilot Program established under 70929  
section 3310.52 of the Revised Code. 70930

**Section 269.10.60. SCHOOL MANAGEMENT ASSISTANCE** 70931

Of the foregoing appropriation item 200-422, School 70932  
Management Assistance, up to \$1,715,000 in each fiscal year shall 70933  
be used by the Auditor of State in consultation with the 70934  
Department of Education for expenses incurred in the Auditor of 70935  
State's role relating to fiscal caution, fiscal watch, and fiscal 70936  
emergency activities as defined in Chapter 3316. of the Revised 70937  
Code and may also be used to conduct performance audits with 70938  
priority given to districts in fiscal distress. Expenses include 70939  
duties related to the completion of performance audits for school 70940  
districts that the Superintendent of Public Instruction determines 70941  
are employing fiscal practices or experiencing budgetary 70942  
conditions that could produce a state of fiscal watch or fiscal 70943  
emergency. 70944

Of the foregoing appropriation item 200-422, School 70945  
Management Assistance, up to \$250,000 in each fiscal year shall be 70946  
used by the Department of Education to work with school districts 70947  
and entities that serve school districts to develop and deploy 70948  
analytical tools that allow districts and other stakeholders to 70949  
analyze more thoroughly district spending patterns in order to 70950

promote more effective and efficient use of resources. Quarterly 70951  
updates of the progress for implementation of these tools shall be 70952  
provided to the Governor, and the Department shall give due 70953  
diligence to implementing these tools in the shortest reasonable 70954  
timeline. 70955

The remainder of foregoing appropriation item 200-422, School 70956  
Management Assistance, shall be used by the Department of 70957  
Education to provide fiscal technical assistance and inservice 70958  
education for school district management personnel and to 70959  
administer, monitor, and implement the fiscal watch and fiscal 70960  
emergency provisions under Chapter 3316. of the Revised Code. 70961

**Section 269.10.70. POLICY ANALYSIS** 70962

The foregoing appropriation item 200-424, Policy Analysis, 70963  
shall be used by the Department of Education to support a system 70964  
of administrative, statistical, and legislative education 70965  
information to be used for policy analysis. Staff supported by 70966  
this appropriation shall administer the development of reports, 70967  
analyses, and briefings to inform education policymakers of 70968  
current trends in education practice, efficient and effective use 70969  
of resources, and evaluation of programs to improve education 70970  
results. The database shall be kept current at all times. These 70971  
research efforts shall be used to supply information and analysis 70972  
of data to the General Assembly and other state policymakers, 70973  
including the Office of Budget and Management and the Legislative 70974  
Service Commission. 70975

The Department of Education may use funding from this 70976  
appropriation item to purchase or contract for the development of 70977  
software systems or contract for policy studies that will assist 70978  
in the provision and analysis of policy-related information. 70979  
Funding from this appropriation item also may be used to monitor 70980  
and enhance quality assurance for research-based policy analysis 70981

and program evaluation to enhance the effective use of education 70982  
information to inform education policymakers. 70983

TECH PREP CONSORTIA SUPPORT 70984

The foregoing appropriation item 200-425, Tech Prep Consortia 70985  
Support, shall be used by the Department of Education to support 70986  
state-level activities designed to support, promote, and expand 70987  
tech prep programs. Use of these funds shall include, but not be 70988  
limited to, administration of grants, program evaluation, 70989  
professional development, curriculum development, assessment 70990  
development, program promotion, communications, and statewide 70991  
coordination of tech prep consortia. 70992

**Section 269.10.80.** OHIO EDUCATIONAL COMPUTER NETWORK 70993

The foregoing appropriation item 200-426, Ohio Educational 70994  
Computer Network, shall be used by the Department of Education to 70995  
maintain a system of information technology throughout Ohio and to 70996  
provide technical assistance for such a system in support of the 70997  
State Education Technology Plan under section 3301.07 of the 70998  
Revised Code. 70999

Of the foregoing appropriation item 200-426, Ohio Educational 71000  
Computer Network, up to \$18,136,691 in each fiscal year shall be 71001  
used by the Department of Education to support connection of all 71002  
public school buildings and participating chartered nonpublic 71003  
schools to the state's education network, to each other, and to 71004  
the Internet. In each fiscal year the Department of Education 71005  
shall use these funds to assist information technology centers or 71006  
school districts with the operational costs associated with this 71007  
connectivity. The Department of Education shall develop a formula 71008  
and guidelines for the distribution of these funds to information 71009  
technology centers or individual school districts. As used in this 71010  
section, "public school building" means a school building of any 71011  
city, local, exempted village, or joint vocational school 71012

district, any community school established under Chapter 3314. of 71013  
the Revised Code, any educational service center building used for 71014  
instructional purposes, the Ohio School for the Deaf and the Ohio 71015  
School for the Blind, or high schools chartered by the Ohio 71016  
Department of Youth Services and high schools operated by Ohio 71017  
Department of Rehabilitation and Corrections' Ohio Central School 71018  
System. 71019

Of the foregoing appropriation item 200-426, Ohio Educational 71020  
Computer Network, up to \$2,469,223 in each fiscal year shall be 71021  
used for the Union Catalog and InfOhio Network and to support the 71022  
provision of electronic resources with priority given to resources 71023  
that support the teaching of state academic content standards in 71024  
all public schools. Consideration shall be given by the Department 71025  
of Education to coordinating the allocation of these moneys with 71026  
the efforts of Libraries Connect Ohio, whose members include 71027  
OhioLINK, the Ohio Public Information Network, and the State 71028  
Library of Ohio. 71029

Of the foregoing appropriation item 200-426, Ohio Educational 71030  
Computer Network, up to \$8,338,468 in each fiscal year shall be 71031  
used, through a formula and guidelines devised by the Department, 71032  
to subsidize the activities of designated information technology 71033  
centers, as defined by State Board of Education rules, to provide 71034  
school districts and chartered nonpublic schools with 71035  
computer-based student and teacher instructional and 71036  
administrative information services, including approved 71037  
computerized financial accounting, and to ensure the effective 71038  
operation of local automated administrative and instructional 71039  
systems. 71040

The remainder of appropriation item 200-426, Ohio Educational 71041  
Computer Network, shall be used to support development, 71042  
maintenance, and operation of a network of uniform and compatible 71043  
computer-based information and instructional systems. This 71044

technical assistance shall include, but not be restricted to, 71045  
development and maintenance of adequate computer software systems 71046  
to support network activities. In order to improve the efficiency 71047  
of network activities, the Department and information technology 71048  
centers may jointly purchase equipment, materials, and services 71049  
from funds provided under this appropriation for use by the 71050  
network and, when considered practical by the Department, may 71051  
utilize the services of appropriate state purchasing agencies. 71052

**Section 269.10.90. ACADEMIC STANDARDS** 71053

Of the foregoing appropriation item 200-427, Academic 71054  
Standards, \$150,000 in each fiscal year shall be used by the 71055  
Department in combination with funding earmarked for this purpose 71056  
in the Board of Regents' budget under appropriation item 235-321, 71057  
Operating Expenses. Such funding shall be used to support Ohio's 71058  
Partnership for Continued Learning at the direction of the Office 71059  
of the Governor. Ohio's Partnership for Continued Learning 71060  
replaces and broadens the former Joint Council of the Department 71061  
of Education and the Board of Regents. The Partnership shall 71062  
advise and make recommendations to promote collaboration among 71063  
relevant state entities in an effort to help local communities 71064  
develop coherent and successful "P-16" learning systems. The 71065  
Governor, or the Governor's designee, shall serve as the 71066  
chairperson. 71067

Of the foregoing appropriation item 200-427, Academic 71068  
Standards, \$1,000,000 in each fiscal year shall be used for 71069  
Project Lead the Way leadership and management oversight and 71070  
initial and continuing support of Project Lead the Way workforce 71071  
development programs in participating school districts. 71072

Of the foregoing appropriation item 200-427, Academic 71073  
Standards, \$50,000 in each fiscal year shall be provided to the 71074  
Art Academy of Cincinnati to support technology needs for the 71075

annual operation of its undergraduate, graduate, and noncredit programs and for administrative staff support. 71076  
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The remainder of appropriation item 200-427, Academic Standards, shall be used by the Department of Education to develop, revise, and communicate to school districts academic content standards and curriculum models. The Department may also use the remainder to develop program models that demonstrate how the academic content standards can be implemented in high school classrooms and to offer online continuing education courses. The Department of Education may also use the remainder to support the coordination of Physical Education standards. 71078  
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**Section 269.20.10. SCHOOL IMPROVEMENT INITIATIVES** 71087

Of the foregoing appropriation item 200-431, School Improvement Initiatives, \$450,000 in each fiscal year shall be used for Ohio's Rural Appalachian Leadership Development Initiative. 71088  
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Of the foregoing appropriation item 200-431, School Improvement Initiatives, up to \$601,165 in each fiscal year shall be used by the Department of Education to support educational media centers to provide Ohio public schools with instructional resources and services, with priority given to resources and services aligned with state academic content standards. 71092  
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Of the foregoing appropriation item 200-431, School Improvement Initiatives, up to \$10,387,835 in each fiscal year shall be used to support districts in the development and implementation of their continuous improvement plans as required in section 3302.04 of the Revised Code and to provide technical assistance and support in accordance with Title I of the "No Child Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317. This funding shall serve as a supplement to the funds provided under division (K) of section 3317.029 of the Revised Code, which 71098  
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represents state support for school improvement initiatives that 71107  
assist school districts in closing the achievement gap. 71108

Of the foregoing appropriation item 200-431, School 71109  
Improvement Initiatives, up to \$236,250 in each fiscal year shall 71110  
be used to reduce the dropout rate by addressing the academic and 71111  
social problems of inner-city students through Project GRAD. 71112

Of the foregoing appropriation item 200-431, School 71113  
Improvement Initiatives, up to \$7,988,985 in fiscal year 2008 and 71114  
up to \$8,323,985 in fiscal year 2009 shall be used to redesign 71115  
high schools and improve urban schools. This funding may be used 71116  
for a pilot program in partnership with nonprofit groups with 71117  
expertise in converting existing large urban high schools into 71118  
small, personalized high schools. Districts eligible for such 71119  
pilot funding include the Urban 21 high schools, as defined in 71120  
division (0) of section 3317.02 of the Revised Code as it existed 71121  
prior to July 1, 1998. The funding may also be used for 71122  
administrative costs to redesign high schools and improve urban 71123  
schools and in conjunction with funding provided in the Board of 71124  
Regents' budget under appropriation item 235-434, College 71125  
Readiness and Access, to create early college high schools, which 71126  
are small, autonomous schools that blend high school and college 71127  
into a coherent educational program. The funds for early college 71128  
high schools shall be distributed according to guidelines 71129  
established by the Department of Education and the Board of 71130  
Regents. 71131

Of the foregoing appropriation item 200-431, School 71132  
Improvement Initiatives, up to \$75,000 in each fiscal year shall 71133  
be provided to Southern State Community College for the Pilot 71134  
Post-Secondary Enrollment Options Program with Miami Trace High 71135  
School. 71136

Of the foregoing appropriation item 200-431, School 71137  
Improvement Initiatives, \$1,000,000 in each fiscal year shall be 71138

used to support Jobs for Ohio Graduates (JOG). The Department of 71139  
Education shall require a two-to-one match of local funding to 71140  
state funding before releasing these funds to JOG. 71141

Of the foregoing appropriation item 200-431, School 71142  
Improvement Initiatives, up to \$600,000 in each fiscal year shall 71143  
be used by the Department of Education to support start-up costs 71144  
for gaining business and industry credentialing program 71145  
accreditation and to support the development of a data collection 71146  
system across the numerous industry test providers. Funds shall 71147  
also be used to help subsidize the cost of student participation 71148  
in industry assessments, provide research on industry assessments 71149  
for alignment to industry-established content standards, provide 71150  
professional development opportunities for educators, and prepare 71151  
schools and adult centers to organize for credential alignment and 71152  
delivery. 71153

Of the foregoing appropriation item 200-431, School 71154  
Improvement Initiatives, \$250,000 in each fiscal year shall be 71155  
used to support Amer-I-Can. 71156

**Section 269.20.20. LITERACY IMPROVEMENT-PROFESSIONAL** 71157  
**DEVELOPMENT** 71158

Of the foregoing appropriation item 200-433, Literacy 71159  
Improvement-Professional Development, up to \$9,290,000 in each 71160  
fiscal year shall be used for educator training in literacy for 71161  
classroom teachers, administrators, and literacy specialists. 71162

Of the foregoing appropriation item 200-433, Literacy 71163  
Improvement-Professional Development, up to \$5,000,000 in each 71164  
fiscal year shall be used to support literacy professional 71165  
development partnerships between the Department of Education, 71166  
higher education institutions, literacy networks, and school 71167  
districts. 71168

Of the foregoing appropriation item 200-433, Literacy 71169  
Improvement - Professional Development, \$900,000 in each fiscal 71170  
year shall be used by the Department of Education to fund the 71171  
Reading Recovery Training Network, to cover the cost of release 71172  
time for the teacher trainers, and to provide grants to districts 71173  
to implement other reading improvement programs on a pilot basis. 71174  
Funds from this set-aside also may be used to conduct evaluations 71175  
of the impact and effectiveness of Reading Recovery and other 71176  
reading improvement programs. 71177

Of the foregoing appropriation item 200-433, Literacy 71178  
Improvement-Professional Development, \$100,000 in each fiscal year 71179  
shall be provided to the Contemporary Arts Center for art 71180  
education for children and a children's museum. 71181

The remainder of appropriation item 200-433, Literacy 71182  
Improvement-Professional Development, shall be used by the 71183  
Department of Education to provide administrative support of 71184  
literacy professional development programs. Upon approval of the 71185  
Controlling Board, the Department may also use the remainder to 71186  
contract with an external evaluator on the effectiveness of 71187  
literacy professional development initiatives in the academic 71188  
achievement of students. 71189

**STUDENT ASSESSMENT** 71190

Of the foregoing appropriation item 200-437, Student 71191  
Assessment, up to \$207,364 in fiscal year 2008 and up to \$212,486 71192  
in fiscal year 2009 may be used to support the assessments 71193  
required under section 3301.0715 of the Revised Code. 71194

The remainder of appropriation item 200-437, Student 71195  
Assessment, shall be used to develop, field test, print, 71196  
distribute, score, report results, and support other associated 71197  
costs for the tests required under sections 3301.0710 and 71198  
3301.0711 of the Revised Code and for similar purposes as required 71199

by section 3301.27 of the Revised Code. If funds remain in this 71200  
appropriation after these purposes have been fulfilled, the 71201  
Department may use the remainder of the appropriation to develop 71202  
end-of-course exams. 71203

**Section 269.20.30. ACCOUNTABILITY/REPORT CARDS** 71204

Of the foregoing appropriation item 200-439, 71205  
Accountability/Report Cards, up to \$3,028,540 in each fiscal year 71206  
shall be used to train district and regional specialists and 71207  
district educators in the use of the value-added progress 71208  
dimension and in the use of data as it relates to improving 71209  
student achievement. This funding shall be used in consultation 71210  
with a credible nonprofit organization with expertise in 71211  
value-added progress dimensions. 71212

The remainder of appropriation item 200-439, 71213  
Accountability/Report Cards, shall be used by the Department to 71214  
incorporate a statewide pilot value-added progress dimension into 71215  
performance ratings for school districts and for the development 71216  
of an accountability system that includes the preparation and 71217  
distribution of school report cards under section 3302.03 of the 71218  
Revised Code. 71219

**CHILD CARE LICENSING** 71220

The foregoing appropriation item 200-442, Child Care 71221  
Licensing, shall be used by the Department of Education to license 71222  
and to inspect preschool and school-age child care programs under 71223  
sections 3301.52 to 3301.59 of the Revised Code. 71224

**Section 269.20.40. EDUCATION MANAGEMENT INFORMATION SYSTEM** 71225

The foregoing appropriation item 200-446, Education 71226  
Management Information System, shall be used by the Department of 71227  
Education to improve the Education Management Information System 71228  
(EMIS). 71229

Of the foregoing appropriation item 200-446, Education 71230  
Management Information System, up to \$1,338,620 in fiscal year 71231  
2008 and up to \$1,372,085 in fiscal year 2009 shall be distributed 71232  
to designated information technology centers for costs relating to 71233  
processing, storing, and transferring data for the effective 71234  
operation of the EMIS. These costs may include, but are not 71235  
limited to, personnel, hardware, software development, 71236  
communications connectivity, professional development, and support 71237  
services, and to provide services to participate in the State 71238  
Education Technology Plan pursuant to section 3301.07 of the 71239  
Revised Code. 71240

Of the foregoing appropriation item 200-446, Education 71241  
Management Information System, up to \$8,256,569 in fiscal year 71242  
2008 and up to \$8,462,984 in fiscal year 2009 shall be distributed 71243  
on a per-pupil basis to school districts, community schools 71244  
established under Chapter 3314. of the Revised Code, educational 71245  
service centers, joint vocational school districts, and any other 71246  
education entity that reports data through EMIS. From this 71247  
funding, each school district or community school established 71248  
under Chapter 3314. of the Revised Code with enrollment greater 71249  
than 100 students and each vocational school district shall 71250  
receive a minimum of \$5,000 in each fiscal year. Each school 71251  
district or community school established under Chapter 3314. of 71252  
the Revised Code with enrollment between one and one hundred and 71253  
each educational service center and each county board of MR/DD 71254  
that submits data through EMIS shall receive \$3,000 in each fiscal 71255  
year. This subsidy shall be used for costs relating to reporting, 71256  
processing, storing, transferring, and exchanging data necessary 71257  
to meet requirements of the Department of Education's data system. 71258

The remainder of appropriation item 200-446, Education 71259  
Management Information System, shall be used to develop and 71260  
support a common core of data definitions and standards as adopted 71261

by the Education Management Information System Advisory Board, 71262  
including the ongoing development and maintenance of the data 71263  
dictionary and data warehouse. In addition, such funds shall be 71264  
used to support the development and implementation of data 71265  
standards and the design, development, and implementation of a new 71266  
data exchange system. 71267

Any provider of software meeting the standards approved by 71268  
the Education Management Information System Advisory Board shall 71269  
be designated as an approved vendor and may enter into contracts 71270  
with local school districts, community schools, information 71271  
technology centers, or other educational entities for the purpose 71272  
of collecting and managing data required under Ohio's education 71273  
management information system (EMIS) laws. On an annual basis, the 71274  
Department of Education shall convene an advisory group of school 71275  
districts, community schools, and other education-related entities 71276  
to review the Education Management Information System data 71277  
definitions and data format standards. The advisory group shall 71278  
recommend changes and enhancements based upon surveys of its 71279  
members, education agencies in other states, and current industry 71280  
practices, to reflect best practices, align with federal 71281  
initiatives, and meet the needs of school districts. 71282

School districts and community schools not implementing a 71283  
common and uniform set of data definitions and data format 71284  
standards for Education Management Information System purposes 71285  
shall have all EMIS funding withheld until they are in compliance. 71286

**Section 269.20.50. GED TESTING** 71287

The foregoing appropriation item 200-447, GED Testing, shall 71288  
be used to provide General Educational Development (GED) testing 71289  
at no cost to applicants, under rules adopted by the State Board 71290  
of Education. The Department of Education shall reimburse school 71291  
districts and community schools, created under Chapter 3314. of 71292

the Revised Code, for a portion of the costs incurred in providing 71293  
summer instructional or intervention services to students who have 71294  
not graduated because of their inability to pass one or more parts 71295  
of the state's Ohio Graduation Test or ninth grade proficiency 71296  
test. School districts shall also provide such services to 71297  
students who are residents of the district under section 3313.64 71298  
of the Revised Code, but who are enrolled in chartered, nonpublic 71299  
schools. The services shall be provided in the public school, in 71300  
nonpublic schools, in public centers, or in mobile units located 71301  
on or off the nonpublic school premises. No school district shall 71302  
provide summer instructional or intervention services to nonpublic 71303  
school students as authorized by this section unless such services 71304  
are available to students attending the public schools within the 71305  
district. No school district shall provide services for use in 71306  
religious courses, devotional exercises, religious training, or 71307  
any other religious activity. Chartered, nonpublic schools shall 71308  
pay for any unreimbursed costs incurred by school districts for 71309  
providing summer instruction or intervention services to students 71310  
enrolled in chartered, nonpublic schools. School districts may 71311  
provide these services to students directly or contract with 71312  
postsecondary or nonprofit community-based institutions in 71313  
providing instruction. 71314

**Section 269.20.60. EDUCATOR PREPARATION** 71315

The foregoing appropriation item 200-448, Educator 71316  
Preparation, may be used by the Department to support the Educator 71317  
Standards Board under section 3319.61 of the Revised Code as it 71318  
develops and recommends to the State Board of Education standards 71319  
for educator training and standards for teacher and other school 71320  
leadership positions. Any remaining funds may be used by the 71321  
Department to develop alternative preparation programs for school 71322  
leaders. 71323

**Section 269.20.70. COMMUNITY SCHOOLS** 71324

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. 71325  
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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. 71329  
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**STEM INITIATIVES** 71338

Of the foregoing appropriation item 200-457, STEM Initiatives, up to \$3,000,000 in each fiscal year shall be provided as grants to STEM schools. 71339  
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Of the foregoing appropriation item 200-457, STEM Initiatives, up to \$3,283,000 in each fiscal year shall be used to support STEM Programs of Excellence. 71342  
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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. 71345  
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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. 71349  
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Of the foregoing appropriation item 200-457, STEM 71354  
Initiatives, \$200,000 in each fiscal year may be used to support 71355  
the Ohio Resource Center for Math and Science. 71356

Of the foregoing appropriation item 200-457, STEM 71357  
Initiatives, up to \$282,000 in each fiscal year shall be used for 71358  
the JASON Expedition project that provides statewide access to 71359  
JASON Expedition content. Funds shall be used to provide 71360  
professional development training for teachers participating in 71361  
the project, statewide management, and a seventy-five per cent 71362  
subsidy for statewide licensing of JASON Expedition content with 71363  
priority given to content aligned with state academic content 71364  
standards for approximately 90,000 middle school students 71365  
statewide. 71366

Of the foregoing appropriation item 200-457, STEM 71367  
Initiatives, \$285,000 in each fiscal year shall be used for 71368  
science initiatives that include, but are not limited to, the Ohio 71369  
Science Institute (OSCI). 71370

**Section 269.20.80. PUPIL TRANSPORTATION** 71371

Of the foregoing appropriation item 200-502, Pupil 71372  
Transportation, up to \$830,624 in fiscal year 2008 and up to 71373  
\$838,930 in fiscal year 2009 may be used by the Department of 71374  
Education for training prospective and experienced school bus 71375  
drivers in accordance with training programs prescribed by the 71376  
Department. Up to \$59,870,514 in fiscal year 2008 and up to 71377  
\$60,469,220 in fiscal year 2009 may be used by the Department of 71378  
Education for special education transportation reimbursements to 71379  
school districts and county MR/DD boards for transportation 71380  
operating costs as provided in division (J) of section 3317.024 of 71381  
the Revised Code. The remainder of appropriation item 200-502, 71382  
Pupil Transportation, shall be used for the state reimbursement of 71383  
public school districts' costs in transporting pupils to and from 71384

the school they attend in accordance with the district's policy, 71385  
State Board of Education standards, and the Revised Code. 71386

Notwithstanding the distribution formula outlined in division 71387  
(D) of section 3317.022 of the Revised Code, each school district 71388  
shall receive an additional one per cent in state funding for 71389  
transportation in fiscal year 2008 over what was received in 71390  
fiscal year 2007, and the local share of transportation costs that 71391  
is used in the calculation of the charge-off supplement under 71392  
section 3317.0216 of the Revised Code and the excess cost 71393  
supplement under division (F) of section 3317.022 of the Revised 71394  
Code for each school district in fiscal year 2008 shall be 71395  
increased by one per cent from that used in calculations in fiscal 71396  
year 2007. 71397

Notwithstanding the distribution formula outlined in division 71398  
(D) of section 3317.022 of the Revised Code, each school district 71399  
shall receive an additional one per cent in state funding for 71400  
transportation in fiscal year 2009 over what was received in 71401  
fiscal year 2008, and the local share of transportation costs that 71402  
is used in the calculation of the charge-off supplement under 71403  
section 3317.0216 of the Revised Code and the excess cost 71404  
supplement under division (F) of section 3317.022 of the Revised 71405  
Code for each school district in fiscal year 2009 shall be 71406  
increased by one per cent from that used in calculations in fiscal 71407  
year 2008. 71408

School districts not receiving state funding for 71409  
transportation in fiscal year 2005 under division (D) of section 71410  
3317.022 of the Revised Code shall not receive state funding for 71411  
transportation in fiscal year 2008 or fiscal year 2009. 71412

**Section 269.20.83.** Not later than December 31, 2008, the 71413  
Department of Education shall complete a study and submit to the 71414  
General Assembly in accordance with section 101.68 of the Revised 71415

Code a report of findings regarding, and legislative and other 71416  
recommendations for enhancing regional collaboration among school 71417  
districts, educational service centers, community schools, and 71418  
nonpublic schools in the provision of pupil transportation. The 71419  
study shall include the role of educational service centers in 71420  
providing pupil transportation. In conducting the study, the 71421  
Department shall consult with the state regional alliance advisory 71422  
board created by section 3312.11 of the Revised Code. 71423

**Section 269.20.90. BUS PURCHASE ALLOWANCE** 71424

The foregoing appropriation item 200-503, Bus Purchase 71425  
Allowance, shall be distributed to school districts, educational 71426  
service centers, and county MR/DD boards pursuant to rules adopted 71427  
under section 3317.07 of the Revised Code. Up to 28 per cent of 71428  
the amount appropriated may be used to reimburse school districts 71429  
and educational service centers for the purchase of buses to 71430  
transport students with disabilities and nonpublic school students 71431  
and to county MR/DD boards, the Ohio School for the Deaf, and the 71432  
Ohio School for the Blind for the purchase of buses to transport 71433  
students with disabilities. 71434

**SCHOOL LUNCH MATCH** 71435

The foregoing appropriation item 200-505, School Lunch Match, 71436  
shall be used to provide matching funds to obtain federal funds 71437  
for the school lunch program. 71438

**Section 269.30.10. ADULT LITERACY EDUCATION** 71439

The foregoing appropriation item 200-509, Adult Literacy 71440  
Education, shall be used to support adult basic and literacy 71441  
education instructional programs and the State Literacy Resource 71442  
Center Program. 71443

Of the foregoing appropriation item 200-509, Adult Literacy 71444  
Education, up to \$488,037 in each fiscal year shall be used for 71445

the support and operation of the State Literacy Resource Center. 71446

Of the foregoing appropriation item 200-509, Adult Literacy 71447  
Education, up to \$175,000 in each fiscal year shall be used for 71448  
state reimbursement to school districts for adult high school 71449  
continuing education programs under section 3313.531 of the 71450  
Revised Code or for costs associated with awarding adult high 71451  
school diplomas under section 3313.611 of the Revised Code. 71452

Of the foregoing appropriation item 200-509, Adult Literacy 71453  
Education, \$130,000 in each fiscal year shall be used to support 71454  
initiatives for English as a Second Language programs. Funding 71455  
shall be distributed as follows: \$60,000 in each fiscal year for 71456  
Jewish Community Federation of Cleveland, \$25,000 in each fiscal 71457  
year for Yassenoff Jewish Community Center of Columbus, \$30,000 in 71458  
each fiscal year for Jewish Family Services of Cincinnati, and 71459  
\$15,000 in each fiscal year for Jewish Family Services of Dayton. 71460

The remainder of the appropriation shall be used to continue 71461  
to satisfy the state match and maintenance of effort requirements 71462  
for the support and operation of the Department of 71463  
Education-administered instructional grant program for adult basic 71464  
and literacy education in accordance with the Department's state 71465  
plan for adult basic and literacy education as approved by the 71466  
State Board of Education and the Secretary of the United States 71467  
Department of Education. 71468

**Section 269.30.20. AUXILIARY SERVICES** 71469

The foregoing appropriation item 200-511, Auxiliary Services, 71470  
shall be used by the Department of Education for the purpose of 71471  
implementing section 3317.06 of the Revised Code. Of the 71472  
appropriation, up to \$2,060,000 in fiscal year 2008 and up to 71473  
\$2,121,800 in fiscal year 2009 may be used for payment of the 71474  
Post-Secondary Enrollment Options Program for nonpublic students. 71475  
Notwithstanding section 3365.10 of the Revised Code, the 71476

Department, in accordance with Chapter 119. of the Revised Code, 71477  
shall adopt rules governing the distribution method for these 71478  
funds. 71479

POSTSECONDARY ADULT CAREER-TECHNICAL EDUCATION 71480

Of the foregoing appropriation item 200-514, Postsecondary 71481  
Adult Career-Technical Education, \$40,000 in each fiscal year 71482  
shall be used for statewide coordination of the activities of the 71483  
Ohio Young Farmers. 71484

The remainder of appropriation item 200-514, Postsecondary 71485  
Adult Career-Technical Education, shall be used by the State Board 71486  
of Education to provide postsecondary adult career-technical 71487  
education under sections 3313.52 and 3313.53 of the Revised Code. 71488

**Section 269.30.30.** GIFTED PUPIL PROGRAM 71489

The foregoing appropriation item 200-521, Gifted Pupil 71490  
Program, shall be used for gifted education units not to exceed 71491  
1,110 in each fiscal year under division (L) of section 3317.024 71492  
and division (F) of section 3317.05 of the Revised Code. 71493

Of the foregoing appropriation item 200-521, Gifted Pupil 71494  
Program, up to \$4,747,000 in fiscal year 2008 and up to \$4,794,470 71495  
in fiscal year 2009 may be used as an additional supplement for 71496  
identifying gifted students under Chapter 3324. of the Revised 71497  
Code. 71498

Of the foregoing appropriation item 200-521, Gifted Pupil 71499  
Program, the Department of Education may expend up to \$1,015,858 71500  
in fiscal year 2008 and up to \$1,026,017 in fiscal year 2009 for 71501  
the Summer Honors Institute, including funding for the Martin 71502  
Essex Program, which shall be awarded through a request for 71503  
proposals process. 71504

NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 71505

The foregoing appropriation item 200-532, Nonpublic 71506

Administrative Cost Reimbursement, shall be used by the Department 71507  
of Education for the purpose of implementing section 3317.063 of 71508  
the Revised Code. 71509

**Section 269.30.40. OHIO CORE SUPPORT** 71510

The foregoing appropriation item 200-536, Ohio Core Support, 71511  
shall be used to support implementation of the Ohio Core Program, 71512  
which requires establishment of a rigorous high school curriculum 71513  
for Ohio's high school students. The Department of Education and 71514  
the Board of Regents shall jointly plan and work collaboratively 71515  
to guide implementation of the Ohio Core Program and to administer 71516  
funding to eligible school districts, fiscal agents, individuals, 71517  
and programs as determined under this section. The Department of 71518  
Education and the Board of Regents shall jointly agree to the 71519  
awarding and expenditure of funds appropriated in this section. 71520

Of the foregoing appropriation item 200-536, Ohio Core 71521  
Support, up to \$2,600,000 in fiscal year 2008 and up to \$3,000,000 71522  
in fiscal year 2009 shall be used to support the participation of 71523  
teachers licensed in Ohio and mid-career professionals not 71524  
currently employed by a school district or chartered nonpublic 71525  
school or licensed to teach at the primary or secondary education 71526  
levels in a twelve-month intensive training program that leads to 71527  
teacher licensure in a laboratory-based science, advanced 71528  
mathematics, or foreign language field at the secondary education 71529  
level and employment with an Ohio school district school 71530  
designated by the Department of Education as a hard to staff 71531  
school. 71532

Of the foregoing appropriation item 200-536, Ohio Core 71533  
Support, up to \$1,500,000 in fiscal year 2008 and up to \$2,100,000 71534  
in fiscal year 2009 shall be used to support alternative teacher 71535  
licensure programs developed by educational service centers in 71536  
partnership with institutions of higher education. Participants 71537

shall be teachers licensed in Ohio and mid-career professionals 71538  
not currently employed by a school district or chartered nonpublic 71539  
school or licensed to teach at the primary or secondary education 71540  
levels. Programs shall support teacher licensure in a 71541  
laboratory-based science, advanced mathematics, or foreign 71542  
language field at the secondary education level and employment 71543  
with an Ohio school district school designated by the Department 71544  
of Education as a hard to staff school. The programs shall be 71545  
consistent with the State Board of Education's alternative 71546  
licensure requirements. 71547

Of the foregoing appropriation item 200-536, Ohio Core 71548  
Support, up to \$3,600,000 in each fiscal year shall be distributed 71549  
to school districts, and to public fiscal agents on behalf of 71550  
chartered nonpublic schools, to be used to obtain contracted 71551  
instruction with institutions of higher education in advanced 71552  
mathematics, laboratory-based science, or foreign language for 71553  
public and chartered nonpublic high school students that results 71554  
in dual high school and college credit. Costs shall be based upon 71555  
reasonable expenses that institutions of higher education could 71556  
incur for faculty, supplies, and other associated costs. 71557

Of the foregoing appropriation item 200-536, Ohio Core 71558  
Support, up to \$5,675,000 in fiscal year 2009 shall be distributed 71559  
to public school districts for supplemental post-secondary 71560  
enrollment option participation. The Partnership for Continued 71561  
Learning shall make program recommendations by October 31, 2007, 71562  
to the Department of Education and the Board of Regents to remove 71563  
school district barriers to participation and improve the quality 71564  
of course offerings, ensuring that credit earned at institutions 71565  
of higher education will apply toward high school graduation 71566  
requirements and associate or baccalaureate degree requirements. 71567  
Eligibility requirements and grant amounts awarded to school 71568  
districts in fiscal year 2009 for the program shall be determined 71569

by criteria established by the Department of Education in 71570  
collaboration with the Board of Regents and the Partnership for 71571  
Continued Learning. 71572

Of the foregoing appropriation item 200-536, Ohio Core 71573  
Support, \$750,000 in fiscal year 2009 shall be used for Advanced 71574  
Placement (AP) Summer Institutes for one hundred fifty English, 71575  
social studies, and foreign language teachers and six hundred 71576  
science and mathematics teachers. 71577

**Section 269.30.50. SPECIAL EDUCATION ENHANCEMENTS** 71578

Of the foregoing appropriation item 200-540, Special 71579  
Education Enhancements, up to \$2,906,875 in each fiscal year shall 71580  
be used for home instruction for children with disabilities; up to 71581  
\$1,462,500 in each fiscal year shall be used for parent mentoring 71582  
programs; and up to \$2,783,396 in each fiscal year may be used for 71583  
school psychology interns. 71584

Of the foregoing appropriation item 200-540, Special 71585  
Education Enhancements, \$750,000 in each fiscal year shall be used 71586  
for the Out of School Initiative of Sinclair Community College. 71587

Of the foregoing appropriation item 200-540, Special 71588  
Education Enhancements, \$200,000 shall be used for a preschool 71589  
special education pilot program in Bowling Green City School 71590  
District. 71591

Of the foregoing appropriation item 200-540, Special 71592  
Education Enhancements, \$200,000 in each fiscal year shall be used 71593  
to support the Bellefaire Jewish Children's Bureau. 71594

Of the foregoing appropriation item 200-540, Special 71595  
Education Enhancements, up to \$82,707,558 in fiscal year 2008 and 71596  
up to \$83,371,505 in fiscal year 2009 shall be distributed by the 71597  
Department of Education to county boards of mental retardation and 71598  
developmental disabilities, educational service centers, and 71599

school districts for preschool special education units and 71600  
preschool supervisory units under section 3317.052 of the Revised 71601  
Code. To the greatest extent possible, the Department of Education 71602  
shall allocate these units to school districts and educational 71603  
service centers. 71604

The Department may reimburse county MR/DD boards, educational 71605  
service centers, and school districts for services provided by 71606  
instructional assistants, related services as defined in rule 71607  
3301-51-11 of the Administrative Code, physical therapy services 71608  
provided by a licensed physical therapist or physical therapist 71609  
assistant under the supervision of a licensed physical therapist 71610  
as required under Chapter 4755. of the Revised Code and Chapter 71611  
4755-27 of the Administrative Code and occupational therapy 71612  
services provided by a licensed occupational therapist or 71613  
occupational therapy assistant under the supervision of a licensed 71614  
occupational therapist as required under Chapter 4755. of the 71615  
Revised Code and Chapter 4755-7 of the Administrative Code. 71616  
Nothing in this section authorizes occupational therapy assistants 71617  
or physical therapist assistants to generate or manage their own 71618  
caseloads. 71619

The Department of Education shall require school districts, 71620  
educational service centers, and county MR/DD boards serving 71621  
preschool children with disabilities to document child progress 71622  
using research-based indicators prescribed by the Department and 71623  
report results annually. The reporting dates and method shall be 71624  
determined by the Department. 71625

Of the foregoing appropriation item 200-540, Special 71626  
Education Enhancements, \$650,000 in each fiscal year shall be used 71627  
for the Collaborative Language and Literacy Instruction Project. 71628  
71629

Of the foregoing appropriation item 200-540, Special 71630  
Education Enhancements, \$325,000 in each fiscal year shall be used 71631

by the Ohio Center for Autism and Low Incidence to contract with 71632  
the Delaware-Union Educational Service Center for the provision of 71633  
autism transition services. 71634

Of the foregoing appropriation item 200-540, Special 71635  
Education Enhancements, \$75,000 in each fiscal year shall be used 71636  
for Leaf Lake/Geauga Educational Assistance Funding. 71637

Of the foregoing appropriation item 200-540, Special 71638  
Education Enhancements, \$650,000 in each fiscal year shall be used 71639  
to support Project More for one-to-one reading mentoring. 71640

The remainder of appropriation item 200-540, Special 71641  
Education Enhancements, shall be used to fund special education 71642  
and related services at county boards of mental retardation and 71643  
developmental disabilities for eligible students under section 71644  
3317.20 of the Revised Code and at institutions for eligible 71645  
students under section 3317.201 of the Revised Code. 71646

**Section 269.30.60. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 71647

Of the foregoing appropriation item 200-545, Career-Technical 71648  
Education Enhancements, up to \$2,509,152 in fiscal year 2008 and 71649  
up to \$2,584,427 in fiscal year 2009 shall be used to fund 71650  
career-technical education units at institutions. 71651

Of the foregoing appropriation item 200-545, Career-Technical 71652  
Education Enhancements, up to \$2,621,507 in each fiscal year shall 71653  
be used by the Department of Education to fund competitive grants 71654  
to tech prep consortia that expand the number of students enrolled 71655  
in tech prep programs. These grant funds shall be used to directly 71656  
support expanded tech prep programs, including equipment, provided 71657  
to students enrolled in school districts, including joint 71658  
vocational school districts, and affiliated higher education 71659  
institutions. 71660

Of the foregoing appropriation item 200-545, Career-Technical 71661

Education Enhancements, up to \$3,401,000 in each fiscal year shall 71662  
be used by the Department of Education to support existing High 71663  
Schools That Work (HSTW) sites, develop and support new sites, 71664  
fund technical assistance, and support regional centers and middle 71665  
school programs. The purpose of HSTW is to combine challenging 71666  
academic courses and modern career-technical studies to raise the 71667  
academic achievement of students. HSTW provides intensive 71668  
technical assistance, focused staff development, targeted 71669  
assessment services, and ongoing communications and networking 71670  
opportunities. 71671

Of the foregoing appropriation item 200-545, Career-Technical 71672  
Education Enhancements, up to \$466,992 in each fiscal year shall 71673  
be allocated for the Ohio Career Information System (OCIS) and 71674  
used for the dissemination of career information data to public 71675  
schools, libraries, rehabilitation centers, two- and four-year 71676  
colleges and universities, and other governmental units. 71677

Of the foregoing appropriation item 200-545, Career-Technical 71678  
Education Enhancements, up to \$300,000 in each fiscal year shall 71679  
be used by the Department of Education to enable students in 71680  
agricultural programs to enroll in a fifth quarter of instruction 71681  
based on the agricultural education model of delivering work-based 71682  
learning through supervised agricultural experience. The 71683  
Department of Education shall determine eligibility criteria and 71684  
the reporting process for the Agriculture 5th Quarter Project and 71685  
shall fund as many programs as possible given the set aside. 71686

**Section 269.30.70. FOUNDATION FUNDING** 71687

The foregoing appropriation item 200-550, Foundation Funding, 71688  
includes \$75,000,000 in each fiscal year for the state education 71689  
aid offset due to the change in public utility valuation as a 71690  
result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd 71691  
General Assembly. This amount represents the total state education 71692

aid offset due to the valuation change for school districts and 71693  
joint vocational school districts from all relevant appropriation 71694  
line item sources. Upon certification by the Department of 71695  
Education, in consultation with the Department of Taxation, to the 71696  
Director of Budget and Management of the actual state aid offset, 71697  
the cash transfer from Fund 053, appropriation item 200-900, 71698  
School District Property Tax Replacement - Utility, shall be 71699  
decreased or increased by the Director of Budget and Management to 71700  
match the certification in accordance with section 5727.84 of the 71701  
Revised Code. 71702

The foregoing appropriation item 200-550, Foundation Funding, 71703  
includes \$58,000,000 in fiscal year 2008 and \$145,000,000 in 71704  
fiscal year 2009 for the state education aid offset because of the 71705  
changes in tangible personal property valuation as a result of Am. 71706  
Sub. H.B. 66 of the 126th General Assembly. This amount represents 71707  
the total state education aid offset because of the valuation 71708  
change for school districts and joint vocational school districts 71709  
from all relevant appropriation item sources. Upon certification 71710  
by the Department of Education of the actual state education aid 71711  
offset to the Director of Budget and Management, the cash transfer 71712  
from Fund 047, appropriation item 200-909, School District 71713  
Property Tax Replacement - Business, shall be decreased or 71714  
increased by the Director of Budget and Management to match the 71715  
certification in accordance with section 5751.21 of the Revised 71716  
Code. 71717

Of the foregoing appropriation item 200-550, Foundation 71718  
Funding, up to \$425,000 shall be expended in each fiscal year for 71719  
court payments under section 2151.357 of the Revised Code; an 71720  
amount shall be available in each fiscal year to fund up to 225 71721  
full-time equivalent approved GRADS teacher grants under division 71722  
(N) of section 3317.024 of the Revised Code; an amount shall be 71723  
available in each fiscal year to make payments to school districts 71724

under division (A)(3) of section 3317.022 of the Revised Code; an 71725  
amount shall be available in each fiscal year to make payments to 71726  
school districts under division (F) of section 3317.022 of the 71727  
Revised Code; and up to \$30,000,000 in each fiscal year shall be 71728  
reserved for payments under sections 3317.026, 3317.027, and 71729  
3317.028 of the Revised Code except that the Controlling Board may 71730  
increase the \$30,000,000 amount if presented with such a request 71731  
from the Department of Education. 71732

Of the foregoing appropriation item 200-550, Foundation 71733  
Funding, up to \$19,770,000 in fiscal year 2008 and up to 71734  
\$20,545,200 in fiscal year 2009 shall be used to provide 71735  
additional state aid to school districts for special education 71736  
students under division (C)(3) of section 3317.022 of the Revised 71737  
Code, except that the Controlling Board may increase these amounts 71738  
if presented with such a request from the Department of Education 71739  
at the final meeting of the fiscal year; up to \$2,000,000 in each 71740  
fiscal year shall be reserved for Youth Services tuition payments 71741  
under section 3317.024 of the Revised Code; and up to \$52,000,000 71742  
in each fiscal year shall be reserved to fund the state 71743  
reimbursement of educational service centers under section 3317.11 71744  
of the Revised Code and the section of this act entitled 71745  
"EDUCATIONAL SERVICE CENTERS FUNDING." An amount shall be 71746  
available for special education weighted funding under division 71747  
(C)(1) of section 3317.022 and division (D)(1) of section 3317.16 71748  
of the Revised Code. 71749

Of the foregoing appropriation item 200-550, Foundation 71750  
Funding, an amount shall be available in each fiscal year to be 71751  
used by the Department of Education for transitional aid for 71752  
school districts and joint vocational school districts. Funds 71753  
shall be distributed under the sections of this act entitled 71754  
"TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 71755  
DISTRICTS" and "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 71756

DISTRICTS." 71757

Of the foregoing appropriation item 200-550, Foundation 71758  
Funding, up to \$1,000,000 in each fiscal year shall be used by the 71759  
Department of Education for a program to pay for educational 71760  
services for youth who have been assigned by a juvenile court or 71761  
other authorized agency to any of the facilities described in 71762  
division (A) of the section of this act entitled "PRIVATE 71763  
TREATMENT FACILITY PROJECT." 71764

Of the foregoing appropriation item 200-550, Foundation 71765  
Funding, up to \$3,700,000 in each fiscal year shall be used for 71766  
school breakfast programs. Of this amount, up to \$900,000 shall be 71767  
used in each fiscal year by the Department of Education to 71768  
contract with the Children's Hunger Alliance to expand access to 71769  
child nutrition programs consistent with the organization's 71770  
continued ability to meet specified performance measures as 71771  
detailed in the contract. Of this amount, the Children's Hunger 71772  
Alliance shall use at least \$150,000 in each fiscal year to 71773  
subcontract with an appropriate organization or organizations to 71774  
expand summer food participation in underserved areas of the 71775  
state, consistent with those organizations' continued ability to 71776  
meet specified performance measures as detailed in the 71777  
subcontracts. The remainder of the appropriation shall be used to 71778  
partially reimburse school buildings within school districts that 71779  
are required to have a school breakfast program under section 71780  
3313.813 of the Revised Code, at a rate decided by the Department. 71781

Of the foregoing appropriation item 200-550, Foundation 71782  
Funding, up to \$8,686,000 in fiscal year 2008 and up to \$8,722,860 71783  
in fiscal year 2009 shall be used to operate the school choice 71784  
program in the Cleveland Municipal School District under sections 71785  
3313.974 to 3313.979 of the Revised Code. 71786

Of the portion of the funds distributed to the Cleveland 71787  
Municipal School District under this section, up to \$11,901,887 in 71788

each fiscal year shall be used to operate the school choice 71789  
program in the Cleveland Municipal School District under sections 71790  
3313.974 to 3313.979 of the Revised Code. 71791

Of the foregoing appropriation item 200-550, Foundation 71792  
Funding, \$3,312,165 in each fiscal year shall be used in 71793  
conjunction with funding appropriated under appropriation item 71794  
200-431, School Improvement Initiatives, to help support districts 71795  
in the development and implementation of their continuous 71796  
improvements plans and provide technical assistance and support in 71797  
accordance with Title I of the No Child Left Behind Act of 2001. 71798

The remaining portion of appropriation item 200-550, 71799  
Foundation Funding, shall be expended for the public schools of 71800  
city, local, exempted village, and joint vocational school 71801  
districts, including base-cost funding, special education speech 71802  
service enhancement funding, career-technical education weight 71803  
funding, career-technical education associated service funding, 71804  
teacher training and experience funding, charge-off supplement, 71805  
and excess cost supplement under sections 3317.022, 3317.023, 71806  
3317.0216, and 3317.16 of the Revised Code. 71807

Appropriation items 200-502, Pupil Transportation, 200-521, 71808  
Gifted Pupil Program, 200-540, Special Education Enhancements, and 71809  
200-550, Foundation Funding, other than specific set-asides, are 71810  
collectively used in each fiscal year to pay state formula aid 71811  
obligations for school districts and joint vocational school 71812  
districts under Chapter 3317. of the Revised Code. The first 71813  
priority of these appropriation items, with the exception of 71814  
specific set-asides, is to fund state formula aid obligations 71815  
under Chapter 3317. of the Revised Code. It may be necessary to 71816  
reallocate funds among these appropriation items or use excess 71817  
funds from other general revenue fund appropriation items in the 71818  
Department of Education's budget in each fiscal year, in order to 71819  
meet state formula aid obligations. If it is determined that it is 71820

necessary to transfer funds among these appropriation items or to 71821  
transfer funds from other General Revenue Fund appropriations in 71822  
the Department of Education's budget to meet state formula aid 71823  
obligations, the Department of Education shall seek approval from 71824  
the Controlling Board to transfer funds as needed. 71825

**Section 269.30.80. TRANSITIONAL AID FOR CITY, LOCAL, AND 71826**  
EXEMPTED VILLAGE SCHOOL DISTRICTS 71827

(A) The Department of Education shall distribute funds within 71828  
appropriation item 200-550, Foundation Funding, for transitional 71829  
aid in each fiscal year to each qualifying city, local, and 71830  
exempted village school district. 71831

For fiscal years 2008 and 2009, the Department shall pay 71832  
transitional aid to each city, local, or exempted village school 71833  
district that experiences any decrease in its SF-3 funding for the 71834  
current fiscal year from its transitional aid guarantee base for 71835  
the current fiscal year. The amount of the transitional aid 71836  
payment shall equal the difference between the district's SF-3 71837  
funding for the current fiscal year and its transitional aid 71838  
guarantee base for the current fiscal year. 71839

(B)(1) Subject to divisions (B)(3) and (C) of this section, 71840  
the transitional aid guarantee base for each city, local, and 71841  
exempted village school district for fiscal year 2008 equals the 71842  
sum of the following as computed for fiscal year 2007, as 71843  
reconciled by the Department: 71844

(a) Base-cost funding under division (A) of section 3317.022 71845  
of the Revised Code; 71846

(b) Special education and related services additional 71847  
weighted funding under division (C)(1) of section 3317.022 of the 71848  
Revised Code; 71849

(c) Speech services funding under division (C)(4) of section 71850

3317.022 of the Revised Code;	71851
(d) Vocational education additional weighted funding under division (E) of section 3317.022 of the Revised Code;	71852 71853
(e) GRADS funding under division (N) of section 3317.024 of the Revised Code;	71854 71855
(f) Adjustments for classroom teachers and educational service personnel under divisions (B), (C), and (D) of section 3317.023 of the Revised Code;	71856 71857 71858
(g) Poverty-Based Assistance under section 3317.029 of the Revised Code;	71859 71860
(h) Gifted education units under division (L) of section 3317.024 and section 3317.05 of the Revised Code;	71861 71862
(i) Transportation under Section 206.09.21 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended;	71863 71864
(j) The excess cost supplement under division (F) of section 3317.022 of the Revised Code;	71865 71866
(k) Parity aid under section 3317.0217 of the Revised Code;	71867
(l) The reappraisal guarantee under division (C) of section 3317.04 of the Revised Code;	71868 71869
(m) The charge-off supplement under section 3317.0216 of the Revised Code;	71870 71871
(n) Transitional aid under Section 206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended.	71872 71873
(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:	71874 71875 71876 71877 71878
(a) Base-cost funding under division (A) of section 3317.022	71879

of the Revised Code;	71880
(b) Special education and related services additional weighted funding under division (C)(1) of section 3317.022 of the Revised Code;	71881 71882 71883
(c) Speech services funding under division (C)(4) of section 3317.022 of the Revised Code;	71884 71885
(d) Vocational education additional weighted funding under division (E) of section 3317.022 of the Revised Code;	71886 71887
(e) GRADS funding under division (N) of section 3317.024 of the Revised Code;	71888 71889
(f) Adjustments for classroom teachers and educational service personnel under divisions (B), (C), and (D) of section 3317.023 of the Revised Code;	71890 71891 71892
(g) Gifted education units under division (L) of section 3317.024 and section 3317.05 of the Revised Code;	71893 71894
(h) Transportation under the section of this act entitled "PUPIL TRANSPORTATION";	71895 71896
(i) The excess cost supplement under division (F) of section 3317.022 of the Revised Code;	71897 71898
(j) The charge-off supplement under section 3317.0216 of the Revised Code;	71899 71900
(k) Transitional aid under this section.	71901
(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.	71902 71903 71904 71905
(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	71906 71907 71908

Education shall substitute "ADM value" for "formula ADM," as the 71909  
latter term was defined in law in effect for the fiscal year for 71910  
which the previous computations were made. 71911

(2) As used in division (C) of this section, "ADM value" 71912  
means the number of students reported by the entity providing 71913  
educational services to those students, as follows: 71914

(a) In the case of students receiving educational services 71915  
from a city, exempted village, or local school district, the 71916  
number reported under division (B) of section 3317.03 of the 71917  
Revised Code; 71918

(b) In the case of students receiving educational services 71919  
from a joint vocational school district, the number reported under 71920  
division (D)(2) of section 3317.03 of the Revised Code; 71921

(c) In the case of students receiving services from a 71922  
community school, the number reported by the community school's 71923  
governing authority under division (B)(2) of section 3314.08 of 71924  
the Revised Code; 71925

(d) In the case of scholarship students receiving services 71926  
from a chartered nonpublic school under a scholarship program 71927  
pursuant to Chapter 3310. of the Revised Code, the number of such 71928  
students reported by the nonpublic school in accordance with 71929  
reporting requirements adopted by the Department for purposes of 71930  
that program. 71931

**Section 269.30.90. TRANSITIONAL AID FOR JOINT VOCATIONAL** 71932  
**SCHOOL DISTRICTS** 71933

(A) The Department of Education shall distribute funds within 71934  
appropriation item 200-550, Foundation Funding, for transitional 71935  
aid in each fiscal year to each joint vocational school district 71936  
that experiences a decrease in its joint vocational funding for 71937  
the current fiscal year from the previous fiscal year. The 71938

Department shall distribute to each such district transitional aid 71939  
in an amount equal to the decrease in the district's joint 71940  
vocational funding from the previous fiscal year. 71941

(B)(1) Subject to divisions (B)(2) and (3) of this section, a 71942  
district's joint vocational funding equals the sum of the 71943  
following: 71944

(a) Base-cost funding under division (B) of section 3317.16 71945  
of the Revised Code; 71946

(b) Special education and related services additional 71947  
weighted funding under division (D)(1) of section 3317.16 of the 71948  
Revised Code; 71949

(c) Speech services funding under division (D)(2) of section 71950  
3317.16 of the Revised Code; 71951

(d) Vocational education additional weighted funding under 71952  
division (C) of section 3317.16 of the Revised Code; 71953

(e) GRADS funding under division (N) of section 3317.024 of 71954  
the Revised Code. 71955

(2) For purposes of calculating transitional aid for fiscal 71956  
year 2008, a district's fiscal year 2007 joint vocational funding 71957  
is the sum of the amounts described in divisions (B)(1)(a) to (e) 71958  
of this section, plus any transitional aid computed for the 71959  
district under Section 206.09.42 of Am. Sub. H.B. 66 of the 126th 71960  
General Assembly, as subsequently amended, as reconciled by the 71961  
Department. For purposes of calculating transitional aid for 71962  
fiscal year 2009, a district's fiscal year 2008 joint vocational 71963  
funding is the sum of the amounts described in divisions (B)(1)(a) 71964  
to (e) of this section, plus any transitional aid computed for the 71965  
district under this section, as reconciled by the Department. 71966

(3) The joint vocational funding for each fiscal year for 71967  
each district is the sum of the amounts specified in divisions 71968

(B)(1)(a) to (e) and (B)(2) of this section less any general 71969  
revenue fund spending reductions ordered by the Governor under 71970  
section 126.05 of the Revised Code. 71971

**Section 269.40.10. LITERACY IMPROVEMENT-CLASSROOM GRANTS** 71972

The foregoing appropriation item 200-566, Literacy 71973  
Improvement-Classroom Grants, shall be disbursed by the Department 71974  
of Education to provide reading improvement grants to public 71975  
schools in city, local, and exempted village school districts; 71976  
community schools; and educational service centers serving 71977  
kindergarten through twelfth grade students to help struggling 71978  
students improve their reading skills, improve reading outcomes in 71979  
low-performing schools, and help close achievement gaps. 71980

**VIOLENCE PREVENTION AND SCHOOL SAFETY** 71981

Of the foregoing appropriation item 200-578, Violence 71982  
Prevention and School Safety, up to \$224,250 in each fiscal year 71983  
shall be used to fund a safe school center to provide resources 71984  
for parents and for school and law enforcement personnel. 71985

The remainder of the appropriation shall be distributed based 71986  
on guidelines developed by the Department of Education to enhance 71987  
school safety. The guidelines shall provide a list of 71988  
research-based best practices and programs from which local 71989  
grantees shall select based on local needs. These practices shall 71990  
include, but not be limited to, school resource officers and safe 71991  
and drug free school coordinators and social-emotional development 71992  
programs. 71993

**Section 269.40.20. PROPERTY TAX ALLOCATION - EDUCATION** 71994

The Superintendent of Public Instruction shall not request, 71995  
and the Controlling Board shall not approve, the transfer of funds 71996  
from appropriation item 200-901, Property Tax Allocation - 71997  
Education, to any other appropriation item. 71998

The appropriation item 200-901, Property Tax Allocation - 71999  
Education, is appropriated to pay for the state's costs incurred 72000  
because of the homestead exemption and the property tax rollback. 72001  
In cooperation with the Department of Taxation, the Department of 72002  
Education shall distribute these funds directly to the appropriate 72003  
school districts of the state, notwithstanding sections 321.24 and 72004  
323.156 of the Revised Code, which provide for payment of the 72005  
homestead exemption and property tax rollback by the Tax 72006  
Commissioner to the appropriate county treasurer and the 72007  
subsequent redistribution of these funds to the appropriate local 72008  
taxing districts by the county auditor. 72009

Appropriation item 200-906, Tangible Tax Exemption - 72010  
Education, is appropriated to pay for the state's costs incurred 72011  
because of the tangible personal property tax exemption required 72012  
by division (C)(3) of section 5709.01 of the Revised Code. In 72013  
cooperation with the Department of Taxation, the Department of 72014  
Education shall distribute to each county treasurer the total 72015  
amount appearing in the notification from the county treasurer 72016  
under division (G) of section 321.24 of the Revised Code, for all 72017  
school districts located in the county, notwithstanding section 72018  
321.24 of the Revised Code insofar as it provides for payment of 72019  
the \$10,000 tangible personal property tax exemption by the Tax 72020  
Commissioner to the appropriate county treasurer for all local 72021  
taxing districts located in the county. Pursuant to division (G) 72022  
of section 321.24 of the Revised Code, the county auditor shall 72023  
distribute the amount paid by the Department of Education among 72024  
the appropriate school districts. 72025

Upon receipt of these amounts, each school district shall 72026  
distribute the amount among the proper funds as if it had been 72027  
paid as real or tangible personal property taxes. Payments for the 72028  
costs of administration shall continue to be paid to the county 72029  
treasurer and county auditor as provided for in sections 319.54, 72030

321.26, and 323.156 of the Revised Code. 72031

Any sums, in addition to the amounts specifically 72032  
appropriated in appropriation items 200-901, Property Tax 72033  
Allocation - Education, for the homestead exemption and the 72034  
property tax rollback payments, and 200-906, Tangible Tax 72035  
Exemption - Education, for the \$10,000 tangible personal property 72036  
tax exemption payments, which are determined to be necessary for 72037  
these purposes, are hereby appropriated. 72038

**Section 269.40.30. TEACHER CERTIFICATION AND LICENSURE 72039**

The foregoing appropriation item 200-681, Teacher 72040  
Certification and Licensure, shall be used by the Department of 72041  
Education in each year of the biennium to administer and support 72042  
teacher certification and licensure activities. 72043

**SCHOOL DISTRICT SOLVENCY ASSISTANCE 72044**

Of the foregoing appropriation item 200-687, School District 72045  
Solvency Assistance, \$9,000,000 in each fiscal year shall be 72046  
allocated to the School District Shared Resource Account and 72047  
\$9,000,000 in each fiscal year shall be allocated to the 72048  
Catastrophic Expenditures Account. These funds shall be used to 72049  
provide assistance and grants to school districts to enable them 72050  
to remain solvent under section 3316.20 of the Revised Code. 72051  
Assistance and grants shall be subject to approval by the 72052  
Controlling Board. Any required reimbursements from school 72053  
districts for solvency assistance shall be made to the appropriate 72054  
account in the School District Solvency Assistance Fund (Fund 72055  
5H3). 72056

Notwithstanding any provision of law to the contrary, upon 72057  
the request of the Superintendent of Public Instruction, the 72058  
Director of Budget and Management may make transfers to the School 72059  
District Solvency Assistance Fund (Fund 5H3) from any Department 72060

of Education-administered fund or the General Revenue Fund to 72061  
maintain sufficient cash balances in the School District Solvency 72062  
Assistance Fund (Fund 5H3) in fiscal years 2008 and 2009. Any 72063  
funds transferred are hereby appropriated. The transferred funds 72064  
may be used by the Department of Education to provide assistance 72065  
and grants to school districts to enable them to remain solvent 72066  
and to pay unforeseeable expenses of a temporary or emergency 72067  
nature that the school district is unable to pay from existing 72068  
resources. The Director of Budget and Management shall notify the 72069  
members of the Controlling Board of any such transfers. 72070

**Section 269.40.40. READING FIRST** 72071

The foregoing appropriation item 200-632, Reading First, 72072  
shall be used by school districts to administer federal diagnostic 72073  
tests as well as other functions permitted by federal statute. 72074  
Notwithstanding section 3301.079 of the Revised Code, federal 72075  
diagnostic tests may be recognized as meeting the state diagnostic 72076  
testing requirements outlined in section 3301.079 of the Revised 72077  
Code. 72078

**HALF-MILL MAINTENANCE EQUALIZATION** 72079

The foregoing appropriation item 200-626, Half-Mill 72080  
Maintenance Equalization, shall be used to make payments pursuant 72081  
to section 3318.18 of the Revised Code. 72082

**Section 269.40.50. START-UP FUNDS** 72083

Funds appropriated for the purpose of providing start-up 72084  
grants to Title IV-A Head Start and Title IV-A Head Start Plus 72085  
agencies in fiscal year 2004 and fiscal year 2005 for the 72086  
provision of services to children eligible for Title IV-A services 72087  
under the Title IV-A Head Start or Title IV-A Head Start Plus 72088  
programs shall be reimbursed to the General Revenue Fund as 72089  
follows: 72090

(A) If, for fiscal year 2008, an entity that was a Title IV-A Head Start or Title IV-A Head Start Plus agency will not be an early learning agency or early learning provider, the entity shall repay the entire amount of the start-up grant it received in fiscal year 2004 and fiscal year 2005 not later than June 30, 2009, in accordance with a payment schedule agreed to by the Department of Education.

(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 72123  
in the early learning program ceases or is terminated. 72124

**Section 269.40.60. AUXILIARY SERVICES REIMBURSEMENT** 72125

Notwithstanding section 3317.064 of the Revised Code, if the 72126  
unobligated cash balance is sufficient, the Treasurer of State 72127  
shall transfer \$1,500,000 in fiscal year 2008 within thirty days 72128  
after the effective date of this section, and \$1,500,000 in fiscal 72129  
year 2009 by August 1, 2008, from the Auxiliary Services Personnel 72130  
Unemployment Compensation Fund to the Department of Education's 72131  
Auxiliary Services Reimbursement Fund (Fund 598). 72132

**Section 269.40.70. LOTTERY PROFITS EDUCATION FUND** 72133

Appropriation item 200-612, Foundation Funding (Fund 017), 72134  
shall be used in conjunction with appropriation item 200-550, 72135  
Foundation Funding (GRF), to provide payments to school districts 72136  
under Chapter 3317. of the Revised Code. 72137

The Department of Education, with the approval of the 72138  
Director of Budget and Management, shall determine the monthly 72139  
distribution schedules of appropriation item 200-550, Foundation 72140  
Funding (GRF), and appropriation item 200-612, Foundation Funding 72141  
(Fund 017). If adjustments to the monthly distribution schedule 72142  
are necessary, the Department of Education shall make such 72143  
adjustments with the approval of the Director of Budget and 72144  
Management. 72145

The Director of Budget and Management shall transfer via 72146  
intrastate transfer voucher the amount appropriated under the 72147  
Lottery Profits Education Fund for appropriation item 200-682, 72148  
Lease Rental Payment Reimbursement, to the General Revenue Fund on 72149  
a schedule determined by the director. These funds shall support 72150  
the appropriation item 230-428, Lease Rental Payments (GRF), of 72151  
the School Facilities Commission. 72152

**Section 269.40.80.** LOTTERY PROFITS EDUCATION RESERVE FUND 72153

(A) There is hereby created the Lottery Profits Education Reserve Fund (Fund 018) in the State Treasury. Investment earnings of the Lottery Profits Education Reserve Fund shall be credited to the fund. The Superintendent of Public Instruction may certify cash balances exceeding \$75,000,000 in the Lottery Profits Education Reserve Fund (Fund 018) to the Director of Budget and Management in June of any given fiscal year. Prior to making the certification, the Superintendent of Public Instruction shall determine whether the funds above the \$75,000,000 threshold are needed to help pay for foundation program obligations for that fiscal year under Chapter 3317. of the Revised Code. If those funds are needed for the foundation program, the Superintendent of Public Instruction shall notify and consult with the Director of Budget and Management to determine the amount that may be transferred to the Public School Building Fund (Fund 021). Upon this determination, the Director of Budget and Management shall transfer the amount from the Lottery Profits Education Reserve Fund (Fund 018) to the Public School Building Fund (Fund 021). The amount transferred is hereby appropriated to appropriation item CAP-622, Public School Buildings.

For fiscal years 2008 and 2009, notwithstanding any provisions of law to the contrary, amounts necessary to make loans authorized by sections 3317.0210, 3317.0211, and 3317.62 of the Revised Code are hereby appropriated to the Lottery Profits Education Reserve Fund (Fund 018). Loan repayments from loans made in previous years shall be deposited to the fund.

(B) On July 15, 2007, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by the Lottery Profits Education Fund

(Fund 017) exceeded \$637,900,000 in fiscal year 2007. The Director 72184  
of Budget and Management may transfer the amount so certified, 72185  
plus the cash balance in Fund 017, to the Lottery Profits 72186  
Education Reserve Fund (Fund 018). 72187

(C) On July 15, 2008, or as soon as possible thereafter, the 72188  
Director of the Ohio Lottery Commission shall certify to the 72189  
Director of Budget and Management the amount by which lottery 72190  
profit transfers received by the Lottery Profits Education Fund 72191  
(Fund 017) exceeded \$657,900,000 in fiscal year 2008. The Director 72192  
of Budget and Management may transfer the amount so certified, 72193  
plus the cash balance in Fund 017, to the Lottery Profits 72194  
Education Reserve Fund (Fund 018). 72195

(D) Any amounts transferred under division (B) or (C) of this 72196  
section may be made available by the Controlling Board in fiscal 72197  
years 2008 or 2009, at the request of the Superintendent of Public 72198  
Instruction, to provide assistance and grants to school districts 72199  
to enable them to remain solvent and to pay unforeseeable expenses 72200  
of a temporary or emergency nature that they are unable to pay 72201  
from existing resources under section 3316.20 of the Revised Code, 72202  
and to provide payments to school districts under Chapter 3317. of 72203  
the Revised Code. 72204

**Section 269.40.90. GENERAL REVENUE FUND TRANSFERS TO SCHOOL 72205**  
DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 047) 72206

Notwithstanding any provision of law to the contrary, in 72207  
fiscal year 2008 and fiscal year 2009 the Director of Budget and 72208  
Management may make temporary transfers between the General 72209  
Revenue Fund and the School District Property Tax Replacement - 72210  
Business Fund (Fund 047) in the Department of Education to ensure 72211  
sufficient balances in the School District Property Tax 72212  
Replacement - Business Fund (Fund 047) and to replenish the 72213  
General Revenue Fund for such transfers. 72214

**Section 269.50.10.** SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - 72215  
BUSINESS 72216

The foregoing appropriation item, 200-909, School District 72217  
Property Tax Replacement - Business, in Fund 047, shall be used by 72218  
the Department of Education, in consultation with the Department 72219  
of Taxation, to make payments to school districts and joint 72220  
vocational school districts under section 5751.21 of the Revised 72221  
Code. If it is determined by the Director of Budget and Management 72222  
that additional appropriations are necessary for this purpose, 72223  
such amounts are hereby appropriated. 72224

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - UTILITY 72225

The foregoing appropriation item 200-900, School District 72226  
Property Tax Replacement-Utility, in Fund 053, shall be used by 72227  
the Department of Education, in consultation with the Department 72228  
of Taxation, to make payments to school districts and joint 72229  
vocational school districts under section 5727.85 of the Revised 72230  
Code. 72231

DISTRIBUTION FORMULAS 72232

The Department of Education shall report the following to the 72233  
Director of Budget and Management and the Legislative Service 72234  
Commission: 72235

(A) Changes in formulas for distributing state 72236  
appropriations, including administratively defined formula 72237  
factors; 72238

(B) Discretionary changes in formulas for distributing 72239  
federal appropriations; 72240

(C) Federally mandated changes in formulas for distributing 72241  
federal appropriations. 72242

Any such changes shall be reported two weeks prior to the 72243  
effective date of the change. 72244

<b>Section 269.50.30. EDUCATIONAL SERVICE CENTERS FUNDING</b>	72245
(A) As used in this section:	72246
(1) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.	72247 72248
(2) "Service center ADM" has the same meaning as in section 3317.11 of the Revised Code.	72249 72250
(B) Notwithstanding division (F) of section 3317.11 of the Revised Code, no funds shall be provided under that division to an educational service center in either fiscal year for any pupils of a city or exempted village school district unless an agreement to provide services under section 3313.843 of the Revised Code was entered into by January 1, 1997, except that funds shall be provided to an educational service center for any pupils of a city school district if the agreement to provide services was entered into within one year of the date upon which such district changed from a local school district to a city school district.	72251 72252 72253 72254 72255 72256 72257 72258 72259 72260
(C) Notwithstanding any provision of the Revised Code to the contrary, an educational service center that sponsors a community school under Chapter 3314. of the Revised Code in either fiscal year may include the students of that community school in its service center ADM for purposes of state funding under division (F) of section 3317.11 of the Revised Code, unless the community school is an Internet- or computer-based community school. A service center shall include the community school students in its service center ADM only to the extent that the students are not already so included, and only in accordance with guidelines issued by the Department of Education. If the students of a community school sponsored by an educational service center are included in the service center ADM of another educational service center, those students shall be removed from the service center ADM of the other educational service center and added to the service center	72261 72262 72263 72264 72265 72266 72267 72268 72269 72270 72271 72272 72273 72274 72275

ADM of the community school's sponsoring service center. The 72276  
General Assembly authorizes this procedure as an incentive for 72277  
educational service centers to take over sponsorship of community 72278  
schools from the State Board of Education as the State Board's 72279  
sponsorship is phased out in accordance with Sub. H.B. 364 of the 72280  
124th General Assembly. No student of an Internet- or 72281  
computer-based community school shall be counted in the service 72282  
center ADM of any educational service center. The Department shall 72283  
pay educational service centers under division (F) of section 72284  
3317.11 of the Revised Code for community school students included 72285  
in their service center ADMs under this division only if 72286  
sufficient funds earmarked within appropriation item 200-550, 72287  
Foundation Funding, for payments under that division remain after 72288  
first paying for students attributable to their local and client 72289  
school districts, in accordance with divisions (B) and (D) of this 72290  
section. 72291

(D) If insufficient funds are earmarked within appropriation 72292  
item 200-550, Foundation Funding, for payments under division (F) 72293  
of section 3317.11 of the Revised Code and division (C) of this 72294  
section in fiscal year 2008 or fiscal year 2009, the Department 72295  
shall prioritize the distribution of the earmarked funds as 72296  
follows: 72297

(1) The Department shall first distribute to each educational 72298  
service center the per-student amount specified in division (F) of 72299  
section 3317.11 of the Revised Code for each student in its 72300  
service center ADM attributable to the local school districts 72301  
within the service center's territory. 72302

(2) The Department shall distribute the remaining funds in 72303  
each fiscal year to each educational service center for the 72304  
students in its service center ADM attributable to each city and 72305  
exempted village school district that had entered into an 72306  
agreement with an educational service center for that fiscal year 72307

under section 3313.843 of the Revised Code by January 1, 1997, up 72308  
to the per-student amount specified in division (F) of section 72309  
3317.11 of the Revised Code. If insufficient funds remain to pay 72310  
each service center the full amount specified in division (F) of 72311  
that section for each such student, the Department shall 72312  
distribute the remaining funds to each service center 72313  
proportionally, on a per-student basis for each such student, 72314  
unless that proportional per-student amount exceeds the amount 72315  
specified in division (F)(1) of that section. In that case, the 72316  
Department shall distribute the per-student amount specified in 72317  
division (F)(1) of that section to each service center for each 72318  
such student and shall distribute the remainder proportionally, on 72319  
a per-student basis for each such student, to the multi-county 72320  
service centers described in division (F)(2) of that section. 72321

(3) If the Department has paid each service center under 72322  
divisions (D)(1) and (2) of this section, the full amount 72323  
specified in division (F) of section 3317.11 of the Revised Code 72324  
for each student attributable to its local school districts and 72325  
its client school districts described in division (D)(2) of this 72326  
section the Department shall distribute any remaining funds 72327  
proportionally, on a per-student basis, to each service center 72328  
that sponsors a community school, other than an Internet- or 72329  
computer-based community school, for the students included in the 72330  
service center ADM under division (C) of this section. These 72331  
payments shall not exceed per student the amount specified in 72332  
division (F) of section 3317.11 of the Revised Code. 72333

**\*Section 269.50.40.** For the school year commencing July 1, 72334  
2007, or the school year commencing July 1, 2008, or both, the 72335  
Superintendent of Public Instruction may waive for the board of 72336  
education of any school district the ratio of teachers to pupils 72337  
in kindergarten through fourth grade required under paragraph 72338  
(A)(3) of rule 3301-35-05 of the Administrative Code if the 72339

following conditions apply:	72340
(A) The board of education requests the waiver.	72341
(B) After the Department of Education conducts an on-site evaluation of the district related to meeting the required ratio, the board of education demonstrates to the satisfaction of the Superintendent of Public Instruction that providing the facilities necessary to meet the required ratio during the district's regular school hours with pupils in attendance would impose an extreme hardship on the district.	72342 72343 72344 72345 72346 72347 72348
(C) The board of education provides assurances that are satisfactory to the Superintendent of Public Instruction that the board will act in good faith to meet the required ratio as soon as possible.	72349 72350 72351 72352
<b>Section 269.50.50. PRIVATE TREATMENT FACILITY PROJECT</b>	72353
(A) As used in this section:	72354
(1) The following are "participating residential treatment centers":	72355 72356
(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;	72357 72358 72359 72360 72361 72362
(b) Abraxas, in Shelby;	72363
(c) Paint Creek, in Bainbridge;	72364
(d) Act One, in Akron;	72365
(e) Friars Club, in Cincinnati.	72366
(2) "Education program" means an elementary or secondary education program or a special education program and related	72367 72368

services. 72369

(3) "Served child" means any child receiving an education 72370  
program pursuant to division (B) of this section. 72371

(4) "School district responsible for tuition" means a city, 72372  
exempted village, or local school district that, if tuition 72373  
payment for a child by a school district is required under law 72374  
that existed in fiscal year 1998, is the school district required 72375  
to pay that tuition. 72376

(5) "Residential child" means a child who resides in a 72377  
participating residential treatment center and who is receiving an 72378  
educational program under division (B) of this section. 72379

(B) A youth who is a resident of the state and has been 72380  
assigned by a juvenile court or other authorized agency to a 72381  
residential treatment facility specified in division (A) of this 72382  
section shall be enrolled in an approved educational program 72383  
located in or near the facility. Approval of the educational 72384  
program shall be contingent upon compliance with the criteria 72385  
established for such programs by the Department of Education. The 72386  
educational program shall be provided by a school district or 72387  
educational service center, or by the residential facility itself. 72388  
Maximum flexibility shall be given to the residential treatment 72389  
facility to determine the provider. In the event that a voluntary 72390  
agreement cannot be reached and the residential facility does not 72391  
choose to provide the educational program, the educational service 72392  
center in the county in which the facility is located shall 72393  
provide the educational program at the treatment center to 72394  
children under twenty-two years of age residing in the treatment 72395  
center. 72396

(C) Any school district responsible for tuition for a 72397  
residential child shall, notwithstanding any conflicting provision 72398  
of the Revised Code regarding tuition payment, pay tuition for the 72399

child for fiscal year 2008 and fiscal year 2009 to the education 72400  
program provider and in the amount specified in this division. If 72401  
there is no school district responsible for tuition for a 72402  
residential child and if the participating residential treatment 72403  
center to which the child is assigned is located in the city, 72404  
exempted village, or local school district that, if the child were 72405  
not a resident of that treatment center, would be the school 72406  
district where the child is entitled to attend school under 72407  
sections 3313.64 and 3313.65 of the Revised Code, that school 72408  
district, notwithstanding any conflicting provision of the Revised 72409  
Code, shall pay tuition for the child for fiscal year 2008 and 72410  
fiscal year 2009 under this division unless that school district 72411  
is providing the educational program to the child under division 72412  
(B) of this section. 72413

A tuition payment under this division shall be made to the 72414  
school district, educational service center, or residential 72415  
treatment facility providing the educational program to the child. 72416

The amount of tuition paid shall be: 72417

(1) The amount of tuition determined for the district under 72418  
division (A) of section 3317.08 of the Revised Code; 72419

(2) In addition, for any student receiving special education 72420  
pursuant to an individualized education program as defined in 72421  
section 3323.01 of the Revised Code, a payment for excess costs. 72422  
This payment shall equal the actual cost to the school district, 72423  
educational service center, or residential treatment facility of 72424  
providing special education and related services to the student 72425  
pursuant to the student's individualized education program, minus 72426  
the tuition paid for the child under division (C)(1) of this 72427  
section. 72428

A school district paying tuition under this division shall 72429  
not include the child for whom tuition is paid in the district's 72430

average daily membership certified under division (A) of section 72431  
3317.03 of the Revised Code. 72432

(D) In each of fiscal years 2008 and 2009, the Department of 72433  
Education shall reimburse, from appropriations made for the 72434  
purpose, a school district, educational service center, or 72435  
residential treatment facility, whichever is providing the 72436  
service, that has demonstrated that it is in compliance with the 72437  
funding criteria for each served child for whom a school district 72438  
must pay tuition under division (C) of this section. The amount of 72439  
the reimbursement shall be the formula amount specified in section 72440  
3317.022 of the Revised Code, except that the department shall 72441  
proportionately reduce this reimbursement if sufficient funds are 72442  
not available to pay this amount to all qualified providers. 72443

(E) Funds provided to a school district, educational service 72444  
center, or residential treatment facility under this section shall 72445  
be used to supplement, not supplant, funds from other public 72446  
sources for which the school district, service center, or 72447  
residential treatment facility is entitled or eligible. 72448

(F) The Department of Education shall track the utilization 72449  
of funds provided to school districts, educational service 72450  
centers, and residential treatment facilities under this section 72451  
and monitor the effect of the funding on the educational programs 72452  
they provide in participating residential treatment facilities. 72453  
The department shall monitor the programs for educational 72454  
accountability. 72455

**Section 269.50.60. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 72456**  
ASSESSMENT OF EDUCATION PROGRESS 72457

The General Assembly intends for the Superintendent of Public 72458  
Instruction to provide for school district participation in the 72459  
administration of the National Assessment of Education Progress in 72460  
accordance with section 3301.27 of the Revised Code. Each school 72461

and school district selected for participation by the 72462  
Superintendent of Public Instruction shall participate. 72463

**Section 269.50.70.** DEPARTMENT OF EDUCATION APPROPRIATION 72464  
TRANSFERS FOR STUDENT ASSESSMENT 72465

In fiscal year 2008 and fiscal year 2009, if the 72466  
Superintendent of Public Instruction determines that additional 72467  
funds are needed to fully fund the requirements of Am. Sub. H.B. 3 72468  
of the 125th General Assembly and this act for assessments of 72469  
student performance, the Superintendent of Public Instruction may 72470  
recommend the reallocation of unspent and unencumbered 72471  
appropriations within the Department of Education to the General 72472  
Revenue Fund appropriation item 200-437, Student Assessment, to 72473  
the Director of Budget and Management. If the Director of Budget 72474  
and Management determines that such a reallocation is required, 72475  
the Director of Budget and Management may transfer unspent and 72476  
unencumbered funds within the Department of Education as necessary 72477  
to appropriation item 200-437, Student Assessment. If these 72478  
unspent and unencumbered funds are not sufficient to fully fund 72479  
the assessment requirements in fiscal year 2008 or fiscal year 72480  
2009, the Superintendent of Public Instruction may request that 72481  
the Controlling Board transfer up to \$9,000,000 cash from the 72482  
Lottery Profits Education Reserve Fund (Fund 018) to the General 72483  
Revenue Fund and appropriate these transferred funds to 72484  
appropriation item 200-437, Student Assessment. 72485

**Section 269.50.80.** (A) As used in this section: 72486

(1) "IEP" has the same meaning as in section 3323.01 of the 72487  
Revised Code. 72488

(2) "SBH student" means a student receiving special education 72489  
and related services for severe behavior disabilities pursuant to 72490  
an IEP. 72491

(B) This section applies only to a community school 72492  
established under Chapter 3314. of the Revised Code that in each 72493  
of fiscal years 2008 and 2009 enrolls a number of SBH students 72494  
equal to at least fifty per cent of the total number of students 72495  
enrolled in the school in the applicable fiscal year. 72496

(C) In addition to any payments made under section 3314.08 of 72497  
the Revised Code, in each of fiscal years 2008 and 2009, the 72498  
Department of Education shall pay to a community school to which 72499  
this section applies a subsidy equal to the difference between the 72500  
aggregate amount calculated and paid in that fiscal year to the 72501  
community school for special education and related services 72502  
additional weighted costs for the SBH students enrolled in the 72503  
school and the aggregate amount that would have been calculated 72504  
for the school for special education and related services 72505  
additional weighted costs for those same students in fiscal year 72506  
2001. If the difference is a negative number, the amount of the 72507  
subsidy shall be zero. 72508

(D) The amount of any subsidy paid to a community school 72509  
under this section shall not be deducted from the school district 72510  
in which any of the students enrolled in the community school are 72511  
entitled to attend school under section 3313.64 or 3313.65 of the 72512  
Revised Code. The amount of any subsidy paid to a community school 72513  
under this section shall be paid from funds appropriated to the 72514  
Department of Education in appropriation item 200-550, Foundation 72515  
Funding. 72516

**Section 269.50.90. EARMARK ACCOUNTABILITY** 72517

At the request of the Superintendent of Public Instruction, 72518  
any entity that receives a budget earmark under the Department of 72519  
Education shall submit annually to the chairpersons of the 72520  
committees of the House of Representatives and the Senate 72521  
primarily concerned with education and to the Department of 72522

Education a report that includes a description of the services 72523  
supported by the funds, a description of the results achieved by 72524  
those services, an analysis of the effectiveness of the program, 72525  
and an opinion as to the program's applicability to other school 72526  
districts. For an earmarked entity that received state funds from 72527  
an earmark in the prior fiscal year, no funds shall be provided by 72528  
the Department of Education to an earmarked entity for a fiscal 72529  
year until its report for the prior fiscal year has been 72530  
submitted. 72531

**Section 269.60.10.** No community school established under 72532  
Chapter 3314. of the Revised Code that was not open for operation 72533  
as of May 1, 2005, shall operate from a home, as defined in 72534  
section 3313.64 of the Revised Code. 72535

**Section 269.60.15.** (A) As used in this section: 72536

(1) "Big eight school district" has the same meaning as in 72537  
section 3314.02 of the Revised Code. 72538

(2) "Early college high school" means a high school that 72539  
provides students with a personalized learning plan based on an 72540  
accelerated curriculum combining high school and college-level 72541  
coursework. 72542

(B) Any early college high school that is operated by a big 72543  
eight school district in partnership with a private university may 72544  
operate as a new start-up community school under Chapter 3314. of 72545  
the Revised Code beginning in the 2007-2008 school year, if all of 72546  
the following conditions are met: 72547

(1) The governing authority and sponsor of the school enter 72548  
into a contract in accordance with section 3314.03 of the Revised 72549  
Code and, notwithstanding division (D) of section 3314.02 of the 72550  
Revised Code, both parties adopt and sign the contract by July 9, 72551  
2007. 72552

(2) Notwithstanding division (A) of section 3314.016 of the Revised Code, the school's governing authority enters into a contract with the private university under which the university will be the school's operator.

(3) The school provides the same educational program the school provided while part of the big eight school district.

**Section 269.60.30. PLAN TO MOVE ADULT EDUCATION PROGRAMS TO BOARD OF REGENTS**

The Board of Regents shall work collaboratively with the Department of Education to identify adult career-technical education programs that shall be transferred to the Board of Regents. The Chancellor of the Board of Regents shall work in consultation with the Department and the various identified programs to develop a plan by July 1, 2008, for the transfer that benefits adult learners by preserving points of access, increasing opportunities, maintaining affordability, and creating a system of uniform quality with the ability to earn credit. The transfer shall be completed by January 1, 2009. The purpose of this programmatic transfer is to better align and maximize the strength and flexibility of the full array of Ohio adult workforce education assets to improve the overall quality of adult education and training program course and training offerings in order to increase the skills and improve the employment prospects of adults.

On or after January 1, 2009, notwithstanding any provision of law to the contrary, the Director of Budget and Management may take the actions described in this section made necessary by the movement of adult career-technical education programs from the Department of Education to the Board of Regents. These actions may include budget changes made necessary by administrative reorganization, program transfers, the creation of new funds, the

creation of new appropriation items, and the consolidation of 72584  
funds. The Director may transfer cash balances between funds as 72585  
needed. At the request of the Director, the Superintendent of 72586  
Public Instruction shall certify to the Director an estimate of 72587  
the amount of the cash balance to be transferred to the receiving 72588  
fund. The Director may transfer the estimated amount to the Board 72589  
of Regents when needed to make payments. Not more than thirty days 72590  
after certifying the estimated amount, the Superintendent of 72591  
Public Instruction shall certify the final amount to the Director. 72592  
The Director then shall transfer the difference between any amount 72593  
previously transferred and the certified final amount. The 72594  
Director may cancel encumbrances and re-establish encumbrances or 72595  
parts of encumbrances as needed in the appropriate fund and 72596  
appropriation item for the same purpose and to the same vendor. 72597  
The funds necessary to re-establish those encumbrances in a 72598  
different fund or appropriation item within or between the Board 72599  
of Regents and the Department of Education are hereby 72600  
appropriated. The Director shall reduce each year's appropriation 72601  
balances by the amount of the encumbrances canceled in their 72602  
respective funds and appropriation items. Any fiscal year 2008 72603  
unencumbered or unallocated appropriation balances may be 72604  
transferred to the appropriate item to be used for the same 72605  
purposes, as determined by the Director. 72606

**Section 269.60.33.** The State Board of Education shall 72607  
initiate rulemaking procedures for the rules for the Special 72608  
Education Scholarship Pilot Program, required under section 72609  
3310.63 of the Revised Code, as enacted by this act, so that those 72610  
rules are in effect by January 31, 2008. 72611

**Section 269.60.36.** The Department of Education shall conduct 72612  
a formative evaluation of the Special Education Scholarship Pilot 72613  
Program established under sections 3310.51 to 3310.63 of the 72614

Revised Code, using both quantitative and qualitative analyses, 72615  
and shall report its findings to the General Assembly not later 72616  
than December 31, 2010. In conducting the evaluation, the 72617  
Department shall to the extent possible gather comments from 72618  
parents who have been awarded scholarships under the program, 72619  
school district officials, representatives of registered private 72620  
providers, educators, and representatives of educational 72621  
organizations for inclusion in the report required under this 72622  
section. 72623

**Section 269.60.60. UNAUDITABLE COMMUNITY SCHOOL** 72624

(A) If the Auditor of State or a public accountant, pursuant 72625  
to section 117.41 of the Revised Code, declares a community school 72626  
established under Chapter 3314. of the Revised Code to be 72627  
unauditable, the Auditor of State shall provide written 72628  
notification of that declaration to the school, the school's 72629  
sponsor, and the Department of Education. The Auditor of State 72630  
also shall post the notification on the Auditor of State's web 72631  
site. 72632

(B) Notwithstanding any provision to the contrary in Chapter 72633  
3314. of the Revised Code or any other provision of law, a sponsor 72634  
of a community school that is notified by the Auditor of State 72635  
under division (A) of this section that a community school it 72636  
sponsors is unauditabile shall not enter into contracts with any 72637  
additional community schools under section 3314.03 of the Revised 72638  
Code until the Auditor of State or a public accountant has 72639  
completed a financial audit of that school. 72640

(C) Not later than forty-five days after receiving 72641  
notification by the Auditor of State under division (A) of this 72642  
section that a community school is unauditabile, the sponsor of the 72643  
school shall provide a written response to the Auditor of State. 72644  
The response shall include the following: 72645

(1) An overview of the process the sponsor will use to review 72646  
and understand the circumstances that led to the community school 72647  
becoming unauditabile; 72648

(2) A plan for providing the Auditor of State with the 72649  
documentation necessary to complete an audit of the community 72650  
school and for ensuring that all financial documents are available 72651  
in the future; 72652

(3) The actions the sponsor will take to ensure that the plan 72653  
described in division (C)(2) of this section is implemented. 72654

(D) If a community school fails to make reasonable efforts 72655  
and continuing progress to bring its accounts, records, files, or 72656  
reports into an auditable condition within ninety days after being 72657  
declared unauditabile, the Auditor of State, in addition to 72658  
requesting legal action under sections 117.41 and 117.42 of the 72659  
Revised Code, shall notify the Department of the school's failure. 72660  
If the Auditor of State or a public accountant subsequently is 72661  
able to complete a financial audit of the school, the Auditor of 72662  
State shall notify the Department that the audit has been 72663  
completed. 72664

(E) Notwithstanding any provision to the contrary in Chapter 72665  
3314. of the Revised Code or any other provision of law, upon 72666  
notification by the Auditor of State under division (D) of this 72667  
section that a community school has failed to make reasonable 72668  
efforts and continuing progress to bring its accounts, records, 72669  
files, or reports into an auditable condition following a 72670  
declaration that the school is unauditabile, the Department shall 72671  
immediately cease all payments to the school under Chapter 3314. 72672  
of the Revised Code and any other provision of law. Upon 72673  
subsequent notification from the Auditor of State under that 72674  
division that the Auditor of State or a public accountant was able 72675  
to complete a financial audit of the community school, the 72676  
Department shall release all funds withheld from the school under 72677

this section. 72678

**Section 269.60.70.** Notwithstanding division (B) of section 72679  
3317.01 of the Revised Code, no joint vocational school district 72680  
shall be denied state payments for fiscal year 2008 because the 72681  
school district's career center was open for instruction during 72682  
fiscal year 2007 for fewer days than required by sections 3313.48, 72683  
3313.481, and 3317.01 of the Revised Code, if the number of days 72684  
the career center was closed in the 2006-2007 school year in 72685  
excess of the number of days it is permitted to be closed for a 72686  
public calamity under division (B) of section 3317.01 of the 72687  
Revised Code does not exceed the number of days in May 2007 in 72688  
which the district closed the career center due to fire damage and 72689  
cancelled instruction to prepare alternate facilities for 72690  
instruction. 72691

**Section 269.60.80.** Not later than October 31, 2007, each 72692  
school district, community school established under Chapter 3314. 72693  
of the Revised Code, and chartered nonpublic school shall report 72694  
to the Department of Education, in a manner prescribed by the 72695  
Department, the number of minutes per week and the number of 72696  
classes per week of physical education provided to students in 72697  
each of grades kindergarten through eight in the 2006-2007 school 72698  
year and scheduled to be provided to students in each of those 72699  
grades in the 2007-2008 school year. 72700

**Section 269.60.90.** If a school district erroneously reported 72701  
data to the Education Management Information System established 72702  
under section 3301.0714 of the Revised Code that showed a zero per 72703  
cent graduation rate for the 2005-2006 school year for the 72704  
district or any building in the district and the district notified 72705  
the Department of Education of the error not later than June 30, 72706  
2007, the Department shall allow the district to report a 72707

corrected graduation rate for that school year and shall include 72708  
the corrected graduation rate on the August 2007 report card 72709  
issued for the district and any affected building under section 72710  
3302.03 of the Revised Code. 72711

**Section 269.70.10.** (A) Notwithstanding section 3313.41 of the 72712  
Revised Code, a school district board of education may sell real 72713  
property that it owns in its corporate capacity directly to a 72714  
community action agency that operates an early childhood education 72715  
program within the territory of the school district, in lieu of 72716  
offering the property for sale at public auction as provided in 72717  
division (A) of that section, in lieu of offering the property for 72718  
sale to an entity listed in division (C) of that section, or in 72719  
lieu of offering the property for sale to a community school as 72720  
provided in division (G) of that section, as long as all of the 72721  
following conditions are satisfied: 72722

(1) The district is a "local" school district as described in 72723  
section 3311.03 of the Revised Code. 72724

(2) The district is a countywide school district in that the 72725  
district comprises most of the territory of one county and most of 72726  
the district's territory lies in one county. 72727

(3) The district is abandoning the property because it is 72728  
acquiring new facilities through one or more state-assisted 72729  
classroom facilities programs under Chapter 3318. of the Revised 72730  
Code. 72731

(4) The property is suitable for use by the community action 72732  
agency for its early childhood education program and for other 72733  
operations of the agency. 72734

(5) The sale is completed on or before February 29, 2008. 72735

(B) As used in this section, "community action agency" has 72736  
the same meaning as in section 122.66 of the Revised Code. 72737

<b>Section 271.10. ELC OHIO ELECTIONS COMMISSION</b>				72738
General Revenue Fund				72739
GRF 051-321 Operating Expenses	\$	411,623	\$ 423,975	72740
TOTAL GRF General Revenue Fund	\$	411,623	\$ 423,975	72741
General Services Fund Group				72742
4P2 051-601 Ohio Elections				72743
Commission Fund	\$	255,000	\$ 255,000	72744
TOTAL GSF General Services Fund	\$	255,000	\$ 255,000	72745
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	666,623	\$ 678,975	72746
<b>Section 273.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL</b>				72748
DIRECTORS				72749
General Services Fund Group				72750
4K9 881-609 Operating Expenses	\$	628,641	\$ 646,602	72751
TOTAL GSF General Services				72752
Fund Group	\$	628,641	\$ 646,602	72753
TOTAL ALL BUDGET FUND GROUPS	\$	628,641	\$ 646,602	72754
<b>Section 275.10. PAY EMPLOYEE BENEFITS FUNDS</b>				72756
Accrued Leave Liability Fund Group				72757
806 995-666 Accrued Leave Fund	\$	69,584,560	\$ 76,038,787	72758
807 995-667 Disability Fund	\$	40,104,713	\$ 39,309,838	72759
TOTAL ALF Accrued Leave Liability				72760
Fund Group	\$	109,689,273	\$ 115,348,625	72761
Agency Fund Group				72762
124 995-673 Payroll Deductions	\$	2,125,000,000	\$ 2,175,000,000	72763
808 995-668 State Employee Health	\$	499,240,000	\$ 550,922,742	72764
Benefit Fund				
809 995-669 Dependent Care	\$	2,969,635	\$ 2,969,635	72765
Spending Account				

810	995-670	Life Insurance	\$	2,113,589	\$	2,229,834	72766
		Investment Fund					
811	995-671	Parental Leave Benefit	\$	3,994,806	\$	4,234,495	72767
		Fund					
813	995-672	Health Care Spending	\$	12,000,000	\$	12,000,000	72768
		Account					
TOTAL	AGY	Agency Fund Group	\$	2,645,318,030	\$	2,747,356,706	72769
TOTAL	ALL BUDGET FUND GROUPS		\$	2,755,007,303	\$	2,862,705,331	72770

ACCRUED LEAVE LIABILITY FUND 72771

The foregoing appropriation item 995-666, Accrued Leave Fund, 72772  
shall be used to make payments from the Accrued Leave Liability 72773  
Fund (Fund 806), pursuant to section 125.211 of the Revised Code. 72774  
If it is determined by the Director of Budget and Management that 72775  
additional amounts are necessary, the amounts are appropriated. 72776

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 72777

The foregoing appropriation item 995-667, Disability Fund, 72778  
shall be used to make payments from the State Employee Disability 72779  
Leave Benefit Fund (Fund 807), pursuant to section 124.83 of the 72780  
Revised Code. If it is determined by the Director of Budget and 72781  
Management that additional amounts are necessary, the amounts are 72782  
appropriated. 72783

PAYROLL WITHHOLDING FUND 72784

The foregoing appropriation item 995-673, Payroll Deductions, 72785  
shall be used to make payments from the Payroll Withholding Fund 72786  
(Fund 124). If it is determined by the Director of Budget and 72787  
Management that additional appropriation amounts are necessary, 72788  
such amounts are hereby appropriated. 72789

STATE EMPLOYEE HEALTH BENEFIT FUND 72790

The foregoing appropriation item 995-668, State Employee 72791  
Health Benefit Fund, shall be used to make payments from the State 72792  
Employee Health Benefit Fund (Fund 808), pursuant to section 72793

124.87 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated.

DEPENDENT CARE SPENDING ACCOUNT

The foregoing appropriation item 995-669, Dependent Care Spending Account, shall be used to make payments from the Dependent Care Spending Account (Fund 809) to employees eligible for dependent care expenses. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated.

LIFE INSURANCE INVESTMENT FUND

The foregoing appropriation item 995-670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 810) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated.

PARENTAL LEAVE BENEFIT FUND

The foregoing appropriation item 995-671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 811) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated.

HEALTH CARE SPENDING ACCOUNT

There is hereby established in the State Treasury the Health Care Spending Account Fund (Fund 813). The foregoing appropriation item 995-672, Health Care Spending Account, shall be used to make payments from the fund. The fund shall be under the supervision of

the Department of Administrative Services and shall be used to 72824  
make payments pursuant to state employees' participation in a 72825  
flexible spending account for non-reimbursed health care expenses 72826  
and pursuant to Section 125 of the Internal Revenue Code. All 72827  
income derived from the investment of the fund shall accrue to the 72828  
fund. If it is determined by the Director of Administrative 72829  
Services that additional appropriation amounts are necessary, the 72830  
Director of Administrative Services may request that the Director 72831  
of Budget and Management increase such amounts. Such amounts are 72832  
hereby appropriated. 72833

At the request of the Director of Administrative Services, 72834  
the Director of Budget and Management shall transfer up to 72835  
\$145,000 from the General Revenue Fund to the Health Care Spending 72836  
Account Fund during fiscal years 2008 and 2009. This cash shall be 72837  
transferred as needed to provide adequate cash flow for the Health 72838  
Care Spending Account Fund during fiscal year 2008 and fiscal year 72839  
2009. If funds are available at the end of fiscal years 2008 and 72840  
2009, the Director of Budget and Management shall transfer cash up 72841  
to the amount previously transferred in the respective year, plus 72842  
interest income, back from the Health Care Spending Account (Fund 72843  
813) to the General Revenue Fund. 72844

**Section 277.10. ERB STATE EMPLOYMENT RELATIONS BOARD** 72845

General Revenue Fund				72846
GRF 125-321 Operating Expenses	\$	3,218,803	\$ 3,355,602	72847
TOTAL GRF General Revenue Fund	\$	3,218,803	\$ 3,355,602	72848
General Services Fund Group				72849
572 125-603 Training and Publications	\$	75,541	\$ 75,541	72850
TOTAL GSF General Services Fund Group	\$	75,541	\$ 75,541	72851
TOTAL ALL BUDGET FUND GROUPS	\$	3,294,344	\$ 3,431,143	72852
				72853

<b>Section 279.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS</b>				72855
General Services Fund Group				72856
4K9 892-609 Operating Expenses	\$	1,058,881	\$ 1,058,881	72857
TOTAL GSF General Services				72858
Fund Group	\$	1,058,881	\$ 1,058,881	72859
TOTAL ALL BUDGET FUND GROUPS				72860
 <b>Section 281.10. EPA ENVIRONMENTAL PROTECTION AGENCY</b>				 72862
General Services Fund Group				72863
199 715-602 Laboratory Services	\$	1,158,574	\$ 1,173,574	72864
219 715-604 Central Support	\$	16,474,276	\$ 17,000,962	72865
Indirect				
4A1 715-640 Operating Expenses	\$	3,369,731	\$ 3,369,731	72866
TOTAL GSF General Services				72867
Fund Group	\$	21,002,581	\$ 21,544,267	72868
Federal Special Revenue Fund Group				72869
3BU 715-684 Water Quality	\$	6,515,000	\$ 6,310,000	72870
Protection				
3F2 715-630 Revolving Loan Fund -	\$	563,536	\$ 775,600	72871
Operating				
3F3 715-632 Federally Supported	\$	2,550,000	\$ 2,550,000	72872
Cleanup and Response				
3F5 715-641 Nonpoint Source	\$	7,550,000	\$ 7,595,000	72873
Pollution Management				
3K4 715-634 DOD Monitoring and	\$	858,250	\$ 898,825	72874
Oversight				
3N4 715-657 DOE Monitoring and	\$	1,071,678	\$ 1,110,270	72875
Oversight				
3T3 715-669 Drinking Water SRF	\$	2,843,923	\$ 2,977,998	72876
3V7 715-606 Agencywide Grants	\$	500,000	\$ 500,000	72877
353 715-612 Public Water Supply	\$	3,388,619	\$ 3,388,618	72878

354	715-614	Hazardous Waste Management - Federal	\$	4,203,891	\$	4,203,891	72879
357	715-619	Air Pollution Control - Federal	\$	6,823,949	\$	6,823,950	72880
362	715-605	Underground Injection Control - Federal	\$	111,874	\$	111,874	72881
TOTAL FED Federal Special Revenue							72882
Fund Group			\$	36,980,720	\$	37,246,026	72883
State Special Revenue Fund Group							72884
4J0	715-638	Underground Injection Control	\$	458,418	\$	458,418	72885
4K2	715-648	Clean Air - Non Title V	\$	3,690,821	\$	4,066,558	72886
4K3	715-649	Solid Waste	\$	13,932,845	\$	14,282,845	72887
4K4	715-650	Surface Water Protection	\$	12,685,000	\$	13,815,000	72888
4K5	715-651	Drinking Water Protection	\$	8,169,553	\$	8,867,732	72889
4P5	715-654	Cozart Landfill	\$	149,728	\$	149,728	72890
4R5	715-656	Scrap Tire Management	\$	6,000,000	\$	6,000,000	72891
4R9	715-658	Voluntary Action Program	\$	1,032,098	\$	1,032,098	72892
4T3	715-659	Clean Air - Title V Permit Program	\$	18,924,098	\$	18,833,584	72893
4U7	715-660	Construction & Demolition Debris	\$	881,561	\$	881,561	72894
5BC	715-617	Clean Ohio	\$	741,646	\$	741,646	72895
5BC	715-622	Local Air Pollution Control	\$	1,026,369	\$	1,026,369	72896
5BC	715-624	Surface Water	\$	8,797,413	\$	8,797,413	72897
5BC	715-667	Groundwater	\$	1,093,741	\$	1,093,741	72898
5BC	715-672	Air Pollution Control	\$	5,199,290	\$	5,199,290	72899
5BC	715-673	Drinking Water	\$	2,550,250	\$	2,550,250	72900

5BC	715-675	Hazardous Waste	\$	100,847	\$	100,847	72901
5BC	715-676	Assistance and Prevention	\$	700,302	\$	700,302	72902
5BC	715-677	Laboratory	\$	1,216,333	\$	1,216,333	72903
5BC	715-678	Corrective Actions	\$	1,179,775	\$	1,179,775	72904
5BT	715-679	C&DD Groundwater Monitoring	\$	571,560	\$	693,267	72905
5BY	715-681	Auto Emissions Test	\$	14,817,105	\$	15,057,814	72906
5CD	715-682	Clean Diesel School Buses	\$	600,000	\$	600,000	72907
5DW	715-683	Automotive Mercury Switch Program	\$	60,000	\$	60,000	72908
5H4	715-664	Groundwater Support	\$	2,503,933	\$	2,715,340	72909
5N2	715-613	Dredge and Fill	\$	30,000	\$	30,000	72910
500	715-608	Immediate Removal Special Account	\$	557,257	\$	573,903	72911
503	715-621	Hazardous Waste Facility Management	\$	11,711,473	\$	12,200,240	72912
505	715-623	Hazardous Waste Cleanup	\$	13,333,179	\$	14,147,498	72913
505	715-674	Clean Ohio Environmental Review	\$	109,725	\$	109,725	72914
541	715-670	Site Specific Cleanup	\$	34,650	\$	34,650	72915
542	715-671	Risk Management Reporting	\$	146,188	\$	146,188	72916
592	715-627	Anti Tampering Settlement	\$	9,707	\$	9,707	72917
6A1	715-645	Environmental Education	\$	1,500,000	\$	1,500,000	72918
602	715-626	Motor Vehicle Inspection and Maintenance	\$	157,697	\$	128,876	72919
644	715-631	ER Radiological Safety	\$	286,114	\$	286,114	72920

660	715-629	Infectious Waste Management	\$	100,000	\$	100,000	72921
676	715-642	Water Pollution Control Loan Administration	\$	4,964,625	\$	4,964,625	72922
678	715-635	Air Toxic Release	\$	210,622	\$	210,622	72923
679	715-636	Emergency Planning	\$	2,628,647	\$	2,628,647	72924
696	715-643	Air Pollution Control Administration	\$	750,000	\$	750,000	72925
699	715-644	Water Pollution Control Administration	\$	750,000	\$	750,000	72926
TOTAL SSR State Special Revenue Fund Group			\$	144,362,570	\$	148,690,706	72927
Clean Ohio Conservation Fund Group							72928
5S1	715-607	Clean Ohio - Operating	\$	208,174	\$	208,174	72929
TOTAL CLF Clean Ohio Conservation Fund Group			\$	208,174	\$	208,174	72930
TOTAL ALL BUDGET FUND GROUPS			\$	202,554,045	\$	207,689,173	72931
AUTOMOBILE EMISSIONS TESTING PROGRAM OPERATION AND OVERSIGHT							72932
On July 1, 2007, or as soon as possible thereafter, if the Governor issues an executive order under division (A) of section 3704.14 of the Revised Code, the Director of Budget and Management shall transfer \$14,817,105 for use in fiscal year 2008 from the General Revenue Fund to the Auto Emissions Test Fund (Fund 5BY).							72933 72934 72935 72936 72937
On July 1, 2008, or as soon as possible thereafter, if the Governor issues a subsequent executive order under division (A) of section 3704.14 of the Revised Code, the Director of Budget and Management shall transfer \$15,057,814 for use in fiscal year 2009 from the General Revenue Fund to the Auto Emissions Test Fund (Fund 5BY).							72938 72939 72940 72941 72942 72943
The Ohio Environmental Protection Agency (EPA) shall use the foregoing appropriation item 715-681, Auto Emissions Test, in the							72944 72945

Auto Emissions Test Fund (Fund 5BY), for the operation, and Ohio EPA's costs for oversight, of the auto emissions testing program. For purposes of continuing testing beyond December 31, 2007, the Governor, annually and by executive order, may extend an existing contract with the contractor who is implementing the testing program pursuant to section 3704.14 of the Revised Code for a period of one year.

The funds identified in this section shall not be used (1) to pay for the testing costs of any dealers to provide certificates for vehicles being purchased by individuals who reside in areas where the E-Check program is operated or (2) to pay for more than one passing or three total free tests for any vehicle in a three-hundred-sixty-five-day period. When state funds may not be used to pay for testing costs, the cost of testing and retesting paid by an individual or a business for any vehicle shall cover the cost of the test. Testing and other fees charged by the contractor shall be submitted to and approved by the Director of Environmental Protection.

WATER QUALITY PROTECTION FUND

On July 1, 2007, or as soon thereafter as possible, the Director of Environmental Protection shall certify to the Director of Budget and Management the cash balance in Fund 3F4, Water Quality Management. The Director of Budget and Management shall transfer the amount certified from Fund 3F4 to Fund 3BU, Water Quality Protection. Any existing encumbrances in appropriation item 715-633, Water Quality Management (Fund 3F4), shall be cancelled and re-established against appropriation item 715-684, Water Quality Protection (Fund 3BU). The amounts of the re-established encumbrances are hereby appropriated, and Fund 3F4 is abolished.

On July 1, 2007, or as soon thereafter as possible, the Director of Environmental Protection shall certify to the Director

of Budget and Management the cash balance in Fund 3J1, Urban Stormwater. The Director of Budget and Management shall transfer the amount certified from Fund 3J1 to Fund 3BU, Water Quality Protection. Any existing encumbrances in appropriation item 715-620, Urban Stormwater (Fund 3J1), shall be cancelled and re-established against appropriation item 715-684, Water Quality Protection (Fund 3BU). The amounts of the re-established encumbrances are hereby appropriated, and Fund 3J1 is abolished.

On July 1, 2007, or as soon thereafter as possible, the Director of Environmental Protection shall certify to the Director of Budget and Management the cash balance in Fund 3J5, Maumee River. The Director of Budget and Management shall transfer the amount certified from Fund 3J5 to Fund 3BU, Water Quality Protection. Any existing encumbrances in appropriation item 715-615, Maumee River (Fund 3J5), shall be cancelled and re-established against appropriation item 715-684, Water Quality Protection (Fund 3BU). The amounts of the re-established encumbrances are hereby appropriated, and Fund 3J5 is abolished.

On July 1, 2007, or as soon thereafter as possible, the Director of Environmental Protection shall certify to the Director of Budget and Management the cash balance in Fund 3K2, Clean Water Act 106 (Fund 3K2). The Director of Budget and Management shall transfer the amount certified from Fund 3K2 to Fund 3BU, Water Quality Protection. Any existing encumbrances in appropriation item 715-628, Clean Water Act 106, shall be cancelled and re-established against appropriation item 715-684, Water Quality Protection (Fund 3BU). The amounts of the re-established encumbrances are hereby appropriated, and Fund 3K2 is abolished.

On July 1, 2007, or as soon thereafter as possible, the Director of Environmental Protection shall certify to the Director of Budget and Management the cash balance in Fund 3K6, Remedial Action Plan. The Director of Budget and Management shall transfer

the amount certified from Fund 3K6 to Fund 3BU, Water Quality 73010  
Protection. Any existing encumbrances in appropriation item 73011  
715-639, Remedial Action Plan (Fund 3K6), shall be cancelled and 73012  
re-established against appropriation item 715-684, Water Quality 73013  
Protection (Fund 3BU). The amounts of the re-established 73014  
encumbrances are hereby appropriated, and Fund 3K6 is abolished. 73015

On July 1, 2007, or as soon thereafter as possible, the 73016  
Director of Environmental Protection shall certify to the Director 73017  
of Budget and Management the cash balance in Fund 352, Wastewater 73018  
Pollution. The Director of Budget and Management shall transfer 73019  
the amount certified from Fund 352 to Fund 3BU, Water Quality 73020  
Protection. Any existing encumbrances in appropriation item 73021  
715-611, Wastewater Pollution (Fund 352), shall be cancelled and 73022  
re-established against appropriation item 715-684, Water Quality 73023  
Protection (Fund 3BU). The amounts of the re-established 73024  
encumbrances are hereby appropriated, and Fund 352 is abolished. 73025

On July 1, 2007, or as soon thereafter as possible, the 73026  
Director of Environmental Protection shall certify to the Director 73027  
of Budget and Management the cash balance in Fund 358, 205-J 73028  
Federal Planning. The Director of Budget and Management shall 73029  
transfer the amount certified from Fund 358 to Fund 3BU, Water 73030  
Quality Protection. Any existing encumbrances in appropriation 73031  
item 715-625, 205-J Federal Planning (Fund 358), shall be 73032  
cancelled and re-established against appropriation item 715-684, 73033  
Water Quality Protection (Fund 3BU). The amounts of the 73034  
re-established encumbrances are hereby appropriated, and Fund 358 73035  
is abolished. 73036

AREAWIDE PLANNING AGENCIES 73037

The Director of the Environmental Protection Agency shall use 73038  
the foregoing appropriation item 715-624, Surface Water, to 73039  
contract with areawide planning agencies in an amount not to 73040  
exceed \$75,000 per agency per fiscal year for areawide water 73041

quality management and planning activities in accordance with 73042  
 Section 208 of the Federal Clean Water Act, 33 U.S.C. 1288. 73043

CASH TRANSFER FOR AUTOMOTIVE MERCURY SWITCH PROGRAM 73044

Upon the request of the Director of Environmental Protection, 73045  
 the Director of Budget and Management shall transfer up to \$60,000 73046  
 in cash from the Environmental Protection Fund (Fund 5BC) to the 73047  
 Automotive Mercury Switch Program Fund (Fund 5DW), in each year of 73048  
 the fiscal years 2008-2009 biennium. 73049

**Section 283.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION** 73050

General Revenue Fund 73051

GRF 172-321 Operating Expenses	\$	483,859	\$	487,000	73052
TOTAL GRF General Revenue Fund	\$	483,859	\$	487,000	73053
TOTAL ALL BUDGET FUND GROUPS	\$	483,859	\$	487,000	73054

**Section 285.10. ETC ETECH OHIO** 73056

General Revenue Fund 73057

GRF 935-321 Operations	\$	6,830,918	\$	6,830,921	73058
GRF 935-401 Statehouse News Bureau	\$	244,400	\$	244,400	73059
GRF 935-402 Ohio Government	\$	716,417	\$	716,417	73060
Telecommunications					
Services					
GRF 935-403 Technical Operations	\$	3,597,390	\$	3,597,390	73061
GRF 935-404 Telecommunications	\$	4,632,413	\$	4,632,413	73062
Operating Subsidy					
GRF 935-406 Technical and	\$	6,285,351	\$	6,272,351	73063
Instructional					
Professional					
Development					
GRF 935-539 Educational Technology	\$	4,139,551	\$	4,139,551	73064
TOTAL GRF General Revenue Fund	\$	26,446,440	\$	26,433,443	73065

General Services Fund Group 73066

4F3	935-603	Affiliate Services	\$	1,000,000	\$	1,000,000	73067
4T2	935-605	Government	\$	25,000	\$	25,000	73068
		Television/Telecommunications					
		Operating					
5D4	935-640	Conference/Special	\$	1,821,817	\$	1,821,817	73069
		Purposes					
TOTAL	GSF	General Services Fund	\$	2,846,817	\$	2,846,817	73070
		Group					
		Federal Special Revenue Fund Group					73071
3S3	935-606	Enhancing Education	\$	589,363	\$	589,363	73072
		Technology					
TOTAL	FED	Federal Special Revenue	\$	589,363	\$	589,363	73073
		Fund Group					
		State Special Revenue Fund Group					73074
4W9	935-630	Telecommunity	\$	25,000	\$	25,000	73075
4X1	935-634	Distance Learning	\$	50,000	\$	50,000	73076
5T3	935-607	Gates Foundation	\$	200,000	\$	200,000	73077
		Grants					
TOTAL	SSR	State Special Revenue	\$	275,000	\$	275,000	73078
		Fund Group					
TOTAL	ALL BUDGET FUND GROUPS		\$	30,157,620	\$	30,144,623	73079

**Section 285.30. TELECOMMUNICATIONS** 73081

**STATEHOUSE NEWS BUREAU** 73082

The foregoing appropriation item 935-401, Statehouse News 73083  
 Bureau, shall be used solely to support the operations of the Ohio 73084  
 Statehouse News Bureau. 73085

**OHIO GOVERNMENT TELECOMMUNICATIONS STUDIO** 73086

The foregoing appropriation item 935-402, Ohio Government 73087  
 Telecommunications Services, shall be used solely to support the 73088  
 operations of Ohio Government Telecommunications Services. 73089

TECHNICAL OPERATIONS 73090

The foregoing appropriation item 935-403, Technical 73091  
Operations, shall be used by eTech Ohio to pay expenses of eTech 73092  
Ohio's network infrastructure, which includes the television and 73093  
radio transmission infrastructure and infrastructure that shall 73094  
link all public K-12 classrooms to each other and the Internet, 73095  
and provide access to voice, video, and data educational resources 73096  
for students and teachers. 73097

TELECOMMUNICATIONS OPERATING SUBSIDY 73098

Of the foregoing appropriation item 935-404, 73099  
Telecommunications Operating Subsidy, \$45,000 in each fiscal year 73100  
shall be used to contract for dial-up newspaper reading services 73101  
for the blind and physically handicapped. The contract shall be 73102  
awarded subject to Controlling Board approval, through a 73103  
competitive bidding process. 73104

Of the foregoing appropriation item 935-404, 73105  
Telecommunications Operating Subsidy, \$1,000,000 in each fiscal 73106  
year shall be used to support the conversion of Ohio's public 73107  
educational television stations from analog to federally mandated 73108  
digital broadcasting technology. 73109

Funds appropriated to support the conversion to digital 73110  
technology shall be distributed by eTech Ohio to the Ohio 73111  
educational television stations according to a formula agreed to 73112  
by the stations. 73113

The remainder of appropriation item 935-404, 73114  
Telecommunications Operating Subsidy, shall be distributed by 73115  
eTech Ohio to Ohio's qualified public educational television 73116  
stations, radio reading services, and educational radio stations 73117  
to support their operations. The funds shall be distributed 73118  
pursuant to an allocation formula used by the Ohio Educational 73119  
Telecommunications Network Commission unless and until a 73120

substitute formula is developed by eTech Ohio in consultation with 73121  
Ohio's qualified public educational television stations, radio 73122  
reading services, and educational radio stations. 73123

**Section 285.40. TECHNICAL AND INSTRUCTIONAL PROFESSIONAL 73124**  
DEVELOPMENT 73125

The foregoing appropriation item 935-406, Technical and 73126  
Instructional Professional Development, shall be used by eTech 73127  
Ohio to make grants or provide services to qualifying public 73128  
schools, including the State School for the Blind, the State 73129  
School for the Deaf, and the Department of Youth Services, for the 73130  
provision of hardware, software, telecommunications services, and 73131  
staff development to support educational uses of technology in the 73132  
classroom. 73133

Of the foregoing appropriation item 935-406, Technical and 73134  
Instructional Professional Development, up to \$200,000 in each 73135  
fiscal year shall be used by eTech Ohio to provide competitive 73136  
professional development grants to school districts. Grant 73137  
proposals shall focus on developing innovative programs that 73138  
enhance the abilities of teachers to use innovative methods for 73139  
integrating technology to implement state academic content 73140  
standards in classroom lessons. Grant requirements and awards 73141  
shall be approved by eTech Ohio, with priority given to school 73142  
districts designated in academic emergency, academic watch, or 73143  
continuous improvement. eTech Ohio shall develop a web site to 73144  
share information learned through these programs with school 73145  
districts statewide. The web site shall be linked with the Ohio 73146  
Department of Education's Instructional Management System. 73147

Of the foregoing appropriation item 935-406, Technical and 73148  
Instructional Professional Development, up to \$1,260,000 in each 73149  
fiscal year shall be allocated equally among the 12 Ohio 73150  
educational television stations and used with the advice and 73151

approval of eTech Ohio. Funds shall be used for the production of 73152  
interactive instructional programming series with priority given 73153  
to resources aligned with state academic content standards in 73154  
consultation with the Ohio Department of Education and for 73155  
teleconferences to support eTech Ohio. The programming shall be 73156  
targeted to the needs of the poorest two hundred school districts 73157  
as determined by the district's adjusted valuation per pupil as 73158  
defined in former section 3317.0213 of the Revised Code as that 73159  
section existed prior to June 30, 2005. 73160

The remainder of appropriation item 935-406, Technical and 73161  
Instructional Professional Development, shall be used by eTech 73162  
Ohio for professional development for teachers and administrators 73163  
for the use of educational technology. eTech Ohio may make grants 73164  
to provide technical assistance and professional development on 73165  
the use of educational technology to school districts. 73166

Eligible recipients of grants include regional training 73167  
centers, educational service centers, information technology 73168  
centers, educational technology centers, institutions of higher 73169  
education, public television stations, special education resource 73170  
centers, area media centers, or other nonprofit educational 73171  
organizations. In addition, services provided through these grants 73172  
may include use of private entities subcontracting through the 73173  
grant recipient. 73174

Grants shall be made to entities on a contractual basis with 73175  
eTech Ohio. Contracts shall include provisions that demonstrate 73176  
how services will benefit technology use in the public schools, 73177  
and in particular how services will support eTech Ohio's efforts 73178  
to integrate technology in the public schools. Contracts shall 73179  
specify the scope of assistance being offered and the potential 73180  
number of professionals who will be served. Contracting entities 73181  
may be awarded more than one grant at a time. Grants shall be 73182  
awarded in a manner consistent with the goals and priorities of 73183

eTech Ohio. Special emphasis in the award of grants shall be placed on collaborative efforts among service providers.

Application for grants from appropriation item 935-406, Technical and Instructional Professional Development, shall be consistent with a school district's technology plan that shall meet the minimum specifications for school district technology plans as prescribed by eTech Ohio. Funds allocated through these grants may be combined with funds received through other state or federal grants for technology so long as the school district's technology plan specifies the use of these funds.

**Section 285.50. EDUCATIONAL TECHNOLOGY**

The foregoing appropriation item 935-539, Educational Technology, shall be used to provide funding to suppliers of information services to school districts for the provision of hardware, software, and staff development in support of educational uses of technology in the classroom as prescribed by the State Plan for Technology pursuant to section 3301.07 of the Revised Code, and to support assistive technology for children and youth with disabilities.

eTech Ohio shall contract with educational television to provide Ohio public schools with instructional resources and services with priority given to resources and services aligned with state academic content standards and such resources and services shall be based upon the advice and approval of eTech Ohio, based on a formula used by the Ohio SchoolNet Commission unless and until a substitute formula is developed by eTech Ohio in consultation with Ohio's educational technology agencies and noncommercial educational television stations.

Resources may include, but not be limited to, the following: prerecorded video materials (including videotape, laser discs, and CD-ROM discs); computer software for student use or student access

to electronic communication, databases, spreadsheet, and word 73215  
processing capability; live student courses or courses delivered 73216  
electronically; automated media systems; and instructional and 73217  
professional development materials for teachers. eTech Ohio shall 73218  
collaborate with public television stations and cooperate with 73219  
education technology agencies in the acquisition, development, and 73220  
delivery of these educational resources to ensure high-quality and 73221  
educational soundness at the lowest possible cost. Delivery of 73222  
these resources may utilize a variety of technologies with a 73223  
preference given to a high speed integrated network that can 73224  
transport video, voice, data, and graphics simultaneously. 73225

Services shall include presentations and technical assistance 73226  
that will help students and teachers integrate educational 73227  
materials that support curriculum objectives, match specific 73228  
learning styles, and are appropriate for individual interests and 73229  
ability levels. 73230

The instructional resources and services shall be made 73231  
available for purchase by chartered nonpublic schools or by school 73232  
districts for the benefit of pupils attending chartered nonpublic 73233  
schools. 73234

eTech Ohio shall monitor the developments of technology, 73235  
coordinate with the Office of Information Technology, and assure 73236  
the most effective and highest quality operation of eTech Ohio 73237  
networks. All efforts may be aligned with the State's ongoing 73238  
efforts to coordinate appropriate network operations through the 73239  
Office of Information Technology and through the Third Frontier 73240  
Network. 73241

**Section 285.55.** (A) The Governor is hereby authorized to 73242  
execute deeds or leases in the name of the state, granting or 73243  
leasing all of the state's right, title, and interest in eighteen 73244  
parcels on which stand eTech Ohio towers, the parcels being 73245

particularly described as follows: 73246

Akron/Nimisila 73247

Situated in the Township of Green, County of Summit, State of Ohio 73248  
being part of the Southwest Quarter Section Eighteen (18) of 73249  
Township Twelve North (T-12-N), Range Nine West (R-9-W), more 73250  
particularly bounded and described as follows: 73251

Commencing at the Point of Intersection of the centerline of South 73252  
Main Street (County Highway 50) with the centerline of Caston Road 73253  
(County Highway 224); thence South 49 07' 20" East along and with 73254  
the centerline of said Caston Road a distance of 394.15 feet to an 73255  
iron pin; thence continuing South 49 07' 20" East a distance of 73256  
300 feet to an iron pin at a PI of the centerline of said Caston 73257  
Road; thence South 38 05' 26" East a distance of 138.82 feet to an 73258  
iron pin at the True Place of Beginning of the parcel of land 73259  
hereinafter described: 73260

    Thence, South 50° 22' 26" East a distance of 50 feet to an 73261  
iron pin; 73262

    Thence, South 9° 37' 34" West a distance of 591.62 feet to an 73263  
iron pin; 73264

    Thence, South 69° 37' 34" West a distance of 50 feet to an 73265  
iron pin; 73266

    Thence, North 49° 22' 19" West a distance of 558.17 feet to 73267  
an iron pin; 73268

    Thence, North 9° 37' 34" East a distance of 50 feet to an 73269  
iron pin; 73270

    Thence, North 67° 37' 34" East a distance of 558.17 feet to 73271  
the True Place of Beginning, containing 4.38 acres, to be the same 73272  
more or less, according to survey by Justin A Seiler, Registered 73273  
Surveyor #4421, on March 20, 1974, but subject to all legal 73274  
highways. 73275

Butler 73276

County of Richland in the State of Ohio, and bounded and described 73277  
as follows: Situated in the Township of Jefferson, County of 73278  
Richland, State of Ohio and being a part of the Southeast Quarter 73279  
of the Southeast Quarter Section Twenty-three (23) of Township 73280  
Nineteen (19), Range Eighteen (18), more particularly bounded and 73281  
described as follows: 73282

Commencing at the Southeast Corner of said Southeast Quarter 73283  
Section 23; thence Northerly along and with the East Line of said 73284  
Quarter a distance of 80 Rods to the Northeast corner of said 73285  
Southeast Quarter of the Southeast Quarter Section 23; thence 73286  
Westerly parallel with the South Line of said Quarter a distance 73287  
of 202.5 feet to the True Place of Beginning; 73288

THENCE, continuing Westerly parallel with said South Line a 73289  
distance of 688 feet to an iron pin; 73290

THENCE, Southerly with an interior angle of 90° a distance of 763 73291  
feet to an iron pin; 73292

THENCE, Easterly with an interior angle of 90° a distance of 688 73293  
feet to an iron pin; 73294

THENCE, Northerly with an interior angle of 90° a distance of 763 73295  
feet to the True Place of Beginning, containing 12.05 acres, be 73296  
the same more or less, according to survey by Justin A. Seiler, 73297  
Registered Surveyor #4421, on March 12, 1974. 73298

Carey 73299

Being a tract of land in Section 28, Range 13E, Township 15, 73300  
Crawford Township, Wyandot County, State of Ohio which is further 73301  
described as follows: 73302

Beginning at a point on the north line of Section 28 which line is 73303  
also the center line of Count road 25 (also known as Tyson Road) 73304  
which point is South 89° 53' 11" East long the said north line of 73305

Section 28, a distance of two hundred sixty-one and ninety 73306  
hundredths (261.90) feet from the northwest corner of said Section 73307  
28 said corner also being the intersection of the center line of 73308  
County Road 97 and said County Road 25; 73309

Thence, along the said north line of Section 28 North  $89^{\circ} 53' 30''$  73310  
East, a distance of four hundred thirty-one and seventy-one 73311  
hundredths (431.71) feet to a point; 73312

Thence, South  $3^{\circ} 42' 00''$  West, a distance of twenty and four 73313  
hundredths (20.04) feet to a concrete monument; 73314

Thence, continuing South  $3^{\circ} 42' 00''$  West, a distance of seven 73315  
hundred sixty-nine and fifty-four hundredths (769.54) feet to a 73316  
concrete monument; 73317

Thence, North  $62^{\circ} 09' 49''$  West, a distance of five hundred 73318  
ninety-five and four hundredths (595.04) feet to a concrete 73319  
monument; 73320

Thence, North  $4^{\circ} 53' 19''$  West, a distance of four hundred 73321  
thirty-six and seventy-five hundredths (436.75) feet to a concrete 73322  
monument; 73323

Thence, North  $73^{\circ} 29' 57''$  East, a distance of one hundred ninety 73324  
and fifty-four hundredths (190.54) feet to a concrete monument; 73325

Thence, North  $0^{\circ} 06' 30''$  West, a distance of twenty and no 73326  
hundredths (20.00) feet to the point of beginning. 73327

Carmel Church 73328

Township of Bloomfield, in the County of Jackson, and State of 73329  
Ohio. 73330

Being a tract of land in the Southeast Quarter of Section 35 in 73331  
Range 17W, Township 8N, Bloomfield Township, Jackson County, Ohio 73332  
which is further described as follows: 73333

Beginning at a point in the center line of Township Road 144 which 73334  
point is located by the following two (2) courses from the 73335

northwest corner of the said Southeast Quarter of Section 35; 73336

(1) South 4° 24 feet West along the west line of the said 73337  
Southeast Quarter of Section 35, a distance of one hundred 73338  
thirty-one and four tenths (131.4) feet to a point in the said 73339  
center line of Township Road 144; 73340

(2) South 65° 11 feet East along the said center line of 73341  
Township Road 144, a distance of five hundred eighty-five and no 73342  
hundredths (585.00) feet to said beginning point; 73343

Thence, South 4° 24 feet West, a distance of thirty-two and one 73344  
hundredth (32.01) feet to a concrete monument; 73345

thence, continuing South 4° 24 feet West, a distance of six 73346  
hundred forty-two and forty hundredths (642.40) feet to a concrete 73347  
monument; 73348

thence, continuing South 4° 24 feet West, a distance of thirty-two 73349  
and two hundredths (32.02) feet to a point in the County Road 46; 73350

thence, North 73° 56 feet East being in County Road 46, a distance 73351  
of one thousand eleven and forty-nine hundredths (1,011.49) feet 73352  
to a point in the aforementioned center line of Township Road 144; 73353

thence, North 65° 11 feet West along the said center line of 73354  
County Road 144, a distance of one thousand eleven and seventeen 73355  
hundredths (1,011.17) feet to the point of the beginning. 73356

This tract contains seven and six hundred eight-two thousandths 73357  
(7.682) acres, more or less. 73358

Celina 73359

TRACT ONE 73360

Being a parcel of land situated in Jefferson Township, Mercer 73361  
County, Ohio in the northeast quarter of the northeast quarter of 73362  
Section 4, Township 6 South, Range 3 East. Being more particularly 73363  
described as follows: 73364

Commencing for reference at a 5/8 inch iron bar at the northeast corner of said section 4 73365  
73366

Thence, south 00° 50' 10" west, along the east line of said section 4 and the centerline of Dibble Road, a distance of thirty (30.00) feet to the south line of the Norfolk and Western Railroad Right-of Way. Said point being the place of beginning for the parcel to be described herein 73367  
73368  
73369  
73370  
73371

Thence, continuing south 00° 50' 10" west along the last described line, a distance of two hundred thirty-eight and 50/100 (238.50) feet to a point 73372  
73373  
73374

Thence, north 89° 05' 33" west, a distance of two hundred sixty-seven and 91/100 (267.91) feet to a point 73375  
73376

Thence, north 00° 50' 10" east, a distance of two hundred thirty-eight and 51/100 (238.50) feet to the south line of the aforementioned Norfolk the Western Railroad right-of-way 73377  
73378  
73379

Thence, south 89° 05' 33" east, along said south right-of-way, a distance of two hundred sixty-seven and 91/100 (267.91) feet to the place of beginning 73380  
73381  
73382

Containing 1.467 acres of land more or less. 73383

TRACT TWO 73384

Being a parcel of land situated in Jefferson Township, Mercer County, Ohio in the northwest quarter of the northeast quarter of Section 3, Township 6 South, Range 3 East. Being more particularly described as follows: 73385  
73386  
73387  
73388

Commencing for reference at a 5/8 inch iron bar at the northwest corner of said section 3 73389  
73390

Thence, south 00° 50' 10" west, along the east line of said section 3 and the centerline of Dibble Road, a distance of fifty (50.00) feet to the south line of the Norfolk and Western Railroad Right-of-Way. Said point being the place of beginning for the 73391  
73392  
73393  
73394

parcel to be described herein 73395

Thence, continuing south 00° 50' 10" west along the last described 73396  
line, a distance of Five Hundred eighty-two and 50/100 (582.50) 73397  
feet to a point 73398

Thence, north 89° 05' 33" east, a distance of three hundred 73399  
sixty-seven and 91/100 (367.91) feet to a point 73400

Thence, north 00° 50' 10" east, a distance of five hundred 73401  
eighty-two and 50/100 (582.50) feet to the south line of the 73402  
aforementioned Norfolk and Western Railroad right-of-way 73403

Thence, north 89° 05' 33" west, along said south right-of-way, a 73404  
distance of three hundred sixty-seven and 91/100 (367.91) feet to 73405  
the place of beginning 73406

Containing 4.920 acres of land more or less. 73407

College Corner/Oxford 73408

Situate in the State of Ohio, Butler County, Oxford Township, 73409  
being a part of Section 5, Range 1 East, Township 5 North, 73410  
Congress Lands West of the Miami, also being a parcel out of those 73411  
lands conveyed to Miami University by Deed of Record in Deed Book 73412  
965, Page 42, Recorder's Office, Butler County, Ohio and being a 73413  
lease for a radio broadcasting antenna tower and the necessary guy 73414  
and anchor structures, more particularly described as follows: 73415

Beginning for reference at the northwest corner of Section 5, 73416  
Range 1 East, Township 5 North, Congress Lands West of the Miami, 73417  
said point also being at the intersection of Jones Road and Taylor 73418  
Road and in the Preble-Butler County Line; thence leaving said 73419  
County Line, said Jones road and with the centerline of said 73420  
Taylor Road and the west line of said Section 5, South 00° 05' 73421  
West 3619.2 feet to a point, said point being the northwesterly 73422  
corner of the 14.01 acre tract as conveyed in said Deed Book 695, 73423  
Page 42,; thence leaving the centerline of said Taylor Road and 73424

the west line of said Section 5 and with a northerly line of said 73425  
14.01 acre parcel South 89 degrees 55' East 356.8 feet to a point; 73426  
thence leaving the northerly line of said 14.01 acre parcel and 73427  
crossing said 14.01 acre parcel South 00° 05' West 40.00 feet to a 73428  
point; thence continuing across said 14.01 acre parcel North 87° 73429  
53' East 386.5 feet to the center of an existing antenna tower and 73430  
the True Point of Beginning of the herein described leases, said 73431  
tower also having geographic coordinates of North Latitude 39° 31' 73432  
37" and West Longitude 84° 47' 36". 73433

Parcel A: Being a circular area of fifty (50.00) foot radius 73434  
centered on the aforescribed antenna tower and containing 7854 73435  
square feet, more or less. 73436

Parcel B: Beginning at a point which bears North 27° 53' East, a 73437  
distance of fifty (50.00) feet from the aforescribed antenna 73438  
tower and at a point on the circumference of the aforescribed 73439  
circle; thence with the centerline of a twenty (20.00) foot wide 73440  
easement, being ten (10.00) feet on each side of said centerline 73441  
North 27° 53' East 300.00 feet to the terminus of said Lease B and 73442  
containing 6006.7 square feet, more or less. 73443

Parcel C: Beginning at a point which bears South 32° 07' East a 73444  
distance of fifty (50.00) feet from the aforescribed antenna 73445  
tower and at a point on the circumference of the aforescribed 73446  
circle; thence with the centerline of a twenty (20.00) foot wide 73447  
easement, being ten (10.00) feet on each side of said centerline 73448  
South 32° 07' East 293.00 feet to the terminus of said Lease C and 73449  
containing 5866.7 square feet, more or less 73450

Parcel D: Beginning at a point which bears South 87° 53' West a 73451  
distance of fifty (50.00) feet from the aforescribed antenna 73452  
tower and at a point on the circumference of the aforescribed 73453  
circle; thence with the centerline of a twenty (20.00) foot wide 73454  
easement, being ten (10.00) feet on each side of said centerline 73455

South 87° 53' West 300.00 feet to the terminus of said Lease D and 73456  
containing 6006.7 square feet, more or less. 73457

The aforescribed four lease parcels containing a total of 73458  
25734.1 square feet or 0.591 acres, more or less 73459

Ashtabula 73460

Located in Sheffield Township, Ashtabula County, State of Ohio and 73461  
being part of Lot 2, Township 12, Range 2 and more particularly 73462  
described as follows: 73463

Beginning at the intersection of the centerline of Plymouth Ridge 73464  
Road and the centerline of Wright Street said intersection also 73465  
being the Southwest corner of Steven Raydek property; 73466

Thence North along the said centerline of Wright Street a distance 73467  
of 1,782.0 feet to a point; 73468

Thence Easterly with an interior angle of 90° 00 minutes along the 73469  
Westerly projection of the East guy line a distance of 180.0 feet 73470  
to the center of the tower. 73471

Fairborn/Wright State 73472

Being a tract of land situated on Wright State University campus, 73473  
City of Fairborn, Green County, State of Ohio, and being bounded 73474  
and more particularly described as follows: 73475

Beginning at a point being at P.K. nail located in the centerline 73476  
of Colonel Glenn Highway, and the point being referred to as 73477  
station 104+00; thence North (13°-17'-57") East a distance of 73478  
1933.55 feet to an iron pin being the true point of beginning; 73479  
thence North (44°-08'-37") West a distance of 49.04 feet to an 73480  
iron pin; thence North (45°-51'-23") East a distance of 70.95 feet 73481  
to an iron pin; thence South (44°-08'-37") a distance of 49.04 73482  
feet to an iron pin; thence South (45°-51'-23") West a distance of 73483  
70.95 feet to an iron pin being the true point of beginning 73484  
containing 0.080 acres more or less subject however to all 73485

easements of record.	73486
Lancaster	73487
Situated in the state of Ohio, County of Fairfield, Township of Hocking and further described as follows:	73488 73489
Being a site 100' in length, east and west, by 50' in width, north and south, within which area a base for a broadcasting tower, a generator pad and a tank foundation are to be constructed, said tower to be located approximately 184 feet north of the southwest corner of building No. 2.004 and approximately 132 feet east of the fence along the easterly side of Jackson Road, also, together with existing guy wires and an access road running from Jackson Road, thence due east to the west line of the above described site.	73490 73491 73492 73493 73494 73495 73496 73497 73498
London	73499
Roberts Mill Road on certain lands belonging to the State of Ohio, known as London Prison Farm.	73500 73501
Loudonville	73502
Located in Washington Township, Holmes County, State of Ohio and in the East Half of the northwest Quarter of Section 5, Township 19, Range 15 and more particularly described as follows:	73503 73504 73505
Beginning at the intersection of the centerline of Township Road 32 and the west line of the east half of the northwest quarter of Section 5, said west line also being the Grantor's westerly property line.	73506 73507 73508 73509
Thence easterly along the said centerline a distance of 270.8 feet to a point;	73510 73511
Thence Southerly along the North Guy line projected a distance of 660.25 feet to the center of the Tower, said center of the Tower being 314 feet, more or less, easterly of the said West line of the East Half of the northwest Quarter of Section 5.	73512 73513 73514 73515

The total area of occupancy, including the tower base, building and guy line areas shall not exceed 1.0 acre. 73516  
73517

Mansfield 73518

Situate in the State of Ohio, County of Richland, Washington Township, being a part of the Northwest Quarter (1/4) of Section 11, Township 20 North, Range 18 West, also being a parcel out of those lands conveyed to James Edward Procker by Deed of Record in Deed Book 585, Page 578, Recorders Office, Richland County, Ohio and being more particularly described as follows: 73519  
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Beginning for Reference at the intersection of the centerline of the Mansfield-Washington Road (C.H. 301) and the southeast line of James Procker's 15 acre parcel as described in said Deed Book 585, Page 578, Recorder's Office, Richland County, Ohio and in the Northeast Quarter (1/4) of said Section 11; thence leaving said Mansfield-Washington Road and with the southeast line of said James Procker South 47° 59' 08" West 968.22 feet to a point on the East line of Northwest Quarter (1/4) of said Section 11; thence leaving the East line of said Northwest Quarter (1/4) of said Section 11 and across the lands of said James Procker and the Northwest Quarter (1/4) of said Section 11 North 64° 11' 46" West 1186.56 feet to a point, the center of an existing radio transmission tower; thence North 09° 01' 06" West 13.00 feet to the Reference Point of Beginning of the four (4) hereinafter described easements, said Point of Beginning being half (1/2) way towards another existing radio transmission tower, 26.00 feet northerly from the first transmission tower. 73525  
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Lease No. 1 Circular Area 73542

Being a Circle having a 75.00 foot Radius, centered upon The Reference Point of Beginning as described above, said Reference Point being True Point of Beginning for this circular area and lying half (1/2) way between two existing Radio Transmission 73543  
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73545  
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Towers and containing 17,671 square feet, more or less.	73547
Lease No. 2 Guy and Anchor Area (Northerly)	73548
Beginning for Reference at the aforementioned Reference Point of	73549
Beginning at a point half (1/2) way between two existing Radio	73550
Transmitting Towers: thence North 09 50' 08" East 75.00 feet to a	73551
point on the circumference of the 75.00 foot radius circle	73552
described in Lease No. 1 above and the True Point of Beginning of	73553
the following described parcel; thence along the centerline of a	73554
18.00 foot wide strip, 9 foot on each side of the following	73555
described line and parallel with the northerly guy of the	73556
southerly Radio Transmitting Tower,	73557
North 09° 50' 08" East 237.14 feet to the terminus of Lease No. 2	73558
and containing 4269 square feet, more or less.	73559
Lease No. 3 Guy and Anchor Area (Southereasterly)	73560
Beginning for Reference at the aforementioned Reference Point of	73561
Beginning at a point half (1/2) way between two existing Radio	73562
Transmitting Towers; thence South 50 09' 52" East 75.00 feet to a	73563
point on the circumference of the 75.00 foot radius circle	73564
described in Lease No. 1 above and the True Point of Beginning of	73565
the following described parcel; thence along the centerline of a	73566
27.00 foot wide strip, 13.50 feet on each side of the following	73567
described line and parallel with the southeasterly guy of the	73568
southerly Radio Transmitting Tower,	73569
South 50° 09' 52" East 217.93 feet to the terminus of Lease No. 3	73570
and containing 5884 square feet, more or less.	73571
Lease No. 4 Guy and Anchor Area (southwesterly)	73572
Beginning for Reference at the aforementioned Reference Point of	73573
Beginning at a point half (1/2) way between two existing Radio	73574
Transmitting Towers; thence South 69° 50' 08" West 75.00 feet to a	73575
point on the circumference of the 75.00 foot radius circle	73576

described in Lease No. 1 above and the True Point of Beginning of 73577  
the following described line and parallel with the southwesterly 73578  
guy of the southerly Radio Transmitting Tower. 73579

South 69° 50' 08" West 240.84 feet to the terminus of Lease No. 4 73580  
and containing 10,356 square feet, more or less. 73581

Maplewood 73582

The following described Real Estate, situate in the Township of 73583  
Jackson in the County of Shelby and State of Ohio. 73584

Being part of the southeast quarter of the southeast quarter of 73585  
Section 29, Town 7 South, Range 7 East, Jackson Township, Shelby 73586  
County, Ohio, and more particularly described as follows: 73587

Commencing at the stone at the Southeast corner of the Southeast 73588  
quarter of Section 29, Jackson Township, (stone being in the 73589  
center on the Wones Road and State Route 119); thence in a 73590  
westerly direction along the center o the State Route 119, 971.58 73591  
feet to a Railroad Spike, this being the PLACE OF BEGNNNING. 73592

Thence continuing in a westerly direction along the center of 73593  
State Route 119, 340.80 feet to a Railroad Spike on the West line 73594  
of the Southeast Quarter of the Southeast Quarter of Section 29, 73595  
Jackson Township; thence in a Northerly direction with an internal 73596  
angle of 89 degrees 25 minutes along the West line of the 73597  
Southeast Quarter of the Southeast Quarter of Section 29, Jackson 73598  
Township, 1142.38 feet to a Railroad Tie corner post; thence in an 73599  
Easterly direction with an internal angle of 90 degrees 40 minutes 73600  
339.50 feet to an iron pipe; thence in a Southerly direction with 73601  
an internal angle of 89 degrees 22 minutes, 1143.63 feet to the 73602  
Railroad Spike in the center of State Route 119, which was the 73603  
PLACE OF BEGINNING. 73604

The above described tract of land contains 8.92 areas more or 73605  
less, subject to all legal highways and easements of record. Being 73606  
part of the same premises conveyed by deed recorded in Volume 196, 73607

Page 132 of the Deed Records of Shelby County, Ohio. 73608

ALSO, Situate in the Township of Jackson in the County of Shelby 73609  
and State of Ohio. 73610

The following described tract of land is part of the southeast 73611  
quarter of southeast quarter of Section 29 - T7S - R7E, Jackson 73612  
Township, Shelby County, Ohio and is more particularly described 73613  
as follows. 73614

Commencing at a stone at the southeast corner of southeast quarter 73615  
of Section 29 Jackson Township. (Stone being in the center on 73616  
Wones Road and State Route 119). 73617

Thence in a westerly direction along center line of S. R. 119, 73618  
777.46' to first railroad spike. Continuing in westerly direction 73619  
along center line of S.R. 119, 194.12' to second railroad spike. 73620

Thence in a northerly direction with internal angle of 89°, 27', 73621  
495 ft. to I.P. (set stake). This being place of beginning. 73622

Thence in a northerly direction 634.08' to an iron pipe (post). 73623

Thence in an easterly direction with internal angle of 90° - 18', 73624  
194.11' to an iron pipe. 73625

Thence in a southerly direction with internal angle of 89° - 42', 73626  
633.33' to a point (set stake). 73627

Thence in a westerly direction with internal angle of 90° - 33', 73628  
194.115' to I.P. which was place of beginning. 73629

Millersburg 73630

Being a part of a 35.47 acre parcel of land, known as lot #24 in 73631  
the 1st quarter Township, Township 9, Range 8, Monroe Township, 73632  
Holmes County, Ohio. Being more particularly described as follows: 73633

Being a plot approximately 30' X 20' (approximately 600 square 73634  
feet), located in the northwest corner of the property with center 73635  
of tower base to be located approximately 500' south of north 73636

property line and 152' east of West property line. 73637

\*Thompson\* 73638

Begin part of a 16 acre parcel of land situated in Thompson 73639  
Township, Geauga County, Ohio, and known as Lot #20 as described 73640  
in Deed #272-290. Being more particularly described as follows: 73641

Being a triangular land area measuring fifty (50) feet southwest 73642  
to north by fifty (50) feet southeast to north by fifty (50) feet 73643  
west to east to be situated at the northwest corner of the 73644  
aforementioned 16 acre parcel. Also being an additional 73645  
rectangular land area measuring from the southwest corner of the 73646  
aforementioned land area south 21 feet then east by 35 feet then 73647  
north by 21 feet thus returning to the southeast corner of the 73648  
aforementioned land area. 73649

Warrensville Heights 73650

41° 26' 48"N 73651

81° 30' 20"W 73652

Wilberforce (CSU) 73653

Situate in the State of Ohio, Greene County, Xenia Township and 73654  
the Village of Wilberforce and being a part of those lands 73655  
conveyed from Central State University to the Ohio Educational 73656  
Broadcasting Network Commission by a Transfer of Jurisdiction, 73657  
dated September 18, 1974, and being two (2) easements more 73658  
particularly described as follows: 73659

Tract No. 1. Steam Tunnel serving Lane Hall (Guy and Anchor Block) 73660

Being an eight foot (8.0') wide easement, four feet (4.0') on each 73661  
side of the following described centerline; Beginning for 73662  
Reference at approximate station 11+60 as shown on Drawing No. 73663  
G-1, Sheet 3 of 35, Section No. G-5, Titled Project No. 73664  
255-88-059, UTILITY TUNNEL LOOP, Phase 1, Central State University 73665  
and prepared by Fosdick and Hilmer, Inc., Consulting Engineers and 73666

THP Limited of Cincinnati, Ohio; thence with the centerline of the 73667  
Steam Tunnel serving said Lane Hall, South 31° East 30.0 feet more 73668  
or less; thence South 48° 30' East 84.3 feet, more or less, to the 73669  
True Point of Beginning of the herein described easement; thence 73670  
continuing with the centerline of said Steam Tunnel 73671  
South 48° 30' East 17.4 feet, more or less, to the terminus of the 73672  
herein described easement. 73673

Tract No. 2. Steam Tunnel G-5 Serving the Cosby Center for Mass 73674  
Communication (antenna site) 73675

Being a five foot (5.0') wide easement, two and one-half feet 73676  
(2.5') on each side of the following described centerline; 73677  
Beginning for Reference at a northerly corner of the Cosby Center 73678  
for Mass Communication; thence with a northwesterly wall of said 73679  
Cosby Center South 41° West 67.4 feet, more or less, to the True 73680  
Point of Beginning of the herein described easement and on the 73681  
centerline of said Steam Tunnel as shown on Drawing No. G-1, Sheet 73682  
3 of 35, Section No. G-5, Titled Project No. 255-88-059, UTILITY 73683  
TUNNEL LOOP, Phase 1, Central State University and prepared by 73684  
Fosdick and Hilmer, Inc. and THP Limited of Cincinnati, Ohio; 73685  
thence with the centerline of said Steam Tunnel. 73686

North 49° West 4.6 feet, more or less; thence 73687  
North 41° East 23.3 feet, more or less, to the terminus of the 73688  
herein described easement. 73689

Wooster 73690

Being a tract of land in Section 15, Range 13W, Township 16N, 73691  
Wooster Township, Wayne County, State of Ohio which is further 73692  
described as follows: 73693

Beginning for a point at a concrete monument which point is 73694  
located by the following two (2) courses from the southeast corner 73695  
of Section 15:- 73696

(1) North 0° 03' 45" East, a distance of one thousand one hundred fifty-five and twenty hundredths (1,155.20) feet to a point in the centerline of Hayden Road;

(2) North 58° 15' 15" West, a distance of four hundred eighty-three and eighty-six hundredths (483.86) feet to the said point of beginning.

Thence, North 89° 28' 57" West, a distance of five hundred seventy and no hundredths (570.00) feet to a concrete monument;

Thence, North 0° 31' 03" East, a distance of six hundred fifty-eight and eighteen hundredths (658.18) feet to a concrete monument;

Thence, South 89° 28' 67" East, a distance of five hundred seventy and no hundredths (570.00) feet to a concrete monument;

Thence, South 0° 31' 03" West, a distance of six hundred fifty eight and eighteen hundredths (658.18) feet to the point of beginning.

This tract contains eight and sixty-one hundredths (8.61) acres, more or less.

(B) All rights, privileges, ownership, and control of the towers shall be transferred from eTech Ohio to the Office of Information Technology (OIT) by July 1, 2007. Where the land upon which the towers are located is leased by eTech Ohio, eTech Ohio shall relinquish its right on any such lease and OIT shall be substituted as the lessee of the premises by July 1, 2007, under the same terms, provisions, and conditions as specified in each lease agreement, subject to the lessor's consent. Where the land upon which the towers are located is owned by eTech Ohio, all rights, privileges, ownership and control of the land shall be transferred to OIT by July 1, 2007. The transfers and assignments of the eighteen tower site designations are subject to eTech Ohio's continued right to use the towers and the premises on which

the towers are located for transmission and broadcasting; to OIT 73728  
policies and procedures; and to completion of any legal surveys of 73729  
the premises deemed necessary by the Office of Real Estate 73730  
Services. 73731

(C) Renewable leases and deeds to implement this section 73732  
shall be prepared by the Auditor of State with the assistance of 73733  
the Attorney General, executed by the Governor, countersigned by 73734  
the Secretary of State, sealed with the Great State of Ohio, and 73735  
presented for recording in the Office of the Auditor of State. 73736  
Each deed or lease shall be delivered to the original grantor or 73737  
lessor of each property for recording in the office of the 73738  
appropriate county recorder. 73739

**Section 285.60. TELECOMMUNITY** 73740

The foregoing appropriation item 935-630, Telecommunity, 73741  
shall be distributed by eTech Ohio on a grant basis to eligible 73742  
school districts to establish "distance learning" through 73743  
interactive video technologies in the school district. Per 73744  
agreements with eight Ohio local telephone companies ALLTEL Ohio, 73745  
CENTURY Telephone of Ohio, Chillicothe Telephone Company, 73746  
Cincinnati Bell Telephone Company, Orwell Telephone Company, 73747  
Sprint North Central Telephone, VERIZON, and Western Reserve 73748  
Telephone Company, school districts are eligible for funds if they 73749  
are within one of the listed telephone company service areas. 73750  
Funds to administer the program shall be expended by eTech Ohio up 73751  
to the amount specified in agreements with the listed telephone 73752  
companies. 73753

Within thirty days after the effective date of this section, 73754  
the Director of Budget and Management shall transfer to Fund 4W9 73755  
in the State Special Revenue Fund Group any investment earnings 73756  
from moneys paid by any telephone company as part of any 73757  
settlement agreement between the listed companies and the Public 73758

Utilities Commission in fiscal years 1996 and beyond.				73759	
DISTANCE LEARNING				73760	
The foregoing appropriation item 935-634, Distance Learning,				73761	
shall be distributed by eTech Ohio on a grant basis to eligible				73762	
school districts to establish "distance learning" in the school				73763	
district. Per the agreement with Ameritech, school districts are				73764	
eligible for funds if they are within an Ameritech service area.				73765	
Funds to administer the program shall be expended by eTech Ohio up				73766	
to the amount specified in the agreement with Ameritech.				73767	
Within thirty days after the effective date of this section,				73768	
the Director of Budget and Management shall transfer to Fund 4X1				73769	
in the State Special Revenue Fund Group any investment earnings				73770	
from moneys paid by any telephone company as part of a settlement				73771	
agreement between the company and the Public Utilities Commission				73772	
in fiscal year 1995.				73773	
GATES FOUNDATION GRANTS				73774	
The foregoing appropriation item 935-607, Gates Foundation				73775	
Grants, shall be used by eTech Ohio to provide professional				73776	
development to school district principals, superintendents, and				73777	
other administrative staff for the use of education technology.				73778	
<b>Section 287.10. ETH OHIO ETHICS COMMISSION</b>				73779	
General Revenue Fund				73780	
GRF 146-321 Operating Expenses	\$	1,863,028	\$	1,967,275	73781
TOTAL GRF General Revenue Fund	\$	1,863,028	\$	1,967,275	73782
General Services Fund Group				73783	
4M6 146-601 Operating Expenses	\$	527,543	\$	477,543	73784
TOTAL GSF General Services				73785	
Fund Group	\$	527,543	\$	477,543	73786
TOTAL ALL BUDGET FUND GROUPS	\$	2,390,571	\$	2,444,818	73787

<b>Section 289.10. EXP OHIO EXPOSITIONS COMMISSION</b>				73789
General Revenue Fund				73790
GRF 723-403 Junior Fair Subsidy	\$	400,000	\$ 400,000	73791
TOTAL GRF General Revenue Fund	\$	400,000	\$ 400,000	73792
State Special Revenue Fund Group				73793
4N2 723-602 Ohio State Fair	\$	520,000	\$ 520,000	73794
Harness Racing				
506 723-601 Operating Expenses	\$	13,643,315	\$ 13,643,315	73795
640 723-603 State Fair Reserve	\$	125,337	\$ 0	73796
TOTAL SSR State Special Revenue				73797
Fund Group	\$	14,288,652	\$ 14,163,315	73798
TOTAL ALL BUDGET FUND GROUPS	\$	14,688,652	\$ 14,563,315	73799
STATE FAIR RESERVE				73800
The foregoing appropriation item 723-603, State Fair Reserve,				73801
shall serve as a budget reserve fund for the Ohio Expositions				73802
Commission in the event of a significant decline in attendance				73803
because of inclement weather or extraordinary circumstances during				73804
the Ohio State Fair resulting in a loss of revenue. The State Fair				73805
Reserve Fund (Fund 640) may be used by the Ohio Expositions				73806
Commission to pay bills resulting from the Ohio State Fair only if				73807
all the following criteria are met:				73808
(A) Admission revenues for the 2007 Ohio State Fair are less				73809
than \$2,025,000 or the admission revenues for the 2008 Ohio State				73810
Fair are less than \$2,065,000 because of inclement weather or				73811
extraordinary circumstances. These amounts are ninety per cent of				73812
the projected revenues for each year.				73813
(B) The Ohio Expositions Commission declares a state of				73814
fiscal exigency and requests release of funds from the Director of				73815
Budget and Management.				73816
(C) The Director of Budget and Management releases the funds.				73817

The Director of Budget and Management may approve or disapprove 73818  
the request for release of funds, may increase or decrease the 73819  
amount of release, and may place conditions as the Director 73820  
considers necessary on the use of the released funds. The Director 73821  
of Budget and Management may transfer the appropriation from 73822  
fiscal year 2008 to fiscal year 2009 as needed. 73823

In the event that the Ohio Expositions Commission faces a 73824  
temporary cash shortage that will preclude it from meeting current 73825  
obligations, the Commission may request the Director of Budget and 73826  
Management to approve use of the State Fair Reserve Fund (Fund 73827  
640) to meet those obligations. The request shall include a plan 73828  
describing how the Commission will eliminate the cash shortage. If 73829  
the Director of Budget and Management approves the expenditures, 73830  
the Commission shall reimburse the State Fair Reserve Fund (Fund 73831  
640) by the thirtieth day of June of that same fiscal year through 73832  
an intrastate transfer voucher. The amount reimbursed is hereby 73833  
appropriated. 73834

**Section 291.10.** GOV OFFICE OF THE GOVERNOR 73835

General Revenue Fund 73836

GRF 040-321 Operating Expenses \$ 3,754,045 \$ 3,754,045 73837

GRF 040-403 Federal Relations \$ 435,443 \$ 435,443 73838

GRF 040-408 Office of Veterans' \$ 287,000 \$ 298,000 73839

Affairs

TOTAL GRF General Revenue Fund \$ 4,476,488 \$ 4,487,488 73840

General Services Fund Group 73841

5AK 040-607 Federal Relations \$ 365,149 \$ 365,149 73842

TOTAL GSF General Services Fund \$ 365,149 \$ 365,149 73843

Group

TOTAL ALL BUDGET FUND GROUPS \$ 4,841,637 \$ 4,852,637 73844

FEDERAL RELATIONS 73845

A portion of the foregoing appropriation items 040-403, 73846  
 Federal Relations, and 040-607, Federal Relations, may be used to 73847  
 support Ohio's membership in national or regional associations. 73848

The Office of the Governor may charge any state agency of the 73849  
 executive branch using an intrastate transfer voucher such amounts 73850  
 necessary to defray the costs incurred for the conduct of federal 73851  
 relations associated with issues that can be attributed to the 73852  
 agency. Amounts collected shall be deposited to the Office of the 73853  
 Governor Federal Relations Fund (Fund 5AK). 73854

**Section 293.10. DOH DEPARTMENT OF HEALTH** 73855

General Revenue Fund 73856

GRF 440-407 Animal Borne Disease \$ 2,327,101 \$ 2,327,101 73857  
 and Prevention

GRF 440-412 Cancer Incidence \$ 1,002,619 \$ 1,002,619 73858  
 Surveillance System

GRF 440-413 Local Health \$ 3,786,794 \$ 3,786,794 73859  
 Department Support

GRF 440-416 Child and Family \$ 9,522,874 \$ 9,622,874 73860  
 Health Services

GRF 440-418 Immunizations \$ 9,400,615 \$ 9,400,615 73861

GRF 440-425 Abstinence and \$ 500,000 \$ 500,000 73862  
 Adoption Education

GRF 440-431 Free Clinic Liability \$ 250,000 \$ 250,000 73863  
 Insurance

GRF 440-437 Healthy Ohio \$ 1,502,618 \$ 2,855,553 73864

GRF 440-438 Breast and Cervical \$ 2,500,000 \$ 2,500,000 73865  
 Cancer Screening

GRF 440-444 AIDS Prevention and \$ 7,158,127 \$ 7,158,127 73866  
 Treatment

GRF 440-446 Infectious Disease \$ 200,000 \$ 200,000 73867  
 Prevention

GRF 440-451	Lab and Public Health Prevention Programs	\$	6,085,250	\$	6,085,250	73868
GRF 440-452	Child and Family Health Services Match	\$	1,024,017	\$	1,024,017	73869
GRF 440-453	Health Care Quality Assurance	\$	10,253,728	\$	10,253,728	73870
GRF 440-454	Local Environmental Health	\$	889,752	\$	889,752	73871
GRF 440-459	Help Me Grow	\$	10,923,397	\$	14,041,847	73872
GRF 440-505	Medically Handicapped Children	\$	10,791,784	\$	10,791,784	73873
GRF 440-507	Targeted Health Care Services Over 21	\$	1,681,023	\$	1,681,023	73874
GRF 440-511	Uncompensated Care and Emergency Medical Assistance	\$	0	\$	3,500,000	73875
TOTAL GRF	General Revenue Fund	\$	79,799,699	\$	87,871,084	73876
	General Services Fund Group					73877
142 440-646	Agency Health Services	\$	3,461,915	\$	3,461,915	73878
211 440-613	Central Support Indirect Costs	\$	28,884,707	\$	28,884,707	73879
473 440-622	Lab Operating Expenses	\$	4,954,045	\$	4,954,045	73880
683 440-633	Employee Assistance Program	\$	1,208,214	\$	1,208,214	73881
698 440-634	Nurse Aide Training	\$	170,000	\$	170,000	73882
TOTAL GSF	General Services Fund Group	\$	38,678,881	\$	38,678,881	73884
	Federal Special Revenue Fund Group					73885
320 440-601	Maternal Child Health Block Grant	\$	30,666,635	\$	30,666,635	73886
387 440-602	Preventive Health Block Grant	\$	7,826,659	\$	7,826,659	73887

389	440-604	Women, Infants, and Children	\$	230,077,451	\$	230,077,451	73888
391	440-606	Medicaid/Medicare	\$	24,850,959	\$	24,850,959	73889
392	440-618	Federal Public Health Programs	\$	136,778,215	\$	136,778,215	73890
TOTAL FED Federal Special Revenue							73891
Fund Group			\$	430,199,919	\$	430,199,919	73892
State Special Revenue Fund Group							73893
4D6	440-608	Genetics Services	\$	3,317,000	\$	3,317,000	73894
4F9	440-610	Sickle Cell Disease Control	\$	1,035,344	\$	1,035,344	73895
4G0	440-636	Heirloom Birth Certificate	\$	5,000	\$	5,000	73896
4G0	440-637	Birth Certificate Surcharge	\$	5,000	\$	5,000	73897
4L3	440-609	Miscellaneous Expenses	\$	446,468	\$	446,468	73898
4T4	440-603	Child Highway Safety	\$	233,894	\$	233,894	73899
4V6	440-641	Save Our Sight	\$	1,767,994	\$	1,767,994	73900
470	440-647	Fee Supported Programs	\$	27,996,243	\$	25,905,140	73901
471	440-619	Certificate of Need	\$	869,000	\$	898,000	73902
477	440-627	Medically Handicapped Children Audit	\$	3,693,016	\$	3,693,016	73903
5B5	440-616	Quality, Monitoring, and Inspection	\$	838,479	\$	838,479	73904
5CB	440-640	Poison Control Centers	\$	150,000	\$	150,000	73905
5CN	440-645	Choose Life	\$	75,000	\$	75,000	73906
5C0	440-615	Alcohol Testing and Permit	\$	1,455,405	\$	1,455,405	73907
5D6	440-620	Second Chance Trust	\$	1,054,951	\$	1,054,951	73908
5EC	440-650	Health Emergency	\$	15,312,500	\$	0	73909
5ED	440-651	Smoke Free Indoor Air	\$	800,000	\$	800,000	73910
5G4	440-639	Adoption Services	\$	20,000	\$	20,000	73911
5L1	440-623	Nursing Facility	\$	664,282	\$	698,595	73912

		Technical Assistance Program				
610	440-626	Radiation Emergency Response	\$	850,000	\$	850,000 73913
666	440-607	Medically Handicapped Children - County Assessments	\$	14,320,687	\$	14,320,687 73914
TOTAL SSR State Special Revenue						73915
Fund Group			\$	74,910,263	\$	57,569,973 73916
Holding Account Redistribution Fund Group						73917
R14	440-631	Vital Statistics	\$	70,000	\$	70,000 73918
R48	440-625	Refunds, Grants Reconciliation, and Audit Settlements	\$	20,000	\$	20,000 73919
TOTAL 090 Holding Account						73920
Redistribution Fund Group			\$	90,000	\$	90,000 73921
TOTAL ALL BUDGET FUND GROUPS			\$	623,678,762	\$	614,409,857 73922

**Section 293.20.** CHILD AND FAMILY HEALTH SERVICES 73924

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. 73925  
73926  
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Of the foregoing appropriation item 440-416, Child and Family Health Services, not more than \$270,000 shall be used in each fiscal year for the OPTIONS dental care access program. 73928  
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73930

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. 73931  
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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 73936  
73937

the Jewish Family Services in Cleveland, \$10,000 in each fiscal 73938  
year shall be allocated to the Jewish Family Services in 73939  
Cincinnati, \$10,000 shall be allocated in each fiscal year to the 73940  
Jewish Family Services in Columbus, and \$10,000 in each fiscal 73941  
year shall be allocated to the Wexner Heritage Village in Columbus 73942  
for interpreters for health care. 73943

Of the foregoing appropriation item 440-416, Child and Family 73944  
Health Services, \$10,000 in each fiscal year shall be provided to 73945  
the Jewish Family Services in Dayton, \$5,000 in each fiscal year 73946  
shall be provided to the Jewish Community Center in Akron, \$5,000 73947  
in each fiscal year shall be provided to the Jewish Community 73948  
Center in Sylvania, \$2,500 in each fiscal year shall be provided 73949  
to the Jewish Community Center in Youngstown, and \$2,500 in each 73950  
fiscal year shall be provided to the Jewish Community Center in 73951  
Canton. 73952

Of the foregoing appropriation item 440-416, Child and Family 73953  
Health Services, \$16,667 in each fiscal year shall be allocated to 73954  
the Yassenoff Jewish Community Center, \$16,667 in each fiscal year 73955  
shall be allocated to the Jewish Community Center in Cincinnati, 73956  
and \$16,666 in each fiscal year shall be allocated to the Jewish 73957  
Community Center in Cleveland for children's health and nutrition 73958  
camp programs. 73959

Of the foregoing appropriation item 440-416, Child and Family 73960  
Health Services, \$16,666 in each fiscal year shall be allocated to 73961  
the Athens Community Center. 73962

Of the foregoing appropriation item 400-416, Child and Family 73963  
Health Services, \$25,000 in each fiscal year shall be allocated to 73964  
the Wellness Community of Greater Columbus to provide support 73965  
services for people with cancer, their families, and caregivers. 73966

Of the foregoing appropriation item 440-416, Child and Family 73967  
Health Services, \$100,000 in each fiscal year shall be allocated 73968

to the Compdrug Teen Dating Violence Prevention Project in 73969  
Franklin County. 73970

**Section 293.25. COLLEGE PREGNANCY AND PARENTING OFFICES PILOT** 73971  
PROGRAM 73972

(A) As used in this section, "institution of higher 73973  
education" means a public or private university or college in this 73974  
state, including a community college or state community college. 73975

(B) The Director of Health shall conduct a pilot program in 73976  
fiscal year 2009 for the purpose of awarding grants to up to four 73977  
institutions of higher education to establish and operate on a 73978  
selected institution's campus an office that provides support to 73979  
students who are pregnant or who are the parents or legal 73980  
guardians of one or more minors. Planning for the pilot program 73981  
shall commence in fiscal year 2008. 73982

(C) An institution of higher education may apply for a grant 73983  
by completing and submitting an application form supplied by the 73984  
Director. The Director may require the institution to submit 73985  
additional information after the Director has reviewed the 73986  
application. 73987

(D) Before awarding a grant, the Director shall secure a 73988  
written agreement in which the proposed grantee commits to doing 73989  
all of the following: 73990

(1) Locating the office described in division (B) of this 73991  
section on the campus of the institution. 73992

(2) Assessing the institution's performance in both of the 73993  
following areas: 73994

(a) Offering health insurance plans to students that include 73995  
coverage for prenatal and postpartum care and riders for the 73996  
coverage of additional family members; 73997

(b) Providing services or items that meet the needs of 73998

students who are pregnant or who are the parents or legal guardians of one or more minors, including family housing, child care, flexible or alternative academic scheduling, education concerning responsible parenting and healthy marriages, maternity and infant clothing, formula and baby food, and baby furniture. 73999  
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74003

(3) Identifying and establishing programs with public and private service providers located on campus and in the local community that are qualified to meet the needs described in division (D)(2)(b) of this section. 74004  
74005  
74006  
74007

(4) Assisting students in locating and obtaining services that meet the needs described in division (D)(2)(b) of this section. 74008  
74009  
74010

(5) Providing, on the request of an individual student, referrals for prenatal care and delivery, infant or foster care, or adoption. The office shall make referrals only to persons or governmental entities that primarily serve parents, prospective parents awaiting adoption, pregnant women who plan to parent or place a child for adoption, or married couples or couples that plan on marrying in order to provide a supportive environment for each other and one or more minors. 74011  
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(6) Providing, by a date determined by the Director, a written report to the Director that itemizes the office's expenditures during the fiscal year and meets the format or form established by the Director under division (E) of this section. 74019  
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(7) Providing, after the Director's review of the report described in division (D)(6) of this section, any additional information requested by the Director. 74023  
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74025

(E) The Director shall establish a format or form for the written report that must be provided by an institution under division (D)(6) of this section. In establishing the format or form, the Director shall identify specific performance criteria 74026  
74027  
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74029

the institution must address in the report. 74030

(F) The Director may adopt any rules necessary to implement 74031  
this section. The rules shall be adopted in accordance with 74032  
Chapter 119. of the Revised Code. 74033

(G) Of the foregoing appropriation item 440-416, Child and 74034  
Family Health Services, \$50,000 in fiscal year 2009 shall be used 74035  
to make grants for the pilot program described in this section. 74036

**Section 293.27.** As used in this section, "federally qualified 74037  
health center" means a health center that receives a federal 74038  
public health services grant under the "Public Health Services 74039  
Act," 117 Stat. 2020, 42 U.S.C. 254b, as amended, or another 74040  
health center designated by the U.S. Health Resources and Services 74041  
Administration as a federally qualified health center. 74042

The Department of Health may establish a pilot program to 74043  
place two federally qualified health centers within or adjacent to 74044  
hospital emergency departments. One health center shall be located 74045  
in or adjacent to a hospital located in an urban area and one 74046  
health center shall be located in or adjacent to a hospital 74047  
located in a rural area. If the Department establishes the pilot 74048  
program, not later than one year after the health centers become 74049  
operational, the hospital and the health centers shall prepare and 74050  
submit a report to the Governor and the General Assembly regarding 74051  
the number of patients that received care at the health centers 74052  
for nonemergency conditions rather than receiving care at the 74053  
emergency department. 74054

If the Department does not establish the pilot program not 74055  
later than one year after the effective date of this section, the 74056  
Department shall submit a report to the Governor and the General 74057  
Assembly explaining why it did not do so. 74058

**Section 293.30.** ABSTINENCE AND ADOPTION EDUCATION 74059

The foregoing appropriation item 440-425, Abstinence and Adoption Education, shall be used for abstinence and adoption education. The Director of Health shall develop guidelines for the establishment of abstinence and adoption education programs for teenagers with the purpose of decreasing unplanned pregnancies and abortion. The guidelines shall be developed pursuant to Title V of the "Social Security Act," 42 U.S.C. 510, and shall include, but are not limited to, advertising campaigns and direct training in schools and other locations.

HEALTHY OHIO

The Department of Health shall distribute \$902,618 in fiscal year 2008 and \$2,055,553 in fiscal year 2009 in appropriation item 440-437, Healthy Ohio, in accordance with the section of this act entitled "HEALTHY OHIO ASSESSMENT."

Of the foregoing appropriation item 440-437, Healthy Ohio, \$100,000 in each fiscal year shall be allocated to the Center for Closing Health Gaps to help with disparities in minority health.

Of the foregoing appropriation item 440-437, Healthy Ohio, \$500,000 in each fiscal year shall be used to support evidence-based programs for diabetes management and prevention, utilizing proven behavior change strategies leading to improved levels of routine physical activity and healthy eating habits. The program shall provide screening for diabetes, and for those determined to be at highest risk for diabetes, education on diabetes, diabetes management, physical activity and eating habits, and opportunities for monitored physical activity for adults and families. Grants shall be provided to, but not limited to, the Ohio YMCA State Alliance in collaboration with other community organizations. Each program shall include post program measurements, including, but not limited to, blood sugar testing, participant satisfaction surveys, and participant retention.

Of the foregoing appropriation item 440-437, Healthy Ohio, 74091  
\$200,000 in fiscal year 2009 shall be used for the purchase of 74092  
pneumococcal vaccinations for children. 74093

BREAST AND CERVICAL CANCER SCREENING 74094

The foregoing appropriation item 440-438, Breast and Cervical 74095  
Cancer Screening, may be used for breast and cervical cancer 74096  
screenings and services as permitted under the National Breast and 74097  
Cervical Cancer Early Detection Project. 74098

HIV/AIDS PREVENTION/TREATMENT 74099

Of the foregoing appropriation item 440-444, AIDS Prevention 74100  
and Treatment, not more than \$6.7 million in each fiscal year 74101  
shall be used to assist persons with HIV/AIDS in acquiring 74102  
HIV-related medications. 74103

INFECTIOUS DISEASE PREVENTION 74104

The foregoing appropriation item 440-446, Infectious Disease 74105  
Prevention, shall be used for the purchase of drugs for sexually 74106  
transmitted diseases. 74107

HELP ME GROW 74108

Of the foregoing appropriation item 440-459, Help Me Grow, 74109  
\$10,423,397 in fiscal year 2008 and \$13,741,847 in fiscal year 74110  
2009 shall be used by the Department of Health to distribute 74111  
subsidies to counties to implement the Help Me Grow Program. 74112  
Appropriation item 440-459, Help Me Grow, may be used in 74113  
conjunction with Temporary Assistance for Needy Families from the 74114  
Department of Job and Family Services, Early Intervention funding 74115  
from the Department of Mental Retardation and Developmental 74116  
Disabilities, and in conjunction with other early childhood funds 74117  
and services to promote the optimal development of young children. 74118  
Local contracts shall be developed between local departments of 74119  
job and family services and family and children first councils for 74120

the administration of TANF funding for the Help Me Grow Program. 74121  
The Department of Health shall enter into an interagency agreement 74122  
with the Department of Education, Department of Mental Retardation 74123  
and Developmental Disabilities, Department of Job and Family 74124  
Services, and Department of Mental Health to ensure that all early 74125  
childhood programs and initiatives are coordinated and school 74126  
linked. 74127

Of the foregoing appropriation item 440-459, Help Me Grow, 74128  
\$500,000 in fiscal year 2008 and \$300,000 in fiscal year 2009 74129  
shall be used for the establishment of the Autism Diagnosis 74130  
Education Pilot Program. Not later than December 31, 2008, the 74131  
Director of Health shall compile and submit to the Governor and 74132  
the General Assembly a written report describing the action taken 74133  
under the Autism Diagnosis Education Pilot Program since the 74134  
effective date of this section. Not later than December 31, 2009, 74135  
the Director shall compile and submit to the Governor and the 74136  
General Assembly a written report describing the action taken 74137  
under the Pilot Program since December 31, 2008. 74138

TARGETED HEALTH CARE SERVICES OVER 21 74139

In each fiscal year, of the foregoing appropriation item 74140  
440-507, Targeted Health Care Services Over 21, \$731,023 shall be 74141  
used to administer the cystic fibrosis program and implement the 74142  
Hemophilia Insurance Premium Payment Program. These funds also may 74143  
be used, to the extent that funding is available, to provide up to 74144  
18 in-patient hospital days for participants in the cystic 74145  
fibrosis program. The Department shall expend all of these 74146  
earmarked funds. 74147

Of the foregoing appropriation item 440-507, Targeted Health 74148  
Care Services Over 21, \$900,000 in each fiscal year shall be used 74149  
to provide essential medications and to pay the copayments for 74150  
drugs approved by the Department of Health and covered by Medicare 74151  
Part D that are dispensed to Bureau for Children with Medical 74152

Handicaps (BCMH) participants for the cystic fibrosis program. 74153  
These funds also may be used, to the extent that funding is 74154  
available, to provide up to 18 in-patient hospital days for 74155  
participants in the cystic fibrosis program. The Department shall 74156  
expend all of these earmarked funds. 74157

UNCOMPENSATED CARE AND EMERGENCY MEDICAL 74158

The foregoing appropriation item 440-511, Uncompensated Care 74159  
and Emergency Medical Assistance, shall be used to fund programs 74160  
that provide health care without ability to pay. This is not an 74161  
entitlement program and services are offered only to the extent 74162  
that funding is available. 74163

MATERNAL CHILD HEALTH BLOCK GRANT 74164

Of the foregoing appropriation item 440-601, Maternal Child 74165  
Health Block Grant (Fund 320), \$2,091,299 shall be used in each 74166  
fiscal year for the purposes of abstinence and adoption education. 74167  
The Director of Health shall develop guidelines for the 74168  
establishment of abstinence and adoption education programs for 74169  
teenagers with the purpose of decreasing unplanned pregnancies and 74170  
abortion. The guidelines shall be developed under Title V of the 74171  
"Social Security Act," 42 U.S.C. 510, and shall include, but are 74172  
not limited to, advertising campaigns and direct training in 74173  
schools and other locations. 74174

GENETICS SERVICES 74175

The foregoing appropriation item 440-608, Genetics Services 74176  
(Fund 4D6), shall be used by the Department of Health to 74177  
administer programs authorized by sections 3701.501 and 3701.502 74178  
of the Revised Code. None of these funds shall be used to counsel 74179  
or refer for abortion, except in the case of a medical emergency. 74180

FEE SUPPORTED PROGRAMS 74181

Of the foregoing appropriation item 440-647, Fee Supported 74182

Programs (Fund 470), \$50,000 in fiscal year 2008 shall be used by 74183  
the Department to enter into a contract to make hospital 74184  
performance information available on a web site as required in 74185  
section 3727.391 of the Revised Code. 74186

MEDICALLY HANDICAPPED CHILDREN AUDIT 74187

The Medically Handicapped Children Audit Fund (Fund 477) 74188  
shall receive revenue from audits of hospitals and recoveries from 74189  
third-party payers. Moneys may be expended for payment of audit 74190  
settlements and for costs directly related to obtaining recoveries 74191  
from third-party payers and for encouraging Medically Handicapped 74192  
Children's Program recipients to apply for third-party benefits. 74193  
Moneys also may be expended for payments for diagnostic and 74194  
treatment services on behalf of medically handicapped children, as 74195  
defined in division (A) of section 3701.022 of the Revised Code, 74196  
and Ohio residents who are twenty-one or more years of age and who 74197  
are suffering from cystic fibrosis or hemophilia. Moneys may also 74198  
be expended for administrative expenses incurred in operating the 74199  
Medically Handicapped Children's Program. 74200

TRANSFER FROM STATE FIRE MARSHAL'S FUND (FUND 546) TO THE 74201  
POISON CONTROL FUND (FUND 5CB) IN THE DEPARTMENT OF HEALTH 74202

Notwithstanding section 3737.71 of the Revised Code, on July 74203  
1, 2007, or as soon as possible thereafter, the Director of Budget 74204  
and Management shall transfer \$150,000 cash from the State Fire 74205  
Marshal's Fund (Fund 546) in the Department of Commerce to the 74206  
Poison Control Fund (Fund 5CB) in the Department of Health. 74207  
Notwithstanding section 3737.71 of the Revised Code, on July 1, 74208  
2008, or as soon as possible thereafter, the Director of Budget 74209  
and Management shall transfer \$150,000 cash from the State Fire 74210  
Marshal's Fund (Fund 546) in the Department of Commerce to the 74211  
Poison Control Fund (Fund 5CB) in the Department of Health. 74212

POISON CONTROL CENTERS 74213

Of the foregoing appropriation item 440-640, Poison Control 74214  
Centers, in each fiscal year, the poison control centers in the 74215  
municipal corporations of Cleveland, Cincinnati, and Columbus 74216  
shall each receive an allocation of \$50,000. 74217

SEWAGE TREATMENT SYSTEM INNOVATION 74218

Any revenues deposited to the credit of the Sewage Treatment 74219  
System Innovation Fund (Fund 5CJ) in accordance with Section 74220  
120.02 of this act are hereby appropriated to appropriation item 74221  
440-654, Sewage Treatment System Innovation, in the fiscal year in 74222  
which the revenues are received. On July 1, 2008, or as soon as 74223  
possible thereafter, the Department of Health shall certify to the 74224  
Director of Budget and Management the total fiscal year 2008 74225  
unencumbered appropriations in appropriation item 440-654, Sewage 74226  
Treatment System Innovation. The Department of Health may direct 74227  
the Director of Budget and Management to transfer an amount not to 74228  
exceed the total fiscal year 2008 unencumbered appropriations to 74229  
fiscal year 2009 for use in appropriation item 440-654, Sewage 74230  
Treatment System Innovation. Additional appropriation authority 74231  
equal to the amount certified by the Department of Health is 74232  
hereby appropriated to appropriation item 440-654, Sewage 74233  
Treatment System Innovation, in fiscal year 2009. 74234

CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND 74235  
PERMIT FUND 74236

The Director of Budget and Management, pursuant to a plan 74237  
submitted by the Department of Health, or as otherwise determined 74238  
by the Director of Budget and Management, shall set a schedule to 74239  
transfer cash from the Liquor Control Fund (Fund 043) to the 74240  
Alcohol Testing and Permit Fund (Fund 5C0) to meet the operating 74241  
needs of the Alcohol Testing and Permit program. 74242

The Director of Budget and Management shall transfer to the 74243  
Alcohol Testing and Permit Fund (Fund 5C0) from the Liquor Control 74244

Fund (Fund 043) created in section 4301.12 of the Revised Code 74245  
such amounts at such times as determined by the transfer schedule. 74246

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 74247

The foregoing appropriation item 440-607, Medically 74248  
Handicapped Children - County Assessments (Fund 666), shall be 74249  
used to make payments under division (E) of section 3701.023 of 74250  
the Revised Code. 74251

**Section 293.35. HEALTHY OHIO ASSESSMENT** 74252

(A)(1) The Department of Health, through the Healthy Ohio 74253  
program, shall develop an assessment template for use by the 74254  
Department and the Departments of Job and Family Services, Aging, 74255  
Alcohol and Drug Addiction Services, Mental Retardation and 74256  
Developmental Disabilities, and Mental Health. The assessment 74257  
template shall assist the agencies to assess current practices and 74258  
offer recommendations for improvements in the following areas: 74259  
74260

(a) Specific interventions provided to improve outcomes 74261  
measured on an individual basis, including measures taken to 74262  
identify those in need of care, coordinate their care, and provide 74263  
direct service interventions. 74264

(b) Cost of the care provided per individual served each 74265  
fiscal year, including administrative and infrastructure costs; 74266

(c) How money is tied to specific work completion with a 74267  
basis for positive impact and positive outcomes and steps each 74268  
department is making to ensure the people most at-risk receive the 74269  
interventions; 74270

(d) Strategies used in each department to eliminate service 74271  
duplication, especially in the area of care coordination. 74272

(2) Each department listed in division (A)(1) of this section 74273  
shall conduct an assessment of itself using the assessment 74274

template. Not later than January 1, 2008, each department shall 74275  
submit the results of its assessment to the Healthy Ohio program 74276  
in the Department of Health. 74277

(B) When developing the assessment template, the Department 74278  
of Health shall consult with associations representing health care 74279  
providers, business interests, consumer advocates, insurance 74280  
companies, and other interested parties affected by improved 74281  
outcomes funding models. 74282

(C) The Department of Health shall organize and produce a 74283  
summary report of the assessments conducted under division (A)(2) 74284  
of this section. The report shall be submitted to the Governor, 74285  
the Speaker of the House of Representatives, the Minority Leader 74286  
of the House of Representatives, the President of the Senate, and 74287  
the Minority Leader of the Senate. 74288

The Department shall submit its summary report of the 74289  
assessments not later than February 1, 2008. 74290

(D) The Department, through the Healthy Ohio program, shall 74291  
initiate pilot programs throughout the state. The pilot programs 74292  
shall provide financial support to entities that provide care 74293  
coordination services to individuals who are at risk for 74294  
catastrophic and expensive health conditions, as determined by the 74295  
Department. 74296

In providing the financial support, the Department shall 74297  
select entities committed to demonstrating the following 74298  
achievements: 74299

(1) Eliminating service duplication among entities; 74300

(2) Ensuring positive outcomes for individuals by confirming 74301  
an individual's connection to evidence-based interventions; 74302

(3) Improving focus on at-risk individuals. 74303

Entities participating in the Healthy Ohio pilot programs 74304

shall submit written progress reports to the Department in 74305  
intervals determined by the Department. Financial support shall be 74306  
provided to participating entities only on a showing of improved 74307  
outcomes and decreased duplication of services, as determined by 74308  
the Department. 74309

Care coordination service providers who participate in 74310  
federal or state programs are eligible to participate in the pilot 74311  
programs, to the extent permitted by state and federal law. 74312

**Section 293.40. NURSING FACILITY TECHNICAL ASSISTANCE PROGRAM** 74313

The Director of Budget and Management shall transfer, on July 74314  
1, 2007, or as soon as possible thereafter, cash from Fund 4E3, 74315  
Resident Protection Fund, in the Ohio Department of Job and Family 74316  
Services, to Fund 5L1, Nursing Facility Technical Assistance 74317  
Program Fund, in the Ohio Department of Health, to be used under 74318  
section 3721.026 of the Revised Code. The transfers shall equal 74319  
\$410,111 in fiscal year 2008 and \$698,595 in fiscal year 2009. 74320

CASH TRANSFER FROM FEDERAL PUBLIC HEALTH PROGRAMS FUND TO 74321  
AGENCY HEALTH SERVICES FUND 74322

As soon as possible on or after July 1, 2007, the Director of 74323  
Health shall certify to the Director of Budget and Management the 74324  
amount of cash to be transferred from the Federal Public Health 74325  
Programs Fund (Fund 392) to the Agency Health Services Fund (Fund 74326  
142) to meet the operating needs of the Vital Statistics Program. 74327  
The Director of Budget and Management shall transfer the amount 74328  
certified. 74329

**Section 295.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION** 74330

Agency Fund Group 74331  
461 372-601 Operating Expenses \$ 16,819 \$ 16,819 74332  
TOTAL AGY Agency Fund Group \$ 16,819 \$ 16,819 74333



foregoing appropriation items shall be released to the Ohio  
Historical Society in quarterly amounts that in total do not  
exceed the annual appropriations. The funds and fiscal records of  
the society for fiscal years 2008 and 2009 shall be examined by  
independent certified public accountants approved by the Auditor  
of State, and a copy of the audited financial statements shall be  
filed with the Office of Budget and Management. The society shall  
prepare and submit to the Office of Budget and Management the  
following:

(A) An estimated operating budget for each fiscal year of the  
biennium. The operating budget shall be submitted at or near the  
beginning of each calendar year.

(B) Financial reports, indicating actual receipts and  
expenditures for the fiscal year to date. These reports shall be  
filed at least semiannually during the fiscal biennium.

The foregoing appropriations shall be considered to be the  
contractual consideration provided by the state to support the  
state's offer to contract with the Ohio Historical Society under  
section 149.30 of the Revised Code.

STATE ARCHIVES

Of the foregoing appropriation item 360-501, Operating  
Subsidy, \$300,000 in each fiscal year shall be used for the State  
Archives, Library, and Artifact Collections program.

HAYES PRESIDENTIAL CENTER

If a United States government agency, including, but not  
limited to, the National Park Service, chooses to take over the  
operations or maintenance of the Hayes Presidential Center, in  
whole or in part, the Ohio Historical Society shall make  
arrangements with the National Park Service or other United States  
government agency for the efficient transfer of operations or  
maintenance.

HISTORICAL GRANTS				74391	
Of the foregoing appropriation item 360-508, State Historical				74392	
Grants, \$60,000 in fiscal year 2008 shall be distributed to the				74393	
Paul Laurence Dunbar Home, \$75,000 in each fiscal year shall be				74394	
distributed to the Center for Holocaust and Humanity Education				74395	
located at the Hebrew Union College-Jewish Institute of Religion				74396	
in Cincinnati, \$350,000 in each fiscal year shall be distributed				74397	
to the Western Reserve Historical Society, \$350,000 in each fiscal				74398	
year shall be distributed to the Cincinnati Museum Center, and up				74399	
to \$18,000 in fiscal year 2008 shall be distributed to the				74400	
Muskingum River Underground Railroad Historic Marker Project.				74401	
PROCESSING FEES				74402	
The Ohio Historical Society shall not charge or retain an				74403	
administrative, service, or processing fee for distributing money				74404	
that the General Assembly appropriates to the Society for grants				74405	
or subsidies that the Society provides to other entities for their				74406	
site-related programs.				74407	
<b>Section 301.10.</b> REP OHIO HOUSE OF REPRESENTATIVES				74408	
General Revenue Fund				74409	
GRF 025-321 Operating Expenses	\$	20,574,568	\$	20,574,568	74410
TOTAL GRF General Revenue Fund	\$	20,574,568	\$	20,574,568	74411
General Services Fund Group				74412	
103 025-601 House Reimbursement	\$	1,433,664	\$	1,433,664	74413
4A4 025-602 Miscellaneous Sales	\$	37,849	\$	37,849	74414
TOTAL GSF General Services				74415	
Fund Group	\$	1,471,513	\$	1,471,513	74416
TOTAL ALL BUDGET FUND GROUPS	\$	22,046,081	\$	22,046,081	74417
OPERATING EXPENSES				74418	
On July 1, 2007, or as soon as possible thereafter, the Chief				74419	
Administrative Officer of the House of Representatives shall				74420	

certify to the Director of Budget and Management the total fiscal 74421  
year 2007 unencumbered appropriations in appropriation item 74422  
025-321, Operating Expenses. The Chief Administrative Officer may 74423  
direct the Director of Budget and Management to transfer an amount 74424  
not to exceed the total fiscal year 2007 unencumbered 74425  
appropriations to fiscal year 2008 for use within appropriation 74426  
item 025-321, Operating Expenses. Additional appropriation 74427  
authority equal to the amount certified by the Chief 74428  
Administrative Officer is hereby appropriated to appropriation 74429  
item 025-321, Operating Expenses, in fiscal year 2008. 74430

On July 1, 2008, or as soon as possible thereafter, the Chief 74431  
Administrative Officer of the House of Representatives shall 74432  
certify to the Director of Budget and Management the total fiscal 74433  
year 2008 unencumbered appropriations in appropriation item 74434  
025-321, Operating Expenses. The Chief Administrative Officer may 74435  
direct the Director of Budget and Management to transfer an amount 74436  
not to exceed the total fiscal year 2008 unencumbered 74437  
appropriations to fiscal year 2009 for use within appropriation 74438  
item 025-321, Operating Expenses. Additional appropriation 74439  
authority equal to the amount certified by the Chief 74440  
Administrative Officer is hereby appropriated to appropriation 74441  
item 025-321, Operating Expenses, in fiscal year 2009. 74442

**Section 303.10.** HFA OHIO HOUSING FINANCE AGENCY 74443

Agency Fund Group 74444

5AZ 997-601 Housing Finance Agency \$ 9,750,953 \$ 10,237,491 74445

Personal Services

TOTAL AGY Agency Fund Group \$ 9,750,953 \$ 10,237,491 74446

TOTAL ALL BUDGET FUND GROUPS \$ 9,750,953 \$ 10,237,491 74447

**Section 305.10.** IGO OFFICE OF THE INSPECTOR GENERAL 74449

General Revenue Fund 74450

GRF 965-321 Operating Expenses	\$	1,367,372	\$	1,437,901	74451
TOTAL GRF General Revenue Fund	\$	1,367,372	\$	1,437,901	74452
General Services Fund Group					74453
4Z3 965-602 Special Investigations	\$	425,000	\$	425,000	74454
TOTAL GSF General Services Fund	\$	425,000	\$	425,000	74455
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,792,372	\$	1,862,901	74456

**Section 307.10.** INS DEPARTMENT OF INSURANCE 74458

Federal Special Revenue Fund Group					74459
3U5 820-602 OSHIIP Operating Grant	\$	1,100,000	\$	1,100,000	74460
TOTAL FED Federal Special					74461
Revenue Fund Group	\$	1,100,000	\$	1,100,000	74462
State Special Revenue Fund Group					74463
554 820-601 Operating Expenses -	\$	553,750	\$	569,269	74464
OSHIIP					
554 820-606 Operating Expenses	\$	23,350,236	\$	23,802,797	74465
555 820-605 Examination	\$	7,639,581	\$	7,868,768	74466
TOTAL SSR State Special Revenue					74467
Fund Group	\$	31,543,567	\$	32,240,834	74468
TOTAL ALL BUDGET FUND GROUPS	\$	32,643,567	\$	33,340,834	74469

MARKET CONDUCT EXAMINATION 74470

When conducting a market conduct examination of any insurer 74471  
doing business in this state, the Superintendent of Insurance may 74472  
assess the costs of the examination against the insurer. The 74473  
superintendent may enter into consent agreements to impose 74474  
administrative assessments or fines for conduct discovered that 74475  
may be violations of statutes or rules administered by the 74476  
superintendent. All costs, assessments, or fines collected shall 74477  
be deposited to the credit of the Department of Insurance 74478  
Operating Fund (Fund 554). 74479

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES				74480	
The Director of Budget and Management, at the request of the				74481	
Superintendent of Insurance, may transfer funds from the				74482	
Department of Insurance Operating Fund (Fund 554), established by				74483	
section 3901.021 of the Revised Code, to the Superintendent's				74484	
Examination Fund (Fund 555), established by section 3901.071 of				74485	
the Revised Code, only for expenses incurred in examining domestic				74486	
fraternal benefit societies as required by section 3921.28 of the				74487	
Revised Code.				74488	
TRANSFER FROM FUND 554 TO GENERAL REVENUE FUND				74489	
Not later than the thirty-first day of July each fiscal year,				74490	
the Director of Budget and Management shall transfer \$5,000,000				74491	
from the Department of Insurance Operating Fund to the General				74492	
Revenue Fund.				74493	
<b>Section 309.10.</b> JFS DEPARTMENT OF JOB AND FAMILY SERVICES				74494	
General Revenue Fund				74495	
GRF 600-321 Support Services				74496	
State	\$	50,785,978	\$	52,571,413	74497
Federal	\$	10,460,286	\$	11,290,237	74498
Support Services Total	\$	61,246,264	\$	63,861,650	74499
GRF 600-410 TANF State	\$	267,619,061	\$	267,619,061	74500
GRF 600-413 Child Care	\$	84,120,596	\$	84,120,596	74501
Match/Maintenance of					
Effort					
GRF 600-416 Computer Projects				74502	
State	\$	115,383,181	\$	116,419,033	74503
Federal	\$	21,488,920	\$	21,192,117	74504
Computer Projects Total	\$	136,872,101	\$	137,611,150	74505
GRF 600-417 Medicaid Provider	\$	2,000,000	\$	2,000,000	74506
Audits					

GRF 600-420	Child Support Administration	\$	8,541,446	\$	10,641,446	74507
GRF 600-421	Office of Family Stability	\$	4,614,932	\$	4,614,932	74508
GRF 600-423	Office of Children and Families	\$	5,650,000	\$	5,900,000	74509
GRF 600-425	Office of Ohio Health Plans					74510
	State	\$	22,500,000	\$	22,500,000	74511
	Federal	\$	23,324,848	\$	23,418,368	74512
	Office of Ohio Health Plans Total	\$	45,824,848	\$	45,918,368	74513
GRF 600-502	Administration - Local	\$	34,014,103	\$	34,014,103	74514
GRF 600-511	Disability Financial Assistance	\$	22,128,480	\$	25,335,908	74515
GRF 600-512	Non-TANF Disaster Assistance	\$	1,000,000	\$	1,000,000	74516
GRF 600-521	Entitlement Administration - Local	\$	130,000,000	\$	130,000,000	74517
GRF 600-523	Children and Families Services	\$	78,115,135	\$	78,115,135	74518
GRF 600-525	Health Care/Medicaid					74519
	State	\$	3,371,917,993	\$	3,603,598,928	74520
	Federal	\$	5,173,236,576	\$	5,736,989,273	74521
	Health Care Total	\$	8,545,154,569	\$	9,340,588,201	74522
GRF 600-526	Medicare Part D	\$	254,397,401	\$	271,854,640	74523
GRF 600-528	Adoption Services					74524
	State	\$	37,520,466	\$	43,978,301	74525
	Federal	\$	41,304,043	\$	49,196,065	74526
	Adoption Services Total	\$	78,824,509	\$	93,174,366	74527
GRF 600-529	Capital Compensation Program	\$	7,000,000	\$	0	74528
GRF 600-534	Adult Protective	\$	500,000	\$	500,000	74529

Services			
TOTAL GRF General Revenue Fund			74530
State	\$ 4,497,808,772	\$ 4,754,783,496	74531
Federal	\$ 5,269,814,673	\$ 5,842,086,060	74532
GRF Total	\$ 9,767,623,445	\$10,596,869,556	74533
General Services Fund Group			74534
4A8 600-658 Child Support	\$ 26,680,794	\$ 26,680,794	74535
Collections			
4R4 600-665 BCII Services/Fees	\$ 36,974	\$ 36,974	74536
5BG 600-653 Managed Care	\$ 210,655,034	\$ 222,667,304	74537
Assessment			
5C9 600-671 Medicaid Program	\$ 80,120,048	\$ 80,120,048	74538
Support			
5DL 600-639 Medicaid Revenue and	\$ 51,966,785	\$ 56,296,844	74539
Collections			
5N1 600-677 County Technologies	\$ 1,000,000	\$ 1,000,000	74540
5P5 600-692 Health Care Services	\$ 93,000,000	\$ 62,000,000	74541
613 600-645 Training Activities	\$ 135,000	\$ 135,000	74542
TOTAL GSF General Services			74543
Fund Group	\$ 463,594,635	\$ 448,936,964	74544
Federal Special Revenue Fund Group			74545
3AW 600-675 Faith Based	\$ 1,000,000	\$ 1,000,000	74546
Initiatives			
3A2 600-641 Emergency Food	\$ 2,900,000	\$ 3,500,000	74547
Distribution			
3D3 600-648 Children's Trust Fund	\$ 2,040,524	\$ 2,040,524	74548
Federal			
3F0 600-623 Health Care Federal	\$ 1,209,188,383	\$ 1,211,196,561	74549
3F0 600-650 Hospital Care	\$ 343,239,047	\$ 343,239,047	74550
Assurance Match			
3G5 600-655 Interagency	\$ 1,469,763,073	\$ 1,513,855,965	74551
Reimbursement			

3H7	600-617	Child Care Federal	\$	207,269,463	\$	200,167,593	74552
3N0	600-628	IV-E Foster Care	\$	153,963,142	\$	153,963,142	74553
		Maintenance					
3S5	600-622	Child Support Projects	\$	534,050	\$	534,050	74554
3V0	600-688	Workforce Investment	\$	232,568,453	\$	233,082,144	74555
		Act					
3V4	600-678	Federal Unemployment	\$	147,411,858	\$	152,843,414	74556
		Programs					
3V4	600-679	Unemployment	\$	3,092,890	\$	3,191,862	74557
		Compensation Review					
		Commission - Federal					
3V6	600-689	TANF Block Grant	\$	1,037,739,200	\$	1,085,861,099	74558
3W3	600-659	TANF/Title XX Transfer	\$	10,081,377	\$	6,672,366	74559
327	600-606	Child Welfare	\$	48,514,502	\$	47,947,309	74560
331	600-686	Federal Operating	\$	53,963,318	\$	56,263,225	74561
384	600-610	Food Stamps and State	\$	160,237,060	\$	153,147,118	74562
		Administration					
385	600-614	Refugee Services	\$	10,196,547	\$	11,057,826	74563
395	600-616	Special	\$	5,723,131	\$	5,717,151	74564
		Activities/Child and					
		Family Services					
396	600-620	Social Services Block	\$	114,479,464	\$	114,474,085	74565
		Grant					
396	600-651	Second Harvest Food	\$	5,500,000	\$	5,500,000	74566
		Banks					
397	600-626	Child Support	\$	303,661,307	\$	303,538,962	74567
398	600-627	Adoption Maintenance/	\$	318,172,168	\$	317,483,676	74568
		Administration					
TOTAL FED		Federal Special Revenue					74569
Fund Group			\$	5,841,238,957	\$	5,926,277,119	74570
State Special Revenue Fund Group							74571
198	600-647	Children's Trust Fund	\$	6,788,522	\$	6,788,522	74572
4A9	600-607	Unemployment	\$	12,273,062	\$	12,188,996	74573

		Compensation Administration Fund				
4A9	600-694	Unemployment	\$	1,726,938	\$	1,811,004 74574
		Compensation Review Commission				
4E3	600-605	Nursing Home Assessments	\$	4,759,914	\$	4,759,914 74575
4E7	600-604	Child and Family Services Collections	\$	300,000	\$	300,000 74576
4J5	600-613	Nursing Facility Bed Assessments	\$	34,613,984	\$	34,613,984 74577
4J5	600-618	Residential State Supplement Payments	\$	15,700,000	\$	15,700,000 74578
4K1	600-621	ICF/MR Bed Assessments	\$	19,332,437	\$	19,332,437 74579
4R3	600-687	Banking Fees	\$	800,000	\$	800,000 74580
4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$	10,000,000 74581
5DB	600-637	Military Injury Grants	\$	2,000,000	\$	2,000,000 74582
5ES	600-630	Food Assistance	\$	500,000	\$	500,000 74583
5F2	600-667	Building Consolidation	\$	250,000	\$	250,000 74584
5F3	600-668	Building Consolidation	\$	1,000,000	\$	1,000,000 74585
5Q9	600-619	Supplemental Inpatient Hospital Payments	\$	56,125,998	\$	56,125,998 74586
5R2	600-608	Medicaid-Nursing Facilities	\$	175,000,000	\$	175,000,000 74587
5S3	600-629	MR/DD Medicaid Administration and Oversight	\$	1,620,960	\$	1,620,960 74588
5U3	600-654	Health Care Services Administration	\$	9,867,284	\$	12,000,349 74589
5U6	600-663	Children and Family Support	\$	4,928,718	\$	4,928,718 74590
5Z9	600-672	TANF Quality Control Reinvestments	\$	520,971	\$	546,254 74591

651 600-649 Hospital Care	\$	231,893,404	\$	231,893,404	74592
Assurance Program Fund					
TOTAL SSR State Special Revenue					74593
Fund Group	\$	590,002,192	\$	592,160,540	74594
Agency Fund Group					74595
192 600-646 Support Intercept -	\$	110,000,000	\$	110,000,000	74596
Federal					
5B6 600-601 Food Stamp Intercept	\$	2,000,000	\$	2,000,000	74597
583 600-642 Support Intercept -	\$	16,000,000	\$	16,000,000	74598
State					
TOTAL AGY Agency Fund Group	\$	128,000,000	\$	128,000,000	74599
Holding Account Redistribution Fund Group					74600
R12 600-643 Refunds and Audit	\$	3,600,000	\$	3,600,000	74601
Settlements					
R13 600-644 Forgery Collections	\$	10,000	\$	10,000	74602
TOTAL 090 Holding Account	\$	3,610,000	\$	3,610,000	74603
Redistribution Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	16,794,069,229	\$	17,695,854,179	74604

**Section 309.20. SUPPORT SERVICES** 74606

**Section 309.20.10. GOVERNOR'S OFFICE OF FAITH-BASED AND** 74607  
**COMMUNITY INITIATIVES** 74608

Of the foregoing appropriation item 600-321, Support 74609  
 Services, up to \$312,500 per fiscal year may be used to support 74610  
 the activities of the Governor's Office of Faith-Based and 74611  
 Community Initiatives. 74612

**Section 309.20.15. OPERATIONS INDUSTRIALIZATION CENTERS** 74613

Of the foregoing appropriation item 600-321, Support 74614  
 Services, \$75,000 in each fiscal year shall be provided to the 74615  
 Operations Industrialization Centers of Clark County. 74616

**Section 309.20.30. AGENCY FUND GROUP** 74617

The Agency Fund Group and Holding Account Redistribution Fund 74618  
Group shall be used to hold revenues until the appropriate fund is 74619  
determined or until the revenues are directed to the appropriate 74620  
governmental agency other than the Department of Job and Family 74621  
Services. If it is determined that additional appropriation 74622  
authority is necessary, such amounts are hereby appropriated. 74623

**Section 309.30. MEDICAID** 74624

**Section 309.30.03. EXECUTIVE MEDICAID ADMINISTRATION** 74625

(A) The Governor shall create an administration to manage all 74626  
Medicaid policies and functions and promote the efficient and 74627  
effective delivery of health care. The responsibilities of this 74628  
body shall include implementation of recommendations of the Ohio 74629  
Medicaid Administrative Study Council, except its recommendation 74630  
for the creation of a separate Medicaid department. In addition, 74631  
the administration created by this section shall do the following: 74632

(1) Set up a governance structure that includes information 74633  
technology, strategy and planning, program integrity, resource 74634  
organization, local government relations, and unified budgeting; 74635

(2) Hire an executive director who shall report directly to 74636  
the Governor. 74637

(B) Division (A) of this section does not authorize the 74638  
Governor to replace the Department of Job and Family Services as 74639  
the single state agency to supervise the administration of the 74640  
Medicaid program. 74641

**Section 309.30.05. ELECTRONIC MEDICAID APPLICATIONS** 74642

The Department of Job and Family Services shall assist county 74643  
departments of job and family services to develop and obtain 74644

electronic databases and other necessary systems through a 74645  
competitive process to comply with section 5111.017 of the Revised 74646  
Code. 74647

**Section 309.30.10. HEALTH CARE/MEDICAID** 74648

The foregoing appropriation item 600-525, Health 74649  
Care/Medicaid, shall not be limited by section 131.33 of the 74650  
Revised Code. 74651

**Section 309.30.13. CHILDREN'S HOSPITALS** 74652

(A) As used in this section: 74653

"Children's hospital" means a hospital that primarily serves 74654  
patients eighteen years of age and younger and is excluded from 74655  
Medicare prospective payment in accordance with 42 C.F.R. 74656  
412.23(d). 74657

"Medicaid inpatient cost-to-charge ratio" means the historic 74658  
Medicaid inpatient cost-to-charge ratio applicable to a hospital 74659  
as described in rules adopted by the Director of Job and Family 74660  
Services in paragraph (B)(2) of rule 5101:3-2-22 of the 74661  
Administrative Code. 74662

(B) Notwithstanding paragraph (C)(5) of rule 5101:3-2-07.9 of 74663  
the Administrative Code and except as provided in division (C) of 74664  
this section, the Director of Job and Family Services shall pay a 74665  
children's hospital that meets the criteria in paragraphs (E)(1) 74666  
and (2) of rule 5101:3-2-07.9 of the Administrative Code, for each 74667  
cost outlier claim made in fiscal years 2008 and 2009, an amount 74668  
that is the product of the hospital's allowable charges and the 74669  
hospital's Medicaid inpatient cost-to-charge ratio. 74670

(C) The Director of Job and Family Services shall cease 74671  
paying a children's hospital for a cost outlier claim under the 74672  
methodology in division (B) of this section and revert to paying 74673

the hospital for such a claim according to methodology in 74674  
paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of the 74675  
Administrative Code, as applicable, when the difference between 74676  
the total amount the Director has paid according to the 74677  
methodology in division (B) of this section for such claims and 74678  
the total amount the Director would have paid according to the 74679  
methodology in paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of 74680  
the Administrative Code, as the applicable paragraph existed on 74681  
June 30, 2007, for such claims, exceeds the sum of the state funds 74682  
and corresponding federal match earmarked in division (F) of this 74683  
section for the applicable fiscal year. 74684

(D) The Director of Job and Family Services shall make 74685  
supplemental Medicaid payments to hospitals for inpatient services 74686  
under a program modeled after the program the Department of Job 74687  
and Family Services was required to create for fiscal years 2006 74688  
and 2007 in Section 206.66.79 of Am. Sub. H.B. 66 of the 126th 74689  
General Assembly if the difference between the total amount the 74690  
Director has paid according to the methodology in division (B) of 74691  
this section for cost outlier claims and the total amount the 74692  
Director would have paid according to the methodology in paragraph 74693  
(A)(6) or (C)(5) of rule 5101:3-2-07.9 of the Administrative Code 74694  
for such claims, as the applicable paragraph existed on June 30, 74695  
2007, does not require the expenditure of all state and federal 74696  
funds earmarked in division (F) of this section for the applicable 74697  
fiscal year. 74698

(E) The Director of Job and Family Services shall not adopt, 74699  
amend, or rescind any rules that would result in decreasing the 74700  
amount paid to children's hospitals under division (B) of this 74701  
section for cost outlier claims. 74702

(F) Of the foregoing appropriation item, 600-525, Health 74703  
Care/Medicaid, up to \$6 million (state share) in each fiscal year 74704  
plus the corresponding federal match, if available, shall be used 74705

by the Department to pay the amounts described in division (B) of 74706  
this section. 74707

**Section 309.30.16. MEDICAID RESERVE FUND** 74708

The Medicaid Reserve Fund is hereby created in the state 74709  
treasury. 74710

Not later than July 31, 2007, or as soon as possible 74711  
thereafter, the Director of Budget and Management shall transfer, 74712  
for fiscal year 2008, \$120,000,000 in cash from the General 74713  
Revenue Fund to the Medicaid Reserve Fund. 74714

If at any time during fiscal year 2008 the Director of Budget 74715  
and Management determines that additional appropriations are 74716  
needed in appropriation item 600-525, Health Care/Medicaid, to 74717  
fund the Medicaid Program, the Director of Budget and Management 74718  
may submit a request to the Controlling Board to transfer cash 74719  
from the Medicaid Reserve Fund. The request shall state the 74720  
reasons for the transfer and the additional amounts being 74721  
requested. The request shall be submitted at a regularly scheduled 74722  
meeting of the Controlling Board. If the Controlling Board 74723  
approves the transfer, the Director of Budget and Management shall 74724  
transfer the approved amount of cash from the Medicaid Reserve 74725  
Fund to the General Revenue Fund and increase the state share of 74726  
appropriations in appropriation item 600-525, Health 74727  
Care/Medicaid, and adjust the federal share accordingly. Any such 74728  
transfers and adjustments are hereby appropriated. 74729

At the end of fiscal year 2008, the Director of Budget and 74730  
Management shall transfer from the Medicaid Reserve Fund all the 74731  
cash balance in excess of any transfers approved by the 74732  
Controlling Board to the credit of the General Revenue Fund. The 74733  
Director of Budget and Management shall make transfers to the 74734  
Budget Stabilization Fund or the Income Tax Reduction Fund in 74735  
accordance with section 131.44 of the Revised Code. 74736

Not later than July 31, 2008, or as soon as possible 74737  
thereafter, the Director of Budget and Management shall transfer, 74738  
for fiscal year 2009, \$205,000,000 in cash from the General 74739  
Revenue Fund to the Medicaid Reserve Fund. 74740

If at any time during fiscal year 2009 the Director of Budget 74741  
and Management determines that additional appropriations are 74742  
needed in appropriation item 600-525, Health Care/Medicaid, to 74743  
fund the Medicaid Program, the Director of Budget and Management 74744  
may submit a request to the Controlling Board to transfer cash 74745  
from the Medicaid Reserve Fund. The request shall state the 74746  
reasons for the transfer and the additional amounts being 74747  
requested. The request shall be submitted at a regularly scheduled 74748  
meeting of the Controlling Board. If the Controlling Board 74749  
approves the transfer, the Director of Budget and Management shall 74750  
transfer the approved amount of cash from the Medicaid Reserve 74751  
Fund to the General Revenue Fund and increase the state share of 74752  
appropriations in appropriation item 600-525, Health 74753  
Care/Medicaid, and adjust the federal share accordingly. Any such 74754  
transfers and adjustments are hereby appropriated. 74755

At the end of fiscal year 2009, the Director of Budget and 74756  
Management shall transfer from the Medicaid Reserve Fund all the 74757  
cash balance in excess of any transfers approved by the 74758  
Controlling Board to the credit of the General Revenue Fund. The 74759  
Director of Budget and Management shall make transfers to the 74760  
Budget Stabilization Fund and the Income Tax Reduction Fund in 74761  
accordance with section 131.44 of the Revised Code. 74762

**Section 309.30.18. MEDICAID PROVIDER AUDITS** 74763

Of the foregoing appropriation item 600-417, Medicaid 74764  
Provider Audits, \$2,000,000 each fiscal year shall be used by the 74765  
Auditor of State, in consultation with the Department of Job and 74766  
Family Services, to perform audits of providers of Medicaid 74767

services as defined in section 117.10 of the Revised Code. 74768

**Section 309.30.20.** FISCAL YEAR 2008 MEDICAID REIMBURSEMENT 74769  
SYSTEM FOR NURSING FACILITIES 74770

(A) As used in this section: 74771

"Franchise permit fee," "Medicaid days," "nursing facility," 74772  
and "provider" have the same meanings as in section 5111.20 of the 74773  
Revised Code. 74774

"Nursing facility services" means nursing facility services 74775  
covered by the Medicaid program that a nursing facility provides 74776  
to a resident of the nursing facility who is a Medicaid recipient 74777  
eligible for Medicaid-covered nursing facility services. 74778

(B) Except as otherwise provided by this section, the 74779  
provider of a nursing facility that has a valid Medicaid provider 74780  
agreement on June 30, 2007, and a valid Medicaid provider 74781  
agreement during fiscal year 2008 shall be paid, for nursing 74782  
facility services the nursing facility provides during fiscal year 74783  
2008, the rate calculated for the nursing facility under sections 74784  
5111.20 to 5111.33 of the Revised Code with the following 74785  
adjustments: 74786

(1) The cost per case mix-unit calculated under section 74787  
5111.231 of the Revised Code, the rate for ancillary and support 74788  
costs calculated under section 5111.24 of the Revised Code, the 74789  
rate for capital costs calculated under section 5111.25 of the 74790  
Revised Code, and the rate for tax costs calculated under section 74791  
5111.242 of the Revised Code shall each be adjusted as follows: 74792

(a) Increase the cost and rates so calculated by two per 74793  
cent; 74794

(b) Increase the cost and rates determined under division 74795  
(B)(1)(a) of this section by two per cent; 74796

(c) Increase the cost and rates determined under division 74797

(B)(1)(b) of this section by one per cent. 74798

(2) The mean payment used in the calculation of the quality 74799  
incentive payment made under section 5111.244 of the Revised Code 74800  
shall be, weighted by Medicaid days, three dollars and three cents 74801  
per Medicaid day. 74802

(C) If the rate determined for a nursing facility under 74803  
division (B) of this section for nursing facility services 74804  
provided during fiscal year 2008 is more than one hundred two and 74805  
seventy-five hundredths per cent of the rate the provider is paid 74806  
for nursing facility services the nursing facility provides on 74807  
June 30, 2007, the Department of Job and Family Services shall 74808  
reduce the nursing facility's fiscal year 2008 rate so that the 74809  
rate is not more than one hundred two and seventy-five hundredths 74810  
per cent of the nursing facility's rate for June 30, 2007. If the 74811  
rate determined for a nursing facility under division (B) of this 74812  
section for nursing facility services provided during fiscal year 74813  
2008 is less than the rate the provider is paid for nursing 74814  
facility services the nursing facility provides on June 30, 2007, 74815  
the Department shall increase the nursing facility's fiscal year 74816  
2008 rate so that the rate is not less than the nursing facility's 74817  
rate for June 30, 2007. 74818

(D) If the United States Centers for Medicare and Medicaid 74819  
Services requires that the franchise permit fee be reduced or 74820  
eliminated, the Department of Job and Family Services shall reduce 74821  
the amount it pays providers of nursing facility services under 74822  
this section as necessary to reflect the loss to the state of the 74823  
revenue and federal financial participation generated from the 74824  
franchise permit fee. 74825

(E) The Department of Job and Family Services shall follow 74826  
this section in determining the rate to be paid to the provider of 74827  
a nursing facility that has a valid Medicaid provider agreement on 74828  
June 30, 2007, and a valid Medicaid provider agreement during 74829

fiscal year 2008 notwithstanding anything to the contrary in 74830  
sections 5111.20 to 5111.33 of the Revised Code. 74831

**Section 309.30.30. FISCAL YEAR 2009 MEDICAID REIMBURSEMENT** 74832  
**SYSTEM FOR NURSING FACILITIES** 74833

(A) As used in this section: 74834

"Franchise permit fee," "Medicaid days," "nursing facility," 74835  
and "provider" have the same meanings as in section 5111.20 of the 74836  
Revised Code. 74837

"Nursing facility services" means nursing facility services 74838  
covered by the Medicaid program that a nursing facility provides 74839  
to a resident of the nursing facility who is a Medicaid recipient 74840  
eligible for Medicaid-covered nursing facility services. 74841

(B) Except as otherwise provided by this section, the 74842  
provider of a nursing facility that has a valid Medicaid provider 74843  
agreement on June 30, 2008, and a valid Medicaid provider 74844  
agreement during fiscal year 2009 shall be paid, for nursing 74845  
facility services the nursing facility provides during fiscal year 74846  
2009, the rate calculated for the nursing facility under sections 74847  
5111.20 to 5111.33 of the Revised Code with the following 74848  
adjustments: 74849

(1) The cost per case mix-unit calculated under section 74850  
5111.231 of the Revised Code, the rate for ancillary and support 74851  
costs calculated under section 5111.24 of the Revised Code, the 74852  
rate for capital costs calculated under section 5111.25 of the 74853  
Revised Code, and the rate for tax costs calculated under section 74854  
5111.242 of the Revised Code shall each be adjusted as follows: 74855

(a) Increase the cost and rates so calculated by two per 74856  
cent; 74857

(b) Increase the cost and rates determined under division 74858  
(B)(1)(a) of this section by two per cent; 74859

(c) Increase the cost and rates determined under division 74860  
(B)(1)(b) of this section by one per cent. 74861

(2) The mean payment used in the calculation of the quality 74862  
incentive payment made under section 5111.244 of the Revised Code 74863  
shall be, weighted by Medicaid days, three dollars and three cents 74864  
per Medicaid day. 74865

(C) If the rate determined for a nursing facility under 74866  
division (B) of this section for nursing facility services 74867  
provided during fiscal year 2009 is more than one hundred two and 74868  
seventy-five hundredths per cent of the rate the provider is paid 74869  
for nursing facility services the nursing facility provides on 74870  
June 30, 2008, the Department of Job and Family Services shall 74871  
reduce the nursing facility's fiscal year 2009 rate so that the 74872  
rate is not more than one hundred two and seventy-five hundredths 74873  
per cent of the nursing facility's rate for June 30, 2008. If the 74874  
rate determined for a nursing facility under division (B) of this 74875  
section for nursing facility services provided during fiscal year 74876  
2009 is less than the rate the provider is paid for nursing 74877  
facility services the nursing facility provides on June 30, 2008, 74878  
the Department shall increase the nursing facility's fiscal year 74879  
2009 rate so that the rate is not less than the nursing facility's 74880  
rate for June 30, 2008. 74881

(D) If the United States Centers for Medicare and Medicaid 74882  
Services requires that the franchise permit fee be reduced or 74883  
eliminated, the Department of Job and Family Services shall reduce 74884  
the amount it pays providers of nursing facility services under 74885  
this section as necessary to reflect the loss to the state of the 74886  
revenue and federal financial participation generated from the 74887  
franchise permit fee. 74888

(E) The Department of Job and Family Services shall follow 74889  
this section in determining the rate to be paid to the provider of 74890  
a nursing facility that has a valid Medicaid provider agreement on 74891

June 30, 2008, and a valid Medicaid provider agreement during 74892  
fiscal year 2009 notwithstanding anything to the contrary in 74893  
sections 5111.20 to 5111.33 of the Revised Code. 74894

**Section 309.30.40. FISCAL YEARS 2008 AND 2009 MEDICAID** 74895  
REIMBURSEMENT SYSTEM FOR ICFs/MR 74896

(A) As used in this section: 74897

"Intermediate care facility for the mentally retarded" has 74898  
the same meaning as in section 5111.20 of the Revised Code. 74899

"Medicaid days" means all days during which a resident who is 74900  
a Medicaid recipient occupies a bed in an intermediate care 74901  
facility for the mentally retarded that is included in the 74902  
facility's Medicaid-certified capacity. Therapeutic or hospital 74903  
leave days for which payment is made under section 5111.33 of the 74904  
Revised Code are considered Medicaid days proportionate to the 74905  
percentage of the intermediate care facility for the mentally 74906  
retarded's per resident per day rate paid for those days. 74907

"Per diem rate" means the per diem rate calculated pursuant 74908  
to sections 5111.20 to 5111.33 of the Revised Code. 74909

(B) Notwithstanding sections 5111.20 to 5111.33 of the 74910  
Revised Code, rates paid to intermediate care facilities for the 74911  
mentally retarded under the Medicaid program shall be subject to 74912  
the following limitations: 74913

(1) For fiscal year 2008, the mean total per diem rate for 74914  
all intermediate care facilities for the mentally retarded in the 74915  
state, weighted by May 2007 Medicaid days and calculated as of 74916  
July 1, 2007, shall not exceed \$266.14. 74917

(2) For fiscal year 2009, the mean total per diem rate for 74918  
all intermediate care facilities for the mentally retarded in the 74919  
state, weighted by May 2008 Medicaid days and calculated as of 74920  
July 1, 2008, shall not exceed \$271.46. 74921

(3) If the mean total per diem rate for all intermediate care facilities for the mentally retarded in the state for fiscal year 2008 or 2009, weighted by Medicaid days as specified in division (B)(1) or (2) of this section, as appropriate, and calculated as of the first day of July of the calendar year in which the fiscal year begins, exceeds the amount specified in division (B)(1) or (2) of this section, as applicable, the Department of Job and Family Services shall reduce the total per diem rate for each intermediate care facility for the mentally retarded in the state by a percentage that is equal to the percentage by which the mean total per diem rate exceeds the amount specified in division (B)(1) or (2) of this section for that fiscal year.

(4) Subsequent to any reduction required by division (B)(3) of this section, the rate of an intermediate care facility for the mentally retarded shall not be subject to any adjustments authorized by sections 5111.20 to 5111.33 of the Revised Code during the remainder of the year.

**Section 309.30.41. ADDITIONAL COMPENSATION FOR NURSING FACILITY CAPITAL COSTS**

The foregoing appropriation item 600-529, Capital Compensation Program, shall be used to make payments to nursing facilities under the section of this act entitled "FISCAL YEARS 2008 AND 2009 PAYMENTS TO CERTAIN NURSING FACILITIES."

The unencumbered balance of appropriation item 600-529, Capital Compensation Program, at the end of fiscal year 2008 is hereby appropriated to fiscal year 2009 for use under the same appropriation item.

**Section 309.30.42. FISCAL YEARS 2008 AND 2009 PAYMENTS TO CERTAIN NURSING FACILITIES**

(A) As used in this section:

"Capital costs," "cost of ownership," and "renovation" have 74952  
the same meanings as in section 5111.20 of the Revised Code as 74953  
that section existed on June 30, 2005. 74954

"Change of operator" has the same meaning as in section 74955  
5111.65 of the Revised Code. 74956

"Inpatient days," "Medicaid days," and "nursing facility" 74957  
have the same meanings as in section 5111.20 of the Revised Code. 74958

"Reviewable activity" has the same meaning as in section 74959  
3702.51 of the Revised Code. 74960

(B) The following qualify for per diem payments under this 74961  
section: 74962

(1) A nursing facility to which both of the following apply: 74963

(a) Both of the following occurred during fiscal year 2006, 74964  
2007, or 2008: 74965

(i) The facility obtained certification as a nursing facility 74966  
from the Director of Health. 74967

(ii) The facility began participating in the Medicaid 74968  
program. 74969

(b) An application for a certificate of need for the nursing 74970  
facility was filed with the Director of Health before June 15, 74971  
2005. 74972

(2) A nursing facility to which all of the following apply: 74973

(a) The nursing facility does not qualify for a payment 74974  
pursuant to division (B)(1) of this section. 74975

(b) The nursing facility, before June 30, 2008, completed a 74976  
capital project for which a certificate of need was filed with the 74977  
Director of Health before June 15, 2005, and for which at least 74978  
one of the following occurred before July 1, 2005, or, if the 74979  
capital project is undertaken to comply with rules adopted by the 74980

Public Health Council regarding resident room size or occupancy, before June 30, 2007:	74981 74982
(i) Any materials or equipment for the capital project were delivered;	74983 74984
(ii) Preparations for the physical site of the capital project, including, if applicable, excavation, began;	74985 74986
(iii) Actual work on the capital project began.	74987
(c) The costs of the capital project are not fully reflected in the capital costs portion of the nursing facility's Medicaid reimbursement per diem rate on June 30, 2005.	74988 74989 74990
(d) The nursing facility files a three-month projected capital cost report with the Director of Job and Family Services not later than ninety days after the later of March 30, 2006, or the date the capital project is completed.	74991 74992 74993 74994
(3) A nursing facility that, before June 30, 2008, completed an activity to which all of the following apply:	74995 74996
(a) A request was filed with the Director of Health before July 1, 2005, for a determination of whether the activity is a reviewable activity and the Director determined that the activity is not a reviewable activity.	74997 74998 74999 75000
(b) At least one of the following occurred before July 1, 2005, or, if the nursing facility undertakes the activity to comply with rules adopted by the Public Health Council regarding resident room size or occupancy, before June 30, 2007:	75001 75002 75003 75004
(i) Any materials or equipment for the activity were delivered.	75005 75006
(ii) Preparations for the physical site of the activity, including, if applicable, excavation, began.	75007 75008
(iii) Actual work on the activity began.	75009

(c) The costs of the activity are not fully reflected in the 75010  
capital costs portion of the nursing facility's Medicaid 75011  
reimbursement per diem rate on June 30, 2005. 75012

(d) The nursing facility files a three-month projected 75013  
capital cost report with the Director of Job and Family Services 75014  
not later than ninety days after the later of March 30, 2006, or 75015  
the date the activity is completed. 75016

(4) A nursing facility that, before June 30, 2008, completed 75017  
a renovation to which all of the following apply: 75018

(a) The Director of Job and Family Services approved the 75019  
renovation before July 1, 2005. 75020

(b) At least one of the following occurred before July 1, 75021  
2005, or, if the nursing facility undertakes the renovation to 75022  
comply with rules adopted by the Public Health Council regarding 75023  
resident room size or occupancy, before June 30, 2007: 75024

(i) Any materials or equipment for the renovation were 75025  
delivered. 75026

(ii) Preparations for the physical site of the renovation, 75027  
including, if applicable, excavation, began. 75028

(iii) Actual work on the renovation began. 75029

(c) The costs of the renovation are not fully reflected in 75030  
the capital costs portion of the nursing facility's Medicaid 75031  
reimbursement per diem rate on June 30, 2005. 75032

(d) The nursing facility files a three-month projected 75033  
capital cost report with the Director of Job and Family Services 75034  
not later than ninety days after the later of March 30, 2006, or 75035  
the date the renovation is completed. 75036

(C) If a nursing facility qualifies for per diem payments 75037  
pursuant to division (B)(1) of this section for fiscal year 2008, 75038  
the nursing facility's per diem payments under this section for 75039

fiscal year 2008 shall equal the difference between the capital 75040  
costs portion of the nursing facility's Medicaid reimbursement per 75041  
diem rate determined under Section 309.30.20 of this act and the 75042  
lesser of the following: 75043

(1) Eighty-eight and sixty-five hundredths per cent of the 75044  
nursing facility's cost of ownership as reported on a three-month 75045  
projected capital cost report divided by the greater of the number 75046  
of inpatient days the nursing facility is expected to have during 75047  
the period covered by the projected capital cost report or the 75048  
number of inpatient days the nursing facility would have during 75049  
that period if the nursing facility's occupancy rate was eighty 75050  
per cent. 75051

(2) The maximum capital per diem rate in effect for fiscal 75052  
year 2005 for nursing facilities. 75053

(D) If a nursing facility qualifies for per diem payments 75054  
pursuant to division (B)(1) of this section for fiscal year 2009, 75055  
the nursing facility's per diem payments under this section for 75056  
fiscal year 2009 shall equal the difference between the capital 75057  
costs portion of the nursing facility's Medicaid reimbursement per 75058  
diem rate determined under Section 309.30.30 of this act and the 75059  
lesser of the following: 75060

(1) Eighty-eight and sixty-five hundredths per cent of the 75061  
nursing facility's cost of ownership as reported on a three-month 75062  
projected capital cost report divided by the greater of the number 75063  
of inpatient days the nursing facility is expected to have during 75064  
the period covered by the projected capital cost report or the 75065  
number of inpatient days the nursing facility would have during 75066  
that period if the nursing facility's occupancy rate was eighty 75067  
per cent. 75068

(2) The maximum capital per diem rate in effect for fiscal 75069  
year 2005 for nursing facilities. 75070

(E) The per diem payments paid for fiscal year 2008 to a nursing facility that qualifies for the payments pursuant to division (B)(2) or (3) of this section shall equal the difference between the capital costs portion of the nursing facility's Medicaid reimbursement per diem rate determined under Section 309.30.20 of this act and the lesser of the following:

(1) Eighty-eight and sixty-five hundredths per cent of the nursing facility's cost of ownership as reported on a three-month projected capital cost report divided by the greater of the number of inpatient days the nursing facility is expected to have during the period covered by the projected capital cost report or the number of inpatient days the nursing facility would have during that period if the nursing facility's occupancy rate was ninety-five per cent.

(2) The maximum capital per diem rate in effect for fiscal year 2005 for nursing facilities.

(F) The per diem payments paid for fiscal year 2009 to a nursing facility that qualifies for the payments pursuant to division (B)(2) or (3) of this section shall equal the difference between the capital costs portion of the nursing facility's Medicaid reimbursement per diem rate determined under Section 309.30.30 of this act and the lesser of the following:

(1) Eighty-eight and sixty-five hundredths per cent of the nursing facility's cost of ownership as reported on a three-month projected capital cost report divided by the greater of the number of inpatient days the nursing facility is expected to have during the period covered by the projected capital cost report or the number of inpatient days the nursing facility would have during that period if the nursing facility's occupancy rate was ninety-five per cent.

(2) The maximum capital per diem rate in effect for fiscal

year 2005 for nursing facilities. 75102

(G) The per diem payments paid to a nursing facility that 75103  
qualifies for the payments pursuant to division (B)(4) of this 75104  
section shall equal eighty-five per cent of the nursing facility's 75105  
capital costs for the renovation as reported on a three-month 75106  
projected capital cost report divided by the greater of the number 75107  
of inpatient days the nursing facility is expected to have during 75108  
the period covered by the projected capital cost report or the 75109  
number of inpatient days the nursing facility would have during 75110  
that period if the nursing facility's occupancy rate was 75111  
ninety-five per cent. 75112

(H) All of the following apply to the per diem payments made 75113  
under this section: 75114

(1) All nursing facilities' eligibility for the payments 75115  
shall cease at the earlier of the following: 75116

(a) July 1, 2009; 75117

(b) The date that the total amount of the payments equals 75118  
seven million dollars. 75119

(2) The payments made for the last quarter that the payments 75120  
are made may be reduced proportionately as necessary to avoid 75121  
spending more than seven million dollars under this section. 75122

(3) The per diem payments shall be made for quarterly periods 75123  
by multiplying the per diem determined for a nursing facility by 75124  
the number of Medicaid days the nursing facility has for the 75125  
quarter the payment is made. 75126

(4) Any per diem payments to be made to a nursing facility 75127  
for a quarter ending before July 2008 shall be made not later than 75128  
September 30, 2008. 75129

(5) Any per diem payments to be made to a nursing facility 75130  
for a quarter beginning after June 2008 shall be made not later 75131

than three months after the last day of the quarter for which the 75132  
payments are made. 75133

(6) A change of operator shall not cause the payments to a 75134  
nursing facility to cease. 75135

(7) The payments shall only be made to a nursing facility for 75136  
the quarters during fiscal years 2008 and 2009 for which the 75137  
nursing facility has a valid Medicaid provider agreement. 75138

(8) The payments shall be in addition to a nursing facility's 75139  
Medicaid reimbursement per diem rate calculated under Section 75140  
309.30.20 or 309.30.30 of this act. 75141

(I) The Director of Job and Family Services shall monitor, on 75142  
a quarterly basis, the per diem payments made to nursing 75143  
facilities under this section to ensure that not more than a total 75144  
of seven million dollars is spent under this section. 75145

(J) The determinations that the Director of Job and Family 75146  
Services makes under this section are not subject to appeal under 75147  
Chapter 119. of the Revised Code. 75148

(K) The Director of Job and Family Services may adopt rules 75149  
in accordance with Chapter 119. of the Revised Code as necessary 75150  
to implement this section. The Director's failure to adopt the 75151  
rules does not affect the requirement that the per diem payments 75152  
be made under this section. 75153

**Section 309.30.45. INCREASE IN MEDICAID RATES FOR PASSPORT 75154  
AND CHOICES SERVICES 75155**

(A) As used in this section: 75156

"Choices program" means the home and community-based services 75157  
Medicaid waiver component, as defined in section 5111.851 of the 75158  
Revised Code, that is known as the Choices program and 75159  
administered by the Department of Aging. 75160

"PASSPORT program" means the program created under section 173.40 of the Revised Code. 75161  
75162

(B) The Director of Job and Family Services shall amend the rules adopted under section 5111.85 of the Revised Code as necessary to accomplish the following: 75163  
75164  
75165

(1) Increase, for fiscal year 2008, the Medicaid reimbursement rates for services provided under the PASSPORT program and services provided under the choices program to rates that result in an amount that is three per cent higher than the amount resulting from the rates in effect June 30, 2007. 75166  
75167  
75168  
75169  
75170

(2) Increase, for fiscal year 2009, the Medicaid reimbursement rates for services provided under the PASSPORT program and services provided under the choices program to rates that result in an amount that is three per cent higher than the amount resulting from the rates in effect June 30, 2008. 75171  
75172  
75173  
75174  
75175

**Section 309.30.50. HOME FIRST PROGRAM** 75176

(A) On a quarterly basis, on receipt of the certified expenditures related to section 173.401 of the Revised Code, the Director of Budget and Management shall do all of the following for fiscal years 2008 and 2009: 75177  
75178  
75179  
75180

(1) Transfer the state share of the amount of the actual expenditures from GRF appropriation item 600-525, Health Care/Medicaid, to GRF appropriation item 490-403, PASSPORT; 75181  
75182  
75183

(2) Increase the appropriation in Ohio Department of Aging Fund 3C4, appropriation item 490-607, PASSPORT, by the federal share of the amount of the actual expenditures; 75184  
75185  
75186

(3) Increase the appropriation in JFS Fund 3G5, appropriation item 600-655, Interagency Reimbursement, by the federal share of the amount of the actual expenditures. 75187  
75188  
75189

The funds that the Director of Budget and Management 75190

transfers and increases under this division are hereby 75191  
appropriated. 75192

(B) The individuals placed in the PASSPORT program pursuant 75193  
to this section shall be in addition to the individuals placed in 75194  
the PASSPORT program during fiscal years 2008 and 2009 based on 75195  
the amount of money that is in GRF appropriation item 490-403, 75196  
PASSPORT; Fund 4J4, appropriation item 490-610, 75197  
PASSPORT/Residential State Supplement; Fund 4U9, appropriation 75198  
item 490-602, PASSPORT Fund; and Fund 3C4, appropriation item 75199  
490-607, PASSPORT, before any transfers to GRF appropriation item 75200  
490-403, PASSPORT, and Fund 3C4, appropriation item 490-607, 75201  
PASSPORT, are made under this section. 75202

**Section 309.30.53. RESIDENTIAL STATE SUPPLEMENT TRANSFER** 75203

On a quarterly basis, on receipt of the certified residential 75204  
state supplement costs related to section 173.351 of the Revised 75205  
Code, the Director of Budget and Management shall do the 75206  
following: 75207

(A) Transfer the state share of the amount of the estimated 75208  
costs from GRF appropriation item 600-525, Health Care/Medicaid, 75209  
to GRF appropriation item 490-412, Residential State Supplement; 75210

(B) The Department of Aging may transfer cash by intrastate 75211  
transfer vouchers from the foregoing appropriation item 490-412, 75212  
Residential State Supplement, and 490-610, PASSPORT/Residential 75213  
State Supplement, to the Department of Job and Family Services 75214  
Fund 4J5, Home and Community-Based Services for the Aged Fund. The 75215  
funds shall be used to make benefit payments to Residential State 75216  
Supplement recipients. 75217

The funds that the Director of Budget and Management 75218  
transfers and increases under this division are hereby 75219  
appropriated. 75220

<b>Section 309.30.60. MEDICAID COVERAGE OF CHIROPRACTIC SERVICES</b>	75221
(A) As used in this section, "adult Medicaid recipient" means	75222
a Medicaid recipient twenty-two years of age or older.	75223
(B) For the period beginning January 1, 2008, and ending June	75224
30, 2009, and subject to division (C) of this section, the	75225
Medicaid Program shall cover chiropractic services for adult	75226
Medicaid recipients in an amount, duration, and scope specified in	75227
rules that the Director of Job and Family Services shall adopt	75228
under section 5111.02 of the Revised Code.	75229
(C) The Medicaid Program's coverage of chiropractic services	75230
under this section shall be limited to fifteen visits per adult	75231
Medicaid recipient per fiscal year.	75232
<b>Section 309.30.70. MONEY FOLLOWS THE PERSON</b>	75233
(A) Subject to division (B) of this section, the Director of	75234
Budget and Management may do any of the following in support of	75235
any home and community-based services waiver program:	75236
(1) Create new funds and account appropriation items to	75237
support and track funds associated with a unified long-term care	75238
budget;	75239
(2) Transfer funds among affected agencies and adjust	75240
corresponding appropriation levels;	75241
(3) Develop a reporting mechanism to show clearly how the	75242
funds are being transferred and expended.	75243
(B) Before an action may be taken under division (A) of this	75244
section, the Director shall present the proposed action to the	75245
Controlling Board. The Controlling Board shall review the proposed	75246
action and either approve or disapprove the action. The Director	75247
shall not implement the proposed action unless the action is	75248
approved by the Controlling Board.	75249

**Section 309.30.90.** MEDICAID ELIGIBILITY FOR PREGNANT WOMEN 75250

The Director of Job and Family Services shall, not later than 75251  
ninety days after the effective date of this section, submit to 75252  
the United States Secretary of Health and Human Services an 75253  
amendment to the state Medicaid plan to increase to two hundred 75254  
per cent of the federal poverty guidelines the income limit 75255  
specified in division (A)(2) of section 5111.014 of the Revised 75256  
Code. The increase shall be implemented not earlier than January 75257  
1, 2008. 75258

**\*Section 309.30.95.** MEDICAID BUY-IN ADVISORY COUNCIL 75259

The Director of Job and Family Services shall call the 75260  
Medicaid Buy-In Advisory Council established under section 75261  
5111.708 of the Revised Code to meet for the first time not later 75262  
than sixty days after the effective date of this section. 75263

**Section 309.31.10.** MEDICARE PART D 75264

The foregoing appropriation item 600-526, Medicare Part D, 75265  
may be used by the Department of Job and Family Services for the 75266  
implementation and operation of the Medicare Part D requirements 75267  
contained in the "Medicare Prescription Drug, Improvement, and 75268  
Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon 75269  
the request of the Department of Job and Family Services, the 75270  
Director of Budget and Management may increase the state share of 75271  
appropriations in either appropriation item 600-525, Health 75272  
Care/Medicaid, or appropriation item 600-526, Medicare Part D, 75273  
with a corresponding decrease in the state share of the other 75274  
appropriation item to allow the Department of Job and Family 75275  
Services to implement and operate the new Medicare Part D 75276  
requirements. If the state share of appropriation item 600-525, 75277  
Health Care/Medicaid, is adjusted, the Director of Budget and 75278  
Management shall adjust the federal share accordingly. 75279

<b>Section 309.31.13. INCREASE IN FISCAL YEAR 2008 DISPENSING</b>	75280
<b>FEE FOR MULTIPLE SOURCE DRUGS</b>	75281
(A) As used in this section, "multiple source drug" has the same meaning as in 42 U.S.C. 1396r-8(k)(7).	75282
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(B) Not later than thirty days after the effective date of the regulation that the United States Secretary of Health and Human Services must promulgate under Section 6001(c)(3) of the "Deficit Reduction Act of 2005," Pub. L. No. 109-171, the Director of Job and Family Services shall analyze the fiscal impact that the federal upper reimbursement limits established under 42 U.S.C. 1396r-8(e)(4), as amended by section 6001 of the "Deficit Reduction Act of 2005," will have on pharmacists in fiscal year 2008. The fiscal impact analysis shall include a projection of the revenue a pharmacist is expected to lose during fiscal year 2008 from each unit of multiple source drug dispensed to a Medicaid recipient.	75284
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(C) Notwithstanding section 5111.071 of the Revised Code, and subject to division (D) of this section, the Director shall, not later than ten days after completing the analysis required by division (B) of this section, increase the dispensing fee to be paid to pharmacists with a valid Medicaid provider agreement for dispensing a multiple source drug to a Medicaid recipient in fiscal year 2008. The amount of the increase shall be determined in a manner that compensates pharmacists for the loss of revenue the Director projects, under division (B) of this section, that pharmacists, on average, will incur during fiscal year 2008.	75296
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(D) The total amount the Director expends under division (C) of this section to pay the increase in the dispensing fee in fiscal year 2008 shall not exceed the total savings that the Medicaid program is projected to save in that year as a result of the changes to the federal upper reimbursement limits established	75306
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in 42 U.S.C. 1396r-8(e)(4) that were enacted by section 6001 of 75311  
the "Deficit Reduction Act of 2005." 75312

**Section 309.31.16.** INCREASE IN FISCAL YEAR 2009 DISPENSING 75313  
FEE FOR MULTIPLE SOURCE DRUGS 75314

(A) As used in this section, "multiple source drug" has the 75315  
same meaning as in 42 U.S.C. 1396r-8(k)(7). 75316

(B) Not later than March 15, 2008, the Director of Job and 75317  
Family Services shall analyze the fiscal impact that the federal 75318  
upper reimbursement limits established under 42 U.S.C. 75319  
1396r-8(e)(4), as amended by section 6001 of the "Deficit 75320  
Reduction Act of 2005," Pub. L. No. 109-171, will have on 75321  
pharmacists in fiscal year 2009. The fiscal impact analysis shall 75322  
include a projection of the revenue a pharmacist is expected to 75323  
lose during fiscal year 2009 from each unit of multiple source 75324  
drug dispensed to a Medicaid recipient. 75325

(C) Notwithstanding section 5111.071 of the Revised Code and 75326  
subject to division (D) of this section, the Director shall, not 75327  
later than ten days after completing the analysis required under 75328  
division (B) of this section, increase the dispensing fee to be 75329  
paid to pharmacists with a valid Medicaid provider agreement for 75330  
dispensing a multiple source drug to a Medicaid recipient in 75331  
fiscal year 2009. The amount of the increase shall be determined 75332  
in a manner that compensates pharmacists for the loss of revenue 75333  
the Director projects, under division (B) of this section, that 75334  
pharmacists, on average, will incur during fiscal year 2009. 75335

(D) The total amount the Director expends under division (C) 75336  
of this section to pay the increase in the dispensing fee in 75337  
fiscal year 2009 shall not exceed the total savings that the 75338  
Medicaid program is projected to save in that fiscal year as a 75339  
result of the changes to the federal upper reimbursement limits 75340  
established in 42 U.S.C. 1396r-8(e)(4) that were enacted by 75341

section 6001 of the "Deficit Reduction Act of 2005." 75342

**Section 309.31.20. RESIDENT PROTECTION FUND** 75343

If the Director of Budget and Management determines that the 75344  
Resident Protection Fund created in section 5111.62 of the Revised 75345  
Code has a cash balance, less encumbrances and appropriations, of 75346  
more than \$2,000,000, the Department of Job and Family Services or 75347  
its designee may issue a competitive request for grant proposals 75348  
to support projects that will benefit the residents of nursing 75349  
facilities that have been found to have deficiencies. The 75350  
directors of Job and Family Services, Health, and Aging or their 75351  
designees shall determine priority categories for funding, make 75352  
awards, and determine which of the three agencies should 75353  
administer each grant. Based on these determinations, the Director 75354  
of Budget and Management may transfer cash and appropriations 75355  
matching the amount of each award to the appropriate agency. Any 75356  
such transfers are hereby appropriated. 75357

**Section 309.31.30. OHIO ACCESS SUCCESS PROJECT** 75358

Notwithstanding any limitations in sections 3721.51 and 75359  
3721.56 of the Revised Code, in each fiscal year, cash from Fund 75360  
4J5, Home and Community-Based Services for the Aged, in excess of 75361  
the amounts needed for the transfers may be used by the Department 75362  
of Job and Family Services for the following purposes: (A) up to 75363  
\$1.0 million in each fiscal year to fund the state share of audits 75364  
of nursing facilities and intermediate care facilities for the 75365  
mentally retarded; and (B) up to \$350,000 in each fiscal year to 75366  
provide one-time transitional benefits under the Ohio Access 75367  
Success Project that the Director of Job and Family Services may 75368  
establish under section 5111.97 of the Revised Code. 75369

**Section 309.31.40. TRANSFER OF FUNDS TO THE DEPARTMENT OF** 75370  
AGING 75371

The Department of Job and Family Services shall transfer, 75372  
through intrastate transfer vouchers, cash from Fund 4J5, Home and 75373  
Community-Based Services for the Aged, to Fund 4J4, PASSPORT, in 75374  
the Department of Aging. The sum of the transfers shall be 75375  
\$33,263,984 in each fiscal year. The transfer may occur on a 75376  
quarterly basis or on a schedule developed and agreed to by both 75377  
departments. 75378

**Section 309.31.50. PROVIDER FRANCHISE FEE OFFSETS** 75379

(A) At least quarterly, the Director of Job and Family 75380  
Services shall certify to the Director of Budget and Management 75381  
both of the following: 75382

(1) The amount of offsets withheld under section 3721.541 of 75383  
the Revised Code from payments made from the General Revenue Fund. 75384

(2) The amount of offsets withheld under section 5112.341 of 75385  
the Revised Code from payments made from the General Revenue Fund. 75386

(B) The Director of Budget and Management may transfer cash 75387  
from the General Revenue Fund to all of the following: 75388

(1) Fund 4J5, Home and Community Based Services/Aged Fund, or 75389  
Fund 5R2, Nursing Facility Stabilization Fund, in accordance with 75390  
sections 3721.56 and 3721.561 of the Revised Code; 75391

(2) Fund 4K1, ICF/MR Bed Assessments. 75392

(C) Amounts transferred pursuant to this section are hereby 75393  
appropriated. 75394

**Section 309.31.60. TRANSFER OF FUNDS TO THE DEPARTMENT OF** 75395  
**MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES** 75396

The Department of Job and Family Services shall transfer, 75397  
through intrastate transfer vouchers, cash from Fund 4K1, ICF/MR 75398  
Bed Assessments, to Fund 4K8, Home and Community-Based Services, 75399  
in the Department of Mental Retardation and Developmental 75400

Disabilities. The amount transferred shall equal \$12,000,000 in 75401  
each fiscal year. The transfer may occur on a quarterly basis or 75402  
on a schedule developed and agreed to by both departments. 75403

**Section 309.31.70. FUNDING FOR TRANSITION WAIVER SERVICES** 75404

Notwithstanding any limitations contained in sections 5112.31 75405  
and 5112.37 of the Revised Code, in each fiscal year, cash from 75406  
Fund 4K1, ICF/MR Bed Assessments, in excess of the amounts needed 75407  
for transfers to Fund 4K8, Home and Community-Based Services, in 75408  
the Department of Mental Retardation and Developmental 75409  
Disabilities, may be used by the Department of Job and Family 75410  
Services to cover costs of care provided to participants in a 75411  
waiver with an ICF/MR level of care requirement administered by 75412  
the Department of Job and Family Services. 75413

**Section 309.31.80. PAYMENTS FROM THE DEPARTMENT OF EDUCATION** 75414  
**FOR MEDICAID SERVICES** 75415

At the request of the Director of Job and Family Services, 75416  
the Director of Budget and Management may increase the 75417  
appropriation in appropriation item 600-639, Medicaid Revenue and 75418  
Collections, by the amounts paid to the department pursuant to 75419  
section 3317.023 of the Revised Code. 75420

**Section 309.31.90. HOSPITAL CARE ASSURANCE MATCH** 75421

Appropriation item 600-650, Hospital Care Assurance Match, 75422  
shall be used by the Department of Job and Family Services solely 75423  
for distributing funds to hospitals under section 5112.08 of the 75424  
Revised Code. 75425

**Section 309.32.10. HEALTH CARE SERVICES ADMINISTRATION FUND** 75426

Of the amount received by the Department of Job and Family 75427  
Services during fiscal year 2008 and fiscal year 2009 from the 75428

first installment of assessments paid under section 5112.06 of the Revised Code and intergovernmental transfers made under section 5112.07 of the Revised Code, the Director of Job and Family Services shall deposit \$350,000 in each fiscal year into the state treasury to the credit of the Health Care Services Administration Fund (Fund 5U3).

**Section 309.32.20. MEDICAID PROGRAM SUPPORT FUND - STATE**

The foregoing appropriation item 600-671, Medicaid Program Support, shall be used by the Department of Job and Family Services to pay for Medicaid services and contracts. The Department may also deposit to Fund 5C9 revenues received from other state agencies for Medicaid services under the terms of interagency agreements between the Department and other state agencies, and all funds the Department recovers because the benefits a person received under the disability medical assistance program established in section 5115.10 of the Revised Code were determined to be covered by the Medicaid Program established under Chapter 5111. of the Revised Code.

**Section 309.32.30. TRANSFERS OF IMD/DSH CASH TO THE DEPARTMENT OF MENTAL HEALTH**

The Department of Job and Family Services shall transfer, through intrastate transfer voucher, cash from Fund 5C9, Medicaid Program Support, to the Department of Mental Health's Fund 4X5, OhioCare, in accordance with an interagency agreement that delegates authority from the Department of Job and Family Services to the Department of Mental Health to administer specified Medicaid services.

**Section 309.32.40. PRESCRIPTION DRUG REBATE FUND**

The foregoing appropriation item 600-692, Health Care

Services, shall be used by the Department of Job and Family 75458  
Services to pay for Medicaid services and contracts. 75459

**Section 309.32.50. DISABILITY DETERMINATION PROCESS** 75460

Based on the recommendations made by the Disability 75461  
Determination Consolidation Study Council, the Rehabilitation 75462  
Services Commission and the Department of Job and Family Services 75463  
shall work together to reduce the duplication of activities 75464  
performed by each agency and develop a systems interface so that 75465  
medical information for mutual clients may be transferred between 75466  
the agencies. 75467

**Section 309.32.60. PRIMARY CARE ALTERNATIVE TREATMENT PROGRAM** 75468

The Director of Job and Family Services, not later than 75469  
January 1, 2008, shall submit a report to the General Assembly on 75470  
the Primary Alternative Care Treatment Program. The report shall 75471  
compare the average monthly medical costs of current participants 75472  
in the program with the average monthly costs of those individuals 75473  
prior to participation in the program. Not later than January 1, 75474  
2009, the Director shall submit an additional report on the total 75475  
cost savings achieved through the program. 75476

**Section 309.32.70. PHARMACEUTICAL REPORT** 75477

The Director of Job and Family Services, not later than one 75478  
year after the effective date of this section, shall submit a 75479  
report to the General Assembly on the effect of Medicare Part D 75480  
and the care management system established under section 5111.16 75481  
of the Revised Code on the Supplemental Drug Rebate Program 75482  
established under section 5111.081 of the Revised Code. The report 75483  
shall evaluate the changing cost of pharmaceuticals for which 75484  
supplemental rebates are made under the Supplemental Drug Rebate 75485  
Program as a result of the high volume of drug purchases being 75486

transferred to Medicare Part D. The report shall include a review 75487  
of the use of generic drugs by Medicaid recipients and cost 75488  
savings to be achieved by increasing the use of generic drugs. 75489

**Section 309.40. FAMILY STABILITY** 75490

**Section 309.40.10. WAIVER OF FOOD STAMP WORK REQUIREMENTS** 75491

Pursuant to 7 U.S.C. 2015(o)(4)(A)(i), the Department of Job 75492  
and Family Services shall request that the United States Secretary 75493  
of Agriculture waive the applicability of the work requirement of 75494  
7 U.S.C. 2015(o)(2) during fiscal years 2008 and 2009 to food 75495  
stamp benefit recipients who reside in a county of this state that 75496  
the Department determines has an unemployment rate of over 10 per 75497  
cent or does not have a sufficient number of jobs to provide 75498  
employment for the recipients. 75499

**Section 309.40.20. FOOD STAMPS TRANSFER** 75500

On July 1, 2007, or as soon as possible thereafter, the 75501  
Director of Budget and Management may transfer up to \$1,000,000 in 75502  
cash from Fund 384, Food Stamp Program, to Fund 5ES, Food 75503  
Assistance. 75504

**Section 309.40.30. OHIO ASSOCIATION OF SECOND HARVEST FOOD 75505  
BANKS** 75506

As used in this section, "federal poverty guidelines" has the 75507  
same meaning as in section 5101.46 of the Revised Code. 75508

Notwithstanding section 5101.46 of the Revised Code, the 75509  
Department of Job and Family Services shall provide \$5,500,000 in 75510  
each fiscal year from the foregoing appropriation item 600-651, 75511  
Second Harvest Food Banks, and \$1,000,000 in each fiscal year from 75512  
the foregoing appropriation item 600-659, TANF/Title XX Transfer 75513  
(Fund 3W3), to the Ohio Association of Second Harvest Food Banks. 75514

The Department shall enter into a grant agreement with the Ohio Association of Second Harvest Food Banks to allow for the purchase of food and personal care products and the distribution of those products to agencies participating in the emergency food distribution program. Notwithstanding section 5101.46 of the Revised Code, the grant may permit the Ohio Association of Second Harvest Food Banks to use up to 5 per cent of the annual funding for administrative costs. As soon as possible after entering into a grant agreement at the beginning of each fiscal year, the Department may advance grant funds to the grantee under section 5101.10 of the Revised Code and in accordance with federal law.

Prior to entering into the grant agreement, the Ohio Association of Second Harvest Food Banks shall submit to the Department for approval a plan for the distribution of the food and personal care products to local food distribution agencies. If the plan meets the requirements and conditions established by the Department, the plan shall be incorporated into the grant agreement. The grant agreement shall also require the Ohio Association of Second Harvest Food Banks to ensure that local agencies will limit participation of individuals and families who receive any of the food and personal care products purchased with these funds to those who have an income at or below 200 per cent of the federal poverty guidelines. The Department and the Ohio Association of Second Harvest Food Banks shall agree on reporting requirements to be incorporated into the grant agreement, including a statement of expected performance outcomes from the Ohio Association of Second Harvest Food Banks and a requirement for their evaluation of their success in achieving those outcomes.

**Section 309.40.33. CHILD SUPPORT COLLECTIONS/TANF MOE**

The foregoing appropriation item 600-658, Child Support Collections, shall be used by the Department of Job and Family

Services to meet the TANF maintenance of effort requirements of 42 75546  
U.S.C. 609(a)(7). When the state is assured that it will meet the 75547  
maintenance of effort requirement, the Department of Job and 75548  
Family Services may use funds from appropriation item 600-658, 75549  
Child Support Collections, to support child support activities. 75550

**Section 309.40.40. TANF INITIATIVES** 75551

The Department of Job and Family Services, in accordance with 75552  
sections 5101.80 and 5101.801 of the Revised Code, shall take the 75553  
steps necessary, through interagency agreement, adoption of rules, 75554  
or otherwise as determined by the Department, to implement and 75555  
administer the Title IV-A programs identified in this section. 75556

**KINSHIP PERMANENCY INCENTIVE PROGRAM** 75557

Of the foregoing appropriation item 600-689, TANF Block Grant 75558  
(Fund 3V6), up to \$10 million per fiscal year shall be used to 75559  
support the activities of the Kinship Permanency Incentive Program 75560  
created under section 5101.802 of the Revised Code. 75561

The Department of Job and Family Services shall prepare 75562  
reports concerning both of the following: 75563

(A) Stability and permanency outcomes for children for whom 75564  
incentive payments are made under the Kinship Permanency Incentive 75565  
Program; 75566

(B) The total amount of payments made under the Program, 75567  
patterns of expenditures made per child under the Program, and 75568  
cost savings realized through the Program from placement with 75569  
kinship caregivers rather than other out-of-home placements. 75570

The Department shall submit a report to the Governor, the 75571  
Speaker and Minority Leader of the House of Representatives, and 75572  
the President and Minority Leader of the Senate not later than 75573  
December 31, 2008, and December 31, 2010. 75574

**OHIO ALLIANCE OF BOYS AND GIRLS CLUBS** 75575

Of the foregoing appropriation item 600-689, TANF Block Grant 75576  
(Fund 3V6), up to \$2,000,000 in each fiscal year shall be used to 75577  
reimburse the Ohio Alliance of Boys and Girls Clubs pursuant to 75578  
section 5101.801 of the Revised Code to provide after-school 75579  
programs that protect at-risk children and enable youth to become 75580  
responsible adults. The Ohio Alliance of Boys and Girls Clubs 75581  
shall provide nutritional meals, snacks, and educational, youth 75582  
development, and career development services to TANF eligible 75583  
children participating in programs and activities operated by 75584  
eligible Boys and Girls Clubs. 75585

The Department of Job and Family Services and the Ohio 75586  
Alliance of Boys and Girls Clubs shall agree on reporting 75587  
requirements to be incorporated into the grant agreement. 75588

SUMMER AND AFTER-SCHOOL PROGRAMS 75589

Of the foregoing appropriation item 600-689, TANF Block Grant 75590  
(Fund 3V6), up to \$10,000,000 in each fiscal year shall be used 75591  
for summer and after-school programs and services for TANF 75592  
eligible youth served through community-based organizations, 75593  
faith-based organizations, and schools pursuant to section 75594  
5101.801 of the Revised Code to provide academic support not 75595  
available during the regular school day, nutrition, 75596  
transportation, youth development activities, drug and violence 75597  
prevention programs, counseling programs, technology education, 75598  
and character education programs. Any moneys from the federal TANF 75599  
Block Grant used for this purpose shall be provided on a 75600  
reimbursement basis. 75601

CHILDREN'S HUNGER ALLIANCE 75602

Of the foregoing appropriation item 600-689, TANF Block Grant 75603  
(Fund 3V6), up to \$1,000,000 in each fiscal year shall be 75604  
reimbursed to the Children's Hunger Alliance pursuant to section 75605  
5101.801 of the Revised Code for Child Nutrition Program outreach 75606

efforts. 75607

SCHOOL READINESS ENRICHMENT 75608

Of the foregoing appropriation item 600-689, TANF Block Grant 75609  
(Fund 3V6), up to \$6,500,000 in each fiscal year shall be used for 75610  
TANF eligible activities pursuant to section 5101.801 of the 75611  
Revised Code to provide intervention services to prepare children 75612  
for kindergarten. Any moneys from the federal TANF Block Grant 75613  
used for this purpose shall be provided on a reimbursement basis. 75614

FOOD BANKS 75615

Of the foregoing appropriation item 600-689, TANF Block Grant 75616  
(Fund 3V6), up to \$1,500,000 in each fiscal year shall be used to 75617  
reimburse the Ohio network of food banks pursuant to section 75618  
5101.801 of the Revised Code for purchases and distribution of 75619  
food products. 75620

GOVERNOR'S OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES 75621

Of the foregoing appropriation item 600-689, TANF Block Grant 75622  
(Fund 3V6), up to \$13,000,000 in each fiscal year shall be used to 75623  
reimburse the Governor's Office for Faith-Based and Community 75624  
Initiatives pursuant to section 5101.801 of the Revised Code for 75625  
projects designed to serve the state's most vulnerable citizens. 75626

ADOPTION PROMOTION 75627

Of the foregoing appropriation item 600-689, TANF Block Grant 75628  
(Fund 3V6), up to \$5,000,000 in each fiscal year shall be used for 75629  
TANF eligible activities pursuant to section 5101.801 of the 75630  
Revised Code to provide additional support for initiatives aimed 75631  
at increasing the number of adoptions including recruiting, 75632  
promoting, and supporting adoptive families. 75633

INDEPENDENT LIVING INITIATIVES 75634

Of the foregoing appropriation item 600-689, TANF Block Grant 75635  
(Fund 3V6), up to \$2,500,000 in each fiscal year shall be used for 75636

TANF eligible activities pursuant to section 5101.801 of the Revised Code to support the independent living initiative, including life skills training and work supports for older children in foster care and those who have recently aged out of foster care.

CLOSING THE ACHIEVEMENT GAP

Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$10,000,000 in each fiscal year shall be used for TANF eligible activities pursuant to section 5101.801 of the Revised Code to provide intervention services aimed at improving the African-American male graduation rate. Any moneys from the federal TANF Block Grant used for this purpose shall be provided on a reimbursement basis.

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. Any amount of this earmark that remains unspent at the end of fiscal year 2008 may be transferred to fiscal year 2009. The opportunity for reimbursement for the purposes for which this earmark is intended shall expire June 30, 2009.

FAMILY SERVICE OF THE CINCINNATI AREA

Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$50,000 in fiscal year 2008 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. Any amount of this earmark that remains unspent at the end of fiscal year 2008 may be transferred to fiscal year 2009. The opportunity for reimbursement for the

purposes for which this earmark is intended shall expire June 30, 2009.

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 \$2,000,000 in fiscal year 2008 shall be reimbursed to Accountability and Credibility Together (ACT) to continue its welfare diversion program to TANF eligible individuals pursuant to section 5101.801 of the Revised Code. Any amount of this earmark that remains unspent at the end of fiscal year 2008 may be transferred to fiscal year 2009. The opportunity for reimbursement for the purposes for which this earmark is intended shall expire June 30, 2009.

AMERICAN ACADEMY OF PEDIATRICS

Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$200,000 in fiscal year 2008 shall be used to reimburse, in accordance with section 5101.801 of the Revised Code, the American Academy of Pediatrics for the Reach Out and Read program. Any amount of this earmark that remains unspent at the end of fiscal year 2008 may be transferred to fiscal year

2009. The opportunity for reimbursement for the purposes for which this earmark is intended shall expire June 30, 2009. 75699  
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HOME WEATHERIZATION 75701

Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$500,000 in each fiscal year shall be used to reimburse, in accordance with section 5101.801 of the Revised Code, the Corporation for Ohio Appalachian Development for home weatherization. 75702  
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PROVIDENCE HOUSE 75707

Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$100,000 in fiscal year 2008 shall be used to reimburse, in accordance with section 5101.801 of the Revised Code, the Providence House for providing crisis intervention services for children who are at risk of abuse and neglect. 75708  
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BUTLER COUNTY SUCCESS PLAN 75713

Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$100,000 in fiscal year 2008 shall be used to provide reimbursement, in accordance with section 5101.801 of the Revised Code, for the Butler County Success Plan. 75714  
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AMERICAN RED CROSS-GREATER CLEVELAND CHAPTER AND THE BEREA CHILDREN'S HOME AND FAMILY SERVICES 75718  
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Of the foregoing appropriation item 600-689, TANF Block Grant, up to \$2,063,000 in fiscal year 2008 shall be used to 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. Any amount of this earmark that remains unspent at the end of fiscal year 2008 may be 75720  
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transferred to fiscal year 2009. The opportunity for reimbursement 75729  
for the purposes for which this earmark is intended shall expire 75730  
June 30, 2009. 75731

CENTER FOR FAMILIES AND CHILDREN RAPART YOUTH FELLOWSHIP 75732  
PROGRAM 75733

Of the foregoing appropriation item 600-689, TANF Block 75734  
Grant, up to \$492,256 in fiscal year 2008 shall be used to 75735  
reimburse the Center for Families and Children RapArt Youth 75736  
Fellowship Program in accordance with section 5101.801 of the 75737  
Revised Code for providing an after-school program that supports 75738  
at-risk young adults and enables youth to become responsible 75739  
adults. Any amount of this earmark that remains unspent at the end 75740  
of fiscal year 2008 may be transferred to fiscal year 2009. The 75741  
opportunity for reimbursement for the purposes for which this 75742  
earmark is intended shall expire June 30, 2009. 75743

TALBERT HOUSE 75744

Of the foregoing appropriation item 600-689, TANF Block Grant 75745  
(Fund 3V6), up to \$200,000 in fiscal year 2008 shall be used to 75746  
reimburse, in accordance with section 5101.801 of the Revised 75747  
Code, the Talbert House for providing TANF eligible non-medical 75748  
behavioral health services. Any amount of this earmark that 75749  
remains unspent at the end of fiscal year 2008 may be transferred 75750  
to fiscal year 2009. The opportunity for reimbursement for the 75751  
purposes for which this earmark is intended shall expire June 30, 75752  
2009. 75753

TANF EDUCATIONAL AWARDS PROGRAM 75754

Of the foregoing appropriation item 600-689, TANF Block Grant 75755  
(Fund 3V6), up to \$2,000,000 in each fiscal year shall be used to 75756  
reimburse the Ohio Board of Regents pursuant to section 5101.801 75757  
of the Revised Code for initiatives addressing postsecondary 75758  
tuition and educational expenses not covered by other grant 75759

programs that target low-income students. 75760

CHABAD HOUSE 75761

Of the foregoing appropriation item 600-689, TANF Block Grant 75762  
(Fund 3V6), up to \$250,000 in fiscal year 2008 shall be used to 75763  
reimburse, in accordance with section 5101.801 of the Revised 75764  
Code, the Chabad House for the Friendship Circle program. Any 75765  
amount of this earmark that remains unspent at the end of fiscal 75766  
year 2008 may be transferred to fiscal year 2009. The opportunity 75767  
for reimbursement for the purposes for which this earmark is 75768  
intended shall expire June 30, 2009. 75769

COURT CLINIC FORENSIC SERVICES 75770

Of the foregoing appropriation 600-689, TANF Block Grant 75771  
(Fund 3V6), up to \$200,000 in fiscal year 2008 shall be used to 75772  
reimburse, in accordance with section 5101.801 of the Revised 75773  
Code, Court Clinic Forensic Services for establishment of an 75774  
intense program of education, job training, and job placement to 75775  
divert women from local jails and state prisons and to reduce 75776  
recidivism. Any amount of this earmark that remains unspent at the 75777  
end of fiscal year 2008 may be transferred to fiscal year 2009. 75778  
The opportunity for reimbursement for the purposes for which this 75779  
earmark is intended shall expire June 30, 2009. 75780

BIG BROTHERS BIG SISTERS 75781

Of the foregoing appropriation item 600-689, TANF Block Grant 75782  
(Fund 3V6), up to \$1,000,000 in fiscal year 2008 shall be used to 75783  
reimburse Big Brothers Big Sisters of Central Ohio, in accordance 75784  
with section 5101.801 of the Revised Code, for child mentoring 75785  
services. Any amount of this earmark that remains unspent at the 75786  
end of fiscal year 2008 may be transferred to fiscal year 2009. 75787  
The opportunity for reimbursement for the purposes for which this 75788  
earmark is intended shall expire June 30, 2009. 75789

WECO HOME PROGRAM 75790

Of the foregoing appropriation item 600-689, TANF Block Grant 75791  
(Fund 3V6), up to \$2,000,000 in fiscal year 2008 shall be used to 75792  
reimburse, in accordance with section 5101.801 of the Revised 75793  
Code, WECO Fund, Inc., for an individual development account 75794  
program that helps participants purchase homes. Any amount of this 75795  
earmark that remains unspent at the end of fiscal year 2008 may be 75796  
transferred to fiscal year 2009. The opportunity for reimbursement 75797  
for the purposes for which this earmark is intended shall expire 75798  
June 30, 2009. 75799

ECONOMIC AND COMMUNITY DEVELOPMENT INSTITUTE 75800

Of the foregoing appropriation item 600-689, TANF Block Grant 75801  
(Fund 3V6), up to \$650,000 in each fiscal year shall be used to 75802  
reimburse, in accordance with section 5101.801 of the Revised 75803  
Code, the Economic and Community Development Institute for 75804  
matching funds provided to TANF eligible individuals through an 75805  
individual development accounts program. 75806

EARLY CHILDHOOD EDUCATION PILOT 75807

Of the foregoing appropriation item 600-689, TANF Block Grant 75808  
(Fund 3V6), up to \$50,000 in each fiscal year shall be used to 75809  
reimburse, in accordance with section 5101.801 of the Revised 75810  
Code, the Alliance Early Childhood Education Pilot Project. 75811

OHIO COUNCIL OF URBAN LEAGUES 75812

Of the foregoing appropriation item 600-689, TANF Block Grant 75813  
(Fund 3V6), up to \$1,000,000 in fiscal year 2008 shall be used to 75814  
reimburse the Ohio Council of Urban Leagues, in accordance with 75815  
section 5101.801 of the Revised Code, for career development 75816  
programs that provide opportunities for eligible individuals to 75817  
develop a career path in a desired employment area. Any amount of 75818  
this earmark that remains unspent at the end of fiscal year 2008 75819  
may be transferred to fiscal year 2009. The opportunity for 75820  
reimbursement for the purposes for which this earmark is intended 75821

shall expire June 30, 2009. 75822

A CULTURAL EXCHANGE 75823

Of the foregoing appropriation item 600-689, TANF Block Grant 75824  
(Fund 3V6), up to \$200,000 in fiscal year 2008 shall be used to 75825  
reimburse, in accordance with section 5101.801 of the Revised 75826  
Code, A Cultural Exchange for continuation of the TANF 75827  
demonstration project, Bank on Book: Investing in our Families. 75828

HOME ENERGY ASSISTANCE PROGRAM 75829

The Department of Job and Family Services shall transfer, 75830  
through intrastate transfer voucher, \$45,000,000 in cash in fiscal 75831  
year 2008 and \$15,000,000 in fiscal year 2009 from Fund 3V6, TANF 75832  
Block Grant, to Fund 3BJ, TANF Heating Assistance, in the 75833  
Department of Development, in accordance with an interagency 75834  
agreement. The Departments of Job and Family Services and 75835  
Development shall enter into an interagency agreement for 75836  
providing reimbursement to the Department of Development to 75837  
administer the Title IV-A funded Home Energy Assistance Program 75838  
(HEAP), which provides assistance with home energy fuel costs to 75839  
needy families with children. 75840

If the Department of Development receives approval for a 75841  
federal waiver to increase the percentage of the Home Energy Block 75842  
Grant that may be used for weatherization to sixteen and one-half 75843  
per cent in fiscal year 2008 and seventeen and one-half per cent 75844  
in fiscal year 2009, the Department of Job and Family Services 75845  
shall increase the amount of reimbursement to the Department of 75846  
Development from Fund 3V6, TANF Block Grant, for the Title IV-A 75847  
funded Home Energy Assistance Program by an amount equal to the 75848  
additional amounts used for weatherization under the federal 75849  
waiver. 75850

The directors of Job and Family Services and Development 75851  
shall seek Controlling Board approval to adjust the appropriations 75852

for appropriation item 600-689, TANF Block Grant, in the 75853  
Department of Job and Family Services and appropriation item 75854  
195-685, TANF Heating Assistance, in the Department of 75855  
Development, as needed to carry out the purposes described in the 75856  
preceding paragraph. 75857

**Section 309.40.49. OHIO WORKS FIRST DOMESTIC VIOLENCE RULES** 75858

The Director of Job and Family Services shall adopt the 75859  
initial rules under divisions (A)(14), (15), and (16) of section 75860  
5107.05 of the Revised Code not later than January 1, 2008. 75861

**Section 309.40.60. EARLY LEARNING INITIATIVE** 75862

(A) As used in this section: 75863

(1) "Title IV-A services" means benefits and services that 75864  
are allowable under Title IV-A of the "Social Security Act," as 75865  
specified in 42 U.S.C. 604(a), except that they shall not be 75866  
benefits and services included in the term "assistance" as defined 75867  
in 45 C.F.R. 260.31(a) and shall be benefits and services that are 75868  
excluded from the definition of the term "assistance" under 45 75869  
C.F.R. 260.31(b). 75870

(2) "Title IV-A funds" means funds provided under the 75871  
temporary assistance for needy families block grant established by 75872  
Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 75873  
U.S.C. 601, as amended. 75874

(3) "Eligible child" means a child who is at least three 75875  
years of age but not of compulsory school age or enrolled in 75876  
kindergarten, is eligible for Title IV-A services, and whose 75877  
family income at the time of application does not exceed one 75878  
hundred eighty-five per cent of the federal poverty line in fiscal 75879  
year 2008 or two hundred per cent of the federal poverty line in 75880  
fiscal year 2009. 75881

(4) "Early learning program" means a program for eligible children that is funded with Title IV-A funds and provides Title IV-A services, according to the purposes listed in 45 C.F.R. 260.20(c), that are early learning services, as defined by pursuant to division (D)(1) of this section.

(5) "Early learning provider" means an entity that is receiving Title IV-A funds to operate an early learning program.

(6) "Early learning agency" means an early learning provider or an entity that has entered into an agreement with an early learning provider requiring the early learning provider to operate an early learning program on behalf of the entity.

(7) "Federal poverty line" has the same meaning as in section 5104.01 of the Revised Code.

(8) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.

(B) The Early Learning Initiative is hereby established. The Department of Education and the Department of Job and Family Services shall administer the Initiative in accordance with sections 5101.80 and 5101.801 of the Revised Code. The Initiative shall provide early learning services to eligible children. Early learning programs may provide early learning services on a full-day basis, a part-day basis, or both a full-day and part-day basis.

(C) The Department of Job and Family Services shall do both of the following:

(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;

(2) In consultation with the Department of Education, adopt

rules in accordance with Chapter 119. of the Revised Code to 75912  
implement the Early Learning Initiative. The rules shall include 75913  
all of the following: 75914

(a) Provisions regarding the establishment of co-payments for 75915  
families of eligible children whose family income is more than one 75916  
hundred sixty-five per cent of the federal poverty line but equal 75917  
to or less than the maximum amount of family income authorized for 75918  
an eligible child as defined in division (A)(3) of this section; 75919

(b) An exemption from co-payment requirements for families 75920  
whose family income is equal to or less than one hundred 75921  
sixty-five per cent of the federal poverty line; 75922

(c) A definition of "enrollment" for the purpose of 75923  
compensating early learning agencies; 75924

(d) Provisions that establish compensation rates for early 75925  
learning agencies based on the enrollment of eligible children. 75926

(D) The Department of Education shall do all of the 75927  
following: 75928

(1) Define the early learning services that will be provided 75929  
to eligible children through the Early Learning Initiative; 75930

(2) In consultation with the Department of Job and Family 75931  
Services, develop an application form and criteria for the 75932  
selection of early learning agencies. The criteria shall require 75933  
an early learning agency, or each early learning provider with 75934  
which the agency has entered into an agreement for the operation 75935  
of an early learning program on the agency's behalf, to be 75936  
licensed or certified by the Department of Education under 75937  
sections 3301.52 to 3301.59 of the Revised Code or by the 75938  
Department of Job and Family Services under Chapter 5104. of the 75939  
Revised Code; 75940

(3) Establish early learning program guidelines for school 75941

readiness to assess the operation of early learning programs. 75942

(E) Any entity that seeks to be an early learning agency 75943  
shall apply to the Department of Education by a deadline 75944  
established by the Department. The Department of Education shall 75945  
select entities that meet the criteria established under division 75946  
(D)(2) of this section to be early learning agencies. Upon 75947  
selection of an entity to be an early learning agency, the 75948  
Department of Education shall designate the number of eligible 75949  
children the agency may enroll. The Department of Education shall 75950  
notify the Department of Job and Family Services of the number so 75951  
designated. 75952

(F) The Department of Education and the Department of Job and 75953  
Family Services shall enter into a contract with each early 75954  
learning agency selected under division (E) of this section. The 75955  
requirements of section 127.16 of the Revised Code do not apply to 75956  
contracts entered into under this section. The contract shall 75957  
outline the terms and conditions applicable to the provision of 75958  
Title IV-A services for eligible children and shall include at 75959  
least the following: 75960

(1) The respective duties of the early learning agency, the 75961  
Department of Education, and the Department of Job and Family 75962  
Services; 75963

(2) Requirements applicable to the allowable use of and 75964  
accountability for Title IV-A compensation paid under the 75965  
contract; 75966

(3) Reporting requirements, including a requirement that the 75967  
early learning provider inform the Department of Education when 75968  
the provider learns that a kindergarten eligible child will not be 75969  
enrolled in kindergarten; 75970

(4) The compensation schedule payable under the contract; 75971

(5) Audit requirements; 75972

(6) Provisions for suspending, modifying, or terminating the contract.	75973 75974
(G) If an early learning agency, or an early learning provider operating an early learning program on the agency's behalf, substantially fails to meet the early learning program guidelines for school readiness or exhibits substandard performance, as determined by the Department of Education, the agency shall develop and implement a corrective action plan. The Department of Education shall approve the corrective action plan prior to implementation.	75975 75976 75977 75978 75979 75980 75981 75982
(H) If an early learning agency fails to implement a corrective action plan under division (G) of this section, the Department of Education may direct the Department of Job and Family Services to either withhold funding or request that the Department of Job and Family Services suspend or terminate the contract with the agency.	75983 75984 75985 75986 75987 75988
(I) Each early learning program shall do all of the following:	75989 75990
(1) Meet teacher qualification requirements prescribed by section 3301.311 of the Revised Code;	75991 75992
(2) Align curriculum to the early learning content standards;	75993
(3) Meet any assessment requirements prescribed by section 3301.0715 of the Revised Code that apply to the program;	75994 75995
(4) Require teachers, except teachers enrolled and working to obtain a degree pursuant to section 3301.311 of the Revised Code, to attend a minimum of twenty hours per biennium of professional development as prescribed by the Department of Education regarding the implementation of early learning program guidelines for school readiness;	75996 75997 75998 75999 76000 76001
(5) Document and report child progress;	76002

(6) Meet and report compliance with the early learning program guidelines for school success; 76003  
76004

(7) Participate in early language and literacy classroom observation evaluation studies. 76005  
76006

(J) Each county Department of Job and Family Services shall determine eligibility for Title IV-A services for children seeking to enroll in an early learning program within fifteen days after receipt of a completed application in accordance with rules adopted under this section. 76007  
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(K) The provision of early learning services in an early learning program shall not prohibit or otherwise prevent an individual from obtaining certificates for payment under division (C) of section 5104.32 of the Revised Code. 76012  
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(L) Notwithstanding section 126.07 of the Revised Code: 76016

(1) Any fiscal year 2008 contract executed prior to July 1, 2007, between the Departments of Job and Family Services and Education and an early learning agency that was not an early learning agency as of June 30, 2007, shall be deemed to be effective as of July 1, 2007, upon issuance of a state purchase order, even if the purchase order is approved at some later date. 76017  
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(2) Any fiscal year 2008 contract executed between the Departments of Job and Family Services and Education and an early learning agency that had a valid contract for early learning services on June 30, 2007, shall be deemed to be effective as of July 1, 2007, upon the issuance of a state purchase order, even if the purchase order is approved at some later date. 76023  
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(3) Any fiscal year 2009 contract executed prior to July 1, 2008, between the Departments of Job and Family Services and Education and an early learning agency that was not an early learning agency as of June 30, 2008, shall be deemed to be effective as of July 1, 2008, upon issuance of a state purchase 76029  
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order, even if the purchase order is approved at some later date. 76034

(4) Any fiscal year 2009 contract executed between the 76035  
Departments of Job and Family Services and Education and an early 76036  
learning agency that had a valid contract for early learning 76037  
services on June 30, 2008, shall be deemed to be effective as of 76038  
July 1, 2008, upon the issuance of a state purchase order, even if 76039  
the purchase order is approved at some later date. 76040

(M) Of the foregoing appropriation item 600-689, TANF Block 76041  
Grant (Fund 3V6), up to \$125,256,000 shall be used in each fiscal 76042  
year to compensate early learning agencies under this section. The 76043  
Departments of Job and Family Services and Education shall 76044  
contract for up to 12,000 enrollment slots for eligible children 76045  
in each fiscal year through the Early Learning Initiative. 76046

(N) Of the foregoing appropriation item 600-689, TANF Block 76047  
Grant (Fund 3V6), up to \$800,000 in each fiscal year may be used 76048  
by the Department of Job and Family Services for administration of 76049  
the Early Learning Initiative. 76050

(O) Up to \$2,200,000 in each fiscal year may be used by the 76051  
Department of Education to perform administrative functions for 76052  
the Early Learning Initiative. The Department of Job and Family 76053  
Services shall transfer, through intrastate transfer vouchers, 76054  
cash from Fund 3V6, TANF Block Grant, to Fund 5W2, Early Learning 76055  
Initiative, in the Department of Education. The amount transferred 76056  
shall not exceed \$2,200,000 in fiscal year 2008 and \$2,200,000 in 76057  
fiscal year 2009. The transfer shall occur on a reimbursement 76058  
basis on a schedule developed and agreed to by both departments. 76059

**Section 309.50. CHILDREN AND FAMILIES** 76060

**Section 309.50.03. FOSTER CARE REFORM** 76061

Of the foregoing appropriation item 600-423, Office of 76062  
Children and Families, \$1,300,000 in each fiscal year shall be 76063

used to pay for foster care audit workers and related 76064  
administrative expenses for state staff. 76065

Of the foregoing appropriation item 600-523, Children and 76066  
Families Services, \$9,100,000 in each fiscal year shall be 76067  
provided to counties for foster care related expenses, including, 76068  
but not limited to, upfront services, counseling, intake workers, 76069  
foster care staff, case workers, and trainers. 76070

**Section 309.50.06. ADULT PROTECTIVE SERVICES** 76071

The foregoing appropriation item 600-534, Adult Protective 76072  
Services, shall be distributed to counties for the provision of 76073  
services to adults who are in need of protective services. The 76074  
Department of Job and Family Services shall adopt rules in 76075  
accordance with Chapter 119. of the Revised Code to establish a 76076  
formula for distribution of the moneys to the counties, including 76077  
a requirement that counties put forth a maintenance of effort to 76078  
be eligible for these moneys ensuring that these moneys are in 76079  
addition to dollars currently spent on adult protective service 76080  
efforts and not used to replace other sources of funding. 76081

**Section 309.50.10. CHILD WELFARE TRAINING INITIATIVE** 76082

In each fiscal year, the Department of Job and Family 76083  
Services shall grant \$50,000 from appropriation item 600-528, 76084  
Adoption Services, and \$150,000 from appropriation item 600-606, 76085  
Child Welfare (Fund 327), to the National Center for Adoption Law 76086  
and Policy to fund a multi-disciplinary child welfare training 76087  
initiative. The Department of Job and Family Services shall 76088  
coordinate with the National Center for Adoption Law and Policy to 76089  
determine the focus of the training provided each year. 76090

**ADOPTION LAWSITE INITIATIVE** 76091

In each fiscal year, the Department of Job and Family 76092  
Services shall grant \$37,500 from appropriation item 600-528, 76093

Adoption Services, and \$112,500 from appropriation item 600-606, 76094  
Child Welfare (Fund 327), to the National Center for Adoption Law 76095  
and Policy to fund expansion of the Adoption LawSite Initiative. 76096

**Section 309.50.20. CHILDREN'S TRUST FUND** 76097

Notwithstanding sections 3109.13 to 3109.18 of the Revised 76098  
Code, in each fiscal year, the Director of Budget and Management 76099  
shall transfer \$1,500,000 cash from the Children's Trust Fund 76100  
(Fund 198) in the Department of Job and Family Services to the 76101  
Partnerships for Success Fund (Fund 5BH) in the Department of 76102  
Youth Services. 76103

**Section 309.50.50. VISITING NURSE ASSOCIATION - READY SENIORS** 76104

Notwithstanding section 5101.46 of the Revised Code and prior 76105  
to allocations for administration and training, of the foregoing 76106  
appropriation item 600-620, Social Services Block Grant, up to 76107  
\$250,000 in each fiscal year shall be reimbursed to the Visiting 76108  
Nurses Association of Cleveland, pursuant to a grant agreement 76109  
entered into by the Visiting Nurses Association of Cleveland and 76110  
the Department of Job and Family Services, for costs of expanding 76111  
the Ready Seniors software program that are allowable under state 76112  
and federal law governing the use of the Block Grant. 76113

**Section 309.50.60. CHILD PLACEMENT LEVEL OF CARE TOOL PILOT** 76114

(A) Contingent upon the availability of funding, the Ohio 76115  
Department of Job and Family Services shall implement and oversee 76116  
use of a Child Placement Level of Care Tool on a pilot basis. The 76117  
Department shall implement the pilot program in Cuyahoga County 76118  
and not more than nine additional counties selected by the 76119  
Department. The pilot program shall be developed with the 76120  
participating counties and must be acceptable to all participating 76121  
counties. A selected county must agree to participate in the pilot 76122

program. 76123

(B) The pilot program shall begin not later than July 1, 76124  
2008, and end not later than December 31, 2009. The length of the 76125  
program shall not include any time expended in preparation for 76126  
implementation or any post-pilot program evaluation activity. 76127

(C)(1) In accordance with sections 125.01 to 125.11 of the 76128  
Revised Code, the Ohio Department of Job and Family Services shall 76129  
provide for an independent evaluation of the pilot program to rate 76130  
the program's success in the following areas: 76131

(a) Placement stability, length of stay, and other outcomes 76132  
for children; 76133

(b) Cost; 76134

(c) Worker satisfaction; 76135

(d) Any other criteria the Department determines will be 76136  
useful in the consideration of statewide implementation. 76137

(2) The evaluation design shall include: 76138

(a) A comparison of data to historical outcomes or control 76139  
counties; 76140

(b) A retrospective data review of Cuyahoga County's use of 76141  
the tool; 76142

(c) A prospective data evaluation in each of the pilot 76143  
counties. 76144

(D) The Ohio Department of Mental Health shall conduct a 76145  
study of the children placed using the Child Placement Level of 76146  
Care Tool, which shall run concurrent with the Ohio Department of 76147  
Job and Family Services Child Placement Level of Care Tool pilot 76148  
program. This study shall use both the Child Placement Level of 76149  
Care Tool and the Ohio Scales in a simultaneous collection of 76150  
information about children at the time a placement decision is 76151  
made. Simultaneous data collection using the Ohio Scales and the 76152

Placement Level of Care Tool shall be coordinated through 76153  
collaboration between the Ohio Department of Mental Health and the 76154  
independent evaluator designated under division (C) of this 76155  
section to ensure study design integrity and cost efficiency. 76156

Based on this data collection from the Ohio Scales and the 76157  
Child Placement Level of Care Tool, the study shall focus on 76158  
analyzing any correlations between the initial placement outcomes 76159  
and initial scores of problem severity and behavioral health 76160  
functioning. Through a data sharing agreement with the independent 76161  
evaluator designated in division (C) of this section, the 76162  
Department of Mental Health shall also analyze data from 76163  
subsequent administrations of the Ohio Scales Tool and changes in 76164  
placement level of care for any correlations. Upon completion of 76165  
the study, the Ohio Department of Mental Health shall send a copy 76166  
of the results of the study to the independent evaluator 76167  
designated under division (C) of this section. 76168

(E) The independent evaluator designated under division (C) 76169  
of this section shall send a copy of the evaluator's initial 76170  
evaluation of the Child Placement Level of Care Tool, the Ohio 76171  
Department of Mental Health's calibration study designated under 76172  
division (D) of this section, and the continuity of care analysis 76173  
designated under division (D) of this section to the Ohio 76174  
Department of Job and Family Services. 76175

(F) The Ohio Department of Job and Family Services may adopt 76176  
rules in accordance with Chapter 119. of the Revised Code as 76177  
necessary to carry out the purposes of this section. The 76178  
Department shall seek maximum federal financial participation to 76179  
support the pilot and the evaluation. 76180

(G) Notwithstanding division (E) of section 5101.141 of the 76181  
Revised Code, the Department of Job and Family Services shall use 76182  
up to \$1,000,000 of appropriation item 600-663, Children and 76183  
Family Support, over the biennium to implement the Child Placement 76184

Level of Care Tool pilot program described in this section and to 76185  
contract for the independent evaluation of the pilot program. 76186

(H) As used in this section: 76187

(1) "Child Placement Level of Care Tool" means an assessment 76188  
tool to be developed by the participating counties to assess a 76189  
child's placement needs when a child must be removed from the 76190  
child's own home and cannot be placed with a relative or kin not 76191  
certified as a foster caregiver that includes assessing a child's 76192  
behavior, history, psychological state, and the involvement of 76193  
service systems. 76194

(2) "Ohio Scales Tool" means the Ohio Youth Problems, 76195  
Functioning, ROLES, and Marker Scales (Ohio Scales, Worker Form) 76196  
used by the Ohio Department of Mental Health to measure outcomes 76197  
for youth ages five to eighteen. 76198

**Section 309.50.70. OHIO BENEFIT BANK** 76199

Of the foregoing appropriation item 600-659, TANF/Title XX, 76200  
up to \$299,276 in fiscal year 2008 and up to \$472,366 in fiscal 76201  
year 2009 shall be used by the Governor's Office of Faith-Based 76202  
and Community Initiatives to support the Ohio Benefit Bank, a 76203  
web-enabled, counselor-assisted, program for low- and 76204  
moderate-income Ohioans. 76205

**Section 309.50.80. EARLY CARE AND EDUCATION** 76206

Before July 1, 2008, the departments of Job and Family 76207  
Services and Education shall develop a fiscal model bringing 76208  
together early care and education programs under one funding 76209  
system that will provide all children with access to affordable 76210  
quality care and education. 76211

**Section 309.70. WORKFORCE DEVELOPMENT** 76212

**Section 309.70.10.** TRANSFER TO THE MILITARY INJURY RELIEF 76213  
FUND 76214

In each year of the biennium, the Director of Job and Family 76215  
Services shall certify to the Director of Budget and Management 76216  
the total amount of incentive grants deposited into Fund 331, 76217  
Federal Operating, on behalf of state and county employees and 76218  
other individuals, entities, and persons with exemplary service to 76219  
veterans under an approved employment service delivery program 76220  
defined in the "Jobs for Veterans Act," 116 Stat. 2033 (2002), as 76221  
approved by the United States Department of Labor. The Director of 76222  
Budget and Management shall transfer cash equal to the amount 76223  
certified by the Director of Job and Family Services from Fund 331 76224  
to Fund 5DB, Military Injury Relief Fund. The transferred funds 76225  
shall be used to support grants to eligible individuals under 76226  
section 5101.98 of the Revised Code and rules adopted in 76227  
accordance with that section. 76228

**Section 309.70.20.** WORKFORCE DEVELOPMENT GRANT AGREEMENT 76229

The Department of Job and Family Services may use 76230  
appropriations from appropriation item 600-688, Workforce 76231  
Investment Act, to provide financial assistance for workforce 76232  
development activities included in a grant agreement entered into 76233  
by the department in accordance with section 5101.20 of the 76234  
Revised Code. 76235

OHIO STATE APPRENTICESHIP COUNCIL 76236

Of the foregoing appropriation item 600-688, Workforce 76237  
Investment Act, up to \$1,900,000 in fiscal year 2008 and up to 76238  
\$2,200,000 in fiscal year 2009 may be used to support the 76239  
activities of the Ohio State Apprenticeship Council. 76240

YOUTH EMPLOYMENT PROGRAMS 76241

Of the foregoing appropriation item 600-688, Workforce 76242

Investment Act, up to \$6,000,000 over the biennium shall be used 76243  
for competitive grants to eight major urban centers and four other 76244  
locations, at least two of which are rural, to provide strategies 76245  
and programs that meet the needs of at-risk youth. The program 76246  
shall target youth who have disengaged from the education system 76247  
and youthful offenders who will be returning to their communities. 76248  
Eligible grant applications include governmental units, workforce 76249  
investment boards, and not-for-profit and for-profit entities. 76250  
Grant funds may be used for youth wages and benefits, supervisory 76251  
costs, training and support costs, and infrastructure expenses. 76252  
Grant funds may not be used for construction or renovation of 76253  
facilities. 76254

THIRD FRONTIER INTERNSHIP PROGRAM 76255

Of the foregoing appropriation item 600-688, Workforce 76256  
Investment Act, \$1,500,000 in each fiscal year shall be used to 76257  
support the Third Frontier Internship program. 76258

NURSE EDUCATION ASSISTANCE 76259

Of the foregoing appropriation item 600-688, Workforce 76260  
Investment Act, \$700,000 in each fiscal year shall be used to 76261  
support the Nurse Education Assistance program described in 76262  
division (C)(1)(a) of section 3333.28 of the Revised Code. 76263

**Section 309.80. UNEMPLOYMENT COMPENSATION** 76264

**Section 309.80.10. EMPLOYER SURCHARGE** 76265

The surcharge and the interest on the surcharge amounts due 76266  
for calendar years 1988, 1989, and 1990 as required by Am. Sub. 76267  
H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 76268  
118th General Assembly, and section 4141.251 of the Revised Code 76269  
as it existed prior to its repeal by Sub. H.B. 478 of the 122nd 76270  
General Assembly, again shall be assessed and collected by, 76271  
accounted for, and made available to the Department of Job and 76272

Family Services in the same manner as set forth in section 76273  
4141.251 of the Revised Code as it existed prior to its repeal by 76274  
Sub. H.B. 478 of the 122nd General Assembly, notwithstanding the 76275  
repeal of the surcharge for calendar years after 1990, pursuant to 76276  
Sub. H.B. 478 of the 122nd General Assembly, except that amounts 76277  
received by the Director on or after July 1, 2001, shall be 76278  
deposited into the Unemployment Compensation Special 76279  
Administrative Fund (Fund 4A9) established pursuant to section 76280  
4141.11 of the Revised Code. 76281

**Section 309.80.20. FEDERAL UNEMPLOYMENT PROGRAMS** 76282

All unexpended funds remaining at the end of fiscal year 2007 76283  
that were appropriated and made available to the state under 76284  
section 903(d) of the Social Security Act, as amended, in the 76285  
foregoing appropriation item 600-678, Federal Unemployment 76286  
Programs (Fund 3V4), are hereby appropriated to the Department of 76287  
Job and Family Services. Upon the request of the Director of Job 76288  
and Family Services, the Director of Budget and Management may 76289  
increase the appropriation for fiscal year 2008 by the amount 76290  
remaining unspent from the fiscal year 2007 appropriation and may 76291  
increase the appropriation for fiscal year 2009 by the amount 76292  
remaining unspent from the fiscal year 2008 appropriation. The 76293  
appropriation shall be used under the direction of the Department 76294  
of Job and Family Services to pay for administrative activities 76295  
for the Unemployment Insurance Program, employment services, and 76296  
other allowable expenditures under section 903(d) of the Social 76297  
Security Act, as amended. 76298

The amounts obligated pursuant to this section shall not 76299  
exceed at any time the amount by which the aggregate of the 76300  
amounts transferred to the account of the state under section 76301  
903(d) of the Social Security Act, as amended, exceeds the 76302  
aggregate of the amounts obligated for administration and paid out 76303

for benefits and required by law to be charged against the amounts 76304  
transferred to the account of the state. 76305

**Section 311.10.** JCO JUDICIAL CONFERENCE OF OHIO 76306

General Revenue Fund 76307

GRF 018-321 Operating Expenses \$ 985,710 \$ 1,015,281 76308

TOTAL GRF General Revenue Fund \$ 985,710 \$ 1,015,281 76309

General Services Fund Group 76310

403 018-601 Ohio Jury Instructions \$ 350,000 \$ 350,000 76311

TOTAL GSF General Services Fund \$ 350,000 \$ 350,000 76312

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,335,710 \$ 1,365,281 76313

STATE COUNCIL OF UNIFORM STATE LAWS 76314

Notwithstanding section 105.26 of the Revised Code, of the 76315  
foregoing appropriation item 018-321, Operating Expenses, up to 76316  
\$71,000 in fiscal year 2008 and up to \$73,000 in fiscal year 2009 76317  
may be used to pay the expenses of the State Council of Uniform 76318  
State Laws, including membership dues to the National Conference 76319  
of Commissioners on Uniform State Laws. 76320

OHIO JURY INSTRUCTIONS FUND 76321

The Ohio Jury Instructions Fund (Fund 403) shall consist of 76322  
grants, royalties, dues, conference fees, bequests, devises, and 76323  
other gifts received for the purpose of supporting costs incurred 76324  
by the Judicial Conference of Ohio in dispensing educational and 76325  
informational data to the state's judicial system. Fund 403 shall 76326  
be used by the Judicial Conference of Ohio to pay expenses 76327  
incurred in dispensing educational and informational data to the 76328  
state's judicial system. All moneys accruing to Fund 403 in excess 76329  
of \$350,000 in fiscal year 2008 and in excess of \$350,000 in 76330  
fiscal year 2009 are hereby appropriated for the purposes 76331  
authorized. 76332

No money in the Ohio Jury Instructions Fund shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board.

				76333
				76334
				76335
<b>Section 313.10. JSC THE JUDICIARY/SUPREME COURT</b>				76336
General Revenue Fund				76337
GRF 005-321	Operating Expenses - Judiciary/Supreme Court	\$ 127,778,192	\$ 133,144,970	76338
GRF 005-401	State Criminal Sentencing Council	\$ 331,500	\$ 336,770	76339
GRF 005-406	Law-Related Education	\$ 229,290	\$ 236,172	76340
GRF 005-409	Ohio Courts Technology Initiative	\$ 4,000,000	\$ 6,500,000	76341
GRF 005-502	Legal Education Opportunity	\$ 250,000	\$ 350,000	76342
TOTAL GRF	General Revenue Fund	\$ 132,588,982	\$ 140,567,912	76343
General Services Fund Group				76344
672 005-601	Continuing Judicial Education	\$ 136,000	\$ 140,000	76345
TOTAL GSF	General Services Fund Group	\$ 136,000	\$ 140,000	76346
Federal Special Revenue Fund Group				76347
3J0 005-603	Federal Grants	\$ 1,518,491	\$ 1,467,693	76348
TOTAL FED	Federal Special Revenue Fund Group	\$ 1,518,491	\$ 1,467,693	76349
State Special Revenue Fund Group				76350
4C8 005-605	Attorney Services	\$ 3,841,416	\$ 3,936,058	76351
5T8 005-609	Grants and Awards	\$ 100,000	\$ 100,000	76352
6A8 005-606	Supreme Court Admissions	\$ 1,496,633	\$ 1,541,532	76353



educational opportunities to those same students who are preparing 76384  
for college and interested in the pursuit of a legal career. The 76385  
foregoing appropriation item 005-502, Legal Education Opportunity, 76386  
may be used by the Supreme Court, in cooperation with other 76387  
entities, to establish and provide programs, courses, and 76388  
activities consistent with the purposes set forth in this 76389  
paragraph and to pay the associated administrative costs. 76390

CONTINUING JUDICIAL EDUCATION 76391

The Continuing Judicial Education Fund (Fund 672) shall 76392  
consist of fees paid by judges and court personnel for attending 76393  
continuing education courses and other gifts and grants received 76394  
for the purpose of continuing judicial education. The foregoing 76395  
appropriation item 005-601, Continuing Judicial Education, shall 76396  
be used to pay expenses for continuing education courses for 76397  
judges and court personnel. If it is determined by the 76398  
Administrative Director of the Supreme Court that additional 76399  
appropriations are necessary, the amounts are hereby appropriated. 76400

No money in the Continuing Judicial Education Fund shall be 76401  
transferred to any other fund by the Director of Budget and 76402  
Management or the Controlling Board. Interest earned on moneys in 76403  
the Continuing Judicial Education Fund shall be credited to the 76404  
fund. 76405

FEDERAL GRANTS 76406

The Federal Grants Fund (Fund 3J0) shall consist of grants 76407  
and other moneys awarded to the Supreme Court (The Judiciary) by 76408  
the United States Government or other entities that receive the 76409  
moneys directly from the United States Government and distribute 76410  
those moneys to the Supreme Court (The Judiciary). The foregoing 76411  
appropriation item 005-603, Federal Grants, shall be used in a 76412  
manner consistent with the purpose of the grant or award. If it is 76413  
determined by the Administrative Director of the Supreme Court 76414

that additional appropriations are necessary, the amounts are 76415  
hereby appropriated. 76416

No money in the Federal Grants Fund shall be transferred to 76417  
any other fund by the Director of Budget and Management or the 76418  
Controlling Board. However, interest earned on moneys in the 76419  
Federal Grants Fund shall be credited or transferred to the 76420  
General Revenue Fund. 76421

ATTORNEY SERVICES 76422

The Attorney Services Fund (Fund 4C8), formerly known as the 76423  
Attorney Registration Fund, shall consist of moneys received by 76424  
the Supreme Court (The Judiciary) pursuant to the Rules for the 76425  
Government of the Bar of Ohio. In addition to funding other 76426  
activities considered appropriate by the Supreme Court, the 76427  
foregoing appropriation item 005-605, Attorney Services, may be 76428  
used to compensate employees and to fund appropriate activities of 76429  
the following offices established by the Supreme Court: the Office 76430  
of Disciplinary Counsel, the Board of Commissioners on Grievances 76431  
and Discipline, the Clients' Security Fund, and the Attorney 76432  
Services Division. If it is determined by the Administrative 76433  
Director of the Supreme Court that additional appropriations are 76434  
necessary, the amounts are hereby appropriated. 76435

No moneys in the Attorney Services Fund shall be transferred 76436  
to any other fund by the Director of Budget and Management or the 76437  
Controlling Board. Interest earned on moneys in the Attorney 76438  
Services Fund shall be credited to the fund. 76439

GRANTS AND AWARDS 76440

The Grants and Awards Fund (Fund 5T8) shall consist of grants 76441  
and other moneys awarded to the Supreme Court (The Judiciary) by 76442  
the State Justice Institute, the Division of Criminal Justice 76443  
Services, or other entities. The foregoing appropriation item 76444  
005-609, Grants and Awards, shall be used in a manner consistent 76445

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 appropriations are necessary, the amounts are hereby appropriated.

No moneys in the Supreme Court Admissions 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 Supreme Court Admissions Fund shall be credited to the fund.

FUND ELIMINATION

Effective July 1, 2007, or as soon as practicable thereafter, the Director of Budget and Management shall transfer the cash balance in the Commission on Continuing Legal Education Fund (Fund 643) to the Attorney Services Fund (Fund 4C8). The director shall cancel any existing encumbrances against appropriation item 005-607, Commission on Continuing Legal Education, and re-establish them against appropriation item 005-605, Attorney

Services. The amounts of the re-established encumbrances are 76477  
hereby appropriated. Upon completion of these transfers, the 76478  
Commission on Continuing Legal Education Fund (Fund 643) is hereby 76479  
abolished. 76480

TRANSFER OF UNENCUMBERED GRF APPROPRIATION AUTHORITY FOR 76481  
INDIGENT DEFENSE 76482

On July 1, 2008, or as soon as practicable thereafter, the 76483  
Administrative Director of the Supreme Court shall certify to the 76484  
Director of Budget and Management the total fiscal year 2008 76485  
unencumbered appropriations in appropriation item 005-321, 76486  
Operating Expenses - Judiciary/Supreme Court. The Director of 76487  
Budget and Management shall transfer that certified amount of 76488  
unencumbered fiscal year 2008 appropriations to fiscal year 2009 76489  
for use within the Ohio Public Defender Commission's appropriation 76490  
item 019-501, County Reimbursement. The amount certified and 76491  
transferred is hereby appropriated to the Ohio Public Defender 76492  
Commission's appropriation item 019-501, County Reimbursement, in 76493  
fiscal year 2009. 76494

**Section 315.10.** LEC LAKE ERIE COMMISSION 76495

State Special Revenue Fund Group 76496

4C0 780-601 Lake Erie Protection \$ 450,000 \$ 450,000 76497  
Fund

5D8 780-602 Lake Erie Resources \$ 387,000 \$ 388,000 76498  
Fund

TOTAL SSR State Special Revenue 76499

Fund Group \$ 837,000 \$ 838,000 76500

TOTAL ALL BUDGET FUND GROUPS \$ 837,000 \$ 838,000 76501

CASH TRANSFER 76502

Not later than the thirtieth day of November of each fiscal 76503  
year, the Executive Director of the Ohio Lake Erie Office, with 76504

the approval of the Lake Erie Commission, shall certify to the 76505  
 Director of Budget and Management the cash balance in the Lake 76506  
 Erie Resources Fund (Fund 5D8) in excess of amounts needed to meet 76507  
 operating expenses of the Lake Erie Office. The Lake Erie Office 76508  
 may request the Director of Budget and Management to transfer up 76509  
 to the certified amount from the Lake Erie Resources Fund (Fund 76510  
 5D8) to the Lake Erie Protection Fund (Fund 4C0). The Director of 76511  
 Budget and Management may transfer the requested amount, or the 76512  
 Director may transfer a different amount up to the certified 76513  
 amount. Cash transferred shall be used for the purposes described 76514  
 in division (A) of section 1506.23 of the Revised Code. The amount 76515  
 transferred by the director is hereby appropriated to the 76516  
 foregoing appropriation item 780-601, Lake Erie Protection Fund, 76517  
 which shall be increased by the amount transferred. 76518

**Section 317.10. LRS LEGAL RIGHTS SERVICE** 76519

General Revenue Fund				76520
GRF 054-321 Support Services	\$	198,075	\$ 198,075	76521
GRF 054-401 Ombudsman	\$	291,247	\$ 291,247	76522
TOTAL GRF General Revenue Fund	\$	489,322	\$ 489,322	76523
General Services Fund Group				76524
5M0 054-610 Program Support	\$	81,352	\$ 81,352	76525
TOTAL GSF General Services				76526
Fund Group	\$	81,352	\$ 81,352	76527
Federal Special Revenue Fund Group				76528
3AG 054-613 Protection and	\$	115,000	\$ 115,000	76529
Advocacy - Voter				
Accessibility				
3B8 054-603 Protection and	\$	1,089,999	\$ 1,089,999	76530
Advocacy - Mentally				
Ill				
3CA 054-615 Work Incentives	\$	355,000	\$ 355,000	76531

		Planning and Assistance					
3N3	054-606	Protection and Advocacy - Individual Rights	\$	560,000	\$	560,000	76532
3N9	054-607	Assistive Technology	\$	160,000	\$	160,000	76533
3R9	054-604	Family Support Collaborative	\$	55,000	\$	55,000	76534
3R9	054-616	Developmental Disability Publications	\$	130,000	\$	130,000	76535
3T2	054-609	Client Assistance Program	\$	435,000	\$	435,000	76536
3X1	054-611	Protection and Advocacy for Beneficiaries of Social Security	\$	235,001	\$	235,001	76537
3Z6	054-612	Traumatic Brain Injury	\$	70,000	\$	70,000	76538
305	054-602	Protection and Advocacy - Developmentally Disabled	\$	1,500,000	\$	1,500,000	76539
TOTAL FED	Federal Special Revenue						76540
Fund Group			\$	4,705,000	\$	4,705,000	76541
State Special Revenue	Fund Group						76542
5AE	054-614	Grants and Contracts	\$	100,000	\$	100,000	76543
TOTAL SSR	State Special Revenue		\$	100,000	\$	100,000	76544
Fund Group							
TOTAL ALL BUDGET	FUND GROUPS		\$	5,375,674	\$	5,375,674	76545
<b>Section 319.10.</b>	JLE JOINT LEGISLATIVE ETHICS COMMITTEE						76547
General Revenue	Fund						76548

GRF 028-321	Legislative Ethics Committee	\$	550,000	\$	550,000	76549
TOTAL GRF	General Revenue Fund	\$	550,000	\$	550,000	76550
	General Services Fund Group					76551
4G7 028-601	Joint Legislative Ethics Committee	\$	100,000	\$	100,000	76552
TOTAL GSF	General Services Fund Group	\$	100,000	\$	100,000	76553
TOTAL ALL BUDGET FUND GROUPS		\$	650,000	\$	650,000	76554

**Section 321.10.** LSC LEGISLATIVE SERVICE COMMISSION 76555

	General Revenue Fund					76556
GRF 035-321	Operating Expenses	\$	14,917,700	\$	14,917,700	76557
GRF 035-402	Legislative Interns	\$	1,022,120	\$	1,022,120	76558
GRF 035-405	Correctional Institution Inspection Committee	\$	438,900	\$	438,900	76559
GRF 035-409	National Associations	\$	460,560	\$	460,560	76560
GRF 035-410	Legislative Information Systems	\$	3,661,250	\$	3,661,250	76561
TOTAL GRF	General Revenue Fund	\$	20,500,530	\$	20,500,530	76562
	General Services Fund Group					76563
4F6 035-603	Legislative Budget Services	\$	154,025	\$	154,025	76564
410 035-601	Sale of Publications	\$	25,250	\$	25,250	76565
5EF 035-607	House and Senate Telephone Usage	\$	30,000	\$	30,000	76566
TOTAL GSF	General Services Fund Group	\$	209,275	\$	209,275	76567
TOTAL ALL BUDGET FUND GROUPS		\$	20,709,805	\$	20,709,805	76569

JOINT LEGISLATIVE COMMITTEE ON MEDICAID TECHNOLOGY AND REFORM 76570

Of the foregoing appropriation item 035-321, Operating 76571

Expenses, \$100,000 in each fiscal year shall be used for costs 76572  
 associated with employing an executive director for the Joint 76573  
 Legislative Committee on Medicaid Technology and Reform as 76574  
 authorized by division (C) of section 101.391 of the Revised Code. 76575

**Section 323.10.** LIB STATE LIBRARY BOARD 76576

General Revenue Fund 76577

GRF 350-321 Operating Expenses \$ 6,298,677 \$ 6,298,677 76578

GRF 350-400 Ohio Public Library \$ 4,330,000 \$ 4,330,000 76579

Information Network

GRF 350-401 Ohioana Rental \$ 124,816 \$ 124,816 76580

Payments

GRF 350-501 Library for the \$ 535,615 \$ 535,615 76581

Blind-Cincinnati

GRF 350-502 Regional Library \$ 1,010,441 \$ 1,010,441 76582

Systems

GRF 350-503 Library for the \$ 805,642 \$ 805,642 76583

Blind-Cleveland

TOTAL GRF General Revenue Fund \$ 13,105,191 \$ 13,105,191 76584

General Services Fund Group 76585

139 350-602 Intra-Agency Service \$ 9,000 \$ 9,000 76586

Charges

4S4 350-604 Ohio Public Library \$ 3,000,000 \$ 3,000,000 76587

Information Network

Technology

459 350-602 Library Service \$ 2,708,092 \$ 2,708,092 76588

Charges

TOTAL GSF General Services 76589

Fund Group \$ 5,717,092 \$ 5,717,092 76590

Federal Special Revenue Fund Group 76591

313 350-601 LSTA Federal \$ 5,691,792 \$ 5,691,792 76592

TOTAL FED Federal Special Revenue 76593

Fund Group	\$	5,691,792	\$	5,691,792	76594
TOTAL ALL BUDGET FUND GROUPS	\$	24,514,075	\$	24,514,075	76595

OHIOANA RENTAL PAYMENTS 76596

The foregoing appropriation item 350-401, Ohioana Rental 76597  
Payments, shall be used to pay the rental expenses of the Martha 76598  
Kinney Cooper Ohioana Library Association pursuant to section 76599  
3375.61 of the Revised Code. 76600

LIBRARY FOR THE BLIND-CINCINNATI 76601

The foregoing appropriation item 350-501, Library for the 76602  
Blind-Cincinnati, shall be used for the Talking Book program, 76603  
which assists the blind and disabled. 76604

REGIONAL LIBRARY SYSTEMS 76605

The foregoing appropriation item 350-502, Regional Library 76606  
Systems, shall be used to support regional library systems 76607  
eligible for funding under sections 3375.83 and 3375.90 of the 76608  
Revised Code. 76609

LIBRARY FOR THE BLIND-CLEVELAND 76610

The foregoing appropriation item 350-503, Library for the 76611  
Blind-Cleveland, shall be used for the Talking Book program, which 76612  
assists the blind and disabled. 76613

OHIO PUBLIC LIBRARY INFORMATION NETWORK 76614

The foregoing appropriation items 350-604, Ohio Public 76615  
Library Information Network Technology, and 350-400, Ohio Public 76616  
Library Information Network, shall be used for an information 76617  
telecommunications network linking public libraries in the state 76618  
and such others as may be certified as participants by the Ohio 76619  
Public Library Information Network Board. 76620

The Ohio Public Library Information Network Board shall 76621  
consist of eleven members appointed by the State Library Board 76622  
from among the staff of public libraries and past and present 76623

members of boards of trustees of public libraries, based on the 76624  
recommendations of the Ohio library community. The Ohio Public 76625  
Library Information Network Board, in consultation with the State 76626  
Library, shall develop a plan of operations for the network. The 76627  
board may make decisions regarding use of the foregoing 76628  
appropriation items 350-400, Ohio Public Library Information 76629  
Network, and 350-604, Ohio Public Library Information Network 76630  
Technology, may receive and expend grants to carry out the 76631  
operations of the network in accordance with state law and the 76632  
authority to appoint and fix the compensation of a director and 76633  
necessary staff. The State Library shall be the fiscal agent for 76634  
the network and shall have fiscal accountability for the 76635  
expenditure of funds. The Ohio Public Library Information Network 76636  
Board members shall be reimbursed for actual travel and necessary 76637  
expenses incurred in carrying out their responsibilities. 76638

In order to limit access to obscene and illegal materials 76639  
through internet use at Ohio Public Library Information Network 76640  
(OPLIN) terminals, local libraries with OPLIN computer terminals 76641  
shall adopt policies that control access to obscene and illegal 76642  
materials. These policies may include use of technological systems 76643  
to select or block certain internet access. The OPLIN shall 76644  
condition provision of its funds, goods, and services on 76645  
compliance with these policies. The OPLIN Board shall also adopt 76646  
and communicate specific recommendations to local libraries on 76647  
methods to control such improper usage. These methods may include 76648  
each library implementing a written policy controlling such 76649  
improper use of library terminals and requirements for parental 76650  
involvement or written authorization for juvenile internet usage. 76651

Of the foregoing appropriation item 350-400, Ohio Public 76652  
Library Information Network, up to \$100,000 in each fiscal year 76653  
shall be used to help local libraries purchase or maintain filters 76654  
to screen out obscene and illegal internet materials. 76655

The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Executive Director shall biannually provide written reports to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in the state to limit and control such improper usage as well as information on technological, legal, and law enforcement trends nationally and internationally affecting this area of public access and service.

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.

**Section 325.10. LCO LIQUOR CONTROL COMMISSION**

Liquor Control Fund Group				76673
043 970-321 Operating Expenses	\$	743,093	\$ 772,524	76674
TOTAL LCF Liquor Control Fund Group	\$	743,093	\$ 772,524	76675
TOTAL ALL BUDGET FUND GROUPS	\$	743,093	\$ 772,524	76676

**Section 327.10. LOT STATE LOTTERY COMMISSION**

General Services Fund Group				76678
231 950-604 Charitable Gaming	\$	2,253,000	\$ 2,378,000	76679
Oversight				
TOTAL GSF General Services Fund	\$	2,253,000	\$ 2,378,000	76680
Group				
State Lottery Fund Group				76681
044 950-100 Personal Services	\$	25,945,116	\$ 27,085,265	76682
044 950-200 Maintenance	\$	18,748,274	\$ 18,693,328	76683

044 950-300	Equipment	\$	2,554,500	\$	2,446,500	76685
044 950-402	Advertising Contracts	\$	21,250,000	\$	21,250,000	76686
044 950-403	Gaming Contracts	\$	50,419,360	\$	51,250,704	76687
044 950-500	Problem Gambling	\$	335,000	\$	335,000	76688
	Subsidy					
044 950-601	Direct Prize Payments	\$	147,716,286	\$	147,716,286	76689
871 950-602	Annuity Prizes	\$	151,724,305	\$	151,724,305	76690
TOTAL SLF	State Lottery Fund					76691
Group		\$	418,692,841	\$	420,501,388	76692
TOTAL ALL BUDGET FUND GROUPS		\$	420,945,841	\$	422,879,388	76693

OPERATING EXPENSES 76694

Notwithstanding sections 127.14 and 131.35 of the Revised 76695  
Code, the Controlling Board may, at the request of the State 76696  
Lottery Commission, authorize additional appropriations for 76697  
operating expenses of the State Lottery Commission from the State 76698  
Lottery Fund up to a maximum of 15 per cent of anticipated total 76699  
revenue accruing from the sale of lottery tickets. 76700

DIRECT PRIZE PAYMENTS 76701

Any amounts, in addition to the amounts appropriated in 76702  
appropriation item 950-601, Direct Prize Payments, that the 76703  
Director of the State Lottery Commission determines to be 76704  
necessary to fund prizes, bonuses, and commissions are hereby 76705  
appropriated. 76706

ANNUITY PRIZES 76707

With the approval of the Office of Budget and Management, the 76708  
State Lottery Commission shall transfer cash from the State 76709  
Lottery Fund Group (Fund 044) to the Deferred Prizes Trust Fund 76710  
(Fund 871) in an amount sufficient to fund deferred prizes. The 76711  
Treasurer of State, from time to time, shall credit the Deferred 76712  
Prizes Trust Fund (Fund 871) the pro rata share of interest earned 76713  
by the Treasurer of State on invested balances. 76714

Any amounts, in addition to the amounts appropriated in 76715  
appropriation item 950-602, Annuity Prizes, that the Director of 76716  
the State Lottery Commission determines to be necessary to fund 76717  
deferred prizes and interest earnings are hereby appropriated. 76718

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 76719

The Ohio Lottery Commission shall transfer an amount greater 76720  
than or equal to \$657,900,000 in fiscal year 2008 and \$667,900,000 76721  
in fiscal year 2009 to the Lottery Profits Education Fund. 76722  
Transfers from the Commission to the Lottery Profits Education 76723  
Fund shall represent the estimated net income from operations for 76724  
the Commission in fiscal year 2008 and fiscal year 2009. Transfers 76725  
by the Commission to the Lottery Profits Education Fund shall be 76726  
administered as the statutes direct. 76727

**Section 329.10.** MHC MANUFACTURED HOMES COMMISSION 76728

General Services Fund Group 76729  
4K9 996-609 Operating Expenses \$ 418,122 \$ 434,671 76730  
TOTAL GSF General Services 76731  
Fund Group \$ 418,122 \$ 434,671 76732  
TOTAL ALL BUDGET FUND GROUPS \$ 418,122 \$ 434,671 76733

**Section 331.10.** MED STATE MEDICAL BOARD 76735

General Services Fund Group 76736  
5C6 883-609 Operating Expenses \$ 7,883,145 \$ 8,225,945 76737  
TOTAL GSF General Services 76738  
Fund Group \$ 7,883,145 \$ 8,225,945 76739  
TOTAL ALL BUDGET FUND GROUPS \$ 7,883,145 \$ 8,225,945 76740

**Section 333.10.** AMB MEDICAL TRANSPORTATION BOARD 76742

General Services Fund Group 76743  
4K9 915-604 Operating Expenses \$ 471,450 \$ 473,450 76744

TOTAL GSF General Services				76745
Fund Group	\$	471,450	\$ 473,450	76746
TOTAL ALL BUDGET FUND GROUPS	\$	471,450	\$ 473,450	76747

CASH TRANSFER TO OCCUPATIONAL LICENSING AND REGULATORY FUND 76748  
(FUND 4K9) 76749

Effective July 1, 2007, or as soon as practicable thereafter, 76750  
the Director of Budget and Management may transfer the cash 76751  
balance in the Ohio Medical Transportation Trust Fund (Fund 4N1), 76752  
created in division (B) of section 4766.05 of the Revised Code, to 76753  
the Occupational Licensing and Regulatory Fund (Fund 4K9), created 76754  
in section 4743.05 of the Revised Code. The director shall cancel 76755  
any existing encumbrances against appropriation item 915-601, 76756  
Operating Expenses, and re-establish them against appropriation 76757  
item 915-604, Operating Expenses. The amounts of the 76758  
re-established encumbrances are hereby appropriated. Upon 76759  
completion of these transfers, the Ohio Medical Transportation 76760  
Trust Fund (Fund 4N1) is hereby abolished. 76761

**Section 335.10. DMH DEPARTMENT OF MENTAL HEALTH** 76762

General Services Fund Group 76763

151 336-601 Office of Support	\$	134,060,000	\$ 148,998,000	76764
Services				

TOTAL General Services Fund Group	\$	134,060,000	\$ 148,998,000	76765
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Division of Mental Health-- 76766

Psychiatric Services to Correctional Facilities 76767

General Revenue Fund 76768

GRF 332-401 Forensic Services	\$	4,338,858	\$ 4,338,858	76769
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TOTAL GRF General Revenue Fund	\$	4,338,858	\$ 4,338,858	76770
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**Section 335.10.10. FORENSIC SERVICES** 76772

The foregoing appropriation item 332-401, Forensic Services, 76773  
shall be used to provide psychiatric services to courts of common 76774

pleas. The appropriation shall be allocated through community 76775  
 mental health boards to certified community agencies and shall be 76776  
 distributed according to the criteria delineated in rule 76777  
 5122:32-01 of the Administrative Code. These community forensic 76778  
 funds may also be used to provide forensic training to community 76779  
 mental health boards and to forensic psychiatry residency programs 76780  
 in hospitals operated by the Department of Mental Health and to 76781  
 provide evaluations of patients of forensic status in facilities 76782  
 operated by the Department of Mental Health prior to conditional 76783  
 release to the community. 76784

In addition, appropriation item 332-401, Forensic Services, 76785  
 may be used to support projects involving mental health, substance 76786  
 abuse, courts, and law enforcement to identify and develop 76787  
 appropriate alternative services to incarceration for nonviolent 76788  
 mentally ill offenders, and to provide specialized re-entry 76789  
 services to offenders leaving prisons and jails. Funds may also be 76790  
 utilized to provide forensic monitoring and tracking in addition 76791  
 to community programs serving persons of forensic status on 76792  
 conditional release or probation. 76793

**Section 335.20.** Division of Mental Health-- 76794

Administration and Statewide Programs 76795

General Revenue Fund 76796

GRF 333-321	Central Administration	\$	23,750,000	\$	23,750,000	76797
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GRF 333-402	Resident Trainees	\$	1,364,919	\$	1,364,919	76798
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GRF 333-403	Pre-Admission	\$	650,135	\$	650,135	76799
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Screening Expenses

GRF 333-415	Lease-Rental Payments	\$	23,767,400	\$	20,504,500	76800
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GRF 333-416	Research Program	\$	1,001,551	\$	1,001,551	76801
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Evaluation

TOTAL GRF	General Revenue Fund	\$	50,534,005	\$	47,271,105	76802
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General Services Fund Group 76803

149	333-609	Central Office	\$	1,200,000	\$	1,200,000	76804
		Operating					
TOTAL	General Services Fund Group		\$	1,200,000	\$	1,200,000	76805
	Federal Special Revenue Fund Group						76806
3A6	333-608	Community & Hospital	\$	140,000	\$	140,000	76807
		Services					
3A7	333-612	Social Services Block	\$	25,000	\$	25,000	76808
		Grant					
3A8	333-613	Federal Grant -	\$	4,888,105	\$	4,888,105	76809
		Administration					
3A9	333-614	Mental Health Block	\$	748,470	\$	748,470	76810
		Grant - Administration					
3B1	333-635	Community Medicaid	\$	13,691,682	\$	13,691,682	76811
		Expansion					
324	333-605	Medicaid/Medicare	\$	154,500	\$	154,500	76812
TOTAL	Federal Special Revenue						76813
Fund Group			\$	19,647,757	\$	19,647,757	76814
	State Special Revenue Fund Group						76815
232	333-621	Family and Children	\$	625,000	\$	625,000	76816
		First Administration					
4X5	333-607	Behavioral Health	\$	3,000,634	\$	3,000,634	76817
		Medicaid Services					
485	333-632	Mental Health	\$	134,233	\$	134,233	76818
		Operating					
5V2	333-611	Non-Federal	\$	580,000	\$	560,000	76819
		Miscellaneous					
TOTAL	State Special Revenue						76820
Fund Group			\$	4,339,867	\$	4,319,867	76821
TOTAL ALL BUDGET FUND GROUPS			\$	75,721,629	\$	72,438,729	76822

**Section 335.20.10. RESIDENCY TRAINEESHIP PROGRAMS** 76824

The foregoing appropriation item 333-402, Resident Trainees, 76825

shall be used to fund training agreements entered into by the 76826  
Department of Mental Health for the development of curricula and 76827  
the provision of training programs to support public mental health 76828  
services. 76829

**Section 335.20.20. PRE-ADMISSION SCREENING EXPENSES** 76830

The foregoing appropriation item 333-403, Pre-Admission 76831  
Screening Expenses, shall be used to pay for costs to ensure that 76832  
uniform statewide methods for pre-admission screening are in place 76833  
to perform assessments for persons who have severe mental illness 76834  
and are referred for long-term Medicaid certified nursing facility 76835  
placement. Pre-admission screening includes the following 76836  
activities: pre-admission assessment, consideration of continued 76837  
stay requests, discharge planning and referral, and adjudication 76838  
of appeals and grievance procedures. 76839

**Section 335.20.30. LEASE-RENTAL PAYMENTS** 76840

The foregoing appropriation item 333-415, Lease-Rental 76841  
Payments, shall be used to meet all payments during the period 76842  
from July 1, 2007, to June 30, 2009, by the Department of Mental 76843  
Health under leases and agreements made under section 154.20 of 76844  
the Revised Code. These appropriations are the source of funds 76845  
pledged for bond service charges on obligations issued pursuant to 76846  
Chapter 154. of the Revised Code. 76847

**Section 335.20.40. BEHAVIORAL HEALTH MEDICAID SERVICES** 76848

The Department of Mental Health shall administer specified 76849  
Medicaid Services as delegated by the Department of Job and Family 76850  
Services in an interagency agreement. The foregoing appropriation 76851  
item 333-607, Behavioral Health Medicaid Services, may be used to 76852  
make payments for free-standing psychiatric hospital inpatient 76853  
services as defined in an interagency agreement with the 76854

Department of Job and Family Services. 76855

**Section 335.20.50. PERFORMANCE AUDIT** 76856

The Auditor of State shall complete a performance audit of 76857  
the Department of Mental Health. Upon completing the performance 76858  
audit, the Auditor of State shall submit a report of the findings 76859  
of the audit to the Governor, the President of the Senate, the 76860  
Speaker of the House of Representatives, and the Director of 76861  
Mental Health. Expenses incurred by the Auditor of State to 76862  
conduct the performance audit shall be reimbursed by the 76863  
Department of Mental Health. 76864

**Section 335.20.60. INTERNAL REVIEW** 76865

The Director of Mental Health shall consult with the Director 76866  
of Budget and Management and representatives of local and county 76867  
mental health services agencies to conduct an internal review of 76868  
policies and procedures to increase efficiency and identify and 76869  
eliminate duplicative practices. Any savings identified as a 76870  
result of the internal review or the performance audit conducted 76871  
by the Auditor of State shall be used for community-based care. 76872

The Director of Mental Health shall seek Controlling Board 76873  
approval before expending any funds identified as a result of the 76874  
internal review or the performance audit. 76875

**Section 335.30. DIVISION OF MENTAL HEALTH - HOSPITALS** 76876

General Revenue Fund 76877

GRF 334-408 Community and Hospital \$ 400,324,545 \$ 400,324,545 76878

Mental Health Services

GRF 334-506 Court Costs \$ 976,652 \$ 976,652 76879

TOTAL GRF General Revenue Fund \$ 401,301,197 \$ 401,301,197 76880

General Services Fund Group 76881

149	334-609	Hospital - Operating Expenses	\$	33,800,000	\$	33,800,000	76882
150	334-620	Special Education	\$	120,930	\$	120,930	76883
TOTAL GSF General Services							76884
Fund Group			\$	33,920,930	\$	33,920,930	76885
Federal Special Revenue Fund Group							76886
3A6	334-608	Subsidy for Federal Grants	\$	586,224	\$	586,224	76887
3A8	334-613	Federal Letter of Credit	\$	200,000	\$	200,000	76888
3B0	334-617	Adult Basic and Literary Education	\$	182,334	\$	182,334	76889
3B1	334-635	Hospital Medicaid Expansion	\$	2,000,000	\$	2,000,000	76890
324	334-605	Medicaid/Medicare	\$	34,500,000	\$	50,500,000	76891
TOTAL FED Federal Special Revenue							76892
Fund Group			\$	37,468,558	\$	53,468,558	76893
State Special Revenue Fund Group							76894
485	334-632	Mental Health Operating	\$	3,100,000	\$	3,100,000	76895
692	334-636	Community Mental Health Board Risk Fund	\$	80,000	\$	80,000	76896
TOTAL SSR State Special Revenue							76897
Fund Group			\$	3,180,000	\$	3,180,000	76898
TOTAL ALL BUDGET FUND GROUPS			\$	475,870,685	\$	491,870,685	76899

**Section 335.30.20. COMMUNITY MENTAL HEALTH BOARD RISK FUND** 76901

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. 76902  
76903  
76904

**Section 335.40. DIVISION OF MENTAL HEALTH - COMMUNITY SUPPORT** 76905

SERVICES					76906
General Revenue Fund					76907
GRF 335-404 Behavioral Health	\$	8,076,153	\$	8,711,153	76908
Services-Children					
GRF 335-405 Family & Children	\$	2,260,000	\$	2,260,000	76909
First					
GRF 335-419 Community Medication	\$	9,959,798	\$	9,959,798	76910
Subsidy					
GRF 335-505 Local Mental Health	\$	104,187,868	\$	104,187,868	76911
Systems of Care					
TOTAL GRF General Revenue Fund	\$	124,483,819	\$	125,118,819	76912
General Services Fund Group					76913
4P9 335-604 Community Mental	\$	250,000	\$	250,000	76914
Health Projects					
TOTAL GSF General Services					76915
Fund Group	\$	250,000	\$	250,000	76916
Federal Special Revenue Fund Group					76917
3A6 335-608 Federal Miscellaneous	\$	2,178,699	\$	2,178,699	76918
3A7 335-612 Social Services Block	\$	8,657,288	\$	8,657,288	76919
Grant					
3A8 335-613 Federal Grant -	\$	2,595,040	\$	2,595,040	76920
Community Mental					
Health Board Subsidy					
3A9 335-614 Mental Health Block	\$	14,969,400	\$	14,969,400	76921
Grant					
3B1 335-635 Community Medicaid	\$	299,614,455	\$	316,699,716	76922
Expansion					
TOTAL FED Federal Special Revenue	\$	328,014,882	\$	345,100,143	76923
Fund Group					
State Special Revenue Fund Group					76924
5AU 335-615 Behavioral Healthcare	\$	6,690,000	\$	6,690,000	76925

632 335-616	Community Capital	\$	350,000	\$	350,000	76926
	Replacement					
5CH 335-622	Residential Support	\$	1,500,000	\$	1,500,000	76927
	Service					
TOTAL SSR State Special Revenue		\$	8,540,000	\$	8,540,000	76928
Fund Group						
TOTAL ALL BUDGET FUND GROUPS		\$	461,288,701	\$	479,008,962	76929
DEPARTMENT TOTAL						76930
GENERAL REVENUE FUND		\$	580,657,879	\$	578,029,979	76931
DEPARTMENT TOTAL						76932
GENERAL SERVICES FUND GROUP		\$	169,430,930	\$	184,368,930	76933
DEPARTMENT TOTAL						76934
FEDERAL SPECIAL REVENUE						76935
FUND GROUP		\$	385,131,197	\$	418,216,458	76936
DEPARTMENT TOTAL						76937
STATE SPECIAL REVENUE FUND GROUP		\$	16,059,867	\$	16,039,867	76938
DEPARTMENT TOTAL						76939
TOTAL DEPARTMENT OF MENTAL HEALTH		\$	1,151,279,873	\$	1,196,655,234	76940

**Section 335.40.10. BEHAVIORAL HEALTH SERVICES - CHILDREN** 76942

The foregoing appropriation item 335-404, Behavioral Health 76943  
 Services-Children, shall be used to provide behavioral health 76944  
 services for children and their families. Behavioral health 76945  
 services include mental health and alcohol and other drug 76946  
 treatment services and other necessary supports. 76947

Of the foregoing appropriation item 335-404, Behavioral 76948  
 Health Services-Children, an amount up to \$4.5 million in fiscal 76949  
 year 2008 and \$5.5 million in fiscal year 2009 shall be 76950  
 distributed to local Alcohol, Drug Addiction, and Mental Health 76951  
 Boards; Community Mental Health Boards; and Alcohol and Drug 76952  
 Addiction Boards, based upon a distribution formula and guidance 76953  
 defined by a team of state and local stakeholders appointed by the 76954  
 Ohio Family and Children First Cabinet Council. This team shall 76955

include, but not be limited to, all of the following: 76956

(A) At least one representative from each of the Departments 76957  
of Alcohol and Drug Addiction Services, Mental Health, Education, 76958  
Health, Job and Family Services, Mental Retardation and 76959  
Developmental Disabilities, and the Department of Youth Services; 76960

(B) At least one person representing local public children's 76961  
services agencies; 76962

(C) At least one person representing juvenile courts; 76963

(D) At least one person representing local Alcohol, Drug 76964  
Addiction, and Mental Health Boards; Community Mental Health 76965  
Boards; and Alcohol and Drug Addiction Boards; 76966

(E) At least one person representing local Family and 76967  
Children First Council Coordinators; 76968

(F) At least one family representative. 76969

Funds may be used to support the following services and 76970  
activities as determined by local Alcohol, Drug Addiction, and 76971  
Mental Health Boards; Community Mental Health Boards; and Alcohol 76972  
and Drug Addiction Boards and local family and children first 76973  
councils and aligned with county service coordination mechanism as 76974  
described in division (C) of section 121.37 of the Revised Code: 76975

(A) Mental health services provided by the Ohio Department of 76976  
Mental Health certified agencies and alcohol and other drug 76977  
services provided by Department of Alcohol and Drug Addiction 76978  
Services certified agencies; 76979

(B) Services and supports for children and their families 76980  
that further the implementation of their individual service plans; 76981

(C) Treatment services in out-of-home settings, including 76982  
residential facilities, when other alternatives are not available 76983  
or feasible; 76984

(D) Administrative support for efforts associated with this 76985

initiative; 76986

(E) These funds shall not be used to supplant existing 76987  
efforts. 76988

Of the foregoing appropriation item 335-404, Behavioral 76989  
Health Services-Children, an amount up to \$1.0 million in fiscal 76990  
year 2008 and \$1.0 million in fiscal year 2009 shall be used to 76991  
support projects, as determined by the Ohio Family and Children 76992  
First Cabinet Council, in select areas around the state to focus 76993  
on improving behavioral health juvenile justice services. 76994

Of the foregoing appropriation item 335-405, Family & 76995  
Children First, an amount up to \$500,000 in fiscal year 2008 and 76996  
\$500,000 in fiscal year 2009 shall be used for children for whom 76997  
the primary focus of treatment is not a mental health or alcohol 76998  
or drug addiction disorder and require services or supports to 76999  
assist those needs through the County Family and Children First 77000  
Council. 77001

Of the foregoing appropriation item 335-404, Behavioral 77002  
Health Services - Children, an amount up to \$500,000 in each 77003  
fiscal year shall be used to provide behavioral health treatment 77004  
services for children from birth to age seven. 77005

**Section 335.40.15. BEHAVIORAL HEALTH PILOT PROGRAM IN** 77006  
**SPECIFIED COUNTIES** 77007

(A) As used in this section: 77008

(1) "Local boards" means all of the following, collectively: 77009

(a) The Clermont County Mental Health & Recovery Board; 77010

(b) The Heartland East Collaborative, which is comprised of 77011  
the Ashtabula Mental Health & Recovery Board; the Columbiana 77012  
County Mental Health & Recovery Board; the Mental Health & 77013  
Recovery Board of Portage County; the Alcohol & Drug Addiction 77014  
Services Board of Stark County; the Stark County Community Mental 77015

Health Board; and the Mental Health & Recovery Board of Wayne and Holmes Counties;	77016 77017
(c) The Alcohol, Drug and Mental Health Board of Franklin County;	77018 77019
(d) The Geauga County Board of Mental Health and Recovery Services;	77020 77021
(e) The Mental Health, Drug and Alcohol Services Board of Logan and Champaign Counties;	77022 77023
(f) The Mental Health & Recovery Services Board of Lucas County;	77024 77025
(g) The Gallia-Jackson-Meigs Board of Alcohol, Drug Addiction and Mental Health Services;	77026 77027
(h) The Mental Health and Recovery Services Board of Richland County.	77028 77029
(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.	77030 77031 77032
(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.	77033 77034 77035
(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.	77036 77037 77038
(5) "Selected local boards" means the local boards selected pursuant to division (B) of this section to participate in the behavioral health pilot program.	77039 77040 77041
(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	77042 77043 77044 77045

Mental Health Services. 77046

(B) The local boards and the Departments of Mental Health, 77047  
Alcohol and Drug Addiction Services, and Job and Family Services 77048  
shall select one large county local board, one mid-size county 77049  
local board, and one small local board to participate with the 77050  
Heartland East Collaborative in a behavioral health pilot program 77051  
to be developed and operating not later than October 1, 2007, that 77052  
serves the counties of the selected local boards and the counties 77053  
served by the Heartland East Collaborative. The purpose of the 77054  
program is to test a model of a system of care for community 77055  
behavioral health services delivered to individuals described in 77056  
division (E) of this section. The pilot program shall cease to 77057  
operate on June 30, 2009. 77058

(C) The model tested by the pilot program shall propose to do 77059  
all of the following: 77060

(1) Provide clinically appropriate and timely behavioral 77061  
health services; 77062

(2) Provide improved access to a full continuum of behavioral 77063  
health care to Medicaid recipients and individuals who are not 77064  
Medicaid recipients; 77065

(3) Improve the quality of behavioral health services 77066  
provided; 77067

(4) Improve accountability for behavioral health services 77068  
provided through measurement of outcomes; 77069

(5) Control costs to assure financial viability; 77070

(6) Consider all public funds administered through the 77071  
boards; 77072

(7) Coordinate with Medicaid managed care plans operating in 77073  
the counties in which the pilot is operated. 77074

(8) Have the ability to be replicated in all regions of the 77075

state. 77076

(D) The pilot program may include the following elements: 77077

(1) Development of defined behavioral health service packages; 77078  
77079

(2) Guidelines to ensure that behavioral health service types and amounts match individual needs; 77080  
77081

(3) Identification and tracking of outcomes; 77082

(4) A process for care coordination and utilization review and management; 77083  
77084

(5) Performance standards for provider participation. 77085

(E) The pilot program shall target the following individuals: 77086

(1) Adults who reside in the counties served by the selected local boards and have been diagnosed as suffering from one or more serious mental illnesses; 77087  
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(2) Adults who reside in the counties served by the selected local boards and have been diagnosed as suffering from alcoholism or drug addiction, or both; 77090  
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(3) Adults who reside in the counties served by the selected local boards and have been diagnosed as suffering from at least one of the conditions described in division (E)(1) of this section and at least one of the conditions described in division (E)(2) of this section, who have been identified as having a high risk for frequent utilization of behavioral health services, and who currently receive services from the public behavioral health system. 77093  
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To the extent determined appropriate by the advisory committee that must be convened under division (G) of this section, the pilot program may target adults who reside in the counties served by the selected local boards and have been identified as having a high risk for frequent utilization of 77101  
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behavioral health services, regardless of diagnosis. 77106

(F) The selected local boards, the Departments of Mental 77107  
Health, Alcohol and Drug Addiction Services, and Job and Family 77108  
Services, and the Medicaid managed care plans operating in the 77109  
counties in which the pilot is operated shall conduct an interim 77110  
and final evaluation of the pilot program. A report summarizing 77111  
the findings of the interim evaluation shall be submitted to the 77112  
Governor, the Speaker and Minority Leader of the House of 77113  
Representatives, the President and Minority Leader of the Senate, 77114  
and the Directors of Mental Health, Alcohol and Drug Addiction 77115  
Services, and Job and Family Services not later than January 30, 77116  
2009. A report summarizing the findings of the final evaluation 77117  
shall be submitted to the Governor, the Speaker and Minority 77118  
Leader of the House of Representatives, the President and Minority 77119  
Leader of the Senate, and the Directors of Mental Health, Alcohol 77120  
and Drug Addiction Services, and Job and Family Services not later 77121  
than September 1, 2009. 77122

(G) The selected local boards, Departments of Mental Health, 77123  
Alcohol and Drug Addiction Services, and Job and Family Services, 77124  
and Medicaid managed care plans operating in the counties in which 77125  
the pilot is operated shall convene an advisory committee to 77126  
consult the selected local boards and the Departments of Mental 77127  
Health, Alcohol and Drug Addiction Services, and Job and Family 77128  
Services in the development and operation of the pilot program. 77129  
Members of the advisory committee shall represent consumers, 77130  
advocacy groups, and providers of alcohol and drug addiction or 77131  
mental health services. 77132

On submission of the report summarizing the results of the 77133  
final evaluation of the pilot program, the advisory committee 77134  
shall cease to exist. 77135

**Section 335.40.20. COMMUNITY MEDICATION SUBSIDY** 77136

The foregoing appropriation item 335-419, Community Medication Subsidy, shall be used to provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization because of lack of medication and to provide subsidized support for methadone costs.

**Section 335.40.30. LOCAL MENTAL HEALTH SYSTEMS OF CARE**

The foregoing appropriation item 335-505, Local Mental Health Systems of Care, shall be used for mental health services provided by community mental health boards in accordance with a community mental health plan submitted under section 340.03 of the Revised Code and as approved by the Department of Mental Health.

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.

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.

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.

**Section 335.40.40. RESIDENTIAL STATE SUPPLEMENT**

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.

**Section 337.10. DMR DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES**

<b>Section 337.20.</b>	GENERAL ADMINISTRATION AND STATEWIDE SERVICES			77166
				77167
General Revenue Fund				77168
GRF 320-321	Central Administration	\$ 9,638,610	\$ 9,638,610	77169
GRF 320-412	Protective Services	\$ 2,792,322	\$ 2,792,322	77170
GRF 320-415	Lease-Rental Payments	\$ 23,767,400	\$ 20,504,500	77171
TOTAL GRF	General Revenue Fund	\$ 36,198,332	\$ 32,935,432	77172
General Services Fund Group				77173
4B5 320-640	Training and Service	\$ 100,000	\$ 100,000	77174
	Development			
TOTAL GSF	General Services			77175
Fund Group		\$ 100,000	\$ 100,000	77176
Federal Special Revenue Fund Group				77177
3A5 320-613	DD Council	\$ 2,705,004	\$ 2,743,630	77178
TOTAL FED	Federal Special Revenue			77179
Fund Group		\$ 2,705,004	\$ 2,743,630	77180
State Special Revenue Fund Group				77181
5S2 590-622	Medicaid	\$ 11,003,855	\$ 11,472,335	77182
	Administration &			
	Oversight			
TOTAL SSR	State Special Revenue			77183
Fund Group		\$ 11,003,855	\$ 11,472,335	77184
TOTAL ALL GENERAL ADMINISTRATION				77185
AND STATEWIDE SERVICES				77186
BUDGET FUND GROUPS		\$ 50,007,191	\$ 47,251,397	77187

**Section 337.20.10.** LEASE-RENTAL PAYMENTS 77188

The foregoing appropriation item 320-415, Lease-Rental 77189  
Payments, shall be used to meet all payments at the time they are 77190  
required to be made during the period from July 1, 2007, to June 77191  
30, 2009, by the Department of Mental Retardation and 77192

Developmental Disabilities under leases and agreements made under 77193  
section 154.20 of the Revised Code. These appropriations are the 77194  
source of funds pledged for bond service charges or obligations 77195  
issued pursuant to Chapter 154. of the Revised Code. 77196

**Section 337.20.20. MR/DD FUTURES STUDY COMMITTEE** 77197

(A) There is hereby created the MR/DD Futures Study 77198  
Committee. The Committee shall consist of the following: 77199

(1) One member who is an individual eligible to receive 77200  
services from a county board of mental retardation and 77201  
developmental disabilities, appointed by the Governor; 77202

(2) One member who is an immediate family member of an 77203  
individual eligible to receive services from a county board of 77204  
mental retardation and developmental disabilities, appointed by 77205  
the Governor; 77206

(3) Two members who are members of the House of 77207  
Representatives, appointed by the Speaker of the House of 77208  
Representatives as follows: 77209

(a) One member from the majority party; 77210

(b) One member from the minority party. 77211

(4) Two members who are members of the Senate, appointed by 77212  
the President of the Senate as follows: 77213

(a) One member from the majority party; 77214

(b) One member from the minority party. 77215

(5) Four members of statewide advocacy organizations for 77216  
individuals with mental retardation or other developmental 77217  
disabilities, appointed as follows: 77218

(a) One member by the Board of Trustees of the Arc of Ohio; 77219

(b) One member by the Board of Directors of the Ohio League 77220

for the Mentally Retarded;	77221
(c) One member by the Board of People First of Ohio;	77222
(d) One member by the governing board of an organization designated by the Director of Mental Retardation and Developmental Disabilities;	77223 77224 77225
(6) One member appointed by the Board of Directors of the Ohio Self-Determination Association;	77226 77227
(7) One member appointed by the governing authority of the Ohio Superintendents of County Boards of Mental Retardation and Developmental Disabilities Association;	77228 77229 77230
(8) Two members appointed by the Board of Trustees of the Ohio Association of County Boards of Mental Retardation and Developmental Disabilities;	77231 77232 77233
(9) One member appointed by the Board of Trustees of the County Commissioners' Association of Ohio;	77234 77235
(10) Two members appointed by the Board of Trustees of the Ohio Provider Resource Association;	77236 77237
(11) One member appointed by the Board of Directors of the Ohio Health Care Association;	77238 77239
(12) The Director of Job and Family Services or the Director's designee;	77240 77241
(13) Two members appointed by the Governor who are representatives of statewide labor organizations representing public employees;	77242 77243 77244
(14) The Director of Mental Retardation and Developmental Disabilities, who shall serve as the committee's chairperson.	77245 77246
(B) The Governor shall not appoint an individual under division (A)(1) or (2) of this section if the individual is an employee of the state, an employee or member of a county board of	77247 77248 77249

mental retardation and developmental disabilities, or an employee 77250  
or a governing board member of a provider of services to an 77251  
individual with mental retardation and developmental disabilities. 77252

(C) Members of the Committee shall be appointed not later 77253  
than thirty days after the effective date of this section. Members 77254  
of the Committee shall serve without compensation, except to the 77255  
extent that serving on the committee is considered part of their 77256  
regular employment duties. The Department of Mental Retardation 77257  
and Developmental Disabilities may reimburse members of the 77258  
Committee for their reasonable travel expenses. 77259

(D) The Committee shall meet at times and locations 77260  
determined by the chairperson to do all of the following: 77261

(1) Review the effectiveness, efficiency, and sustainability 77262  
of current uses of funding for the state's mental retardation and 77263  
developmental disabilities system; 77264

(2) Propose alternatives for effectively funding the 77265  
nonfederal share of Medicaid expenditures for home and 77266  
community-based services for individuals with mental retardation 77267  
and other developmental disabilities, including the amendments by 77268  
this act to sections 5123.047, 5123.048, 5123.0414, 5126.059, 77269  
5126.0510, 5126.0511, and 5126.0512 of the Revised Code. 77270

(3) Identify the potential for reducing administrative costs 77271  
in the state's mental retardation and developmental disabilities 77272  
system; 77273

(4) Propose alternatives for effectively balancing revenues 77274  
available to the state and the county boards of mental retardation 77275  
and developmental disabilities to fulfill their responsibilities 77276  
for funding, planning, and monitoring the delivery of mental 77277  
retardation and developmental disability services; 77278

(5) Examine the efficiency and effectiveness of the current 77279  
system of separate and concurrent mental retardation and 77280

developmental disabilities accreditation, licensure,	77281
certification, quality assurance, and quality improvement	77282
activities and propose changes to improve that system;	77283
(6) Recommend steps necessary to assure the long term	77284
financial sustainability of mental retardation and developmental	77285
disability services to meet current and future needs while	77286
affording counties the ability to make local decisions about the	77287
priority uses of local tax levy funding;	77288
(7) Determine the feasibility and potential benefits of	77289
regional planning approaches to meet specialized and intensive	77290
service needs;	77291
(8) Propose improvements needed and action steps to fully	77292
realize the principle of self-determination by individuals with	77293
mental retardation and other developmental disabilities;	77294
(9) Evaluate the effectiveness and equity of the state's	77295
mental retardation and developmental disabilities systems' uses of	77296
waiting and service substitution lists, priority populations, and	77297
having separate acuity instruments that vary by service setting;	77298
(10) Review other matters the Director of Mental Retardation	77299
and Developmental Disabilities considers appropriate for	77300
evaluations.	77301
(E) The Committee shall not transact business unless a quorum	77302
is present. A majority of the Committee members constitutes a	77303
quorum.	77304
(F) Not later than March 30, 2008, the Committee shall submit	77305
a report on its actions and recommendations to the Governor and	77306
General Assembly. The Committee shall cease to exist on submission	77307
of the report.	77308
<b>Section 337.30. COMMUNITY SERVICES</b>	77309
General Revenue Fund	77310

GRF 322-413	Residential and Support Services	\$	6,753,881	\$	6,753,881	77311
GRF 322-416	Medicaid Waiver - State Match	\$	109,551,380	\$	109,551,380	77312
GRF 322-451	Family Support Services	\$	6,938,898	\$	6,938,898	77313
GRF 322-501	County Boards Subsidies	\$	87,270,048	\$	87,270,048	77314
GRF 322-503	Tax Equity	\$	14,000,000	\$	14,000,000	77315
GRF 322-504	Martin Settlement	\$	6,159,766	\$	29,036,451	77316
TOTAL GRF	General Revenue Fund	\$	230,673,973	\$	253,550,658	77317
General Services Fund Group						77318
488 322-603	Provider Audit Refunds	\$	10,000	\$	10,000	77319
5MO 322-628	Martin Settlement	\$	150,000	\$	0	77320
TOTAL GSF	General Services Fund Group	\$	160,000	\$	10,000	77322
Federal Special Revenue Fund Group						77323
3G6 322-639	Medicaid Waiver - Federal	\$	456,311,171	\$	506,618,829	77324
3M7 322-650	CAFS Medicaid	\$	4,278,713	\$	0	77325
325 322-612	Community Social Service Programs	\$	11,186,114	\$	11,164,639	77326
TOTAL FED	Federal Special Revenue Fund Group	\$	471,775,998	\$	517,783,468	77328
State Special Revenue Fund Group						77329
4K8 322-604	Medicaid Waiver - State Match	\$	12,000,000	\$	12,000,000	77330
5DJ 322-625	Targeted Case Management Match	\$	11,082,857	\$	11,470,757	77331
5DJ 322-626	Targeted Case Management Services	\$	27,548,737	\$	28,512,943	77332
5EV 322-627	Program Fees	\$	20,000	\$	20,000	77333

5H0 322-619 Medicaid Repayment	\$	10,000	\$	10,000	77334
5Z1 322-624 County Board Waiver	\$	116,000,000	\$	126,000,000	77335
Match					
TOTAL SSR State Special Revenue					77336
Fund Group	\$	166,661,594	\$	178,013,700	77337
TOTAL ALL COMMUNITY SERVICES					77338
BUDGET FUND GROUPS	\$	869,271,565	\$	949,357,826	77339

**Section 337.30.10. RESIDENTIAL AND SUPPORT SERVICES** 77341

The Department of Mental Retardation and Developmental 77342  
Disabilities may designate a portion of appropriation item 77343  
322-413, Residential and Support Services, for Sermak Class 77344  
Services used to implement the requirements of the agreement 77345  
settling the condecree in *Sermak v. Manuel*, Case No. c-2-80-220, 77346  
United States District Court for the Southern District of Ohio, 77347  
Eastern Division. 77348

**Section 337.30.20. OTHER RESIDENTIAL AND SUPPORT SERVICE** 77349

**PROGRAMS** 77350

Notwithstanding Chapters 5123. and 5126. of the Revised Code, 77351  
the Department of Mental Retardation and Developmental 77352  
Disabilities may develop residential and support service programs 77353  
funded by appropriation item 322-413, Residential and Support 77354  
Services, and the appropriation for supported living in 77355  
appropriation item 322-501, County Board Subsidy, that enable 77356  
persons with mental retardation and developmental disabilities to 77357  
live in the community. Notwithstanding Chapter 5121. and section 77358  
5123.122 of the Revised Code, the Department may waive the support 77359  
collection requirements of those statutes for persons in community 77360  
programs developed by the Department under this section. The 77361  
Department shall adopt rules under Chapter 119. of the Revised 77362  
Code or may use existing rules for the implementation of these 77363  
programs. 77364

**Section 337.30.30. MEDICAID WAIVER - STATE MATCH (GRF)** 77365

Except as otherwise provided in section 5123.0416 of the 77366  
Revised Code, the purposes for which the foregoing appropriation 77367  
item 322-416, Medicaid Waiver - State Match, shall be used include 77368  
the following: 77369

(A) Home and community-based waiver services under Title XIX 77370  
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 77371  
as amended. 77372

(B) To pay the nonfederal share of the cost of one or more 77373  
new intermediate care facility for the mentally retarded certified 77374  
beds, if the Director of Mental Retardation and Developmental 77375  
Disabilities is required by this act to transfer to the Director 77376  
of Job and Family Services funds to pay such nonfederal share. 77377

Except as otherwise provided in section 5123.0416 of the 77378  
Revised Code, the Department of Mental Retardation and 77379  
Developmental Disabilities may designate a portion of 77380  
appropriation item 322-416, Medicaid Waiver - State Match, to 77381  
county boards of mental retardation and developmental disabilities 77382  
that have greater need for various residential and support 77383  
services because of a low percentage of residential and support 77384  
services development in comparison to the number of individuals 77385  
with mental retardation or developmental disabilities in the 77386  
county. 77387

**Section 337.30.40. STATE SUBSIDY TO COUNTY MR/DD BOARDS** 77388

Except as otherwise provided in Section 337.40.30 of this 77389  
act, the Department of Mental Retardation and Developmental 77390  
Disabilities shall use the foregoing appropriation item 322-501, 77391  
County Boards Subsidy, to pay each county board of mental 77392  
retardation and developmental disabilities in each fiscal year of 77393  
the biennium an amount that is equal to the amount such board 77394

received in fiscal year 2007 from former appropriation items 77395  
322-417, Supported Living; 322-452, Service and Support 77396  
Administration; and 322-501, County Boards Subsidies. 77397

Except as otherwise provided in section 5126.0511 of the 77398  
Revised Code, county boards shall use the subsidy for early 77399  
childhood services and adult services provided under section 77400  
5126.05 of the Revised Code, service and support administration 77401  
provided under section 5126.15 of the Revised Code, and supported 77402  
living as defined in section 5126.01 of the Revised Code. 77403

In the event that the appropriation in appropriation item 77404  
322-501, County Board Subsidy, for fiscal year 2008 or fiscal year 77405  
2009 is greater than the subsidy paid by the Department for fiscal 77406  
year 2007 from former appropriation items 322-417, Supported 77407  
Living; 322-452, Services and Support Administration; and 322-501, 77408  
County Boards Subsidies, the Department and county boards shall 77409  
develop a formula for allocating the additional appropriation to 77410  
each county board to support priorities determined by the 77411  
Department and county boards. 77412

The Department shall distribute this subsidy to county boards 77413  
in quarterly installments of equal amounts. The installments shall 77414  
be made not later than the thirtieth day of September, the 77415  
thirty-first day of December, the thirty-first day of March, and 77416  
thirtieth day of June. 77417

The Department also may use the foregoing appropriation item 77418  
322-501, County Boards Subsidy, to pay the nonfederal share of the 77419  
cost of one or more new intermediate care facility for the 77420  
mentally retarded certified beds, if the Director of Mental 77421  
Retardation and Developmental Disabilities is required by this act 77422  
to transfer to the Director of Job and Family Services funds to 77423  
pay such nonfederal share. 77424

**Section 337.30.43. TAX EQUITY** 77425

Notwithstanding section 5126.18 of the Revised Code, if a county board of mental retardation and developmental disabilities received a tax equity payment in fiscal year 2007, but would not receive such a payment in fiscal years 2008 and 2009, the Department of Mental Retardation and Developmental Disabilities shall use the foregoing appropriation item 322-503, Tax Equity, to pay each such board in each fiscal year of the biennium an amount that is equal to the tax equity payment the board received in fiscal year 2007 or \$25,000, whichever is less. The Department shall use the remainder of the appropriation item to make tax equity payments in accordance with section 5126.18 of the Revised Code.

**Section 337.30.45. MARTIN CONSENT ORDER COMPLIANCE** 77438

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).

**Section 337.30.50. MEDICAID WAIVER - STATE MATCH (FUND 4K8)** 77443

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.

**Section 337.30.60. TARGETED CASE MANAGEMENT SERVICES** 77447

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.

The Departments of Mental Retardation and Developmental 77455  
Disabilities and Job and Family Services may enter into an 77456  
interagency agreement under which the Department of Mental 77457  
Retardation and Developmental Disabilities shall pay the 77458  
Department of Job and Family Services the nonfederal portion of 77459  
the cost of targeted case management services paid by county 77460  
boards and the Department of Job and Family Services shall pay the 77461  
total cost of targeted case management claims. 77462

**Section 337.30.70. TRANSFER TO PROGRAM FEE FUND** 77463

On July 1, 2007, or as soon as possible thereafter, the 77464  
Director of Mental Retardation and Developmental Disabilities 77465  
shall certify to the Director of Budget and Management the amount 77466  
of cash that has been deposited into Fund 4B5, 77467  
Conference/Training, pursuant to sections 5123.19 and 5126.25 of 77468  
the Revised Code, less the amount that has been expended from Fund 77469  
4B5 to operate the Certification and Registration Program 77470  
established under section 5126.25 of the Revised Code and to 77471  
license and inspect residential facilities as outlined in section 77472  
5123.19 of the Revised Code. The certified amount shall not 77473  
include amounts deposited into Fund 4B5 for training and 77474  
conferences conducted by the Department of Mental Retardation and 77475  
Developmental Disabilities. Upon receipt of the certification, the 77476  
Director of Budget and Management shall transfer cash equal to the 77477  
amount certified and all associated liabilities and obligations to 77478  
Fund 5EV, Program Fee Fund, in the Department of Mental 77479  
Retardation and Developmental Disabilities. 77480

**Section 337.30.80. DEVELOPMENTAL CENTER BILLING FOR SERVICES** 77481

Developmental centers of the Department of Mental Retardation 77482  
and Developmental Disabilities may provide services to persons 77483  
with mental retardation or developmental disabilities living in 77484

the community or to providers of services to these persons. The 77485  
Department may develop a method for recovery of all costs 77486  
associated with the provisions of these services. 77487

**Section 337.40. RESIDENTIAL FACILITIES** 77488

General Revenue Fund 77489

GRF 323-321 Developmental Center \$ 102,796,851 \$ 102,796,851 77490  
and Residential  
Facilities Operation  
Expenses

TOTAL GRF General Revenue Fund \$ 102,796,851 \$ 102,796,851 77491

General Services Fund Group 77492

152 323-609 Developmental Center \$ 912,177 \$ 912,177 77493  
and Residential  
Operating Services

TOTAL GSF General Services 77494

Fund Group \$ 912,177 \$ 912,177 77495

Federal Special Revenue Fund Group 77496

3A4 323-605 Developmental Center \$ 136,299,536 \$ 137,555,308 77497  
and Residential  
Facility Services and  
Support

TOTAL FED Federal Special Revenue 77498

Fund Group \$ 136,299,536 \$ 137,555,308 77499

State Special Revenue Fund Group 77500

221 322-620 Supplement Service \$ 150,000 \$ 150,000 77501  
Trust

489 323-632 Developmental Center \$ 14,543,764 \$ 14,671,616 77502  
Direct Care Support

TOTAL SSR State Special Revenue 77503

Fund Group \$ 14,693,764 \$ 14,821,616 77504

TOTAL ALL RESIDENTIAL FACILITIES				77505	
BUDGET FUND GROUPS	\$	254,702,328	\$	256,085,952	77506
DEPARTMENT TOTAL				77507	
GENERAL REVENUE FUND	\$	369,669,156	\$	389,282,941	77508
DEPARTMENT TOTAL				77509	
GENERAL SERVICES FUND GROUP	\$	1,172,177	\$	1,022,177	77510
DEPARTMENT TOTAL				77511	
FEDERAL SPECIAL REVENUE FUND GROUP	\$	610,780,538	\$	658,082,406	77512
DEPARTMENT TOTAL				77513	
STATE SPECIAL REVENUE FUND GROUP	\$	192,359,213	\$	204,307,651	77514
TOTAL DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES		\$ 1,173,981,084	\$	1,252,695,175	77515 77516 77517

**Section 337.40.10.** TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER 77519

PHARMACY PROGRAMS 77520

The Department of Mental Retardation and Developmental 77521  
Disabilities shall pay the Department of Job and Family Services 77522  
quarterly, through intrastate transfer voucher, the nonfederal 77523  
share of Medicaid prescription drug claim costs for all 77524  
developmental centers paid by the Department of Job and Family 77525  
Services. 77526

**Section 337.40.15.** GALLIPOLIS DEVELOPMENTAL CENTER PILOT 77527

PROGRAM 77528

The Director of Mental Retardation and Developmental 77529  
Disabilities shall establish, as part of the Individual Options 77530  
Medicaid Waiver program, a pilot program to be operated during 77531  
calendar year 2009 under which the Gallipolis Developmental Center 77532  
provides home and community-based services under the Individual 77533  
Options Medicaid waiver program to not more than ten individuals 77534  
at one time. Money shall be expended on the pilot program 77535  
beginning in the first half of calendar year 2009. 77536

The pilot program shall be operated in a manner consistent 77537  
with the terms of the consent order filed March 5, 2007, in *Martin* 77538  
*v. Strickland*, Case No. 89-CV-00362, in the United States District 77539  
Court for the Southern District of Ohio, Eastern Division. The 77540  
pilot program also shall be operated in accordance with the 77541  
federal Medicaid waiver authorizing the Individual Options 77542  
Medicaid waiver program. Only individuals eligible for the 77543  
Individual Options Medicaid waiver program who volunteer to 77544  
receive home and community-based services under the Individual 77545  
Options Medicaid waiver program from the Gallipolis Developmental 77546  
Center may participate in the pilot program. The Director of 77547  
Mental Retardation and Developmental Disabilities and the Director 77548  
of Job and Family Services shall provide the Gallipolis 77549  
Developmental Center technical assistance the Center needs 77550  
regarding the pilot program. 77551

All expenses the Gallipolis Developmental Center incurs in 77552  
participating in the pilot program shall be paid from the Medicaid 77553  
payments the Center receives for providing home and 77554  
community-based services under the program. 77555

The Director of Mental Retardation and Developmental 77556  
Disabilities shall conduct an evaluation of the pilot program, 77557  
including an evaluation of the quality and effectiveness of the 77558  
home and community-based services the Gallipolis Developmental 77559  
Center provides under the pilot program. The Director shall submit 77560  
a report of the evaluation to the Governor and the General 77561  
Assembly not later than April 1, 2010. The Director shall include 77562  
in the report recommendations for or against permitting the 77563  
Gallipolis Developmental Center to continue to provide home and 77564  
community-based services under the Individual Options Medicaid 77565  
waiver program and permitting other developmental centers to begin 77566  
to provide these services. 77567

<b>Section 337.40.20. NONFEDERAL MATCH FOR ACTIVE TREATMENT</b>	77568
SERVICES	77569
Any county funds received by the Department from county boards for active treatment shall be deposited in Fund 489, Mental Retardation Operating.	77570 77571 77572
<b>Section 337.40.30. NONFEDERAL SHARE OF NEW ICF/MR BEDS</b>	77573
(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.	77574 77575 77576
(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:	77577 77578 77579 77580 77581 77582 77583 77584
(1) Funds appropriated to the Department of Mental Retardation and Developmental Disabilities in appropriation item 322-416, Medicaid Waiver - State Match;	77585 77586 77587
(2) Funds appropriated to the Department in appropriation item 322-501, County Boards Subsidies.	77588 77589
(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	77590 77591 77592 77593 77594 77595 77596 77597

allocation is insufficient, the Director shall use as much of such 77598  
funds allocated to other counties as is needed to make up the 77599  
difference. 77600

**Section 339.10.** MIH COMMISSION ON MINORITY HEALTH 77601

General Revenue Fund 77602

GRF 149-321 Operating Expenses \$ 550,211 \$ 561,216 77603

GRF 149-501 Minority Health Grants \$ 670,965 \$ 1,670,965 77604

GRF 149-502 Lupus Program \$ 136,126 \$ 136,126 77605

TOTAL GRF General Revenue Fund \$ 1,357,302 \$ 2,368,307 77606

Federal Special Revenue Fund Group 77607

3J9 149-602 Federal Grants \$ 457,486 \$ 320,297 77608

TOTAL FED Federal Special Revenue 77609

Fund Group \$ 457,486 \$ 320,297 77610

State Special Revenue Fund Group 77611

4C2 149-601 Minority Health \$ 150,000 \$ 150,000 77612

Conference

TOTAL SSR State Special Revenue 77613

Fund Group \$ 150,000 \$ 150,000 77614

TOTAL ALL BUDGET FUND GROUPS \$ 1,964,788 \$ 2,838,604 77615

**Section 341.10.** CRB MOTOR VEHICLE COLLISION REPAIR 77617

REGISTRATION BOARD 77618

General Service Fund Group 77619

4K9 865-601 Operating Expenses \$ 334,995 \$ 334,995 77620

TOTAL GSF General Services 77621

Fund Group \$ 334,995 \$ 334,995 77622

TOTAL ALL BUDGET FUND GROUPS \$ 334,995 \$ 334,995 77623

CASH TRANSFER TO OCCUPATIONAL LICENSING AND REGULATORY FUND 77624

(FUND 4K9) 77625

Effective July 1, 2007, or as soon as possible thereafter, 77626

the Director of Budget and Management may transfer the cash 77627  
balance in the Motor Vehicle Collision Repair Registration Fund 77628  
(Fund 5H9), created in division (A) of section 4775.08 of the 77629  
Revised Code, to the Occupational Licensing and Regulatory Fund 77630  
(Fund 4K9), created in section 4743.05 of the Revised Code. The 77631  
Director may cancel any existing encumbrances against 77632  
appropriation item 865-609, Operating Expenses - CRB, in Fund 5H9, 77633  
and re-establish them against appropriation item 865-601, 77634  
Operating Expenses, in Fund 4K9. The amounts of the re-established 77635  
encumbrances are hereby appropriated. The Motor Vehicle Collision 77636  
Repair Registration Fund (Fund 5H9), created in division (A) of 77637  
section 4775.08 of the Revised Code, is hereby abolished. 77638

**Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES** 77639

General Revenue Fund 77640

GRF 725-401	Wildlife-GRF Central	\$	2,705,950	\$	2,800,930	77641
	Support					
GRF 725-404	Fountain Square Rental	\$	1,094,900	\$	1,081,200	77642
	Payments - OBA					
GRF 725-407	Conservation Reserve	\$	1,000,000	\$	1,000,000	77643
	Enhancement Program					
GRF 725-413	Lease Rental Payments	\$	19,589,400	\$	18,316,200	77644
GRF 725-423	Stream and Ground	\$	311,910	\$	311,910	77645
	Water Gauging					
GRF 725-425	Wildlife License	\$	500,000	\$	400,000	77646
	Reimbursement					
GRF 725-456	Canal Lands	\$	332,859	\$	332,859	77647
GRF 725-502	Soil and Water	\$	12,237,420	\$	12,895,791	77648
	Districts					
GRF 725-903	Natural Resources	\$	24,713,800	\$	25,723,000	77649
	General Obligation					
	Debt Service					

GRF 727-321	Division of Forestry	\$	8,541,511	\$	8,541,511	77650
GRF 728-321	Division of Geological Survey	\$	1,799,222	\$	1,825,150	77651
GRF 729-321	Office of Information Technology	\$	440,895	\$	440,895	77652
GRF 730-321	Division of Parks and Recreation	\$	39,874,841	\$	39,874,841	77653
GRF 733-321	Division of Water	\$	3,207,619	\$	3,257,619	77654
GRF 736-321	Division of Engineering	\$	3,118,703	\$	3,118,703	77655
GRF 737-321	Division of Soil and Water	\$	4,074,788	\$	4,074,788	77656
GRF 738-321	Division of Real Estate and Land Management	\$	2,291,874	\$	2,291,874	77657
GRF 741-321	Division of Natural Areas and Preserves	\$	3,220,000	\$	3,050,000	77658
GRF 744-321	Division of Mineral Resources Management	\$	3,068,167	\$	3,068,167	77659
TOTAL GRF	General Revenue Fund	\$	132,123,859	\$	132,405,438	77660
General Services Fund Group						77661
155 725-601	Departmental Projects	\$	2,259,402	\$	2,260,021	77662
157 725-651	Central Support Indirect	\$	6,228,950	\$	6,528,675	77663
204 725-687	Information Services	\$	4,676,627	\$	4,676,627	77664
207 725-690	Real Estate Services	\$	64,000	\$	64,000	77665
223 725-665	Law Enforcement Administration	\$	2,230,485	\$	2,358,307	77666
227 725-406	Parks Projects Personnel	\$	110,000	\$	110,000	77667
4D5 725-618	Recycled Materials	\$	50,000	\$	50,000	77668
4S9 725-622	NatureWorks Personnel	\$	525,000	\$	525,000	77669
4X8 725-662	Water Resources	\$	125,000	\$	125,000	77670

		Council					
430	725-671	Canal Lands	\$	1,150,082	\$	1,150,082	77671
508	725-684	Natural Resources	\$	148,527	\$	148,280	77672
		Publications					
510	725-631	Maintenance -	\$	353,611	\$	303,611	77673
		State-owned Residences					
516	725-620	Water Management	\$	2,913,618	\$	2,931,513	77674
635	725-664	Fountain Square	\$	3,609,835	\$	3,640,398	77675
		Facilities Management					
697	725-670	Submerged Lands	\$	751,342	\$	772,011	77676
		TOTAL GSF General Services					77677
		Fund Group	\$	25,196,479	\$	25,643,525	77678
		Federal Special Revenue Fund Group					77679
3B3	725-640	Federal Forest	\$	225,000	\$	225,000	77680
		Pass-Thru					
3B4	725-641	Federal Flood	\$	490,000	\$	490,000	77681
		Pass-Thru					
3B5	725-645	Federal Abandoned Mine	\$	14,307,664	\$	14,307,667	77682
		Lands					
3B6	725-653	Federal Land and Water	\$	2,000,000	\$	2,000,000	77683
		Conservation Grants					
3B7	725-654	Reclamation -	\$	2,107,291	\$	2,107,292	77684
		Regulatory					
3P0	725-630	Natural Areas and	\$	215,000	\$	215,000	77685
		Preserves - Federal					
3P1	725-632	Geological Survey -	\$	655,000	\$	720,000	77686
		Federal					
3P2	725-642	Oil and Gas-Federal	\$	226,961	\$	234,509	77687
3P3	725-650	Coastal Management -	\$	2,643,323	\$	1,691,237	77688
		Federal					
3P4	725-660	Water - Federal	\$	316,304	\$	316,734	77689
3R5	725-673	Acid Mine Drainage	\$	1,999,998	\$	2,025,001	77690
		Abatement/Treatment					

3Z5	725-657	REALM-Federal	\$	1,850,000	\$	1,850,000	77691
332	725-669	Federal Mine Safety	\$	258,102	\$	258,102	77692
		Grant					
TOTAL FED		Federal Special Revenue					77693
Fund Group			\$	27,294,643	\$	26,440,542	77694
State Special Revenue Fund Group							77695
4J2	725-628	Injection Well Review	\$	67,578	\$	68,933	77696
4M7	725-631	Wildfire Suppression	\$	70,000	\$	0	77697
4M7	725-686	Wildfire Suppression	\$	100,000	\$	100,000	77698
4U6	725-668	Scenic Rivers	\$	407,100	\$	407,100	77699
		Protection					
5BV	725-683	Soil and Water	\$	1,850,000	\$	1,850,000	77700
		Districts					
5B3	725-674	Mining Regulation	\$	28,850	\$	28,850	77701
5K1	725-626	Urban Forestry Grant	\$	10,000	\$	12,000	77702
5P2	725-634	Wildlife Boater Angler	\$	3,500,000	\$	3,500,000	77703
		Administration					
509	725-602	State Forest	\$	5,070,946	\$	5,211,924	77704
511	725-646	Ohio Geological	\$	815,179	\$	724,310	77705
		Mapping					
512	725-605	State Parks Operations	\$	27,314,288	\$	27,314,288	77706
512	725-680	Parks Facilities	\$	2,576,240	\$	2,576,240	77707
		Maintenance					
514	725-606	Lake Erie Shoreline	\$	917,113	\$	757,113	77708
518	725-643	Oil and Gas Permit	\$	2,574,378	\$	2,586,568	77709
		Fees					
518	725-677	Oil and Gas Well	\$	800,000	\$	800,000	77710
		Plugging					
521	725-627	Off-Road Vehicle	\$	198,490	\$	143,490	77711
		Trails					
522	725-656	Natural Areas and	\$	1,550,670	\$	1,550,670	77712
		Preserves					
526	725-610	Strip Mining	\$	1,932,491	\$	1,903,871	77713

		Administration Fee					
527	725-637	Surface Mining	\$	1,852,842	\$	1,946,591	77714
		Administration					
529	725-639	Unreclaimed Land Fund	\$	2,892,516	\$	2,024,257	77715
531	725-648	Reclamation Forfeiture	\$	2,062,234	\$	2,062,237	77716
532	725-644	Litter Control and	\$	6,280,681	\$	6,280,681	77717
		Recycling					
586	725-633	Scrap Tire Program	\$	1,000,000	\$	1,000,000	77718
615	725-661	Dam Safety	\$	548,223	\$	595,416	77719
		TOTAL SSR State Special Revenue					77720
		Fund Group	\$	64,419,819	\$	63,444,539	77721
		Clean Ohio Conservation Fund Group					77722
061	725-405	Clean Ohio Operating	\$	155,000	\$	155,000	77723
		TOTAL CLF Clean Ohio Conservation	\$	155,000	\$	155,000	77724
		Fund Group					
		Wildlife Fund Group					77725
015	740-401	Division of Wildlife	\$	53,706,000	\$	54,906,000	77726
		Conservation					
815	725-636	Cooperative Management	\$	120,449	\$	120,449	77727
		Projects					
816	725-649	Wetlands Habitat	\$	966,885	\$	966,885	77728
817	725-655	Wildlife Conservation	\$	5,000,000	\$	5,000,000	77729
		Checkoff Fund					
818	725-629	Cooperative Fisheries	\$	1,500,000	\$	1,500,000	77730
		Research					
819	725-685	Ohio River Management	\$	128,584	\$	128,584	77731
		TOTAL WLF Wildlife Fund Group	\$	61,421,918	\$	62,621,918	77732
		Waterways Safety Fund Group					77733
086	725-414	Waterways Improvement	\$	3,925,075	\$	4,062,452	77734
086	725-418	Buoy Placement	\$	52,182	\$	52,182	77735
086	725-501	Waterway Safety Grants	\$	137,867	\$	137,867	77736
086	725-506	Watercraft Marine	\$	576,153	\$	576,153	77737

	Patrol				
086	725-513	Watercraft Educational	\$	366,643	\$ 366,643 77738
	Grants				
086	739-401	Division of Watercraft	\$	19,626,681	\$ 20,166,681 77739
5AW	725-682	Watercraft Revolving	\$	1,000,000	\$ 1,000,000 77740
	Loans				
TOTAL WSF Waterways Safety Fund					77741
Group			\$	25,684,601	\$ 26,361,978 77742
Holding Account Redistribution Fund Group					77743
R17	725-659	Performance Cash Bond	\$	279,263	\$ 279,263 77744
	Refunds				
R43	725-624	Forestry	\$	1,950,188	\$ 2,007,977 77745
TOTAL 090 Holding Account					77746
Redistribution Fund Group			\$	2,229,451	\$ 2,287,240 77747
Accrued Leave Liability Fund Group					77748
4M8	725-675	FOP Contract	\$	20,844	\$ 20,844 77749
TOTAL ALF Accrued Leave					77750
Liability Fund Group			\$	20,844	\$ 20,844 77751
TOTAL ALL BUDGET FUND GROUPS			\$	338,546,614	\$ 339,381,024 77752

**Section 343.20.** CENTRAL SUPPORT INDIRECT 77754

With the exception of the Division of Wildlife, whose direct 77755  
and indirect central support charges shall be paid out of the 77756  
General Revenue Fund from the foregoing appropriation item 77757  
725-401, Wildlife-GRF Central Support, the Department of Natural 77758  
Resources, with approval of the Director of Budget and Management, 77759  
shall utilize a methodology for determining each division's 77760  
payments into the Central Support Indirect Fund (Fund 157). The 77761  
methodology used shall contain the characteristics of 77762  
administrative ease and uniform application in compliance with 77763  
federal grant requirements. It may include direct cost charges for 77764  
specific services provided. Payments to the Central Support 77765

Indirect Fund (Fund 157) shall be made using an intrastate transfer voucher. 77766  
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**Section 343.30. FOUNTAIN SQUARE** 77768

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. 77769  
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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. 77778  
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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). 77787  
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**LEASE RENTAL PAYMENTS** 77795

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

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 343.33.** SPECIAL NEEDS PARK AND PLAY AREA

Of the foregoing GRF appropriation item 741-321, Division of Natural Areas and Preserves, \$170,000 in fiscal year 2008 shall be used by the City of Stow for the construction of a special needs play area and park facility.

**Section 343.40.** WILDLIFE LICENSE REIMBURSEMENT

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 77826  
licenses and permits issued after June 30, 1990, to individuals 77827  
who are exempted under the Revised Code from license, permit, and 77828  
stamp fees. 77829

CANAL LANDS 77830

The foregoing appropriation item 725-456, Canal Lands, shall 77831  
be used to transfer funds to the Canal Lands Fund (Fund 430) to 77832  
provide operating expenses for the State Canal Lands Program. The 77833  
transfer shall be made using an intrastate transfer voucher and 77834  
shall be subject to the approval of the Director of Budget and 77835  
Management. 77836

SOIL AND WATER DISTRICTS 77837

In addition to state payments to soil and water conservation 77838  
districts authorized by section 1515.10 of the Revised Code, the 77839  
Department of Natural Resources may pay to any soil and water 77840  
conservation district, from authority in appropriation item 77841  
725-502, Soil and Water Districts, an annual amount not to exceed 77842  
\$30,000, upon receipt of a request and justification from the 77843  
district and approval by the Ohio Soil and Water Conservation 77844  
Commission. The county auditor shall credit the payments to the 77845  
special fund established under section 1515.10 of the Revised Code 77846  
for the local soil and water conservation district. Moneys 77847  
received by each district shall be expended for the purposes of 77848  
the district. The foregoing appropriation item 725-683, Soil and 77849  
Water Districts, shall be expended for the purposes described 77850  
above, except that the funding source for this appropriation shall 77851  
be a fee applied on the disposal of construction and demolition 77852  
debris as provided in section 1515.14 of the Revised Code, as 77853  
amended by this act. 77854

Of the foregoing appropriation item 725-683, Soil and Water 77855  
Districts, \$220,000 in each fiscal year shall be used to support 77856

the Heidelberg College Water Quality Laboratory. 77857

Of the foregoing appropriation item 725-683, Soil and Water 77858  
Districts, \$125,000 in each fiscal year shall be used for the 77859  
Indian Lake Watershed in Logan County. 77860

Of the foregoing appropriation item 725-683, Soil and Water 77861  
Districts, \$100,000 in each fiscal year shall be used as state 77862  
matching dollars for soil and water quality improvements utilizing 77863  
best management practices in the Grand Lake St. Marys watershed. 77864

Of the foregoing appropriation item 725-502, Soil and Water 77865  
Districts, \$50,000 in each fiscal year shall be used for the 77866  
Conservation Action Project. 77867

STATE PARK DEPRECIATION RESERVE 77868

The foregoing appropriation item 725-680, Parks Facilities 77869  
Maintenance, shall be used by the Division of Parks and Recreation 77870  
to maintain state park revenue-producing facilities in the best 77871  
economic operating condition and to repair and replace equipment 77872  
used in the operation of state park revenue producing facilities. 77873

OIL AND GAS WELL PLUGGING 77874

The foregoing appropriation item 725-677, Oil and Gas Well 77875  
Plugging, shall be used exclusively for the purposes of plugging 77876  
wells and to properly restore the land surface of idle and orphan 77877  
oil and gas wells pursuant to section 1509.071 of the Revised 77878  
Code. No funds from the appropriation item shall be used for 77879  
salaries, maintenance, equipment, or other administrative 77880  
purposes, except for those costs directly attributed to the 77881  
plugging of an idle or orphan well. Appropriation authority from 77882  
this appropriation item shall not be transferred to any other fund 77883  
or line item. 77884

LITTER CONTROL AND RECYCLING 77885

Of the foregoing appropriation item, 725-644, Litter Control 77886

and Recycling, not more than \$1,500,000 may be used in each fiscal 77887  
year for the administration of the Recycling and Litter Prevention 77888  
program. 77889

CLEAN OHIO OPERATING EXPENSES 77890

The foregoing appropriation item 725-405, Clean Ohio 77891  
Operating, shall be used by the Department of Natural Resources in 77892  
administering section 1519.05 of the Revised Code. 77893

WATERWAYS IMPROVEMENTS 77894

Of the foregoing appropriation item 725-414, Waterways 77895  
Improvement, \$50,000 in each fiscal year shall be used for 77896  
dredging operations at Fairport Harbor. 77897

WATERCRAFT MARINE PATROL 77898

Of the foregoing appropriation item 739-401, Division of 77899  
Watercraft, not more than \$200,000 in each fiscal year shall be 77900  
expended for the purchase of equipment for marine patrols 77901  
qualifying for funding from the Department of Natural Resources 77902  
pursuant to section 1547.67 of the Revised Code. Proposals for 77903  
equipment shall accompany the submission of documentation for 77904  
receipt of a marine patrol subsidy pursuant to section 1547.67 of 77905  
the Revised Code and shall be loaned to eligible marine patrols 77906  
pursuant to a cooperative agreement between the Department of 77907  
Natural Resources and the eligible marine patrol. 77908

WATERCRAFT REVOLVING LOAN PROGRAM 77909

Upon certification by the Director of Natural Resources, the 77910  
Director of Budget and Management shall transfer an amount not to 77911  
exceed \$1,000,000 in fiscal year 2008 and not to exceed \$1,000,000 77912  
in fiscal year 2009 so certified from the Waterways Safety Fund 77913  
(Fund 086) to the Watercraft Revolving Loans Fund (Fund 5AW). The 77914  
moneys shall be used pursuant to sections 1547.721 to 1547.726 of 77915  
the Revised Code. 77916

PARKS CAPITAL EXPENSES FUND 77917

The Director of Natural Resources shall submit to the 77918  
Director of Budget and Management the estimated design, 77919  
engineering, and planning costs of capital-related work to be done 77920  
by Department of Natural Resources staff for parks projects. If 77921  
the Director of Budget and Management approves the estimated 77922  
costs, the Director may release appropriations from appropriation 77923  
item 725-406, Parks Projects Personnel, for those purposes. Upon 77924  
release of the appropriations, the Department of Natural Resources 77925  
shall pay for these expenses from the Parks Capital Expenses Fund 77926  
(Fund 227). Expenses paid from Fund 227 shall be reimbursed by the 77927  
Parks and Recreation Improvement Fund (Fund 035) using an 77928  
intrastate transfer voucher. 77929

CAPITAL EXPENSES FUND 77930

The Department of Natural Resources shall periodically 77931  
prepare and submit to the Director of Budget and Management the 77932  
estimated design, planning, and engineering costs of 77933  
capital-related work to be done by the Department of Natural 77934  
Resources for each project. Based on the estimates, the Director 77935  
of Budget and Management may release appropriations from 77936  
appropriation item CAP-753, Project Planning, within the Ohio 77937  
Parks and Natural Resources Fund (Fund 031) to pay for design, 77938  
planning, and engineering costs incurred by the Department of 77939  
Natural Resources for the projects. Upon release of the 77940  
appropriations by the Director of Budget and Management, the 77941  
Department of Natural Resources shall pay for these expenses from 77942  
the Capital Expenses Fund (Fund 4S9), and shall be reimbursed by 77943  
the Ohio Parks and Natural Resources Fund (Fund 031) using an 77944  
intrastate voucher. 77945

FUND CONSOLIDATION 77946

On July 1, 2007, or as soon thereafter as possible, the 77947

Director of Budget and Management shall transfer the cash balance 77948  
as certified by the Director of Natural Resources from the Federal 77949  
Forestry Fund (Fund 328) to the State Forest Fund (Fund 509). The 77950  
Director shall cancel any remaining outstanding encumbrances 77951  
against appropriation item 725-603, Forestry-Federal, and 77952  
re-establish them against appropriation item 725-602, State 77953  
Forest. The amounts of any encumbrances canceled and 77954  
re-established are hereby appropriated. 77955

On July 1, 2007, or as soon thereafter as possible, the 77956  
Director of Budget and Management shall transfer the cash balance 77957  
as certified by the Director of Natural Resources from the REALM 77958  
Support Services Fund (Fund 206) to the Fountain Square Facilities 77959  
Management Fund (Fund 635). The Director shall cancel any 77960  
remaining outstanding encumbrances against appropriation item 77961  
725-689, REALM Support Services, and re-establish them against 77962  
appropriation item 725-664, Fountain Square Facilities Management. 77963  
The amounts of any encumbrances canceled and re-established are 77964  
hereby appropriated. 77965

STATE PARK OPERATING 77966

All proceeds from insurance companies and any other sources 77967  
for the replacement and construction of the Lake Hope Lodge and 77968  
its appurtenances shall be deposited into the State Park Operating 77969  
Fund (Fund 512). 77970

**Section 345.10.** NUR STATE BOARD OF NURSING 77971

General Services Fund Group 77972

4K9 884-609 Operating Expenses \$ 5,661,280 \$ 5,661,280 77973

5P8 884-601 Nursing Special Issues \$ 5,000 \$ 5,000 77974

5AC 884-602 Nurse Education Grant \$ 1,450,000 \$ 1,450,000 77975

Program

TOTAL GSF General Services 77976

Fund Group	\$	7,116,280	\$	7,116,280	77977
TOTAL ALL BUDGET FUND GROUPS	\$	7,116,280	\$	7,116,280	77978

NURSING SPECIAL ISSUES 77979

The foregoing appropriation item 884-601, Nursing Special 77980  
 Issues (Fund 5P8), shall be used to pay the costs the Board of 77981  
 Nursing incurs in implementing section 4723.062 of the Revised 77982  
 Code. 77983

**Section 347.10.** PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 77984  
 AND ATHLETIC TRAINERS BOARD 77985

General Services Fund Group 77986

4K9 890-609 Operating Expenses	\$	892,241	\$	963,984	77987
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TOTAL GSF General Services Fund	\$	892,241	\$	963,984	77988
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	892,241	\$	963,984	77989
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**Section 349.10.** OLA OHIOANA LIBRARY ASSOCIATION 77991

General Revenue Fund 77992

GRF 355-501 Library Subsidy	\$	200,000	\$	200,000	77993
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TOTAL GRF General Revenue Fund	\$	200,000	\$	200,000	77994
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TOTAL ALL BUDGET FUND GROUPS	\$	200,000	\$	200,000	77995
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**Section 351.10.** ODB OHIO OPTICAL DISPENSERS BOARD 77997

General Services Fund Group 77998

4K9 894-609 Operating Expenses	\$	333,656	\$	345,324	77999
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TOTAL GSF General Services					78000
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Fund Group	\$	333,656	\$	345,324	78001
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TOTAL ALL BUDGET FUND GROUPS	\$	333,656	\$	345,324	78002
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**Section 353.10.** OPT STATE BOARD OF OPTOMETRY 78004

General Services Fund Group 78005

4K9 885-609 Operating Expenses	\$	344,571	\$	351,071	78006
TOTAL GSF General Services					78007
Fund Group	\$	344,571	\$	351,071	78008
TOTAL ALL BUDGET FUND GROUPS	\$	344,571	\$	351,071	78009

**Section 355.10.** OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, 78011  
AND PEDORTHICS 78012

General Services Fund Group					78013
4K9 973-609 Operating Expenses	\$	111,300	\$	116,260	78014
TOTAL GSF General Services					78015
Fund Group	\$	111,300	\$	116,260	78016
TOTAL ALL BUDGET FUND GROUPS	\$	111,300	\$	116,260	78017

**Section 357.10.** PBR STATE PERSONNEL BOARD OF REVIEW 78018

General Revenue Fund					78019
GRF 124-321 Operating	\$	1,148,181	\$	1,201,643	78020
TOTAL GRF General Revenue Fund	\$	1,148,181	\$	1,201,643	78021
General Services Fund Group					78022
636 124-601 Records and Reporting	\$	15,000	\$	15,000	78023
Support					
TOTAL GSF General Services					78024
Fund Group	\$	15,000	\$	15,000	78025
TOTAL ALL BUDGET FUND GROUPS	\$	1,163,181	\$	1,216,643	78026

**Section 359.10.** UST PETROLEUM UNDERGROUND STORAGE TANK 78028

Agency Fund Group					78029
691 810-632 PUSTRCB Staff	\$	1,116,658	\$	1,169,181	78030
TOTAL AGY Agency Fund Group	\$	1,116,658	\$	1,169,181	78031
TOTAL ALL BUDGET FUND GROUPS	\$	1,116,658	\$	1,169,181	78032

**Section 361.10.** PRX STATE BOARD OF PHARMACY 78034

General Services Fund Group					78035
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4A5 887-605 Drug Law Enforcement	\$	75,550	\$	75,550	78036
4K9 887-609 Operating Expenses	\$	4,874,572	\$	5,251,032	78037
TOTAL GSF General Services Fund Group	\$	4,950,122	\$	5,326,582	78038
Federal Special Revenue Fund Group					78039
3BC 887-604 Dangerous Drugs Database	\$	558,531	\$	491,405	78040
TOTAL FED Federal Special Revenue Fund Group	\$	558,531	\$	491,405	78041
TOTAL ALL BUDGET FUND GROUPS	\$	5,508,653	\$	5,817,987	78042

**Section 363.10. PSY STATE BOARD OF PSYCHOLOGY** 78044

General Services Fund Group					78045
4K9 882-609 Operating Expenses	\$	586,565	\$	586,565	78046
TOTAL GSF General Services Fund Group	\$	586,565	\$	586,565	78048
TOTAL ALL BUDGET FUND GROUPS	\$	586,565	\$	586,565	78049

**Section 365.10. PUB OHIO PUBLIC DEFENDER COMMISSION** 78051

General Revenue Fund					78052
GRF 019-321 Public Defender Administration	\$	1,287,404	\$	1,315,150	78053
GRF 019-401 State Legal Defense Services	\$	5,914,023	\$	6,120,592	78054
GRF 019-403 Multi-County: State Share	\$	766,402	\$	762,727	78055
GRF 019-404 Trumbull County - State Share	\$	244,816	\$	243,650	78056
GRF 019-405 Training Account	\$	31,324	\$	31,324	78057
GRF 019-501 County Reimbursement	\$	29,834,251	\$	29,572,857	78058
TOTAL GRF General Revenue Fund	\$	38,078,220	\$	38,046,300	78059
General Services Fund Group					78060

101	019-602	Inmate Legal Assistance	\$	33,338	\$	34,638	78061
407	019-604	County Representation	\$	219,800	\$	227,500	78062
408	019-605	Client Payments	\$	611,537	\$	476,760	78063
5CX	019-617	Civil Case Filing Fee	\$	409,237	\$	598,400	78064
TOTAL GSF General Services							78065
Fund Group			\$	1,273,912	\$	1,337,298	78066
Federal Special Revenue Fund Group							78067
3S8	019-608	Federal Representation	\$	350,948	\$	364,917	78068
TOTAL FED Federal Special Revenue							78069
Fund Group			\$	350,948	\$	364,917	78070
State Special Revenue Fund Group							78071
4C7	019-601	Multi-County: County Share	\$	2,181,300	\$	2,288,200	78072
4X7	019-610	Trumbull County - County Share	\$	696,800	\$	731,000	78073
574	019-606	Civil Legal Aid	\$	40,000,000	\$	40,000,000	78074
TOTAL SSR State Special Revenue							78075
Fund Group			\$	42,878,100	\$	43,019,200	78076
TOTAL ALL BUDGET FUND GROUPS			\$	82,581,180	\$	82,767,715	78077
INDIGENT DEFENSE OFFICE							78078
The foregoing appropriation items 019-404, Trumbull County - State Share, and 019-610, Trumbull County - County Share, shall be used to support an indigent defense office for Trumbull County.							78079 78080 78081
MULTI-COUNTY OFFICE							78082
The foregoing appropriation items 019-403, Multi-County: State Share, and 019-601, Multi-County: County Share, shall be used to support the Office of the Ohio Public Defender's Multi-County Branch Office Program.							78083 78084 78085 78086
TRAINING ACCOUNT							78087
The foregoing appropriation item 019-405, Training Account,							78088

shall be used by the Ohio Public Defender to provide legal 78089  
training programs at no cost for private appointed counsel who 78090  
represent at least one indigent defendant at no cost and for state 78091  
and county public defenders and attorneys who contract with the 78092  
Ohio Public Defender to provide indigent defense services. 78093

FEDERAL REPRESENTATION 78094

The foregoing appropriation item 019-608, Federal 78095  
Representation, shall be used to receive reimbursements from the 78096  
federal courts when the Ohio Public Defender provides 78097  
representation in federal court cases and to support 78098  
representation in such cases. 78099

**Section 367.10.** DHS DEPARTMENT OF PUBLIC SAFETY 78100

General Revenue Fund 78101

GRF 763-403 Operating Expenses - \$ 4,164,697 \$ 4,164,697 78102

EMA

GRF 768-424 Operating Expenses - \$ 814,478 \$ 814,478 78103

CJS

GRF 769-321 Food Stamp Trafficking \$ 752,000 \$ 752,000 78104

Enforcement Operations

TOTAL GRF General Revenue Fund \$ 5,731,175 \$ 5,731,175 78105

General Services Fund Group 78106

5ET 768-625 Drug Law Enforcement \$ 800,000 \$ 800,000 78107

TOTAL GSF General Services Fund \$ 800,000 \$ 800,000 78108

Group

State Special Revenue Fund Group 78109

5CC 768-607 Public Safety Services \$ 125,000 \$ 125,000 78110

5EX 768-690 Disaster Preparedness \$ 350,000 \$ 350,000 78111

TOTAL SSR State Special Revenue \$ 475,000 \$ 475,000 78112

Fund Group

Tobacco Master Settlement Agreement Fund Group 78113

L87 767-406 Under-Age Tobacco Use	\$	0	\$	375,000	78114
Enforcement					
TOTAL TSF Tobacco Master Settlement	\$	0	\$	375,000	78115
Agreement Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	7,006,175	\$	7,381,175	78116
OHIO TASK FORCE ONE - URBAN SEARCH AND RESCUE UNIT					78117
Of the foregoing appropriation item 763-403, Operating					78118
Expenses - EMA, \$200,000 in each fiscal year shall be used to fund					78119
the Ohio Task Force One - Urban Search and Rescue Unit and other					78120
urban search and rescue programs around the state to create a					78121
stronger search and rescue capability statewide.					78122
STATE FIRE MARSHAL FUND CASH TRANSFERS					78123
Notwithstanding section 3737.71 of the Revised Code, on July					78124
1, 2007, or as soon as possible thereafter, the Director of Budget					78125
and Management shall transfer \$125,000 in cash from the State Fire					78126
Marshal Fund (Fund 546) in the Department of Commerce to the					78127
Public Safety Services Fund (Fund 5CC) in the Department of Public					78128
Safety.					78129
Notwithstanding section 3737.71 of the Revised Code, on July					78130
1, 2008, or as soon as possible thereafter, the Director of Budget					78131
and Management shall transfer \$125,000 in cash from the State Fire					78132
Marshal Fund (Fund 546) in the Department of Commerce to the					78133
Public Safety Services Fund (Fund 5CC) in the Department of Public					78134
Safety.					78135
SOUTHERN OHIO DRUG TASK FORCE					78136
The foregoing appropriation item 768-607, Public Safety					78137
Services, shall be distributed by the Division of Criminal Justice					78138
Services in the Department of Public Safety directly to the					78139
Southern Ohio Drug Task Force.					78140
EMA DISASTER PREPAREDNESS AND RESPONSE GRANT					78141

Of the foregoing appropriation item 768-690, Disaster Preparedness, \$275,000 in fiscal year 2008 and \$350,000 in fiscal year 2009 shall be used for a grant to the American Red Cross Greater Columbus Chapter for implementation of programs to assist in disaster preparedness and response throughout Ohio. The 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	78172
5F6	870-625	Motor Transportation	\$	4,635,413	\$	4,772,765	78173
		Regulation					
TOTAL	GSF	General Services					78174
Fund Group			\$	37,613,440	\$	38,735,392	78175
Federal Special Revenue Fund Group							78176
3V3	870-604	Commercial Vehicle	\$	300,000	\$	300,000	78177
		Information					
		Systems/Networks					
333	870-601	Gas Pipeline Safety	\$	597,957	\$	597,959	78178
350	870-608	Motor Carrier Safety	\$	7,137,534	\$	7,351,660	78179
TOTAL	FED	Federal Special Revenue					78180
Fund Group			\$	8,035,491	\$	8,249,619	78181
State Special Revenue Fund Group							78182
4A3	870-614	Grade Crossing	\$	1,349,757	\$	1,349,757	78183
		Protection					
		Devices-State					
4L8	870-617	Pipeline Safety-State	\$	187,621	\$	187,621	78184
4S6	870-618	Hazardous Material	\$	464,325	\$	464,325	78185
		Registration					
4S6	870-621	Hazardous Materials	\$	373,346	\$	373,346	78186
		Base State					
		Registration					
4U8	870-620	Civil Forfeitures	\$	284,986	\$	284,986	78187
5BP	870-623	Wireless 9-1-1	\$	26,875,000	\$	13,375,000	78188
		Administration					
559	870-605	Public Utilities	\$	4,000	\$	4,000	78189
		Territorial					
		Administration					
560	870-607	Public Utilities	\$	100,000	\$	100,000	78190
		Investigations					

561	870-606	Power Siting Board	\$	404,651	\$	404,652	78191
638	870-611	Biomass Energy Program	\$	40,000	\$	40,000	78192
661	870-612	Hazardous Materials	\$	900,000	\$	900,000	78193

Transportation

TOTAL SSR State Special Revenue 78194

Fund Group \$ 30,983,686 \$ 17,483,687 78195

Agency Fund Group 78196

4G4 870-616 Base State \$ 2,000,000 \$ 0 78197

Registration Program

TOTAL AGY Agency Fund Group \$ 2,000,000 \$ 0 78198

TOTAL ALL BUDGET FUND GROUPS \$ 78,632,617 \$ 64,468,698 78199

COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS PROJECT 78200

The fund created by section 4923.26 of the Revised Code is 78201

the same fund, with a new name, as the Commercial Vehicle 78202

Information Systems and Networks Fund (Fund 3V3). 78203

ENHANCED AND WIRELESS ENHANCED 9-1-1 78204

The foregoing appropriation item 870-623, Wireless 9-1-1 78205

Administration, shall be used pursuant to section 4931.63 of the 78206

Revised Code. 78207

TELECOMMUNICATIONS RELAY SERVICE FUNDING 78208

The Telecommunications Relay Service Fund is hereby created 78209

in the state treasury. The vendor selected to provide 78210

telecommunications relay service in Ohio, as required by 47 C.F.R. 78211

64.601, shall submit an invoice to the Public Utilities Commission 78212

by January 31, 2009, for costs it has incurred in providing the 78213

service during calendar year 2008. The Public Utilities Commission 78214

shall notify the Director of Budget and Management of the amount 78215

invoiced, and the Director of Budget and Management shall transfer 78216

that amount from the Public Utilities Fund (Fund 5F6) to the 78217

Telecommunications Relay Service Fund on or before February 28, 78218

2009. The amount transferred shall be used to pay the 78219

telecommunications relay service vendor the amount invoiced. This 78220  
amount is hereby appropriated. 78221

**Section 371.10.** PWC PUBLIC WORKS COMMISSION 78222

General Revenue Fund 78223

GRF 150-904 Conservation General \$ 14,847,200 \$ 19,779,200 78224  
Obligation Debt  
Service

GRF 150-907 State Capital \$ 177,513,600 \$ 188,696,300 78225  
Improvements  
General Obligation 78226  
Debt Service

TOTAL GRF General Revenue Fund \$ 192,360,800 \$ 208,475,500 78227

Clean Ohio Conservation Fund Group 78228

056 150-403 Clean Ohio Operating \$ 301,537 \$ 311,509 78229  
Expenses

TOTAL 056 Clean Ohio Conservation \$ 301,537 \$ 311,509 78230  
Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 192,662,337 \$ 208,787,009 78231

CONSERVATION GENERAL OBLIGATION DEBT SERVICE 78232

The foregoing appropriation item 150-904, Conservation 78233  
General Obligation Debt Service, shall be used to pay all debt 78234  
service and related financing costs during the period from July 1, 78235  
2007, through June 30, 2009, at the times they are required to be 78236  
made for obligations issued under sections 151.01 and 151.09 of 78237  
the Revised Code. 78238

STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE 78239

The foregoing appropriation item 150-907, State Capital 78240  
Improvements General Obligation Debt Service, shall be used to pay 78241  
all debt service and related financing costs during the period 78242  
from July 1, 2007, to June 30, 2009, at the times they are 78243

required to be made for obligations issued under sections 151.01 78244  
and 151.08 of the Revised Code. 78245

REIMBURSEMENT TO THE GENERAL REVENUE FUND 78246

(A) On or before July 15, 2009, the Director of the Public 78247  
Works Commission shall certify to the Director of Budget and 78248  
Management the following: 78249

(1) The total amount disbursed from appropriation item 78250  
700-409, Farmland Preservation, during the fiscal year 2008-2009 78251  
biennium; and 78252

(2) The amount of interest earnings that have been credited 78253  
to the Clean Ohio Conservation Fund (Fund 056) that are in excess 78254  
of the amount needed for other purposes as calculated by the 78255  
Director of the Public Works Commission. 78256

(B) If the Director of Budget and Management determines under 78257  
division (A)(2) of this section that there are excess interest 78258  
earnings, the Director of Budget and Management shall, on or 78259  
before July 15, 2009, transfer the excess interest earnings to the 78260  
General Revenue Fund in an amount equal to the total amount 78261  
disbursed under division (A)(1) of this section from the Clean 78262  
Ohio Conservation Fund. 78263

CLEAN OHIO OPERATING EXPENSES 78264

The foregoing appropriation item 150-403, Clean Ohio 78265  
Operating Expenses, shall be used by the Ohio Public Works 78266  
Commission in administering sections 164.20 to 164.27 of the 78267  
Revised Code. 78268

**Section 373.10.** RAC STATE RACING COMMISSION 78269

State Special Revenue Fund Group 78270

5C4 875-607 Simulcast Horse Racing \$ 16,000,000 \$ 16,000,000 78271

Purse

562	875-601	Thoroughbred Race Fund	\$	3,100,000	\$	3,100,000	78272
563	875-602	Standardbred Development Fund	\$	2,600,000	\$	2,600,000	78273
564	875-603	Quarterhorse Development Fund	\$	1,000	\$	1,000	78274
565	875-604	Racing Commission Operating	\$	4,487,599	\$	4,487,599	78275
TOTAL SSR State Special Revenue							78276
Fund Group			\$	26,188,599	\$	26,188,599	78277
Holding Account Redistribution Fund Group							78278
R21	875-605	Bond Reimbursements	\$	212,900	\$	212,900	78279
TOTAL 090 Holding Account Redistribution							78280
Fund Group			\$	212,900	\$	212,900	78281
TOTAL ALL BUDGET FUND GROUPS			\$	26,401,499	\$	26,401,499	78282

**Section 375.10. BOR BOARD OF REGENTS** 78284

General Revenue Fund							78285
GRF	235-321	Operating Expenses	\$	3,141,351	\$	3,141,351	78286
GRF	235-401	Lease Rental Payments	\$	203,177,900	\$	136,017,500	78287
GRF	235-402	Sea Grants	\$	300,000	\$	300,000	78288
GRF	235-406	Articulation and Transfer	\$	2,900,000	\$	2,900,000	78289
GRF	235-408	Midwest Higher Education Compact	\$	95,000	\$	95,000	78290
GRF	235-409	Information System	\$	1,175,172	\$	1,175,172	78291
GRF	235-414	State Grants and Scholarship Administration	\$	1,707,881	\$	1,707,881	78292
GRF	235-415	Jobs Challenge	\$	9,348,300	\$	9,348,300	78293
GRF	235-417	Ohio Learning Network	\$	3,119,496	\$	3,119,496	78294
GRF	235-418	Access Challenge	\$	66,585,769	\$	66,585,769	78295

GRF 235-420	Success Challenge	\$	53,653,973	\$	53,653,973	78296
GRF 235-428	Appalachian New Economy Partnership	\$	1,176,068	\$	1,176,068	78297
GRF 235-433	Economic Growth Challenge	\$	17,186,194	\$	17,186,194	78298
GRF 235-434	College Readiness and Access	\$	12,655,425	\$	12,655,425	78299
GRF 235-435	Teacher Improvement Initiatives	\$	4,797,506	\$	11,297,506	78300
GRF 235-436	AccelerateOhio	\$	1,250,000	\$	2,500,000	78301
GRF 235-438	Choose Ohio First Scholarship	\$	50,000,000	\$	50,000,000	78302
GRF 235-439	Ohio Research Scholars	\$	30,000,000	\$	0	78303
GRF 235-451	Eminent Scholars	\$	0	\$	1,000,000	78304
GRF 235-455	EnterpriseOhio Network	\$	1,373,941	\$	1,373,941	78305
GRF 235-474	Area Health Education Centers Program Support	\$	1,571,756	\$	1,571,756	78306
GRF 235-501	State Share of Instruction	\$	1,678,877,952	\$	1,842,965,747	78307
GRF 235-502	Student Support Services	\$	795,790	\$	795,790	78308
GRF 235-503	Ohio Instructional Grants	\$	42,533,966	\$	18,315,568	78309
GRF 235-504	War Orphans Scholarships	\$	4,812,321	\$	4,812,321	78310
GRF 235-507	OhioLINK	\$	7,387,824	\$	7,387,824	78311
GRF 235-508	Air Force Institute of Technology	\$	2,050,345	\$	2,050,345	78312
GRF 235-510	Ohio Supercomputer Center	\$	4,271,195	\$	4,271,195	78313
GRF 235-511	Cooperative Extension Service	\$	26,273,260	\$	26,273,260	78314

GRF 235-513	Ohio University Voinovich Center	\$	669,082	\$	669,082	78315
GRF 235-514	Central State Supplement	\$	11,756,414	\$	12,109,106	78316
GRF 235-515	Case Western Reserve University School of Medicine	\$	3,011,271	\$	3,011,271	78317
GRF 235-518	Capitol Scholarship Program	\$	125,000	\$	125,000	78318
GRF 235-519	Family Practice	\$	4,548,470	\$	4,548,470	78319
GRF 235-520	Shawnee State Supplement	\$	2,502,323	\$	2,577,393	78320
GRF 235-521	The Ohio State University John Glenn School of Public Affairs	\$	619,082	\$	619,082	78321
GRF 235-524	Police and Fire Protection	\$	171,959	\$	171,959	78322
GRF 235-525	Geriatric Medicine	\$	750,110	\$	750,110	78323
GRF 235-526	Primary Care Residencies	\$	2,245,688	\$	2,245,688	78324
GRF 235-527	Ohio Aerospace Institute	\$	1,764,957	\$	1,764,957	78325
GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000	78326
GRF 235-531	Student Choice Grants	\$	38,485,376	\$	38,485,376	78327
GRF 235-535	Ohio Agricultural Research and Development Center	\$	37,174,292	\$	37,174,292	78328
GRF 235-536	The Ohio State University Clinical Teaching	\$	13,565,885	\$	13,565,885	78329
GRF 235-537	University of Cincinnati Clinical	\$	11,157,756	\$	11,157,756	78330

	Teaching					
GRF 235-538	University of Toledo	\$	8,696,866	\$	8,696,866	78331
	Clinical Teaching					
GRF 235-539	Wright State	\$	4,225,107	\$	4,225,107	78332
	University Clinical					
	Teaching					
GRF 235-540	Ohio University	\$	4,084,540	\$	4,084,540	78333
	Clinical Teaching					
GRF 235-541	Northeastern Ohio	\$	4,200,945	\$	4,200,945	78334
	Universities College					
	of Medicine Clinical					
	Teaching					
GRF 235-543	Ohio College of	\$	100,000	\$	100,000	78335
	Podiatric Medicine					
	Clinic Subsidy					
GRF 235-547	School of	\$	450,000	\$	650,000	78336
	International Business					
GRF 235-552	Capital Component	\$	19,306,442	\$	19,306,442	78337
GRF 235-553	Dayton Area Graduate	\$	2,931,599	\$	2,931,599	78338
	Studies Institute					
GRF 235-554	Priorities in	\$	2,355,548	\$	2,355,548	78339
	Collaborative Graduate					
	Education					
GRF 235-555	Library Depositories	\$	1,696,458	\$	1,696,458	78340
GRF 235-556	Ohio Academic	\$	3,727,223	\$	3,727,223	78341
	Resources Network					
GRF 235-558	Long-term Care	\$	461,047	\$	461,047	78342
	Research					
GRF 235-561	Bowling Green State	\$	100,015	\$	100,015	78343
	University Canadian					
	Studies Center					
GRF 235-563	Ohio College	\$	139,974,954	\$	151,113,781	78344
	Opportunity Grant					

GRF 235-567	Central State University Speed to Scale	\$ 4,400,000	\$ 3,800,000	78345
GRF 235-571	James A. Rhodes Scholarship	\$ 10,000,000	\$ 0	78346
GRF 235-572	The Ohio State University Clinic Support	\$ 1,277,019	\$ 1,277,019	78347
GRF 235-573	Ohio Humanities Council	\$ 25,000	\$ 25,000	78348
GRF 235-583	Urban University Program	\$ 5,825,937	\$ 5,825,937	78349
GRF 235-587	Rural University Projects	\$ 1,159,889	\$ 1,159,889	78350
GRF 235-596	Hazardous Materials Program	\$ 360,435	\$ 360,435	78351
GRF 235-599	National Guard Scholarship Program	\$ 16,611,063	\$ 16,611,063	78352
GRF 235-909	Higher Education General Obligation Debt Service	\$ 172,722,400	\$ 208,747,200	78353
TOTAL GRF	General Revenue Fund	\$ 2,773,258,537	\$ 2,861,908,923	78354
	General Services Fund Group			78355
220 235-614	Program Approval and Reauthorization	\$ 800,000	\$ 800,000	78356
456 235-603	Sales and Services	\$ 700,000	\$ 700,000	78357
TOTAL GSF	General Services Fund Group	\$ 1,500,000	\$ 1,500,000	78358 78359
	Federal Special Revenue Fund Group			78360
3BG 235-626	Star Schools	\$ 2,980,865	\$ 2,990,746	78361
3H2 235-608	Human Services Project	\$ 3,000,000	\$ 3,000,000	78362
3H2 235-622	Medical Collaboration	\$ 3,346,144	\$ 3,346,144	78363

		Network					
3N6	235-605	State Student	\$	2,196,680	\$	2,196,680	78364
		Incentive Grants					
3T0	235-610	National Health	\$	250,000	\$	250,000	78365
		Service Corps - Ohio					
		Loan Repayment					
312	235-609	Tech Prep	\$	183,850	\$	183,850	78366
312	235-611	Gear-up Grant	\$	3,300,000	\$	3,300,000	78367
312	235-612	Carl D. Perkins	\$	112,960	\$	112,960	78368
		Grant/Plan					
		Administration					
312	235-617	Improving Teacher	\$	3,200,000	\$	3,200,000	78369
		Quality Grant					
312	235-621	Science Education	\$	1,686,970	\$	1,686,970	78370
		Network					
TOTAL FED		Federal Special Revenue					78371
Fund Group			\$	20,257,469	\$	20,267,350	78372
State Special Revenue		Fund Group					78373
4E8	235-602	Higher Educational	\$	50,000	\$	45,000	78374
		Facility Commission					
		Administration					
4P4	235-604	Physician Loan	\$	476,870	\$	476,870	78375
		Repayment					
649	235-607	The Ohio State	\$	760,000	\$	760,000	78376
		University					
		Highway/Transportation					
		Research					
682	235-606	Nursing Loan Program	\$	893,000	\$	893,000	78377
5DT	235-627	American Diploma	\$	250,000	\$	0	78378
		Project					
TOTAL SSR		State Special Revenue					78379
Fund Group			\$	2,429,870	\$	2,174,870	78380
TOTAL ALL BUDGET FUND GROUPS			\$	2,797,445,876	\$	2,885,851,143	78381

**Section 375.10.10. OPERATING EXPENSES** 78383

Of the foregoing appropriation item 235-321, Operating 78384  
Expenses, up to \$150,000 in each fiscal year shall be used in 78385  
conjunction with funding provided in the Department of Education 78386  
budget under appropriation item 200-427, Academic Standards, to 78387  
fund the operations of Ohio's Partnership for Continued Learning. 78388  
The Partnership shall advise and make recommendations to promote 78389  
collaboration among relevant state entities in an effort to help 78390  
local communities develop coherent and successful "P-16" learning 78391  
systems. Upon requesting and receiving approval from the 78392  
Controlling Board, the Director of Budget and Management may 78393  
transfer any unencumbered fiscal year 2008 balance to fiscal year 78394  
2009 to support the activities of the Partnership. 78395

**Section 375.10.20. LEASE RENTAL PAYMENTS** 78396

The foregoing appropriation item 235-401, Lease Rental 78397  
Payments, shall be used to meet all payments at the times they are 78398  
required to be made during the period from July 1, 2007, to June 78399  
30, 2009, by the Board of Regents under leases and agreements made 78400  
under section 154.21 of the Revised Code. These appropriations are 78401  
the source of funds pledged for bond service charges or 78402  
obligations issued pursuant to Chapter 154. of the Revised Code. 78403

**Section 375.10.30. SEA GRANTS** 78404

The foregoing appropriation item 235-402, Sea Grants, shall 78405  
be disbursed to the Ohio State University and shall be used to 78406  
conduct research on fish in Lake Erie. 78407

**Section 375.10.40. ARTICULATION AND TRANSFER** 78408

The foregoing appropriation item 235-406, Articulation and 78409  
Transfer, shall be used by the Board of Regents to maintain and 78410

expand the work of the Articulation and Transfer Council to 78411  
develop a system of transfer policies to ensure that students at 78412  
state institutions of higher education can transfer and have 78413  
coursework apply to their majors and degrees at any other state 78414  
institution of higher education without unnecessary duplication or 78415  
institutional barriers under sections 3333.16, 3333.161, and 78416  
3333.162 of the Revised Code. The Board of Regents shall, in 78417  
consultation with the Governor and the Department of Education, 78418  
convene a work group to establish coursework for content knowledge 78419  
and teacher competencies for early care and education degrees to 78420  
support articulation and transfer of coursework, certifications, 78421  
and credit earned across state-supported institutions of higher 78422  
education. 78423

Of the foregoing appropriation item 235-406, Articulation and 78424  
Transfer, \$200,000 in each fiscal year shall be used to support 78425  
the work of the Articulation and Transfer Council under division 78426  
(B) of section 3333.162 of the Revised Code. 78427

**Section 375.10.50. MIDWEST HIGHER EDUCATION COMPACT** 78428

The foregoing appropriation item 235-408, Midwest Higher 78429  
Education Compact, shall be distributed by the Board of Regents 78430  
under section 3333.40 of the Revised Code. 78431

**Section 375.10.60. INFORMATION SYSTEM** 78432

The foregoing appropriation item 235-409, Information System, 78433  
shall be used by the Board of Regents to operate the higher 78434  
education information data system known as the Higher Education 78435  
Information System. 78436

**Section 375.10.70. STATE GRANTS AND SCHOLARSHIP** 78437  
**ADMINISTRATION** 78438

The foregoing appropriation item 235-414, State Grants and 78439

Scholarship Administration, shall be used by the Board of Regents 78440  
to administer the following student financial aid programs: Ohio 78441  
Instructional Grants, Ohio College Opportunity Grant, Ohio Student 78442  
Choice Grant, Ohio Academic Scholarship, Ohio War Orphans' 78443  
Scholarship, Nurse Education Assistance Loan Program, Regents 78444  
Graduate/Professional Fellowship, Ohio Safety Officers College 78445  
Memorial Fund, Capitol Scholarship Program, and any other student 78446  
financial aid programs created by the General Assembly. The 78447  
appropriation item also shall be used to administer the federal 78448  
Leveraging Educational Assistance Partnership (LEAP) and Special 78449  
Leveraging Educational Assistance Partnership (SLEAP) programs and 78450  
other student financial aid programs created by Congress and to 78451  
provide fiscal services for the Ohio National Guard Scholarship 78452  
Program, the Physician Loan Repayment Program, and the Dentist 78453  
Loan Repayment Program. 78454

**Section 375.10.80. JOBS CHALLENGE** 78455

Funds appropriated to the foregoing appropriation item 78456  
235-415, Jobs Challenge, shall be distributed to state-assisted 78457  
community and technical colleges, regional campuses of 78458  
state-assisted universities, and other organizationally distinct 78459  
and identifiable member campuses of the EnterpriseOhio Network in 78460  
support of noncredit job-related training. In each fiscal year, 78461  
\$2,770,773 shall be distributed as performance grants to 78462  
EnterpriseOhio Network campuses based upon each campus's 78463  
documented performance according to criteria established by the 78464  
Board of Regents for assessment, training, and related services to 78465  
businesses, industries, and public sector organizations. 78466

Of the foregoing appropriation item 235-415, Jobs Challenge, 78467  
\$2,819,345 in each fiscal year shall be allocated to the Targeted 78468  
Industries Training Grant Program to attract, develop, and retain 78469  
business and industry strategically important to the state's 78470

economy and regional priorities. 78471

Of the foregoing appropriation item 235-415, Jobs Challenge, 78472  
\$3,758,182 in each fiscal year shall be allocated to the Higher 78473  
Skills Incentives Program to promote and deliver coordinated 78474  
assessment and comprehensive training to local employers and to 78475  
reward EnterpriseOhio Network campuses for the amount of 78476  
non-credit skill upgrading services provided to Ohio employers and 78477  
employees. The funds shall be distributed to campuses in 78478  
proportion to each campus's share of noncredit job-related 78479  
training revenues received by all campuses for the previous fiscal 78480  
year. 78481

**Section 375.10.90. OHIO LEARNING NETWORK** 78482

The foregoing appropriation item 235-417, Ohio Learning 78483  
Network, shall be used by the Board of Regents to support the 78484  
continued implementation of the Ohio Learning Network, a statewide 78485  
collaborative that delivers adult education including degree 78486  
completion, workforce training, and professional development using 78487  
online and distance education initiatives. The funds shall be used 78488  
by the Ohio Learning Network to develop and promote learning and 78489  
assessment through the use of technology, to test and provide 78490  
advice on emerging learning-directed technologies, and to 78491  
facilitate cost-effectiveness through shared educational 78492  
technology investments. 78493

**Section 375.20.10. ACCESS CHALLENGE** 78494

The foregoing appropriation item 235-418, Access Challenge, 78495  
shall be distributed to Ohio's state-assisted access colleges and 78496  
universities. For the purposes of this allocation, "access 78497  
campuses" includes state-assisted community colleges, state 78498  
community colleges, technical colleges, Shawnee State University, 78499  
Central State University, Cleveland State University, the regional 78500

campuses of state-assisted universities, and, where they are 78501  
organizationally distinct and identifiable, the 78502  
community-technical colleges located at the University of 78503  
Cincinnati, Youngstown State University, and the University of 78504  
Akron. 78505

The purpose of Access Challenge is to reduce the student 78506  
share of costs for resident undergraduates enrolled in lower 78507  
division undergraduate courses at Ohio's access campuses. The 78508  
long-term goal is to make the student share of costs for these 78509  
students equivalent to the student share of costs for resident 78510  
undergraduate students enrolled throughout Ohio's public colleges 78511  
and universities. Access Challenge appropriations shall be used to 78512  
sustain, as much as possible, the tuition restraint or tuition 78513  
reduction that was achieved with Access Challenge allocations in 78514  
prior years. Access campuses shall disclose, in their tuition 78515  
billing statements to students, the amount of tuition subsidized 78516  
by state Access Challenge subsidies. 78517

In fiscal year 2008, Access Challenge subsidies shall be 78518  
distributed by the Board of Regents to eligible access campuses on 78519  
the basis of the average of each campus's share of fiscal year 78520  
2005 and 2006 all-terms subsidy-eligible General Studies FTEs. In 78521  
fiscal year 2009, Access Challenge subsidies shall be distributed 78522  
by the Board of Regents to eligible access campuses on the basis 78523  
of the average of each campus's share of fiscal year 2006 and 2007 78524  
all-terms subsidy-eligible General Studies FTEs. 78525

For purposes of this calculation, Cleveland State 78526  
University's enrollments shall be adjusted by the ratio of the sum 78527  
of subsidy-eligible lower-division FTE student enrollments 78528  
eligible for access funding to the sum of subsidy-eligible General 78529  
Studies FTE student enrollments at Central State University and 78530  
Shawnee State University, and for the following universities and 78531  
their regional campuses: the Ohio State University, Ohio 78532

University, Kent State University, Bowling Green State University, 78533  
Miami University, the University of Cincinnati, the University of 78534  
Akron, and Wright State University. 78535

**Section 375.20.20. SUCCESS CHALLENGE** 78536

The foregoing appropriation item 235-420, Success Challenge, 78537  
shall be used by the Board of Regents to promote degree completion 78538  
by students enrolled at a main campus of a state-assisted 78539  
university. 78540

Of the foregoing appropriation item 235-420, Success 78541  
Challenge, 66.67 per cent of the appropriation in each fiscal year 78542  
shall be distributed to state-assisted university main campuses in 78543  
proportion to each campus's share of the total statewide 78544  
bachelor's degrees granted by university main campuses to 78545  
"at-risk" students. In fiscal years 2008 and 2009, an "at-risk" 78546  
student means any undergraduate student who was eligible to 78547  
receive an Ohio need-based financial aid award during the past ten 78548  
years. An eligible institution shall not receive its share of this 78549  
distribution until it has submitted a plan that addresses how the 78550  
subsidy will be used to better serve at-risk students and increase 78551  
their likelihood of successful completion of a bachelor's degree 78552  
program. The Board of Regents shall disseminate to all 78553  
state-supported institutions of higher education all such plans 78554  
submitted by institutions that received Success Challenge funds. 78555

Of the foregoing appropriation item 235-420, Success 78556  
Challenge, 33.33 per cent of the appropriation in each fiscal year 78557  
shall be distributed to university main campuses in proportion to 78558  
each campus's share of the total bachelor's degrees granted by 78559  
university main campuses to undergraduate students who completed 78560  
their bachelor's degrees in a "timely manner" in the previous 78561  
fiscal year. For purposes of this section, "timely manner" means 78562  
the normal time it would take for a full-time degree-seeking 78563

undergraduate student to complete the student's degree. Generally, 78564  
for such students pursuing a bachelor's degree, "timely manner" 78565  
means four years. Exceptions to this general rule shall be 78566  
permitted for students enrolled in programs specifically designed 78567  
to be completed in a longer time period. The Board of Regents 78568  
shall collect data to assess the timely completion statistics by 78569  
university main campuses. 78570

**Section 375.20.30. APPALACHIAN NEW ECONOMY PARTNERSHIP** 78571

The foregoing appropriation item 235-428, Appalachian New 78572  
Economy Partnership, shall be distributed to Ohio University to 78573  
continue a multi-campus and multi-agency coordinated effort to 78574  
link Appalachia to the new economy. Ohio University shall use 78575  
these funds to provide leadership in the development and 78576  
implementation of initiatives in the areas of entrepreneurship, 78577  
management, education, and technology. 78578

**Section 375.20.40. ECONOMIC GROWTH CHALLENGE** 78579

The foregoing appropriation item 235-433, Economic Growth 78580  
Challenge, shall be used to enhance the basic research 78581  
capabilities of Ohio's public and private institutions of higher 78582  
education, support improved doctor of philosophy degree programs 78583  
throughout the state, and promote the transfer of technology 78584  
developed by Ohio colleges and universities to private industry to 78585  
further the economic goals of the state in collaboration with the 78586  
Third Frontier Project. 78587

Of the foregoing appropriation item 235-433, Economic Growth 78588  
Challenge, \$12,000,000 in each fiscal year shall be used for the 78589  
Research Incentive Program to enhance the basic research 78590  
capabilities of public colleges and universities and accredited 78591  
Ohio institutions of higher education holding certificates of 78592  
authorization issued under section 1713.02 of the Revised Code, in 78593

order to strengthen academic research for pursuing Ohio's economic 78594  
development goals. The Board of Regents, in consultation with the 78595  
colleges and universities, shall administer the Research Incentive 78596  
Program and utilize a means of matching, on a fractional basis, 78597  
external funds attracted in the previous year by institutions for 78598  
basic research. The program may include incentives for increasing 78599  
the amount of external research funds coming to eligible 78600  
institutions and for focusing research efforts upon critical state 78601  
needs. Colleges and universities shall submit for review and 78602  
approval to the Board of Regents plans for the institutional 78603  
allocation of state dollars received through the program. The 78604  
institutional plans shall provide the rationale for the allocation 78605  
in terms of the strategic targeting of funds for academic and 78606  
state purposes, for strengthening research programs, for 78607  
increasing the amount of external research funds, and shall 78608  
include an evaluation process to provide results of the increased 78609  
support. Institutional plans for the use of Research Incentive 78610  
funding must demonstrate a significant investment in Third 78611  
Frontier activities funded at the institution. For a college or 78612  
university with multiple Third Frontier grants, as much as ten per 78613  
cent of that institution's Research Incentive funding may be 78614  
invested in Third Frontier Project-related activities. Each 78615  
institutional plan for the investment of Research Incentive moneys 78616  
shall report on existing, planned, or possible relationships with 78617  
other state science and technology programs and funding recipients 78618  
in order to further ongoing statewide science and technology 78619  
collaboration objectives. The Board of Regents shall submit a 78620  
biennial report of progress to the General Assembly. 78621

In each fiscal year, both those state-assisted doctor of 78622  
philosophy degree-granting universities and those accredited 78623  
doctor of philosophy degree-granting Ohio institutions of higher 78624  
education holding certificates of authorization under section 78625  
1713.02 of the Revised Code may elect to participate in the 78626

Innovation Incentive Program and may continue to implement their 78627  
comprehensive plans that are designed to enhance doctor of 78628  
philosophy degree programs and areas of research that have the 78629  
greatest potential to attract preeminent researchers and build 78630  
research capacity; enhance regional or state economic growth by 78631  
creating new products and services to be commercialized; and 78632  
complement Ohio's Third Frontier Project. 78633

In each fiscal year, funding for the Innovation Incentive 78634  
Program shall be generated from the funds reallocated by those 78635  
participating state-assisted doctor of philosophy degree-granting 78636  
universities and state matching funds provided in appropriation 78637  
item 235-433, Economic Growth Challenge. In each fiscal year, the 78638  
amount of funds each participating state-assisted university is 78639  
required to internally reallocate shall equal the sum of the funds 78640  
it was required to reallocate in the prior fiscal year plus one 78641  
and one-half per cent of current fiscal year's doctoral reserve 78642  
allocation as attributed by the Board of Regents. Additionally, 78643  
those participating accredited Ohio institutions of higher 78644  
education holding certificates of authorization under section 78645  
1713.02 of the Revised Code shall be required to set aside an 78646  
amount comparable to the participating state-assisted universities 78647  
as determined by the Board of Regents. 78648

Of the foregoing appropriation item 235-433, Economic Growth 78649  
Challenge, \$4,686,194 in each fiscal year shall match a portion of 78650  
the funds set aside by all participating universities for the 78651  
Innovation Incentive Program. The Controlling Board may increase 78652  
the set-aside amount in each fiscal year if the Chancellor of the 78653  
Board of Regents, after meeting all other obligations, identifies 78654  
unspent and unencumbered General Revenue Fund money within the 78655  
Board of Regents budget and requests the Controlling Board to 78656  
increase the set-aside for the Innovation Incentive Program. The 78657  
amount of the set-aside increased by the Controlling Board shall 78658

not exceed the amount of available funds identified by the 78659  
Chancellor of the Board of Regents. 78660

In each fiscal year, if the total amount of the state 78661  
matching funds for the Innovation Incentive Program equals or 78662  
exceeds the total amount of the funds internally reallocated by 78663  
all participating universities, the state matching funds shall be 78664  
disbursed through a competitive process. If the total amount of 78665  
the state matching funds for the Innovation Incentive Program is 78666  
less than the total amount of the funds internally reallocated by 78667  
all participating universities, the Board of Regents shall 78668  
distribute the state matching funds as follows: 78669

(A) Distribute to each participating university the same 78670  
amount of the state matching funds it received in fiscal year 2007 78671  
under the Innovation Incentive Program; 78672

(B) Any excess funds after meeting division (A) of this 78673  
section shall be distributed based on each participating 78674  
university's proportional share of the total funding provided in 78675  
division (A) of this section. 78676

The participating universities shall use state matching funds 78677  
and the funds they internally reallocated to restructure their 78678  
array of doctor of philosophy degree programs. 78679

The Board of Regents, in consultation with participating 78680  
universities and the Office of Budget and Management, shall 78681  
develop guidelines for the length of a transition period and 78682  
criteria for determining the acceptable level of participation in 78683  
the Innovation Incentive Program. After completion of the 78684  
transition period during implementation of the Innovation 78685  
Incentive Program, in each fiscal year the Board of Regents may 78686  
withhold up to fifty per cent of the funds each participating 78687  
state-assisted doctor of philosophy degree-granting university is 78688  
required to reallocate for that year if the university is not 78689

internally reallocating the required amount or does not meet the 78690  
criteria established by the Board of Regents. 78691

Of the foregoing appropriation item 235-433, Economic Growth 78692  
Challenge, \$500,000 in each fiscal year shall be distributed for 78693  
the Technology Commercialization Incentive. The purpose of the 78694  
Technology Commercialization Incentive is to reward public and 78695  
private colleges and universities for successful technology 78696  
transfer to Ohio-based business and industry resulting in the 78697  
commercialization of new products, processes, and services and the 78698  
establishment of new business start-ups within the state. The 78699  
Third Frontier Commission, with counsel from the Third Frontier 78700  
Advisory Board, shall establish the eligibility criteria for 78701  
public and private colleges and universities interested in 78702  
applying for Technology Commercialization Incentive funding. To 78703  
qualify for the funds, public and private colleges and 78704  
universities must maintain a significant investment in their own 78705  
technology-transfer and commercialization operation and 78706  
capabilities, and possess a significant history of successful 78707  
research partnerships with Ohio-based business and industry. 78708

**Section 375.20.45. CHALLENGES STUDY 78709**

The Chancellor of the Board of Regents shall study the 78710  
effectiveness and appropriateness of the programs funded in GRF 78711  
appropriation items 235-415, Jobs Challenge, 235-418, Access 78712  
Challenge, 235-420, Success Challenge, and 235-433, Economic 78713  
Growth Challenge, in the context of today's knowledge-based 78714  
economy with a focus on student-based funding, the workforce 78715  
development needs of the state in the Twenty-first Century, and 78716  
incentives for student success. Not later than May 31, 2008, the 78717  
Chancellor of the Board of Regents shall report the findings of 78718  
the study to the Governor, the Speaker and the Minority Leader of 78719  
the House of Representatives, and the President and the Minority 78720

Leader of the Senate. 78721

**Section 375.20.50. COLLEGE READINESS AND ACCESS** 78722

Appropriation item 235-434, College Readiness and Access, 78723  
shall be used by the Board of Regents to support programs designed 78724  
to improve the academic preparation and increase the number of 78725  
students that enroll and succeed in higher education such as the 78726  
Ohio College Access Network, the state match for the federal 78727  
Gaining Early Awareness and Readiness for Undergraduate Program, 78728  
and early awareness initiatives. The appropriation item shall also 78729  
be used to support innovative statewide strategies to increase 78730  
student access and retention for specialized populations, and to 78731  
provide for pilot projects that will contribute to improving 78732  
access to higher education by specialized populations. The funds 78733  
also may be used for projects that improve access for nonpublic 78734  
secondary students. 78735

Of the foregoing appropriation item 235-434, College 78736  
Readiness and Access, \$798,684 in fiscal year 2008 and \$822,645 in 78737  
fiscal year 2009 shall be distributed to the Ohio Appalachian 78738  
Center for Higher Education at Shawnee State University. The board 78739  
of directors of the Center shall consist of the presidents of 78740  
Shawnee State University, Belmont Technical College, Hocking 78741  
College, Jefferson Community College, Zane State College, Rio 78742  
Grande Community College, Southern State Community College, and 78743  
Washington State Community College; the president of Ohio 78744  
University or a designee of the president; the dean of one of the 78745  
Salem, Tuscarawas, and East Liverpool regional campuses of Kent 78746  
State University, as designated by the president of Kent State 78747  
University; and a representative of the Board of Regents 78748  
designated by the Chancellor. 78749

Of the foregoing appropriation item 235-434, College 78750  
Readiness and Access, \$169,553 in fiscal year 2008 and \$174,640 in 78751

fiscal year 2009 shall be distributed to Miami University for the 78752  
Student Achievement in Research and Scholarship (STARS) Program. 78753

Of the foregoing appropriation item 235-434, College 78754  
Readiness and Access, \$3,503,985 in each fiscal year shall be used 78755  
in conjunction with funding provided in the Ohio Department of 78756  
Education budget under appropriation item 200-431, School 78757  
Improvement Initiatives, to support the Early College High School 78758  
Program. The funds shall be distributed according to guidelines 78759  
established by the Department of Education and the Board of 78760  
Regents. 78761

**Section 375.20.60. TEACHER IMPROVEMENT INITIATIVES** 78762

Appropriation item 235-435, Teacher Improvement Initiatives, 78763  
shall be used by the Board of Regents to support programs such as 78764  
OSI - Discovery and the Centers of Excellence in Mathematics and 78765  
Science designed to raise the quality of mathematics and science 78766  
teaching in primary, secondary, and post-secondary education. 78767

Of the foregoing appropriation item 235-435, Teacher 78768  
Improvement Initiatives, \$204,049 in each fiscal year shall be 78769  
distributed to the Mathematics and Science Center in Lake County. 78770

Of the foregoing appropriation item 235-435, Teacher 78771  
Improvement Initiatives, \$106,619 in each fiscal year shall be 78772  
distributed to the Ohio Mathematics and Science Coalition. 78773

Of the foregoing appropriation item 235-435, Teacher 78774  
Improvement Initiatives, \$100,000 in each fiscal year shall be 78775  
distributed to the Teacher Quality Partnerships study. 78776

Of the foregoing appropriation item 235-435, Teacher 78777  
Improvement Initiatives, \$100,000 in each fiscal year shall be 78778  
distributed to the Sinclair Community College Distance Learning 78779  
STEM Partnership. 78780

Of the foregoing appropriation item 235-435, Teacher 78781

Improvement Initiatives, \$874,871 in each fiscal year shall be 78782  
distributed to the Ohio Resource Center for Mathematics, Science, 78783  
and Reading. The funds shall be used to support a resource center 78784  
for mathematics, science, and reading to be located at a 78785  
state-assisted university for the purpose of identifying best 78786  
educational practices in primary and secondary schools and 78787  
establishing methods for communicating them to colleges of 78788  
education and school districts. The Ohio Resource Center for 78789  
Mathematics, Science, and Reading shall not make available 78790  
resources that are inconsistent with the K-12 science standards 78791  
and policies as adopted by the State Board of Education. 78792

Of the foregoing appropriation item 235-435, Teacher 78793  
Improvement Initiatives, up to \$2,000,000 in each fiscal year 78794  
shall be used to support up to ten regional summer academies that 78795  
focus on foreign language, science, mathematics, engineering, and 78796  
technology and prepare eleventh and twelfth grade students 78797  
enrolled in public or chartered nonpublic schools to pursue 78798  
college-level foreign language, mathematics, science, technology, 78799  
and engineering, with a focus on secondary teaching in these 78800  
disciplines. Successful completion of these academics shall result 78801  
in dual high school and college credits. Costs shall be based upon 78802  
reasonable expenses, as determined by the Board of Regents, that 78803  
institutions of higher education may incur for faculty, supplies, 78804  
and other associated costs. 78805

Of the foregoing appropriation item 235-435, Teacher 78806  
Improvement Initiatives, up to \$4,000,000 in fiscal year 2009 78807  
shall be used to fund teacher-signing bonuses for individuals that 78808  
enter the teaching profession in a public school district or 78809  
school district building that has been designated a hard-to-staff 78810  
school by the Department of Education. To qualify for the signing 78811  
bonus, an individual must: (a) be licensed to teach; (b) be 78812  
assigned to teach in foreign language, science, or mathematics; 78813

and (c) agree to teach in a hard-to-staff school for a minimum of 78814  
five years. An individual may qualify for up to \$20,000 in 78815  
state-funded bonuses if all obligations are met. The Board of 78816  
Regents shall develop this program jointly with the Department of 78817  
Education and the Partnership for Continued Learning. An 78818  
individual may participate in either the teacher-signing bonus 78819  
program or the teacher loan-forgiveness program, but may not 78820  
receive benefits from both programs. The Board of Regents shall 78821  
recoup funds received by any program participant who has not 78822  
fulfilled the five-year teaching obligation as described in this 78823  
section. 78824

Of the foregoing appropriation item 235-435, Teacher 78825  
Improvement Initiatives, up to \$2,500,000 in fiscal year 2009 78826  
shall be used to fund teacher loan-forgiveness for individuals 78827  
that enter the teaching profession in a school district or school 78828  
district building that has been designated as a hard-to-staff 78829  
school by the Department of Education. To qualify for the loan 78830  
forgiveness, an individual must: (a) be licensed to teach; (b) be 78831  
assigned to teach in foreign language, science, or mathematics; 78832  
and (c) agree to teach in a hard-to-staff school for a minimum of 78833  
five years. An individual may qualify for up to \$20,000 in state 78834  
funded loan forgiveness if all obligations are met. The Board of 78835  
Regents shall develop this program jointly with the Department of 78836  
Education and the Partnership for Continued Learning. An 78837  
individual may participate in either the teacher-signing bonus 78838  
program or the teacher loan-forgiveness program, but may not 78839  
receive benefits from both programs. The Board of Regents shall 78840  
recoup funds received by any program participant who has not 78841  
fulfilled the five-year teaching obligation as described in this 78842  
section. 78843

Of the foregoing appropriation item 235-436, AccelerateOhio, 78845  
\$500,000 in each fiscal year shall be used to support the Health 78846  
Information and Imaging Technology Workforce Development Pilot 78847  
Project pursuant to section 3333.55 of the Revised Code. 78848

The remainder of the foregoing appropriation item 235-436 78849  
AccelerateOhio, shall be used by the Board of Regents, in 78850  
collaboration with Ohio's public two-year campuses, to develop and 78851  
implement a statewide program designed to improve the education 78852  
and skills of Ohio's workforce by assisting low-income working 78853  
adults in Ohio to improve their education and training. 78854  
AccelerateOhio shall consist of competency-based, low-cost, 78855  
noncredit, and credit-bearing modules and courses in 78856  
communications, mathematics, and information technology, and other 78857  
fields selected by the Board of Regents. The program shall be 78858  
designed to culminate in a certificate and provide recipients with 78859  
a foundation for additional post-secondary education. 78860

**Section 375.20.76. CHOOSE OHIO FIRST SCHOLARSHIP** 78861

The foregoing appropriation item 235-438, Choose Ohio First 78862  
Scholarship, shall be disbursed pursuant to sections 3333.60 to 78863  
3333.70 of the Revised Code. 78864

The unencumbered balance of appropriation item 235-438, 78865  
Choose Ohio First Scholarship, at the end of fiscal year 2008 78866  
shall be transferred to fiscal year 2009 for use under the same 78867  
appropriation item. The amounts transferred are hereby 78868  
appropriated. 78869

**Section 375.20.77. OHIO RESEARCH SCHOLARS** 78870

The foregoing appropriation item 235-439, Ohio Research 78871  
Scholars, shall be disbursed pursuant to sections 3333.60 to 78872  
3333.70 of the Revised Code. 78873

**Section 375.20.80. EMINENT SCHOLARS** 78874

The foregoing appropriation item 235-451, Eminent Scholars, 78875  
shall be used by the Ohio Board of Regents to continue the Ohio 78876  
Eminent Scholars Program, the purpose of which is to invest 78877  
educational resources to address problems that are of vital 78878  
statewide significance while fostering the growth in eminence of 78879  
Ohio's academic programs. Ohio Eminent Scholars endowed chairs 78880  
shall allow Ohio universities to recruit senior faculty members 78881  
from outside Ohio who are nationally and internationally 78882  
recognized scholars in areas of science and technology that 78883  
provide the basic research platforms on which the state's 78884  
technology and commercialization efforts are built. Endowment 78885  
grants to state colleges and universities and nonprofit Ohio 78886  
institutions of higher education holding certificates of 78887  
authorization issued under section 1713.02 of the Revised Code to 78888  
match endowment gifts from nonstate sources may be made in 78889  
accordance with a plan established by the Ohio Board of Regents. 78890  
Matching nonstate endowment gifts shall be equal to the state's 78891  
endowment grant. The grants shall have as their purpose attracting 78892  
and sustaining in Ohio scholar-leaders of national or 78893  
international prominence; each grant shall assist in accelerating 78894  
state economic growth through research that provides an essential 78895  
basic science platform for commercialization efforts. Such 78896  
scholar-leaders shall, among their duties, share broadly the 78897  
benefits and knowledge unique to their fields of scholarship to 78898  
the betterment of Ohio and its people and collaborate with other 78899  
state technology programs and program recipients. 78900

All new Eminent Scholar awards made by the Board of Regents 78901  
shall be associated with a Wright Center of Innovation, a 78902  
Partnership Award from the Biomedical Research and Technology 78903  
Transfer Trust Fund, or a Wright Capital Project. 78904

**Section 375.20.90. ENTERPRISEOHIO NETWORK** 78905

The foregoing appropriation item 235-455, EnterpriseOhio 78906  
Network, shall be allocated by the Board of Regents to continue 78907  
increasing the capabilities of the EnterpriseOhio Network to meet 78908  
the ongoing training needs of Ohio employers. Funds shall support 78909  
multicampus collaboration, best practice dissemination, and 78910  
capacity building projects. The Regents Advisory Committee for 78911  
Workforce Development, in its advisory role, shall advise in the 78912  
development of plans and activities. 78913

**Section 375.30.10. AREA HEALTH EDUCATION CENTERS** 78914

The foregoing appropriation item 235-474, Area Health 78915  
Education Centers Program Support, shall be used by the Board of 78916  
Regents to support the medical school regional area health 78917  
education centers' educational programs for the continued support 78918  
of medical and other health professions education and for support 78919  
of the Area Health Education Center Program. 78920

Of the foregoing appropriation item 235-474, Area Health 78921  
Education Centers Program Support, \$159,158 in each fiscal year 78922  
shall be disbursed to the Ohio University College of Osteopathic 78923  
Medicine to operate a mobile health care unit to serve the 78924  
southeastern area of the state. 78925

Of the foregoing appropriation item 235-474, Area Health 78926  
Education Centers Program Support, \$119,369 in each fiscal year 78927  
shall be used to support the Ohio Valley Community Health 78928  
Information Network (OVCHIN) project. 78929

**Section 375.30.20. STATE SHARE OF INSTRUCTION** 78930

The Board of Regents shall establish procedures to allocate 78931  
the foregoing appropriation item 235-501, State Share of 78932  
Instruction, based on the formulas and enrollment in the 78933

instructional models set out in this section.	78934
(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS	78935
(1) As soon as practicable during each fiscal year of the biennium ending June 30, 2009, in accordance with instructions of the Board of Regents, each state-assisted institution of higher education shall report its actual enrollment to the Board of Regents.	78936 78937 78938 78939 78940
(2) In defining the number of full-time equivalent students for state subsidy purposes, the Board of Regents shall exclude all undergraduate students who are not residents of Ohio, except those charged in-state fees in accordance with reciprocity agreements made under section 3333.17 of the Revised Code or employer contracts entered into under section 3333.32 of the Revised Code.	78941 78942 78943 78944 78945 78946
(3) In calculating the core subsidy entitlements for Medical II models only, the Board of Regents shall use the following count of FTE students:	78947 78948 78949
(a) For those medical schools whose current year enrollment, including students repeating terms, is below the base enrollment, the Medical II FTE enrollment shall equal: 65 per cent of the base enrollment plus 35 per cent of the current year enrollment including students repeating terms, where the base enrollment is:	78950 78951 78952 78953 78954
The Ohio State University	1010 78955
University of Cincinnati	833 78956
University of Toledo	650 78957
Wright State University	433 78958
Ohio University	433 78959
Northeastern Ohio Universities College of Medicine	433 78960
(b) For those medical schools whose current year enrollment, excluding students repeating terms, is equal to or greater than the base enrollment, the Medical II FTE enrollment shall equal the	78961 78962 78963

base enrollment plus the FTE for repeating students. 78964

(c) Students repeating terms may be no more than five per cent of current year enrollment. 78965  
78966

(4) The state share of instruction to state-supported universities for students enrolled in law schools in fiscal year 2008 and fiscal year 2009 shall be calculated by using the number of subsidy-eligible FTE law school students funded by state subsidy in fiscal year 1995 or the actual number of subsidy-eligible FTE law school students at the institution in the fiscal year, whichever is less. 78967  
78968  
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(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 78974

For purposes of calculating state share of instruction allocations, the total instructional costs per full-time equivalent student shall be: 78975  
78976  
78977

Model	Fiscal Year 2008	Fiscal Year 2009	78978
ARTS AND HUMANITIES 1	\$7,220	\$7,494	78979
ARTS AND HUMANITIES 2	9,431	9,790	78980
ARTS AND HUMANITIES 3	12,186	12,649	78981
ARTS AND HUMANITIES 4	17,836	18,514	78982
ARTS AND HUMANITIES 5	27,829	28,887	78983
ARTS AND HUMANITIES 6	34,540	35,852	78984
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	6,352	6,594	78985
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	7,389	7,670	78986
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	8,911	9,249	78987
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	10,744	11,152	78988
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	17,070	17,719	78989
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	21,908	22,740	78990
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	26,019	27,008	78991
MEDICAL 1	43,190	44,831	78992
MEDICAL 2	47,635	49,445	78993

SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	6,552	6,801	78994
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	9,196	9,545	78995
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	11,610	12,051	78996
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	14,789	15,351	78997
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	18,420	19,119	78998
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	19,990	20,750	78999
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	27,676	28,728	79000
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	35,308	36,650	79001
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	48,150	49,979	79002
Doctoral I and Doctoral II models shall be allocated in accordance with division (D)(1) of this section.			79003 79004
(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS			79005 79006
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:			79007 79008 79009 79010 79011 79012
Model		Fiscal Year 2008	Fiscal Year 2009
ARTS AND HUMANITIES 1	1.000	1.000	79013 79014
ARTS AND HUMANITIES 2	1.000	1.000	79015

ARTS AND HUMANITIES 3	1.000	1.000	79016
ARTS AND HUMANITIES 4	1.000	1.000	79017
ARTS AND HUMANITIES 5	1.250	1.250	79018
ARTS AND HUMANITIES 6	1.250	1.250	79019
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.000	1.000	79020
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.000	1.000	79021
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.000	1.000	79022
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.000	1.000	79023
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.250	1.250	79024
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.250	1.250	79025
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.250	1.250	79026
MEDICAL 1	1.500	1.500	79027
MEDICAL 2	1.728	1.728	79028
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.000	1.000	79029
MEDICINE 1			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.002	1.002	79030
MEDICINE 2			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.613	1.613	79031
MEDICINE 3			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.690	1.690	79032
MEDICINE 4			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.420	1.420	79033
MEDICINE 5			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	2.081	2.081	79034
MEDICINE 6			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.702	1.702	79035
MEDICINE 7			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.808	1.808	79036
MEDICINE 8			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.341	1.341	79037
MEDICINE 9			
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			79038
ENTITLEMENTS AND ADJUSTMENTS			79039

(1) Of the foregoing appropriation item 235-501, State Share of Instruction, up to 10.44 per cent of the appropriation in each fiscal year shall be reserved for support of doctoral programs to implement the recommendations of the Graduate Funding Commission. The amount so reserved shall be referred to as the doctoral set-aside.

The doctoral set-aside shall be allocated to universities in proportion to their share of the total number of Doctoral I equivalent FTEs as calculated on an institutional basis using the greater of the two-year or five-year FTEs for the period fiscal year 1994 through fiscal year 1998 with annualized FTEs for fiscal years 1994 through 1997 and all-term FTEs for fiscal year 1998 as adjusted to reflect the effects of doctoral review and subsequent changes in Doctoral I equivalent enrollments. For the purposes of this calculation, Doctoral I equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs.

If a university participates in the Innovation Incentive Program outlined in appropriation item 235-433, Economic Growth Challenge, in fiscal year 2008 the Board of Regents shall withhold the university's increasing matching share required by the Innovation Incentive Program from its allocation of the doctoral set-aside.

The Board of Regents shall use the combined amount of each participating state-assisted university's set aside of the doctoral reserve that has been withheld, the state matching funds earmarked under appropriation item 235-433, Economic Growth Challenge, and the amount set aside by each accredited Ohio institution of higher education holding a certificate of authorization under section 1713.02 of the Revised Code electing to participate in the Innovation Incentive Program to make awards through a competitive process under the Innovation Incentive Program. Only universities electing to set aside the prescribed

amount shall be eligible to compete for and receive Innovation 79072  
Incentive awards. The participating universities shall use these 79073  
awards to restructure their array of doctoral programs. 79074

(2) Each campus's state share of instruction base formula 79075  
earnings shall be determined as follows: 79076

(a) For each campus in each fiscal year, the instructional 79077  
costs shall be determined by multiplying the amounts listed above 79078  
in divisions (B) and (C) of this section by (i) average 79079  
subsidy-eligible FTEs for the two-year period ending in the prior 79080  
year for all models except Doctoral I and Doctoral II; and (ii) 79081  
average subsidy-eligible FTEs for the five-year period ending in 79082  
the prior year for all models except Doctoral I and Doctoral II. 79083

(b) The Board of Regents shall compute the two calculations 79084  
listed in division (D)(2)(a) of this section and use the greater 79085  
amount as each campus's instructional costs. 79086

(c) The Board of Regents shall compute a uniform state share 79087  
of instructional costs by dividing the appropriations for 235-501, 79088  
State Share of Instruction, less the doctoral set-aside calculated 79089  
in division (D)(1) of this section, by the sum of all campuses' 79090  
instructional costs as calculated in division (D)(2)(b) of this 79091  
section. 79092

(d) The formula entitlement for each campus shall be 79093  
determined by multiplying the uniform state share of costs 79094  
calculated in division (D)(2)(c) of this section by the campus's 79095  
instructional cost determined in division (D)(2)(b) of this 79096  
section. 79097

(3) In addition to the doctoral set-aside allocation 79098  
determined in division (D)(1) of this section and the formula 79099  
entitlement determined in division (D)(2) of this section, an 79100  
allocation based on fiscal year 2007 facility-based plant 79101  
operations and maintenance (POM) subsidy shall be made. No campus 79102

shall be eligible for a POM allocation if the campus did not 79103  
receive a net-assignable-square-foot-based (NASF) POM allocation 79104  
in fiscal year 2007 and the amount of state share of instruction 79105  
subsidy the campus would have received in fiscal year 2007 had the 79106  
campus's calculation been based on the state share of instruction 79107  
method described in this section, but using relevant fiscal year 79108  
2007 data, is less than 98.5% of the campus's actual final fiscal 79109  
year 2007 state share of instruction earnings. 79110

For each eligible campus, the amount of the POM allocation in 79111  
each fiscal year shall be the lesser of: 79112

(a) 98.5% of the campus's actual final fiscal year 2007 state 79113  
share of instruction earnings, minus the amount the campus would 79114  
have received in fiscal year 2007 had the campus's calculation 79115  
been based on the state share of instruction method described in 79116  
this section, but using relevant fiscal year 2007 data; or 79117

(b) The actual final fiscal year 2007 79118  
net-assignable-square-foot-based (NASF) POM allocation that was 79119  
provided to the campus. 79120

Any POM allocations required by this division shall be funded 79121  
by proportionately reducing formula entitlement earnings, 79122  
including the POM allocations, for all campuses. 79123

The Board of Regents, in consultation with representatives of 79124  
state-assisted colleges and universities, shall study the need for 79125  
the facility-based POM allocations and make recommendations for 79126  
changes by June 30, 2008. 79127

(4) ANNUAL STATE SHARE OF INSTRUCTION FUNDING GUARANTEE 79128

In addition to and after the other adjustment noted above, in 79129  
each fiscal year, no campus shall receive a state share of 79130  
instruction allocation that is less than 100 per cent of the prior 79131  
year's state share of instruction amount. Funds shall be made 79132  
available to fund this guarantee provision by recalculating the 79133

uniform state share as described in division (D)(2)(c) of this 79134  
section by subtracting guarantee funds and the doctoral set-aside 79135  
from the total appropriations for appropriation item 235-501, 79136  
State Share of Instruction. 79137

(5) CAPITAL COMPONENT DEDUCTION 79138

After all other adjustments have been made, state share of 79139  
instruction earnings shall be reduced for each campus by the 79140  
amount, if any, by which debt service charged in Am. H.B. 748 of 79141  
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 79142  
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 79143  
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 79144  
General Assembly, and Am. Sub. H.B. 699 of the 126th General 79145  
Assembly for that campus exceeds that campus's capital component 79146  
earnings. The sum of the amounts deducted shall be transferred to 79147  
appropriation item 235-552, Capital Component, in each fiscal 79148  
year. 79149

(E) EXCEPTIONAL CIRCUMSTANCES 79150

Adjustments may be made to the state share of instruction 79151  
payments and other subsidies distributed by the Board of Regents 79152  
to state-assisted colleges and universities for exceptional 79153  
circumstances. No adjustments for exceptional circumstances may be 79154  
made without the recommendation of the Chancellor and the approval 79155  
of the Controlling Board. 79156

(F) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 79157  
INSTRUCTION 79158

The standard provisions of the state share of instruction 79159  
calculation as described in the preceding sections of temporary 79160  
law shall apply to any reductions made to appropriation item 79161  
235-501, State Share of Instruction, before the Board of Regents 79162  
has formally approved the final allocation of the state share of 79163  
instruction funds for any fiscal year. 79164

Any reductions made to appropriation item 235-501, State 79165  
Share of Instruction, after the Board of Regents has formally 79166  
approved the final allocation of the state share of instruction 79167  
funds for any fiscal year, shall be uniformly applied to each 79168  
campus in proportion to its share of the final allocation. 79169

(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 79170

The state share of instruction payments to the institutions 79171  
shall be in substantially equal monthly amounts during the fiscal 79172  
year, unless otherwise determined by the Director of Budget and 79173  
Management pursuant to section 126.09 of the Revised Code. 79174  
Payments during the first six months of the fiscal year shall be 79175  
based upon the state share of instruction appropriation estimates 79176  
made for the various institutions of higher education according to 79177  
Board of Regents enrollment estimates. Payments during the last 79178  
six months of the fiscal year shall be distributed after approval 79179  
of the Controlling Board upon the request of the Board of Regents. 79180

**Section 375.30.25.** STATE SHARE OF INSTRUCTION FOR FISCAL 79181  
YEARS 2008 AND 2009 79182

(A) The boards of trustees of institutions of state-supported 79183  
higher education shall restrain increases in in-state 79184  
undergraduate instructional and general fees. For the 2007-2008 79185  
academic year, each state-supported institution shall not increase 79186  
its in-state undergraduate instructional and general fees over 79187  
what the institution charged for the 2006-2007 academic year. For 79188  
the 2008-2009 academic year, each state-supported institution 79189  
shall not increase its in-state undergraduate instructional and 79190  
general fees over what the institution charged for the 2007-2008 79191  
academic year. 79192

These limitations shall not apply to increases required to 79193  
comply with institutional covenants related to their obligations 79194  
or to meet unfunded legal mandates or legally binding obligations 79195

incurred or commitments made prior to the effective date of this 79196  
section with respect to which the institution had identified such 79197  
fee increases as the source of funds. Any increase required by 79198  
such covenants and any such mandates, obligations, or commitments 79199  
shall be reported by the Board of Regents to the Controlling 79200  
Board. These limitations may also be modified by the Board of 79201  
Regents, with the approval of the Controlling Board, to respond to 79202  
exceptional circumstances as identified by the Board of Regents. 79203

Of the foregoing appropriation item 235-501, State Share of 79204  
Instruction, \$58,000,000 in fiscal year 2008 and \$60,000,000 in 79205  
fiscal year 2009 shall be distributed based on each campus's 79206  
proportional share of the total in-state undergraduate 79207  
instructional and general fees for fiscal year 2007. For purposes 79208  
of this subsidy, the in-state undergraduate instructional and 79209  
general fee amounts for all campuses except for Miami University 79210  
shall be determined by multiplying the number of a campus's 79211  
in-state full-time equivalent undergraduate students by the 79212  
campus's full-time in-state undergraduate instructional and 79213  
general fees, prior to deducting any scholarships and student 79214  
financial aid grants. In the case of Miami University, the 79215  
instructional and general fee amount used in the calculation shall 79216  
be the average full-time in-state undergraduate instructional and 79217  
general fee amount after taking into account Ohio Resident and 79218  
Ohio Leader scholarships. 79219

The remainder of appropriation item 235-501, State Share of 79220  
Instruction, shall be distributed according to division (B) of 79221  
this section. 79222

(B)(1) Notwithstanding the distribution formulas outlined in 79223  
Section 375.30.20 of this act, in fiscal year 2008 each 79224  
state-supported institution shall receive what was received in 79225  
fiscal year 2007. In addition, each state university or university 79226  
branch campus shall receive a proportional share of the total 79227

appropriation increase from fiscal year 2007 to fiscal year 2008 79228  
in appropriation item 235-501, State Share of Instruction, if the 79229  
state university or university branch campus demonstrates one per 79230  
cent savings through identified internal efficiencies in fiscal 79231  
year 2008, as certified by the Chancellor of the Board of Regents. 79232  
Community colleges, state community colleges, and technical 79233  
colleges shall receive additional funds based on a formula 79234  
developed by the Chancellor of the Board of Regents that 79235  
incorporates the enrollment growth, a funding guarantee, and the 79236  
requirement of one per cent savings through identified internal 79237  
efficiencies as certified by the Chancellor. Not later than August 79238  
31, 2007, the Chancellor shall seek Controlling Board's approval 79239  
of the formula. 79240

Notwithstanding the distribution formulas outlined in Section 79241  
375.30.20 of this act, in fiscal year 2009 each state-supported 79242  
institution shall receive what was received in fiscal year 2008. 79243  
In addition, each state university or university branch campus 79244  
shall receive a proportional share of the total appropriation 79245  
increase from fiscal year 2008 to fiscal year 2009 in 79246  
appropriation item 235-501, State Share of Instruction, if the 79247  
state university or university branch campus demonstrates three 79248  
per cent savings through identified internal efficiencies in 79249  
fiscal year 2009, as certified by the Chancellor of the Board of 79250  
Regents. Community colleges, state community colleges, and 79251  
technical colleges shall receive additional funds based on a 79252  
formula developed by the Chancellor that incorporates the 79253  
enrollment growth, a funding guarantee, and the requirement of 79254  
three per cent savings through identified internal efficiencies as 79255  
certified by the Chancellor. Not later than August 31, 2008, the 79256  
Chancellor shall seek Controlling Board's approval of the formula. 79257

(2) In each fiscal year, state share of instruction earnings 79258  
shall be reduced for each campus by the amount, if any, by which 79259

debt service charged in Am. H.B. 748 of the 121st General 79260  
Assembly, Am. Sub. H.B. 850 of the 122nd General Assembly, Am. 79261  
Sub. H.B. 640 of the 123rd General Assembly, H.B. 675 of the 124th 79262  
General Assembly, Am. Sub. H.B. 16 of the 126th General Assembly, 79263  
and Am. Sub. H.B. 699 of the 126th General Assembly for that 79264  
campus exceeds that campus's capital component earnings. The sum 79265  
of the amounts deducted shall be transferred to appropriation item 79266  
235-552, Capital Component, in each fiscal year. 79267

Adjustments may be made to the state share of instruction 79268  
payments and other subsidies distributed by the Board of Regents 79269  
to state-assisted colleges and universities for exceptional 79270  
circumstances. No adjustments for exceptional circumstances may be 79271  
made without the recommendation of the Board of Regents and the 79272  
approval of the Controlling Board. 79273

Any reductions made to appropriation item 235-501, State 79274  
Share of Instruction, shall be uniformly applied to each campus in 79275  
proportion to its share of the allocation. 79276

The state share of instruction payments to the institutions 79277  
shall be in substantially equal monthly amounts during the fiscal 79278  
year, unless otherwise determined by the Director of Budget and 79279  
Management pursuant to section 126.09 of the Revised Code. 79280  
Payments during the last six months of the fiscal year shall be 79281  
distributed after approval of the Controlling Board upon the 79282  
request of the Board of Regents. 79283

(C) In consultation with the Department of Development, the 79284  
Chancellor of the Board of Regents shall commission a study on the 79285  
needs of the business community relative to higher education in 79286  
the state. The study shall include all of the following: 79287

(1) Determine the needs of Ohio's business community; 79288

(2) Determine whether state-supported institutions of higher 79289  
education are meeting those needs; 79290

(3) Identify how state-supported institutions of higher education can improve to meet those needs;	79291 79292
(4) Identify the necessary skills and talents required by the business community that Ohio's college graduates must have in order to perform in the workplace; and	79293 79294 79295
(5) Make any necessary recommendations as to how state-supported institutions of higher education can better meet the needs of the business community.	79296 79297 79298
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.	79299 79300 79301 79302 79303
(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:	79304 79305 79306
(1) A plan to achieve the access goal of increasing the number of Ohioans enrolled in college by 230,000 by 2017;	79307 79308
(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;	79309 79310 79311
(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;	79312 79313 79314 79315 79316 79317
(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	79318 79319 79320

for reaching or exceeding the national average level of support, 79321  
on a per capita basis, for research and development; 79322

(5) A plan to promote higher education throughout the state 79323  
through the coordinated leadership efforts of the Governor, the 79324  
Chancellor of the Board of Regents, and other stakeholders; such a 79325  
plan shall include goals for using various media and other 79326  
partnerships to raise awareness of college opportunities, to 79327  
increase public awareness about the value of a college education, 79328  
and to create a shared vision that a higher education is 79329  
attainable by all Ohioans. 79330

Each of these plans shall include key outcome measures and 79331  
other appropriate indicators to allow for monitoring of progress 79332  
made in meeting the established goals. Each state-supported 79333  
institution of higher education shall provide any student and 79334  
institutional outcome data in any program areas requested by the 79335  
Chancellor of the Board of Regents, including program efficiency 79336  
and utilization of state resources. Each state-supported 79337  
institution of higher education shall also commit to increasing 79338  
inter-institution collaborations and partnerships and enhancing 79339  
efficiencies with the goal of achieving measurable increases in 79340  
savings. 79341

In consultation with state-supported institutions of higher 79342  
education, the Chancellor of the Board of Regents shall study the 79343  
feasibility of establishing and implementing a tuition flexibility 79344  
plan that may allow state-supported institutions of higher 79345  
education to charge per-credit-hour-based tuition or differential 79346  
tuition. 79347

Not later than March 31, 2008, the Chancellor of the Board of 79348  
Regents shall report the plan and the tuition flexibility 79349  
feasibility study to the Governor, the Speaker and the Minority 79350  
Leader of the House of Representatives, and the President and the 79351  
Minority Leader of the Senate. 79352

**Section 375.30.27.** Based on reports from the Higher Education 79353  
Statewide Purchasing Consortium under division (D) of section 79354  
3345.35 of the Revised Code, the Chancellor of the Ohio Board of 79355  
Regents shall certify any cost savings reported by members of the 79356  
Consortium as savings achieved through internal efficiencies for 79357  
purposes of division (B)(1) of Section 375.30.25 of this act. 79358

**Section 375.30.30.** HIGHER EDUCATION - BOARD OF TRUSTEES 79359

Funds appropriated for instructional subsidies at colleges 79360  
and universities may be used to provide such branch or other 79361  
off-campus undergraduate courses of study and such master's degree 79362  
courses of study as may be approved by the Board of Regents. 79363

In providing instructional and other services to students, 79364  
boards of trustees of state-assisted institutions of higher 79365  
education shall supplement state subsidies by income from charges 79366  
to students. Each board shall establish the fees to be charged to 79367  
all students, including an instructional fee for educational and 79368  
associated operational support of the institution and a general 79369  
fee for noninstructional services, including locally financed 79370  
student services facilities used for the benefit of enrolled 79371  
students. The instructional fee and the general fee shall 79372  
encompass all charges for services assessed uniformly to all 79373  
enrolled students. Each board may also establish special purpose 79374  
fees, service charges, and fines as required; such special purpose 79375  
fees and service charges shall be for services or benefits 79376  
furnished individual students or specific categories of students 79377  
and shall not be applied uniformly to all enrolled students. 79378  
Except for the board of trustees of Miami University, in 79379  
implementing the pilot tuition restructuring plan recognized in 79380  
Section 89.05 of Am. Sub. H.B. 95 of the 125th General Assembly 79381  
and again recognized by this act, a tuition surcharge shall be 79382  
paid by all students who are not residents of Ohio. 79383

The board of trustees of a state-assisted institution of higher education shall not authorize a waiver or nonpayment of instructional fees or general fees for any particular student or any class of students other than waivers specifically authorized by law or approved by the Chancellor. This prohibition is not intended to limit the authority of boards of trustees to provide for payments to students for services rendered the institution, nor to prohibit the budgeting of income for staff benefits or for student assistance in the form of payment of such instructional and general fees. This prohibition is not intended to limit the authority of the board of trustees of Miami University in providing financial assistance to students in implementing the pilot tuition restructuring plan recognized in Section 89.05 of Am. Sub. H.B. 95 of the 125th General Assembly and again recognized by this act.

Except for Miami University, in implementing the pilot tuition restructuring plan recognized in Section 89.05 of Am. Sub. H.B. 95 of the 125th General Assembly and again recognized by this act, each state-assisted institution of higher education in its statement of charges to students shall separately identify the instructional fee, the general fee, the tuition charge, and the tuition surcharge. Fee charges to students for instruction shall not be considered to be a price of service but shall be considered to be an integral part of the state government financing program in support of higher educational opportunity for students.

The board of trustees of state-assisted institutions of higher education shall ensure that faculty members devote a proper and judicious part of their work week to the actual instruction of students. Total class credit hours of production per quarter per full-time faculty member is expected to meet the standards set forth in the budget data submitted by the Board of Regents.

The authority of government vested by law in the boards of

trustees of state-assisted institutions of higher education shall 79416  
in fact be exercised by those boards. Boards of trustees may 79417  
consult extensively with appropriate student and faculty groups. 79418  
Administrative decisions about the utilization of available 79419  
resources, about organizational structure, about disciplinary 79420  
procedure, about the operation and staffing of all auxiliary 79421  
facilities, and about administrative personnel shall be the 79422  
exclusive prerogative of boards of trustees. Any delegation of 79423  
authority by a board of trustees in other areas of responsibility 79424  
shall be accompanied by appropriate standards of guidance 79425  
concerning expected objectives in the exercise of such delegated 79426  
authority and shall be accompanied by periodic review of the 79427  
exercise of this delegated authority to the end that the public 79428  
interest, in contrast to any institutional or special interest, 79429  
shall be served. 79430

**Section 375.30.40. STUDENT SUPPORT SERVICES** 79431

The foregoing appropriation item 235-502, Student Support 79432  
Services, shall be distributed by the Board of Regents to Ohio's 79433  
state-assisted colleges and universities that incur 79434  
disproportionate costs in the provision of support services to 79435  
disabled students. 79436

**Section 375.30.50. OHIO INSTRUCTIONAL GRANTS** 79437

In each fiscal year, instructional grants for all eligible 79438  
full-time students who have attended a college, university, or 79439  
proprietary school and have completed coursework for college 79440  
credit, excluding early college high school and post-secondary 79441  
enrollment option students, prior to academic year 2006-2007, 79442  
shall be made using the tables under section 3333.12 of the 79443  
Revised Code. 79444

Of the foregoing appropriation item 235-503, Ohio 79445

Instructional Grants, an amount in each fiscal year shall be used 79446  
to make the payments authorized by division (C) of section 3333.26 79447  
of the Revised Code to the institutions described in that 79448  
division. In addition, an amount in each fiscal year shall be used 79449  
to reimburse the institutions described in division (B) of section 79450  
3333.26 of the Revised Code for the cost of the waivers required 79451  
by that division. 79452

The unencumbered balance of appropriation item 235-503, Ohio 79453  
Instructional Grants, at the end of fiscal year 2008 shall be 79454  
transferred to fiscal year 2009 for use under the same 79455  
appropriation item. The amounts transferred are hereby 79456  
appropriated. 79457

**Section 375.30.60. WAR ORPHANS SCHOLARSHIPS** 79458

The foregoing appropriation item 235-504, War Orphans 79459  
Scholarships, shall be used to reimburse state-assisted 79460  
institutions of higher education for waivers of instructional fees 79461  
and general fees provided by them, to provide grants to 79462  
institutions that have received a certificate of authorization 79463  
from the Ohio Board of Regents under Chapter 1713. of the Revised 79464  
Code, in accordance with the provisions of section 5910.04 of the 79465  
Revised Code, and to fund additional scholarship benefits provided 79466  
by section 5910.032 of the Revised Code. 79467

**Section 375.30.70. OHIOLINK** 79468

The foregoing appropriation item 235-507, OhioLINK, shall be 79469  
used by the Board of Regents to support OhioLINK, the state's 79470  
electronic library information and retrieval system, which 79471  
provides access statewide to an extensive set of electronic 79472  
databases and resources and the library holdings of all of Ohio's 79473  
public colleges and universities, 44 private colleges, and the 79474  
State Library of Ohio. 79475

**Section 375.30.80. AIR FORCE INSTITUTE OF TECHNOLOGY** 79476

The foregoing appropriation item 235-508, Air Force Institute 79477  
of Technology, shall be used to strengthen the research and 79478  
educational linkages between the Wright Patterson Air Force Base 79479  
and institutions of higher education in Ohio. Of the foregoing 79480  
appropriation item 235-508, Air Force Institute of Technology, 79481  
\$1,358,588 in each fiscal year shall be used for research projects 79482  
that connect the Air Force Research Laboratories with university 79483  
partners. The institute shall provide annual reports to the Third 79484  
Frontier Commission, that discuss existing, planned, or possible 79485  
collaborations between programs and funding recipients related to 79486  
technology, research development, commercialization, and support 79487  
for Ohio's economic development. 79488

Of the foregoing appropriation item 235-508, Air Force 79489  
Institute of Technology, \$691,757 in each fiscal year shall be 79490  
used to match federal dollars to support technology 79491  
commercialization and job creation. The Development Research 79492  
Corporation shall use the funds to create or expand Ohio-based 79493  
technology and commercial development collaborations in areas that 79494  
are a priority in Ohio's third frontier initiative between 79495  
industry, academia, and government. 79496

**Section 375.30.90. OHIO SUPERCOMPUTER CENTER** 79497

The foregoing appropriation item 235-510, Ohio Supercomputer 79498  
Center, shall be used by the Board of Regents to support the 79499  
operation of the Ohio Supercomputer Center, located at The Ohio 79500  
State University, as a statewide resource available to Ohio 79501  
research universities both public and private. It is also intended 79502  
that the center be made accessible to private industry as 79503  
appropriate. Policies of the center shall be established by a 79504  
governance committee, representative of Ohio's research 79505

universities and private industry, to be appointed by the 79506  
Chancellor of the Board of Regents and established for this 79507  
purpose. 79508

Funds shall be used, in part, to support the Ohio 79509  
Supercomputer Center's Computational Science Initiative which 79510  
includes its industrial outreach program, Blue Collar Computing, 79511  
and its School of Computational Science. These collaborations 79512  
between the Ohio Supercomputer Center and Ohio's colleges and 79513  
universities shall be aimed at making Ohio a leader in using 79514  
computer modeling to promote economic development. 79515

Of the foregoing appropriation item 235-510, Ohio 79516  
Supercomputer Center, \$250,000 in each fiscal year shall be used 79517  
to support the Supercomputer Center's activities in Beavercreek. 79518

**Section 375.40.10. COOPERATIVE EXTENSION SERVICE** 79519

The foregoing appropriation item 235-511, Cooperative 79520  
Extension Service, shall be disbursed through the Board of Regents 79521  
to The Ohio State University in monthly payments, unless otherwise 79522  
determined by the Director of Budget and Management under section 79523  
126.09 of the Revised Code. 79524

Of the foregoing appropriation item 235-511, Cooperative 79525  
Extension Service, \$178,271 in each fiscal year shall be used for 79526  
additional staffing for county agents for expanded 4-H activities. 79527  
Of the foregoing appropriation item 235-511, Cooperative Extension 79528  
Service, \$178,271 in each fiscal year shall be used by the 79529  
Cooperative Extension Service, through the Enterprise Center for 79530  
Economic Development in cooperation with other agencies, for a 79531  
public-private effort to create and operate a small business 79532  
economic development program to enhance the development of 79533  
alternatives to the growing of tobacco, and implement, through 79534  
applied research and demonstration, the production and marketing 79535  
of other high-value crops and value-added products. Of the 79536

foregoing appropriation item 235-511, Cooperative Extension 79537  
Service, \$55,179 in each fiscal year shall be used for farm labor 79538  
mediation and education programs, \$182,515 in each fiscal year 79539  
shall be used to support the Ohio State University Marion 79540  
Enterprise Center, and \$772,931 in each fiscal year shall be used 79541  
to support the Ohio Watersheds Initiative. 79542

**Section 375.40.20. OHIO UNIVERSITY VOINOVICH CENTER** 79543

The foregoing appropriation item 235-513, Ohio University 79544  
Voinovich Center, shall be used by the Board of Regents to support 79545  
the operations of Ohio University's Voinovich Center. 79546

**Section 375.40.30. PERFORMANCE STANDARDS FOR MEDICAL 79547  
EDUCATION** 79548

The Board of Regents, in consultation with the state-assisted 79549  
medical colleges, shall develop performance standards for medical 79550  
education. Special emphasis in the standards shall be placed on 79551  
attempting to ensure that at least 50 per cent of the aggregate 79552  
number of students enrolled in state-assisted medical colleges 79553  
continue to enter residency as primary care physicians. Primary 79554  
care physicians are general family practice physicians, general 79555  
internal medicine practitioners, and general pediatric care 79556  
physicians. The Board of Regents shall monitor medical school 79557  
performance in relation to their plans for reaching the 50 per 79558  
cent systemwide standard for primary care physicians. 79559

**Section 375.40.35. CENTRAL STATE SUPPLEMENT** 79560

The foregoing appropriation item 235-514, Central State 79561  
Supplement, shall be used by Central State University to keep 79562  
undergraduate fees below the statewide average, consistent with 79563  
its mission of service to many first-generation college students 79564  
from groups historically underrepresented in higher education and 79565

from families with limited incomes. 79566

**Section 375.40.40.** CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 79567  
MEDICINE 79568

The foregoing appropriation item 235-515, Case Western 79569  
Reserve University School of Medicine, shall be disbursed to Case 79570  
Western Reserve University through the Board of Regents in 79571  
accordance with agreements entered into under section 3333.10 of 79572  
the Revised Code, provided that the state support per full-time 79573  
medical student shall not exceed that provided to full-time 79574  
medical students at state universities. 79575

**Section 375.40.50.** CAPITOL SCHOLARSHIP PROGRAM 79576

The foregoing appropriation item 235-518, Capitol Scholarship 79577  
Program, shall be used by the Board of Regents to provide 79578  
scholarships to undergraduates of Ohio's four-year public and 79579  
private institutions of higher education participating in the 79580  
Washington Center Internship Program. A scholarship of \$1,800 79581  
shall be awarded to students enrolled in an institution operating 79582  
on a quarter system, and a scholarship of \$2,300 shall be awarded 79583  
to students enrolled in an institution operating on a semester 79584  
system. The number of scholarships awarded shall be limited by the 79585  
amounts appropriated in fiscal years 2008 and 2009. The Washington 79586  
Center shall provide a minimum of \$1,300 per student in matching 79587  
scholarships. 79588

**Section 375.40.60.** FAMILY PRACTICE 79589

The Board of Regents shall develop plans consistent with 79590  
existing criteria and guidelines as may be required for the 79591  
distribution of appropriation item 235-519, Family Practice. 79592

**Section 375.40.70.** SHAWNEE STATE SUPPLEMENT 79593

The foregoing appropriation item 235-520, Shawnee State Supplement, shall be used by Shawnee State University as detailed by both of the following:

(A) To allow Shawnee State University to keep its undergraduate fees below the statewide average, consistent with its mission of service to an economically depressed Appalachian region;

(B) To allow Shawnee State University to employ new faculty to develop and teach in new degree programs that meet the needs of Appalachians.

**Section 375.40.80. OSU JOHN GLENN SCHOOL OF PUBLIC AFFAIRS**

The foregoing appropriation item 235-521, The Ohio State University John Glenn School of Public Affairs, shall be used by the Board of Regents to support the operations of the Ohio State University's John Glenn School of Public Affairs.

**Section 375.40.90. POLICE AND FIRE PROTECTION**

The foregoing appropriation item 235-524, Police and Fire Protection, shall be used for police and fire services in the municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, Portsmouth, Xenia Township (Greene County), Rootstown Township, and the City of Nelsonville that may be used to assist these local governments in providing police and fire protection for the central campus of the state-affiliated university located therein. Each participating municipality and township shall receive at least \$5,000 in each fiscal year. Funds shall be distributed according to the method employed by the Board of Regents in the previous biennium.

**Section 375.50.10. GERIATRIC MEDICINE**

The Board of Regents shall develop plans consistent with

existing criteria and guidelines as may be required for the 79623  
distribution of appropriation item 235-525, Geriatric Medicine. 79624

**Section 375.50.20. PRIMARY CARE RESIDENCIES** 79625

The Board of Regents shall develop plans consistent with 79626  
existing criteria and guidelines as may be required for the 79627  
distribution of appropriation item 235-526, Primary Care 79628  
Residencies. 79629

The foregoing appropriation item 235-526, Primary Care 79630  
Residencies, shall be distributed in each fiscal year of the 79631  
biennium, based on whether or not the institution has submitted 79632  
and gained approval for a plan. If the institution does not have 79633  
an approved plan, it shall receive five per cent less funding per 79634  
student than it would have received from its annual allocation. 79635  
The remaining funding shall be distributed among those 79636  
institutions that meet or exceed their targets. 79637

**Section 375.50.30. OHIO AEROSPACE INSTITUTE** 79638

The foregoing appropriation item 235-527, Ohio Aerospace 79639  
Institute, shall be distributed by the Board of Regents under 79640  
section 3333.042 of the Revised Code. 79641

The Board of Regents, in consultation with the Third Frontier 79642  
Commission, shall develop a plan for providing for appropriate, 79643  
value-added participation of the Ohio Aerospace Institute in Third 79644  
Frontier Project proposals and grants. 79645

**Section 375.50.40. ACADEMIC SCHOLARSHIPS** 79646

The foregoing appropriation item 235-530, Academic 79647  
Scholarships, shall be used to provide academic scholarships to 79648  
students under section 3333.22 of the Revised Code. 79649

**Section 375.50.50. STUDENT CHOICE GRANTS** 79650

The foregoing appropriation item 235-531, Student Choice Grants, shall be used to provide Student Choice Grants under section 3333.27 of the Revised Code. The unencumbered balance of appropriation item 235-531, Student Choice Grants, at the end of fiscal year 2008 shall be transferred to fiscal year 2009 for use under the same appropriation item. The amounts transferred are hereby appropriated.

**Section 375.50.60.** OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER

The foregoing appropriation item 235-535, Ohio Agricultural Research and Development Center, shall be disbursed through the Board of Regents to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code. The Ohio Agricultural Research and Development Center shall not be required to remit payment to The Ohio State University during the biennium ending June 30, 2009, for cost reallocation assessments. The cost reallocation assessments include, but are not limited to, any assessment on state appropriations to the Center.

The Ohio Agricultural Research and Development Center, an entity of the College of Food, Agricultural, and Environmental Sciences of The Ohio State University, shall further its mission of enhancing Ohio's economic development and job creation by continuing to internally allocate on a competitive basis appropriated funding of programs based on demonstrated performance. Academic units, faculty, and faculty-driven programs shall be evaluated and rewarded consistent with agreed-upon performance expectations as called for in the College's Expectations and Criteria for Performance Assessment.

Of the foregoing appropriation item 235-535, Ohio Agricultural Research and Development Center, \$467,578 in each

fiscal year shall be used to purchase equipment. 79682

Of the foregoing appropriation item 235-535, Ohio 79683  
Agricultural Research and Development Center, \$822,592 in each 79684  
fiscal year shall be distributed to the Piketon Agricultural 79685  
Research and Extension Center. 79686

Of the foregoing appropriation item 235-535, Ohio 79687  
Agricultural Research and Development Center, \$216,471 in each 79688  
fiscal year shall be distributed to the 79689  
Raspberry/Strawberry-Ellagic Acid Research program at The Ohio 79690  
State University Medical College in cooperation with The Ohio 79691  
State University College of Agriculture. 79692

Of the foregoing appropriation item 235-535, Ohio 79693  
Agricultural Research and Development Center, \$43,294 in each 79694  
fiscal year shall be used to support the Ohio Berry Administrator. 79695

Of the foregoing appropriation item 235-535, Ohio 79696  
Agricultural Research and Development Center, \$86,588 in each 79697  
fiscal year shall be used for the development of agricultural 79698  
crops and products not currently in widespread production in Ohio, 79699  
in order to increase the income and viability of family farmers. 79700

**Section 375.50.70. STATE UNIVERSITY CLINICAL TEACHING** 79701

The foregoing appropriation items 235-536, The Ohio State 79702  
University Clinical Teaching; 235-537, University of Cincinnati 79703  
Clinical Teaching; 235-538, University of Toledo Clinical 79704  
Teaching; 235-539, Wright State University Clinical Teaching; 79705  
235-540, Ohio University Clinical Teaching; and 235-541, 79706  
Northeastern Ohio Universities College of Medicine Clinical 79707  
Teaching, shall be distributed through the Board of Regents. 79708

Of the foregoing appropriation item 235-539, Wright State 79709  
University Clinical Teaching, \$124,644 in each fiscal year of the 79710  
biennium shall be for the use of Wright State University's Ellis 79711

Institute for Clinical Teaching Studies to operate the clinical 79712  
facility to serve the Greater Dayton area. 79713

**Section 375.50.80. SCHOOL OF INTERNATIONAL BUSINESS** 79714

Of the foregoing appropriation item 235-547, School of 79715  
International Business, \$250,000 in each fiscal year shall be used 79716  
for the continued development and support of the School of 79717  
International Business of the state universities of northeast 79718  
Ohio. The money shall go to The University of Akron. These funds 79719  
shall be used by the university to establish a School of 79720  
International Business located at The University of Akron. It may 79721  
confer with Kent State University, Youngstown State University, 79722  
and Cleveland State University as to the curriculum and other 79723  
matters regarding the school. 79724

Of the foregoing appropriation item 235-547, School of 79725  
International Business, \$100,000 in each fiscal year shall be used 79726  
by the University of Toledo College of Business for expansion of 79727  
its international business programs. 79728

Of the foregoing appropriation item 235-547, School of 79729  
International Business, \$100,000 in each fiscal year shall be used 79730  
to support the Ohio State University BioMEMS program. 79731

Of the foregoing appropriation item 235-547, School of 79732  
International Business, \$100,000 in fiscal year 2009 shall be used 79733  
to support the Supporting Education for the Returning Veterans 79734  
(SERV) program at Cleveland State University. 79735

Of the foregoing appropriation item 235-547, School of 79736  
International Business, \$100,000 in fiscal year 2009 shall be used 79737  
to support the Veterans Upward Bound (VUB) program at Cuyahoga 79738  
Community College. 79739

**Section 375.50.90. CAPITAL COMPONENT** 79740

The foregoing appropriation item 235-552, Capital Component, 79741  
shall be used by the Board of Regents to implement the capital 79742  
funding policy for state-assisted colleges and universities 79743  
established in Am. H.B. 748 of the 121st General Assembly. 79744  
Appropriations from this item shall be distributed to all campuses 79745  
for which the estimated campus debt service attributable to new 79746  
qualifying capital projects is less than the campus's 79747  
formula-determined capital component allocation. Campus 79748  
allocations shall be determined by subtracting the estimated 79749  
campus debt service attributable to new qualifying capital 79750  
projects from the campus's formula-determined capital component 79751  
allocation. Moneys distributed from this appropriation item shall 79752  
be restricted to capital-related purposes. 79753

Any campus for which the estimated campus debt service 79754  
attributable to qualifying capital projects is greater than the 79755  
campus's formula-determined capital component allocation shall 79756  
have the difference subtracted from its State Share of Instruction 79757  
allocation in each fiscal year. The sum of all such amounts shall 79758  
be transferred from appropriation item 235-501, State Share of 79759  
Instruction, to appropriation item 235-552, Capital Component. 79760

**Section 375.60.10. DAYTON AREA GRADUATE STUDIES INSTITUTE** 79761

The foregoing appropriation item 235-553, Dayton Area 79762  
Graduate Studies Institute, shall be used by the Board of Regents 79763  
to support the Dayton Area Graduate Studies Institute, an 79764  
engineering graduate consortium of three universities in the 79765  
Dayton area: Wright State University, the University of Dayton, 79766  
and the Air Force Institute of Technology, with the participation 79767  
of the University of Cincinnati and The Ohio State University. 79768

Of the foregoing appropriation item 235-553, Dayton Area 79769  
Graduate Studies Institute, \$350,000 in each fiscal year shall be 79770  
used by the Development Research Corporation to support 79771

collaborative research and technology commercialization 79772  
initiatives in Ohio. 79773

**Section 375.60.20. PRIORITIES IN COLLABORATIVE GRADUATE** 79774  
**EDUCATION** 79775

The foregoing appropriation item 235-554, Priorities in 79776  
Collaborative Graduate Education, shall be used to support 79777  
improvements in graduate fields of study at state-assisted 79778  
universities identified by the Board of Regents, in consultation 79779  
with the Department of Development and the Department of Job and 79780  
Family Services, as vital to the state's economic strategy or 79781  
related to an area of workforce shortage. Each fiscal year, 79782  
participating institutions shall collectively submit for Board of 79783  
Regents approval a plan describing how they will work 79784  
collaboratively to improve the quality of their graduate programs 79785  
and how the funds are to be used for this purpose. The 79786  
collaborative effort for Ph.D. computer science programs shall be 79787  
coordinated by the Ohio Supercomputer Center as part of its School 79788  
of Computational Science. 79789

**Section 375.60.30. LIBRARY DEPOSITORIES** 79790

The foregoing appropriation item, 235-555, Library 79791  
Depositories, shall be distributed to the state's five regional 79792  
depository libraries for the cost-effective storage of and access 79793  
to lesser-used materials in university library collections. The 79794  
distribution of funds shall be coordinated by the Board of 79795  
Regents. 79796

**Section 375.60.40. OHIO ACADEMIC RESOURCES NETWORK (OARNET)** 79797

The foregoing appropriation item 235-556, Ohio Academic 79798  
Resources Network, shall be used to support the operations of the 79799  
Ohio Academic Resources Network, which shall include support for 79800

Ohio's state-assisted colleges and universities in maintaining and 79801  
enhancing network connections and in using new network 79802  
technologies to improve research, education, and economic 79803  
development programs. The network shall give priority to 79804  
supporting the Third Frontier Network and allocating bandwidth to 79805  
programs directly supporting Ohio's economic development. 79806

**Section 375.60.50. LONG-TERM CARE RESEARCH** 79807

Of the foregoing appropriation item 235-558, Long-term Care 79808  
Research, \$311,047 in each fiscal year shall be disbursed to Miami 79809  
University for long-term care research. 79810

Of the foregoing appropriation item 235-558, Long-term Care 79811  
Research, \$100,000 in each fiscal year shall be disbursed to the 79812  
University of Cincinnati to support Alzheimer's and dementia 79813  
research pursuant to an affiliation agreement with the Alois 79814  
Alzheimer Center. 79815

Of the foregoing appropriation item 235-558, Long-term Care 79816  
Research, \$50,000 in each fiscal year shall be used to support 79817  
People Working Cooperatively, Inc. 79818

**Section 375.60.60. BOWLING GREEN STATE UNIVERSITY CANADIAN 79819  
STUDIES CENTER** 79820

The foregoing appropriation item 235-561, Bowling Green State 79821  
University Canadian Studies Center, shall be used by the Canadian 79822  
Studies Center at Bowling Green State University to study 79823  
opportunities for Ohio and Ohio businesses to benefit from the 79824  
Free Trade Agreement between the United States and Canada. 79825

**Section 375.60.70. OHIO COLLEGE OPPORTUNITY GRANT PHASE-IN** 79826

The foregoing appropriation item 235-563, Ohio College 79827  
Opportunity Grant, shall be used by the Board of Regents to begin 79828  
to award needs-based financial aid to students based on the United 79829

States Department of Education's method of determining financial 79830  
need. Students who enrolled in a public, private, or proprietary 79831  
post-secondary institution of higher education for the first time 79832  
in academic year 2006-2007, excluding early college high school 79833  
and post-secondary enrollment option participants, shall be 79834  
eligible to receive aid based on their expected family 79835  
contributions as calculated by the United States Department of 79836  
Education, according to section 3333.122 of the Revised Code. 79837

Eligible expenditures from the foregoing appropriation item 79838  
235-563, Ohio College Opportunity Grant, shall be claimed each 79839  
fiscal year to help meet the state's TANF maintenance of effort 79840  
requirement. The Chancellor of the Board of Regents and the 79841  
Director of Job and Family Services shall enter into an 79842  
interagency agreement to carry out this paragraph, which shall 79843  
include, but not be limited to, developing reporting guidelines 79844  
for these expenditures. 79845

**Section 375.60.80. CENTRAL STATE UNIVERSITY SPEED TO SCALE** 79846

The foregoing appropriation 235-567, Central State University 79847  
Speed to Scale, shall be used to achieve the goals of the Speed to 79848  
Scale Plan, which include increasing student enrollment through 79849  
freshman recruitment and transferred students, increasing the 79850  
proportion of in-state students to 80 per cent of the total 79851  
student population, and increasing the student retention rates 79852  
between the first and second year of college by two per cent each 79853  
year. The goals shall be accomplished by targeting student 79854  
retention, improved articulation agreements with two-year 79855  
campuses, increased use of alternative course options, including 79856  
online coursework and Ohio Learning Network resources, College 79857  
Tech Prep, Post Secondary Enrollment Options, and other 79858  
dual-credit programs, and strategic partnerships with research 79859  
institutions to improve the quality of Central State University's 79860

offering of science, technology, engineering, mathematics, and 79861  
medical instruction. In fiscal year 2009, the disbursement of 79862  
these funds shall be contingent upon Central State University 79863  
meeting the annual goals for the student enrollment and 79864  
first-to-second-year retention rate increases. 79865

There is hereby created the Speed to Scale Task Force that 79866  
shall meet not less than quarterly to discuss progress of the 79867  
plan, including performance on accountability metrics, issues 79868  
experienced in planned efforts, and to monitor and support the 79869  
creation of partnerships with other state institutions of higher 79870  
education. The Task Force shall consist of the president of 79871  
Central State University or the president's designee, the 79872  
president of Sinclair Community College or the president's 79873  
designee, the president of Cincinnati State Technical and 79874  
Community College or the president's designee, the president of 79875  
Cuyahoga Community College or the president's designee, The Ohio 79876  
State University or the president's designee, the president of the 79877  
University of Cincinnati or the president's designee, one 79878  
representative from the Board of Regents, one member of the House 79879  
of Representatives appointed by the Speaker of the House of 79880  
Representatives, one member of the Senate appointed by the 79881  
President of the Senate, the Director of Budget and Management or 79882  
the director's designee, and a representative of the Governor's 79883  
Office as appointed by the Governor. 79884

On the thirtieth day of June of each fiscal year, Central 79885  
State University and the Speed to Scale Task Force shall jointly 79886  
submit to the Governor, the Director of Budget and Management, the 79887  
Speaker of the House of Representatives, the President of the 79888  
Senate, and the Board of Regents a report describing the status of 79889  
their progress on the accountability metrics included in the Speed 79890  
to Scale plan. 79891

**Section 375.60.95. JAMES A. RHODES SCHOLARSHIP** 79892

The foregoing appropriation item 235-571, James A. Rhodes 79893  
Scholarship, shall be used to match the funds raised by the James 79894  
A. Rhodes Leadership Foundation for the purpose of providing 79895  
scholarships to students who attend community colleges, state 79896  
community colleges, and technical colleges. The focus of the 79897  
scholarships shall be consistent with the goal of establishing a 79898  
skilled workforce in the state. To receive the funds provided in 79899  
this appropriation item, the Foundation shall raise at least 79900  
\$10,000,000 from nonstate sources and shall enter into an 79901  
agreement with the Chancellor of the Board of Regents. 79902

**Section 375.70.10. THE OHIO STATE UNIVERSITY CLINIC SUPPORT** 79903

The foregoing appropriation item 235-572, The Ohio State 79904  
University Clinic Support, shall be distributed through the Board 79905  
of Regents to The Ohio State University for support of dental and 79906  
veterinary medicine clinics. 79907

**Section 375.70.15. OHIO HUMANITIES COUNCIL** 79908

The foregoing appropriation item 235-573, Ohio Humanities 79909  
Council, shall be used to support humanities research, education, 79910  
teacher development, and outreach activities through the Ohio 79911  
Humanities Council. 79912

**Section 375.70.20. URBAN UNIVERSITY PROGRAM** 79913

Universities receiving funds from the foregoing appropriation 79914  
item 235-583, Urban University Program, that are used to support 79915  
an ongoing university unit shall certify periodically in a manner 79916  
approved by the Board of Regents that program funds are being 79917  
matched on a one-to-one basis with equivalent resources. Overhead 79918  
support may not be used to meet this requirement. Where Urban 79919

University Program funds are being used to support an ongoing 79920  
university unit, matching funds shall come from continuing rather 79921  
than one-time sources. At each participating state-assisted 79922  
institution of higher education, matching funds shall be within 79923  
the substantial control of the individual designated by the 79924  
institution's president as the Urban University Program 79925  
representative. 79926

Of the foregoing appropriation item 235-583, Urban University 79927  
Program, \$117,215 in each fiscal year shall be used to support the 79928  
Center for the Interdisciplinary Study of Education and the Urban 79929  
Child at Cleveland State University. These funds shall be 79930  
distributed according to rules adopted by the Board of Regents and 79931  
shall be used by the center for interdisciplinary activities 79932  
targeted toward increasing the chance of lifetime success of the 79933  
urban child, including interventions beginning with the prenatal 79934  
period. The primary purpose of the center is to study issues in 79935  
urban education and to systematically map directions for new 79936  
approaches and new solutions by bringing together a cadre of 79937  
researchers, scholars, and professionals representing the social, 79938  
behavioral, education, and health disciplines. 79939

Of the foregoing appropriation item 235-583, Urban University 79940  
Program, \$1,433,037 in each fiscal year shall be distributed by 79941  
the Board of Regents to Cleveland State University in support of 79942  
the Maxine Goodman Levin College of Urban Affairs. 79943

Of the foregoing appropriation item 235-583, Urban University 79944  
Program, \$1,433,037 in each fiscal year shall be distributed to 79945  
the Northeast Ohio Research Consortium, the Urban Linkages 79946  
Program, and the Urban Research Technical Assistance Grant 79947  
Program. The distribution among the three programs shall be 79948  
determined by the chair of the Urban University Program. 79949

Of the foregoing appropriation item 235-583, Urban University 79950  
Program, \$247,453 in each fiscal year shall be used to support a 79951

public communication outreach program (WCPN). The primary purpose 79952  
of the program shall be to develop a relationship between 79953  
Cleveland State University and nonprofit communications entities. 79954

Of the foregoing appropriation item 235-583, Urban University 79955  
Program, \$169,310 in each fiscal year shall be used to support the 79956  
Kent State University Learning and Technology Project. This 79957  
project is a kindergarten through university collaboration between 79958  
schools surrounding Kent State University's eight campuses in 79959  
northeast Ohio and corporate partners who will assist in 79960  
development and delivery. 79961

The Kent State University Project shall provide a faculty 79962  
member who has a full-time role in the development of 79963  
collaborative activities and teacher instructional programming 79964  
between Kent State University and the K-12th grade schools that 79965  
surround its eight campuses; appropriate student support staff to 79966  
facilitate these programs and joint activities; and hardware and 79967  
software to schools that will make possible the delivery of 79968  
instruction to pre-service and in-service teachers, and their 79969  
students, in their own classrooms or school buildings. This shall 79970  
involve the delivery of low-bandwidth streaming video and 79971  
web-based technologies in a distributed instructional model. 79972

Of the foregoing appropriation item 235-583, Urban University 79973  
Program, \$65,119 in each fiscal year shall be used to support the 79974  
Ameritech Classroom/Center for Research at Kent State University. 79975

Of the foregoing appropriation item 235-583, Urban University 79976  
Program, \$723,547 in each fiscal year shall be used to support the 79977  
Polymer Distance Learning Project at the University of Akron. 79978

Of the foregoing appropriation item 235-583, Urban University 79979  
Program, \$32,560 in each fiscal year shall be distributed to the 79980  
Kent State University/Cleveland Design Center program. 79981

Of the foregoing appropriation item 235-583, Urban University 79982

Program, \$513,886 in each fiscal year shall be used to support the 79983  
Bliss Institute of Applied Politics at the University of Akron. 79984

Of the foregoing appropriation item 235-583, Urban University 79985  
Program, \$10,851 in each fiscal year shall be used for the 79986  
Advancing-Up Program at the University of Akron. 79987

Of the foregoing appropriation item 235-583, Urban University 79988  
Program, \$139,777 in each fiscal year shall be used to support the 79989  
Strategic Economic Research Collaborative at the University of 79990  
Toledo Urban Affairs Center. 79991

Of the foregoing appropriation item 235-583, Urban University 79992  
Program, \$164,777 in each fiscal year shall be used to support the 79993  
Institute for Collaborative Research and Public Humanities at The 79994  
Ohio State University. 79995

Of the foregoing appropriation item 235-583, Urban University 79996  
Program, \$425,368 in each fiscal year shall be used to support the 79997  
Medina County University Center. 79998

Of the foregoing appropriation item 235-583, Urban University 79999  
Program, \$150,000 in each fiscal year shall be used to support the 80000  
Ohio State University African American and African Studies 80001  
Community Extension Center. 80002

Of the foregoing appropriation item 235-583, Urban University 80003  
Program, \$200,000 in each fiscal year shall be used to support the 80004  
Cleveland Institute of Art. 80005

**Section 375.70.30. RURAL UNIVERSITY PROJECTS** 80006

Of the foregoing appropriation item 235-587, Rural University 80007  
Projects, Bowling Green State University shall receive \$263,783 in 80008  
each fiscal year, Miami University shall receive \$245,320 in each 80009  
fiscal year, and Ohio University shall receive \$575,015 in each 80010  
fiscal year. These funds shall be used to support the Institute 80011  
for Local Government Administration and Rural Development at Ohio 80012

University, the Center for Public Management and Regional Affairs 80013  
at Miami University, and the Center for Regional Development at 80014  
Bowling Green State University. 80015

A small portion of the funds provided to Ohio University 80016  
shall also be used for the Institute for Local Government 80017  
Administration and Rural Development State and Rural Policy 80018  
Partnership with the Governor's Office of Appalachia and the 80019  
Appalachian delegation of the General Assembly. 80020

Of the foregoing appropriation item 235-587, Rural University 80021  
Projects, \$15,942 in each fiscal year shall be used to support the 80022  
Washington State Community College day care center. 80023

Of the foregoing appropriation item 235-587, Rural University 80024  
Projects, \$59,829 in each fiscal year shall be used to support the 80025  
COAD/ILGARD/GOA Appalachian Leadership Initiative. 80026

**Section 375.70.40. HAZARDOUS MATERIALS PROGRAM** 80027

The foregoing appropriation item 235-596, Hazardous Materials 80028  
Program, shall be disbursed to Cleveland State University for the 80029  
operation of a program to certify firefighters for the handling of 80030  
hazardous materials. Training shall be available to all Ohio 80031  
firefighters. 80032

Of the foregoing appropriation item 235-596, Hazardous 80033  
Materials Program, \$177,337 in each fiscal year shall be used to 80034  
support the Center for the Interdisciplinary Study of Education 80035  
and Leadership in Public Service at Cleveland State University. 80036  
These funds shall be distributed by the Board of Regents and shall 80037  
be used by the center targeted toward increasing the role of 80038  
special populations in public service and not-for-profit 80039  
organizations. The primary purpose of the center is to study 80040  
issues in public service and to guide strategies for attracting 80041  
new communities into public service occupations by bringing 80042

together a cadre of researchers, scholars, and professionals 80043  
representing the public administration, social behavioral, and 80044  
education disciplines. 80045

**Section 375.70.50. NATIONAL GUARD SCHOLARSHIP PROGRAM** 80046

The Board of Regents shall disburse funds from appropriation 80047  
item 235-599, National Guard Scholarship Program, at the direction 80048  
of the Adjutant General. During each fiscal year, the Board of 80049  
Regents, within ten days of cancellation, may certify to the 80050  
Director of Budget and Management the amount of canceled 80051  
prior-year encumbrances in appropriation item 235-599, National 80052  
Guard Scholarship Program. Upon receipt of the certification, the 80053  
Director of Budget and Management may transfer an amount up to the 80054  
certified amount from the General Revenue Fund to the National 80055  
Guard Scholarship Reserve Fund (Fund 5BM). Upon the request of the 80056  
Adjutant General, the Board of Regents shall seek Controlling 80057  
Board approval to establish appropriations in item 235-623, 80058  
National Guard Scholarship Reserve Fund. The Board of Regents 80059  
shall disburse funds from appropriation item 235-623, National 80060  
Guard Scholarship Reserve Fund, at the direction of the Adjutant 80061  
General. 80062

**\*Section 375.70.60. PLEDGE OF FEES** 80063

Any new pledge of fees, or new agreement for adjustment of 80064  
fees, made in the biennium ending June 30, 2009, to secure bonds 80065  
or notes of a state-assisted institution of higher education for a 80066  
project for which bonds or notes were not outstanding on the 80067  
effective date of this section shall be effective only after 80068  
approval by the Board of Regents, unless approved in a previous 80069  
biennium. 80070

**Section 375.70.70. HIGHER EDUCATION GENERAL OBLIGATION DEBT** 80071  
**SERVICE** 80072

The foregoing appropriation item 235-909, Higher Education  
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, to June 30, 2009, under sections 151.01 and 151.04 of the  
Revised Code.

**Section 375.70.80. SALES AND SERVICES**

The Board of Regents is authorized to charge and accept  
payment for the provision of goods and services. Such charges  
shall be reasonably related to the cost of producing the goods and  
services. No charges may be levied for goods or services that are  
produced as part of the routine responsibilities or duties of the  
Board. All revenues received by the Board of Regents shall be  
deposited into Fund 456, and may be used by the Board of Regents  
to pay for the costs of producing the goods and services.

**Section 375.70.90. OHIO HIGHER EDUCATIONAL FACILITY**

COMMISSION SUPPORT

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.

**Section 375.80.10. PHYSICIAN LOAN REPAYMENT**

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.

**Section 375.80.20. NURSING LOAN PROGRAM** 80102

The foregoing appropriation item 235-606, Nursing Loan 80103  
Program, shall be used to administer the nurse education 80104  
assistance program. Up to \$159,600 in fiscal year 2008 and 80105  
\$167,580 in fiscal year 2009 may be used for operating expenses 80106  
associated with the program. Any additional funds needed for the 80107  
administration of the program are subject to Controlling Board 80108  
approval. 80109

**Section 375.80.30. REPAYMENT OF RESEARCH FACILITY INVESTMENT** 80110  
**FUND MONEYS** 80111

Notwithstanding any provision of law to the contrary, all 80112  
repayments of Research Facility Investment Fund loans shall be 80113  
made to the Bond Service Trust Fund. All Research Facility 80114  
Investment Fund loan repayments made prior to the effective date 80115  
of this section shall be transferred by the Director of Budget and 80116  
Management to the Bond Service Trust Fund within sixty days after 80117  
the effective date of this section. 80118

Campuses shall make timely repayments of Research Facility 80119  
Investment Fund loans, according to the schedule established by 80120  
the Board of Regents. In the case of late payments, the Board of 80121  
Regents may deduct from an institution's periodic subsidy 80122  
distribution an amount equal to the amount of the overdue payment 80123  
for that institution, transfer such amount to the Bond Service 80124  
Trust Fund, and credit the appropriate institution for the 80125  
repayment. 80126

**Section 375.80.40. VETERANS' PREFERENCES** 80127

The Board of Regents shall work with the Governor's Office of 80128  
Veterans' Affairs to develop specific veterans' preference 80129  
guidelines for higher education institutions. These guidelines 80130

shall ensure that the institutions' hiring practices are in 80131  
accordance with the intent of Ohio's veterans' preference laws. 80132

**Section 375.80.50. STATE NEED-BASED FINANCIAL AID 80133**  
RECONCILIATION 80134

By the first day of August in each fiscal year, or as soon 80135  
thereafter as possible, the Ohio Board of Regents shall certify to 80136  
the Director of Budget and Management the amount necessary to pay 80137  
any outstanding prior year obligations to higher education 80138  
institutions for the state's need-based financial aid programs. 80139  
The amounts certified are hereby appropriated to appropriation 80140  
item 235-618, State Need-based Financial Aid Reconciliation, from 80141  
revenues received in the State Need-based Financial Aid 80142  
Reconciliation Fund (Fund 5Y5). 80143

**Section 375.80.60. TRANSFERS TO STATE NEED-BASED FINANCIAL 80144**  
AID PROGRAMS 80145

In each fiscal year of the biennium, if the Chancellor of the 80146  
Board of Regents determines that additional funds are needed to 80147  
support the distribution of state need-based financial aid in 80148  
accordance with sections 3333.12 and 3333.122 of the Revised Code, 80149  
the Chancellor shall recommend the reallocation of unencumbered 80150  
and unobligated appropriation balances of General Revenue Fund 80151  
appropriation items in the Board of Regents to GRF appropriation 80152  
items 235-503, Ohio Instructional Grants, and 235-563, Ohio 80153  
College Opportunity Grant. If the Director of Budget and 80154  
Management determines that such a reallocation is required, the 80155  
Director may transfer those identified unencumbered and 80156  
unobligated funds in the Board of Regents as necessary to GRF 80157  
appropriation items 235-503, Ohio Instructional Grants, and 80158  
235-563, Ohio College Opportunity Grant. The amounts transferred 80159  
to appropriation items 235-503, Ohio Instructional Grants, and 80160

235-563, Ohio College Opportunity Grant, are hereby appropriated. 80161  
 If those unencumbered and unobligated funds are not sufficient to 80162  
 support the distribution of state need-based financial aid in 80163  
 accordance with sections 3333.12 and 3333.122 of the Revised Code 80164  
 in each fiscal year, the Director of Budget and Management may 80165  
 increase the appropriation from the General Revenue Fund of 80166  
 appropriation items 235-503, Ohio Instructional Grants, and 80167  
 235-563, Ohio College Opportunity Grant, in each fiscal year. The 80168  
 combined increase to appropriation items 235-503, Ohio 80169  
 Instructional Grants, and 235-563, Ohio College Opportunity Grant, 80170  
 authorized under this section shall not exceed \$5,000,000 in total 80171  
 for the purpose of need-based financial aid in each fiscal year of 80172  
 the biennium. 80173

<b>Section 377.10. DRC DEPARTMENT OF REHABILITATION AND</b>				80174
CORRECTION				80175
General Revenue Fund				80176
GRF 501-321	Institutional	\$ 892,162,864	\$ 928,980,197	80177
	Operations			
GRF 501-403	Prisoner Compensation	\$ 8,599,255	\$ 8,599,255	80178
GRF 501-405	Halfway House	\$ 41,214,205	\$ 41,214,205	80179
GRF 501-406	Lease Rental Payments	\$ 107,607,100	\$ 109,224,900	80180
GRF 501-407	Community	\$ 16,514,626	\$ 16,547,367	80181
	Nonresidential			
	Programs			
GRF 501-408	Community Misdemeanor	\$ 9,313,076	\$ 9,313,076	80182
	Programs			
GRF 501-501	Community Residential	\$ 57,104,132	\$ 57,104,132	80183
	Programs - CBCF			
GRF 502-321	Mental Health Services	\$ 70,112,063	\$ 73,405,363	80184
GRF 503-321	Parole and Community	\$ 79,296,672	\$ 82,739,767	80185
	Operations			
GRF 504-321	Administrative	\$ 27,554,198	\$ 28,658,273	80186

		Operations					
GRF	505-321	Institution Medical	\$	199,073,620	\$	198,337,805	80187
		Services					
GRF	506-321	Institution Education	\$	23,784,868	\$	24,847,502	80188
		Services					
GRF	507-321	Institution Recovery	\$	7,319,028	\$	7,664,520	80189
		Services					
TOTAL GRF	General Revenue Fund		\$	1,539,655,707	\$	1,586,636,362	80190
	General Services Fund Group						80191
148	501-602	Services and	\$	104,485,807	\$	108,290,058	80192
		Agricultural					
200	501-607	Ohio Penal Industries	\$	39,395,391	\$	40,845,414	80193
4B0	501-601	Sewer Treatment	\$	2,331,003	\$	2,407,018	80194
		Services					
4D4	501-603	Prisoner Programs	\$	20,967,703	\$	20,967,703	80195
4L4	501-604	Transitional Control	\$	2,051,451	\$	2,051,451	80196
4S5	501-608	Education Services	\$	4,564,072	\$	4,564,072	80197
483	501-605	Property Receipts	\$	393,491	\$	393,491	80198
5AF	501-609	State and Non-Federal	\$	262,718	\$	262,718	80199
		Awards					
5H8	501-617	Offender Financial	\$	2,500,000	\$	2,500,000	80200
		Responsibility					
5L6	501-611	Information Technology	\$	3,741,980	\$	3,741,980	80201
		Services					
571	501-606	Training Academy	\$	75,190	\$	75,190	80202
		Receipts					
593	501-618	Laboratory Services	\$	5,799,999	\$	5,799,999	80203
TOTAL GSF	General Services Fund		\$	186,568,805	\$	191,899,094	80204
	Group						
	Federal Special Revenue Fund Group						80205
3S1	501-615	Truth-In-Sentencing	\$	8,709,142	\$	8,709,142	80206
		Grants					

323 501-619 Federal Grants	\$	12,198,353	\$	12,198,353	80207
3CJ 501-621 Medicaid Inpatient	\$	11,600,000	\$	15,500,000	80208
Services					
TOTAL FED Federal Special Revenue					80209
Fund Group	\$	32,507,495	\$	36,407,495	80210
TOTAL ALL BUDGET FUND GROUPS	\$	1,758,732,007	\$	1,814,942,951	80211
OHIO BUILDING AUTHORITY LEASE PAYMENTS					80212
The foregoing appropriation item 501-406, Lease Rental					80213
Payments, shall be used to meet all payments during the period					80214
from July 1, 2007, to June 30, 2009, under the primary leases and					80215
agreements for those buildings made under Chapter 152. of the					80216
Revised Code. These appropriations are the source of funds pledged					80217
for bond service charges or obligations issued pursuant to Chapter					80218
152. of the Revised Code.					80219
PRISONER COMPENSATION					80220
Money from the foregoing appropriation item 501-403, Prisoner					80221
Compensation, shall be transferred on a quarterly basis by					80222
intrastate transfer voucher to the Services and Agricultural Fund					80223
(Fund 148) for the purposes of paying prisoner compensation.					80224
HIV/AIDS TESTING REENTRY PILOT PROGRAM					80225
Of the foregoing appropriation item 505-321, Institution					80226
Medical Services, up to \$250,000 in each fiscal year shall be used					80227
for the HIV/AIDS testing re-entry pilot program at the Mansfield					80228
Correctional Institution. Prior to a prisoner's release from					80229
custody at the Mansfield Correctional Institution under the					80230
control of the Department of Rehabilitation and Correction, the					80231
department shall examine and test a prisoner for HIV infection and					80232
any sexually transmitted disease. The department may examine and					80233
test involuntarily a prisoner who refuses to be tested.					80234
<b>Section 377.20.</b> LIMA CORRECTIONAL INSTITUTION STUDY COMMITTEE					80235

(A) There is hereby created the Lima Correctional Institution Study Committee, effective July 1, 2007. The Committee shall consist of the following nine members:	80236 80237 80238
(1) The Director of Rehabilitation and Correction or the Director's designee;	80239 80240
(2) The eight members of the Correctional Institution Inspection Committee.	80241 80242
(B) The Director of Rehabilitation and Correction shall be the chairperson of the Lima Correctional Institution Study Committee.	80243 80244 80245
(C) The Lima Correctional Institution Study Committee shall procure an independent feasibility study, performed by a consultant, through the Department of Rehabilitation and Correction. The study shall examine the highest and best use for the Lima Correctional Institution and shall examine, at a minimum, all of the following:	80246 80247 80248 80249 80250 80251
(1) State and local correctional needs and the utilization of state and local facilities to service those needs;	80252 80253
(2) The current condition and value of the Lima Correctional Institution;	80254 80255
(3) The cost to reopen the Lima Correctional Institution in part or in whole for a correctional purpose;	80256 80257
(4) Alternative uses for the Lima Correctional Institution;	80258
(5) The funding options to utilize the Lima Correctional Institution;	80259 80260
(6) The economic impact of the Lima Correctional Institution on the Lima region and the potential non-prison economic development opportunities for a closed prison facility.	80261 80262 80263
(D) The Lima Correctional Institution Study Committee and the consultant selected shall utilize the staff of the Department of	80264 80265

Rehabilitation and Correction for research and other support				80266
functions as much as feasible.				80267
(E) Of the foregoing appropriation item 501-321,				80268
Institutional Operations, \$50,000 in fiscal year 2008 shall be				80269
used to fund the feasibility study.				80270
(F) The Lima Correctional Institution Study Committee shall				80271
submit a report of the Committee's findings not later than April				80272
1, 2008, to the Governor, the President of the Senate, and the				80273
Speaker of the House of Representatives. The Committee shall cease				80274
to exist after submitting the report.				80275
<b>Section 379.10. RSC REHABILITATION SERVICES COMMISSION</b>				80276
General Revenue Fund				80277
GRF 415-100 Personal Services	\$	8,851,468	\$ 8,851,468	80278
GRF 415-402 Independent Living	\$	450,000	\$ 450,000	80279
Council				
GRF 415-406 Assistive Technology	\$	47,531	\$ 47,531	80280
GRF 415-431 Office for People with	\$	226,012	\$ 226,012	80281
Brain Injury				
GRF 415-506 Services for People	\$	16,959,541	\$ 17,259,541	80282
with Disabilities				
GRF 415-508 Services for the Deaf	\$	50,000	\$ 50,000	80283
TOTAL GRF General Revenue Fund	\$	26,584,552	\$ 26,884,552	80284
General Services Fund Group				80285
4W5 415-606 Program Management	\$	18,123,188	\$ 18,557,040	80286
Expenses				
467 415-609 Business Enterprise	\$	1,632,082	\$ 1,632,082	80287
Operating Expenses				
TOTAL GSF General Services				80288
Fund Group	\$	19,755,270	\$ 20,189,122	80289
Federal Special Revenue Fund Group				80290

3L1	415-601	Social Security Personal Care Assistance	\$	3,743,740	\$	3,743,740	80291
3L1	415-605	Social Security Community Centers for the Deaf	\$	750,000	\$	750,000	80292
3L1	415-608	Social Security Vocational Rehabilitation	\$	1,506,260	\$	1,506,260	80293
3L4	415-612	Federal Independent Living Centers or Services	\$	648,908	\$	648,908	80294
3L4	415-615	Federal - Supported Employment	\$	884,451	\$	796,006	80295
3L4	415-617	Independent Living/Vocational Rehabilitation Programs	\$	1,490,944	\$	1,490,944	80296
317	415-620	Disability Determination	\$	82,808,006	\$	87,546,215	80297
379	415-616	Federal - Vocational Rehabilitation	\$	122,484,545	\$	123,638,578	80298
TOTAL FED Federal Special							80299
Revenue Fund Group							\$ 214,316,854 \$ 220,120,651 80300
State Special Revenue Fund Group							80301
4L1	415-619	Services for Rehabilitation	\$	3,765,337	\$	4,500,000	80302
468	415-618	Third Party Funding	\$	906,910	\$	906,910	80303
TOTAL SSR State Special							80304
Revenue Fund Group							\$ 4,672,247 \$ 5,406,910 80305
TOTAL ALL BUDGET FUND GROUPS							\$ 265,328,923 \$ 272,601,235 80306
INDEPENDENT LIVING COUNCIL							80307

The foregoing appropriation item 415-402, Independent Living Council, shall be used to fund the operations of the State Independent Living Council and shall be used to support state independent living centers and independent living services under Title VII of the Independent Living Services and Centers for Independent Living of the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d.

OFFICE FOR PEOPLE WITH BRAIN INJURY

Of the foregoing appropriation item 415-431, Office for People with Brain Injury, up to \$50,000 in each fiscal year shall be used for the state match for a federal grant awarded through the Traumatic Brain Injury Act, Pub. L. No. 104-166, and up to \$50,000 in each fiscal year shall be provided to the Brain Injury Trust Fund. The remaining appropriation shall be used to plan and coordinate head-injury-related services provided by state agencies and other government or private entities, to assess the needs for such services, and to set priorities in this area.

VOCATIONAL REHABILITATION SERVICES

The foregoing appropriation item 415-506, Services for People with Disabilities, shall be used as state matching funds to provide vocational rehabilitation services to eligible consumers.

PROGRAM MANAGEMENT EXPENSES

The foregoing appropriation item 415-606, Program Management Expenses, shall be used to support the administrative functions of the commission related to the provision of vocational rehabilitation, disability determination services, and ancillary programs.

NATIONAL ACCREDITATION COMPLIANCE

Of the foregoing appropriation item 415-616, Federal - Vocational Rehabilitation, \$125,000 in each fiscal year shall be

used to establish and implement a Community Rehabilitation Program 80338  
national accreditation compliance and monitoring program 80339  
administered by the Ohio Association of Rehabilitation Facilities. 80340

CLEVELAND SIGHT CENTER 80341

Of the foregoing appropriation item 415-616, Federal - 80342  
Vocational Rehabilitation, \$100,000 in each fiscal year shall be 80343  
provided to the Cleveland Sight Center for Technology Initiative 80344  
to purchase adaptive technology and software for the employment of 80345  
Ohioans who are blind or visually impaired. 80346

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 80347

The foregoing appropriation item 415-617, Independent 80348  
Living/Vocational Rehabilitation Programs, shall be used to 80349  
support vocational rehabilitation programs. 80350

SOCIAL SECURITY REIMBURSEMENT FUNDS 80351

Reimbursement funds received from the Social Security 80352  
Administration, United States Department of Health and Human 80353  
Services, for the costs of providing services and training to 80354  
return disability recipients to gainful employment shall be used 80355  
in the Social Security Reimbursement Fund (Fund 3L1), to the 80356  
extent funds are available, as follows: 80357

(A) Appropriation item 415-601, Social Security Personal Care 80358  
Assistance, to provide personal care services in accordance with 80359  
section 3304.41 of the Revised Code; 80360

(B) Appropriation item 415-608, Social Security Vocational 80361  
Rehabilitation, to provide vocational rehabilitation services to 80362  
individuals with severe disabilities who are Social Security 80363  
beneficiaries, to enable them to achieve competitive employment. 80364  
This appropriation item also includes funds to assist the Personal 80365  
Care Assistance Program to pay its share of indirect costs as 80366  
mandated by federal OMB Circular A-87. 80367

PERFORMANCE AUDIT 80368

The Auditor of State shall complete a performance audit of 80369  
the Rehabilitation Services Commission. Upon completing the 80370  
performance audit, the Auditor of State shall submit a report of 80371  
the findings of the audit to the Governor, the President of the 80372  
Senate, the Speaker of the House of Representatives, and the Board 80373  
of Rehabilitation Services Commission. Expenses incurred by the 80374  
Auditor of State to conduct the performance audit shall be 80375  
reimbursed by the Rehabilitation Services Commission. 80376

INTERNAL REVIEW 80377

The Administrator of the Rehabilitation Services Commission 80378  
shall consult with the Director of Budget and Management and 80379  
representatives of local rehabilitation services agencies to 80380  
conduct an internal review of policies and procedures to increase 80381  
efficiency and identify and eliminate duplicative practices. Any 80382  
savings identified as a result of the internal review or the 80383  
performance audit conducted by the Auditor of State shall be used 80384  
for community-based care. 80385

The Administrator of the Rehabilitation Services Commission 80386  
shall seek Controlling Board approval before expending any funds 80387  
identified as a result of the internal review or the performance 80388  
audit. 80389

**Section 381.10.** RCB RESPIRATORY CARE BOARD 80390

General Services Fund Group				80391
4K9 872-609 Operating Expenses	\$	491,628	\$ 481,768	80392
TOTAL GSF General Services				80393
Fund Group	\$	491,628	\$ 481,768	80394
TOTAL ALL BUDGET FUND GROUPS	\$	491,628	\$ 481,768	80395

**Section 383.10.** RDF REVENUE DISTRIBUTION FUNDS 80397

Volunteer Firefighters' Dependents Fund				80398
085	800-900	Volunteer	\$ 300,000 \$ 300,000	80399
Firefighters'				
Dependents Fund				
TOTAL 085 Volunteer Firefighters'				80400
Dependents Fund				\$ 300,000 \$ 300,000 80401
Agency Fund Group				80402
062	110-962	Resort Area Excise Tax	\$ 1,000,000 \$ 1,000,000	80403
063	110-963	Permissive Tax	\$ 1,778,662,000 \$ 1,849,000,000	80404
Distribution				
067	110-967	School District Income	\$ 325,000,000 \$ 350,000,000	80405
Tax				
4P8	001-698	Cash Management	\$ 3,050,000 \$ 3,100,000	80406
Improvement Fund				
608	001-699	Investment Earnings	\$ 250,000,000 \$ 250,000,000	80407
TOTAL AGY Agency Fund Group				\$ 2,357,712,000 \$ 2,453,100,000 80408
Holding Account Redistribution				80409
R45	110-617	International Fuel Tax	\$ 50,000,000 \$ 50,000,000	80410
Distribution				
TOTAL 090 Holding Account				\$ 50,000,000 \$ 50,000,000 80411
Redistribution Fund				
Revenue Distribution Fund Group				80412
049	038-900	Indigent Drivers	\$ 1,797,000 \$ 1,832,000	80413
Alcohol Treatment				
050	762-900	International	\$ 54,475,631 \$ 55,565,143	80414
Registration Plan				
Distribution				
051	762-901	Auto Registration	\$ 500,000,000 \$ 539,000,000	80415
Distribution				
054	110-954	Local Government	\$ 93,250,000 \$ 95,125,000	80416
Property Tax				
Replacement - Utility				

060	110-960	Gasoline Excise Tax Fund	\$	375,000,000	\$	375,000,000	80417
064	110-964	Local Government Revenue Assistance	\$	42,400,000	\$	0	80418
065	110-965	Library/Local Government Support Fund	\$	460,000,000	\$	464,500,000	80419
066	800-900	Undivided Liquor Permits	\$	13,500,000	\$	13,500,000	80420
068	110-968	State and Local Government Highway Distribution	\$	240,250,000	\$	242,500,000	80421
069	110-969	Local Government Fund	\$	730,700,000	\$	785,000,000	80422
081	110-981	Local Government Property Tax Replacement-Business	\$	262,500,000	\$	366,800,000	80423
082	110-982	Horse Racing Tax	\$	125,000	\$	130,000	80424
083	700-900	Ohio Fairs Fund	\$	2,277,000	\$	2,325,000	80425
088	110-900	Local Government Services Collaboration	\$	1,000,000	\$	0	80426
TOTAL RDF Revenue Distribution							80427
Fund Group			\$	2,777,274,631	\$	2,941,277,143	80428
TOTAL ALL BUDGET FUND GROUPS			\$	5,185,286,631	\$	5,444,677,143	80429
ADDITIONAL APPROPRIATIONS							80430
Appropriation items in this section shall be used for the							80431
purpose of administering and distributing the designated revenue							80432
distribution funds according to the Revised Code. If it is							80433
determined that additional appropriations are necessary for this							80434
purpose, such amounts are appropriated.							80435
GENERAL REVENUE FUND TRANSFERS TO LOCAL GOVERNMENT PROPERTY							80436
TAX REPLACEMENT - BUSINESS (FUND 081)							80437
Notwithstanding any provision of law to the contrary, in							80438

fiscal year 2008 and fiscal year 2009, the Director of Budget and Management may transfer from the General Revenue Fund to the Local Government Property Tax Replacement - Business (Fund 081) in the Revenue Distribution Fund, those amounts necessary to reimburse local taxing units under section 5751.22 of the Revised Code. Also, in fiscal year 2008 and fiscal year 2009, the Director of Budget and Management may make temporary transfers from the General Revenue Fund to ensure sufficient balances in the Local Government Property Tax Replacement - Business Fund (Fund 081) and to replenish the General Revenue Fund for such transfers.

**Section 384.10.** LOCAL GOVERNMENT SERVICES COLLABORATION GRANT PROGRAM

(A) The Director of Development shall administer a Local Government Services Collaboration Grant Program. The Director may adopt rules under section 111.15 of the Revised Code and do all things necessary for that purpose.

(B) There is hereby created in the State Treasury the Local Government Services Collaboration Grant Fund (Fund 088). The fund shall consist of all cash deposited into it pursuant to Section 757.03 of this act. The fund shall be used by the Director of Development in administering the Local Government Services Collaboration Grant Program.

(C) The foregoing appropriation item 110-900, Local Government Services Collaboration, shall be used by the Director of Development to administer the Local Government Services Collaboration Grant Program. Moneys shall be used to provide grants to counties, municipal corporations, and townships that are interested in combining the provision of local government services with those of other counties, municipal corporations, or townships. Individual grant awards shall be used solely for the cost of conducting a feasibility study that addresses whether, and

in what manner, counties, municipal corporations, and townships 80470  
may combine their respective provision of local government 80471  
services. 80472

Individual grants shall be available on a competitive basis 80473  
to a county, municipal corporation, or township that proposes to 80474  
combine its provision of local government services with those of 80475  
at least two other counties, municipal corporations, or townships, 80476  
or with any combination of at least two other counties, municipal 80477  
corporations, or townships. Grants shall be awarded according to 80478  
the following formula: 80479

(1) For a total of, or for any combination of, three 80480  
counties, municipal corporations, or townships, the grant shall be 80481  
equal to fifty per cent of the total cost of the feasibility 80482  
study, or not more than \$30,000; 80483

(2) For a total of, or for any combination of, four counties, 80484  
municipal corporations, or townships, the grant shall be equal to 80485  
sixty per cent of the total cost of the feasibility study, or not 80486  
more than \$40,000; 80487

(3) For a total of, or for any combination of, five counties, 80488  
municipal corporations, or townships, the grant shall be equal to 80489  
seventy per cent of the total cost of the feasibility study, or 80490  
not more than \$50,000; 80491

(4) For a total of, or for any combination of, six counties, 80492  
municipal corporations, or townships, the grant shall be equal to 80493  
eighty per cent of the total cost of the feasibility study, or not 80494  
more than \$60,000; 80495

(5) For a total of, or for any combination of, seven 80496  
counties, municipal corporations, or townships, the grant shall be 80497  
equal to ninety per cent of the total cost of the feasibility 80498  
study, or not more than \$70,000; 80499

(6) For a total of, or for any combination of, eight or more 80500

counties, municipal corporations, or townships, the grant shall be 80501  
equal to the total cost of the feasibility study, or not more than 80502  
\$80,000. 80503

(D) Of the foregoing appropriation item 110-900, Local 80504  
Government Services Collaboration, not more than \$100,000 over the 80505  
biennium may be used by the Department of Development for 80506  
operating expenditures in administering the Local Government 80507  
Services Collaboration Grant Program. 80508

(E) Applicants for funding under the Local Government 80509  
Services Collaboration Grant Program are encouraged to utilize the 80510  
services of state-funded colleges and universities to conduct the 80511  
feasibility studies referenced under this section. 80512

(F) As used in this section, "local government services" 80513  
means services typically provided by a county, municipal 80514  
corporation, or township for the health, safety, and well-being of 80515  
community residents and includes, but is not limited to, police 80516  
and fire protection, 9-1-1 emergency service, trash collection, 80517  
snow removal, road repair, and the provision of public utilities 80518  
such as water and sewer services. 80519

(G) On or before June 30, 2008, the unencumbered balance of 80520  
the foregoing appropriation item 110-900, Local Government 80521  
Services Collaboration, for fiscal year 2008 is hereby 80522  
appropriated for the same purpose for fiscal year 2009. 80523

**Section 385.10.** SAN BOARD OF SANITARIAN REGISTRATION 80524

General Services Fund Group				80525
4K9 893-609 Operating Expenses	\$	138,551	\$ 138,551	80526
TOTAL GSF General Services				80527
Fund Group	\$	138,551	\$ 138,551	80528
TOTAL ALL BUDGET FUND GROUPS	\$	138,551	\$ 138,551	80529

**Section 387.10.** OSB OHIO STATE SCHOOL FOR THE BLIND 80531

General Revenue Fund				80532
GRF 226-100 Personal Services	\$	7,093,127	\$ 7,519,318	80533
GRF 226-200 Maintenance	\$	704,154	\$ 704,154	80534
GRF 226-300 Equipment	\$	113,288	\$ 113,288	80535
TOTAL GRF General Revenue Fund	\$	7,910,569	\$ 8,336,760	80536
General Services Fund Group				80537
4H8 226-602 School Improvement	\$	37,514	\$ 37,514	80538
Grants				
TOTAL GSF General Services				80539
Fund Group	\$	37,514	\$ 37,514	80540
Federal Special Revenue Fund Group				80541
3P5 226-643 Medicaid Services	\$	50,000	\$ 50,000	80542
Reimbursement				
310 226-626 Multi-Handicapped	\$	2,527,105	\$ 2,527,105	80543
Student Support				
TOTAL FED Federal Special				80544
Revenue Fund Group	\$	2,577,105	\$ 2,577,105	80545
State Special Revenue Fund Group				80546
4M5 226-601 Work Study and	\$	217,397	\$ 217,397	80547
Donations				
TOTAL SSR State Special Revenue				80548
Fund Group	\$	217,397	\$ 217,397	80549
TOTAL ALL BUDGET FUND GROUPS	\$	10,742,585	\$ 11,168,776	80550
<b>Section 389.10. OSD OHIO SCHOOL FOR THE DEAF</b>				80552
General Revenue Fund				80553
GRF 221-100 Personal Services	\$	8,775,363	\$ 9,263,862	80554
GRF 221-200 Maintenance	\$	1,033,092	\$ 1,033,092	80555
GRF 221-300 Equipment	\$	222,500	\$ 222,500	80556
TOTAL GRF General Revenue Fund	\$	10,030,955	\$ 10,519,454	80557
General Services Fund Group				80558

4M1 221-602	School Improvement	\$	38,000	\$	38,000	80559
	Grants					
TOTAL GSF	General Services					80560
Fund Group		\$	38,000	\$	38,000	80561
Federal Special Revenue	Fund Group					80562
3AD 221-604	VREAL Ohio	\$	25,000	\$	25,000	80563
3R0 221-684	Medicaid Services	\$	34,999	\$	34,999	80564
	Reimbursement					80565
3Y1 221-686	Federal Early	\$	250,000	\$	250,000	80566
	Childhood Grant					
311 221-625	Statewide Outreach	\$	2,470,135	\$	2,470,135	80567
TOTAL FED	Federal Special					80568
Revenue Fund Group		\$	2,780,134	\$	2,780,134	80569
State Special Revenue	Fund Group					80570
4M0 221-601	Work Study and	\$	95,000	\$	95,000	80571
	Donations					
5H6 221-609	Preschool Program	\$	127,832	\$	125,358	80572
	Support					
TOTAL SSR	State Special Revenue					80573
Fund Group		\$	222,832	\$	220,358	80574
TOTAL ALL BUDGET FUND GROUPS		\$	13,071,921	\$	13,557,946	80575
<b>Section 391.10.</b>	<b>SFC SCHOOL FACILITIES COMMISSION</b>					80577
General Revenue	Fund					80578
GRF 230-428	Lease Rental Payments	\$	22,702,000	\$	0	80579
GRF 230-908	Common Schools General	\$	284,768,400	\$	339,648,300	80580
	Obligation Debt					
	Service					
TOTAL GRF	General Revenue Fund	\$	307,470,400	\$	339,648,300	80581
State Special Revenue	Fund Group					80582
5E3 230-644	Operating Expenses	\$	7,749,813	\$	7,786,197	80583
TOTAL SSR	State Special Revenue					80584

Fund Group	\$	7,749,813	\$	7,786,197	80585
TOTAL ALL BUDGET FUND GROUPS	\$	315,220,213	\$	347,434,497	80586

**Section 391.20.** LEASE RENTAL PAYMENTS 80588

The foregoing appropriation item 230-428, Lease Rental 80589  
Payments, shall be used to meet all payments at the times they are 80590  
required to be made during the period from July 1, 2007, to June 80591  
30, 2009, by the Ohio School Facilities Commission under leases 80592  
and agreements made under section 3318.26 of the Revised Code. 80593

COMMON SCHOOLS GENERAL OBLIGATION DEBT SERVICE 80594

The foregoing appropriation item 230-908, Common Schools 80595  
General Obligation Debt Service, shall be used to pay all debt 80596  
service and related financing costs at the times they are required 80597  
to be made for obligations issued during the period from July 1, 80598  
2007, through June 30, 2009, under sections 151.01 and 151.03 of 80599  
the Revised Code. 80600

OPERATING EXPENSES 80601

The foregoing appropriation item 230-644, Operating Expenses, 80602  
shall be used by the Ohio School Facilities Commission to carry 80603  
out its responsibilities under this section and Chapter 3318. of 80604  
the Revised Code. 80605

In both fiscal years 2008 and 2009, the Executive Director of 80606  
the Ohio School Facilities Commission shall certify on a quarterly 80607  
basis to the Director of Budget and Management the amount of cash 80608  
from interest earnings to be transferred from the School Building 80609  
Assistance Fund (Fund 032), the Public School Building Fund (Fund 80610  
021), and the Educational Facilities Trust Fund (Fund N87) to the 80611  
Ohio School Facilities Commission Fund (Fund 5E3). The amount 80612  
transferred from the School Building Assistance Fund (Fund 032) 80613  
may not exceed investment earnings credited to the fund, less any 80614  
amount required to be paid for federal arbitrage rebate purposes. 80615

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 80616

At the request of the Executive Director of the Ohio School 80617  
Facilities Commission, the Director of Budget and Management may 80618  
cancel encumbrances for school district projects from a previous 80619  
biennium if the district has not raised its local share of project 80620  
costs within one year of receiving Controlling Board approval 80621  
under section 3318.05 of the Revised Code. The Executive Director 80622  
of the Ohio School Facilities Commission shall certify the amounts 80623  
of the canceled encumbrances to the Director of Budget and 80624  
Management on a quarterly basis. The amounts of the canceled 80625  
encumbrances are hereby appropriated. 80626

**Section 391.30.** EXTREME ENVIRONMENTAL CONTAMINATION OF SCHOOL 80627  
FACILITIES 80628

Notwithstanding any other provision of law to the contrary, 80629  
the Ohio School Facilities Commission may provide assistance under 80630  
the Exceptional Needs School Facilities Program established in 80631  
section 3318.37 of the Revised Code to any school district, and 80632  
not exclusively to a school district in the lowest seventy-five 80633  
per cent of adjusted valuation per pupil on the current ranking of 80634  
school districts established under section 3317.02 of the Revised 80635  
Code, for the purpose of the relocation or replacement of school 80636  
facilities required as a result of extreme environmental 80637  
contamination. 80638

The Ohio School Facilities Commission shall contract with an 80639  
independent environmental consultant to conduct a study and to 80640  
report to the commission as to the seriousness of the 80641  
environmental contamination, whether the contamination violates 80642  
applicable state and federal standards, and whether the facilities 80643  
are no longer suitable for use as school facilities. The 80644  
commission then shall make a determination regarding funding for 80645  
the relocation or replacement of the school facilities. If the 80646

federal government or other public or private entity provides 80647  
funds for restitution of costs incurred by the state or school 80648  
district in the relocation or replacement of the school 80649  
facilities, the school district shall use such funds in excess of 80650  
the school district's share to refund the state for the state's 80651  
contribution to the environmental contamination portion of the 80652  
project. The school district may apply an amount of such 80653  
restitution funds up to an amount equal to the school district's 80654  
portion of the project, as defined by the commission, toward 80655  
paying its portion of that project to reduce the amount of bonds 80656  
the school district otherwise must issue to receive state 80657  
assistance under sections 3318.01 to 3318.20 of the Revised Code. 80658

**Section 391.40. CANTON CITY SCHOOL DISTRICT PROJECT** 80659

(A) The Ohio School Facilities Commission may commit up to 80660  
thirty-five million dollars to the Canton City School District for 80661  
construction of a facility described in this section, in lieu of a 80662  
high school that would otherwise be authorized under Chapter 3318. 80663  
of the Revised Code. The Commission shall not commit funds under 80664  
this section unless all of the following conditions are met: 80665

(1) The District has entered into a cooperative agreement 80666  
with a state-assisted technical college. 80667

(2) The District has received an irrevocable commitment of 80668  
additional funding from nonpublic sources. 80669

(3) The facility is intended to serve both secondary and 80670  
postsecondary instructional purposes. 80671

(B) The Commission shall enter into an agreement with the 80672  
District for the construction of the facility authorized under 80673  
this section that is separate from and in addition to the 80674  
agreement required for the District's participation in the 80675  
Classroom Facilities Assistance Program under section 3318.08 of 80676

the Revised Code. Notwithstanding that section and sections 80677  
3318.03, 3318.04, and 3318.083 of the Revised Code, the additional 80678  
agreement shall provide, but not be limited to, the following: 80679

(1) The Commission shall not have any oversight 80680  
responsibilities over the construction of the facility. 80681

(2) The facility need not comply with the specifications for 80682  
plans and materials for high schools adopted by the Commission. 80683

(3) The Commission may decrease the basic project cost that 80684  
would otherwise be calculated for a high school under Chapter 80685  
3318. of the Revised Code. 80686

(4) The state shall not share in any increases in the basic 80687  
project cost for the facility above the amount authorized under 80688  
this section. 80689

All other provisions of Chapter 3318. of the Revised Code 80690  
apply to the approval and construction of a facility authorized 80691  
under this section. 80692

The state funds committed to the facility authorized by this 80693  
section shall be part of the total amount the state commits to the 80694  
Canton City School District under Chapter 3318. of the Revised 80695  
Code. All additional state funds committed to the Canton City 80696  
School District for classroom facilities assistance shall be 80697  
subject to all provisions of Chapter 3318. of the Revised Code. 80698

**Section 391.50. CAREER-TECHNICAL LOAN PROGRAM** 80699

Within thirty days after the effective date of this section, 80700  
or as soon as possible thereafter, the Executive Director of the 80701  
Ohio School Facilities Commission shall certify the cash balance 80702  
in the Career-Technical School Building Assistance Fund (Fund 020) 80703  
to the Director of Budget and Management, who shall transfer that 80704  
amount to the Public School Building Fund (Fund 021) and abolish 80705  
the Career-Technical School Building Assistance Fund (Fund 020). 80706

All repayments of current loans approved under section 80707  
3318.48 of the Revised Code, which is repealed by this act, shall 80708  
be deposited to the credit of the Public School Building Fund 80709  
(Fund 021). Should a district fail to submit the annual 80710  
installment of the loan repayment within sixty days after the due 80711  
date, the Department of Education, upon the request of the 80712  
Executive Director of the Ohio School Facilities Commission, shall 80713  
deduct the amount of the installment from payments due to a 80714  
district under Chapter 3317. of the Revised Code or from any other 80715  
funds appropriated to the district by the General Assembly, and 80716  
shall transfer that amount to the Commission to the credit of the 80717  
Public School Building Fund (Fund 021). 80718

**Section 393.10. SOS SECRETARY OF STATE** 80719

General Revenue Fund 80720

GRF 050-321 Operating Expenses	\$	2,585,000	\$	2,585,000	80721
GRF 050-403 Election Statistics	\$	103,936	\$	103,936	80722
GRF 050-407 Pollworkers Training	\$	277,997	\$	277,997	80723
GRF 050-409 Litigation	\$	4,652	\$	4,652	80724

Expenditures

TOTAL GRF General Revenue Fund	\$	2,971,585	\$	2,971,585	80725
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General Services Fund Group 80726

4S8 050-610 Board of Voting	\$	7,200	\$	7,200	80727
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Machine Examiners

412 050-609 Notary Commission	\$	685,249	\$	685,249	80728
413 050-601 Information Systems	\$	119,955	\$	119,955	80729
414 050-602 Citizen Education Fund	\$	55,712	\$	55,712	80730
TOTAL General Services Fund Group	\$	868,116	\$	868,116	80731

Federal Special Revenue Fund Group 80732

3AH 050-614 Election Reform/Health	\$	1,000,000	\$	1,000,000	80733
and Human Services					

3AS 050-616 2005 HAVA Voting	\$	4,750,000	\$	2,750,000	80734
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	Machines				
3X4 050-612	Ohio Center/Law	\$	41,000	\$	41,000 80735
	Related Educational				
	Grant				
TOTAL FED	Federal Special Revenue				80736
Fund Group		\$	5,791,000	\$	3,791,000 80737
	State Special Revenue Fund Group				80738
5N9 050-607	Technology	\$	129,565	\$	129,565 80739
	Improvements				
599 050-603	Business Services	\$	13,761,734	\$	13,761,734 80740
	Operating Expenses				
TOTAL SSR	State Special Revenue				80741
Fund Group		\$	13,891,299	\$	13,891,299 80742
	Holding Account Redistribution Fund Group				80743
R01 050-605	Uniform Commercial	\$	30,000	\$	30,000 80744
	Code Refunds				
R02 050-606	Corporate/Business	\$	85,000	\$	85,000 80745
	Filing Refunds				
TOTAL 090	Holding Account				80746
Redistribution Fund Group		\$	115,000	\$	115,000 80747
TOTAL ALL BUDGET FUND GROUPS		\$	23,637,000	\$	21,637,000 80748
	BOARD OF VOTING MACHINE EXAMINERS				80749
	The foregoing appropriation item 050-610, Board of Voting				80750
	Machine Examiners, shall be used to pay for the services and				80751
	expenses of the members of the Board of Voting Machine Examiners,				80752
	and for other expenses that are authorized to be paid from the				80753
	Board of Voting Machine Examiners Fund, which is created in				80754
	section 3506.05 of the Revised Code. Moneys not used shall be				80755
	returned to the person or entity submitting the equipment for				80756
	examination. If it is determined that additional appropriations				80757
	are necessary, such amounts are appropriated.				80758
	2005 HAVA VOTING MACHINES				80759

Of the foregoing appropriation item 050-616, 2005 HAVA Voting  
Machines, in fiscal year 2008 \$15,000 shall be distributed to the  
Vinton County Board of Elections and \$15,000 shall be distributed  
to the Morgan County Board of Elections to be used for emergency  
assistance for elections.

On July 1, 2008, or as soon as possible thereafter, the  
Director of Budget and Management shall transfer any remaining  
unexpended, unencumbered appropriations in Fund 3AS, appropriation  
item 050-616, 2005 HAVA Voting Machines, for use in fiscal year  
2009. The transferred amount is hereby appropriated.

On July 1, 2008, or as soon as possible thereafter, the  
Director of Budget and Management shall transfer any remaining  
unexpended, unencumbered appropriations in Fund 3AH, appropriation  
item 050-614, Election Reform/Health and Human Services Fund, for  
use in fiscal year 2009. The transferred amount is hereby  
appropriated.

Ongoing interest earnings from the federal Election  
Reform/Health and Human Services Fund (Fund 3AH) and the 2005 HAVA  
Voting Machines Fund (Fund 3AS) shall be credited to the  
respective funds and distributed in accordance with the terms of  
the grant under which the money is received.

**HOLDING ACCOUNT REDISTRIBUTION GROUP**

The foregoing appropriation items 050-605 and 050-606,  
Holding Account Redistribution Fund Group, shall be used to hold  
revenues until they are directed to the appropriate accounts or  
until they are refunded. If it is determined that additional  
appropriations are necessary, such amounts are appropriated.

**Section 395.10. SEN THE OHIO SENATE**

General Revenue Fund  
GRF 020-321 Operating Expenses           \$    11,778,439   \$    11,778,439

TOTAL GRF General Revenue Fund	\$	11,778,439	\$	11,778,439	80790
General Services Fund Group					80791
102 020-602 Senate Reimbursement	\$	448,465	\$	448,465	80792
409 020-601 Miscellaneous Sales	\$	34,497	\$	34,497	80793
TOTAL GSF General Services					80794
Fund Group	\$	482,962	\$	482,962	80795
TOTAL ALL BUDGET FUND GROUPS	\$	12,261,401	\$	12,261,401	80796

OPERATING EXPENSES 80797

On July 1, 2007, or as soon as possible thereafter, the Clerk 80798  
of the Senate shall certify to the Director of Budget and 80799  
Management the total fiscal year 2007 unencumbered appropriations 80800  
in appropriation item 020-321, Operating Expenses. The Clerk may 80801  
direct the Director of Budget and Management to transfer an amount 80802  
not to exceed the total fiscal year 2007 unencumbered 80803  
appropriations to fiscal year 2008 for use within appropriation 80804  
item 020-321, Operating Expenses. Additional appropriation 80805  
authority equal to the amount certified by the Clerk is hereby 80806  
appropriated to appropriation item 020-321, Operating Expenses, in 80807  
fiscal year 2008. 80808

On July 1, 2008, or as soon as possible thereafter, the Clerk 80809  
of the Senate shall certify to the Director of Budget and 80810  
Management the total fiscal year 2008 unencumbered appropriations 80811  
in appropriation item 020-321, Operating Expenses. The Clerk may 80812  
direct the Director of Budget and Management to transfer an amount 80813  
not to exceed the total fiscal year 2008 unencumbered 80814  
appropriations to fiscal year 2009 for use within appropriation 80815  
item 020-321, Operating Expenses. Additional appropriation 80816  
authority equal to the amount certified by the Clerk is hereby 80817  
appropriated to appropriation item 020-321, Operating Expenses, in 80818  
fiscal year 2009. 80819

Section 397.10. CSF COMMISSIONERS OF THE SINKING FUND 80820

Debt Service Fund Group				80821
070 155-905 Third Frontier	\$	14,349,500	\$ 25,023,400	80822
Research & Development				
Bond Retirement Fund				
072 155-902 Highway Capital	\$	202,694,900	\$ 205,139,500	80823
Improvement Bond				
Retirement Fund				
073 155-903 Natural Resources Bond	\$	24,713,800	\$ 25,723,000	80824
Retirement Fund				
074 155-904 Conservation Projects	\$	14,847,200	\$ 19,779,200	80825
Bond Service Fund				
076 155-906 Coal Research and	\$	7,232,400	\$ 8,192,500	80826
Development Bond				
Retirement Fund				
077 155-907 State Capital	\$	178,713,600	\$ 189,296,300	80827
Improvement Bond				
Retirement Fund				
078 155-908 Common Schools Bond	\$	292,268,400	\$ 342,148,300	80828
Retirement Fund				
079 155-909 Higher Education Bond	\$	175,972,400	\$ 210,372,200	80829
Retirement Fund				
090 155-912 Job Ready Site	\$	4,359,400	\$ 8,232,500	80830
Development Bond				
Retirement Fund				
TOTAL DSF Debt Service Fund Group	\$	915,151,600	\$ 1,033,906,900	80831
TOTAL ALL BUDGET FUND GROUPS	\$	915,151,600	\$ 1,033,906,900	80832
ADDITIONAL APPROPRIATIONS				80833
Appropriation items in this section are for the purpose of				80834
paying debt service and financing costs on bonds or notes of the				80835
state issued under the Ohio Constitution and acts of the General				80836
Assembly. If it is determined that additional appropriations are				80837
necessary for this purpose, such amounts are hereby appropriated.				80838

<b>Section 399.10.</b>				SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY	80839
DEVELOPMENT FOUNDATION					80840
General Revenue Fund					80841
GRF 945-321	Operating Expenses	\$	0	\$ 475,220	80842
GRF 945-501	Southern Ohio	\$	0	\$ 7,513,251	80843
Agricultural and Community Development Foundation					
TOTAL GRF General Revenue Fund				\$ 0 \$ 7,988,471	80844
TOTAL ALL BUDGET FUND GROUPS				\$ 0 \$ 7,988,471	80845
SOUTHERN OHIO AGRICULTURAL AND COMMUNITY DEVELOPMENT					80846
FOUNDATION					80847
The foregoing appropriation item 945-321, Operating Expenses,					80848
shall be used for the operating expenses of the Southern Ohio					80849
Agricultural and Community Development Foundation in administering					80850
programs under section 183.15 of the Revised Code.					80851
The foregoing appropriation item 945-501, Southern Ohio					80852
Agricultural and Community Development Foundation, shall be used					80853
by the Southern Ohio Agricultural and Community Development					80854
Foundation for programs administered under section 183.15 of the					80855
Revised Code.					80856
<b>Section 401.10.</b>				SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY &	80857
AUDIOLOGY					80858
General Services Fund Group					80859
4K9 886-609	Operating Expenses	\$	430,600	\$ 453,000	80860
TOTAL GSF General Services					80861
Fund Group				\$ 430,600 \$ 453,000	80862
TOTAL ALL BUDGET FUND GROUPS				\$ 430,600 \$ 453,000	80863

<b>Section 403.10. BTA BOARD OF TAX APPEALS</b>				80865
General Revenue Fund				80866
GRF 116-321	Operating Expenses	\$ 2,247,476	\$ 2,281,188	80867
TOTAL GRF General Revenue Fund				80868
TOTAL ALL BUDGET FUND GROUPS				80869
 <b>Section 405.10. TAX DEPARTMENT OF TAXATION</b>				 80871
General Revenue Fund				80872
GRF 110-321	Operating Expenses	\$ 92,040,062	\$ 92,440,062	80873
GRF 110-404	Tobacco Settlement	\$ 0	\$ 328,034	80874
Enforcement				
GRF 110-412	Child Support	\$ 71,680	\$ 71,680	80875
Administration				
GRF 110-901	Property Tax	\$ 446,953,165	\$ 478,613,618	80876
Allocation - Taxation				
GRF 110-906	Tangible Tax Exemption	\$ 9,177,962	\$ 4,588,981	80877
- Taxation				
TOTAL GRF General Revenue Fund				80878
General Services Fund Group				80879
433 110-602	Tape File Account	\$ 125,000	\$ 140,000	80880
5BQ 110-629	Commercial Activity	\$ 6,000,000	\$ 6,000,000	80881
Tax Administration				
5W4 110-625	Centralized Tax Filing	\$ 400,000	\$ 200,000	80882
and Payment				
5W7 110-627	Exempt Facility	\$ 100,000	\$ 150,000	80883
Administration				
5CZ 110-631	Vendor's License	\$ 1,000,000	\$ 1,000,000	80884
Application				
TOTAL GSF General Services				80885
Fund Group				80886
State Special Revenue Fund Group				80887

4C6	110-616	International Registration Plan	\$	706,855	\$	706,855	80888
4R6	110-610	Tire Tax Administration	\$	125,000	\$	150,000	80889
435	110-607	Local Tax Administration	\$	17,250,000	\$	17,250,000	80890
436	110-608	Motor Vehicle Audit	\$	1,200,000	\$	1,200,000	80891
437	110-606	Litter Tax and Natural Resource Tax Administration	\$	675,000	\$	800,000	80892
438	110-609	School District Income Tax	\$	3,600,000	\$	3,600,000	80893
5N5	110-605	Municipal Income Tax Administration	\$	500,000	\$	500,000	80894
5N6	110-618	Kilowatt Hour Tax Administration	\$	125,000	\$	175,000	80895
5V7	110-622	Motor Fuel Tax Administration	\$	4,700,000	\$	5,000,000	80896
5V8	110-623	Property Tax Administration	\$	13,500,000	\$	13,500,000	80897
639	110-614	Cigarette Tax Enforcement	\$	100,000	\$	100,000	80898
642	110-613	Ohio Political Party Distributions	\$	600,000	\$	600,000	80899
688	110-615	Local Excise Tax Administration	\$	210,000	\$	180,000	80900
TOTAL SSR		State Special Revenue					80901
Fund Group			\$	43,291,855	\$	43,761,855	80902
Agency Fund Group							80903
095	110-995	Municipal Income Tax	\$	21,000,000	\$	21,000,000	80904
425	110-635	Tax Refunds	\$	1,565,900,000	\$	1,546,800,000	80905
TOTAL AGY		Agency Fund Group	\$	1,586,900,000	\$	1,567,800,000	80906
Holding Account		Redistribution Fund Group					80907

R10 110-611 Tax Distributions	\$	50,000	\$	50,000	80908
R11 110-612 Miscellaneous Income	\$	50,000	\$	50,000	80909
Tax Receipts					
TOTAL 090 Holding Account					80910
Redistribution Fund Group	\$	100,000	\$	100,000	80911
TOTAL ALL BUDGET FUND GROUPS	\$	2,186,159,724	\$	2,195,194,230	80912

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX 80913  
EXEMPTION 80914

The foregoing appropriation item 110-901, Property Tax 80915  
Allocation - Taxation, is hereby appropriated to pay for the 80916  
state's costs incurred because of the Homestead Exemption, the 80917  
Manufactured Home Property Tax Rollback, and the Property Tax 80918  
Rollback. The Tax Commissioner shall distribute these funds 80919  
directly to the appropriate local taxing districts, except for 80920  
school districts, notwithstanding the provisions in sections 80921  
321.24 and 323.156 of the Revised Code, which provide for payment 80922  
of the Homestead Exemption, the Manufactured Home Property Tax 80923  
Rollback, and Property Tax Rollback by the Tax Commissioner to the 80924  
appropriate county treasurer and the subsequent redistribution of 80925  
these funds to the appropriate local taxing districts by the 80926  
county auditor. 80927

The foregoing appropriation item 110-906, Tangible Tax 80928  
Exemption - Taxation, is hereby appropriated to pay for the 80929  
state's costs incurred because of the tangible personal property 80930  
tax exemption required by division (C)(3) of section 5709.01 of 80931  
the Revised Code. The Tax Commissioner shall distribute to each 80932  
county treasurer the total amount appearing in the notification 80933  
from the county treasurer under division (G) of section 321.24 of 80934  
the Revised Code for all local taxing districts located in the 80935  
county except for school districts, notwithstanding the provision 80936  
in section 321.24 of the Revised Code which provides for payment 80937  
of the \$10,000 tangible personal property tax exemption by the Tax 80938

Commissioner to the appropriate county treasurer for all local 80939  
taxing districts located in the county including school districts. 80940  
The county auditor shall distribute the amount paid by the Tax 80941  
Commissioner among the appropriate local taxing districts except 80942  
for school districts under division (G) of section 321.24 of the 80943  
Revised Code. 80944

Upon receipt of these amounts, each local taxing district 80945  
shall distribute the amount among the proper funds as if it had 80946  
been paid as real or tangible personal property taxes. Payments 80947  
for the costs of administration shall continue to be paid to the 80948  
county treasurer and county auditor as provided for in sections 80949  
319.54, 321.26, and 323.156 of the Revised Code. 80950

Any sums, in addition to the amounts specifically 80951  
appropriated in appropriation items 110-901, Property Tax 80952  
Allocation - Taxation, for the Homestead Exemption, the 80953  
Manufactured Home Property Tax Rollback, and the Property Tax 80954  
Rollback payments, and 110-906, Tangible Tax Exemption - Taxation, 80955  
for the \$10,000 tangible personal property tax exemption payments, 80956  
which are determined to be necessary for these purposes, are 80957  
hereby appropriated. 80958

MUNICIPAL INCOME TAX 80959

The foregoing appropriation item 110-995, Municipal Income 80960  
Tax, shall be used to make payments to municipal corporations 80961  
under section 5745.05 of the Revised Code. If it is determined 80962  
that additional appropriations are necessary to make these 80963  
payments, such amounts are hereby appropriated. 80964

TAX REFUNDS 80965

The foregoing appropriation item 110-635, Tax Refunds, shall 80966  
be used to pay refunds under section 5703.052 of the Revised Code. 80967  
If it is determined that additional appropriations are necessary 80968  
for this purpose, such amounts are hereby appropriated. 80969

INTERNATIONAL REGISTRATION PLAN AUDIT	80970
The foregoing appropriation item 110-616, International Registration Plan, shall be used under section 5703.12 of the Revised Code for audits of persons with vehicles registered under the International Registration Plan.	80971 80972 80973 80974
TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	80975
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.	80976 80977 80978 80979 80980 80981 80982
LITTER CONTROL TAX ADMINISTRATION FUND	80983
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).	80984 80985 80986 80987 80988 80989
CENTRALIZED TAX FILING AND PAYMENT FUND	80990
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.	80991 80992 80993 80994 80995 80996
COMMERCIAL ACTIVITY TAX ADMINISTRATION FUND	80997
The foregoing appropriation item 110-629, Commercial Activity Tax Administration Fund (Fund 5BQ), shall be used to pay expenses	80998 80999

incurred by the Department of Taxation to implement and administer 81000  
the Commercial Activity Tax under Chapter 5751. of the Revised 81001  
Code. 81002

Notwithstanding section 3734.9010, division (B)(2)(c) of 81003  
section 4505.09, division (B) of section 5703.12, section 5703.80, 81004  
division (C)(6) of section 5727.81, sections 5733.122 and 81005  
5735.053, division (C) of section 5739.21, section 5745.03, 81006  
section 5743.024, section 5743.15, division (C) of section 81007  
5747.03, and section 5747.113 of the Revised Code or any other 81008  
provisions to the contrary, any residual cash balances determined 81009  
and certified by the Tax Commissioner to the Director of Budget 81010  
and Management shall be transferred on July 1, 2007, or as soon as 81011  
possible thereafter, to the Commercial Activities Tax 81012  
Administration Fund (Fund 5BQ). 81013

TOBACCO SETTLEMENT ENFORCEMENT 81014

The foregoing appropriation item 110-404, Tobacco Settlement 81015  
Enforcement, shall be used by the Tax Commissioner to pay costs 81016  
incurred in the enforcement of divisions (F) and (G) of section 81017  
5743.03 of the Revised Code. 81018

**Section 407.10.** DOT DEPARTMENT OF TRANSPORTATION 81019

Transportation Modes 81020

General Revenue Fund 81021

GRF 775-451 Public Transportation \$ 16,700,000 \$ 17,000,000 81022  
- State

GRF 776-465 Ohio Rail Development \$ 3,700,000 \$ 3,700,000 81023  
Commission

GRF 776-466 Railroad \$ 789,600 \$ 789,600 81024  
Crossing/Grade  
Separation

GRF 777-471 Airport Improvements - \$ 3,293,985 \$ 1,794,003 81025

State			
TOTAL GRF General Revenue Fund	\$	24,483,585	\$ 23,283,603 81026
TOTAL ALL BUDGET FUND GROUPS	\$	24,483,585	\$ 23,283,603 81027
PUBLIC TRANSPORTATION - STATE			81028
Of the foregoing GRF appropriation item 775-451, Public			81029
Transportation - State, \$200,000 in fiscal year 2008 shall be used			81030
for the Cleveland Metropolitan Park District West Creek Project.			81031
TRANSPORTATION STUDY			81032
Of the foregoing appropriation item 775-451, Public			81033
Transportation-State, \$50,000 in fiscal year 2008 shall be used			81034
for a Franklin County school transportation study to determine the			81035
feasibility of a countywide pupil transportation system.			81036
AIRPORT IMPROVEMENTS			81037
Of the foregoing appropriation item 777-471, Airport			81038
Improvements - State, \$1,500,000 in fiscal year 2008 shall be used			81039
for air travel and support and economic development of statewide			81040
airports. The Directors of Development and Transportation may			81041
enter into one or more interagency agreements between their two			81042
departments as necessary to implement a statewide strategy to			81043
enhance Ohio's airports as centers of regional economic			81044
development.			81045
<b>Section 409.10. TOS TREASURER OF STATE</b>			81046
General Revenue Fund			81047
GRF 090-321 Operating Expenses	\$	9,313,195	\$ 9,313,195 81048
GRF 090-401 Office of the Sinking	\$	537,223	\$ 537,223 81049
Fund			81050
GRF 090-402 Continuing Education	\$	448,843	\$ 448,843 81051
GRF 090-524 Police and Fire	\$	14,000	\$ 12,000 81052
Disability Pension			81053
Fund			

GRF 090-534	Police & Fire Ad Hoc	\$	140,000	\$	130,000	81054
	Cost					
	of Living					81055
GRF 090-554	Police and Fire	\$	910,000	\$	865,000	81056
	Survivor					
	Benefits					81057
GRF 090-575	Police and Fire Death	\$	20,000,000	\$	20,000,000	81058
	Benefits					81059
TOTAL GRF General Revenue Fund		\$	31,363,261	\$	31,306,261	81060
General Services Fund Group						81061
4E9 090-603	Securities Lending	\$	3,164,000	\$	3,314,000	81062
	Income					
577 090-605	Investment Pool	\$	550,000	\$	550,000	81063
	Reimbursement					81064
605 090-609	Treasurer of State	\$	350,000	\$	350,000	81065
	Administrative Fund					81066
TOTAL GSF General Services						81067
Fund Group		\$	4,064,000	\$	4,214,000	81068
State Special Revenue Fund Group						81069
5C5 090-602	County Treasurer	\$	135,000	\$	135,000	81070
	Education					
TOTAL SSR State Special Revenue						81071
Fund Group		\$	135,000	\$	135,000	81072
Agency Fund Group						81073
425 090-635	Tax Refunds	\$	31,000,000	\$	31,000,000	81074
TOTAL Agency Fund Group		\$	31,000,000	\$	31,000,000	81075
TOTAL ALL BUDGET FUND GROUPS		\$	66,562,261	\$	66,655,261	81076

**Section 409.10.10. OFFICE OF THE SINKING FUND** 81078

The foregoing appropriation item 090-401, Office of the 81079  
Sinking Fund, shall be used for financing and other costs incurred 81080  
by or on behalf of the Commissioners of the Sinking Fund, the Ohio 81081

Public Facilities Commission or its secretary, or the Treasurer of 81082  
State, with respect to State of Ohio general obligation bonds or 81083  
notes, including, but not limited to, printing, advertising, 81084  
delivery, rating fees and the procurement of ratings, professional 81085  
publications, membership in professional organizations, and 81086  
services referred to in division (D) of section 151.01 of the 81087  
Revised Code. The General Revenue Fund shall be reimbursed for 81088  
such costs by intrastate transfer voucher pursuant to a 81089  
certification by the Office of the Sinking Fund of the actual 81090  
amounts used. The amounts necessary to make such reimbursements 81091  
are appropriated from the general obligation bond retirement funds 81092  
created by the Constitution and laws to the extent such costs are 81093  
incurred. 81094

POLICE AND FIRE DEATH BENEFIT FUND 81095

The foregoing appropriation item 090-575, Police and Fire 81096  
Death Benefits, shall be disbursed quarterly by the Treasurer of 81097  
State at the beginning of each quarter of each fiscal year to the 81098  
Board of Trustees of the Ohio Police and Fire Pension Fund. The 81099  
Treasurer of State shall certify such amounts quarterly to the 81100  
Director of Budget and Management. By the twentieth day of June of 81101  
each fiscal year, the Board of Trustees of the Ohio Police and 81102  
Fire Pension Fund shall certify to the Treasurer of State the 81103  
amount disbursed in the current fiscal year to make the payments 81104  
required by section 742.63 of the Revised Code and shall return to 81105  
the Treasurer of State moneys received from this appropriation 81106  
item but not disbursed. 81107

TAX REFUNDS 81108

The foregoing appropriation item 090-635, Tax Refunds, shall 81109  
be used to pay refunds under section 5703.052 of the Revised Code. 81110  
If the Director of Budget and Management determines that 81111  
additional amounts are necessary for this purpose, such amounts 81112  
are hereby appropriated. 81113

<b>Section 411.10.</b> TTA OHIO TUITION TRUST AUTHORITY				81114
State Special Revenue Fund Group				81115
5AM 095-603	Index Savings Plan	\$ 2,376,852	\$ 2,425,777	81116
5DC 095-604	Banking Products	\$ 1,631,283	\$ 1,648,123	81117
5P3 095-602	Variable College Savings Fund	\$ 2,031,354	\$ 2,063,596	81118
645 095-601	Operating Expenses	\$ 872,086	\$ 881,169	81119
TOTAL SSR State Special Revenue Fund Group				81120
		\$ 6,911,575	\$ 7,018,665	81121
TOTAL ALL BUDGET FUND GROUPS				81122
		\$ 6,911,575	\$ 7,018,665	
<b>Section 413.10.</b> OVH OHIO VETERANS' HOME				81124
General Revenue Fund				81125
GRF 430-100	Personal Services	\$ 23,085,261	\$ 24,403,903	81126
GRF 430-200	Maintenance	\$ 7,835,544	\$ 8,458,613	81127
GRF 430-402	Hall of Fame	\$ 125,000	\$ 125,000	81128
TOTAL GRF General Revenue Fund				81129
		\$ 31,045,805	\$ 32,987,516	
General Services Fund Group				81130
484 430-603	Veterans Home Services	\$ 375,880	\$ 375,880	81131
TOTAL GSF General Services Fund Group				81132
		\$ 375,880	\$ 375,880	
Federal Special Revenue Fund Group				81133
3BX 430-609	Medicare Services	\$ 1,446,807	\$ 1,446,807	81134
3L2 430-601	Veterans Home Operations - Federal	\$ 15,290,320	\$ 15,410,471	81135
TOTAL FED Federal Special Revenue Fund Group				81136
		\$ 16,737,127	\$ 16,857,278	81137
State Special Revenue Fund Group				81138
4E2 430-602	Veterans Home Operating	\$ 8,530,800	\$ 8,530,800	81139
604 430-604	Veterans Home	\$ 770,096	\$ 770,096	81140

Improvement

TOTAL SSR State Special Revenue				81141
Fund Group	\$	9,300,896	\$ 9,300,896	81142
TOTAL ALL BUDGET FUND GROUPS	\$	57,459,708	\$ 59,521,570	81143
CORNERSTONE OF HOPE				81144
Of the foregoing appropriation item 430-100, Personal				81145
Services, \$100,000 in each fiscal year shall be distributed to				81146
Cornerstone of Hope to be used to provide professional counseling				81147
services for individuals who have recently lost family members who				81148
were service men and service women in the United States Armed				81149
Forces.				81150
<b>Section 415.10. VET VETERANS' ORGANIZATIONS</b>				81151
General Revenue Fund				81152
VAP AMERICAN EX-PRISONERS OF WAR				81153
GRF 743-501 State Support	\$	27,533	\$ 27,533	81154
VAN ARMY AND NAVY UNION, USA, INC.				81155
GRF 746-501 State Support	\$	60,513	\$ 60,513	81156
VKW KOREAN WAR VETERANS				81157
GRF 747-501 State Support	\$	54,398	\$ 54,398	81158
VJW JEWISH WAR VETERANS				81159
GRF 748-501 State Support	\$	32,687	\$ 32,687	81160
VCW CATHOLIC WAR VETERANS				81161
GRF 749-501 State Support	\$	63,789	\$ 63,789	81162
VPH MILITARY ORDER OF THE PURPLE HEART				81163
GRF 750-501 State Support	\$	62,015	\$ 62,015	81164
VVV VIETNAM VETERANS OF AMERICA				81165
GRF 751-501 State Support	\$	204,549	\$ 204,549	81166
VAL AMERICAN LEGION OF OHIO				81167
GRF 752-501 State Support	\$	332,561	\$ 332,561	81168
VII AMVETS				81169
GRF 753-501 State Support	\$	316,711	\$ 316,711	81170

	VAV DISABLED AMERICAN VETERANS			81171
GRF 754-501	State Support	\$ 237,939	\$ 237,939	81172
	VMC MARINE CORPS LEAGUE			81173
GRF 756-501	State Support	\$ 127,569	\$ 127,569	81174
	V37 37TH DIVISION AEF VETERANS' ASSOCIATION			81175
GRF 757-501	State Support	\$ 6,541	\$ 6,541	81176
	VFW VETERANS OF FOREIGN WARS			81177
GRF 758-501	State Support	\$ 271,277	\$ 271,277	81178
TOTAL GRF	General Revenue Fund	\$ 1,798,082	\$ 1,798,082	81179
TOTAL ALL BUDGET FUND GROUPS		\$ 1,798,082	\$ 1,798,082	81180
	RELEASE OF FUNDS			81181
	The foregoing appropriation items 743-501, 746-501, 747-501,			81182
	748-501, 749-501, 750-501, 751-501, 752-501, 753-501, 754-501,			81183
	756-501, 757-501, and 758-501, State Support, shall be released			81184
	upon approval by the Director of Budget and Management.			81185
	CENTRAL OHIO UNITED SERVICES ORGANIZATION			81186
	Of the foregoing appropriation item 751-501, State Support,			81187
	Vietnam Veterans of America, \$50,000 in each fiscal year shall be			81188
	used to support the activities of the Central Ohio USO.			81189
	VAL AMERICAN LEGION OF OHIO			81190
	Of the foregoing appropriation item 752-501, State Support,			81191
	VAL American Legion, at least \$50,000 in each fiscal year shall be			81192
	used to fund service officer expenses.			81193
	VETERANS SERVICE COMMISSION EDUCATION			81194
	Of the foregoing appropriation item 753-501, State Support,			81195
	AMVETS, up to \$20,000 in each fiscal year may be used to provide			81196
	moneys to the Association of County Veterans Service Commissioners			81197
	to reimburse its member county veterans service commissions for			81198
	costs incurred in carrying out educational and outreach duties			81199
	required under divisions (E) and (F) of section 5901.03 of the			81200
	Revised Code. The Director of Budget and Management shall release			81201

these funds upon the presentation of an itemized receipt, approved 81202  
 by the Governor's Office of Veterans Affairs, from the association 81203  
 for reasonable and appropriate expenses incurred while performing 81204  
 these duties. The association shall establish uniform procedures 81205  
 for reimbursing member commissions. 81206

VII AMVETS 81207

Of the foregoing appropriation item 753-501, State Support, 81208  
 AMVETS, at least \$50,000 shall be used in each fiscal year to fund 81209  
 service officer expenses. 81210

VAV DISABLED AMERICAN VETERANS 81211

Of the foregoing appropriation item 754-501, State Support, 81212  
 VAV Disabled American Veterans, at least \$50,000 in each fiscal 81213  
 year shall be used to fund service officer expenses. 81214

VMC MARINE CORPS LEAGUE 81215

Of the foregoing appropriation item 756-501, State Support, 81216  
 VMC Marine Corps League, at least \$30,000 in each fiscal year 81217  
 shall be used to fund service officer expenses. 81218

VFW VETERANS OF FOREIGN WARS 81219

Of the foregoing appropriation item 758-501, State Support, 81220  
 VFW Veterans of Foreign Wars, at least \$50,000 in each fiscal year 81221  
 shall be used to fund service officer expenses. 81222

**Section 417.10. DVM STATE VETERINARY MEDICAL BOARD 81223**

General Services Fund Group 81224

4K9 888-609 Operating Expenses	\$	322,740	\$	327,312	81225
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5BU 888-602 Veterinary Student	\$	60,000	\$	0	81226
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Loan Program

TOTAL GSF General Services 81227

Fund Group	\$	382,740	\$	327,312	81228
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TOTAL ALL BUDGET FUND GROUPS	\$	382,740	\$	327,312	81229
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<b>Section 419.10. DYS DEPARTMENT OF YOUTH SERVICES</b>				81231
General Revenue Fund				81232
GRF 470-401	RECLAIM Ohio	\$ 186,338,297	\$ 190,599,131	81233
GRF 470-412	Lease Rental Payments	\$ 24,207,700	\$ 24,208,700	81234
GRF 470-510	Youth Services	\$ 18,558,587	\$ 18,558,587	81235
GRF 472-321	Parole Operations	\$ 15,356,904	\$ 15,764,729	81236
GRF 477-321	Administrative	\$ 14,754,420	\$ 14,754,419	81237
Operations				
TOTAL GRF	General Revenue Fund	\$ 259,215,908	\$ 263,885,566	81238
General Services Fund Group				81239
175 470-613	Education	\$ 9,985,035	\$ 10,550,725	81240
Reimbursement				
4A2 470-602	Child Support	\$ 328,657	\$ 328,657	81241
4G6 470-605	General Operational	\$ 49,713	\$ 50,955	81242
Funds				
4G6 470-631	SCALE Program	\$ 100,000	\$ 100,000	81243
479 470-609	Employee Food Service	\$ 137,666	\$ 137,666	81244
5BN 470-629	E-Rate Program	\$ 200,000	\$ 200,000	81245
TOTAL GSF	General Services			81246
Fund Group		\$ 10,801,071	\$ 11,368,003	81247
Federal Special Revenue Fund Group				81248
3BH 470-630	Federal Juvenile	\$ 100,000	\$ 50,000	81249
Programs FFY 06				
3BT 470-634	Federal Juvenile	\$ 300,000	\$ 50,000	81250
Programs				
3BY 470-635	Federal Juvenile	\$ 903,350	\$ 350,000	81251
Programs FFY 07				
3BZ 470-636	Federal Juvenile	\$ 0	\$ 653,350	81252
Programs FFY 08				
3V5 470-604	Juvenile	\$ 2,750,000	\$ 2,750,000	81253
Justice/Delinquency				

		Prevention					
329	470-626	Federal Juvenile	\$	142,253	\$	0	81254
		Programs FFY 05					
321	470-601	Education	\$	5,202,160	\$	5,473,109	81255
321	470-603	Juvenile Justice	\$	51,000	\$	30,000	81256
		Prevention					
321	470-606	Nutrition	\$	2,908,369	\$	2,981,078	81257
321	470-610	Rehabilitation	\$	36,000	\$	36,000	81258
		Programs					
321	470-614	Title IV-E	\$	6,162,670	\$	6,316,737	81259
		Reimbursements					
321	470-617	Americorps Programs	\$	463,700	\$	463,700	81260
321	470-633	Project Re-entry	\$	1,017,843	\$	1,017,843	81261
		TOTAL FED Federal Special Revenue					81262
		Fund Group	\$	20,037,345	\$	20,171,817	81263
		State Special Revenue Fund Group					81264
147	470-612	Vocational Education	\$	2,074,710	\$	2,141,823	81265
5BH	470-628	Partnerships for	\$	1,500,000	\$	1,500,000	81266
		Success					
		TOTAL SSR State Special Revenue					81267
		Fund Group	\$	3,574,710	\$	3,641,823	81268
		TOTAL ALL BUDGET FUND GROUPS	\$	293,629,034	\$	299,067,209	81269
		RECLAIM OHIO					81270
		Of the foregoing appropriation item 470-401, RECLAIM Ohio,					81271
		\$25,000 in each fiscal year shall be distributed directly to the					81272
		Lighthouse Youth Services Wrap-Around Program.					81273
		OHIO BUILDING AUTHORITY LEASE PAYMENTS					81274
		The foregoing appropriation item 470-412, Lease Rental					81275
		Payments, in the Department of Youth Services, shall be used to					81276
		meet all payments to the Ohio Building Authority for the period					81277
		from July 1, 2007, to June 30, 2009, under the leases and					81278
		agreements for facilities made under Chapter 152. of the Revised					81279

Code. This appropriation is the source of funds pledged for bond 81280  
service charges on related obligations issued pursuant to Chapter 81281  
152. of the Revised Code. 81282

EDUCATION REIMBURSEMENT 81283

The foregoing appropriation item 470-613, Education 81284  
Reimbursement, shall be used to fund the operating expenses of 81285  
providing educational services to youth supervised by the 81286  
Department of Youth Services. Operating expenses include, but are 81287  
not limited to, teachers' salaries, maintenance costs, and 81288  
educational equipment. This appropriation item may be used for 81289  
capital expenses related to the education program. 81290

EMPLOYEE FOOD SERVICE AND EQUIPMENT 81291

Notwithstanding section 125.14 of the Revised Code, the 81292  
foregoing appropriation item 470-609, Employee Food Service, may 81293  
be used to purchase any food operational items with funds received 81294  
into the fund from reimbursement for state surplus property. 81295

**Section 503.03. PERSONAL SERVICE EXPENSES** 81296

Unless otherwise prohibited by law, any appropriation from 81297  
which personal service expenses are paid shall bear the employer's 81298  
share of public employees' retirement, workers' compensation, 81299  
disabled workers' relief, and all group insurance programs; the 81300  
costs of centralized accounting, centralized payroll processing, 81301  
and related personnel reports and services; the cost of the Office 81302  
of Collective Bargaining; the cost of the Employee Assistance 81303  
Program; the cost of the affirmative action and equal employment 81304  
opportunity programs administered by the Department of 81305  
Administrative Services; the costs of interagency information 81306  
management infrastructure; and the cost of administering the state 81307  
employee merit system as required by section 124.07 of the Revised 81308  
Code. These costs shall be determined in conformity with the 81309

appropriate sections of law and paid in accordance with procedures 81310  
specified by the Office of Budget and Management. Expenditures 81311  
from appropriation item 070-601, Public Audit Expense - Local 81312  
Government, in Fund 422 may be exempted from the requirements of 81313  
this section. 81314

**Section 503.06. SATISFACTION OF JUDGMENTS AND SETTLEMENTS** 81315  
AGAINST THE STATE 81316

Except as otherwise provided in this section, an 81317  
appropriation in this act or any other act may be used for the 81318  
purpose of satisfying judgments, settlements, or administrative 81319  
awards ordered or approved by the Court of Claims or by any other 81320  
court of competent jurisdiction in connection with civil actions 81321  
against the state. This authorization does not apply to 81322  
appropriations to be applied to or used for payment of guarantees 81323  
by or on behalf of the state, or for payments under lease 81324  
agreements relating to, or debt service on, bonds, notes, or other 81325  
obligations of the state. Notwithstanding any other statute to the 81326  
contrary, this authorization includes appropriations from funds 81327  
into which proceeds of direct obligations of the state are 81328  
deposited only to the extent that the judgment, settlement, or 81329  
administrative award is for, or represents, capital costs for 81330  
which the appropriation may otherwise be used and is consistent 81331  
with the purpose for which any related obligations were issued or 81332  
entered into. Nothing contained in this section is intended to 81333  
subject the state to suit in any forum in which it is not 81334  
otherwise subject to suit, and is not intended to waive or 81335  
compromise any defense or right available to the state in any suit 81336  
against it. 81337

**Section 503.09. CAPITAL PROJECT SETTLEMENTS** 81338

This section specifies an additional and supplemental 81339

procedure to provide for payments of judgments and settlements if 81340  
the Director of Budget and Management determines, pursuant to 81341  
division (C)(4) of section 2743.19 of the Revised Code, that 81342  
sufficient unencumbered moneys do not exist in the particular 81343  
appropriation to pay the amount of a final judgment rendered 81344  
against the state or a state agency, including the settlement of a 81345  
claim approved by a court, in an action upon and arising out of a 81346  
contractual obligation for the construction or improvement of a 81347  
capital facility if the costs under the contract were payable in 81348  
whole or in part from a state capital projects appropriation. In 81349  
such a case, the director may either proceed pursuant to division 81350  
(C)(4) of section 2743.19 of the Revised Code or apply to the 81351  
Controlling Board to increase an appropriation or create an 81352  
appropriation out of any unencumbered moneys in the state treasury 81353  
to the credit of the capital projects fund from which the initial 81354  
state appropriation was made. The Controlling Board may approve or 81355  
disapprove the application as submitted or modified. The amount of 81356  
an increase in appropriation or new appropriation specified in an 81357  
application approved by the Controlling Board is hereby 81358  
appropriated from the applicable capital projects fund and made 81359  
available for the payment of the judgment or settlement. 81360

If the director does not make the application authorized by 81361  
this section or the Controlling Board disapproves the application, 81362  
and the director does not make application under division (C)(4) 81363  
of section 2743.19 of the Revised Code, the director shall for the 81364  
purpose of making that payment make a request to the General 81365  
Assembly as provided for in division (C)(5) of that section. 81366

**Section 503.12. RE-ISSUANCE OF VOIDED WARRANTS** 81367

In order to provide funds for the reissuance of voided 81368  
warrants under section 117.47 of the Revised Code, there is hereby 81369  
appropriated, out of moneys in the state treasury from the fund 81370

credited as provided in section 117.47 of the Revised Code, that 81371  
amount sufficient to pay such warrants when approved by the Office 81372  
of Budget and Management. 81373

**Section 503.15.** REAPPROPRIATION OF UNEXPENDED ENCUMBERED 81374  
BALANCES OF OPERATING APPROPRIATIONS 81375

Except for amounts of \$50,000,000 or more that are encumbered 81376  
from the General Revenue Fund for program subsidy payments, which 81377  
the Director of Budget and Management must submit to the 81378  
Controlling Board for approval, and General Revenue Fund 81379  
encumbrances for planned program subsidy payments of \$1,000,000 or 81380  
more but below \$50,000,000, which the Director of Budget and 81381  
Management must report to the Controlling Board, an unexpended 81382  
balance of an operating appropriation or reappropriation that a 81383  
state agency lawfully encumbered prior to the close of a fiscal 81384  
year is reappropriated on the first day of July of the following 81385  
fiscal year from the fund from which it was originally 81386  
appropriated or reappropriated for the following period and shall 81387  
remain available only for the purpose of discharging the 81388  
encumbrance: 81389

(A) For an encumbrance for personal services, maintenance, 81390  
equipment, or items for resale, other than an encumbrance for an 81391  
item of special order manufacture not available on term contract 81392  
or in the open market or for reclamation of land or oil and gas 81393  
wells for a period of not more than five months from the end of 81394  
the fiscal year; 81395

(B) For an encumbrance for an item of special order 81396  
manufacture not available on term contract or in the open market, 81397  
for a period of not more than five months from the end of the 81398  
fiscal year or, with the written approval of the Director of 81399  
Budget and Management, for a period of not more than twelve months 81400  
from the end of the fiscal year; 81401

(C) For an encumbrance for reclamation of land or oil and gas wells, for a period ending when the encumbered appropriation is expended or for a period of two years, whichever is less;

(D) For an encumbrance for any other expense, for such period as the director approves, provided such period does not exceed two years.

Any operating appropriations for which unexpended balances are reappropriated beyond a five-month period from the end of the fiscal year by division (B) of this section shall be reported to the Controlling Board by the Director of Budget and Management by the thirty-first day of December of each year. The report on each such item shall include the item, the cost of the item, and the name of the vendor. The report shall be updated on a quarterly basis for encumbrances remaining open.

Upon the expiration of the reappropriation period set out in divisions (A), (B), (C), or (D) of this section, a reappropriation made by this section lapses, and the Director of Budget and Management shall cancel the encumbrance of the unexpended reappropriation not later than the end of the weekend following the expiration of the reappropriation period.

Notwithstanding the preceding paragraph, with the approval of the Director of Budget and Management, an unexpended balance of an encumbrance that was reappropriated on the first day of July by this section for a period specified in division (C) or (D) of this section and that remains encumbered at the close of the fiscal biennium is hereby reappropriated on the first day of July of the following fiscal biennium from the fund from which it was originally appropriated or reappropriated for the applicable period specified in division (C) or (D) of this section and shall remain available only for the purpose of discharging the encumbrance.

The Director of Budget and Management may correct accounting errors committed by the staff of the Office of Budget and Management, such as re-establishing encumbrances or appropriations cancelled in error, during the cancellation of operating encumbrances in November and of nonoperating encumbrances in December.

If the Controlling Board approved a purchase, that approval remains in effect so long as the appropriation used to make that purchase remains encumbered.

**Section 503.18.** APPROPRIATIONS RELATED TO CASH TRANSFERS AND RE-ESTABLISHMENT OF ENCUMBRANCES

Any cash transferred by the Director of Budget and Management under section 126.15 of the Revised Code is hereby appropriated. Any amounts necessary to re-establish appropriations or encumbrances under section 126.15 of the Revised Code are hereby appropriated.

**Section 503.21.** INCOME TAX DISTRIBUTION TO COUNTIES

There are hereby appropriated out of any moneys in the state treasury to the credit of the General Revenue Fund, which are not otherwise appropriated, funds sufficient to make any payment required by division (B)(2) of section 5747.03 of the Revised Code.

**Section 503.24.** EXPENDITURES AND APPROPRIATION INCREASES APPROVED BY THE CONTROLLING BOARD

Any money that the Controlling Board approves for expenditure or any increase in appropriation authority that the Controlling Board approves under sections 127.14, 131.35, and 131.39 of the Revised Code or any other provision of law is hereby appropriated for the period ending June 30, 2009.

**Section 503.27.** FUNDS RECEIVED FOR USE OF GOVERNOR'S RESIDENCE 81462  
 RESIDENCE 81463

If the Governor's Residence Fund (Fund 4H2) receives payment 81464  
 for use of the residence pursuant to section 107.40 of the Revised 81465  
 Code, the amounts so received are hereby appropriated to 81466  
 appropriation item 100-604, Governor's Residence Gift. 81467

**Section 503.31.** PAYROLL WITHHOLDING FUNDS FOR WORKERS' COMPENSATION ASSESSMENTS 81468  
 COMPENSATION ASSESSMENTS 81469

Notwithstanding any provision of law to the contrary, not 81470  
 later than September 30 of each fiscal year, the Director of 81471  
 Budget and Management may transfer up to \$6,336,457 per fiscal 81472  
 year from the General Revenue Fund to the Payroll Withholding Fund 81473  
 (Fund 124). The amount transferred is hereby appropriated in 81474  
 appropriation item 995-673, Payroll Deductions. The Director of 81475  
 Administrative Services may use the amount transferred to pay 81476  
 increased costs to state agencies attributable to managed care 81477  
 assessments, premiums, and other fees charged by the Bureau of 81478  
 Workers' Compensation that would otherwise have been charged to 81479  
 the General Revenue Fund. 81480

**Section 506.03.** UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 81481

Unless the agency and nuclear electric utility mutually agree 81482  
 to a higher amount by contract, the maximum amounts that may be 81483  
 assessed against nuclear electric utilities under division (B)(2) 81484  
 of section 4937.05 of the Revised Code are as follows: 81485

	FY 2008	FY 2009	
Department of Agriculture			81486
Fund 4E4 Utility Radiological Safety	\$73,059	\$73,059	81487
Department of Health			81488
Fund 610 Radiation Emergency Response	\$850,000	\$850,000	81489
			81490

Environmental Protection Agency			81491
Fund 644 ER Radiological Safety	\$286,114	\$286,114	81492
Emergency Management Agency			81493
Fund 657 Utility Radiological Safety	\$1,260,000	\$1,260,000	81494
<b>Section 512.01.</b> TRANSFERS OF FISCAL YEAR 2007 GENERAL REVENUE			81495
FUND ENDING BALANCES			81496
Notwithstanding divisions (B)(1)(b), (B)(2), and (C) of			81497
section 131.44 of the Revised Code, up to \$100,000,000 in cash			81498
from fiscal year 2007 surplus revenue in excess of the amount			81499
required under division (A)(3) of section 131.44 of the Revised			81500
Code shall remain in the General Revenue Fund (GRF).			81501
<b>Section 512.03.</b> TRANSFERS TO THE GENERAL REVENUE FUND FROM			81502
NON-GRF FUNDS			81503
Notwithstanding any other provision of law to the contrary,			81504
during fiscal years 2008 and 2009, the Director of Budget and			81505
Management is hereby authorized to transfer cash from non-General			81506
Revenue Fund funds that are not constitutionally restricted to the			81507
General Revenue Fund. The total amount of cash transfers made			81508
pursuant to this section to the General Revenue Fund during fiscal			81509
years 2008 and 2009 shall not exceed \$70,000,000.			81510
<b>Section 512.06.</b> TRANSFERS TO THE GENERAL REVENUE FUND OF			81511
INTEREST EARNED			81512
Notwithstanding any provision of Ohio law to the contrary,			81513
the Director of Budget and Management, through June 30, 2009, may			81514
transfer interest earned by any fund in the Central Accounting			81515
System to the General Revenue Fund. Subsequent to the making of			81516
such transfers, the Director of Budget and Management shall			81517
provide a report to the Controlling Board at its next regularly			81518
scheduled meeting detailing the funds from which the interest			81519
earned was transferred to the General Revenue Fund and the amount			81520

of interest earnings transferred from each of those funds. This 81521  
section does not apply to funds whose source of revenue is 81522  
restricted or protected by the Constitution of this state, federal 81523  
tax law, or the "Cash Management Improvement Act of 1990" 104 81524  
Stat. 1058 (1990), 31 U.S.C. 6501 et seq., as amended. 81525

**Section 512.07.** CASH TRANSFERS FROM REPARATIONS FUND (Fund 81526  
402) TO DISASTER PREPAREDNESS FUND (Fund 5EX) 81527

Notwithstanding any other provision of law to the contrary, 81528  
on the first day of July in each of years 2007 and 2008, or as 81529  
soon as practicable thereafter in each of those years, the 81530  
Director of Budget and Management shall transfer \$350,000 in cash 81531  
from the Reparations Fund (Fund 402) to the Disaster Preparedness 81532  
Fund (Fund 5EX). 81533

**Section 512.09.** CORPORATE AND UCC FILING FUND TRANSFER TO GRF 81534

Not later than the first day of June in each year of the 81535  
biennium, the Director of Budget and Management shall transfer 81536  
\$500,000 from the Corporate and Uniform Commercial Code Filing 81537  
Fund to the General Revenue Fund. 81538

**Section 512.21.** GRF TRANSFER TO FUND 5N4, OAKS PROJECT 81539  
IMPLEMENTATION 81540

On July 1, 2007, or as soon thereafter as possible, the 81541  
Director of Budget and Management shall transfer an amount not to 81542  
exceed \$2,200,725 in cash from the General Revenue Fund to Fund 81543  
5N4, OAKS Project Implementation. On July 1, 2008, or as soon 81544  
thereafter as possible, the Director of Budget and Management 81545  
shall transfer an amount not to exceed \$2,092,779 in cash from the 81546  
General Revenue Fund to Fund 5N4, OAKS Project Implementation. 81547

**Section 512.31.** TEMPORARY TRANSFER TO THE OAKS SUPPORT 81548

ORGANIZATION FUND 81549

Notwithstanding any provision of law to the contrary, in 81550  
fiscal year 2008, the Director of Budget and Management may 81551  
transfer an amount not to exceed \$1,000,000 in cash from the Human 81552  
Resources Services Fund (Fund 125) to the OAKS Support 81553  
Organization Fund (Fund 5EB). These amounts shall support the 81554  
establishment of the OAKS Support Organization. Amounts 81555  
transferred to the OAKS Support Organization Fund and interest 81556  
earnings on these amounts transferred during fiscal year 2008 81557  
shall be returned to the Human Resources Services Fund not later 81558  
than January 1, 2008. Upon certification of the total amount 81559  
transferred from Fund 125 to Fund 5EB, the Director of Budget and 81560  
Management shall transfer cash in the amount certified from Fund 81561  
5EB to Fund 125. 81562

**Section 512.32.** GRF TRANSFER TO FUND 470, FEE SUPPORTED 81563  
PROGRAMS 81564

On July 1, 2007, or as soon as possible thereafter, the 81565  
Director of Budget and Management shall transfer \$50,000 in cash 81566  
from the General Revenue Fund to Fund 470, Fee Supported Programs, 81567  
in the Department of Health. 81568

**Section 512.34.** TRANSFER FROM EDUCATION FACILITIES ENDOWMENT 81569  
FUND 81570

Notwithstanding division (G) of section 183.27 of the Revised 81571  
Code, the Director of Budget and Management shall transfer 81572  
\$40,000,000 cash in fiscal year 2008 from the Education Facilities 81573  
Endowment Fund (Fund P87) to the General Revenue Fund. 81574

**Section 512.35.** DIESEL EMISSIONS REDUCTION AND TRANSIT 81575  
CAPITAL GRANT PROGRAMS 81576

On the first day of July of each fiscal year or as soon as 81577

possible thereafter, the Director of Budget and Management shall 81578  
(1) transfer \$9,817,105 in cash in fiscal year 2008 and 81579  
\$10,057,814 in cash in fiscal year 2009 from the Highway Operating 81580  
Fund (Fund 002) to the Diesel Emissions Grant Fund established in 81581  
section 122.861 of the Revised Code and (2) transfer \$5,000,000 in 81582  
each fiscal year from the Highway Operating Fund to the Transit 81583  
Capital Fund (Fund 5E7). The amounts transferred are hereby 81584  
appropriated. 81585

The transfer to the Diesel Emissions Grant Fund shall be used 81586  
for the administration and oversight of the Diesel Emissions 81587  
Reduction Grant Program within the Department of Development. In 81588  
addition to the allowable expenditures set forth in section 81589  
122.861 of the Revised Code, Diesel Emissions Reduction Grant 81590  
Program funds also may be used to fund projects involving the 81591  
purchase or use of hybrid and alternative fuel vehicles that are 81592  
allowed under guidance developed by the Federal Highway 81593  
Administration for the Congestion Mitigation and Air Quality 81594  
(CMAQ) Program. The Director of Development, in consultation with 81595  
the Director of Environmental Protection, shall develop guidance 81596  
for distribution of the funds from the Diesel Emissions Grant 81597  
Fund. The guidance shall include a method for prioritization of 81598  
projects, acceptable technologies, and procedures for awarding 81599  
grants and loans. 81600

The transfer to the Transit Capital Fund (Fund 5E7) shall be 81601  
used to supplement the capital portion of the Ohio Public 81602  
Transportation Grant Program within the Department of 81603  
Transportation. 81604

These cash transfers represent CMAQ program moneys within the 81605  
Department of Transportation for use by the Diesel Emissions 81606  
Reduction Grant Program by the Department of Development and for 81607  
use by the Ohio Public Transportation Grant Program by the Ohio 81608  
Department of Transportation. These allocations shall not reduce 81609

the amount of such moneys designated for metropolitan planning organizations. 81610  
81611

**Section 512.37.** TRANSFER TO ENERGY STRATEGY DEVELOPMENT FUND 81612

On July 1, 2007, and on July 1, 2008, or as soon thereafter 81613  
as possible, the Director of Budget and Management may transfer 81614  
cash from the funds specified below, in the amount specified 81615  
below, to the Energy Strategy Development Fund, which is hereby 81616  
created in the state treasury. The fund may accept contributions 81617  
and transfers made to the fund. The funds shall be used to develop 81618  
energy initiatives, projects, and policy. 81619

<u>Agency</u>	<u>Fund</u>	<u>FY 2008</u>	<u>FY 2009</u>	
Department of Administrative Services	117	\$35,000	\$35,000	81620 81621
Department of Agriculture	3J4	\$35,000	\$35,000	81622
Department of Development	4H4	\$32,447	\$0	81623
Department of Development	135	\$0	\$35,000	81624
Environmental Protection Agency	219	\$35,000	\$35,000	81625
Department of Natural Resources	157	\$35,000	\$35,000	81626
Department of Transportation	002	\$50,000	\$50,000	81627

**Section 512.38.** CASH TRANSFER FROM AUTOMATED TITLE PROCESSING FUND TO TITLE DEFECT RESCISSION FUND 81628  
81629

Notwithstanding any other provision of law to the contrary, 81630  
on July 1, 2007, or as soon as practicable thereafter, the 81631  
Director of Budget and Management shall transfer \$1,000,000 in 81632  
cash from the Automated Title Processing Fund (Fund 849) to the 81633  
Title Defect Rescission Fund (Fund 4Y7). 81634

**Section 512.41.** For purposes of sections 109.93, 111.18, and 81635  
173.85 of the Revised Code, as amended by this act, the Director 81636  
of Budget and Management, in collaboration with the Treasurer of 81637  
State, may take any action necessary to establish funds in the 81638

state treasury that were previously held in the custody of the 81639  
Treasurer of State, including, but not limited to, the transfer of 81640  
cash from the custodial funds to the state treasury and the 81641  
establishment of appropriations and encumbrances to support 81642  
outstanding obligations. The amounts necessary to support 81643  
outstanding obligations are hereby appropriated. Agencies may 81644  
request additional appropriation authority, but it shall be 81645  
subject to approval by the Controlling Board. 81646

**Section 512.50.** GRF TRANSFER TO THE PUBLIC AUDIT EXPENSE 81647  
INTRA-STATE FUND 81648

On July 1, 2007, or as soon as possible thereafter, the 81649  
Director of Budget and Management shall transfer \$400,000 cash 81650  
from the General Revenue Fund to the Public Audit Expense 81651  
Intra-State Fund (Fund 109). The amounts transferred are hereby 81652  
appropriated to help pay for expenses incurred in the Auditor of 81653  
State's role relating to fiscal caution, fiscal watch, and fiscal 81654  
emergency activities as defined in Chapter 3316. of the Revised 81655  
Code and for performance audits for school districts in fiscal 81656  
distress. 81657

**Section 515.06.** TRANSFER OF PRINTING SERVICES FROM THE OFFICE 81658  
OF INFORMATION TECHNOLOGY 81659

Effective July 1, 2007, or the earliest date thereafter 81660  
agreed to by the Director of Budget and Management and the 81661  
Director of Administrative Services, the Office of Information 81662  
Technology printing office currently located on Integrity Drive in 81663  
Columbus shall become part of the Department of Administrative 81664  
Services. The functions, assets, and liabilities, including, but 81665  
not limited to, records, regardless of form or medium, leases, and 81666  
contracts, of the printing office are transferred to the 81667  
Department of Administrative Services. The Department of 81668

Administrative Services is thereupon and thereafter successor to, 81669  
assumes the obligations of, and otherwise constitutes the 81670  
continuation of the printing office. The functions of the printing 81671  
office are thereupon and thereafter transferred to the Department 81672  
of Administrative Services. 81673

Any business commenced but not completed by the printing 81674  
office by the date of the transfer shall be completed by the 81675  
Department of Administrative Services, in the same manner, and 81676  
with the same effect, as if completed by the printing office. No 81677  
validation, cure, right, privilege, remedy, obligation, or 81678  
liability is lost or impaired by reason of the transfer and shall 81679  
be administered by the Department of Administrative Services. All 81680  
the printing office's rules, orders, and determinations continue 81681  
in effect as rules, orders, and determinations of the Department 81682  
of Administrative Services, until modified or rescinded by the 81683  
Department of Administrative Services. If necessary to ensure the 81684  
integrity of the Administrative Code rule numbering system, the 81685  
Director of the Legislative Service Commission shall renumber the 81686  
printing office's rules to reflect their transfer to the 81687  
Department of Administrative Services. 81688

Employees of the Office of Information Technology designated 81689  
as staff in the printing office shall be transferred to the 81690  
Department of Administrative Services. Subject to the layoff 81691  
provisions of sections 124.321 to 124.328 of the Revised Code, the 81692  
layoff provisions of the contract between the state and all 81693  
bargaining units affected, the employees transferred to the 81694  
Department of Administrative Services retain their positions and 81695  
all benefits accruing thereto. 81696

No judicial or administrative action or proceeding to which 81697  
the printing office is a party that is pending on July 1, 2007, or 81698  
such later date as may be established by the Director of the 81699  
Office of Information Technology and the Director of 81700

Administrative Services, is affected by the transfer of functions. 81701  
The action or proceeding shall be prosecuted or defended in the 81702  
name of the Director of Administrative Services. On application to 81703  
the court or agency, the Director of Administrative Services shall 81704  
be substituted for the Director of the Office of Information 81705  
Technology as a party to the action or proceeding. 81706

On and after July 1, 2007, notwithstanding any provision of 81707  
law to the contrary, the Director of Budget and Management shall 81708  
take the actions with respect to budget changes made necessary by 81709  
the transfer, including administrative reorganization, program 81710  
transfers, the creation of new funds, and the consolidation of 81711  
funds as authorized by this section. The Director of Budget and 81712  
Management may cancel encumbrances and re-establish encumbrances 81713  
or parts of encumbrances as needed in fiscal year 2008 in the 81714  
appropriate fund and appropriation item for the same purpose and 81715  
for payment to the same vendor. The Director of Budget and 81716  
Management as determined necessary, may re-establish encumbrances 81717  
in fiscal year 2008 in a different fund or appropriation item in 81718  
an agency or between agencies. The re-established encumbrances are 81719  
hereby appropriated. The Director of Budget and Management shall 81720  
reduce each year's appropriation balances by the amount of the 81721  
encumbrance canceled in their respective funds and appropriation 81722  
items. 81723

Not later than sixty days after the transfer of the printing 81724  
office to the Department of Administrative Services, the Director 81725  
of the Office of Information Technology shall certify to the 81726  
Director of Budget and Management the amount of cash associated 81727  
with printing services supported by Fund 133, IT Services Delivery 81728  
Fund. Upon receipt of the certification, the Director of Budget 81729  
and Management shall transfer cash from Fund 133, IT Services 81730  
Delivery Fund, to Fund 210, State Printing Fund. This amount is 81731  
hereby appropriated. 81732

**Section 515.09.** TRANSFER OF MAIL AND FULFILLMENT SERVICES 81733  
FROM THE DEPARTMENT OF JOB AND FAMILY SERVICES 81734

Effective July 1, 2007, or the earliest date thereafter 81735  
agreed to by the Director of Job and Family Services and the 81736  
Director of Administrative Services, the Department of Job and 81737  
Family Services mail and fulfillment office, currently located on 81738  
Integrity Drive in Columbus shall become part of the Department of 81739  
Administrative Services. The functions, assets, and liabilities, 81740  
including, but not limited to, records, regardless of form or 81741  
medium, leases, and contracts, of the mail and fulfillment office 81742  
is transferred to the Department of Administrative Services. The 81743  
Department of Administrative Services is thereupon and thereafter 81744  
successor to, assumes the obligations of, and otherwise 81745  
constitutes the continuation of the mail and fulfillment office. 81746  
The functions of the mail and fulfillment office are thereupon and 81747  
thereafter transferred to the Department of Administrative 81748  
Services. 81749

Any business commenced but not completed by the mail and 81750  
fulfillment office by the date of transfer shall be completed by 81751  
the Department of Administrative Services, in the same manner, and 81752  
with the same effect, as if completed by the mail and fulfillment 81753  
office. No validation, cure, right, privilege, remedy, obligation, 81754  
or liability is lost or impaired by reason of the transfer and 81755  
shall be administered by the Department of Administrative 81756  
Services. All of the mail and fulfillment office's rules, orders, 81757  
and determinations continue in effect as rules, orders, and 81758  
determinations of the Department of Administrative Services, until 81759  
modified or rescinded by the Department of Administrative 81760  
Services. If necessary to ensure the integrity of the 81761  
Administrative Code rule numbering system, the Director of the 81762  
Legislative Service Commission shall renumber the mail and 81763  
fulfillment office's rules to reflect their transfer to the 81764

Department of Administrative Services. 81765

Employees of the Department of Job and Family Services 81766  
designated as staff in the mail and fulfillment office shall be 81767  
transferred to the Department of Administrative Services. Subject 81768  
to the layoff provisions of sections 124.321 to 124.328 of the 81769  
Revised Code, and to provisions of the contract between the state 81770  
and all bargaining units affected, the employees transferred to 81771  
the Department of Administrative Services retain their positions 81772  
and all benefits accruing thereto. 81773

No judicial or administrative action or proceeding to which 81774  
the mail and fulfillment office is a party that is pending on July 81775  
1, 2007, or such later date as may be established by the Director 81776  
of Job and Family Services and the Director of Administrative 81777  
Services, is affected by the transfer of functions. The action or 81778  
proceeding shall be prosecuted or defended in the name of the 81779  
Director of Administrative Services. On application to the court 81780  
or agency, the Director of Administrative Services shall be 81781  
substituted for the Director of Job and Family Services as a party 81782  
to the action or proceeding. 81783

On and after July 1, 2007, notwithstanding any provision of 81784  
law to the contrary, the Director of Budget and Management shall 81785  
take the actions with respect to budget changes made necessary by 81786  
the transfer, including administrative reorganization, program 81787  
transfers, the creation of new funds, and the consolidation of 81788  
funds as authorized by this section. The Director of Budget and 81789  
Management may cancel encumbrances and re-establish encumbrances 81790  
or parts of encumbrances as needed in fiscal year 2008 in the 81791  
appropriate fund and appropriation item for the same purpose and 81792  
for payment to the same vendor. The Director of Budget and 81793  
Management, as determined necessary, may re-establish encumbrances 81794  
in fiscal year 2008 in a different fund or appropriation item in 81795  
an agency or between agencies. The re-established encumbrances are 81796

hereby appropriated. The Director of Budget and Management shall 81797  
reduce each year's appropriation balances by the amount of the 81798  
encumbrance canceled in their respective funds and appropriation 81799  
items. 81800

The Director of Job and Family Services and the Director of 81801  
Administrative Services shall enter into an interagency agreement 81802  
establishing terms and timetables for the implementation of this 81803  
section. The interagency agreement shall include provisions for 81804  
credits to the Department of Job and Family Services for prepaid 81805  
postage, agreements for the credit, transfer, or reimbursement of 81806  
funds to the Department of Job and Family Services to comply with 81807  
terms and conditions applicable to federal funds expended by the 81808  
department for the purchase, maintenance, and operation of 81809  
equipment, agreements for ongoing operations in compliance with 81810  
federal requirements applicable to Department of Job and Family 81811  
Services programs that utilize the mail and fulfillment services, 81812  
transfer of or sharing of lease agreements, and any other 81813  
agreements that the Director of Job and Family Services and the 81814  
Director of Administrative Services determine to be necessary for 81815  
the successful implementation of this section. 81816

Not later than sixty days after the transfer of the mail and 81817  
fulfillment office to the Department of Administrative Services, 81818  
the Director of Job and Family Services shall certify to the 81819  
Director of Budget and Management the amount of any unexpended 81820  
balance of appropriations made to the department to support the 81821  
office. Upon receipt of the certification, the Director of Budget 81822  
and Management shall transfer the appropriations and cash to Fund 81823  
210, State Printing Fund. 81824

**Section 518.01.** TRANSFERS FROM THE TOBACCO MASTER SETTLEMENT 81825  
AGREEMENT FUND TO THE GENERAL REVENUE FUND 81826

Notwithstanding any law to the contrary, on July 1, 2007, or 81827

as soon as possible thereafter, and before any other transfers 81828  
from the Tobacco Master Settlement Agreement Fund (Fund 087) are 81829  
made, the Director of Budget and Management shall transfer 81830  
\$9,984,248 to the General Revenue Fund from the Tobacco Master 81831  
Settlement Agreement Fund (Fund 087). 81832

**Section 518.02. EXCESS TOBACCO SECURITIZATION PROCEEDS** 81833

Any proceeds from securitization of the Tobacco Master 81834  
Settlement Agreement, after all expenses of the securitization 81835  
have been accounted for, in excess of \$5,000,000,000 shall be 81836  
deposited in the School Building Program Assistance Fund (Fund 81837  
032) established in section 3318.25 of the Revised Code. 81838

**Section 518.03. BUDGET ADJUSTMENTS TO REFLECT TOBACCO** 81839  
**SECURITIZATION** 81840

(A) Notwithstanding any other provision of law to the 81841  
contrary, the Director of Budget and Management, periodically on 81842  
any date following the issuance of the tobacco obligations 81843  
authorized in section 183.51 of the Revised Code and through June 81844  
30, 2009, shall: 81845

(1) Determine the amount of appropriation items 235-909, 81846  
Higher Education General Obligation Debt Service, and 230-908, 81847  
Common Schools General Obligation Debt Service, that are in excess 81848  
of the amounts needed to pay all debt service and financing costs 81849  
on those obligations payable from each of those items and transfer 81850  
all or any portion of that excess appropriation to appropriation 81851  
item 200-901, Property Tax Allocation-Education, or 110-901, 81852  
Property Tax Allocation-Taxation, or both together as needed for 81853  
the purposes of making the state's property tax relief payments to 81854  
school districts and counties. 81855

(2) Determine the amount by which interest earnings credited 81856  
to Fund 034, Higher Education Improvement Fund, and Fund 032, 81857

School Building Program Assistance Fund, from the investment of 81858  
the net proceeds of those tobacco obligations exceed the amount 81859  
needed to satisfy appropriations from those funds, transfer all or 81860  
part of that excess cash balance to the General Revenue Fund, and 81861  
increase appropriation item 200-901, Property Tax 81862  
Allocation-Education, or 110-901, Property Tax 81863  
Allocation-Taxation, or both together, by up to the amount of cash 81864  
so transferred to the General Revenue Fund. 81865

(3) Determine the amount of capital appropriations in 81866  
CAP-770, School Building Assistance Program, and transfers of cash 81867  
to Fund 5E3, School Facilities Commission, that are necessary to 81868  
fully expend the amount of net proceeds deposited into Fund 032, 81869  
School Building Program Assistance Fund, from the issuance of 81870  
those tobacco obligations, and increase the appropriations for 81871  
CAP-770 and appropriation item 230-644, Operating Expenses-School 81872  
Facilities Commission, by the necessary amounts. 81873

(4) Determine the amount of additional capital 81874  
appropriations, if any necessary to fully expend the amount of net 81875  
proceeds deposited from the issuance of those tobacco obligations 81876  
into Fund 034, Higher Education Improvement Fund. 81877

(5) Reduce by up to \$800,000,000 the amount of authorization 81878  
to issue and sell general obligations to pay the costs of capital 81879  
facilities for a system of common schools throughout the state 81880  
granted to the Ohio Public Facilities Commission by prior acts of 81881  
the General Assembly. This reduction reflects the utilization of 81882  
the net proceeds of those tobacco obligations in place of general 81883  
obligation bond proceeds to support capital appropriations payable 81884  
from Fund 032, School Building Assistance Fund. 81885

(6) Reduce by up to \$950,000,000 the amount of authorization 81886  
to issue and sell general obligations to pay the costs of capital 81887  
facilities for state-supported and state-assisted institutions of 81888  
higher education granted to the Ohio Public Facilities Commission 81889

by prior acts of the General Assembly. This reduction reflects the 81890  
utilization of the net proceeds of those tobacco obligations in 81891  
place of general obligation bond proceeds to support capital 81892  
appropriations payable from Fund 034, Higher Education Improvement 81893  
Fund. 81894

(B) Before the Office of Budget and Management transfers or 81895  
increases or decreases any appropriations or authorizations 81896  
described in division (A) of this section, the Office of Budget 81897  
and Management shall seek Controlling Board approval. 81898

**Section 518.06. GENERAL OBLIGATION DEBT SERVICE PAYMENTS** 81899

Certain appropriations are in this act for the purpose of 81900  
paying debt service and financing costs on general obligation 81901  
bonds or notes of the state issued pursuant to the Ohio 81902  
Constitution and acts of the General Assembly. If it is determined 81903  
that additional appropriations are necessary for this purpose, 81904  
such amounts are hereby appropriated. 81905

**Section 518.09. LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF** 81906  
**STATE** 81907

Certain appropriations are in this act for the purpose of 81908  
making lease rental payments pursuant to leases and agreements 81909  
relating to bonds or notes issued by the Ohio Building Authority 81910  
or the Treasurer of State or, previously, by the Ohio Public 81911  
Facilities Commission, pursuant to the Ohio Constitution and acts 81912  
of the General Assembly. If it is determined that additional 81913  
appropriations are necessary for this purpose, such amounts are 81914  
hereby appropriated. 81915

**Section 518.12. AUTHORIZATION FOR TREASURER OF STATE AND OBM** 81916  
**TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS** 81917

The Office of Budget and Management shall initiate and 81918

process disbursements from general obligation and lease rental 81919  
payment appropriation items during the period from July 1, 2007, 81920  
to June 30, 2009, relating to bonds or notes issued under Sections 81921  
2i, 2k, 2l, 2m, 2n, 2o, 2p and 15 of Article VIII, Ohio 81922  
Constitution, and Chapters 151. and 154. of the Revised Code. 81923  
Disbursements shall be made upon certification by the Treasurer of 81924  
State, Office of the Sinking Fund, of the dates and the amounts 81925  
due on those dates. 81926

**Section 521.03. STATE AND LOCAL REBATE AUTHORIZATION** 81927

There is hereby appropriated, from those funds designated by 81928  
or pursuant to the applicable proceedings authorizing the issuance 81929  
of state obligations, amounts computed at the time to represent 81930  
the portion of investment income to be rebated or amounts in lieu 81931  
of or in addition to any rebate amount to be paid to the federal 81932  
government in order to maintain the exclusion from gross income 81933  
for federal income tax purposes of interest on those state 81934  
obligations under section 148(f) of the Internal Revenue Code. 81935

Rebate payments shall be approved and vouchered by the Office 81936  
of Budget and Management. 81937

**Section 521.06. STATEWIDE INDIRECT COST RECOVERY** 81938

Whenever the Director of Budget and Management determines 81939  
that an appropriation made to a state agency from a fund of the 81940  
state is insufficient to provide for the recovery of statewide 81941  
indirect costs under section 126.12 of the Revised Code, the 81942  
amount required for such purpose is hereby appropriated from the 81943  
available receipts of such fund. 81944

**Section 521.07. GRF TRANSFERS ON BEHALF OF THE STATEWIDE** 81945  
**INDIRECT COST ALLOCATION PLAN** 81946

The total transfers made from the General Revenue Fund by the 81947

Director of Budget and Management under this section shall not 81948  
exceed the amounts transferred into the General Revenue Fund under 81949  
division (B) of section 126.12 of the Revised Code. 81950

The director of an agency may certify to the Director of 81951  
Budget and Management the amount of expenses not allowed to be 81952  
included in the Statewide Indirect Cost Allocation Plan under 81953  
federal regulations, from any fund included in the Statewide 81954  
Indirect Cost Allocation Plan, prepared as required by section 81955  
126.12 of the Revised Code. 81956

Upon determining that no alternative source of funding is 81957  
available to pay for such expenses, the Director of Budget and 81958  
Management may transfer from the General Revenue Fund into the 81959  
fund for which the certification is made, up to the amount of the 81960  
certification. The director of the agency receiving such funds 81961  
shall include, as part of the next budget submission prepared 81962  
under section 126.02 of the Revised Code, a request for funding 81963  
for such activities from an alternative source such that further 81964  
federal disallowances would not be required. 81965

**Section 521.09. FEDERAL GOVERNMENT INTEREST REQUIREMENTS** 81966

Notwithstanding any provision of law to the contrary, on or 81967  
before the first day of September of each fiscal year, the 81968  
Director of Budget and Management, in order to reduce the payment 81969  
of adjustments to the federal government, as determined by the 81970  
plan prepared under division (A) of section 126.12 of the Revised 81971  
Code, may designate such funds as the director considers necessary 81972  
to retain their own interest earnings. 81973

**Section 521.12. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT** 81974

Pursuant to the plan for compliance with the Federal Cash 81975  
Management Improvement Act required by section 131.36 of the 81976  
Revised Code, the Director of Budget and Management may cancel and 81977

re-establish all or part of encumbrances in like amounts within 81978  
the funds identified by the plan. The amounts necessary to 81979  
re-establish all or part of encumbrances are hereby appropriated. 81980

**Section 603.01.** That Section 4 of Sub. H.B. 2 of the 127th 81981  
General Assembly be amended to read as follows: 81982

**Sec. 4.** Not later than ~~September 28, 2007~~ March 31, 2008, the 81983  
Chancellor of the Ohio Board of Regents shall report to the 81984  
General Assembly, in accordance with division (B) of section 81985  
101.68 of the Revised Code, and to the Governor, recommendations 81986  
to accomplish the following: 81987

(A) Make college more affordable and accessible for all 81988  
Ohioans; 81989

(B) Encourage Ohio graduates to remain in Ohio after earning 81990  
their degrees; 81991

(C) Maximize higher education as a driver of the state's 81992  
economy. 81993

The report also shall include a plan as to how to 81994  
appropriately utilize the Board of Regents to enhance higher 81995  
education in Ohio. 81996

**Section 603.02.** That existing Section 4 of Sub. H.B. 2 of the 81997  
127th General Assembly is hereby repealed. 81998

**Section 603.03.** That Section 203.10 of Am. Sub. H.B. 67 of 81999  
the 127th General Assembly be amended to read as follows: 82000

**Sec. 203.10.** DOT DEPARTMENT OF TRANSPORTATION 82001

FUND	TITLE	FY 2008	FY 2009
	Transportation Planning and Research		82002
			82003
	Highway Operating Fund Group		82004

002	771-411	Planning and Research	\$	20,724,547	\$	21,733,301	82005
		- State					
002	771-412	Planning and Research	\$	29,996,363	\$	30,264,923	82006
		- Federal					
		TOTAL HOF Highway Operating					82007
		Fund Group	\$	50,720,910	\$	51,998,224	82008
		TOTAL ALL BUDGET FUND GROUPS -					82009
		Transportation Planning					82010
		and Research	\$	50,720,910	\$	51,998,224	82011
		Highway Construction					82012
		Highway Operating Fund Group					82013
002	772-421	Highway Construction -	\$	528,722,188	\$	504,184,419	82014
		State					
002	772-422	Highway Construction -	\$	1,103,979,148	\$	1,086,733,759	82015
		Federal					
002	772-424	Highway Construction -	\$	106,439,000	\$	100,379,155	82016
		Other					
002	772-437	GARVEE Debt Service -	\$	10,321,300	\$	19,273,500	82017
		State					
002	772-438	GARVEE Debt Service -	\$	113,915,900	\$	139,015,000	82018
		Federal					
212	772-426	Highway Infrastructure	\$	4,303,173	\$	4,018,649	82019
		Bank - Federal					
212	772-427	Highway Infrastructure	\$	8,268,315	\$	10,209,272	82020
		Bank - State					
212	772-429	Highway Infrastructure	\$	11,000,000	\$	11,499,999	82021
		Bank - Local					
212	772-430	Infrastructure Debt	\$	1,500,000	\$	1,500,000	82022
		Reserve Title 23-49					
213	772-431	Roadway Infrastructure	\$	1,000,000	\$	1,000,000	82023
		Bank - State					
213	772-432	Roadway Infrastructure	\$	6,000,000	\$	6,000,000	82024
		Bank - Local					

213	772-433	Infrastructure Debt	\$	2,000,000	\$	2,000,000	82025
		Reserve - State					
		TOTAL HOF Highway Operating					82026
		Fund Group	\$	1,897,449,024	\$	1,885,813,753	82027
		Highway Capital Improvement Fund Group					82028
042	772-723	Highway Construction -	\$	200,000,000	\$	100,000,000	82029
		Bonds					
		TOTAL 042 Highway Capital	\$	200,000,000	\$	100,000,000	82030
		Improvement Fund Group					
		Infrastructure Bank Obligations Fund Group					82031
045	772-428	Highway Infrastructure	\$	450,000,000	\$	400,000,000	82032
		Bank - Bonds					
		TOTAL 045 Infrastructure Bank					82033
		Obligations Fund Group	\$	450,000,000	\$	400,000,000	82034
		TOTAL ALL BUDGET FUND GROUPS -					82035
		Highway Construction	\$	2,547,449,024	\$	2,385,813,753	82036
		Highway Maintenance					82037
		Highway Operating Fund Group					82038
002	773-431	Highway Maintenance -	\$	403,252,901	\$	417,915,187	82039
		State					
		TOTAL HOF Highway Operating					82040
		Fund Group	\$	403,252,901	\$	417,915,187	82041
							82042
		TOTAL ALL BUDGET FUND GROUPS -					82043
		Highway Maintenance	\$	403,252,901	\$	417,915,187	82044
		Public Transportation					82045
		Highway Operating Fund Group					82046
002	775-452	Public Transportation	\$	25,471,589	\$	30,391,763	82047
		- Federal					
002	775-454	Public Transportation	\$	1,500,000	\$	1,500,000	82048
		- Other					
002	775-459	Elderly and Disabled	\$	4,730,000	\$	4,730,000	82049

	Special Equipment				
212	775-408	Transit Infrastructure	\$	2,500,000	\$ 812,685 82050
		Bank - Local			
212	775-455	Title 49	\$	476,485	\$ 312,795 82051
		Infrastructure Bank -			
		State			
213	775-457	Transit Infrastructure	\$	500,000	\$ 312,082 82052
		Bank - State			
213	775-460	Transit Infrastructure	\$	1,000,000	\$ 1,000,000 82053
		Bank - Local			
	TOTAL HOF	Highway Operating			82054
	Fund Group		\$	36,178,074	\$ 39,059,325 82055
	TOTAL ALL BUDGET FUND GROUPS -				82056
	Public Transportation		\$	36,178,074	\$ 39,059,325 82057
		Rail Transportation			82058
	Federal Special Revenue Group				82059
3B9	776-662	Rail Transportation -	\$	10,000	\$ 10,000 82060
		Federal			
	TOTAL FED	Federal Special Revenue	\$	10,000	\$ 10,000 82061
	Fund Group				
	Highway Operating Fund Group				82062
002	776-462	Grade Crossings -	\$	15,000,000	\$ 15,000,000 82063
		Federal			
	TOTAL HOF	Highway Operating			82064
	Fund Group		\$	15,000,000	\$ 15,000,000 82065
	State Special Revenue Fund Group				82066
4N4	776-663	Panhandle Lease	\$	762,500	\$ 763,700 82067
		Reserve Payments			
4N4	776-664	Rail Transportation -	\$	2,111,500	\$ 2,111,500 82068
		Other			
	TOTAL SSR	State Special Revenue	\$	2,874,000	\$ 2,875,200 82069
	Fund Group				

TOTAL ALL BUDGET FUND GROUPS -				82070
Rail Transportation	\$	17,884,000	\$ 17,885,200	82071
Aviation				82072
State Special Revenue Fund Group				82073
5W9 777-615 County Airport	\$	570,000	\$ 570,000	82074
Maintenance				
TOTAL SSR State Special Revenue	\$	570,000	\$ 570,000	82075
Fund Group				
Highway Operating Fund Group				82076
002 777-472 Airport Improvements -	\$	405,000	\$ 405,000	82077
Federal				
002 777-475 Aviation	\$	5,210,000	\$ 5,358,100	82078
Administration				
213 777-477 Aviation	\$	2,000,000	\$ 3,500,000	82079
Infrastructure Bank -				
State				
213 777-478 Aviation	\$	5,996,118	\$ 6,000,000	82080
Infrastructure Bank -				
Local				
TOTAL HOF Highway Operating				82081
Fund Group	\$	13,611,118	\$ 15,263,100	82082
TOTAL ALL BUDGET FUND GROUPS -				82083
Aviation	\$	14,181,118	\$ 15,833,100	82084
Administration				82085
Highway Operating Fund Group				82086
002 779-491 Administration - State	\$	120,262,864	\$ 122,601,493	82087
TOTAL HOF Highway Operating				82088
Fund Group	\$	120,262,864	\$ 122,601,493	82089
TOTAL ALL BUDGET FUND GROUPS -				82090
Administration	\$	120,262,864	\$ 122,601,493	82091
Debt Service				82092
Highway Operating Fund Group				82093

002 770-003 Administration - State	\$	10,555,300	\$	3,614,700	82094
- Debt Service					
TOTAL HOF Highway Operating					82095
Fund Group	\$	10,555,300	\$	3,614,700	82096
TOTAL ALL BUDGET FUND GROUPS -					82097
Debt Service	\$	10,555,300	\$	3,614,700	82098
TOTAL Department of Transportation					82099
TOTAL FED Federal Special Revenue	\$	10,000	\$	10,000	82100
Fund Group					
TOTAL HOF Highway Operating					82101
Fund Group	\$	2,547,030,191	\$	2,551,265,782	82102
TOTAL 042 Highway Capital					82103
Improvement Fund Group	\$	200,000,000	\$	100,000,000	82104
TOTAL 045 Infrastructure Bank					82105
Obligations Fund Group	\$	450,000,000	\$	400,000,000	82106
TOTAL SSR State Special Revenue	\$	3,444,000	\$	3,445,200	82107
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	3,200,484,191	\$	3,054,720,982	82108
<u>DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING</u>					82109
<u>Pursuant to section 121.51 of the Revised Code, the Director</u>					82110
<u>of Budget and Management, in conjunction with the Inspector</u>					82111
<u>General, shall prepare a schedule to transfer the necessary</u>					82112
<u>amounts from the Highway Operating Fund to the Deputy Inspector</u>					82113
<u>General for ODOT Fund to pay for the activities of the Deputy</u>					82114
<u>Inspector General. The amounts transferred are hereby</u>					82115
<u>appropriated.</u>					82116
<b>Section 603.04.</b> That existing Section 203.10 of Am. Sub. H.B.					82117
67 of the 127th General Assembly is hereby repealed.					82118
* <b>Section 603.05.</b> That Sections 203.50, 209.10, 227.10,					82119
555.08, and 557.10 of Am. Sub. H.B. 67 of the 127th General					82120
Assembly be amended to read as follows:					82121

**Sec. 203.50. PUBLIC ACCESS ROADS FOR STATE FACILITIES** 82122

Of the foregoing appropriation item 772-421, Highway 82123  
Construction - State, \$5,000,000 shall be used in each fiscal year 82124  
during the fiscal year 2008-2009 biennium by the Department of 82125  
Transportation for the construction, reconstruction, or 82126  
maintenance of public access roads, including support features, to 82127  
and within state facilities owned or operated by the Department of 82128  
Natural Resources. 82129

Notwithstanding section 5511.06 of the Revised Code, of the 82130  
foregoing appropriation item 772-421, Highway Construction - 82131  
State, \$2,228,000 in each fiscal year of the fiscal year 2008-2009 82132  
biennium shall be used by the Department of Transportation for the 82133  
construction, reconstruction, or maintenance of park drives or 82134  
park roads within the boundaries of metropolitan parks. 82135

Included in the foregoing appropriation item 772-421, Highway 82136  
Construction - State, the department may perform related road work 82137  
on behalf of the Ohio Expositions Commission at the state 82138  
fairgrounds, including reconstruction or maintenance of public 82139  
access roads and support features, to and within fairground 82140  
facilities as requested by the commission and approved by the 82141  
Director of Transportation. 82142

PUBLIC SCHOOL ENTRANCE IMPROVEMENTS 82143

Of the foregoing appropriation item 779-491, 82144  
Administration-State, \$4,000,000 in fiscal year 2008, shall be 82145  
used by the Department of Transportation to make grants available 82146  
for state highway improvements at public school entrances under 82147  
the following conditions: 82148

(A) The school is receiving assistance from the Ohio School 82149  
Facilities Commission for the renovation or construction of new 82150  
school facilities. 82151

(B) The state highway improvements are to be made at 82152  
entrances within school zones. 82153

Grant awards shall be limited to \$500,000 per school 82154  
district, and are contingent on local government officials or the 82155  
participating school district, or both, matching 25 per cent of 82156  
the improvement cost. 82157

LIQUIDATION OF UNFORESEEN LIABILITIES 82158

Any appropriation made to the Department of Transportation, 82159  
Highway Operating Fund, not otherwise restricted by law, is 82160  
available to liquidate unforeseen liabilities arising from 82161  
contractual agreements of prior years when the prior year 82162  
encumbrance is insufficient. 82163

**Sec. 209.10. ENFORCEMENT** 82164

State Highway Safety Fund Group 82165

036 764-033 Minor Capital Projects \$ 1,250,000 \$ 1,250,000 82166

036 764-321 Operating Expense - \$ 253,967,276 \$ 267,539,597 82167

Highway Patrol

036 764-605 Motor Carrier \$ 3,061,817 \$ 3,340,468 82168

Enforcement Expenses

83C 764-630 Contraband, \$ 622,894 \$ 622,894 82169

Forfeiture, Other

83F 764-657 Law Enforcement \$ 7,945,555 \$ 8,275,898 82170

Automated Data System

83G 764-633 OMVI \$ 650,000 \$ 650,000 82171

Enforcement/Education

83J 764-693 Highway Patrol Justice \$ 2,100,000 \$ 2,100,000 82172

Contraband

83T 764-694 Highway Patrol \$ 21,000 \$ 21,000 82173

Treasury Contraband

831 764-610 Patrol - Federal \$ 2,455,484 \$ 2,455,484 82174

831 764-659	Transportation	\$	5,665,690	\$	6,132,592	82175
	Enforcement - Federal					
831 769-631	Homeland Security -	\$	1,500,000	\$	1,552,500	82176
	Federal					
837 764-602	Turnpike Policing	\$	10,893,146	\$	11,553,959	82177
838 764-606	Patrol Reimbursement	\$	175,000	\$	175,000	82178
840 764-607	State Fair Security	\$	1,396,283	\$	1,396,283	82179
840 764-617	Security and	\$	6,231,916	\$	6,155,385	82180
	Investigations					
840 764-626	State Fairgrounds	\$	788,375	\$	788,375	82181
	Police Force					
840 769-632	Homeland Security -	\$	1,913,276	\$	1,989,807	82182
	Operating					
841 764-603	Salvage and Exchange -	\$	1,339,399	\$	1,339,399	82183
	Highway Patrol					
TOTAL HSF State Highway Safety						82184
Fund Group		\$	301,977,111	\$	317,338,641	82185
General Services Fund Group						82186
4S2 764-660	MARCS Maintenance	\$	335,862	\$	389,149	82187
TOTAL GSF General Services						82188
Fund Group		\$	335,862	\$	389,149	82189
TOTAL ALL BUDGET FUND GROUPS -						82190
Enforcement		\$	302,312,973	\$	317,727,790	82191
COLLECTIVE BARGAINING INCREASES						82192
Notwithstanding division (D) of section 127.14 and division						82193
(B) of section 131.35 of the Revised Code, except for the General						82194
Revenue Fund, the Controlling Board may, upon the request of						82195
either the Director of Budget and Management, or the Department of						82196
Public Safety with the approval of the Director of Budget and						82197
Management, increase appropriations for any fund, as necessary for						82198
the Department of Public Safety, to assist in paying the costs of						82199
increases in employee compensation that have occurred pursuant to						82200

collective bargaining agreements under Chapter 4117. of the 82201  
Revised Code and, for exempt employees, under section 124.152 of 82202  
the Revised Code. 82203

TRAFFIC SAFETY OPERATING FUND 82204

On July 1, 2007, or as soon thereafter as possible, the 82205  
Director of Budget and Management shall transfer the cash balance 82206  
in the Traffic Safety Operating Fund (Fund 5AY) to the Highway 82207  
Safety Fund (Fund 036). The Director of Budget and Management 82208  
shall cancel any existing encumbrances against appropriation item 82209  
764-688, Traffic Safety Operating, and re-establish them against 82210  
appropriation item 764-321, Operating Expense - Highway Patrol. 82211  
The amounts of the re-established encumbrances are hereby 82212  
appropriated. Upon completion of these transfers, the Traffic 82213  
Safety Operating Fund (Fund 5AY) is hereby abolished. 82214

CASH TRANSFER TO THE STATE HIGHWAY SAFETY FUND 82215

Effective July 1, 2007, the Treasurer of State, prior to 82216  
making any of the distributions listed in sections 5735.23, 82217  
5735.26, 5735.291, and 5735.30 of the Revised Code, shall deposit 82218  
at least the first \$1,250,000 and up to \$1,600,000 received each 82219  
month to the credit of the State Highway Safety Fund (Fund 036) 82220  
pursuant to a schedule determined by the Director of Budget and 82221  
Management. 82222

**Sec. 227.10.** DEV DEPARTMENT OF DEVELOPMENT 82223

State Special Revenue Fund Group 82224

4W0 195-629 Roadwork Development \$ 18,699,900 \$ 18,699,900 82225

TOTAL SSR State Special Revenue 82226

Fund Group \$ 18,699,900 \$ 18,699,900 82227

TOTAL ALL BUDGET FUND GROUPS \$ 18,699,900 \$ 18,699,900 82228

ROADWORK DEVELOPMENT FUND 82229

The Roadwork Development Fund shall be used for road 82230

improvements associated with economic development opportunities 82231  
that will retain or attract businesses for Ohio. "Road 82232  
improvements" are improvements to public roadway facilities 82233  
located on, or serving or capable of serving, a project site. 82234

The Department of Transportation, under the direction of the 82235  
Department of Development, shall provide these funds in accordance 82236  
with all guidelines and requirements established for Department of 82237  
Development appropriation item 195-412, Business Development, 82238  
including Controlling Board review and approval as well as the 82239  
requirements for usage of gas tax revenue prescribed in Section 5a 82240  
of Article XII, Ohio Constitution. Should the Department of 82241  
Development require the assistance of the Department of 82242  
Transportation to bring a project to completion, the Department of 82243  
Transportation shall use its authority under Title LV of the 82244  
Revised Code to provide such assistance and enter into contracts 82245  
on behalf of the Department of Development. In addition, these 82246  
funds may be used in conjunction with appropriation item 195-412, 82247  
Business Development, or any other state funds appropriated for 82248  
infrastructure improvements. 82249

The Director of Budget and Management, pursuant to a plan 82250  
submitted by the Department of Development or as otherwise 82251  
determined by the Director of Budget and Management, shall set a 82252  
cash transfer schedule to meet the cash needs of the Department of 82253  
Development's Roadwork Development Fund (Fund 4W0), less any other 82254  
available cash. The Director shall transfer to the Roadwork 82255  
Development Fund from the Highway Operating Fund (Fund 002), 82256  
established in section 5735.291 of the Revised Code, such amounts 82257  
at such times as determined by the transfer schedule. 82258

Of the foregoing appropriation item 195-629, Roadwork 82259  
Development, \$1,000,000 over the fiscal year 2008-2009 biennium 82260  
shall be used for improvements to the State Route 33 Avery 82261  
Muirfield Interchange. 82262

TRANSPORTATION IMPROVEMENT DISTRICTS 82263

Notwithstanding section 5540.151 of the Revised Code, of the 82264  
foregoing appropriation item 195-629, Roadwork Development, 82265  
\$250,000 in each fiscal year of the biennium shall be granted by 82266  
the Director of Development to each of the transportation 82267  
improvement districts of Butler, Clermont, Hamilton, Lorain, 82268  
Medina, Montgomery, Muskingum, and Stark counties and to the 82269  
Rossford Transportation Improvement District in Wood County. Any 82270  
grant made under this paragraph is not subject to the restrictions 82271  
of appropriation item 195-629, Roadwork Development. 82272

**Sec. 555.08.** The Department of Transportation shall construct 82273  
the major new construction projects selected by the Transportation 82274  
Review Advisory Council on December 20, 2006, as Tier I projects 82275  
for construction in fiscal years 2007 through 2013 and shall not 82276  
undertake other major new construction projects until construction 82277  
of such selected Tier I projects has commenced in accordance with 82278  
the December 20, 2006, recommendations. However, nothing in this 82279  
section shall require the Department of Transportation to 82280  
undertake the major new Tier I construction projects selected by 82281  
the Transportation Review Advisory Council on December 20, 2006, 82282  
ahead of projects selected as Tier I projects prior to that date; 82283  
the Department may continue with such previously selected Tier I 82284  
projects in accordance with the prior recommendations. The 82285  
Transportation Review Advisory Council may recommend additional 82286  
major new projects in accordance with the policies promulgated by 82287  
the Council, but new Tier I projects shall not be given priority 82288  
over Tier I projects recommended on December 20, 2006. 82289

**Sec. 557.10.** ~~(A)~~ Notwithstanding Chapter 5735. of the Revised 82290  
Code, the following shall apply for the period of July 1, 2007, 82291  
through June 30, 2009: 82292

(A)(1) For the discount under section 5735.06 of the Revised Code, if the monthly report is timely filed and the tax is timely paid, 1.0 ~~per-cent~~ % of the total number of gallons of motor fuel received by the motor fuel dealer within the state during the preceding calendar month, less the total number of gallons deducted under divisions (B)(1)(a) and (b) of section 5735.06 of the Revised Code, less 0.50 ~~per-cent~~ % of the total number of gallons of motor fuel that were sold to a retail dealer during the preceding calendar month.

(2) For the semiannual periods ending December 31, 2007, June 30, 2008, December 31, 2008, and June 30, 2009, the refund provided to retail dealers under section 5735.141 of the Revised Code shall be 0.50 ~~per-cent~~ % of the Ohio motor fuel taxes paid on fuel purchased during those semiannual periods.

(B) ~~Each retail~~ If the monthly report is timely filed and the tax is timely paid, each motor fuel dealer is allowed a vendor tax collection and administration discount equal to 0.90% of the motor fuel taxes paid on motor fuel purchased received by the retail motor fuel dealer during each of the semiannual periods occurring during the biennium beginning July 1, 2007, and ending June 30, 2009. The vendor discount shall be refunded to the retail dealer upon application by the dealer to the Tax Commissioner within 120 days after the end of each such semiannual period in the manner prescribed by the Tax Commissioner on which the dealer remits the motor fuel tax. The discount shall be taken by the motor fuel dealer on the dealer's monthly motor fuel tax report. The vendor discount is in addition to any other discount or refund allowed the motor fuel dealer under division (A) of this section. The vendor discount shall be paid in the same manner and from the same fund as prescribed in section 5735.141 of the Revised Code. As used in this section, "motor fuel" and "retail "motor fuel dealer" have the same meanings as in section 5735.01 of the Revised Code.

\*Section 603.06. That existing Sections 203.50, 209.10, 227.10, 555.08, and 557.10 of Am. Sub. H.B. 67 of the 127th General Assembly are hereby repealed. 82325  
82326  
82327

Section 605.05. That Section 252.70 of Am. Sub. H.B. 530 of the 126th General Assembly be amended to read as follows: 82328  
82329

Reappropriations

<b>Sec. 252.70.</b>	<b>OSU OHIO STATE UNIVERSITY</b>		82330
CAP-074	Basic Renovations	\$ 19,255,664	82331
CAP-149	Basic Renovations - Regional Campuses	\$ 2,083,163	82332
CAP-198	Brown Hall Annex Replacement	\$ 6,213	82333
CAP-254	Basic Renovations - ATI	\$ 127,444	82334
CAP-255	Supplemental Renovations - OARDC	\$ 2,826,343	82335
CAP-256	Supplemental Renovations - Regional	\$ 191,955	82336
CAP-258	Dreese Lab Addition	\$ 12,340	82337
CAP-261	Bioscience/Parks Hall Addition	\$ 12,584	82338
CAP-269	Greenhouse Modernization	\$ 40,982	82339
CAP-271	Horticulture/Entomology Greenhouse - OARDC	\$ 15,344	82340
CAP-292	Life Sciences Research Building	\$ 202,898	82341
CAP-302	Food Science & Technology Building	\$ 89,990	82342
CAP-306	Heart & Lung Institute	\$ 32,437	82343
CAP-311	Superconducting Radiation	\$ 65,094	82344
CAP-313	Brain Tumor Research Center	\$ 6,001	82345
CAP-314	Engineering Center Net Shape Manufacturing	\$ 20,730	82346
CAP-315	Membrane Protein Typology	\$ 8,835	82347
CAP-316	Instructional and Data Processing Equipment	\$ 198,844	82348
CAP-321	Fine Particle Technologies	\$ 157,936	82349
CAP-323	Advanced Plasma Engineering	\$ 22,379	82350

CAP-324	Plasma Ramparts	\$	1,150	82351
CAP-326	IN-SITU AL-BE Composites	\$	1,733	82352
CAP-335	Jay Cooke Residence - Roof and Windows	\$	86,668	82353
CAP-347	Asbestos Abatement	\$	5,325	82354
CAP-349	Materials Network	\$	91,983	82355
CAP-350	Bio-Technology Consortium	\$	42,378	82356
CAP-352	Analytical Electron Microscope	\$	375,000	82357
CAP-353	High Temp Alloys & Alluminoids	\$	220,000	82358
CAP-357	Supplemental Renovations - ATI	\$	33,969	82359
CAP-361	Maintenance, Receiving, and Storage Facility - Marion	\$	58,646	82360
CAP-362	McPherson Lab Rehabilitation	\$	10,278	82361
CAP-368	Heart and Lung Institute	\$	101,808	82362
CAP-374	ADA Modifications	\$	178,870	82363
CAP-375	ADA Modifications - ATI	\$	41,936	82364
CAP-376	ADA Modifications - Lima	\$	95,538	82365
CAP-377	ADA Modifications - Mansfield	\$	15,253	82366
CAP-387	Titanium Alloys	\$	54,912	82367
CAP-394	ATI/OARDC Roof Replacements	\$	13,913	82368
CAP-398	Advanced Manufacturing	\$	38,579	82369
CAP-399	Manufacturing Processes/Materials	\$	62,574	82370
CAP-401	Terhertz Studies	\$	35,294	82371
CAP-406	Marion Park/Road/Sidewalk/Lights	\$	2,750	82372
CAP-413	Pomerene Lighting/Wiring	\$	249,584	82373
CAP-419	NMR Consortium	\$	75,116	82374
CAP-420	Versatile Film Facility	\$	62,872	82375
CAP-421	OCARNET	\$	5,916	82376
CAP-422	Bioprocessing Research	\$	1,905	82377
CAP-423	Localized Corrosion Research	\$	6,128	82378
CAP-424	ATM Testbed	\$	3,633	82379
CAP-425	Physical Sciences Building	\$	27,748	82380
CAP-427	Morrill Hall Remodeling - Vacated Library Space - Marion	\$	1,347,191	82381

CAP-431	Sisson Hall Replacement	\$	5,571	82382
CAP-436	Machinery Acoustics	\$	3,804	82383
CAP-439	Sensors and Measurements	\$	15,115	82384
CAP-440	Polymer Magnets	\$	1,099	82385
CAP-458	Al Alloy Corrosion	\$	14,292	82386
CAP-484	Page Hall Planning	\$	7,210	82387
CAP-485	Botany & Zoology Building Planning	\$	207,932	82388
CAP-486	Larkins Hall Addition/Renovation Planning	\$	26,206	82389
CAP-487	Robinson Laboratory Planning	\$	149,100	82390
CAP-488	Don Scott Field Replacement Barns	\$	1,495,619	82391
CAP-489	Galvin Hall 3rd Floor Renovation - Lima	\$	22,135	82392
CAP-491	Horticultural Operations Center - ATI	\$	1,474,400	82393
CAP-492	OARDC Feed Mill	\$	5,598,644	82394
CAP-499	Biological Sciences Cooling Tower	\$	6,930	82395
CAP-509	Mount Hall HVAC Modifications	\$	40,982	82396
CAP-519	Ohio Biomedical Consortium on Medical Therapeutic Micro Devices	\$	49,275	82397
CAP-520	Plant and Microbe Functional Genomics Facilities	\$	16,259	82398
CAP-523	Consortium for Novem Microfabrications Methods of Medical Devices in Non-Silicon Materials	\$	193,886	82399
CAP-524	Bone & Mineral Metabolism Research Lab	\$	5,845	82400
CAP-531	Animal & Plant Biology Level 3	\$	8,133,780	82401
CAP-534	Main Library Rehabilitation	\$	9,320,846	82402
CAP-535	Psychology Building	\$	2,128,529	82403
CAP-536	Thorne Hall and Gowley Hall Renovations - Phase 3	\$	199,799	82404
CAP-539	Nanosecond Infrared Measurement	\$	2,588	82405
CAP-550	Millimeter/Submillimeter Instrument	\$	5,919	82406
CAP-552	X-Ray Powder Diffractometer	\$	558	82407
CAP-554	Deconvolution Microscope	\$	1,101	82408

CAP-556	Heart/Lung Institute Animal Facility	\$	13,140	82409
CAP-564	Denney Hall Renovation - Phase I	\$	18,495	82410
CAP-565	Ion Mass Spectrometry	\$	6,594	82411
CAP-568	Role of Molecular Interfaces	\$	17,554	82412
CAP-572	New Millimeter Spectrometer	\$	714	82413
CAP-574	Noncredit Job Training - Marion	\$	2,933	82414
CAP-576	1224 Kinnear Road - Bale	\$	11,722	82415
CAP-577	Non-Silicon Micromachining	\$	73,991	82416
CAP-579	Veterinary Hospital Auditorium Renovation	\$	7,736	82417
CAP-586	Electroscience Lab Renovation	\$	5,853	82418
CAP-587	OARDC Boiler Replacement	\$	622,757	82419
CAP-590	Supercomputer Center Expansion	\$	6,804,275	82420
CAP-596	Information Literacy	\$	135,574	82421
CAP-597	Online Business Major	\$	5,768	82422
CAP-599	Renovation of Graves Hall	\$	68,196	82423
CAP-602	OARDC Wooster Phone System Replacement	\$	467,398	82424
CAP-605	Utility - North Tunnel Steamline Upgrade	\$	111,981	82425
CAP-608	Dual Beam Characterization	\$	150,000	82426
CAP-616	Environmental Technology Consortium	\$	11,297	82427
CAP-617	Campbell, University, and Evans Hall	\$	87,439	82428
CAP-620	School of Music - Planning	\$	1,500	82429
CAP-622	Western Branch Headquarters & Machinery Building	\$	779,525	82430
CAP-624	Muck Crops Branch/Shop Building Replacement	\$	756,336	82431
CAP-625	Hazardous Waste Handling/Storage Building	\$	1,103,062	82432
CAP-626	Agriculture/Engineering Building Renovation & Addition	\$	200,000	82433
CAP-628	Wood County Center for Agriculture	\$	1,000,000	82434
CAP-629	Community Heritage Art Gallery - Lima	\$	100,000	82435
CAP-631	Health Psychology	\$	250,000	82436

CAP-632	Nanotechnology Molecular Assembly	\$	500,000	82437
CAP-633	Networking and Communication	\$	500,000	82438
CAP-634	Planetary Gear	\$	125,000	82439
CAP-635	X-Ray Fluorescence Spectrometer	\$	2,283	82440
CAP-636	Precision Navigation	\$	85,000	82441
CAP-637	Welding & Metal Working	\$	200,000	82442
CAP-638	Spin Driven Electronics	\$	6,436	82443
CAP-639	Inductively Coupled Plasma Etching	\$	126,729	82444
CAP-641	Accelerated Metals	\$	1,020,331	82445
CAP-642	Mathematical Biosciences Institute	\$	54,863	82446
CAP-646	Mershon Auditorium HVAC System Improvements	\$	2,098	82447
CAP-647	Molecular Microdevices	\$	14,033	82448
CAP-648	Research Center HVAC System Improvements	\$	17,088	82449
CAP-649	Infrared Absorption Measurements	\$	2,899	82450
CAP-650	Dark Fiber	\$	3,983,440	82451
CAP-651	Shared Data Backup System	\$	20,922	82452
CAP-653	Third Frontier Network Testbed	\$	280,564	82453
CAP-654	Distributed Learning Workshop	\$	270,000	82454
CAP-656	Accelerated Maturation of Materials	\$	209,702	82455
CAP-657	Nanoscale Polymers Manufacturing	\$	629,699	82456
CAP-658	Hydrogen Production and Storage	\$	32,396	82457
CAP-659	Ohio Organic Semiconductor	\$	367,587	82458
CAP-663	Comprehensive Cancer - Chiller Replacement	\$	42,687	82459
CAP-664	Kottman Hall - 103 Central Classroom	\$	19,285	82460
CAP-668	West Campus Chilled Water & Scott Hall	\$	16,139	82461
CAP-669	McCracken Power Plant Spill Control	\$	268,508	82462
CAP-670	Glacial Assessment	\$	22,764	82463
CAP-672	Chemical Vapor Deposition	\$	13,500	82464
CAP-674	Parks Hall Chiller Replacement	\$	135,360	82465
CAP-675	Hybrid Electric Vehicle Modeling	\$	504,536	82466
CAP-676	Computational Nanotechnology	\$	500,000	82467

CAP-677	Townshend Hall - Roof Replacement	\$	328,772	82468
CAP-678	Center For Materials Design	\$	1,037	82469
CAP-681	Vet Hospital Roof Replacement Phase II	\$	85,645	82470
CAP-682	Hopkins Hall Phase II Priorities I, II	\$	108,052	82471
CAP-683	Bioscience 6th Floor Renovation - Priority	\$	983,186	82472
CAP-684	Ohio Commons For Digital Education	\$	118,924	82473
CAP-685	Postle Hall Fire Alarm Replacement	\$	116,441	82474
CAP-686	NonCredit Job Education & Training	\$	21,104	82475
CAP-687	Campus South Dorms Renovation/Improvements	\$	950,000	82476
CAP-688	Bricker Hall Roof Replacement	\$	23,123	82477
CAP-694	Neuroscience Center Core	\$	193,991	82478
CAP-696	Campus Grounds-Exterior Lighting - Phase VIII	\$	33,814	82479
CAP-697	930 Kinnear Road Renovations	\$	773,303	82480
CAP-698	Waterman Lab & Don Scott Field	\$	652,752	82481
CAP-699	Lincoln Tower Renovations - Phase 1	\$	477,626	82482
CAP-700	Coe Corrosion Coop	\$	58,750	82483
CAP-701	OSU Cancer Program Expansion	\$	2,000,000	82484
CAP-702	Smith Laboratory Rehabilitation	\$	2,800,000	82485
CAP-704	Warner Library and Student Center	\$	1,789,324	82486
CAP-705	Hopewell Hall Science Suite	\$	508,408	82487
CAP-706	Atomic Force Microscopy	\$	180,000	82488
CAP-707	Interactive Applications	\$	463,018	82489
CAP-712	OSU Mansfield - Third Street Project	\$	234,000	82490
CAP-714	Health Psychology	\$	150,000	82491
CAP-716	Ohio Bioproducts Innovation Center	\$	9,689,847	82492
CAP-717	Center for Materials Design	\$	602,615	82493
CAP-718	Specialized Planetary Gears	\$	150,000	82494
CAP-719	OSU Agricultural Building	\$	1,500,000	82495
CAP-720	Automated Afm System	\$	180,000	82496
CAP-721	Integrated Wireless Communication	\$	141,000	82497

Total Ohio State University	\$ 105,955,671	82498
BASIC RENOVATIONS		82499
The amount reappropriated for the foregoing appropriation		82500
item CAP-074, Basic Renovations, is the sum of the unencumbered		82501
and unallotted balance as of June 30, 2006, in appropriation item		82502
CAP-074, Basic Renovations, plus \$6,927.		82503
OARDC THORNE & GOURLEY HALL		82504
The amount reappropriated for the foregoing appropriation		82505
item CAP-274, OARDC Thorne & Gourley Hall shall be \$1,007.		82506
WOOD COUNTY CENTER FOR AGRICULTURE		82507
Of the foregoing appropriation item CAP-628, Wood County		82508
Center for Agriculture, up to \$300,000 shall be used for building		82509
renovations to the OSU Extension Office/Ag Business Enhancement		82510
Center.		82511
<u>The remainder of appropriation item CAP-628, Wood County</u>		82512
<u>Center for Agriculture, shall be used for an alternative energy</u>		82513
<u>generation project at the East Gypsy Lane Complex in Wood County</u>		82514
<u>or an agricultural energy facility recommended by the Wood County</u>		82515
<u>commissioners.</u>		82516
<b>Section 605.06.</b> That existing Section 252.70 of Am. Sub. H.B.		82517
530 of the 126th General Assembly is hereby repealed.		82518
<b>Section 605.17.</b> That Sections 227.10, 235.10.50, and		82519
235.50.80 of Am. Sub. H.B. 699 of the 126th General Assembly be		82520
amended to read as follows:		82521
<b>Sec. 227.10.</b> All items set forth in this section are hereby		82522
appropriated out of any moneys in the state treasury to the credit		82523
of the Cultural and Sports Facilities Building Fund (Fund 030),		82524
that are not otherwise appropriated.		82525

		Appropriations	
AFC CULTURAL FACILITIES COMMISSION			82526
CAP-734	Hayes Center Renov & Repairs	\$ 300,000	82527
CAP-745	Renovations and Repairs	\$ 850,000	82528
CAP-763	Historic Site Signage	\$ 250,000	82529
CAP-770	Serpent Mound Improvements	\$ 340,000	82530
CAP-781	Information Technology Project	\$ 364,000	82531
CAP-784	Center Rehabilitation	\$ 1,035,000	82532
CAP-803	Digitization of Collections	\$ 300,000	82533
CAP-809	Exhibit Replace/Orientation	\$ 415,000	82534
CAP-910	Collections Facility Planning	\$ 1,240,000	82535
CAP-911	W.P. Snyder Restoration	\$ 876,000	82536
CAP-912	Lockington Locks Restoration	\$ 172,000	82537
CAP-913	Huntington Park	\$ 7,000,000	82538
CAP-914	Schuster Center for the Performing Arts	\$ 5,500,000	82539
CAP-916	Cincinnati Symphony Orchestra - Riverbend	\$ 3,000,000	82540
CAP-917	Marina District Amphitheatre	\$ 2,900,000	82541
CAP-918	Cincinnati Museum Center	\$ 2,000,000	82542
CAP-919	National Underground Railroad Freedom Center	\$ 2,000,000	82543
CAP-920	Cincinnati Sports Facility Improvements	\$ 2,000,000	82544
CAP-921	Pro Football Hall of Fame	\$ 1,650,000	82545
CAP-922	Heritage Center of Dayton Manufacturing & Entrepreneurship	\$ 1,300,000	82546
CAP-923	Western Reserve Historical Society	\$ 1,000,000	82547
CAP-925	COSI Columbus	\$ 1,000,000	82548
CAP-926	Columbus Museum of Art	\$ 1,000,000	82549
CAP-927	Mason ATP Tennis Center	\$ 1,300,000	82550
CAP-928	Stan Hywet Hall and Gardens	\$ 1,175,000	82551
CAP-929	Akron Art Museum	\$ 1,000,000	82552
CAP-930	Sauder Village	\$ 830,000	82553
CAP-931	Horvitz Center for the Arts	\$ 750,000	82554
CAP-932	Ensemble Theatre	\$ 750,000	82555

CAP-933	Voice of America Museum	\$	750,000	82556
CAP-934	Cleveland Steamship Mather	\$	600,000	82557
CAP-935	Cuyahoga County Soldiers' and Sailors Monument	\$	500,000	82558
CAP-936	King-Lincoln Arts & Entertainment District	\$	500,000	82559
CAP-937	Art Academy of Cincinnati	\$	500,000	82560
CAP-938	Great Lakes Historical Society	\$	500,000	82561
CAP-939	McKinley Museum	\$	425,000	82562
CAP-940	Charles A. Eulett Education Center and Appalachian Museum	\$	300,000	82563
CAP-942	Davis Shai Historical Facility	\$	300,000	82564
CAP-943	Massillon Museum	\$	275,000	82565
CAP-944	The Mandel Center	\$	250,000	82566
CAP-945	Worthington Arts Center	\$	250,000	82567
CAP-946	CCAD	\$	250,000	82568
CAP-947	BalletMet	\$	250,000	82569
CAP-948	Stambaugh Hall Improvements	\$	250,000	82570
CAP-949	Youngstown Symphony Orchestra	\$	250,000	82571
CAP-950	Wood County Historical Center & Museum	\$	220,000	82572
CAP-951	Harding Memorial	\$	210,000	82573
CAP-952	Cincinnati Ballet	\$	200,000	82574
CAP-953	City of Avon Stadium Complex	\$	200,000	82575
CAP-954	Renaissance Performing Arts Center	\$	200,000	82576
CAP-956	Oxford Arts Center Historic Renovation	\$	174,000	82577
CAP-957	Wayne County Historical Society - Lincoln Highway	\$	170,000	82578
CAP-958	Maumee Valley Historical Society	\$	150,000	82579
CAP-959	Trumbull County Historical Society	\$	150,000	82580
CAP-960	First Lunar Flight Project	\$	25,000	82581
CAP-961	Holmes County Historical Society Improvements	\$	140,000	82582
CAP-962	Canal Winchester Historical Society	\$	125,000	82583

CAP-963	Ukrainian Museum	\$	100,000	82584
CAP-964	Gordon Square Arts District	\$	100,000	82585
CAP-965	Moreland Theatre Renovation	\$	100,000	82586
CAP-966	Karamu House	\$	100,000	82587
CAP-967	Symmes Township Historical Society - Ross House	\$	100,000	82588
CAP-968	Springfield Veterans Park Amphitheatre	\$	100,000	82589
CAP-969	Gallia County Historical Genealogical Society	\$	100,000	82590
CAP-970	Gallia County French Art Colony	\$	100,000	82591
CAP-971	The Octagon House	\$	100,000	82592
CAP-972	Vinton County Stages - Pavilion Project	\$	100,000	82593
CAP-973	County Line Historical Society (Wayne/Holmes)	\$	100,000	82594
CAP-974	Paul Brown Museum	\$	75,000	82595
CAP-975	The Works - Ohio Center for History, Art and Technology	\$	75,000	82596
CAP-976	Van Wert Historical Society	\$	70,000	82597
CAP-977	Indian Mill Renovations	\$	66,000	82598
CAP-978	Hale Farm & Village	\$	50,000	82599
CAP-979	Howe House Historic Site	\$	50,000	82600
CAP-980	Beavercreek Community Theatre	\$	50,000	82601
CAP-981	Jamestown Opera House	\$	50,000	82602
CAP-982	Johnny Appleseed Museum	\$	50,000	82603
CAP-983	Vinton County Historical Society - Alice's House Project	\$	50,000	82604
CAP-984	Woodward Opera House	\$	50,000	82605
CAP-985	Little Brown Jug Facility Improvements	\$	50,000	82606
CAP-986	Applecreek Historical Society	\$	50,000	82607
CAP-987	Wyandot Historic Building Renovation	\$	50,000	82608
CAP-988	Galion Historic Big Four Depot Restoration	\$	30,000	82609
CAP-989	Bucyrus Historic Depot Renovations	\$	30,000	82610

CAP-990	Myers Historical Stagecoach Inn Renovation	\$	25,000	82611
CAP-991	Arts West Performing Arts Center	\$	25,000	82612
CAP-992	Chester Academy Historic Building	\$	25,000	82613
CAP-993	Portland Civil War Museum and Historic Displays	\$	25,000	82614
CAP-994	Morgan County Historic Opera House	\$	25,000	82615
CAP-996	Crawford Antique Museum	\$	9,000	82616
CAP-997	Monroe City Historical Society Building Repairs	\$	5,000	82617
CAP-998	Wright-Dunbar Historical	\$	250,000	82618
<del>CAP-041</del>	<del>Cleveland Playhouse</del>	<del>\$</del>	<del>200,000</del>	82619
CAP-081	Hip Klotz Memorial Facility Improvements	\$	150,000	82620
CAP-082	Music Hall Garage	\$	1,000,000	82621
CAP-083	AB Graham Center	\$	40,000	82622
CAP-084	Bradford Ohio Railroad Museum Restoration	\$	30,000	82623
CAP-085	WACO Aircraft Museum	\$	30,000	82624
CAP-086	Fort Recovery Renovations	\$	100,000	82625
CAP-087	Columbus Children's Hospital Amphitheater	\$	1,000,000	82626
Total Cultural Facilities Commission		\$	<del>55,296,000</del>	82627
			<u>55,096,000</u>	
TOTAL Cultural and Sports Facilities Building Fund		\$	<del>55,296,000</del>	82628
			<u>55,096,000</u>	

**Sec. 235.10.50. THIRD FRONTIER WRIGHT CAPITAL** 82630

Notwithstanding sections 151.01 and 151.04 of the Revised 82631  
Code, of the foregoing appropriation item CAP-068, Third Frontier 82632  
Wright Capital, up to \$11,400,000 in fiscal year 2008 shall be 82633  
used by the Office of Information Technology, in partnership with 82634  
the Ohio Supercomputer Center's OSCnet, to acquire the equipment 82635  
and services necessary to migrate state agencies' network to the 82636  
existing OSCnet network backbone. This state network shall be 82637  
known as the NextGen Network. 82638

The remainder of foregoing appropriation item CAP-068, Third 82639  
Frontier Wright Capital, shall be used to acquire, renovate, or 82640  
construct facilities and purchase equipment for research programs, 82641  
technology development, product development, and commercialization 82642  
programs at or involving state-supported and state-assisted 82643  
institutions of higher education. The funds shall be used to make 82644  
grants awarded on a competitive basis, and shall be administered 82645  
by the Third Frontier Commission. Expenditure of these funds shall 82646  
comply with Section 2n of Article VIII, Ohio Constitution, and 82647  
sections 151.01 and 151.04 of the Revised Code for the period 82648  
beginning July 1, 2006, and ending June 30, 2008. 82649

The Third Frontier Commission shall develop guidelines 82650  
relative to the application for and selection of projects funded 82651  
from appropriation item CAP-068, Third Frontier Wright Capital. 82652  
The Commission may develop these guidelines in consultation with 82653  
other interested parties. The Board of Regents and all 82654  
state-assisted and state-supported institutions of higher 82655  
education shall take all actions necessary to implement grants 82656  
awarded by the Third Frontier Commission. 82657

The foregoing appropriation item CAP-068, Third Frontier 82658  
Wright Capital, for which an appropriation is made from the Higher 82659  
Education Improvement Fund (Fund 034), is determined to consist of 82660  
capital improvements and capital facilities for state-supported 82661  
and state-assisted institutions of higher education, and is 82662  
designated for the capital facilities to which proceeds of 82663  
obligations in the Higher Education Improvement Fund (Fund 034) 82664  
are to be applied. 82665

Appropriations

<b>Sec. 235.50.80. STC STARK TECHNICAL COLLEGE</b>			82666
CAP-004 Basic Renovations	\$	277,804	82667
CAP-039 Health & Science Building	\$	5,097,338	82668

Total Stark Technical College	\$	5,375,142	82669
Total Board of Regents and			82670
Institutions of Higher Education	\$	<del>578,636,534</del>	82671
		<u>578,836,534</u>	
TOTAL Higher Education Improvement Fund	\$	<del>579,946,534</del>	82672
		<u>580,146,534</u>	

**Section 605.18.** That existing Sections 227.10, 235.10.50, and 235.50.80 of Am. Sub. H.B. 699 of the 126th General Assembly are hereby repealed.

**Section 605.20.** That Section 235.20.20 of Am. Sub. H.B. 699 of the 126th General Assembly, as subsequently amended by Am. Sub. H.B. 67 of the 127th General Assembly, be amended to read as follows:

Appropriations

<b>Sec. 235.20.20.</b> CLS CLEVELAND STATE UNIVERSITY			82681
CAP-023 Basic Renovations	\$	3,796,031	82682
CAP-125 College of Education	\$	10,115,719	82683
CAP-148 Cleveland Institute of Art	\$	1,000,000	82684
<u>CAP-155 Cleveland Playhouse</u>	<u>\$</u>	<u>200,000</u>	82685
CAP-163 Anthropology Department	\$	400,000	82686
Renovations/Relocation			
CAP-164 Chester Building Annex Demolition	\$	921,583	82687
CAP-165 Bakers Building Renovations	\$	1,328,583	82688
CAP-167 Cleveland State University Windtower	\$	400,000	82689
Generator Project			
CAP-168 Kenston Wind Turbine Project in Geauga	\$	300,000	82690
(CSU Engineering Department)			
Total Cleveland State University	\$	<del>18,261,916</del>	82691
		<u>18,461,916</u>	

**Section 605.21.** That existing Section 235.20.20 of Am. Sub. 82693

H.B. 699 of the 126th General Assembly, as subsequently amended by 82694  
 Am. Sub. H.B. 67 of the 127th General Assembly, is hereby 82695  
 repealed. 82696

**Section 605.23.** That Section 203.20 of Sub. S.B. 321 of the 82697  
 126th General Assembly be amended to read as follows: 82698

<b>Sec. 203.20.</b>	AGO ATTORNEY GENERAL			82699
	Tobacco Master Settlement Agreement Fund Group			82700
J87 055-635	Law Enforcement	\$ 620,000	\$ <del>3,350,000</del>	82701
	Technology, Training, and Facility Enhancements			
U87 055-402	Tobacco Settlement	\$ 673,797	\$ 723,797	82702
	Oversight, Administration, and Enforcement			
TOTAL TSF Tobacco Master Settlement Agreement Fund Group	\$ 1,293,797	\$ <del>723,797</del>	<u>4,073,797</u>	82703
TOTAL ALL BUDGET FUND GROUPS	\$ 1,293,797	\$ <del>723,797</del>	<u>4,073,797</u>	82704 82705

**Section 605.24.** That existing Section 203.20 of Sub S.B. 321 82707  
 of the 126th General Assembly is hereby repealed. 82708

**Section 621.05.** That Section 153 of Am. Sub. H.B. 117 of the 82709  
 121st General Assembly, as most recently amended by Am. Sub. H.B. 82710  
 66 of the 126th General Assembly, be amended to read as follows: 82711

**Sec. 153.** (A) Sections 5112.01, 5112.03, 5112.04, 5112.05, 82712  
 5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18, 82713  
 5112.19, 5112.21, and 5112.99 of the Revised Code are hereby 82714  
 repealed, effective October 16, ~~2007~~ 2009. 82715

(B) Any money remaining in the Legislative Budget Services Fund on October 16, ~~2007~~ 2009, the date that section 5112.19 of the Revised Code is repealed by division (A) of this section, shall be used solely for the purposes stated in then former section 5112.19 of the Revised Code. When all money in the Legislative Budget Services Fund has been spent after then former section 5112.19 of the Revised Code is repealed under division (A) of this section, the fund shall cease to exist.

**Section 621.06.** That existing Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly, as most recently amended by Am. Sub. H.B. 66 of the 126th General Assembly, is hereby repealed.

**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 April 4, 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 82744  
January 1, 2008, the Director shall submit a written report to the 82745  
Speaker of the House of Representatives and the President of the 82746  
Senate on the findings of the task force and make recommendations 82747  
for changes to Ohio's local, regional, and state economic 82748  
development incentives so that those incentives are more effective 82749  
in strengthening Ohio's economy and are less complex, faster to 82750  
implement, and more transparent to the taxpayers of Ohio. 82751

**Section 703.10.** The Governor's Office of Faith-Based and 82752  
Community Initiatives, with the assistance of the Advisory Board 82753  
of the Governor's Office of Faith-Based and Community Initiatives, 82754  
shall conduct a study of the feasibility and advisability of the 82755  
Office becoming a private nonprofit entity rather than a part of 82756  
the Governor's office. The study and any resulting recommendations 82757  
shall be submitted, not later than July 1, 2008, to the Governor, 82758  
the Speaker of the House of Representatives, the President of the 82759  
Senate, and the Minority Leaders of the House of Representatives 82760  
and the Senate. 82761

**Section 706.03.** (A) As used in this section, "appointing 82762  
authority" has the same meaning as in section 124.01 of the 82763  
Revised Code, and "exempt employee" has the same meaning as in 82764  
section 124.152 of the Revised Code. 82765

(B) Notwithstanding section 124.181 of the Revised Code, both 82766  
of the following apply: 82767

(1) In cases where no vacancy exists, an appointing authority 82768  
may, with the written consent of an exempt employee, assign duties 82769  
of a higher classification to that exempt employee for a period of 82770  
time not to exceed two years, and that exempt employee shall 82771  
receive compensation at a rate commensurate with the duties of the 82772  
higher classification. 82773

(2) If necessary, exempt employees who are assigned to duties 82774  
within their agency to maintain operations during the Ohio 82775  
Administrative Knowledge System (OAKS) implementation may agree to 82776  
a temporary assignment that exceeds the two-year limit. 82777

**Section 735.10.** (A) Nothing in division (L)(1)(c) of section 82778  
3517.13 of the Revised Code, as enacted by this act, shall exempt 82779  
the holder of the public office with ultimate responsibility for 82780  
the award of the contract from complying with section 3517.093 of 82781  
the Revised Code prior to the Secretary of State adopting rules 82782  
under division (L)(1)(c) of section 3517.13 of the Revised Code. 82783  
82784

As used in division (A) of this section, "holder of the 82785  
public office with ultimate responsibility for the award of the 82786  
contract" has the same meaning as in section 3517.093 of the 82787  
Revised Code. 82788

(B) Nothing in division (L)(1)(c) of section 3517.13 of the 82789  
Revised Code, as enacted by this act, shall exempt a state agency 82790  
or department, a political subdivision, the Administrator of 82791  
Workers' Compensation, or the employees of the Bureau of Workers' 82792  
Compensation from complying with divisions (I), (J), (Y), and (Z) 82793  
of that section, as applicable, prior to the Secretary of State 82794  
adopting rules under division (L)(1)(c) of that section. 82795

**Section 737.10.** Notwithstanding any provision of law to the 82796  
contrary, on January 1, 2008, the terms of office of the members 82797  
of the Sewage Treatment System Technical Advisory Committee 82798  
created in section 3718.03 of the Revised Code whose terms expire 82799  
in 2008 and in 2009 shall terminate. The appointing authorities 82800  
specified in divisions (A)(1), (2), and (3) of that section as 82801  
amended by this act, the Governor, the President of the Senate, 82802  
and the Speaker of the House of Representatives, shall appoint new 82803

members to the Committee in accordance with that section to 82804  
replace the members whose terms are terminated. However, members 82805  
appointed to replace the members whose terms were to expire in 82806  
2009 shall be appointed for a term of four years instead of three 82807  
years as required by section 3718.03 of the Revised Code. Members 82808  
whose terms expire on January 1, 2008, by the operation of this 82809  
section may be reappointed by the Governor, President of the 82810  
Senate, or Speaker of the House of Representatives in accordance 82811  
with this section and section 3718.03 of the Revised Code. 82812

**Section 737.11.** (A) There is hereby created the Household 82813  
Sewage and Small Flow On-Site Sewage Treatment System Study 82814  
Commission consisting of the following members: 82815

(1) A representative of the Department of Health appointed by 82816  
the Director of Health; 82817

(2) A representative of the Environmental Protection Agency 82818  
appointed by the Director of Environmental Protection; 82819

(3) A representative of the Department of Natural Resources 82820  
appointed by the Director of Natural Resources; 82821

(4) Five members appointed by the Association of Ohio Health 82822  
Commissioners, one of whom shall be from the northwest region of 82823  
the state, one of whom shall be from the northeast region of the 82824  
state, one of whom shall be from the southwest region of the 82825  
state, one of whom shall be from the southeast region of the 82826  
state, and one of whom shall be from the central region of the 82827  
state. In making the appointments, special consideration shall be 82828  
given to a county in which at least twenty-five per cent of the 82829  
parcels of land are serviced by sewage treatment systems. 82830

(5) One member appointed by the Association of Ohio 82831  
Pedologists; 82832

(6) One member appointed by the County Commissioners 82833

Association of Ohio;	82834
(7) One member appointed by the County Engineers Association of Ohio;	82835 82836
(8) One member appointed by the Ohio Association of Realtors;	82837
(9) One member appointed by the Ohio Environmental Council;	82838
(10) One member appointed by the Ohio Environmental Health Association;	82839 82840
(11) One member appointed by the Ohio Home Builders Association;	82841 82842
(12) One member appointed by the Ohio Manufactured Homes Association;	82843 82844
(13) Two members appointed by the Ohio Onsite Wastewater Association;	82845 82846
(14) One member appointed by the Ohio Precast Concrete Association;	82847 82848
(15) One member appointed by the Ohio Public Health Association;	82849 82850
(16) One member appointed by the Ohio State University Extension;	82851 82852
(17) One member appointed by the Ohio Township Association;	82853
(18) One member appointed by the Ohio Waste Haulers Association;	82854 82855
(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;	82856 82857 82858
(20) Three members of the Senate appointed by the President of the Senate, two from the majority party and one from the minority party;	82859 82860 82861

- (21) One member appointed by the Ohio Farm Bureau Federation; 82862
- (22) One member appointed by the Ohio Farmers Union; 82863
- (23) One member appointed by the Ohio Society of Professional Engineers. 82864  
82865
- (B) All appointments shall be made to the Commission not 82866  
later than thirty days after the effective date of this section. 82867  
One member of the Senate and one member of the House of 82868  
Representatives jointly designated by the President of the Senate 82869  
and the Speaker of the House of Representatives shall serve as 82870  
co-chairpersons of the Commission. The Commission shall hold its 82871  
first meeting not later than sixty days after the effective date 82872  
of this section and shall hold regular meetings as necessary after 82873  
the initial meeting. 82874
- (C) The Commission shall study issues concerning household 82875  
sewage treatment systems and small flow on-site sewage treatment 82876  
systems and shall recommend appropriate legislation to the General 82877  
Assembly establishing reasonable standards for the siting, design, 82878  
installation, operation, monitoring, maintenance, and abandonment 82879  
of household sewage treatment systems and small flow on-site 82880  
sewage treatment systems for the purpose of the treatment of 82881  
sewage and the prevention of public health nuisances. In making 82882  
recommendations regarding such standards, the Commission shall 82883  
consider the economic impact of those standards on property 82884  
owners, the state of technology currently utilized in household 82885  
sewage treatment systems and small flow on-site sewage treatment 82886  
systems, and the nature and economics of available alternatives to 82887  
that technology. The Commission also shall explore and establish 82888  
recommendations regarding funding sources for and mechanisms for 82889  
providing assistance to homeowners for paying the cost of 82890  
compliance with the new proposed standards. 82891
- (D) Not later than December 1, 2008, the Commission shall 82892

submit a report of its findings and recommendations to the 82893  
Governor, the President of the Senate, and the Speaker of the 82894  
House of Representatives. Upon the submission of the report, the 82895  
Commission shall cease to exist. 82896

(E) As used in this section and Section 737.12 of this act, 82897  
"household sewage treatment system" and "small flow on-site sewage 82898  
treatment system" have the same meanings as in section 3718.01 of 82899  
the Revised Code. 82900

**Section 737.12.** (A) The Director of Health shall issue a 82901  
report to the Household Sewage and Small Flow On-Site Sewage 82902  
Treatment System Study Commission created in Section 737.11 of 82903  
this act that includes recommendations regarding standards for the 82904  
siting, design, installation, operation, monitoring, maintenance, 82905  
and abandonment of household sewage treatment systems and small 82906  
flow on-site sewage treatment systems. The recommendations shall 82907  
include information concerning the cost and state of technology 82908  
currently utilized in household sewage treatment systems and small 82909  
flow on-site sewage treatment systems and the nature and economics 82910  
of available alternatives to that technology. The Director shall 82911  
issue the report to the Commission not later than January 1, 2008. 82912

(B) The Director shall conduct a survey of boards of health 82913  
in this state concerning household sewage treatment system 82914  
operations and the failure rates of those systems. The Director 82915  
shall issue a report concerning the survey to the Household Sewage 82916  
and Small Flow On-Site Sewage Treatment System Study Commission 82917  
not later than June 1, 2008. Boards of health shall provide, in a 82918  
timely manner, any and all relevant information pertaining to the 82919  
household sewage treatment system program that is requested by the 82920  
Director under this division and that the Director determines to 82921  
be necessary for completion of the survey. 82922

**Section 737.20.** In enacting section 5.2235 of the Revised Code, the members of the General Assembly call on the people of this state to recognize the important role that a nutritious diet plays in their health and well-being. The members of the General Assembly are aware that according to the United States Department of Health and Human Services, dietary changes could reduce cancer deaths in the United States by as much as thirty-five per cent. Only twenty-five per cent of American adults eat the recommended servings of fruits and vegetables each day. More than sixty per cent of young Americans eat too much fat, and less than twenty per cent eat the recommended servings of fruits and vegetables. The members of the General Assembly thus encourage all the people of this state to review both the United States Department of Health and Human Services' "Dietary Guidelines for Americans" and the United States Department of Agriculture's food pyramid recommendations and to work toward developing a nutritious lifestyle.

**Section 737.21.** In enacting section 5.2235 of the Revised Code, the members of the General Assembly also call on the people of this state to make daily exercise a priority. The members of the General Assembly are aware that according to the United States Center for Disease Control and Prevention, twenty-six per cent of all Ohioans report no leisure time or physical activity, and sixty per cent of Ohioans are overweight or obese, which is the thirteenth highest level in the United States. The members of the General Assembly thus encourage individuals, community organizations, local governments, and schools, when holding celebrations, to include physical and athletic activities and to work toward the goal of a state whose citizens are healthy, active, and physically fit.

**Section 737.30.** The amendment to section 3745.04 of the Revised Code by this act applies to any action of the Director of Environmental Protection that is the subject of an appeal to the Environmental Review Appeals Commission that is already pending on the effective date of the amendment to that section by this act as well as to actions appealed after the effective date of that amendment.

**Section 739.10.** Section 3905.36 of the Revised Code is amended by this act for the purpose of clarifying the intent of the 126th General Assembly when it amended division (B)(4) of section 3905.36 of the Revised Code. Notwithstanding any provision of section 3905.36 of the Revised Code to the contrary, all agencies and departments of the state or any political subdivision shall apply the legislative intent from this amendment as of January 1, 2007.

**Section 745.10.** (A) The enactment of section 4517.261 of the Revised Code is intended as a clarification of existing law allowing documentary service charges to be assessed in all retail and wholesale sales and leases of motor vehicles, including those involving a retail installment sale and those not involving a retail installment sale, including leases, cash transactions, and transactions in which consumers obtain their own financing.

(B) The enactment of section 4517.261 of the Revised Code expresses the legislative intent of the General Assembly currently and at the time of the original enactment of the Revised Code by recognizing that motor vehicle dealers may charge, and historically have charged, a documentary service charge in all transactions, including those involving a retail installment sale and those not involving a retail installment sale, including leases, cash transactions, and transactions in which consumers

obtain their own financing.	82983
<b>Section 747.10.</b> (A) There is hereby created the Nursing	82984
Education Study Committee consisting of the following members:	82985
(1) Two members of the House of Representatives who are	82986
members of the same political party as the Speaker of the House of	82987
Representatives, to be appointed by the Speaker of the House of	82988
Representatives;	82989
(2) One member of the House of Representatives who is a	82990
member of the largest political party of which the Speaker of the	82991
House of Representatives is not a member, to be appointed by the	82992
Speaker of the House of Representatives;	82993
(3) Two members of the Senate who are members of the same	82994
political party as the President of the Senate, to be appointed by	82995
the President of the Senate, one of whom shall be designated as	82996
the temporary chairperson of the Committee;	82997
(4) One member of the Senate who is a member of the largest	82998
political party of which the President of the Senate is not a	82999
member, to be appointed by the President of the Senate;	83000
(5) One member of the Ohio Nurses Association, to be	83001
appointed by the Ohio Nurses Association;	83002
(6) One member of the Licensed Practical Nurse Association of	83003
Ohio, to be appointed by the Licensed Practical Nurse Association	83004
of Ohio;	83005
(7) One member of the Ohio Board of Nursing, to be appointed	83006
by the Ohio Board of Nursing;	83007
(8) One member of the Ohio Board of Regents, to be appointed	83008
by the Ohio Board of Regents;	83009
(9) One member of the Ohio Hospital Association, to be	83010
appointed by the Ohio Hospital Association;	83011

(10) One member of the Ohio Association of Community Health Agencies, to be appointed by the Ohio Association of Community Health Agencies;	83012 83013 83014
(11) One nursing educator from an associate degree nursing program, to be appointed by the Speaker of the House of Representatives;	83015 83016 83017
(12) One nursing educator from a baccalaureate degree nursing program, to be appointed by the Speaker of the House of Representatives;	83018 83019 83020
(13) One nursing educator from a graduate degree nursing program, to be appointed by the Speaker of the House of Representatives;	83021 83022 83023
(14) One nursing educator from a private university with a nursing education program, to be appointed by the President of the Senate;	83024 83025 83026
(15) One nursing educator from a state university with a nursing education program, to be appointed by the President of the Senate.	83027 83028 83029
(B) Appointments to the Committee shall be made not later than September 1, 2007. Members of the Committee shall serve without compensation.	83030 83031 83032
(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.	83033 83034 83035 83036 83037 83038
(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	83039 83040 83041

faculty at Ohio's institutions of higher education and 83042  
alternatives to clinical placement sites. 83043

(2) In conducting the study required under division (D)(1) of 83044  
this section, the Committee shall consider, but is not limited to, 83045  
all of the following: 83046

(a) Salary disparities for nursing faculty members as 83047  
compared to faculty members in other disciplines and as compared 83048  
to salaries for master's degree-prepared nurses in health care 83049  
settings; 83050

(b) The feasibility and financial implications of providing a 83051  
refundable state income tax credit to nursing faculty members for 83052  
a specified limited period of time; 83053

(c) The feasibility and financial implications of providing 83054  
assistantships at a stipend level to nurses pursuing master's 83055  
degrees or doctoral study who agree to become nursing faculty 83056  
members in Ohio; 83057

(d) The extent to which clinical simulation devices could be 83058  
used to decrease the number of hours nursing students are required 83059  
to spend providing care directly to patients in a clinical 83060  
setting, including the portion of clinical hours that could be 83061  
obtained in a clinical simulation laboratory; 83062

(e) The disparity in the number of clinical hours students 83063  
are required to complete in Ohio nursing education programs; 83064

(f) The extent to which nursing education programs are 83065  
adequately preparing nurses to provide care in community or public 83066  
health settings, particularly to the geriatric population; 83067

(g) Ways in which nurses may be more effectively utilized to 83068  
train or educate health care workers providing care in community 83069  
or public health settings. 83070

(3) Not later than December 31, 2008, the Committee shall 83071

prepare and submit a report to the General Assembly that focuses 83072  
on the following topics and also includes a recommendation for a 83073  
range of clinical hours nursing students shall be required to 83074  
complete to assure adequate practice experience: 83075

(a) Strategies to produce more nursing faculty; 83076

(b) Ways to address the issue of insufficient clinical 83077  
placement opportunities. 83078

Upon submission of the report, the Committee shall cease to 83079  
exist. 83080

(E) Sections 101.82 to 101.87 of the Revised Code do not 83081  
apply to the Committee. 83082

**Section 749.10.** Consistent with divisions (A)(6) to (A)(8) of 83083  
section 4927.02 of the Revised Code, the Public Utilities 83084  
Commission shall establish a study mechanism to make 83085  
recommendations for a competitively neutral telecommunications 83086  
relay service funding program for costs incurred in calendar year 83087  
2009 and thereafter and submit the recommendations to the General 83088  
Assembly by January 1, 2009. 83089

**Section 751.10.** The Director of Job and Family Services and 83090  
the Director of Development jointly shall prepare a plan to 83091  
utilize the funds the state receives to administer the federal 83092  
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801, 83093  
as amended, to train workers within this state and jointly shall 83094  
submit that plan to the Governor, the President of the Senate, and 83095  
the Speaker of the House of Representatives within one year after 83096  
the effective date of this section. 83097

**Section 751.20.** The Department of Job and Family Services 83098  
shall provide guidance to local workforce policy boards to 83099  
encourage the broadest participation by training providers, 83100

including those providers who are proprietary schools, who 83101  
demonstrate effectiveness in providing training opportunities to 83102  
eligible Ohioans under the "Workforce Investment Act of 1998," 112 83103  
Stat. 936, 29 U.S.C. 2801, as amended. 83104

**Section 753.20.** (A) The staff of the Legislative Service 83105  
Commission shall study the feasibility and potential results of 83106  
the state's offering incentives for local entities, including 83107  
municipal corporations, counties, townships, local historical 83108  
societies, and regional authorities, to assume control of state 83109  
historical sites. The incentives to be studied shall include the 83110  
establishment of tax credits, the contribution of capital dollars, 83111  
and the creation of an endowment-matching program. 83112

The study shall focus on the cost and funding aspects of the 83113  
incentives that are studied. In addition, the study shall attempt 83114  
to determine the potential results of providing each incentive at 83115  
varying levels. 83116

(B) Not later than six months after the effective date of 83117  
this section, the staff of the Commission shall report its 83118  
findings to the Commission. 83119

**Section 753.30.** (A) The Governor is hereby authorized to 83120  
execute a deed in the name of the state conveying to the City of 83121  
Columbus, and its successors and assigns, all of the state's 83122  
right, title, and interest in real estate consisting of 83123  
approximately 13 acres in Franklin Township of Franklin County, 83124  
being part of or near the former Training Institution Central 83125  
Ohio, together with any perpetual easements of access over certain 83126  
existing or future driveways, the real estate being more 83127  
particularly described as follows: 83128

Situated in the State of Ohio, County of Franklin, City of 83129  
Columbus, Township 5 North, Range 23 West and in the Virginia 83130

Military District. Being a part of the State of Ohio original 83131  
300-acre tract of record in Deed Book 101, page 390 of the 83132  
Recorder's Records, Franklin County, Ohio, and being more 83133  
particularly described as follows: 83134

Beginning, For Reference, at an iron pin with identification 83135  
cap stamped "Patridge" found marking the intersection of the 83136  
easterly line of the Wheatland Avenue 40-foot-wide Right-of-Way 83137  
and the Northerly line of West Broad Street 80-foot-wide 83138  
Right-of-Way; 83139

thence North 5°12'48" West 2612.22 feet, in said easterly line of 83140  
Wheatland Avenue and vacated Wheatland Avenue, to a 5/8-inch 83141  
reinforcing rod found; 83142

thence South 75°43'06" East 188.42 feet, to an iron pipe set 83143  
marking the Place of Beginning of the tract herein described; 83144

thence North 5°02'11" West 384.70 feet, to an iron pipe set; 83145

thence North 67°03'42" East 118.78 feet, to an iron pipe set; 83146

thence North 74°42'07" East 230.99 feet, to an iron pipe set; 83147

thence North 79°39'53" East 191.19 feet, to a 5/8-inch reinforcing 83148  
rod found marking the most easterly corner of the Gang of Four, 83149  
Ltd. 5.254-acre tract of record in Instrument Number 83150  
199902040029850 of said Recorder's Records, in a northerly line of 83151  
said 300-acre tract and a Point of Tangency in the original 83152  
southerly line of the Camp Chase Industrial Railroad Corporation 83153  
Tract of record in Official Record 28363 F03 of said Recorder's 83154  
Records; 83155

thence North 86°38'37" East 383.75 feet, in a southerly line of 83156  
said Camp Chase Railroad tract and in a northerly line of said 83157  
300-acre tract, to an iron pipe set; 83158

thence South 04°38'21" West 694.64 feet, to an iron pipe set; 83159

thence South 75°43'06" East 174.01 feet, to an iron pipe set; 83160

thence North 89°32'10" East 521.90 feet, to an iron pipe set; 83161

thence South 85°04'20" East 161.72 feet, to an iron pipe set; 83162

thence South 14°52'48" East 63.77 feet, to a spike set; 83163

thence North 85°04'20" West 180.51 feet, to an iron pipe set; 83164

thence South 89°32'10" West 526.84 feet, to an iron pipe set; 83165

thence North 75°43'06" West 1005.86 feet, to the Place of 83166  
Beginning containing 12.997 acres, more or less. 83167

This description is based on a field survey in April and May of 83168  
2007 by Gary L. Elswick, Professional Surveyor #6395. Iron pipes 83169  
set are ¾-inch ID galvanized pipe with identification cap stamped 83170  
"HOCKADEN". Bearings are assumed and for the determination of 83171  
angles only. 83172

This description may be modified to a final form if 83173  
modifications are needed. 83174

(B)(1) Consideration for the conveyance of the real estate is 83175  
the purchase price of \$194,955.00. 83176

(2) The State may also require additional consideration for 83177  
any perpetual easement needed by the City of Columbus to access 83178  
the real estate. The consideration shall be a price mutually 83179  
agreed upon between the City of Columbus and the state. 83180

(C)(1) The conveyance of the real estate is subject to the 83181  
following conditions and restrictions: 83182

(a) The City of Columbus and its successors and assigns shall 83183  
receive written approval from the state to use or develop the real 83184  
estate for any purpose other than a police heliport or uses or 83185  
developments incident thereto. 83186

(b) The City of Columbus shall, prior to selling, conveying, 83187  
or transferring ownership of the real estate, first offer the 83188  
state the right to purchase the real estate at a price not less 83189

than fair market value as appraised by a disinterested party. 83190

(2) The conveyance may be subject to conditions and 83191  
restrictions that have been determined necessary by the Director 83192  
of Administrative Services to assure there is no interference with 83193  
state uses on state-owned real estate that adjoins the real estate 83194  
conveyed. 83195

(D) Upon payment of the purchase price, the Auditor of State, 83196  
with the assistance of the Attorney General, shall prepare a deed 83197  
to the real estate. The deed shall state the consideration and the 83198  
conditions and restrictions. The deed shall be executed by the 83199  
Governor in the name of the state, shall be countersigned by the 83200  
Secretary of State, shall be sealed with the Great Seal of the 83201  
State, shall be presented for recording in the Office of the 83202  
Auditor of State, and shall be delivered to the City of Columbus. 83203  
The City of Columbus shall present the deed for recording in the 83204  
Office of the Franklin County Recorder. 83205

(E) The City of Columbus shall pay the costs of the 83206  
conveyance. 83207

(F) This section expires one year after its effective date. 83208

**Section 753.40.** (A) The Governor is hereby authorized to 83209  
execute a deed in the name of the state conveying to the City of 83210  
Celina the state's right of reverter retained in the conveyance 83211  
authorized in Am. H.B. 823 of the 112th General Assembly in the 83212  
following described real estate: 83213

Being a parcel of land situated in the City of Celina, 83214  
Jefferson Township, Mercer County, Ohio, and in the northwest 83215  
quarter of Section 6, Township 6 South, Range 3 East, being more 83216  
particularly described as follows: 83217

Commencing at an iron pin with cap set at the most southern 83218  
point of lot number 6 of Dickman's Addition (Plat Book 2, Page 3) 83219

in the City of Celina; 83220

thence N 68°42'59" W, 20.00 feet along the south line of said 83221  
Dickman's Addition to an iron pin with cap set as the Point of 83222  
Beginning; 83223

thence S 57°41'29" W, 210.06 feet to an iron pin with cap 83224  
set; 83225

thence N 46°02'00" W, 214.80 feet to an iron pin with cap 83226  
set; 83227

thence S 73°50'04" E, 102.64 feet along the south line of 83228  
said Dickman's Addition to an iron pin with cap set; 83229

thence N 75°48'13" E, 132.78 feet along the south line of 83230  
said Dickman's Addition to an iron pin with cap set; 83231

thence S 68°42'59" E, 112.51 feet along the south line of 83232  
said Dickman's Addition to the Point of Beginning, containing 83233  
0.535 acres of land more or less, subject to all valid easements 83234  
and right-of-way. 83235

All bearings were calculated from angles turned in an actual 83236  
field survey by Kent B. Marbaugh, Registered Surveyor #7421, dated 83237  
April 16, 2007, on file in the County Engineer's Office. 83238

The state retains its right of reverter for the remainder of 83239  
the real estate conveyed pursuant to that act. 83240

(B) Consideration for conveyance of the right of reverter is 83241  
the mutual benefit accruing to the state and to the City of Celina 83242  
from the reconfiguration of the entrance to the city park located 83243  
on the real estate conveyed in Am. H.B. 823 of the 112th General 83244  
Assembly. 83245

(C) The Auditor of State, with the assistance of the Attorney 83246  
General, shall prepare a deed to the real estate conveying the 83247  
right of reverter. The deed shall state the consideration. The 83248  
deed shall be executed by the Governor in the name of the state, 83249

countersigned by the Secretary of State, sealed with the great 83250  
seal of the state, presented in the office of the Auditor of State 83251  
for recording, and delivered to the City of Celina. The City of 83252  
Celina shall present the deed for recording in the office of the 83253  
Mercer County Recorder. 83254

(D) This section expires four years after its effective date. 83255

**Section 753.50.** (A) The Governor is hereby authorized to 83256  
execute releases in the name of the state releasing to the Dairy 83257  
Barn Southeastern Ohio's Cultural Arts Center, Inc., the state's 83258  
reversionary interests retained in the conveyance authorized in 83259  
Am. H.B. 552 of the 113th General Assembly, which is recorded at 83260  
volume 364, page 558 in the office of the Athens County Recorder, 83261  
and in the conveyance authorized in Am. H.B. 385 of the 116th 83262  
General Assembly, which is recorded at Official Records volume 25, 83263  
page 443 in the office of the Athens County Recorder. The release 83264  
of the reversionary interests will remove impediments to financing 83265  
of improvements to continue cultural arts programs. 83266

(B) The Department of Administrative Services, with the 83267  
assistance of the Attorney General, shall prepare the releases of 83268  
the reversionary interests contained in the conveyances described 83269  
in division (A) of this section. The releases shall be executed by 83270  
the Governor in the name of the state and presented in the office 83271  
of the Auditor of State for recording. The Dairy Barn Southeastern 83272  
Ohio's Cultural Arts Center, Inc., shall present the releases for 83273  
recording in the office of the Athens County Recorder. 83274

(C) This section expires one year after its effective date. 83275

**\*Section 755.03.** The Director of Transportation may conduct a 83276  
twelve-month pilot project to be completed not later than June 30, 83277  
2009, for energy price risk management by entering into a contract 83278  
with a qualified provider of energy risk management services. The 83279

contract may include rate analysis, negotiation services, market 83280  
and regulatory analysis, budget and financial analysis, and 83281  
mitigation strategies for volatile energy sources, including 83282  
natural gas, gasoline, oil, and diesel fuel, but shall not include 83283  
energy procurement and shall not subject more than thirty per cent 83284  
of the Department's annual energy needs to the risk management 83285  
services. The Director shall select the energy risk management 83286  
services provider through a qualifications-based selection 83287  
process, subject to Controlling Board approval. The contract shall 83288  
specify that the Department may share the analysis and services of 83289  
the energy risk management services provider with all state 83290  
agencies and operations. The Director may use revenues from the 83291  
state motor vehicle fuel tax or other funds appropriated by the 83292  
General Assembly for the pilot project to pay amounts due under 83293  
the contract and shall deposit any amounts received under the 83294  
contract into the Highway Operating Fund created under section 83295  
5735.291 of the Revised Code. 83296

**Section 757.01.** Every two years during biennial budget 83297  
deliberations, the Tax Commissioner shall review the percentage of 83298  
the total price of electricity that is indicated under division 83299  
(C)(2) of section 5727.81 of the Revised Code, as amended by this 83300  
act. Such review shall include a consideration of the fluctuations 83301  
in the price of electricity that have occurred in the most recent 83302  
two fiscal years and other factors influencing the economy of the 83303  
state. 83304

**Section 757.03.** (A) Beginning in July 2007 and ending in 83305  
November 2007, on or before the seventh day of each month, the Tax 83306  
Commissioner shall determine and certify to the Director of Budget 83307  
and Management the amount to be credited from each tax source 83308  
under divisions (B), (C), and (D) of this section to the Local 83309  
Government Fund, the Library and Local Government Support Fund, 83310

and the Local Government Revenue Assistance Fund. 83311

(B) Notwithstanding sections 5727.45, 5727.84, 5733.12, 83312  
5739.21, 5741.03, and 5747.03 of the Revised Code or any other 83313  
provision of law to the contrary, for each month in the period 83314  
beginning July 1, 2007, and ending November 30, 2007, tax revenues 83315  
credited to the Local Government Fund, the Library and Local 83316  
Government Support Fund, and the Local Government Revenue 83317  
Assistance Fund under those sections shall instead be credited as 83318  
follows: 83319

(1) An amount shall first be credited to the Local Government 83320  
Fund as prescribed under division (C) of this section; 83321

(2) An amount shall next be credited to the Local Government 83322  
Revenue Assistance Fund as prescribed under division (C) of this 83323  
section; 83324

(3) An amount shall next be credited to the Library and Local 83325  
Government Support Fund as prescribed under division (D) of this 83326  
section. 83327

In December 2007, an amount totaling \$1,000,000 shall be 83328  
credited from amounts otherwise scheduled to be credited to the 83329  
Local Government Fund to the Local Government Services 83330  
Collaboration Grant Fund established under section 384.10 of this 83331  
act. 83332

(C) Receipts from the corporation franchise, sales and use, 83333  
public utility excise, kilowatt-hour, and personal income taxes 83334  
shall be credited to the Local Government Fund and the Local 83335  
Government Revenue Assistance Fund as follows: 83336

(1) In July 2007, the amount that was credited in July 2006; 83337

(2) In August 2007, the amount that was credited in August 83338  
2006; 83339

(3) In September 2007, the amount that was credited in 83340

September 2006;	83341
(4) In October 2007, the amount that was credited in October 2006;	83342 83343
(5) In November 2007, the amount that was credited in November 2006.	83344 83345
(D) Receipts from the personal income tax shall be credited to the Library and Local Government Support Fund as follows:	83346 83347
(1) In July 2007, the amount that was credited in July 2006;	83348
(2) In August 2007, the amount that was credited in August 2006;	83349 83350
(3) In September 2007, the amount that was credited in September 2006;	83351 83352
(4) In October 2007, the amount that was credited in October 2006;	83353 83354
(5) In November 2007, the amount that was credited in November 2006, except that the amount credited to the Local Government Fund from personal income tax revenue shall be reduced by an additional \$1,000,000 and this reduction shall be borne entirely by the countywide nontownship and nonvillage distribution in January 2008.	83355 83356 83357 83358 83359 83360
(E)(1) To the extent the amounts required to be credited to the Local Government Fund, the Library and Local Government Support Fund, and the Local Government Revenue Assistance Fund under divisions (C) and (D) of this section exceed the amounts that otherwise would have been credited to those funds under sections 5727.45, 5727.84, 5733.12, 5739.21, 5741.03, and 5747.03 of the Revised Code, amounts required to be credited to the General Revenue Fund under those sections shall be reduced accordingly.	83361 83362 83363 83364 83365 83366 83367 83368 83369
(2) To the extent the amounts required to be credited to the	83370

Local Government Fund, the Library and Local Government Support Fund, and the Local Government Revenue Assistance Fund under divisions (C) and (D) of this section are less than the amounts that otherwise would have been credited to those funds under sections 5727.45, 5727.84, 5733.12, 5739.21, 5741.03, and 5747.03 of the Revised Code, amounts required to be credited to the General Revenue Fund under those sections shall be increased accordingly.

(F) The total amount credited each month under this section to the Local Government Fund, the Library and Local Government Support Fund, and the Local Government Revenue Assistance Fund shall be distributed on or before the tenth day of the immediately succeeding month as follows:

(1) Each county undivided Local Government Fund shall receive a distribution from the Local Government Fund that is based upon its proportionate share of the total amount received by it from the fund in the same month during the preceding calendar year.

(2) Each municipal corporation receiving a direct distribution from the Local Government Fund shall receive a distribution that is based upon its proportionate share of the total amount received by it from the fund in the same month during the preceding calendar year.

(3) Each county undivided Local Government Revenue Assistance Fund shall receive a distribution from the Local Government Revenue Assistance Fund that is based upon its proportionate share of the total amount received by it from the fund in the same month during the preceding calendar year.

(4) Each county undivided Library and Local Government Support Fund shall receive a distribution from the Library and Local Government Support Fund that is based upon its proportionate share of the total amount received by it from the fund in the same

month during the preceding calendar year. 83402

(G) Distributions shall not be made in accordance with 83403  
sections 5747.47 and 5747.50 of the Revised Code until January 1, 83404  
2008. 83405

(H) Notwithstanding section 5747.47 of the Revised Code, the 83406  
Tax Commissioner is not required to issue the certification 83407  
required by that section to be made in December 2007 for calendar 83408  
year 2007. The Tax Commissioner may, as the Commissioner considers 83409  
appropriate, provide to each county auditor additional revised 83410  
estimates or other information relating to distributions in 2007, 83411  
2008, or 2009 at any time during the period beginning July 1, 83412  
2007, and ending June 30, 2009. 83413

(I)(1) Notwithstanding division (A) of section 131.51 of the 83414  
Revised Code, on or before January 5, 2008, the Director of Budget 83415  
and Management shall credit to the Local Government Fund an amount 83416  
equal to three and sixty-eight one-hundredths per cent of total 83417  
tax revenues credited to the General Revenue Fund during December 83418  
2007. In determining the total tax revenues credited to the 83419  
General Revenue Fund during that month, transfers made from the 83420  
General Revenue Fund during that month to the Local Government 83421  
Fund, the Local Government Revenue Assistance Fund, and the 83422  
Library and Local Government Support Fund shall be disregarded. 83423  
Moneys credited to the Local Government Fund under division (I)(1) 83424  
of this section shall be distributed in January 2008 in accordance 83425  
with section 5747.50 of the Revised Code. 83426

(2) Notwithstanding division (B) of section 131.51 of the 83427  
Revised Code, on or before January 5, 2008, the Director of Budget 83428  
and Management shall credit to the Library and Local Government 83429  
Support Fund an amount equal to two and twenty-two one-hundredths 83430  
per cent of total tax revenues credited to the General Revenue 83431  
Fund during December 2007. In determining the total tax revenues 83432  
credited to the General Revenue Fund during that month, transfers 83433

made from the General Revenue Fund during that month to the Local 83434  
Government Fund, the Local Government Revenue Assistance Fund, and 83435  
the Library and Local Government Support Fund shall be 83436  
disregarded. Moneys credited to the Library and Local Government 83437  
Support Fund under division (I)(2) of this section shall be 83438  
distributed in January 2008 in accordance with section 5747.47 of 83439  
the Revised Code. 83440

**Section 757.04.** Notwithstanding sections 5747.46 and 5747.47 83441  
of the Revised Code or any other provision of law to the contrary, 83442  
a county's actual Library and Local Government Support Fund total 83443  
entitlement for the 2007 distribution year shall equal the amount 83444  
that was distributed to the county's Library and Local Government 83445  
Support Fund from the Library and Local Government Support Fund 83446  
during the 2007 calendar year. Each county's resulting calendar 83447  
year 2007 Library and Local Government Support Fund entitlement 83448  
shall be used by the Tax Commissioner for purposes of determining 83449  
the guaranteed share of the Library and Local Government Support 83450  
Fund in section 5747.46 of the Revised Code for the 2008 83451  
distribution year and shall be used by the Commissioner in making: 83452

(A) The calendar year 2008 estimated entitlements of the 83453  
Library and Local Government Support Fund required by section 83454  
5747.47 of the Revised Code to be certified to county auditors in 83455  
July 2007, December 2007, and June 2008; and 83456

(B) The calendar year 2008 actual Library and Local 83457  
Government Support Fund entitlement computations required by 83458  
section 5747.47 of the Revised Code to be certified to county 83459  
auditors in December 2008. 83460

**Section 757.06.** As used in this section, "electric company 83461  
tax value loss" has the same meaning as in section 5727.84 of the 83462  
Revised Code. 83463

The amendment by this act of division (D) of section 5727.84 of the Revised Code is remedial in nature. The Tax Commissioner shall determine the amount of any additional electric company tax value loss resulting from that amendment. Notwithstanding the deadlines prescribed in sections 5727.84, 5727.85, and 5727.86 of the Revised Code to the contrary, the Tax Commissioner and the Department of Education shall perform all of the computations and make all of the certifications and payments described in those sections in connection with any additional electric company tax value loss resulting from division (D)(4) of section 5727.84 of the Revised Code, as amended by this act.

**Section 757.07.** For tax years 2007 and thereafter, telephone, 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.

**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 unanimously adopts a resolution so declaring. This section applies to applications for exemption under section 5709.73 of the Revised Code pending before the Tax Commissioner on the effective date of this section and to such applications filed or refiled within 90

days after that effective date. 83495

**Section 757.10.** The Office of Information Technology, in 83496  
conjunction with the Department of Taxation, may acquire the State 83497  
Taxation Accounting and Revenue System (STARS) pursuant to Chapter 83498  
125. of the Revised Code, including, but not limited to, the 83499  
application software and installation and implementation thereof, 83500  
for the use of the Department of Taxation. STARS is an integrated 83501  
tax collection and audit system that will replace all of the 83502  
state's existing separate tax software and administration systems 83503  
for the various taxes collected by the state. Any lease-purchase 83504  
arrangement used under Chapter 125. of the Revised Code to acquire 83505  
STARS, including any fractionalized interests therein as defined 83506  
in division (N) of section 133.01 of the Revised Code, must 83507  
provide that at the end of the lease period, STARS becomes the 83508  
property of the state. 83509

**Section 757.20.** (A) As used in this section, "commercial or 83510  
industrial parcel subject to assessment" means a parcel that is 83511  
classified by a county auditor as commercial or industrial 83512  
according to the county auditor's use codes as listed in the 83513  
Conservancy Appraisal Record of the Muskingum Watershed 83514  
Conservancy District. 83515

(B) The board of directors of the Muskingum Watershed 83516  
Conservancy District shall prepare written notification of the 83517  
maintenance assessment to be levied by the District under section 83518  
6101.53 of the Revised Code that is scheduled to begin collection 83519  
in calendar year 2008. The notification shall include a statement 83520  
that the District intends to levy the maintenance assessment and 83521  
shall include, with respect to each person to whom notification is 83522  
required to be sent under division (C) of this section, an 83523  
indication of the amount of the maintenance assessment that is 83524  
applicable to that person. 83525

(C) The board of directors of the Muskingum Watershed Conservancy District shall cause to be sent by United States mail the notification of the maintenance assessment that is required in division (B) of this section to each person who owns property within the territorial boundaries of the district that is a commercial or industrial parcel subject to assessment. The notification shall be sent not later than ninety days prior to the date on which the maintenance assessment is scheduled to begin collection.

**Section 757.30.** Notwithstanding section 321.261 of the Revised Code, a board of county commissioners of a county with a population exceeding one million two hundred thousand may, by resolution, authorize the use of up to three million dollars in the county's delinquent tax and assessment collection fund to prevent residential mortgage foreclosures in the county and to assist municipal corporations located in the county in the nuisance abatement of deteriorated residential buildings in foreclosure. The funds shall be used to provide financial assistance in the form of loans to borrowers in default on their home mortgages, including for the payment of late fees, to clear arrearage balances, and to augment moneys used in the county's Foreclosure Prevention Program. The funds also shall be used to assist municipal corporations located in the county, upon application to the county department of development for the funds, in the nuisance abatement of deteriorated residential buildings in foreclosure, including paying the costs of boarding up such buildings and lot maintenance and demolition costs. Funds shall not be accessed or used for the purposes provided under this section after June 30, 2008.

**Section 757.40.** As used in this section, "Ohio Business Gateway" has the same meaning as in section 718.051 of the Revised

Code. 83557

The tax collected by a motor vehicle dealer on sales of motor vehicles to nonresident purchasers under the provisions of section 5739.029 of the Revised Code occurring prior to July 1, 2008, shall be reported and remitted as follows: 83558  
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(A) The motor vehicle dealer shall provide evidence to the clerk of courts that the tax was collected from the nonresident purchaser at the time the dealer applies for title to the vehicle. Notwithstanding section 4505.06 of the Revised Code, the clerk of courts shall issue the appropriate title for any vehicle sold to a nonresident purchaser when the evidence required by this division is provided by the motor vehicle dealer. For purposes of this division, an application for title made by a motor vehicle dealer that indicates the amount of the sales tax collected by the dealer shall constitute the required evidence. 83562  
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(B) By the tenth day of each month, each motor vehicle dealer shall, for each location from which the dealer makes sales of motor vehicles, remit the tax collected on all motor vehicles sold during the preceding month to nonresident purchasers through the Ohio Business Gateway in the manner prescribed by the Tax Commissioner. 83572  
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(C) The Ohio Office of Information Technology shall, on or before the fifteenth day of each month, issue a report of nonresident motor vehicle sales tax payments made through the Ohio Business Gateway by each motor vehicle dealer for sales made during the preceding month. The report shall be in the form prescribed by the Tax Commissioner. A copy of the report shall be provided to the Tax Commissioner and to the Registrar of Motor Vehicles. 83578  
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(D) The Registrar of Motor Vehicles shall compare the report issued by the Ohio Office of Information Technology pursuant to 83586  
83587

division (C) of this section with the motor vehicle titles issued 83588  
by its office for vehicles sold to nonresident purchasers and 83589  
report any discrepancies to the Tax Commissioner by the last day 83590  
of the month in which the report is received. 83591

(E) The Commissioner may collect from a motor vehicle dealer 83592  
any tax due on sales of motor vehicles to nonresident purchasers 83593  
of motor vehicles pursuant to section 5739.029 of the Revised Code 83594  
that has not been remitted through the Ohio Business Gateway as 83595  
provided in this section by assessment in the manner provided in 83596  
section 5739.13 of the Revised Code. 83597

(F) If any motor vehicle dealer fails to remit tax for any of 83598  
its locations on sales to nonresident purchasers through the Ohio 83599  
Business Gateway in the manner provided in division (B) of this 83600  
section, the Tax Commissioner may assess a late payment fee not to 83601  
exceed one hundred dollars for each such location. The late 83602  
payment fee shall be considered as revenue arising from the tax 83603  
and may be collected by assessment in the manner provided in 83604  
section 5739.13 of the Revised Code. 83605

(G) The revenue deposited into the state treasury from taxes 83606  
paid pursuant to section 5739.029 of the Revised Code and this 83607  
section shall be credited to the state general revenue fund. From 83608  
the amounts so credited, a share shall be distributed to the 83609  
counties as follows: 83610

(1) Five-sixtieths of the revenue collected shall be 83611  
distributed to the county where the sale is sitused under 5739.035 83612  
of the Revised Code; 83613

(2) Distributions made to each county shall be made not later 83614  
than seventy-five days after the report is filed under division 83615  
(C) of this section; 83616

(3) The amount to be so distributed to each county shall be 83617  
credited to the funds of the county as provided by divisions (A) 83618

and (B) of section 5739.211 of the Revised Code. 83619

**Section 803.03.** The amendment or enactment by this act of 83620  
sections 3119.022, 3119.023, 3119.05, 3119.29, 3119.30, 3119.302, 83621  
and 3119.32 of the Revised Code first applies on February 1, 2008, 83622  
or on the effective date of regulations defining "reasonable cost" 83623  
issued by the United States Secretary of Health and Human 83624  
Services, whichever is later. 83625

**Section 803.06.** The amendments by this act to sections 83626  
323.151, 323.152, 323.153, and 323.154 of the Revised Code are 83627  
first effective for tax year 2007, and the amendments to sections 83628  
4503.064, 4503.065, 4503.066, and 4503.067 of the Revised Code are 83629  
first effective for tax year 2008, and the following provisions 83630  
shall apply: 83631

(A) Notwithstanding the filing deadlines set forth in 83632  
sections 323.153 and 4503.066 of the Revised Code, original 83633  
applications requesting reductions pursuant to division (A) of 83634  
section 323.152 or section 4503.065 of the Revised Code may be 83635  
filed not later than October 1, 2007. Notwithstanding the 83636  
deadlines set forth in division (A) of section 323.153 of the 83637  
Revised Code for homesteads in a housing cooperative, not later 83638  
than August 1, 2007, the nonprofit corporation that owns and 83639  
operates the housing cooperative shall obtain original 83640  
applications from the county auditor and provide one to each 83641  
occupant in the cooperative. Not later than September 1, 2007, any 83642  
occupant who may be eligible for the reduction in taxes under 83643  
division (A) of section 323.152 of the Revised Code shall submit 83644  
the completed application to the corporation. Not later than 83645  
October 1, 2007, the corporation shall file all completed 83646  
applications and the information required by division (B) of 83647  
section 323.159 of the Revised Code with the county auditor of the 83648  
county in which the occupants' homesteads are located. 83649

(B) Notwithstanding the deadlines set forth in sections 83650  
323.154 and 4503.067 of the Revised Code, if an application 83651  
requesting the reduction under division (A) of section 323.152 of 83652  
the Revised Code for tax year 2007 or under section 4503.065 of 83653  
the Revised Code for tax year 2008 is not approved or the county 83654  
auditor otherwise determines that the homestead does not qualify 83655  
for a reduction in taxes, the auditor's deadline to notify the 83656  
applicant of the reasons for such denial shall be extended to 83657  
November 1, 2007. 83658

**Section 803.07.** The amendment by this act of sections 5711.01 83659  
and 5727.06 of the Revised Code applies to telephone, telegraph, 83660  
or interexchange telecommunications companies, as defined in 83661  
section 5727.01 of the Revised Code, for tax year 2007 and 83662  
thereafter. 83663

**Section 803.09.** The amendment or enactment by this act of 83664  
section 4505.06, division (B)(23) of section 5739.02, section 83665  
5739.029, division (C) of section 5739.033, and section 5739.213 83666  
of the Revised Code apply to sales described in division (A) of 83667  
section 5739.029 of the Revised Code on or after August 1, 2007. 83668

**Section 806.03.** The sections and items of law contained in 83669  
this act, and their applications, are severable. If any section or 83670  
item of law contained in this act, or if any application of any 83671  
section or item of law contained in this act, is held invalid, the 83672  
invalidity does not affect other sections or items of law 83673  
contained in this act and their applications that can be given 83674  
effect without the invalid section or item of law or application. 83675

**Section 809.03.** An item of law, other than an amending, 83676  
enacting, or repealing clause, that composes the whole or part of 83677  
an uncodified section contained in this act has no effect after 83678

June 30, 2009, unless its context clearly indicates otherwise. 83679

**Section 812.03.** Except as otherwise specifically provided in 83680  
this act, the codified sections of law amended or enacted in this 83681  
act, and the items of law of which the codified sections of law 83682  
amended or enacted in this act are composed, are subject to the 83683  
referendum. Therefore, under Ohio Constitution, Article II, 83684  
Section 1c and section 1.471 of the Revised Code, the codified 83685  
sections of law amended or enacted by this act, and the items of 83686  
law of which the codified sections of law as amended or enacted by 83687  
this act are composed, take effect on the ninety-first day after 83688  
this act is filed with the Secretary of State. If, however, a 83689  
referendum petition is filed against any such codified section of 83690  
law as amended or enacted by this act, or against any item of law 83691  
of which any such codified section of law as amended or enacted by 83692  
this act is composed, the codified section of law as amended or 83693  
enacted, or item of law, unless rejected at the referendum, takes 83694  
effect at the earliest time permitted by law. 83695

**Section 812.06.** Except as otherwise specifically provided in 83696  
this act, the repeal by this act of a codified section of law is 83697  
subject to the referendum. Therefore, under Ohio Constitution, 83698  
Article II, Section 1c and section 1.471 of the Revised Code, the 83699  
repeal by this act of a codified section of law takes effect on 83700  
the ninety-first day after this act is filed with the Secretary of 83701  
State. If, however, a referendum petition is filed against any 83702  
such repeal, the repeal, unless rejected at the referendum, takes 83703  
effect at the earliest time permitted by law. 83704

**Section 812.09.** The amendments to section 5111.014 of the 83705  
Revised Code are subject to the referendum. Therefore, under Ohio 83706  
Constitution, Article II, Section 1c and section 1.471 of the 83707  
Revised Code, the amendments take effect January 1, 2008. If, 83708

however, a referendum petition is filed against the amendments, 83709  
the amendments, unless rejected at the referendum, take effect at 83710  
the earliest time permitted by law that is on or after the 83711  
effective date specified in this section. 83712

**Section 812.12.** Uncodified sections of law amended or enacted 83713  
in this act, and items of law contained within the uncodified 83714  
sections of law amended or enacted in this act, that are marked 83715  
with an asterisk are subject to the referendum. Therefore, under 83716  
Ohio Constitution, Article II, Section 1c and section 1.471 of the 83717  
Revised Code, the uncodified sections and items of law marked with 83718  
an asterisk take effect on the ninety-first day after this act is 83719  
filed with the Secretary of State. If, however, a referendum 83720  
petition is filed against an uncodified section or item of law 83721  
marked with an asterisk, the uncodified section or item of law 83722  
marked with an asterisk, unless rejected at the referendum, takes 83723  
effect at the earliest time permitted by law. 83724

If the amending and existing repeal clauses commanding the 83725  
amendment of an uncodified section of law are both marked with 83726  
asterisks, the uncodified section as amended is deemed also to 83727  
have been marked with an asterisk. 83728

An asterisk marking an uncodified section or item of law has 83729  
the form\*. 83730

This section defines the meaning and form of, but is not 83731  
itself to be considered marked with, an asterisk. 83732

**Section 815.03.** The sections of law amended or enacted by 83733  
this act that are listed in this section, and the items of law of 83734  
which such sections as amended or enacted by this act are 83735  
composed, are not subject to the referendum. Therefore, under Ohio 83736  
Constitution, Article II, Section 1d and section 1.471 of the 83737  
Revised Code, such sections as amended or enacted by this act, and 83738

the items of law of which such sections as amended or enacted by 83739  
this act are composed, go into immediate effect when this act 83740  
becomes law. 83741

Sections 117.11, 117.112, 121.51, 122.051, 122.071, 122.076, 83742  
122.17, 122.171, 122.174, 122.602, 124.152, 126.16, 126.24, 83743  
126.40, 133.061, 173.35, 183.01, 183.021, 183.17, 183.33, 183.34, 83744  
183.35, 183.51, 183.52, 709.01, 1503.05, 1713.031, 2305.2341, 83745  
2927.023, 3109.04, 3109.041, 3119.022, 3119.023, 3119.05, 3119.29, 83746  
3119.30, 3119.302, 3119.32, 3301.0711, 3313.615, 3313.98, 83747  
3314.015, 3314.016, 3314.02, 3314.074, 3314.08, 3314.087, 83748  
3314.091, 3314.19, 3314.26, 3317.01, 3317.012, 3317.013, 3317.014, 83749  
3317.015, 3317.016, 3317.017, 3317.021, 3317.022, 3317.023, 83750  
3317.024, 3317.025, 3317.029, 3317.0216, 3317.0217, 3317.03, 83751  
3317.04, 3317.05, 3317.052, 3317.063, 3317.08, 3317.16, 3317.20, 83752  
3317.201, 3318.12, 3326.01, 3326.02, 3326.03, 3326.04, 3326.05, 83753  
3326.06, 3326.07, 3326.08, 3326.09, 3326.10, 3326.11, 3326.12, 83754  
3326.13, 3326.14, 3326.15, 3326.16, 3326.17, 3326.18, 3326.19, 83755  
3326.20, 3326.21, 3326.22, 3326.23, 3326.31, 3326.32, 3326.33, 83756  
3326.34, 3326.35, 3326.36, 3326.37, 3326.38, 3326.49, 3326.50, 83757  
3333.36, 3333.38, 3333.55, 3333.60, 3333.61, 3333.62, 3333.63, 83758  
3333.64, 3333.65, 3333.66, 3333.67, 3333.68, 3333.69, 3333.70, 83759  
3345.32, 3345.35, 3353.02, 3353.03, 3365.01, 3701.047, 3701.135, 83760  
3702.68 (3702.59), 3704.03, 3721.51, 3721.541, 3721.56, 3735.672, 83761  
4503.10, 4513.263, 4723.621, 4723.63, 4723.64, 4723.65, 4723.66, 83762  
4743.05, 4766.05, 4775.08, 5101.802, 5101.98, 5104.04, 5104.30, 83763  
5111.871, 5111.8814, 5112.341, 5123.01, 5123.033, 5123.045, 83764  
5123.0414, 5123.0415, 5123.051, 5123.16, 5123.161, 5123.162, 83765  
5123.163, 5123.164, 5123.165, 5123.166, 5123.167, 5123.168, 83766  
5123.169, 5123.19, 5123.196, 5123.198, 5123.20, 5123.211, 5123.38, 83767  
5123.41, 5123.51, 5123.605, 5123.99, 5126.12, 5126.15, 5126.19, 83768  
5126.25, 5126.40, 5126.42, 5126.43, 5126.45, 5126.47, 5709.68, 83769  
5711.01, 5727.06, 5727.86, 5747.47, 5747.50, 5747.501, 5747.51, 83770  
5747.54, 5751.21, 5907.15, 5907.16, and 6111.0381 of the Revised 83771

Code. 83772

**Section 815.06.** The repeal by this act of the sections of law 83773  
listed in this section is not subject to the referendum. 83774  
Therefore, under Ohio Constitution, Article II, Section 1d and 83775  
section 1.471 of the Revised Code, the repeals go into immediate 83776  
effect when this act becomes law. 83777

Sections 183.02, 183.27, 183.32, 5123.16, 5123.182, 5123.199, 83778  
5126.053, 5126.431, 5126.44, 5126.451, 5747.61, 5747.62, and 83779  
5747.63 of the Revised Code. 83780

The version of section 3702.68 of the Revised Code that was 83781  
scheduled to take effect July 1, 2007. 83782

**Section 815.09.** The sections of law amended, enacted, or 83783  
repealed by this act that are listed in this section are not 83784  
subject to the referendum. Therefore, under Ohio Constitution, 83785  
Article II, Section 1d and section 1.471 of the Revised Code, the 83786  
sections as amended, enacted, or repealed, and the items of law of 83787  
which as amended or enacted they are composed, go into effect as 83788  
specified in this section. 83789

Sections 126.04, 127.16, 173.351, 173.401, 3718.03, 5101.27, 83790  
5101.272, 5111.872, 5111.89, 5111.891, 5111.894, 5123.046, 83791  
5123.047, 5123.048, 5123.049, 5123.0411, 5123.0416, 5126.054, 83792  
5126.056, 5126.059, 5126.0510, 5126.0512, and 5705.44 of the 83793  
Revised Code take effect July 1, 2007. 83794

Sections 340.03 and 5119.611 of the Revised Code take effect 83795  
July 1, 2007. 83796

Section 718.03 of the Revised Code takes effect July 1, 2007. 83797

Section 4301.43 of the Revised Code takes effect July 1, 83798  
2007. 83799

Sections 5727.45, 5733.12, 5739.21, 5741.03, and 5747.03 of 83800

the Revised Code take effect December 1, 2007. 83801

Sections 131.44, 131.51, 5705.29, 5725.24, 5739.032, 83802  
5739.122, 5739.124, 5741.121, and 5741.122 of the Revised Code 83803  
take effect January 1, 2008. 83804

**Section 815.12.** Except as otherwise specifically provided in 83805  
this act, the uncodified sections of law amended or enacted in 83806  
this act, and the items of law of which the uncodified sections of 83807  
law amended or enacted in this act are composed, are not subject 83808  
to the referendum. Therefore, under Ohio Constitution, Article II, 83809  
Section 1d and section 1.471 of the Revised Code, the uncodified 83810  
sections of law amended or enacted in this act, and the items of 83811  
law of which the uncodified sections of laws amended or enacted in 83812  
this act are composed, go into immediate effect when this act 83813  
becomes law. 83814

**Section 818.03.** The amendment or enactment by this act of the 83815  
sections of law listed in this section provides for or is 83816  
essential to implementation of a tax levy. Therefore, under Ohio 83817  
Constitution, Article II, Section 1d, the amendments and 83818  
enactments, and the items of which they are composed, are not 83819  
subject to the referendum and go into immediate effect when this 83820  
act becomes law. 83821

Sections 133.01, 305.31, 307.672, 319.202, 319.54, 322.01, 83822  
323.151, 323.152, 323.153, 323.154, 325.31, 718.01, 4503.06, 83823  
4503.061, 4503.064, 4503.065, 4503.066, 4503.067, 4505.06, 83824  
5733.39, 5739.02, 5739.029, 5739.033, 5739.035, 5739.09, 5739.12, 83825  
5739.123, 5739.213, 5740.10, 5741.02, 5741.05, 5743.01, 5743.20, 83826  
5743.99, 5745.02, 5745.05, 5745.13, 5747.01, 5748.01, 5748.02, 83827  
5748.022, and 5751.23 of the Revised Code. 83828

**Section 818.09.** The repeal by this act of section 5743.331 of 83829  
the Revised Code provides for or is essential to the 83830

implementation of a tax levy. Therefore, under Ohio Constitution, 83831  
Article II, Section 1d, the repeal is not subject to the 83832  
referendum and goes into immediate effect when this act becomes 83833  
law. 83834

**Section 821.06.** (A) Except as otherwise provided in division 83835  
(B) of this section, the amendments by this act to section 3317.02 83836  
of the Revised Code are not subject to the referendum. Therefore, 83837  
under Ohio Constitution, Article II, Section 1d and section 1.471 83838  
of the Revised Code, the amendments go into immediate effect. 83839

(B) The amendment to section 3317.02 of the Revised Code that 83840  
substitutes the term "state education aid" for the term "SF-3 83841  
payment" is subject to the referendum. Therefore, under Ohio 83842  
Constitution, Article II, Section 1c and section 1.471 of the 83843  
Revised Code, the amendment takes effect on the ninety-first day 83844  
after this act is filed with the Secretary of State. If, however, 83845  
a referendum petition is filed against the amendment, the 83846  
amendment, unless rejected at the referendum, takes effect at the 83847  
earliest time permitted by law. 83848

**Section 821.12.** (A) Except as otherwise provided in division 83849  
(B) of this section, the amendments by this act to section 5111.20 83850  
of the Revised Code are subject to the referendum. Therefore, 83851  
under Ohio Constitution, Article II, Section 1c and section 1.471 83852  
of the Revised Code, the amendments take effect on the 83853  
ninety-first day after this act is filed with the Secretary of 83854  
State. If, however, a referendum petition is filed against the 83855  
amendments, the amendments, unless rejected at the referendum, 83856  
take effect at the earliest time permitted by law. 83857

(B) The amendment to division (H)(3)(a) of section 5111.20 of 83858  
the Revised Code is not subject to the referendum. Therefore, 83859  
under Ohio Constitution, Article II, Section 1d and section 1.471 83860

of the Revised Code, the amendment goes into immediate effect. 83861

**Section 821.13.** (A) Except as otherwise provided in division 83862  
(B) of this section, the amendments by this act to section 83863  
5126.046 of the Revised Code are not subject to the referendum. 83864  
Therefore, under Ohio Constitution, Article II, Section 1d and 83865  
section 1.471 of the Revised Code, the amendments go into 83866  
immediate effect. 83867

(B) The amendments to division (A) and the third paragraph of 83868  
division (B) of section 5126.046 of the Revised Code are not 83869  
subject to the referendum. Therefore, under Ohio Constitution, 83870  
Article II, Section 1d and section 1.471 of the Revised Code, the 83871  
amendments take effect July 1, 2007. 83872

**Section 821.15.** (A) Except as otherwise provided in division 83873  
(B) of this section, the amendments by this act to section 83874  
5126.055 of the Revised Code are subject to the referendum. 83875  
Therefore, under Ohio Constitution, Article II, Section 1c and 83876  
section 1.471 of the Revised Code, the amendments take effect on 83877  
the ninety-first day after this act is filed with the Secretary of 83878  
State. If, however, a referendum petition is filed against the 83879  
amendments, the amendments, unless rejected at the referendum, 83880  
take effect at the earliest time permitted by law. 83881

(B) The amendment to section 5126.055 of the Revised Code 83882  
that strikes through "5123.16" and inserts "5123.161" is not 83883  
subject to the referendum. Therefore, under Ohio Constitution, 83884  
Article II, Section 1d and section 1.471 of the Revised Code, the 83885  
amendment goes into immediate effect. 83886

**Section 821.16.** (A) Except as otherwise provided in division 83887  
(B) of this section, the amendments by this act to section 83888  
5126.057 (5126.0511) of the Revised Code are not subject to the 83889  
referendum. Therefore, under Ohio Constitution, Article II, 83890

Section 1d and section 1.471 of the Revised Code, the amendments 83891  
take effect July 1, 2007. 83892

(B) The amendments to relettered division (A)(2) and (A)(4) 83893  
of section 5126.057 of the Revised Code are not subject to the 83894  
referendum. Therefore, under Ohio Constitution, Article II, 83895  
Section 1d and section 1.471 of the Revised Code, the amendments 83896  
go into immediate effect. 83897

**Section 821.17.** (A) Except as otherwise provided in division 83898  
(B) of this section, the amendments by this act to section 5126.18 83899  
of the Revised Code are not subject to the referendum. Therefore, 83900  
under Ohio Constitution, Article II, Section 1d and section 1.471 83901  
of the Revised Code, the amendments go into immediate effect. 83902

(B) The amendments to division (H) of section 5126.18 of the 83903  
Revised Code are not subject to the referendum. Therefore, under 83904  
Ohio Constitution, Article II, Section 1d and section 1.471 of the 83905  
Revised Code, the amendments take effect July 1, 2007. 83906

**Section 821.17.10.** (A) Except as otherwise provided in 83907  
division (B) of this section, the amendments by this act to 83908  
section 5727.84 of the Revised Code are not subject to the 83909  
referendum. Therefore, under Ohio Constitution, Article II, 83910  
Section 1d and section 1.471 of the Revised Code, the amendments 83911  
take effect December 1, 2007. 83912

(B) The amendments to division (D) of section 5727.84 of the 83913  
Revised Code are not subject to the referendum. Therefore, under 83914  
Ohio Constitution, Article II, Section 1d and section 1.471 of the 83915  
Revised Code, the amendments take immediate effect. 83916

**Section 821.18.** (A) Except as otherwise provided in division 83917  
(B) of this section, the amendments by this act to section 5727.87 83918  
of the Revised Code provide for or are essential to implementation 83919

of a tax levy. Therefore, under Ohio Constitution, Article II, 83920  
Section 1d, the amendments are not subject to the referendum and 83921  
go into immediate effect when this act becomes law. 83922

(B) The amendment to division (A)(2)(b) of section 5727.87 of 83923  
the Revised Code is subject to the referendum. Therefore, under 83924  
Ohio Constitution, Article II, Section 1c and section 1.471 of the 83925  
Revised Code, the amendment takes effect on the ninety-first day 83926  
after this act is filed with the Secretary of State. If, however, 83927  
a referendum petition is filed against the amendment, the 83928  
amendment, unless rejected at the referendum, takes effect at the 83929  
earliest time permitted by law. 83930

**Section 821.21.** If the amendment or enactment in this act of 83931  
a codified or uncodified section of law is subject to the 83932  
referendum, the corresponding indications in the amending, 83933  
enacting, or existing repeal clauses commanding the amendment or 83934  
enactment also are subject to the referendum, along with the 83935  
amendment or enactment. If the amendment or enactment by this act 83936  
of a codified or uncodified section of law is not subject to the 83937  
referendum, the corresponding indications in the amending, 83938  
enacting, or existing repeal clauses commanding the amendment or 83939  
enactment also are not subject to the referendum, the same as the 83940  
amendment or enactment. 83941

**Section 824.03.** The General Assembly, applying the principle 83942  
stated in division (B) of section 1.52 of the Revised Code that 83943  
amendments are to be harmonized if reasonably capable of 83944  
simultaneous operation, finds that the following sections, 83945  
presented in this act as composites of the sections as amended by 83946  
the acts indicated, are the resulting versions of the sections in 83947  
effect prior to the effective date of the sections as presented in 83948  
this act: 83949

Section 109.572 of the Revised Code as amended by both Am. 83950

Sub. S.B. 185 and Am. Sub. S.B. 238 of the 126th General Assembly.	83951
Section 111.18 of the Revised Code as amended by both Am.	83952
Sub. H.B. 94 and Am. Sub. S.B. 74 of the 124th General Assembly.	83953
Section 323.153 of the Revised Code as amended by both Am.	83954
H.B. 595 and Am. Sub. H.B. 672 of the 123rd General Assembly.	83955
Section 711.131 of the Revised Code as amended by both Sub.	83956
H.B. 231 and Sub. S.B. 115 of the 125th General Assembly.	83957
Section 2921.42 of the Revised Code as amended by both Sub.	83958
H.B. 150 and Am. Sub. H.B. 285 of the 120th General Assembly.	83959
Section 3301.0714 of the Revised Code as amended by Am. Sub.	83960
H.B. 79, Am. Sub. H.B. 137, Am. Sub. H.B. 276, and Am. Sub. H.B.	83961
530 of the 126th General Assembly.	83962
Section 3313.64 of the Revised Code as amended Am. Sub. H.B.	83963
137, Am. Sub. H.B. 530, Sub. S.B. 164, and Am. Sub. S.B. 238 of	83964
the 126th General Assembly.	83965
Section 3317.03 of the Revised Code as amended by both Am.	83966
Sub. H.B. 79 and Am. Sub. H.B. 699 of the 126th General Assembly.	83967
Section 3318.01 of the Revised Code as amended by both Am.	83968
Sub. H.B. 11 of the 125th General Assembly and Am. Sub. H.B. 16 of	83969
the 126th General Assembly.	83970
Section 5107.05 of the Revised Code as amended by Am. Sub.	83971
H.B. 283, H.B. 471, and Sub. S.B. 245, all of the 123rd General	83972
Assembly, and Am. Sub. H.B. 66 of the 126th General Assembly.	83973
Section 5739.035 of the Revised Code as amended by both Am.	83974
Sub. H.B. 66 and Am. Sub. S.B. 26 of the 126th General Assembly.	83975
Section 5741.02 of the Revised Code as amended by both Sub.	83976
H.B. 294 and Am. Sub. S.B. 269 of the 126th General Assembly.	83977
Section 5748.01 of the Revised Code as amended by both Sub.	83978
H.B. 73 and Am. Sub. H.B. 699 of the 126th General Assembly.	83979

Section 5748.02 of the Revised Code as amended by both Am. 83980  
Sub. H.B. 3 and Am. Sub. H.B. 530 of the 126th General Assembly. 83981

The finding in this section takes effect at the same time as 83982  
the section referenced in the finding takes effect. 83983