

As Introduced

127th General Assembly
Regular Session
2007-2008

H. B. No. 562

Representative Hottinger

—

A BILL

To amend sections 9.835, 113.061, 113.40, 117.13, 1
117.38, 124.152, 125.021, 125.18, 125.25, 133.08, 2
135.61, 135.63, 135.65, 135.66, 156.02, 165.01, 3
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5101.80, 5111.032, 5111.31, 5111.941, 5112.31, 21
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5703.57, 5709.121, 5727.85, 5739.01, 5739.02, 23
5739.029, 5739.12, 5739.122, 5739.124, 5739.21, 24

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5747.02, 5748.022, 5751.20, 5751.21, 6117.01, 27
6117.011, 6117.012, 6117.04, 6117.05, 6117.06, 28
6117.25, 6117.251, 6117.28, 6117.30, 6117.34, 29
6117.38, 6117.41, 6117.42, 6117.43, 6117.44, 30
6117.45, and 6117.49; to enact sections 133.52, 31
135.101, 135.102, 135.103, 135.104, 135.105, 32
135.106, 3310.42, 3318.034, 3365.15, 4301.404, 33
4301.441, 4735.142, 4905.84, 5111.874, 5111.875, 34
5111.876, 5111.877, 5111.878, 5111.879, 5703.82, 35
5747.082, 5749.17, 6121.045, and 6123.042; to 36
repeal sections 124.821, 5111.88, 5111.881, 37
5111.882, 5111.883, 5111.884, 5111.885, 5111.886, 38
5111.887, 5111.888, 5111.889, 5111.8810, 39
5111.8811, 5111.8812, 5111.8813, 5111.8814, 40
5111.8815, 5111.8816, 5111.8817, 5112.311, and 41
5739.213 of the Revised Code; to amend Sections 42
315.10 and 555.19 of Am. Sub. H.B. 67 of the 127th 43
General Assembly, to amend Sections 203.10 and 44
203.50 of Am. Sub. H.B. 67 of the 127th General 45
Assembly, as subsequently amended, to amend 46
Section 512.70 of Am. Sub. H.B. 100 of the 127th 47
General Assembly, to amend Sections 207.20.50, 48
207.20.70, 207.30.10, 207.30.20, 207.30.30, 49
235.10, 261.10, 263.30.10, 269.30.70, 269.40.50, 50
269.50.30, 275.10, 293.10, 299.10, 309.10, 51
309.30.13, 309.30.30, 309.30.41, 309.30.42, 52
309.40.33, 337.30.43, 337.40.15, 369.10, 375.10, 53
405.10, 407.10, 512.03, 512.35, and 518.03 of Am. 54
Sub. H.B. 119 of the 127th General Assembly, to 55
amend Sections 101.10, 201.50, 301.20.20, 56
301.20.80, 401.11, and 401.71 of H.B. 496 of the 57

127th General Assembly; to repeal Section 5 of Am. 58
Sub. H.B. 24 of the 127th General Assembly and to 59
repeal Section 375.80.10 of Am. Sub. H.B. 119 of 60
the 127th General Assembly to make capital and 61
other appropriations and to provide authorization 62
and conditions for the operation of state 63
programs. 64

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

Section 101.01. That sections 9.835, 113.061, 113.40, 117.13, 65
117.38, 124.152, 125.021, 125.18, 125.25, 133.08, 135.61, 135.63, 66
135.65, 135.66, 156.02, 165.01, 165.03, 303.12, 303.211, 307.697, 67
321.261, 351.26, 519.12, 519.211, 1346.03, 2743.49, 2921.13, 68
3119.023, 3301.0714, 3311.24, 3313.842, 3313.978, 3314.05, 69
3317.20, 3318.01, 3318.03, 3318.032, 3318.04, 3333.04, 3333.044, 70
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5123.196, 5525.01, 5703.19, 5703.21, 5703.57, 5709.121, 5727.85, 81
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5741.04, 5741.12, 5741.121, 5741.122, 5743.021, 5743.024, 83
5743.321, 5743.323, 5745.05, 5747.01, 5747.02, 5748.022, 5751.20, 84
5751.21, 6117.01, 6117.011, 6117.012, 6117.04, 6117.05, 6117.06, 85
6117.25, 6117.251, 6117.28, 6117.30, 6117.34, 6117.38, 6117.41, 86
6117.42, 6117.43, 6117.44, 6117.45, and 6117.49 be amended and 87

sections 133.52, 135.101, 135.102, 135.103, 135.104, 135.105, 88
135.106, 3310.42, 3318.034, 3365.15, 4301.404, 4301.441, 4735.142, 89
4905.84, 5111.874, 5111.875, 5111.876, 5111.877, 5111.878, 90
5111.879, 5703.82, 5747.082, 5749.17, 6121.045, and 6123.042 of 91
the Revised Code be enacted to read as follows: 92

Sec. 9.835. (A) As used in this section: 93

(1) "Energy price risk management contract" means a contract 94
that ~~mitigates~~ is intended to mitigate, for the term of the 95
contract, the price volatility of energy sources, including, but 96
not limited to, a contract or futures contract for natural gas, 97
gasoline, oil, and diesel fuel, and that is a budgetary and 98
financial tool only and not a contract for the procurement of an 99
energy source. 100

(2) "Political subdivision" means a county, city, village, 101
township, park district, ~~or~~ school district, or regional transit 102
authority. 103

(3) "State entity" means the general assembly, the supreme 104
court, the court of claims, the office of an elected state 105
officer, or a department, bureau, board, office, commission, 106
agency, institution, or other instrumentality of this state 107
established by the constitution or laws of this state for the 108
exercise of any function of state government, but excludes a 109
political subdivision, an institution of higher education, the 110
public employees retirement system, the Ohio police and fire 111
pension fund, the state teachers retirement system, the school 112
employees retirement system, the state highway patrol retirement 113
system, or the city of Cincinnati retirement system. 114

(4) "State official" means the elected or appointed official, 115
or that person's designee, charged with the management of a state 116
entity. 117

(B) If it determines that doing so is in the best interest of the state entity or the political subdivision, and subject to, respectively, state or local appropriation to pay amounts due, a state official or the legislative or other governing authority of a political subdivision may enter into an energy price risk management contract. Money received pursuant to such a contract entered into by a state official shall be deposited to the credit of the general revenue fund of this state, and, unless otherwise provided by ordinance or resolution enacted or adopted by the legislative authority of the political subdivision authorizing any such contract, money received under the contract shall be deposited to the credit of the general fund of the political subdivision.

(C) An energy price risk management contract is not an investment for the purposes of section 135.14 of the Revised Code.

Sec. 113.061. The treasurer of state shall adopt rules in accordance with Chapter 119. of the Revised Code governing the remittance of taxes by electronic funds transfer as required under sections 5727.311, 5727.83, 5733.022, 5735.062, 5739.032, ~~5739.122, 5741.121,~~ 5745.04, and 5747.072 of the Revised Code and any other section of the Revised Code under which a person is required to remit taxes by electronic funds transfer. The rules shall govern the modes of electronic funds transfer acceptable to the treasurer of state and under what circumstances each mode is acceptable, the content and format of electronic funds transfers, the coordination of payment by electronic funds transfer and filing of associated tax reports and returns, the remittance of taxes by means other than electronic funds transfer by persons otherwise required to do so but relieved of the requirement by the treasurer of state, and any other matter that in the opinion of the treasurer of state facilitates payment by electronic funds transfer in a manner consistent with those sections.

Upon failure by a person, if so required, to remit taxes by 150
electronic funds transfer in the manner prescribed under section 151
5727.83, 5733.022, 5735.062, 5739.032, ~~5739.122, 5741.121,~~ 152
5745.04, or 5747.072 of the Revised Code and rules adopted under 153
this section, the treasurer of state shall notify the tax 154
commissioner of such failure if the treasurer of state determines 155
that such failure was not due to reasonable cause or was due to 156
willful neglect, and shall provide the tax commissioner with any 157
information used in making that determination. The tax 158
commissioner may assess an additional charge as specified in the 159
respective section of the Revised Code governing the requirement 160
to remit taxes by electronic funds transfer. 161

The treasurer of state may implement means of acknowledging, 162
upon the request of a taxpayer, receipt of tax remittances made by 163
electronic funds transfer, and may adopt rules governing 164
acknowledgments. The cost of acknowledging receipt of electronic 165
remittances shall be paid by the person requesting acknowledgment. 166

The treasurer of state, not the tax commissioner, is 167
responsible for resolving any problems involving electronic funds 168
transfer transmissions. 169

Sec. 113.40. (A) As used in this section: 170

(1) "Financial transaction device" includes a credit card, 171
debit card, charge card, prepaid or stored value card, or 172
automated clearinghouse network credit, debit, or e-check entry 173
that includes, but is not limited to, accounts receivable and 174
internet-initiated, point of purchase, and telephone-initiated 175
applications, or any other device or method for making an 176
electronic payment or transfer of funds. 177

(2) "State expenses" includes fees, costs, taxes, 178
assessments, fines, penalties, payments, or any other expense a 179
person owes to a state office under the authority of a state 180

elected official or to a state entity.	181
(3) "State elected official" means the governor, lieutenant governor, attorney general, secretary of state, treasurer of state, and auditor of state.	182 183 184
(4) "State entity" includes any state department, agency, board, or commission that deposits funds into the state treasury.	185 186
(B) Notwithstanding any other section of the Revised Code and subject to division (D) of this section, the board of deposit may adopt a resolution authorizing the acceptance of payments by financial transaction device to pay for state expenses. The resolution shall include all of the following:	187 188 189 190 191
(1) A designation of those state elected officials and state entities authorized to accept payments by financial transaction device;	192 193 194
(2) A list of state expenses that may be paid by the use of a financial transaction device;	195 196
(3) Specific identification of financial transaction devices that a state elected official or state entity may authorize as acceptable means of payment for state expenses. Division (B)(3) of this section does not require that the same financial transaction devices be accepted for the payment of different types of state expenses.	197 198 199 200 201 202
(4) The amount, if any, authorized as a surcharge or convenience fee under division (E) of this section for persons using a financial transaction device. Division (B)(4) of this section does not require that the same surcharges or convenience fees be applied to the payment of different types of state expenses.	203 204 205 206 207 208
(5) A specific requirement, as provided in division (G) of this section, for the payment of a penalty if a payment made by	209 210

means of a financial transaction device is returned or dishonored 211
for any reason. 212

The board of deposit's resolution also shall designate the 213
treasurer of state as the administrative agent to solicit 214
proposals, within guidelines established by the board of deposit 215
in the resolution and in compliance with the procedures provided 216
in division (C) of this section, from financial institutions, 217
issuers of financial transaction devices, and processors of 218
financial transaction devices; to make recommendations about those 219
proposals to the state elected officials; and to assist state 220
offices in implementing the state's financial transaction device 221
acceptance and processing program. 222

(C) The administrative agent shall follow the procedures 223
provided in this division whenever it plans to contract with 224
financial institutions, issuers of financial transaction devices, 225
or processors of financial transaction devices for the purposes of 226
this section. The administrative agent shall request proposals 227
from at least three financial institutions, issuers of financial 228
transaction devices, or processors of financial transaction 229
devices, as appropriate in accordance with the resolution adopted 230
under division (B) of this section. Prior to sending any financial 231
institution, issuer, or processor a copy of any such request, the 232
administrative agent shall advertise its intent to request 233
proposals in a newspaper of general circulation in the state once 234
a week for two consecutive weeks. The notice shall state that the 235
administrative agent intends to request proposals; specify the 236
purpose of the request; indicate the date, which shall be at least 237
ten days after the second publication, on which the request for 238
proposals will be mailed to financial institutions, issuers, or 239
processors; and require that any financial institution, issuer, or 240
processor, whichever is appropriate, interested in receiving the 241
request for proposals submit written notice of this interest to 242

the administrative agent not later than noon of the day on which 243
the request for proposals will be mailed. 244

Upon receiving the proposals, the administrative agent shall 245
review them and make a recommendation to the board of deposit 246
regarding which proposals to accept. The board of deposit shall 247
consider the agent's recommendation and review all proposals 248
submitted, and then may choose to contract with any or all of the 249
entities submitting proposals, as appropriate. The board of 250
deposit shall provide any financial institution, issuer, or 251
processor that submitted a proposal, but with which the board does 252
not enter into a contract, notice that its proposal is rejected. 253

(D) The board of deposit shall send a copy of the resolution 254
adopted under division (B) of this section to each state elected 255
official and state entity authorized to accept payments for state 256
expenses by financial transaction device. After receiving the 257
resolution and before accepting such payments by financial 258
transaction device, such a state elected official or state entity 259
shall provide written notification to the administrative agent of 260
the official's or entity's intent to implement the resolution 261
within the official's or entity's office. Each state office or 262
entity subject to the board's resolution adopted under division 263
(B) of this section shall use only the financial institutions, 264
issuers of financial transaction devices, and processors of 265
financial transaction devices with which the board of deposit 266
contracts, and each such office or entity is subject to the terms 267
of those contracts. 268

If a state entity under the authority of a state elected 269
official is directly responsible for collecting one or more state 270
expenses and the state elected official determines not to accept 271
payments by financial transaction device for one or more of those 272
expenses, the office is not required to accept payments by 273
financial transaction device for those expenses, notwithstanding 274

the adoption of a resolution by the board of deposit under 275
division (B) of this section. 276

Any state entity that prior to March 18, 1999, accepted 277
financial transaction devices may continue to accept such devices 278
until June 30, 2000, without being subject to any resolution 279
adopted by the board of deposit under division (B) of this 280
section, or any other oversight by the board of the entity's 281
financial transaction device program. Any such entity may use 282
surcharges or convenience fees in any manner the state elected 283
official or other official in charge of the entity determines to 284
be appropriate, and, if the administrative agent consents, may 285
appoint the administrative agent to be the entity's administrative 286
agent for purposes of accepting financial transaction devices. In 287
order to be exempt from the resolution of the board of deposit 288
under division (B) of this section, a state entity shall notify 289
the board in writing within thirty days after March 18, 1999, that 290
it accepted financial transaction devices prior to March 18, 1999. 291
Each such notification shall explain how processing costs 292
associated with financial transaction devices are being paid and 293
shall indicate whether surcharge or convenience fees are being 294
passed on to consumers. 295

(E) The board of deposit may establish a surcharge or 296
convenience fee that may be imposed upon a person making payment 297
by a financial transaction device. The surcharge or convenience 298
fee shall not be imposed unless authorized or otherwise permitted 299
by the rules prescribed under a contract, between the financial 300
institution, issuer, or processor and the administrative agent, 301
governing the use and acceptance of the financial transaction 302
device. 303

The establishment of a surcharge or convenience fee shall 304
follow the guidelines of the financial institution, issuer of 305
financial transaction devices, or processor of financial 306

transaction devices with which the board of deposit contracts.	307
If a surcharge or convenience fee is imposed, every state	308
entity accepting payment by a financial transaction device,	309
regardless of whether that entity is subject to a resolution	310
adopted by the board of deposit, shall clearly post a notice in	311
the entity's office, and shall notify each person making a payment	312
by such a device, about the surcharge or fee. Notice to each	313
person making a payment shall be provided regardless of the medium	314
used to make the payment and in a manner appropriate to that	315
medium. Each notice shall include all of the following:	316
(1) A statement that there is a surcharge or convenience fee	317
for using a financial transaction device;	318
(2) The total amount of the charge or fee expressed in	319
dollars and cents for each transaction, or the rate of the charge	320
or fee expressed as a percentage of the total amount of the	321
transaction, whichever is applicable;	322
(3) A clear statement that the surcharge or convenience fee	323
is nonrefundable.	324
(F) If a person elects to make a payment by a financial	325
transaction device and a surcharge or convenience fee is imposed,	326
the payment of the surcharge or convenience fee is not refundable.	327
(G) If a person makes payment by a financial transaction	328
device and the payment is returned or dishonored for any reason,	329
the person is liable to the state for the state expense and any	330
reimbursable costs for collection, including banking charges,	331
legal fees, or other expenses incurred by the state in collecting	332
the returned or dishonored payment. The remedies and procedures	333
provided in this section are in addition to any other available	334
civil or criminal remedies provided by law.	335
(H) No person making any payment by a financial transaction	336
device to a state office shall be relieved from liability for the	337

underlying obligation, except to the extent that the state 338
realizes final payment of the underlying obligation in cash or its 339
equivalent. If final payment is not made by the financial 340
transaction device issuer or other guarantor of payment in the 341
transaction, the underlying obligation survives and the state 342
shall retain all remedies for enforcement that would have applied 343
if the transaction had not occurred. 344

(I) A state entity or employee who accepts a financial 345
transaction device payment in accordance with this section and any 346
applicable state or local policies or rules is immune from 347
personal liability for the final collection of such payments as 348
specified in section 9.87 of the Revised Code. 349

(J) The administrative agent, in cooperation with the office 350
of budget and management, may adopt, amend, and rescind rules in 351
accordance with section 111.15 of the Revised Code to implement 352
this section. 353

Sec. 117.13. (A) The costs of audits of state agencies shall 354
be recovered by the auditor of state in the following manner: 355

(1) The costs of all audits of state agencies shall be paid 356
to the auditor of state on statements rendered by the auditor of 357
state. Money so received by the auditor of state shall be paid 358
into the state treasury to the credit of the public audit expense 359
fund--intrastate, which is hereby created, and shall be used to 360
pay costs related to such audits. The costs of all annual and 361
special audits of a state agency shall be charged to the state 362
agency being audited. The costs of all biennial audits of a state 363
agency shall be paid from money appropriated to the department of 364
administrative services for that purpose. The costs of any 365
assistant auditor, employee, or expert employed pursuant to 366
section 117.09 of the Revised Code called upon to testify in any 367
legal proceedings in regard to any audit, or called upon to review 368

or discuss any matter related to any audit, may be charged to the 369
state agency to which the audit relates. 370

(2) The auditor of state shall establish by rule rates to be 371
charged to state agencies or to the department of administrative 372
services for recovering the costs of audits of state agencies. 373

(B) As used in this division, "government auditing standards" 374
means the government auditing standards published by the 375
comptroller general of the United States general accounting 376
office. 377

(1) Except as provided in divisions (B)(2) and (3) of this 378
section, any costs of an audit of a private institution, 379
association, board, or corporation receiving public money for its 380
use shall be charged to the public office providing the public 381
money in the same manner as costs of an audit of the public 382
office. 383

(2) If an audit of a private child placing agency or private 384
noncustodial agency receiving public money from a public children 385
services agency for providing child welfare or child protection 386
services sets forth that money has been illegally expended, 387
converted, misappropriated, or is unaccounted for, the costs of 388
the audit shall be charged to the agency being audited in the same 389
manner as costs of an audit of a public office, unless the 390
findings are inconsequential, as defined by government auditing 391
standards. 392

(3) If such an audit does not set forth that money has been 393
illegally expended, converted, misappropriated, or is unaccounted 394
for or sets forth findings that are inconsequential, as defined by 395
government auditing standards, the costs of the audit shall be 396
charged as follows: 397

(a) One-third of the costs to the agency being audited; 398

(b) One-third of the costs to the public children services 399

agency that provided the public money to the agency being audited; 400

(c) One-third of the costs to the department of job and 401
family services. 402

(C) The costs of audits of local public offices shall be 403
recovered by the auditor of state in the following manner: 404

(1) The total amount of compensation paid assistant auditors 405
of state, their expenses, the cost of employees assigned to assist 406
the assistant auditors of state, the cost of experts employed 407
pursuant to section 117.09 of the Revised Code, and the cost of 408
typing, reviewing, and copying reports shall be borne by the 409
public office to which such assistant auditors of state are so 410
assigned, except that annual vacation and sick leave of assistant 411
auditors of state, employees, and typists shall be financed from 412
the general revenue fund. The necessary traveling and hotel 413
expenses of the deputy inspectors and supervisors of public 414
offices shall be paid from the state treasury. Assistant auditors 415
of state shall be compensated by the taxing district or other 416
public office audited for activities undertaken pursuant to 417
division (B) of section 117.18 and section 117.24 of the Revised 418
Code. The costs of any assistant auditor, employee, or expert 419
employed pursuant to section 117.09 of the Revised Code called 420
upon to testify in any legal proceedings in regard to any audit, 421
or called upon to review or discuss any matter related to any 422
audit, may be charged to the public office to which the audit 423
relates. 424

(2) The auditor of state shall certify the amount of such 425
compensation, expenses, cost of experts, reviewing, copying, and 426
typing to the fiscal officer of the local public office audited. 427
The fiscal officer of the local public office shall forthwith draw 428
a warrant upon the general fund or other appropriate funds of the 429
local public office to the order of the auditor of state; 430
provided, that the auditor of state is authorized to negotiate 431

with any local public office and, upon agreement between the 432
auditor of state and the local public office, may adopt a schedule 433
for payment of the amount due under this section. Money so 434
received by the auditor of state shall be paid into the state 435
treasury to the credit of the public audit expense fund--local 436
government, which is hereby created, and shall be used to pay the 437
compensation, expense, cost of experts and employees, reviewing, 438
copying, and typing of reports. 439

(3) At the conclusion of each audit, or analysis and report 440
made pursuant to section 117.24 of the Revised Code, the auditor 441
of state shall furnish the fiscal officer of the local public 442
office audited a statement showing the total cost of the audit, or 443
of the audit and the analysis and report, and the percentage of 444
the total cost chargeable to each fund audited. The fiscal officer 445
may distribute such total cost to each fund audited in accordance 446
with its percentage of the total cost. 447

(4) The auditor of state shall provide each local public 448
office a statement or certification of the amount due from the 449
public office for services performed by the auditor of state under 450
this or any other section of the Revised Code, as well as the date 451
upon which payment is due to the auditor of state. Any local 452
public office that does not pay the amount due to the auditor of 453
state by that date may be assessed by the auditor of state for 454
interest from the date upon which the payment is due at the rate 455
per annum prescribed by section 5703.47 of the Revised Code. All 456
interest charges assessed by the auditor of state may be collected 457
in the same manner as audit costs pursuant to division (D) of this 458
section. 459

(D) If the auditor of state fails to receive payment for any 460
amount due, including, but not limited to, fines, fees, and costs, 461
from a public office for services performed under this or any 462
other section of the Revised Code, the auditor of state may seek 463

payment through the office of budget and management. (Amounts due 464
include any amount due to an independent public accountant with 465
whom the auditor has contracted to perform services, all costs and 466
fees associated with participation in the uniform accounting 467
network, and all costs associated with the auditor's provision of 468
local government services.) Upon certification by the auditor of 469
state to the director of budget and management of any such amount 470
due, the director shall withhold from the public office any amount 471
available, up to and including the amount certified as due, from 472
any funds under the director's control that belong to or are 473
lawfully payable or due to the public office. The director shall 474
promptly pay the amount withheld to the auditor of state. If the 475
director determines that no funds due and payable to the public 476
office are available or that insufficient amounts of such funds 477
are available to cover the amount due, the director shall withhold 478
and pay to the auditor of state the amounts available and, in the 479
case of a local public office, certify the remaining amount to the 480
county auditor of the county in which the local public office is 481
located. The county auditor shall withhold from the local public 482
office any amount available, up to and including the amount 483
certified as due, from any funds under the county auditor's 484
control and belonging to or lawfully payable or due to the local 485
public office. The county auditor shall promptly pay any such 486
amount withheld to the auditor of state. 487

Sec. 117.38. Each public office, other than a state agency, 488
shall file a financial report for each fiscal year. The auditor of 489
state may prescribe forms by rule or may issue guidelines, or 490
both, for such reports. If the auditor of state has not prescribed 491
a rule regarding the form for the report, the public office shall 492
submit its report on the form utilized by the public office. 493

The report shall be certified by the proper officer or board 494
and filed with the auditor of state within sixty days after the 495

close of the fiscal year, except that public offices reporting 496
pursuant to generally accepted accounting principles shall file 497
their reports within one hundred fifty days after the close of the 498
fiscal year. The auditor of state may extend the deadline for 499
filing a financial report and establish terms and conditions for 500
any such extension. At the time the report is filed with the 501
auditor of state, the chief fiscal officer, except as otherwise 502
provided in section 319.11 of the Revised Code, shall publish 503
notice in a newspaper published in the political subdivision or 504
taxing district, and if there is no such newspaper, then in a 505
newspaper of general circulation in the political subdivision or 506
taxing district. The notice shall state that the financial report 507
has been completed by the public office and is available for 508
public inspection at the office of the chief fiscal officer. 509

The report shall contain the following: 510

(A) Amount of collections and receipts, and accounts due from 511
each source; 512

(B) Amount of expenditures for each purpose; 513

(C) Income of each public service industry owned or operated 514
by a municipal corporation, and the cost of such ownership or 515
operation; 516

(D) Amount of public debt of each taxing district, the 517
purpose for which each item of such debt was created, and the 518
provision made for the payment thereof. The substance of the 519
report shall be published at the expense of the state in an annual 520
volume of statistics, which shall be submitted to the governor. 521
The auditor of state shall transmit the report to the general 522
assembly at its next session. 523

Any public office, other than a state agency, that does not 524
file its financial report at the time required by this section 525
shall pay to the auditor of state twenty-five dollars for each day 526

the report remains unfiled after the filing date; provided, that 527
the penalty payments shall not exceed the sum of seven hundred 528
fifty dollars. The auditor of state may waive all or any part of 529
the penalty assessed under this section upon the filing of the 530
past due financial report. All sums collected from such penalties 531
shall be placed in the public audit expense fund--local 532
government. ~~The~~ If the auditor of state ~~may deduct~~ fails to 533
receive payment for penalties not paid within one year from the 534
required filing date ~~from any funds under the auditor of state's~~ 535
~~control belonging to the public office. If funds are withheld from~~ 536
~~a county because of the failure of a taxing district located in~~ 537
~~whole or in part within the county to file, the county may deduct~~ 538
~~the amount of penalty from any revenues due the delinquent~~ 539
~~district, the auditor may recover the penalties through the~~ 540
process in division (D) of section 117.13 of the Revised Code. 541

Every county agency, board, or commission shall provide to 542
the county auditor, not later than the first day of March each 543
year unless a later date is authorized by the county auditor, all 544
information determined by the county auditor to be necessary for 545
the preparation of the report required by this section. 546

Sec. 124.152. (A)(1) Except as provided in divisions (A)(2) 547
and (3) of this section, each exempt employee shall be paid a 548
salary or wage in accordance with schedule E-1 or schedule E-2 of 549
division (B), (C), or (D) of this section, as applicable. 550

(2) Each exempt employee who holds a position in the 551
unclassified civil service pursuant to division (A)(26) or (30) of 552
section 124.11 of the Revised Code may be paid a salary or wage in 553
accordance with schedule E-1, schedule E-1 for step seven only, or 554
schedule E-2 of division (B), (C), (D), (E), (F), or (G) of this 555
section, as applicable. 556

(3)(a) Except as provided in division (A)(3)(b) of this 557

section, each exempt employee who was paid a salary or wage at 558
step 7 in the employee's pay range on June 28, 2003, in accordance 559
with the applicable schedule E-1 of former section 124.152 of the 560
Revised Code and who continued to be so paid on June 29, 2003, 561
shall be paid a salary or wage in the corresponding pay range in 562
schedule E-1 for step seven only of division (E), (F), or (G) of 563
this section, as applicable, for as long as the employee remains 564
in the position the employee held as of July 1, 2003. 565

(b) Except as provided in division (A)(3)(c) of this section, 566
if an exempt employee who is being paid a salary or wage in 567
accordance with schedule E-1 for step seven only of division (E), 568
(F), or (G) of this section, as applicable, moves to another 569
position, the employee shall not receive a salary or wage for that 570
position or any other position in the future in accordance with 571
that schedule. 572

(c) If an exempt employee who is being paid a salary or wage 573
in accordance with schedule E-1 for step seven only of division 574
(E), (F), or (G) of this section, as applicable, moves to another 575
position assigned to pay range 12 or above, the appointing 576
authority may assign the employee to be paid a salary or wage in 577
the appropriate pay range for that position in accordance with the 578
applicable schedule E-1 for step seven only, provided that the 579
appointing authority so notifies the director of administrative 580
services in writing at the time the employee is appointed to that 581
position. 582

(B) Beginning on the first day of the pay period that 583
includes July 1, 2006, each exempt employee who must be paid in 584
accordance with schedule E-1 or schedule E-2 of this section shall 585
be paid a salary or wage in accordance with the following schedule 586
of rates: 587

Schedule E-1 588

		Pay Ranges and Step Values						589
		Step	Step	Step	Step	Step	Step	590
Range		1	2	3	4	5	6	591
1	Hourly	9.40	9.82	10.24	10.68			592
	Annually	19552	20426	21299	22214			593
2	Hourly	11.40	11.88	12.40	12.94			594
	Annually	23712	24710	25792	26915			595
3	Hourly	11.94	12.48	13.03	13.60			596
	Annually	24835	25958	27102	28288			597
4	Hourly	12.54	13.10	13.72	14.34			598
	Annually	26083	27248	28538	29827			599
5	Hourly	13.15	13.75	14.34	14.97			600
	Annually	27352	28600	29827	31138			601
6	Hourly	13.86	14.43	15.07	15.69			602
	Annually	28829	30014	31346	32635			603
7	Hourly	14.72	15.27	15.88	16.44	17.08		604
	Annually	30618	31762	33030	34195	35526		605
8	Hourly	15.56	16.24	16.95	17.71	18.46		606
	Annually	32365	33779	35256	36837	38397		607
9	Hourly	16.60	17.46	18.32	19.23	20.21		608
	Annually	34528	36317	38106	39998	42037		609
10	Hourly	17.91	18.89	19.90	21.05	22.18		610
	Annually	37253	39291	41392	43784	46134		611
11	Hourly	19.50	20.64	21.84	23.06	24.38		612
	Annually	40560	42931	45427	47965	50710		613
12	Hourly	21.51	22.72	23.94	25.27	26.68	28.13	614
	Annually	44741	47258	49795	52562	55494	58510	615
13	Hourly	23.71	25.01	26.39	27.80	29.36	30.96	616
	Annually	49317	52021	54891	57824	61069	64397	617
14	Hourly	26.08	27.55	29.03	30.62	32.35	34.15	618
	Annually	54246	57304	60382	63690	67288	71032	619
15	Hourly	28.64	30.25	31.96	33.72	35.59	37.55	620
	Annually	59571	62920	66477	70138	74027	78104	621

16	Hourly	31.58	33.33	35.17	37.14	39.19	41.43	622
	Annually	65686	69326	73154	77251	81515	86174	623
17	Hourly	34.80	36.72	38.78	40.92	43.20	45.61	624
	Annually	72384	76378	80662	85114	89856	94869	625
18	Hourly	38.35	40.47	42.75	45.10	47.60	50.26	626
	Annually	79768	84178	88920	93808	99008	104541	627

Schedule E-2 628

	Range		Minimum		Maximum		629
41	Hourly		16.23		34.77		630
	Annually		33758		72322		631
42	Hourly		17.89		38.41		632
	Annually		37211		79893		633
43	Hourly		19.70		42.30		634
	Annually		40976		87984		635
44	Hourly		21.73		46.21		636
	Annually		45198		96117		637
45	Hourly		24.01		50.44		638
	Annually		49941		104915		639
46	Hourly		26.43		55.13		640
	Annually		54974		114670		641
47	Hourly		29.14		60.16		642
	Annually		60611		125133		643
48	Hourly		32.14		65.65		644
	Annually		66851		136552		645
49	Hourly		35.44		70.89		646
	Annually		73715		147451		647

(C) Beginning on the first day of the pay period that 648
 includes July 1, 2007, each exempt employee who must be paid in 649
 accordance with schedule E-1 or schedule E-2 of this section shall 650
 be paid a salary or wage in accordance with the following schedule 651
 of rates: 652

Schedule E-1 653

		Pay Ranges and Step Values						654
		Step	Step	Step	Step	Step	Step	655
Range		1	2	3	4	5	6	656
1	Hourly	9.73	10.16	10.60	11.05			657
	Annually	20238	21133	22048	22984			658
2	Hourly	11.80	12.30	12.83	13.39			659
	Annually	24544	25584	26686	27851			660
3	Hourly	12.36	12.92	13.49	14.08			661
	Annually	25709	26874	28059	29286			662
4	Hourly	12.98	13.56	14.20	14.84			663
	Annually	26998	28205	29536	30867			664
5	Hourly	13.61	14.23	14.84	15.49			665
	Annually	28309	29598	30867	32219			666
6	Hourly	14.35	14.94	15.60	16.24			667
	Annually	29848	31075	32448	33779			668
7	Hourly	15.24	15.80	16.44	17.02	17.68		669
	Annually	31699	32864	34195	35402	36774		670
8	Hourly	16.10	16.81	17.54	18.33	19.11		671
	Annually	33488	34965	36483	38126	39749		672
9	Hourly	17.18	18.07	18.96	19.90	20.92		673
	Annually	35734	37586	39437	41392	43514		674
10	Hourly	18.54	19.55	20.60	21.79	22.96		675
	Annually	38563	40664	42848	45323	47757		676
11	Hourly	20.18	21.36	22.60	23.87	25.23		677
	Annually	41974	44429	47008	49650	52478		678
12	Hourly	22.26	23.52	24.78	26.15	27.61	29.11	679
	Annually	46301	48922	51542	54392	57429	60549	680
13	Hourly	24.54	25.89	27.31	28.77	30.39	32.04	681
	Annually	51043	53851	56805	59842	63211	66643	682
14	Hourly	26.99	28.51	30.05	31.69	33.48	35.35	683
	Annually	56139	59301	62504	65915	69638	73528	684
15	Hourly	29.64	31.31	33.08	34.90	36.84	38.86	685
	Annually	61651	65125	68806	72592	76627	80829	686

16	Hourly	32.69	34.50	36.40	38.44	40.56	42.88	687
	Annually	67995	71760	75712	79955	84365	89190	688
17	Hourly	36.02	38.01	40.14	42.35	44.71	47.21	689
	Annually	74922	79061	83491	88088	92997	98197	690
18	Hourly	39.69	41.89	44.25	46.68	49.27	52.02	691
	Annually	82555	87131	92040	97094	102482	108202	692

Schedule E-2 693

	Range		Minimum		Maximum		694
41	Hourly		16.23		35.99		695
	Annually		33758		74859		696
42	Hourly		17.89		39.75		697
	Annually		37211		82680		698
43	Hourly		19.70		43.78		699
	Annually		40976		91062		700
44	Hourly		21.73		47.83		701
	Annually		45198		99486		702
45	Hourly		24.01		52.21		703
	Annually		49941		108597		704
46	Hourly		26.43		57.06		705
	Annually		54974		118685		706
47	Hourly		29.14		62.27		707
	Annually		60611		129522		708
48	Hourly		32.14		67.95		709
	Annually		66851		141336		710
49	Hourly		35.44		73.37		711
	Annually		73715		152610		712

(D) ~~Beginning~~ Except as otherwise provided in division (I) of 713
this section, beginning on the first day of the pay period that 714
includes July 1, 2008, each exempt employee who must be paid in 715
accordance with schedule E-1 or schedule E-2 of this section shall 716
be paid a salary or wage in accordance with the following schedule 717
of rates: 718

Schedule E-1		Pay Ranges and Step Values						
	Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	
								719
								720
								721
								722
1	Hourly	10.07	10.52	10.97	11.44			723
	Annually	20946	21882	22818	23795			724
2	Hourly	12.21	12.73	13.28	13.86			725
	Annually	25397	26478	27622	28829			726
3	Hourly	12.79	13.37	13.96	14.57			727
	Annually	26603	27810	29037	30306			728
4	Hourly	13.43	14.03	14.70	15.36			729
	Annually	27934	29182	30576	31949			730
5	Hourly	14.09	14.73	15.36	16.03			731
	Annually	29307	30638	31949	33342			732
6	Hourly	14.85	15.46	16.15	16.81			733
	Annually	30888	32157	33592	34965			734
7	Hourly	15.77	16.35	17.02	17.62	18.30		735
	Annually	32802	34008	35402	36650	38064		736
8	Hourly	16.66	17.40	18.15	18.97	19.78		737
	Annually	34653	36192	37752	39458	41142		738
9	Hourly	17.78	18.70	19.62	20.60	21.65		739
	Annually	36982	38896	40810	42848	45032		740
10	Hourly	19.19	20.23	21.32	22.55	23.76		741
	Annually	39915	42078	44346	46904	49421		742
11	Hourly	20.89	22.11	23.39	24.71	26.11		743
	Annually	43451	45989	48651	51397	54309		744
12	Hourly	23.04	24.34	25.65	27.07	28.58	30.13	745
	Annually	47923	50627	53352	56306	59446	62670	746
13	Hourly	25.40	26.80	28.27	29.78	31.45	33.16	747
	Annually	52832	55744	58802	61942	65416	68973	748
14	Hourly	27.93	29.51	31.10	32.80	34.65	36.59	749
	Annually	58094	61381	64688	68224	72072	76107	750
15	Hourly	30.68	32.41	34.24	36.12	38.13	40.22	751

	Annually	63814	67413	71219	75130	79310	83658	752
16	Hourly	33.83	35.71	37.67	39.79	41.98	44.38	753
	Annually	70366	74277	78354	82763	87318	92310	754
17	Hourly	37.28	39.34	41.54	43.83	46.27	48.86	755
	Annually	77542	81827	86403	91166	96242	101629	756
18	Hourly	41.08	43.36	45.80	48.31	50.99	53.84	757
	Annually	85446	90189	95264	100485	106059	111987	758
Schedule E-2								759
	Range			Minimum			Maximum	760
41	Hourly			16.23			37.25	761
	Annually			33758			77480	762
42	Hourly			17.89			41.14	763
	Annually			37211			85571	764
43	Hourly			19.70			45.31	765
	Annually			40976			94245	766
44	Hourly			21.73			49.50	767
	Annually			45198			102960	768
45	Hourly			24.01			54.04	769
	Annually			49941			112403	770
46	Hourly			26.43			59.06	771
	Annually			54974			122845	772
47	Hourly			29.14			64.45	773
	Annually			60611			134056	774
48	Hourly			32.14			70.33	775
	Annually			66851			146286	776
49	Hourly			35.44			75.94	777
	Annually			73715			157955	778
	(E) Beginning on the first day of the pay period that							779
	includes July 1, 2006, each exempt employee who must be paid in							780
	accordance with schedule E-1 for step seven only shall be paid a							781
	salary or wage in accordance with the following schedule of rates:							782
	Schedule E-1 for Step Seven Only							783

Pay Ranges and Step Seven Values			784
	Range		785
12	Hourly	29.68	786
	Annually	61734	787
13	Hourly	32.66	788
	Annually	67933	789
14	Hourly	36.01	790
	Annually	74901	791
15	Hourly	39.61	792
	Annually	82389	793
16	Hourly	43.70	794
	Annually	90896	795
17	Hourly	48.13	796
	Annually	100110	797
18	Hourly	53.02	798
	Annually	110282	799

(F) Beginning on the first day of the pay period that 800
includes July 1, 2007, each exempt employee who must be paid in 801
accordance with schedule E-1 for step seven only shall be paid a 802
salary or wage in accordance with the following schedule of rates: 803

Schedule E-1 for Step Seven Only 804

Pay Ranges and Step Values			805
	Range		806
12	Hourly	30.72	807
	Annually	63898	808
13	Hourly	33.80	809
	Annually	70304	810
14	Hourly	37.27	811
	Annually	77522	812
15	Hourly	41.00	813
	Annually	85280	814
16	Hourly	45.23	815

	Annually	94078	816
17	Hourly	49.81	817
	Annually	103605	818
18	Hourly	54.88	819
	Annually	114150	820

(G) ~~Beginning~~ Except as otherwise provided in division (I) of 821
this section, beginning on the first day of the pay period that 822
includes July 1, 2008, each exempt employee who must be paid in 823
accordance with salary schedule E-1 for step seven only shall be 824
paid a salary or wage in accordance with the following schedule of 825
rates: 826

Schedule E-1 for Step Seven Only 827

Pay Ranges and Step Values 828

	Range		829
12	Hourly	31.80	830
	Annually	66144	831
13	Hourly	34.98	832
	Annually	72758	833
14	Hourly	38.57	834
	Annually	80226	835
15	Hourly	42.44	836
	Annually	88275	837
16	Hourly	46.81	838
	Annually	97365	839
17	Hourly	51.55	840
	Annually	107224	841
18	Hourly	56.80	842
	Annually	118144	843

(H) As used in this section, "exempt employee" means a 844
permanent full-time or permanent part-time employee paid directly 845
by warrant of the director of budget and management whose position 846
is included in the job classification plan established under 847

division (A) of section 124.14 of the Revised Code but who is not 848
considered a public employee for the purposes of Chapter 4117. of 849
the Revised Code. As used in this section, "exempt employee" also 850
includes a permanent full-time or permanent part-time employee of 851
the secretary of state, auditor of state, treasurer of state, or 852
attorney general who has not been placed in an appropriate 853
bargaining unit by the state employment relations board. 854

(I) The governor by executive order may suspend the pay 855
increases scheduled to be granted under divisions (D) and (G) of 856
this section until the first day of the pay period that includes 857
July 1, 2009. If the governor issues such an executive order, 858
until that date, exempt employees scheduled to be paid under 859
division (D) or (G) of this section shall continue to be paid 860
under division (C) or (F) of this section, as applicable. The 861
standards for issuing an executive order under this division are 862
the same as those specified for the issuance of an executive order 863
under section 126.05 of the Revised Code. 864

Sec. 125.021. (A) Except as to the military department, the 865
general assembly, the bureau of workers' compensation, the 866
industrial commission, and institutions administered by boards of 867
trustees, the ~~office of information technology~~ department of 868
administrative services may contract for, ~~operate, and superintend~~ 869
telephone, other telecommunication, and computer services for 870
state agencies. Nothing in this division precludes the bureau or 871
the commission from contracting with the ~~office~~ department to 872
authorize the ~~office~~ department to contract for, ~~operate, or 873~~
~~superintend~~ those services for the bureau or the commission. 874

(B)(1) As used in this division: 875

(a) "Active duty" means active duty pursuant to an executive 876
order of the president of the United States, an act of the 877
congress of the United States, or section 5919.29 or 5923.21 of 878

the Revised Code. 879

(b) "Immediate family" means a person's spouse residing in 880
the person's household, brothers and sisters of the whole or of 881
the half blood, children, including adopted children and 882
stepchildren, parents, and grandparents. 883

(2) The ~~office of information technology~~ department of 884
administrative services may enter into a contract to purchase bulk 885
long distance telephone services and make them available at cost, 886
or may make bulk long distance telephone services available at 887
cost under any existing contract the ~~office~~ department has entered 888
into, to members of the immediate family of persons deployed on 889
active duty so that those family members can communicate with the 890
persons so deployed. If the ~~office~~ department enters into 891
contracts under division (B)(2) of this section, it shall do so in 892
accordance with sections 125.01 to 125.11 of the Revised Code and 893
in a nondiscriminatory manner that does not place any potential 894
vendor at a competitive disadvantage. 895

(3) If the ~~office~~ department decides to exercise either 896
option under division (B)(2) of this section, it shall adopt, and 897
may amend, rules under Chapter 119. of the Revised Code to 898
implement that division. 899

Sec. 125.18. (A) There is hereby established the office of 900
information technology ~~housed~~ within the department of 901
administrative services. The office shall be under the supervision 902
of a state chief information officer to be appointed by the 903
~~governor~~ director of administrative services and subject to 904
removal at the pleasure of the ~~governor~~ director. The chief 905
information officer ~~shall serve as the~~ is an assistant director of 906
~~the office~~ administrative services. 907

(B) ~~The director of the office of information technology~~ 908
~~shall advise the governor regarding the superintendence and~~ 909

~~implementation of statewide information technology policy.~~ 910

~~(C) The director of the office of information technology~~ 911
Under the direction of the director of administrative services, 912
the state chief information officer shall lead, oversee, and 913
direct state agency activities related to information technology 914
development and use. In that regard, the ~~director~~ state chief 915
information officer shall do all of the following: 916

(1) Coordinate and superintend statewide efforts to promote 917
common use and development of technology by state agencies. The 918
office of information technology shall establish policies and 919
standards that govern and direct state agency participation in 920
statewide programs and initiatives. 921

(2) Establish policies and standards for the acquisition and 922
use of information technology by state agencies, including, but 923
not limited to, hardware, software, technology services, and 924
security, with which state agencies shall comply; 925

(3) Establish criteria and review processes to identify state 926
agency information technology projects or purchases that require 927
alignment or oversight. As appropriate, the ~~office of information~~ 928
~~technology~~ department of administrative services shall provide the 929
governor and the director of budget and management with notice and 930
advice regarding the appropriate allocation of resources for those 931
projects. The ~~director of the office of information technology~~ 932
state chief information officer may require state agencies to 933
provide, and may prescribe the form and manner by which they must 934
provide, information to fulfill the ~~director's~~ state chief 935
information officer's alignment and oversight role. 936

~~(D) The office of information technology shall have the same~~ 937
~~authority given to the department of administrative services under~~ 938
~~sections 125.01, 125.02, 125.023, 125.04, 125.05, 125.06, 125.07,~~ 939
~~125.071, 125.072, 125.081, 125.09, 125.10, 125.11, and 125.25 of~~ 940

~~the Revised Code for the purchase of information technology 941
supplies and services for state agencies. 942~~

~~(E)(C) When a state agency requests a purchase of information 943
technology supplies or services under Chapter 125. of the Revised 944
Code, the state chief information officer may review and reject 945
the requested purchase for noncompliance with information 946
technology direction, plans, policies, standards, or 947
project-alignment criteria. 948~~

~~(D) The office of information technology may ~~make contracts 949
for, operate, and superintend~~ technology supplies and services for 950
state agencies in accordance with this chapter. 951~~

~~(F) The (E) With the approval of the director of 952
administrative services, the office of information technology may 953
establish cooperative agreements with federal and local government 954
agencies and state agencies that are not under the authority of 955
the governor for the provision of technology services and the 956
development of technology projects. 957~~

~~(G)(F) As used in this section, "state agency" means every 958
organized body, office, or agency established by the laws of the 959
state for the exercise of any function of state government, other 960
than any state-supported institution of higher education, the 961
office of the auditor of state, treasurer of state, secretary of 962
state, or attorney general, the adjutant general's department, the 963
bureau of workers' compensation, the industrial commission, the 964
public employees retirement system, the Ohio police and fire 965
pension fund, the state teachers retirement system, the school 966
employees retirement system, the state highway patrol retirement 967
system, the general assembly or any legislative agency, or the 968
courts or any judicial agency. 969~~

Sec. 125.25. (A) The director of administrative services may 970
debar a vendor from consideration for contract awards upon a 971

finding based upon a reasonable belief that the vendor has done	972
any of the following:	973
(1) Abused the selection process by repeatedly withdrawing	974
bids or proposals before purchase orders or contracts are issued	975
or failing to accept orders based upon firm bids;	976
(2) Failed to substantially perform a contract according to	977
its terms, conditions, and specifications within specified time	978
limits;	979
(3) Failed to cooperate in monitoring contract performance by	980
refusing to provide information or documents required in a	981
contract, failed to respond to complaints to the vendor, or	982
accumulated repeated justified complaints regarding performance of	983
a contract;	984
(4) Attempted to influence a public employee to breach	985
ethical conduct standards or to influence a contract award;	986
(5) Colluded to restrain competition by any means;	987
(6) Been convicted of a criminal offense related to the	988
application for or performance of any public or private contract,	989
including, but not limited to, embezzlement, theft, forgery,	990
bribery, falsification or destruction of records, receiving stolen	991
property, and any other offense that directly reflects on the	992
vendor's business integrity;	993
(7) Been convicted under state or federal antitrust laws;	994
(8) Deliberately or willfully submitted false or misleading	995
information in connection with the application for or performance	996
of a public contract;	997
(9) Violated any other responsible business practice or	998
performed in an unsatisfactory manner as determined by the	999
director;	1000

(10) Through the default of a contract or through other means 1001
had a determination of unresolved finding for recovery by the 1002
auditor of state under section 9.24 of the Revised Code; 1003

(11) Acted in such a manner as to be debarred from 1004
participating in a contract with any governmental agency. 1005

(B) When the director reasonably believes that grounds for 1006
debarment exist, the director shall send the vendor a notice of 1007
proposed debarment indicating the grounds for the proposed 1008
debarment and the procedure for requesting a hearing on the 1009
proposed debarment. The hearing shall be conducted in accordance 1010
with Chapter 119. of the Revised Code. If the vendor does not 1011
respond with a request for a hearing in the manner specified in 1012
Chapter 119. of the Revised Code, the director shall issue the 1013
debarment decision without a hearing and shall notify the vendor 1014
of the decision by certified mail, return receipt requested. 1015

(C) The director shall determine the length of the debarment 1016
period and may rescind the debarment at any time upon notification 1017
to the vendor. During the period of debarment, the vendor is not 1018
eligible to participate in any state contract. After the debarment 1019
period expires, the vendor shall be eligible to be awarded 1020
contracts by state agencies. 1021

(D) The director, through ~~the office of information~~ 1022
~~technology~~ and the office of procurement services, shall maintain 1023
a list of all vendors currently debarred under this section. 1024

Sec. 133.08. (A) In addition to any power to issue securities 1025
under other provisions of the Revised Code for the purposes, a 1026
county may issue revenue securities as authorized in this section. 1027

(B) A county may issue revenue securities to fund or refund 1029
revenue securities previously issued, or for any purposes for 1030

which it could issue self-supporting securities and, without 1031
limitation, any of the following general purposes: 1032

(1) For one or more established sewer districts, any of the 1033
purposes provided in divisions (C)(2)(a) and (b) of section 133.07 1034
of the Revised Code~~+~~, including sanitary facilities, drainage 1035
facilities, and prevention or replacement facilities as defined in 1036
section 6117.01 of the Revised Code. For purposes of this chapter, 1037
those sanitary facilities, drainage facilities, and prevention or 1038
replacement facilities are hereby determined to qualify as 1039
facilities described in Section 13 of Article VIII, Ohio 1040
Constitution. 1041

(2) Hospital facilities as defined in division (E) of section 1042
140.01 of the Revised Code; 1043

(3) Facilities described in division (C)(10) of section 1044
133.07 of the Revised Code; 1045

(4) Off-street parking facilities pursuant to section 307.02 1046
of the Revised Code; 1047

(5) An arena, a convention center, or a combination of an 1048
arena and convention center under section 307.695 of the Revised 1049
Code. 1050

(C) The county shall establish rates or charges for the use, 1051
availability, or rental of the facilities to which the financing 1052
relates, being the improvement, enterprise, system, project, or 1053
categories of improvements or the operation or function that the 1054
facilities serve, which rates or charges shall be designed to 1055
provide revenues to the county sufficient to pay the costs of all 1056
current expenses of the facilities payable by the county and to 1057
pay the debt charges on the securities and to establish and 1058
maintain any contractually required special funds relating to the 1059
securities or the facilities. 1060

(D) Revenue securities issued under this section shall not be 1061

general obligations of the county. Revenue securities issued under 1062
this section shall be secured only by a pledge of and lien upon 1063
the revenues of the county, derived from its ownership or 1064
operation of the facilities, including those rates or charges or 1065
rents and any interest subsidies or debt charges, grants, or other 1066
payments by federal or state agencies available therefor, and the 1067
covenants of the county to maintain sufficient rentals, rates, and 1068
charges to produce revenues sufficient to pay all current expenses 1069
of the facilities payable by the county and to pay the debt 1070
charges on the securities and to establish and maintain any 1071
contractually required special funds relating to the securities or 1072
the facilities, and, if the securities are anticipatory 1073
securities, to issue the revenue securities in anticipation of the 1074
issuance of which the revenue securities are issued. Revenue 1075
securities may also be secured by a pledge of and lien on the 1076
proceeds of any securities issued to fund or refund those revenue 1077
securities. 1078

(E) The county officers authorized by the county taxing 1079
authority shall execute the necessary documents, including but not 1080
limited to trust agreements and leases, to provide for the pledge, 1081
protection, and disposition of the pledged revenues from which 1082
debt charges and any special fund deposits are to be paid. 1083

(F) As long as any of these revenue securities, in either 1084
original or refunded form, remain outstanding, except as otherwise 1085
provided in those documents, all parts of the facilities the 1086
revenues from which are pledged, shall remain under the control of 1087
the county taxing authority, whether any parts of the facilities 1088
are leased to or operated by others or are in or thereafter come 1089
within the boundaries of any municipal corporation, and the 1090
facilities shall remain subject to the power and duty of the 1091
taxing authority to fix and collect rates or charges or rents for 1092
the use of facilities. 1093

(G) The authority to issue securities of the county under 1094
this section for permanent improvements described in division 1095
(B)(2) of this section or division (C)(2)(d) of section 133.07 of 1096
the Revised Code may separately and independently be exercised by 1097
a board of county hospital trustees established under section 1098
339.02 of the Revised Code for those permanent improvements and 1099
related operations under the control of that board. 1100

(H) Sections 9.98 to 9.983 of the Revised Code apply to 1101
securities issued under this section, notwithstanding any other 1102
provision in this chapter. 1103

Sec. 133.52. A county, municipal corporation, or township may 1104
issue or incur public obligations, including general obligations, 1105
to provide, or assist in providing, grants, loans, loan 1106
guarantees, or contributions for conservation and revitalization 1107
purposes pursuant to Section 2o of Article VIII, Ohio 1108
Constitution. 1109

Sec. 135.101. As used in sections 135.101 to 135.106 of the 1110
Revised Code: 1111

(A) "Eligible resident" means an individual who is a resident 1112
of Ohio and who completes the SaveNOW education program prescribed 1113
by section 135.104 of the Revised Code. 1114

(B) "Eligible savings institution" means a financial 1115
institution that offers savings accounts available to residents of 1116
Ohio, that is a public depository of public money of the state 1117
under section 135.03 of the Revised Code, and that agrees to 1118
participate in the SaveNOW program under sections 135.101 to 1119
135.106 of the Revised Code. 1120

(C) "SaveNOW linked deposit" means a deposit placed by the 1121
treasurer of state with an eligible savings institution at a rate 1122
determined and calculated by the treasurer of state. 1123

(D) "SaveNOW savings account" means an interest-bearing 1124
account that is opened by an eligible resident at an eligible 1125
savings institution and that complies with the requirements of 1126
section 135.104 of the Revised Code. 1127

(E) "Premium savings rate" means the highest savings rate 1128
that is offered by an eligible savings institution for large 1129
deposits, as approved by and negotiated with the treasurer of 1130
state. 1131

(F) "Program period" means the length of time, not to exceed 1132
two years, established by the treasurer of state that a SaveNOW 1133
savings account is eligible to receive the SaveNOW interest 1134
incentive. 1135

Sec. 135.102. The general assembly finds that the personal 1136
savings rate among Ohioans has declined in recent years, that 1137
personal savings are important to the future prosperity of Ohio, 1138
and that personal savings must be encouraged and assisted. The 1139
SaveNOW program provided for in sections 135.101 to 135.106 of the 1140
Revised Code is intended to promote increased personal savings, 1141
which will materially contribute to the economic growth of Ohio 1142
and the financial security of its residents. Accordingly, it is 1143
declared to be the public policy of the state through the SaveNOW 1144
program to create an availability of higher-rate savings accounts 1145
for the purpose of increasing personal savings and promoting 1146
financial education among the residents of Ohio. 1147

Sec. 135.103. The treasurer of state may invest in SaveNOW 1148
linked deposits under sections 135.101 to 135.106 of the Revised 1149
Code, provided that at the time of placing any SaveNOW linked 1150
deposits the combined amount of investments of public money of the 1151
state in linked deposits of any kind is not more than twelve per 1152
cent of the state's total average investment portfolio as 1153

determined by the treasurer of state. When deciding whether to 1154
invest in SaveNOW linked deposits, the treasurer of state shall 1155
give priority to the investment, liquidity, and cash flow needs of 1156
the state. 1157

Sec. 135.104. (A) A resident of Ohio may participate in the 1158
SaveNOW program by agreeing to maintain a SaveNOW savings account 1159
at an eligible savings institution for the program period and by 1160
completing the SaveNOW education program. The SaveNOW education 1161
program shall include a financial literacy assessment and a 1162
financial literacy program established and administered by the 1163
treasurer of state. 1164

(B) An eligible savings institution shall accept applications 1165
for a SaveNOW savings account from eligible residents on a 1166
first-come, first-served basis on forms prescribed by the 1167
treasurer of state. The eligible savings institution shall offer 1168
to eligible residents a SaveNOW savings account that satisfies all 1169
of the following: 1170

(1) Opening and maintaining the account requires no minimum 1171
deposit; 1172

(2) No fees are charged for opening or using the account; and 1173

(3) All deposits in the account earn at least the premium 1174
savings rate. 1175

(C) To provide an additional incentive for saving, a SaveNOW 1176
incentive rate of interest shall accrue to the average daily 1177
balance of deposits, up to five thousand dollars, in a SaveNOW 1178
savings account during the program period at a rate equal to up to 1179
three percentage points above the premium savings rate. The 1180
interest earnings arising from the SaveNOW incentive rate of 1181
interest shall be credited to the account in a lump sum at the 1182
conclusion of the program period. 1183

(D) The interest earnings arising from the SaveNOW incentive rate of interest under division (C) of this section shall be deducted from the interest earned on the state's SaveNOW linked deposit at the end of the eligible program period. 1184
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(E) Not more than one SaveNOW savings account shall be held by an eligible resident during a program period. An individual holding a SaveNOW savings account jointly with another individual shall be considered to be holding such an account for the purposes of this division, unless the joint ownership is of an account opened by a parent, grandparent, or guardian for a minor or for a dependent adult. 1188
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Sec. 135.105. (A) Upon the placement of a SaveNOW linked deposit with an eligible savings institution, the institution shall offer SaveNOW savings accounts to eligible residents under section 135.104 of the Revised Code. A certification of compliance with this section in the form and manner prescribed by the treasurer of state shall be required of the eligible savings institution. 1195
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(B) The treasurer of state shall take any and all steps necessary to implement the SaveNOW program and to monitor the compliance of eligible savings institutions, including the development of guidelines as necessary. 1202
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(C) Annually, by the first day of February, the treasurer of state shall report on the SaveNOW program for the preceding calendar year to the governor, the speaker of the house of representatives, and the president of the senate. The speaker shall transmit copies of the report to the chairpersons of the standing committees of the house of representatives that customarily consider legislation regarding finance, and the president of the senate shall transmit copies of the report to the chairpersons of the standing committees of the senate that 1206
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customarily consider legislation regarding finance. The report 1215
shall set forth the SaveNOW linked deposits made by the treasurer 1216
of state under the program during the year and shall include a 1217
list of eligible savings institutions and the number of SaveNOW 1218
savings accounts at each of those institutions during the 1219
preceding year. 1220

Sec. 135.106. The state and the treasurer of state are not 1221
liable to any eligible savings institution or any eligible 1222
resident in any manner for the terms associated with SaveNOW 1223
savings accounts. Any misuse or misconduct on the part of an 1224
eligible savings institution or eligible resident does not in any 1225
manner affect the deposit agreement between the eligible savings 1226
institution and the treasurer of state. 1227

Sec. 135.61. As used in sections 135.61 to 135.67 of the 1228
Revised Code: 1229

(A) "Eligible small business" means any person, including, 1230
but not limited to a person engaged in agriculture, that has all 1231
of the following characteristics: 1232

(1) Is headquartered in this state; 1233

(2) Maintains offices and operating facilities exclusively in 1234
this state and transacts business in this state; 1235

(3) Employs fewer than one hundred fifty employees, the 1236
majority of whom are residents of this state; 1237

(4) Is organized for profit. 1238

(B) "Eligible lending institution" means a financial 1239
institution that is eligible to make commercial loans, is a public 1240
depository of state funds under section 135.03 of the Revised 1241
Code, and agrees to participate in the linked deposit program. 1242

(C) "Linked deposit" means a certificate of deposit placed by 1243

the treasurer of state with an eligible lending institution at ~~up~~ 1244
~~to three per cent~~ a rate below current market rates, as determined 1245
and calculated by the treasurer of state, provided the institution 1246
agrees to lend the value of such deposit, according to the deposit 1247
agreement provided in division (C) of section 135.65 of the 1248
Revised Code, to eligible small businesses at ~~three per cent~~ a 1249
rate that reflects an equal percentage rate reduction below the 1250
present borrowing rate applicable to each specific business at the 1251
time of the deposit of state funds in the institution. 1252

Sec. 135.63. The treasurer of state may invest in linked 1253
deposits under sections 135.61 to 135.67, agricultural linked 1254
deposits under sections 135.71 to 135.76, housing linked deposits 1255
under sections 135.81 to 135.87, ~~and~~ assistive technology device 1256
linked deposits under sections 135.91 to 135.97, and SaveNOW 1257
linked deposits under sections 135.101 to 135.106 of the Revised 1258
Code, provided that at the time of placement of any such linked 1259
deposit ~~under sections 135.61 to 135.67 of the Revised Code,~~ 1260
~~agricultural linked deposit, housing linked deposit, or assistive~~ 1261
~~technology device linked deposit,~~ the combined amount of 1262
investments in ~~the linked deposits, agricultural linked deposits,~~ 1263
~~housing linked deposits, and assistive technology device~~ all such 1264
linked deposits is not more than twelve per cent of the state's 1265
total average investment portfolio as determined by the treasurer 1266
of state. When deciding whether to invest in ~~the linked deposits,~~ 1267
~~agricultural linked deposits, housing linked deposits, or~~ 1268
~~assistive technology device~~ any such linked deposits, the 1269
treasurer of state shall give priority to the investment, 1270
liquidity, and cash flow needs of the state. 1271

Sec. 135.65. (A) The treasurer of state may accept or reject 1272
a linked deposit loan package or any portion thereof, based on the 1273
treasurer's evaluation of the eligible small businesses included 1274

in the package and the amount of state funds to be deposited. When 1275
evaluating the eligible small businesses, the treasurer shall give 1276
priority to the economic needs of the area where the business is 1277
located and the ratio of state funds to be deposited to jobs 1278
sustained or created and shall also consider any reports, 1279
statements, or plans applicable to the business, the overall 1280
financial need of the business, and such other factors as the 1281
treasurer considers appropriate. 1282

(B) Upon acceptance of the linked deposit loan package or any 1283
portion thereof, the treasurer of state may place certificates of 1284
deposit with the eligible lending institution at ~~three per cent~~ a 1285
rate below current market rates, as determined and calculated by 1286
the treasurer of state. When necessary, the treasurer may place 1287
certificates of deposit prior to acceptance of a linked deposit 1288
loan package. 1289

(C) The eligible lending institution shall enter into a 1290
deposit agreement with the treasurer of state, which shall include 1291
requirements necessary to carry out the purposes of sections 1292
135.61 to 135.67 of the Revised Code. Such requirements shall 1293
reflect the market conditions prevailing in the eligible lending 1294
institution's lending area. The agreement may include a 1295
specification of the period of time in which the lending 1296
institution is to lend funds upon the placement of a linked 1297
deposit, and shall include provisions for the certificates of 1298
deposit to be placed for any maturity considered appropriate by 1299
the treasurer of state not to exceed two years, and may be renewed 1300
for up to an additional two years at the option of the treasurer. 1301
Interest shall be paid at the times determined by the treasurer of 1302
state. 1303

(D) Eligible lending institutions shall comply fully with 1304
Chapter 135. of the Revised Code. 1305

Sec. 135.66. (A) Upon the placement of a linked deposit with 1306
an eligible lending institution, such institution is required to 1307
lend such funds to each approved eligible small business listed in 1308
the linked deposit loan package required by division (D) of 1309
section 135.64 of the Revised Code and in accordance with the 1310
deposit agreement required by division (C) of section 135.65 of 1311
the Revised Code. The loan shall be at ~~three per cent~~ a rate that 1312
reflects a percentage rate reduction below the present borrowing 1313
rate applicable to each business that is equal to the percentage 1314
rate reduction below market rates at which the certificate of 1315
deposits that constitute the linked deposit were placed. A 1316
certification of compliance with this section in the form and 1317
manner as prescribed by the treasurer of state shall be required 1318
of the eligible lending institution. 1319

(B) The treasurer of state shall take any and all steps 1320
necessary to implement the linked deposit program and monitor 1321
compliance of eligible lending institutions and eligible small 1322
businesses, including the development of guidelines as necessary. 1323
The treasurer of state and the department of development shall 1324
notify each other at least quarterly of the names of the 1325
businesses receiving financial assistance from their respective 1326
programs. 1327

Annually, by the first day of February, the treasurer of 1328
state shall report on the linked deposits program for the 1329
preceding calendar year to the governor, the speaker of the house 1330
of representatives, and the president of the senate. The speaker 1331
of the house shall transmit copies of this report to the ~~chairmen~~ 1332
chairpersons of the standing committees in the house which 1333
customarily consider legislation regarding agriculture and small 1334
business, and the president of the senate shall transmit copies of 1335
this report to the ~~chairmen~~ chairpersons of the standing 1336
committees in the senate which customarily consider legislation 1337

regarding agriculture and small business. The report shall set 1338
forth the linked deposits made by the treasurer of state under the 1339
program during the year and shall include information regarding 1340
the nature, terms, and amounts of the loans upon which the linked 1341
deposits were based and the eligible small businesses to which the 1342
loans were made. 1343

Sec. 156.02. The director of administrative services may 1344
contract with ~~the office of energy efficiency in the department of~~ 1345
~~development~~ an energy services company, contractor, architect, 1346
professional engineer, or other person experienced in the design 1347
and implementation of energy conservation measures for a report 1348
containing an analysis and recommendations pertaining to the 1349
implementation of energy conservation measures that would 1350
significantly reduce energy consumption and operating costs in any 1351
buildings owned by the state and, upon request of its board of 1352
trustees or managing authority, any building owned by an 1353
institution of higher education as defined in section 3345.12 of 1354
the Revised Code. The report shall include estimates of all costs 1355
of such measures, including the costs of design, engineering, 1356
installation, maintenance, repairs, and debt service, and 1357
estimates of the amounts by which energy consumption and operating 1358
costs would be reduced. 1359

Sec. 165.01. As used in this chapter: 1360

(A) "Agency" means a community improvement corporation 1361
organized under Chapter 1724. of the Revised Code and designated, 1362
pursuant to section 1724.10 of the Revised Code, as the agency of 1363
a municipal corporation or county. 1364

(B) "Bonds" means bonds, notes, or other forms of evidences 1365
of obligation issued in temporary or definitive form, including 1366
notes issued in anticipation of the issuance of bonds and renewal 1367

notes. The funding of bond anticipation notes with bonds or 1368
renewal notes and the exchange of definitive bonds for temporary 1369
bonds are not subject to section 165.07 of the Revised Code. 1370

(C) "Bond proceedings" means the resolution or ordinance or 1371
the trust agreement or indenture of mortgage, or combination 1372
thereof, authorizing or providing for the terms and conditions 1373
applicable to bonds issued under authority of this chapter. 1374

(D) "Issuer" means the state, or a county or municipal 1375
corporation of this state which county or municipal corporation 1376
has, pursuant to section 1724.10 of the Revised Code, designated a 1377
community improvement corporation as its agency for industrial, 1378
commercial, distribution, and research development and for which a 1379
plan has been prepared by such community improvement corporation 1380
and confirmed by its issuing authority. 1381

(E) "Issuing authority" means in the case of the state, the 1382
director of development; in the case of a municipal corporation, 1383
the legislative authority thereof; and in the case of a county, 1384
the board of county commissioners or whatever officers, board, 1385
commission, council, or other body might succeed to the 1386
legislative powers of the commissioners. 1387

(F) "Plan" means a plan prepared by the agency pursuant to 1388
section 1724.10 of the Revised Code, and confirmed by the issuing 1389
authority of a municipal corporation or county. 1390

(G) "Pledged facilities" means the project or projects 1391
mortgaged or the rentals, revenues, and other income, charges, and 1392
moneys from which are pledged, or both, for the payment of the 1393
principal of and interest on the bonds issued under authority of 1394
section 165.03 of the Revised Code, and includes a project for 1395
which a loan has been made under authority of this chapter, in 1396
which case, references in this chapter to revenues of such pledged 1397
facilities or from the disposition thereof includes payments made 1398

or to be made to or for the account of the issuer pursuant to such 1399
loan. 1400

(H) "Project" means real or personal property, or both, 1401
including undivided and other interests therein, acquired by gift 1402
or purchase, constructed, reconstructed, enlarged, improved, 1403
furnished, or equipped, or any combination thereof, by an issuer, 1404
or by others in whole or in part from the proceeds of a loan made 1405
by an issuer, for industry, commerce, distribution, or research 1406
and located within the boundaries of the issuer. "Project" 1407
includes sanitary facilities, drainage facilities, and prevention 1408
or replacement facilities as defined in section 6117.01 of the 1409
Revised Code. A project as defined in this division is hereby 1410
determined to qualify as facilities described in Section 13 of 1411
Article VIII, Ohio Constitution. 1412

(I) "Revenues" means the rentals, revenues, payments, 1413
repayments, income, charges, and moneys derived or to be derived 1414
from the use, lease, sublease, rental, sale, including installment 1415
sale or conditional sale, or other disposition of pledged 1416
facilities, or derived or to be derived pursuant to a loan made 1417
for a project, bond proceeds to the extent provided in the bond 1418
proceedings for the payment of principal of, or premium, if any, 1419
or interest on the bonds, proceeds from any insurance, 1420
condemnation or guaranty pertaining to pledged facilities or the 1421
financing thereof, and income and profit from the investment of 1422
the proceeds of bonds or of any revenues. 1423

(J) "Security interest" means a mortgage, lien, or other 1424
encumbrance on, or pledge or assignment of, or other security 1425
interest with respect to all or any part of pledged facilities, 1426
revenues, reserve funds, or other funds established under the bond 1427
proceedings, or on, of, or with respect to, a lease, sublease, 1428
sale, conditional sale or installment sale agreement, loan 1429
agreement, or any other agreement pertaining to the lease, 1430

sublease, sale, or other disposition of a project or pertaining to 1431
a loan made for a project, or any guaranty or insurance agreement 1432
made with respect thereto, or any interest of the issuer therein, 1433
or any other interest granted, assigned, or released to secure 1434
payments of the principal of, premium, if any, or interest on any 1435
bonds or to secure any other payments to be made by an issuer 1436
under the bond proceedings. Any security interest under this 1437
chapter may be prior or subordinate to or on a parity with any 1438
other mortgage, lien, encumbrance, pledge, assignment, or other 1439
security interest. 1440

Sec. 165.03. (A) An issuer may issue bonds for the purpose of 1441
providing moneys to acquire by purchase, construct, reconstruct, 1442
enlarge, improve, furnish, or equip one or more projects or parts 1443
thereof, or for any combination of such purposes, including 1444
providing moneys to make loans to others for such purposes. The 1445
issuing authority shall provide by resolution or ordinance for the 1446
issuance of such bonds. The bond proceedings may contain 1447
determinations by the issuing authority that the project to be 1448
financed thereunder is a project as defined in this chapter and is 1449
consistent with the purposes of Section 13 of Article VIII, Ohio 1450
Constitution, and such determinations shall be conclusive as to 1451
the validity and enforceability of the bonds issued under such 1452
bond proceedings and of such bond proceedings and security 1453
interests given and leases, subleases, sale agreements, loan 1454
agreements, and other agreements made in connection therewith, all 1455
in accordance with their terms. 1456

The principal of and interest on the bonds and all other 1457
payments required to be made by the bond proceedings shall be 1458
payable solely from the revenues and secured by security interests 1459
as provided in such bond proceedings. Bond anticipation notes may 1460
be secured, solely or additionally, by a covenant of the issuer 1461
that it will do all things necessary for the issuance of the bonds 1462

anticipated or renewal notes in appropriate amount and either 1463
exchange such bonds or renewal notes for such notes or apply the 1464
proceeds therefrom to the extent necessary to make full payment of 1465
the principal of and interest on such notes. The bond proceedings 1466
shall not obligate or pledge moneys raised by taxation. 1467

Bonds may be issued at one time or from time to time, shall 1468
be dated, shall mature at such time or times not exceeding thirty 1469
years from date of issue, and may be redeemable before maturity at 1470
such price or prices and under such terms and conditions, all as 1471
provided in the bond proceedings. The bonds shall bear interest at 1472
such rate or rates, or at a variable rate or rates changing from 1473
time to time in accordance with a base or formula, as provided in 1474
or authorized by the bond proceedings. The issuing authority shall 1475
determine the form of the bonds, fix their denominations and 1476
method of execution, and establish within or without the state a 1477
place or places for the payment of principal or interest. 1478

(B) The issuing authority may provide for sales of bonds at 1479
public or private sale as it deems most advantageous and for such 1480
prices, whether above or below the par value thereof, as it 1481
determines or within such limit or limits as it determines. 1482

(C) If the issuer is a county or municipal corporation, then, 1483
prior to the delivery of bonds issued under authority of this 1484
section, the issuing authority shall first have received from its 1485
agency a certification that a project to be financed by the 1486
issuance of such bonds is in accordance with the plan, except that 1487
no such certification is necessary if the project is a sanitary 1488
facility, drainage facility, or prevention or replacement facility 1489
as defined in section 6117.01 of the Revised Code. If the state is 1490
the issuer, then prior to the authorization of the bonds, the 1491
issuing authority of the state shall have received a written 1492
request for the issuance of the bonds from either the board of 1493
directors of a port authority created pursuant to the authority of 1494

section 4582.02 of the Revised Code if the project is within the 1495
jurisdiction of the port authority or from the issuing authority 1496
of the municipal corporation, if the project is within the 1497
boundaries of a municipal corporation, or of the county, if the 1498
project is within the unincorporated portion of the county, and if 1499
the project is to be located within a municipal corporation with a 1500
plan or in an unincorporated portion of the county with a plan, 1501
then prior to the delivery of bonds issued under this section, the 1502
issuing authority shall first have received from the agency of the 1503
municipal corporation if within its limits, or from the agency of 1504
the county if in unincorporated territory, a certification that 1505
such project is in accordance with its plan, except that no such 1506
certification is necessary if the request for issuance of the 1507
bonds is made by the port authority. 1508

(D) If the issuer is a county or municipal corporation, then, 1509
prior to the delivery of bonds issued under authority of this 1510
section, the issuing authority shall have caused a written notice 1511
to have been mailed by certified mail to the director of the 1512
department of development of the state advising such director of 1513
the proposed delivery of the bonds, the amount thereof, the 1514
proposed lessee, and a general description of the project or 1515
projects to be financed. 1516

(E) In case any officer who has signed any bonds or coupons 1517
pertaining thereto, or caused ~~his~~ the officer's facsimile 1518
signature to be affixed thereto, ceases to be such officer before 1519
such bonds or coupons have been delivered, such bonds or coupons 1520
may, nevertheless, be issued and delivered as though the person 1521
who had signed the bonds or coupons or caused ~~his~~ the person's 1522
facsimile signature to be affixed thereto had not ceased to be 1523
such officer. Any bonds or coupons may be executed on behalf of 1524
the issuer by an officer who, on the date of execution, is the 1525
proper officer although on the date of such bonds or coupons such 1526

person was not the proper officer. 1527

(F) All bonds issued under authority of this chapter, 1528
regardless of form or terms and regardless of any other law to the 1529
contrary, shall have all qualities and incidents of negotiable 1530
instruments, subject to provisions for registration, and may be 1531
issued in coupon, fully registered, or other form, or any 1532
combination thereof, as the issuing authority determines. 1533
Provision may be made for the registration of any coupon bonds as 1534
to principal alone or as to both principal and interest, and for 1535
the conversion into coupon bonds of any fully registered bonds or 1536
bonds registered as to both principal and interest. 1537

Sec. 303.12. (A)(1) Amendments to the zoning resolution may 1538
be initiated by motion of the county rural zoning commission, by 1539
the passage of a resolution by the board of county commissioners, 1540
or by the filing of an application by one or more of the owners or 1541
lessees of property within the area proposed to be changed or 1542
affected by the proposed amendment with the county rural zoning 1543
commission. The board of county commissioners may require that the 1544
owner or lessee of property filing an application to amend the 1545
zoning resolution pay a fee to defray the cost of advertising, 1546
mailing, filing with the county recorder, and other expenses. If 1547
the board of county commissioners requires such a fee, it shall be 1548
required generally, for each application. The board of county 1549
commissioners, upon the passage of such a resolution, shall 1550
certify it to the county rural zoning commission. 1551

(2) Upon the adoption of a motion by the county rural zoning 1552
commission, the certification of a resolution by the board of 1553
county commissioners to the commission, or the filing of an 1554
application by property owners or lessees as described in division 1555
(A)(1) of this section with the commission, the commission shall 1556
set a date for a public hearing, which date shall not be less than 1557

twenty nor more than forty days from the date of adoption of such 1558
a motion, the date of the certification of such a resolution, or 1559
the date of the filing of such an application. Notice of the 1560
hearing shall be given by the commission by one publication in one 1561
or more newspapers of general circulation in each township 1562
affected by the proposed amendment at least ten days before the 1563
date of the hearing. 1564

(B) If the proposed amendment intends to rezone or redistrict 1565
ten or fewer parcels of land, as listed on the county auditor's 1566
current tax list, written notice of the hearing shall be mailed by 1567
the county rural zoning commission, by first class mail, at least 1568
ten days before the date of the public hearing to all owners of 1569
property within and contiguous to and directly across the street 1570
from the area proposed to be rezoned or redistricted to the 1571
addresses of those owners appearing on the county auditor's 1572
current tax list. The failure of delivery of that notice shall not 1573
invalidate any such amendment. 1574

(C) If the proposed amendment intends to rezone or redistrict 1575
ten or fewer parcels of land as listed on the county auditor's 1576
current tax list, the published and mailed notices shall set forth 1577
the time, date, and place of the public hearing and include all of 1578
the following: 1579

(1) The name of the county rural zoning commission that will 1580
be conducting the hearing; 1581

(2) A statement indicating that the motion, resolution, or 1582
application is an amendment to the zoning resolution; 1583

(3) A list of the addresses of all properties to be rezoned 1584
or redistricted by the proposed amendment and of the names of 1585
owners of these properties, as they appear on the county auditor's 1586
current tax list; 1587

(4) The present zoning classification of property named in 1588

the proposed amendment and the proposed zoning classification of 1589
that property; 1590

(5) The time and place where the motion, resolution, or 1591
application proposing to amend the zoning resolution will be 1592
available for examination for a period of at least ten days prior 1593
to the hearing; 1594

(6) The name of the person responsible for giving notice of 1595
the public hearing by publication, by mail, or by both publication 1596
and mail; 1597

(7) A statement that, after the conclusion of the hearing, 1598
the matter will be submitted to the board of county commissioners 1599
for its action; 1600

(8) Any other information requested by the commission. 1601

(D) If the proposed amendment alters the text of the zoning 1602
resolution, or rezones or redistricts more than ten parcels of 1603
land as listed on the county auditor's current tax list, the 1604
published notice shall set forth the time, date, and place of the 1605
public hearing and include all of the following: 1606

(1) The name of the county rural zoning commission that will 1607
be conducting the hearing on the proposed amendment; 1608

(2) A statement indicating that the motion, application, or 1609
resolution is an amendment to the zoning resolution; 1610

(3) The time and place where the text and maps of the 1611
proposed amendment will be available for examination for a period 1612
of at least ten days prior to the hearing; 1613

(4) The name of the person responsible for giving notice of 1614
the hearing by publication; 1615

(5) A statement that, after the conclusion of the hearing, 1616
the matter will be submitted to the board of county commissioners 1617
for its action; 1618

(6) Any other information requested by the commission. 1619

Hearings shall be held in the county court house or in a 1620
public place designated by the commission. 1621

(E) Within five days after the adoption of the motion 1622
described in division (A) of this section, the certification of 1623
the resolution described in division (A) of this section, or the 1624
filing of the application described in division (A) of this 1625
section, the county rural zoning commission shall transmit a copy 1626
of it together with text and map pertaining to it to the county or 1627
regional planning commission, if there is such a commission. 1628

The county or regional planning commission shall recommend 1629
the approval or denial of the proposed amendment or the approval 1630
of some modification of it and shall submit its recommendation to 1631
the county rural zoning commission. The recommendation shall be 1632
considered at the public hearing held by the county rural zoning 1633
commission on the proposed amendment. 1634

The county rural zoning commission, within thirty days after 1635
the hearing, shall recommend the approval or denial of the 1636
proposed amendment, or the approval of some modification of it, 1637
and shall submit that recommendation together with the motion, 1638
application, or resolution involved, the text and map pertaining 1639
to the proposed amendment, and the recommendation of the county or 1640
regional planning commission on it to the board of county 1641
commissioners. 1642

The board of county commissioners, upon receipt of that 1643
recommendation, shall set a time for a public hearing on the 1644
proposed amendment, which date shall be not more than thirty days 1645
from the date of the receipt of that recommendation. Notice of the 1646
hearing shall be given by the board by one publication in one or 1647
more newspapers of general circulation in the county, at least ten 1648
days before the date of the hearing. 1649

(F) If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:

(1) The name of the board of county commissioners that will be conducting the hearing;

(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;

(3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list;

(4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;

(5) The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;

(6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;

(7) Any other information requested by the board.

(G) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:

(1) The name of the board of county commissioners that will

be conducting the hearing on the proposed amendment; 1680

(2) A statement indicating that the motion, application, or 1681
resolution is an amendment to the zoning resolution; 1682

(3) The time and place where the text and maps of the 1683
proposed amendment will be available for examination for a period 1684
of at least ten days prior to the hearing; 1685

(4) The name of the person responsible for giving notice of 1686
the hearing by publication; 1687

(5) Any other information requested by the board. 1688

(H) Within twenty days after its public hearing, the board of 1689
county commissioners shall either adopt or deny the recommendation 1690
of the county rural zoning commission or adopt some modification 1691
of it. If the board denies or modifies the commission's 1692
recommendation, ~~the unanimous~~ a majority vote of the board shall 1693
be required. 1694

The proposed amendment, if adopted by the board, shall become 1695
effective in thirty days after the date of its adoption, unless, 1696
within thirty days after the adoption, there is presented to the 1697
board of county commissioners a petition, signed by a number of 1698
qualified voters residing in the unincorporated area of the 1699
township or part of that unincorporated area included in the 1700
zoning plan equal to not less than eight per cent of the total 1701
vote cast for all candidates for governor in that area at the most 1702
recent general election at which a governor was elected, 1703
requesting the board to submit the amendment to the electors of 1704
that area for approval or rejection at a special election to be 1705
held on the day of the next primary or general election. Each part 1706
of this petition shall contain the number and the full and correct 1707
title, if any, of the zoning amendment resolution, motion, or 1708
application, furnishing the name by which the amendment is known 1709
and a brief summary of its contents. In addition to meeting the 1710

requirements of this section, each petition shall be governed by 1711
the rules specified in section 3501.38 of the Revised Code. 1712

The form of a petition calling for a zoning referendum and 1713
the statement of the circulator shall be substantially as follows: 1714

"PETITION FOR ZONING REFERENDUM 1715

(if the proposal is identified by a particular name or number, or 1716
both, these should be inserted here) 1717

A proposal to amend the zoning map of the unincorporated area 1718
of Township, County, Ohio, 1719
adopted (date) (followed by brief summary of 1720
the proposal). 1721

To the Board of County Commissioners of 1722
County, Ohio: 1723

We, the undersigned, being electors residing in the 1724
unincorporated area of Township, included within 1725
the County Zoning Plan, equal to not less than 1726
eight per cent of the total vote cast for all candidates for 1727
governor in the area at the preceding general election at which a 1728
governor was elected, request the Board of County Commissioners to 1729
submit this amendment of the zoning resolution to the electors of 1730
..... Township residing within the unincorporated area of 1731
the township included in the County Zoning 1732
Resolution, for approval or rejection at a special election to be 1733
held on the day of the next primary or general election to be held 1734
on(date)....., pursuant to section 303.12 of the 1735
Revised Code. 1736

Street Address	Date of	1737
Signature or R.F.D. Township Precinct County	Signing	1738
.....		1739
.....		1740

STATEMENT OF CIRCULATOR	1741
I, .....(name of circulator).....,	1742
declare under penalty of election falsification that I am an	1743
elector of the state of Ohio and reside at the address appearing	1744
below my signature; that I am the circulator of the foregoing part	1745
petition containing .....(number)..... signatures; that I have	1746
witnessed the affixing of every signature; that all signers were	1747
to the best of my knowledge and belief qualified to sign; and that	1748
every signature is to the best of my knowledge and belief the	1749
signature of the person whose signature it purports to be or of an	1750
attorney in fact acting pursuant to section 3501.382 of the	1751
Revised Code.	1752
.....	1753
(Signature of circulator)	1754
.....	1755
(Address of circulator's permanent	1756
residence in this state)	1757
.....	1758
(City, village, or township,	1759
and zip code)	1760
WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY	1761
OF THE FIFTH DEGREE."	1762
No amendment for which such a referendum vote has been	1763
requested shall be put into effect unless a majority of the vote	1764
cast on the issue is in favor of the amendment. Upon certification	1765
by the board of elections that the amendment has been approved by	1766
the voters, it shall take immediate effect.	1767
Within five working days after an amendment's effective date,	1768
the board of county commissioners shall file the text and maps of	1769
the amendment in the office of the county recorder and with the	1770
regional or county planning commission, if one exists.	1771
The failure to file any amendment, or any text and maps, or	1772

duplicates of any of these documents, with the office of the 1773
county recorder or the county or regional planning commission as 1774
required by this section does not invalidate the amendment and is 1775
not grounds for an appeal of any decision of the board of zoning 1776
appeals. 1777

Sec. 303.211. (A) Except as otherwise provided in division 1778
(B) or (C) of this section, sections 303.01 to 303.25 of the 1779
Revised Code do not confer any power on any board of county 1780
commissioners or board of zoning appeals in respect to the 1781
location, erection, construction, reconstruction, change, 1782
alteration, maintenance, removal, use, or enlargement of any 1783
buildings or structures of any public utility or railroad, whether 1784
publicly or privately owned, or the use of land by any public 1785
utility or railroad for the operation of its business. As used in 1786
this division, "public utility" does not include a person that 1787
owns or operates a solid waste facility or a solid waste transfer 1788
facility that has been issued a permit under Chapter 3734. of the 1789
Revised Code or a construction and demolition debris facility that 1790
has been issued a permit under Chapter 3714. of the Revised Code. 1791

(B)(1) As used in this division, "telecommunications tower" 1792
means any free-standing structure, or any structure to be attached 1793
to a building or other structure, that meets all of the following 1794
criteria: 1795

(a) The free-standing or attached structure is proposed to be 1796
constructed on or after October 31, 1996. 1797

(b) The free-standing or attached structure is proposed to be 1798
owned or principally used by a public utility engaged in the 1799
provision of telecommunications services. 1800

(c) The free-standing or attached structure is proposed to be 1801
located in an unincorporated area of a township, in an area zoned 1802
for residential use. 1803

(d)(i) The free-standing structure is proposed to top at a height that is greater than either the maximum allowable height of residential structures within the zoned area as set forth in the applicable zoning regulations, or the maximum allowable height of such a free-standing structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.

(ii) The attached structure is proposed to top at a height that is greater than either the height of the building or other structure to which it is to be attached, or the maximum allowable height of such an attached structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.

(e) The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

(2) Sections 303.01 to 303.25 of the Revised Code confer power on a board of county commissioners or board of zoning appeals with respect to the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a telecommunications tower, but not with respect to the maintenance or use of such a tower or any change or alteration that would not substantially increase the tower's height. However, the power so conferred shall apply to a particular telecommunications tower only upon the provision of a notice, in accordance with division (B)(4)(a) of this section, to the person proposing to construct the tower.

(3) Any person who plans to construct a telecommunications tower in an area subject to county zoning regulations shall provide both of the following by certified mail:

(a) Written notice to the board of township trustees of the township in which the tower is proposed to be constructed and to each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language:

(i) The person's intent to construct the tower;

(ii) A description of the property sufficient to identify the proposed location;

(iii) That, no later than fifteen days after the date of mailing of the notice, such board of township trustees or any such property owner may give written notice to the board of county commissioners requesting that sections 303.01 to 303.25 of the Revised Code apply to the proposed location of the tower as provided under division (B)(4)(a) of this section.

If the notice to the board of township trustees or to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice.

(b) Written notice to the board of county commissioners of the information specified in divisions (B)(3)(a)(i) and (ii) of this section. The notice to the board also shall include verification that the person has complied with division (B)(3)(a) of this section.

(4)(a) If the board of county commissioners receives notice from the board of township trustees or a property owner under division (B)(3)(a)(iii) of this section within the time specified in that division or if a member of the board of county commissioners makes an objection to the proposed location of the telecommunications tower within fifteen days after the date of

mailing of the notice sent under division (B)(3)(b) of this 1866
section, the board of county commissioners shall send the person 1867
proposing to construct the tower written notice that the tower is 1868
subject to the power conferred by and in accordance with division 1869
(B)(2) of this section. The notice shall be sent no later than 1870
five days after the earlier of the date the board first receives 1871
such a notice from the board of township trustees or a property 1872
owner or the date upon which a member of the board of county 1873
commissioners makes an objection. Upon the date of mailing of the 1874
notice to the person, sections 303.01 to 303.25 of the Revised 1875
Code shall apply to the tower. 1876

(b) If the board of county commissioners receives no notice 1877
under division (B)(3)(a)(iii) of this section within the time 1878
prescribed by that division or no board member has an objection as 1879
provided under division (B)(4)(a) of this section within the time 1880
prescribed by that division, division (A) of this section shall 1881
apply to the tower without exception. 1882

(C) Sections 303.01 to 303.25 of the Revised Code confer 1883
power on a board of county commissioners or board of zoning 1884
appeals with respect to the location, erection, construction, 1885
reconstruction, change, alteration, maintenance, removal, use, or 1886
enlargement of any buildings or structures of a public utility 1887
engaged in the business of transporting persons or property, or 1888
both, or providing or furnishing such transportation service, over 1889
any public street, road, or highway in this state, and with 1890
respect to the use of land by any such public utility for the 1891
operation of its business, to the extent that any exercise of such 1892
power is reasonable and not inconsistent with Chapters 4901., 1893
4903., 4905., 4909., 4921., and 4923. of the Revised Code. 1894
However, this division confers no power on a board of county 1895
commissioners or board of zoning appeals with respect to a 1896
building or structure of, or the use of land by, a person engaged 1897

in the transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants. 1898
1899

(D) Sections 303.01 to 303.25 of the Revised Code confer no power on any county rural zoning commission, board of county commissioners, or board of zoning appeals to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted. 1900
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(E)(1) Any person who plans to construct a telecommunications tower within one hundred feet of a residential dwelling shall provide a written notice to the owner of the residential dwelling and to the person occupying the residence, if that person is not the owner of the residence, stating in clear and concise language the person's intent to construct the tower and a description of the property sufficient to identify the proposed location. The notice shall be sent by certified mail. If the notice is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery does not invalidate the notice. 1906
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(2) As used in division (E) of this section: 1916

(a) "Residential dwelling" means a building used or intended to be used as a personal residence by the owner, part-time owner, or lessee of the building, or any person authorized by such a person to use the building as a personal residence. 1917
1918
1919
1920

(b) "Telecommunications tower" has the same meaning as in division (B)(1) of this section, except that the proposed location of the free-standing or attached structure may be an area other than an unincorporated area of a township, in an area zoned for residential use. 1921
1922
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1924
1925

Sec. 307.697. (A) For the purpose of section 307.696 of the Revised Code and to pay any or all of the charge the board of 1926
1927

elections makes against the county to hold the election on the 1928
question of levying the tax, or for those purposes and to provide 1929
revenues to the county for permanent improvements, the board of 1930
county commissioners of a county may levy a tax not to exceed 1931
three dollars on each gallon of spirituous liquor sold to or 1932
purchased by liquor permit holders for resale, and sold at retail 1933
by the division of liquor control, in the county. The tax shall be 1934
levied on the number of gallons so sold. The tax may be levied for 1935
any number of years not exceeding twenty. 1936

The tax shall be levied pursuant to a resolution of the board 1937
of county commissioners approved by a majority of the electors in 1938
the county voting on the question of levying the tax, which 1939
resolution shall specify the rate of the tax, the number of years 1940
the tax will be levied, and the purposes for which the tax is 1941
levied. The election may be held on the date of a general or 1942
special election held not sooner than seventy-five days after the 1943
date the board certifies its resolution to the board of elections. 1944
If approved by the electors, the tax takes effect on the first day 1945
of the month specified in the resolution but not sooner than the 1946
first day of the month that is at least sixty days after the 1947
certification of the election results by the board of elections. A 1948
copy of the resolution levying the tax shall be certified to the 1949
division of liquor control at least sixty days prior to the date 1950
on which the tax is to become effective. 1951

(B) A resolution under this section may be joined on the 1952
ballot as a single question with a resolution adopted under 1953
section 4301.421 or 5743.024 of the Revised Code to levy a tax for 1954
the same purposes, and for the purpose of paying the expenses of 1955
administering that tax. 1956

(C) The form of the ballot in an election held pursuant to 1957
this section or section 4301.421 or 5743.024 of the Revised Code 1958
shall be as follows or in any other form acceptable to the 1959

secretary of state: 1960

"For the purpose of paying not more than one-half of the 1961
costs of providing a public sports facility together with related 1962
redevelopment and economic development projects, shall (an) excise 1963
tax(es) be levied by county at the rate of 1964
(dollars on each gallon of spirituous liquor sold in the county by 1965
the Ohio division of liquor control, cents per gallon on the sale 1966
of beer at wholesale in the county, cents per gallon on the sale 1967
of wine and mixed beverages at wholesale in the county, cents per 1968
gallon on the sale of cider at wholesale in the county, or mills 1969
per cigarette on the sale of cigarettes at wholesale in the 1970
county), for years? 1971

	Yes
	No

"

1972
1973
1974
1975
For an election in which questions under this section or 1976
section 4301.421 or 5743.024 of the Revised Code are joined as a 1977
single question, the form of the ballot shall be as above, except 1978
each of the proposed taxes shall be listed. 1979

(D) The board of county commissioners of a county in which a 1980
tax is imposed under this section on July 19, 1995, may levy a tax 1981
for the purpose of section 307.673 of the Revised Code regardless 1982
of whether or not the cooperative agreement authorized under that 1983
section has been entered into prior to the day the resolution 1984
adopted under division (D)(1) or (2) of this section is adopted, 1985
and for the purpose of reimbursing a county for costs incurred in 1986
the construction of a sports facility pursuant to an agreement 1987
entered into by the county under section 307.696 of the Revised 1988
Code. The tax shall be levied and approved in one of the manners 1989
prescribed by division (D)(1) or (2) of this section. 1990

(1) The tax may be levied pursuant to a resolution adopted by a majority of the members of the board of county commissioners not later than forty-five days after July 19, 1995. A board of county commissioners approving a tax under division (D)(1) of this section may approve a tax under division (B)(1) of section 4301.421 or division (C)(1) of section 5743.024 of the Revised Code at the same time. Subject to the resolution being submitted to a referendum under sections 305.31 to 305.41 of the Revised Code, the resolution shall take effect immediately, but the tax levied pursuant to the resolution shall not be levied prior to the day following the last day the tax levied pursuant to divisions (A), (B), and (C) of this section may be levied.

(2) The tax may be levied pursuant to a resolution adopted by a majority of the members of the board of county commissioners not later than forty-five days after July 19, 1995, and approved by a majority of the electors of the county voting on the question of levying the tax at the next succeeding general election following July 19, 1995. The board of county commissioners shall certify a copy of the resolution to the board of elections immediately upon adopting a resolution under division (D)(2) of this section, and the board of elections shall place the question of levying the tax on the ballot at that election. The form of the ballot shall be as prescribed by division (C) of this section, except that the phrase "paying not more than one-half of the costs of providing a sports facility together with related redevelopment and economic development projects" shall be replaced by the phrase "paying the costs of constructing or renovating a sports facility and reimbursing a county for costs incurred by the county in the construction of a sports facility," and the phrase ", beginning, (here insert the earliest date the tax would take effect)" shall be appended after "years." A board of county commissioners submitting the question of a tax under division (D)(2) of this section may submit the question of a tax under

division (B)(2) of section 4301.421 or division (C)(2) of section 2024
5743.024 of the Revised Code as a single question, and the form of 2025
the ballot shall include each of the proposed taxes. 2026

If approved by a majority of electors voting on the question, 2027
the tax shall take effect on the day specified on the ballot, 2028
which shall not be earlier than the day following the last day the 2029
tax levied pursuant to divisions (A), (B), and (C) of this section 2030
may be levied. 2031

The rate of a tax levied pursuant to division (D)(1) or (2) 2032
of this section shall not exceed the rate specified in division 2033
(A) of this section. A tax levied pursuant to division (D)(1) or 2034
(2) of this section may be levied for any number of years not 2035
exceeding twenty. 2036

A board of county commissioners adopting a resolution under 2037
division (D)(1) or (2) of this section shall certify a copy of the 2038
resolution to the division of liquor control immediately upon 2039
adoption of the resolution. 2040

(E) No tax shall be levied under this section on or after the 2041
effective date of the amendment of this section by the capital 2042
appropriations act of the 127th general assembly. This division 2043
does not prevent the collection of any tax levied under this 2044
section before that date so long as that tax remains effective. 2045

Sec. 321.261. (A) Five per cent of all delinquent real 2046
property, personal property, and manufactured and mobile home 2047
taxes and assessments collected by the county treasurer shall be 2048
deposited in the delinquent tax and assessment collection fund, 2049
which shall be created in the county treasury. The Except as 2050
provided in division (B) of this section, the moneys in the fund, 2051
one-half of which shall be appropriated by the board of county 2052
commissioners to the treasurer and one-half of which shall be 2053
appropriated to the county prosecuting attorney, shall be used 2054

solely in connection with the collection of delinquent real 2055
property, personal property, and manufactured and mobile home 2056
taxes and assessments. 2057

Annually by the first day of December, the treasurer and the 2058
prosecuting attorney each shall submit a report to the board 2059
regarding the use of the moneys appropriated to their respective 2060
offices from the delinquent tax and assessment collection fund. 2061
Each report shall specify the amount appropriated to the office 2062
during the current calendar year, an estimate of the amount so 2063
appropriated that will be expended by the end of the year, a 2064
summary of how the amount appropriated has been expended in 2065
connection with delinquent tax collection activities, and an 2066
estimate of the amount that will be credited to the fund during 2067
the ensuing calendar year. 2068

(B) A board of county commissioners of a county with a 2069
population exceeding one million two hundred thousand may, by 2070
resolution, authorize the use of up to three million dollars each 2071
year in the county's delinquent tax and assessment collection fund 2072
to prevent residential mortgage foreclosures in the county and to 2073
assist municipal corporations located in the county in the 2074
nuisance abatement of deteriorated residential buildings in 2075
foreclosure. The funds shall be used to provide financial 2076
assistance in the form of loans to borrowers in default on their 2077
home mortgages, including for the payment of late fees, to clear 2078
arrearage balances, and to augment moneys used in the county's 2079
foreclosure prevention program. Upon application by a municipal 2080
corporation located in the county, the funds also shall be used to 2081
pay the cost of securing deteriorated residential buildings in 2082
foreclosure, including paying the costs of securing such 2083
buildings, lot maintenance, and demolition. 2084

Sec. 351.26. (A) The board of directors of a convention 2085

facilities authority may adopt a resolution requesting the board 2086
of county commissioners of the county in which the convention 2087
facilities authority has its territory to propose the question of 2088
a tax to be levied pursuant to this section and section 4301.424 2089
or sections 5743.026 and 5743.324 of the Revised Code for the 2090
purpose of construction or renovation of a sports facility. The 2091
board of directors shall certify a copy of the resolution to the 2092
board of county commissioners not later than ninety days prior to 2093
the day of the election at which the board of directors requests 2094
the board of county commissioners to submit the question of the 2095
tax. The resolution shall state the rate at which the tax would be 2096
levied, the purpose for which the tax would be levied, the number 2097
of years the tax would be levied, the section of the Revised Code 2098
under which the tax would be levied, and the date of the election 2099
at which the board of directors requests the board of county 2100
commissioners to submit the question of the tax, all of which are 2101
subject to the limitations of this section and section 4301.424 or 2102
sections 5743.026 and 5743.324 of the Revised Code. 2103

Upon receiving a copy of such a resolution from the board of 2104
directors, the board of county commissioners shall adopt a 2105
resolution either approving or rejecting the proposal, and certify 2106
a copy of its resolution to the board of directors. If the board 2107
of county commissioners approves the proposal, the board of county 2108
commissioners shall propose the question of levying a tax pursuant 2109
to section 4301.424 of the Revised Code or pursuant to sections 2110
5743.026 and 5743.324 of the Revised Code, as specified in the 2111
board of directors' resolution, for the purpose of construction or 2112
renovation of a sports facility. 2113

(B) The form of the ballot in an election held on the 2114
question of levying a tax proposed pursuant to section 4301.424 or 2115
5743.026 of the Revised Code shall be as follows or in any other 2116
form acceptable to the secretary of state: 2117

"For the purpose of paying the costs of 2118
 (constructing or renovating) a sports facility, shall (an) excise 2119
 tax(es) be levied by the county for the convention 2120
 facilities authority of county at the rate of 2121
 (dollars on each gallon of spirituous liquor sold in the county by 2122
 the Ohio division of liquor control, cents per gallon on the sale 2123
 of beer at wholesale in the county, cents per gallon on the sale 2124
 of wine and mixed beverages at wholesale in the county, or mills 2125
 per cigarette on the sale of cigarettes at wholesale in the 2126
 county), for years? 2127

	Yes
	No

"

2128
 2129
 2130
 2131
 For an election in which questions under section 4301.424 or 2132
 5743.026 of the Revised Code are joined as a single question, the 2133
 form of the ballot shall be as above, except each of the proposed 2134
 taxes shall be listed. 2135

(C) No tax shall be levied under this section on or after the 2136
effective date of the amendment of this section by the capital 2137
appropriations act of the 127th general assembly. This division 2138
does not prevent the collection of any tax levied under this 2139
section before that date so long as that tax remains effective. 2140

Sec. 519.12. (A)(1) Amendments to the zoning resolution may 2141
 be initiated by motion of the township zoning commission, by the 2142
 passage of a resolution by the board of township trustees, or by 2143
 the filing of an application by one or more of the owners or 2144
 lessees of property within the area proposed to be changed or 2145
 affected by the proposed amendment with the township zoning 2146
 commission. The board of township trustees may require that the 2147
 owner or lessee of property filing an application to amend the 2148

zoning resolution pay a fee to defray the cost of advertising, 2149
mailing, filing with the county recorder, and other expenses. If 2150
the board of township trustees requires such a fee, it shall be 2151
required generally, for each application. The board of township 2152
trustees, upon the passage of such a resolution, shall certify it 2153
to the township zoning commission. 2154

(2) Upon the adoption of a motion by the township zoning 2155
commission, the certification of a resolution by the board of 2156
township trustees to the commission, or the filing of an 2157
application by property owners or lessees as described in division 2158
(A)(1) of this section with the commission, the commission shall 2159
set a date for a public hearing, which date shall not be less than 2160
twenty nor more than forty days from the date of the certification 2161
of such a resolution, the date of adoption of such a motion, or 2162
the date of the filing of such an application. Notice of the 2163
hearing shall be given by the commission by one publication in one 2164
or more newspapers of general circulation in the township at least 2165
ten days before the date of the hearing. 2166

(B) If the proposed amendment intends to rezone or redistrict 2167
ten or fewer parcels of land, as listed on the county auditor's 2168
current tax list, written notice of the hearing shall be mailed by 2169
the township zoning commission, by first class mail, at least ten 2170
days before the date of the public hearing to all owners of 2171
property within and contiguous to and directly across the street 2172
from the area proposed to be rezoned or redistricted to the 2173
addresses of those owners appearing on the county auditor's 2174
current tax list. The failure of delivery of that notice shall not 2175
invalidate any such amendment. 2176

(C) If the proposed amendment intends to rezone or redistrict 2177
ten or fewer parcels of land as listed on the county auditor's 2178
current tax list, the published and mailed notices shall set forth 2179
the time, date, and place of the public hearing and include all of 2180

the following:	2181
(1) The name of the township zoning commission that will be conducting the hearing;	2182 2183
(2) A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;	2184 2185
(3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list;	2186 2187 2188 2189
(4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;	2190 2191 2192
(5) The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;	2193 2194 2195 2196
(6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;	2197 2198 2199
(7) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;	2200 2201 2202
(8) Any other information requested by the commission.	2203
(D) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:	2204 2205 2206 2207 2208
(1) The name of the township zoning commission that will be conducting the hearing on the proposed amendment;	2209 2210

(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution; 2211
2212

(3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing; 2213
2214
2215

(4) The name of the person responsible for giving notice of the hearing by publication; 2216
2217

(5) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action; 2218
2219
2220

(6) Any other information requested by the commission. 2221

(E) Within five days after the adoption of the motion described in division (A) of this section, the certification of the resolution described in division (A) of this section, or the filing of the application described in division (A) of this section, the township zoning commission shall transmit a copy of it together with text and map pertaining to it to the county or regional planning commission, if there is such a commission. 2222
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The county or regional planning commission shall recommend the approval or denial of the proposed amendment or the approval of some modification of it and shall submit its recommendation to the township zoning commission. The recommendation shall be considered at the public hearing held by the township zoning commission on the proposed amendment. 2229
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The township zoning commission, within thirty days after the hearing, shall recommend the approval or denial of the proposed amendment, or the approval of some modification of it, and submit that recommendation together with the motion, application, or resolution involved, the text and map pertaining to the proposed amendment, and the recommendation of the county or regional planning commission on it to the board of township trustees. 2235
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The board of township trustees, upon receipt of that 2242
recommendation, shall set a time for a public hearing on the 2243
proposed amendment, which date shall not be more than thirty days 2244
from the date of the receipt of that recommendation. Notice of the 2245
hearing shall be given by the board by one publication in one or 2246
more newspapers of general circulation in the township, at least 2247
ten days before the date of the hearing. 2248

(F) If the proposed amendment intends to rezone or redistrict 2249
ten or fewer parcels of land as listed on the county auditor's 2250
current tax list, the published notice shall set forth the time, 2251
date, and place of the public hearing and include all of the 2252
following: 2253

(1) The name of the board of township trustees that will be 2254
conducting the hearing; 2255

(2) A statement indicating that the motion, application, or 2256
resolution is an amendment to the zoning resolution; 2257

(3) A list of the addresses of all properties to be rezoned 2258
or redistricted by the proposed amendment and of the names of 2259
owners of those properties, as they appear on the county auditor's 2260
current tax list; 2261

(4) The present zoning classification of property named in 2262
the proposed amendment and the proposed zoning classification of 2263
that property; 2264

(5) The time and place where the motion, application, or 2265
resolution proposing to amend the zoning resolution will be 2266
available for examination for a period of at least ten days prior 2267
to the hearing; 2268

(6) The name of the person responsible for giving notice of 2269
the hearing by publication, by mail, or by both publication and 2270
mail; 2271

(7) Any other information requested by the board. 2272

(G) If the proposed amendment alters the text of the zoning 2273
resolution, or rezones or redistricts more than ten parcels of 2274
land as listed on the county auditor's current tax list, the 2275
published notice shall set forth the time, date, and place of the 2276
public hearing and include all of the following: 2277

(1) The name of the board of township trustees that will be 2278
conducting the hearing on the proposed amendment; 2279

(2) A statement indicating that the motion, application, or 2280
resolution is an amendment to the zoning resolution; 2281

(3) The time and place where the text and maps of the 2282
proposed amendment will be available for examination for a period 2283
of at least ten days prior to the hearing; 2284

(4) The name of the person responsible for giving notice of 2285
the hearing by publication; 2286

(5) Any other information requested by the board. 2287

(H) Within twenty days after its public hearing, the board of 2288
township trustees shall either adopt or deny the recommendations 2289
of the township zoning commission or adopt some modification of 2290
them. If the board denies or modifies the commission's 2291
recommendations, ~~the unanimous~~ a majority vote of the board shall 2292
be required. 2293

The proposed amendment, if adopted by the board, shall become 2294
effective in thirty days after the date of its adoption, unless, 2295
within thirty days after the adoption, there is presented to the 2296
board of township trustees a petition, signed by a number of 2297
registered electors residing in the unincorporated area of the 2298
township or part of that unincorporated area included in the 2299
zoning plan equal to not less than eight per cent of the total 2300
vote cast for all candidates for governor in that area at the most 2301

recent general election at which a governor was elected, 2302
requesting the board of township trustees to submit the amendment 2303
to the electors of that area for approval or rejection at a 2304
special election to be held on the day of the next primary or 2305
general election that occurs at least seventy-five days after the 2306
petition is filed. Each part of this petition shall contain the 2307
number and the full and correct title, if any, of the zoning 2308
amendment resolution, motion, or application, furnishing the name 2309
by which the amendment is known and a brief summary of its 2310
contents. In addition to meeting the requirements of this section, 2311
each petition shall be governed by the rules specified in section 2312
3501.38 of the Revised Code. 2313

The form of a petition calling for a zoning referendum and 2314
the statement of the circulator shall be substantially as follows: 2315

"PETITION FOR ZONING REFERENDUM 2316

(if the proposal is identified by a particular name or number, or 2317
both, these should be inserted here) 2318

A proposal to amend the zoning map of the unincorporated area 2319
of Township, County, Ohio, adopted 2320
.....(date)..... (followed by brief summary of the proposal). 2321

To the Board of Township Trustees of 2322
Township, County, Ohio: 2323

~~..... County, Ohio:~~ 2324

We, the undersigned, being electors residing in the 2325
unincorporated area of Township, included 2326
within the Township Zoning Plan, equal to not less 2327
than eight per cent of the total vote cast for all candidates for 2328
governor in the area at the preceding general election at which a 2329
governor was elected, request the Board of Township Trustees to 2330
submit this amendment of the zoning resolution to the electors of 2331
..... Township residing within the 2332

unincorporated area of the township included in the 2333
..... Township Zoning Resolution, for approval or 2334
rejection at a special election to be held on the day of the 2335
primary or general election to be held on(date)....., 2336
pursuant to section 519.12 of the Revised Code. 2337

Street Address	Date of	2338
Signature or R.F.D.	Township Precinct County Signing	2339
.....		2340
.....		2341

STATEMENT OF CIRCULATOR 2342

I,(name of circulator)....., declare under 2343
penalty of election falsification that I am an elector of the 2344
state of Ohio and reside at the address appearing below my 2345
signature; that I am the circulator of the foregoing part petition 2346
containing(number)..... signatures; that I have 2347
witnessed the affixing of every signature; that all signers were 2348
to the best of my knowledge and belief qualified to sign; and that 2349
every signature is to the best of my knowledge and belief the 2350
signature of the person whose signature it purports to be or of an 2351
attorney in fact acting pursuant to section 3501.382 of the 2352
Revised Code. 2353

..... 2354
(Signature of circulator) 2355
..... 2356
(Address of circulator's permanent 2357
residence in this state) 2358
..... 2359
(City, village, or township, 2360
and zip code) 2361

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 2362
OF THE FIFTH DEGREE." 2363

The petition shall be filed with the board of township trustees and shall be accompanied by an appropriate map of the area affected by the zoning proposal. Within two weeks after receiving a petition filed under this section, the board of township trustees shall certify the petition to the board of elections. A petition filed under this section shall be certified to the board of elections not less than seventy-five days prior to the election at which the question is to be voted upon.

The board of elections shall determine the sufficiency and validity of each petition certified to it by a board of township trustees under this section. If the board of elections determines that a petition is sufficient and valid, the question shall be voted upon at a special election to be held on the day of the next primary or general election that occurs at least seventy-five days after the date the petition is filed with the board of township trustees, regardless of whether any election will be held to nominate or elect candidates on that day.

No amendment for which such a referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the board of elections that the amendment has been approved by the voters, it shall take immediate effect.

Within five working days after an amendment's effective date, the board of township trustees shall file the text and maps of the amendment in the office of the county recorder and with the county or regional planning commission, if one exists.

The failure to file any amendment, or any text and maps, or duplicates of any of these documents, with the office of the county recorder or the county or regional planning commission as required by this section does not invalidate the amendment and is not grounds for an appeal of any decision of the board of zoning appeals.

Sec. 519.211. (A) Except as otherwise provided in division 2396
(B) or (C) of this section, sections 519.02 to 519.25 of the 2397
Revised Code confer no power on any board of township trustees or 2398
board of zoning appeals in respect to the location, erection, 2399
construction, reconstruction, change, alteration, maintenance, 2400
removal, use, or enlargement of any buildings or structures of any 2401
public utility or railroad, whether publicly or privately owned, 2402
or the use of land by any public utility or railroad, for the 2403
operation of its business. As used in this division, "public 2404
utility" does not include a person that owns or operates a solid 2405
waste facility or a solid waste transfer facility that has been 2406
issued a permit under Chapter 3734. of the Revised Code or a 2407
construction and demolition debris facility that has been issued a 2408
permit under Chapter 3714. of the Revised Code. 2409

(B)(1) As used in this division, "telecommunications tower" 2410
means any free-standing structure, or any structure to be attached 2411
to a building or other structure, that meets all of the following 2412
criteria: 2413

(a) The free-standing or attached structure is proposed to be 2414
constructed on or after October 31, 1996. 2415

(b) The free-standing or attached structure is proposed to be 2416
owned or principally used by a public utility engaged in the 2417
provision of telecommunications services. 2418

(c) The free-standing or attached structure is proposed to be 2419
located in an unincorporated area of a township, in an area zoned 2420
for residential use. 2421

(d)(i) The free-standing structure is proposed to top at a 2422
height that is greater than either the maximum allowable height of 2423
residential structures within the zoned area as set forth in the 2424
applicable zoning regulations, or the maximum allowable height of 2425
such a free-standing structure as set forth in any applicable 2426

zoning regulations in effect immediately prior to October 31, 2427
1996, or as those regulations subsequently are amended. 2428

(ii) The attached structure is proposed to top at a height 2429
that is greater than either the height of the building or other 2430
structure to which it is to be attached, or the maximum allowable 2431
height of such an attached structure as set forth in any 2432
applicable zoning regulations in effect immediately prior to 2433
October 31, 1996, or as those regulations subsequently are 2434
amended. 2435

(e) The free-standing or attached structure is proposed to 2436
have attached to it radio frequency transmission or reception 2437
equipment. 2438

(2) Sections 519.02 to 519.25 of the Revised Code confer 2439
power on a board of township trustees or board of zoning appeals 2440
with respect to the location, erection, construction, 2441
reconstruction, change, alteration, removal, or enlargement of a 2442
telecommunications tower, but not with respect to the maintenance 2443
or use of such a tower or any change or alteration that would not 2444
substantially increase the tower's height. However, the power so 2445
conferred shall apply to a particular telecommunications tower 2446
only upon the provision of a notice, in accordance with division 2447
(B)(4)(a) of this section, to the person proposing to construct 2448
the tower. 2449

(3) Any person who plans to construct a telecommunications 2450
tower in an area subject to township zoning regulations shall 2451
provide both of the following by certified mail: 2452

(a) Written notice to each owner of property, as shown on the 2453
county auditor's current tax list, whose land is contiguous to or 2454
directly across a street or roadway from the property on which the 2455
tower is proposed to be constructed, stating all of the following 2456
in clear and concise language: 2457

(i) The person's intent to construct the tower; 2458

(ii) A description of the property sufficient to identify the 2459
proposed location; 2460

(iii) That, no later than fifteen days after the date of 2461
mailing of the notice, any such property owner may give written 2462
notice to the board of township trustees requesting that sections 2463
519.02 to 519.25 of the Revised Code apply to the proposed 2464
location of the tower as provided under division (B)(4)(a) of this 2465
section. 2466

If the notice to a property owner is returned unclaimed or 2467
refused, the person shall mail the notice by regular mail. The 2468
failure of delivery of the notice does not invalidate the notice. 2469

(b) Written notice to the board of township trustees of the 2470
information specified in divisions (B)(3)(a)(i) and (ii) of this 2471
section. The notice to the board also shall include verification 2472
that the person has complied with division (B)(3)(a) of this 2473
section. 2474

(4)(a) If the board of township trustees receives notice from 2475
a property owner under division (B)(3)(a)(iii) of this section 2476
within the time specified in that division or if a board member 2477
makes an objection to the proposed location of the 2478
telecommunications tower within fifteen days after the date of 2479
mailing of the notice sent under division (B)(3)(b) of this 2480
section, the board shall request that the fiscal officer of the 2481
township send the person proposing to construct the tower written 2482
notice that the tower is subject to the power conferred by and in 2483
accordance with division (B)(2) of this section. The notice shall 2484
be sent no later than five days after the earlier of the date the 2485
board first receives such a notice from a property owner or the 2486
date upon which a board member makes an objection. Upon the date 2487
of mailing of the notice to the person, sections 519.02 to 519.25 2488

of the Revised Code shall apply to the tower. 2489

(b) If the board of township trustees receives no notice 2490
under division (B)(3)(a)(iii) of this section within the time 2491
prescribed by that division or no board member has an objection as 2492
provided under division (B)(4)(a) of this section within the time 2493
prescribed by that division, division (A) of this section shall 2494
apply to the tower without exception. 2495

(C) Sections 519.02 to 519.25 of the Revised Code confer 2496
power on a board of township trustees or board of zoning appeals 2497
with respect to the location, erection, construction, 2498
reconstruction, change, alteration, maintenance, removal, use, or 2499
enlargement of any buildings or structures of a public utility 2500
engaged in the business of transporting persons or property, or 2501
both, or providing or furnishing such transportation service, over 2502
any public street, road, or highway in this state, and with 2503
respect to the use of land by any such public utility for the 2504
operation of its business, to the extent that any exercise of such 2505
power is reasonable and not inconsistent with Chapters 4901., 2506
4903., 4905., 4909., 4921., and 4923. of the Revised Code. 2507
However, this division confers no power on a board of township 2508
trustees or board of zoning appeals with respect to a building or 2509
structure of, or the use of land by, a person engaged in the 2510
transportation of farm supplies to the farm or farm products from 2511
farm to market or to food fabricating plants. 2512

(D) Sections 519.02 to 519.25 of the Revised Code confer no 2513
power on any township zoning commission, board of township 2514
trustees, or board of zoning appeals to prohibit the sale or use 2515
of alcoholic beverages in areas where the establishment and 2516
operation of any retail business, hotel, lunchroom, or restaurant 2517
is permitted. 2518

(E)(1) Any person who plans to construct a telecommunications 2519
tower within one hundred feet of a residential dwelling shall 2520

provide a written notice to the owner of the residential dwelling 2521
and to the person occupying the residence, if that person is not 2522
the owner of the residence stating in clear and concise language 2523
the person's intent to construct the tower and a description of 2524
the property sufficient to identify the proposed location. The 2525
notice shall be sent by certified mail. If the notice is returned 2526
unclaimed or refused, the person shall mail the notice by regular 2527
mail. The failure of delivery does not invalidate the notice. 2528

(2) As used in division (E) of this section: 2529

(a) "Residential dwelling" means a building used or intended 2530
to be used as a personal residence by the owner, part-time owner, 2531
or lessee of the building, or any person authorized by such a 2532
person to use the building as a personal residence. 2533

(b) "Telecommunications tower" has the same meaning as in 2534
division (B)(1) of this section, except that the proposed location 2535
of the free-standing or attached structure may be an area other 2536
than an unincorporated area of a township, in an area zoned for 2537
residential use. 2538

Sec. 1346.03. Any information provided to the attorney 2539
general by the department of taxation in accordance with division 2540
~~(G)~~(C)(5) of section 5703.21 of the Revised Code shall not be 2541
disclosed publicly by the attorney general except when it is 2542
necessary to facilitate compliance with and enforcement of section 2543
1346.01 or 1346.02 of the Revised Code. 2544

Sec. 2743.49. (A)(1) In January of each odd-numbered year, 2545
the auditor of state, in accordance with this division and 2546
division (A)(2) of this section, shall adjust the actual dollar 2547
figure specified in division (E)(2)(b) of section 2743.48 of the 2548
Revised Code or the actual dollar amount determined pursuant to 2549
this section. The adjustment shall be based on the yearly average 2550

of the previous two years of the consumer price index for all 2551
urban consumers or its successive equivalent, as determined by the 2552
United States department of labor, bureau of labor statistics, or 2553
its successor in responsibility, for all items, Series A. ~~The~~ 2554
~~auditor of state shall calculate the adjustment in the following~~ 2555
~~manner:~~ 2556

~~(a) First, using the yearly average for the immediately~~ 2557
~~preceding odd numbered year as the base year, the auditor of state~~ 2558
~~shall compare the most current average consumer price index with~~ 2559
~~that determined in the even numbered year immediately preceding~~ 2560
~~that odd numbered year and shall determine the percentage increase~~ 2561
~~or decrease. The auditor of state shall multiply the percentage~~ 2562
~~increase or decrease by the actual dollar figure specified in~~ 2563
~~division (E)(2)(b) of section 2743.48 of the Revised Code or the~~ 2564
~~actual dollar figure determined for the previous odd numbered year~~ 2565
~~under this section and shall add the product to or subtract the~~ 2566
~~product from its corresponding actual dollar figure, as~~ 2567
~~applicable, for the previous odd numbered year.~~ 2568

~~(b) Second, using~~ Using the yearly average for the 2569
immediately preceding even-numbered year as the base year, the 2570
auditor of state shall compare the most current average consumer 2571
price index with that determined in the preceding odd-numbered 2572
year ~~immediately preceding that even numbered year~~ and shall 2573
determine the percentage increase or decrease. The auditor of 2574
state shall multiply the percentage increase or decrease by the 2575
actual dollar figure specified in division (E)(2)(b) of section 2576
2743.48 of the Revised Code or the actual dollar figure determined 2577
under ~~division (A)(1)(a) of this section~~ for the previous 2578
~~even numbered~~ odd-numbered year and shall add the product to or 2579
subtract the product from its corresponding actual dollar figure, 2580
as applicable, for the previous odd-numbered year. ~~The resulting~~ 2581
~~figure is the adjusted dollar amount determined under this section~~ 2582

~~for purposes of this section and section 2743.48 of the Revised Code.~~ 2583
2584

(2) The auditor of state shall calculate the adjustment under division (A)(1) of this section on or before the thirty-first day of January of each odd-numbered year. The auditor of state shall base the adjustment on the most current consumer price index that is described in division (A)(1) of this section and that is in effect as of the first day of January of each odd-numbered year. 2585
2586
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2590

(B)(1) The auditor of state shall certify the calculations made under division (A) of this section on or before the thirty-first day of January of each odd-numbered year. 2591
2592
2593

(2) On or before the fifteenth day of February of each odd-numbered year, the auditor of state shall prepare a report setting forth the amount that a wrongfully imprisoned individual is entitled to for each full year of imprisonment in the state correctional institution for the offense of which the wrongfully imprisoned individual was found guilty as provided in division (E)(2)(b) of section ~~2743.49~~ 2743.48 of the Revised Code and as calculated in accordance with this section. The report and all documents relating to the calculations contained in the report are public records. The report shall contain an indication of the period in which the calculated amount applies, a summary of how the amount was calculated, and a statement that the report and all related documents are available for inspection and copying at the office of the auditor of state. 2594
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(3) On or before the fifteenth day of February of each odd-numbered year, the auditor of state shall transmit the report to the general assembly and to the court of claims. 2608
2609
2610

Sec. 2921.13. (A) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies: 2611
2612
2613

- (1) The statement is made in any official proceeding. 2614
- (2) The statement is made with purpose to incriminate 2615
another. 2616
- (3) The statement is made with purpose to mislead a public 2617
official in performing the public official's official function. 2618
- (4) The statement is made with purpose to secure the payment 2619
of unemployment compensation; Ohio works first; prevention, 2620
retention, and contingency benefits and services; disability 2621
financial assistance; retirement benefits; economic development 2622
assistance, as defined in section 9.66 of the Revised Code; or 2623
other benefits administered by a governmental agency or paid out 2624
of a public treasury. 2625
- (5) The statement is made with purpose to secure the issuance 2626
by a governmental agency of a license, permit, authorization, 2627
certificate, registration, release, or provider agreement. 2628
- (6) The statement is sworn or affirmed before a notary public 2629
or another person empowered to administer oaths. 2630
- (7) The statement is in writing on or in connection with a 2631
report or return that is required or authorized by law. 2632
- (8) The statement is in writing and is made with purpose to 2633
induce another to extend credit to or employ the offender, to 2634
confer any degree, diploma, certificate of attainment, award of 2635
excellence, or honor on the offender, or to extend to or bestow 2636
upon the offender any other valuable benefit or distinction, when 2637
the person to whom the statement is directed relies upon it to 2638
that person's detriment. 2639
- (9) The statement is made with purpose to commit or 2640
facilitate the commission of a theft offense. 2641
- (10) The statement is knowingly made to a probate court in 2642
connection with any action, proceeding, or other matter within its 2643

jurisdiction, either orally or in a written document, including, 2644
but not limited to, an application, petition, complaint, or other 2645
pleading, or an inventory, account, or report. 2646

(11) The statement is made on an account, form, record, 2647
stamp, label, or other writing that is required by law. 2648

(12) The statement is made in connection with the purchase of 2649
a firearm, as defined in section 2923.11 of the Revised Code, and 2650
in conjunction with the furnishing to the seller of the firearm of 2651
a fictitious or altered driver's or commercial driver's license or 2652
permit, a fictitious or altered identification card, or any other 2653
document that contains false information about the purchaser's 2654
identity. 2655

(13) The statement is made in a document or instrument of 2656
writing that purports to be a judgment, lien, or claim of 2657
indebtedness and is filed or recorded with the secretary of state, 2658
a county recorder, or the clerk of a court of record. 2659

(14) The statement is made with purpose to obtain an Ohio's 2660
best Rx program enrollment card under section 173.773 of the 2661
Revised Code or a payment under section 173.801 of the Revised 2662
Code. 2663

(15) The statement is made in an application filed with a 2664
county sheriff pursuant to section 2923.125 of the Revised Code in 2665
order to obtain or renew a license to carry a concealed handgun or 2666
is made in an affidavit submitted to a county sheriff to obtain a 2667
temporary emergency license to carry a concealed handgun under 2668
section 2923.1213 of the Revised Code. 2669

(16) The statement is required under section ~~5743.72~~ 5743.71 2670
of the Revised Code in connection with the person's purchase of 2671
cigarettes or tobacco products in a delivery sale. 2672

(B) No person, in connection with the purchase of a firearm, 2673
as defined in section 2923.11 of the Revised Code, shall knowingly 2674

furnish to the seller of the firearm a fictitious or altered 2675
driver's or commercial driver's license or permit, a fictitious or 2676
altered identification card, or any other document that contains 2677
false information about the purchaser's identity. 2678

(C) No person, in an attempt to obtain a license to carry a 2679
concealed handgun under section 2923.125 of the Revised Code, 2680
shall knowingly present to a sheriff a fictitious or altered 2681
document that purports to be certification of the person's 2682
competence in handling a handgun as described in division (B)(3) 2683
of section 2923.125 of the Revised Code. 2684

(D) It is no defense to a charge under division (A)(6) of 2685
this section that the oath or affirmation was administered or 2686
taken in an irregular manner. 2687

(E) If contradictory statements relating to the same fact are 2688
made by the offender within the period of the statute of 2689
limitations for falsification, it is not necessary for the 2690
prosecution to prove which statement was false but only that one 2691
or the other was false. 2692

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 2693
(6), (7), (8), (10), (11), (13), (14), or (16) of this section is 2694
guilty of falsification, a misdemeanor of the first degree. 2695

(2) Whoever violates division (A)(9) of this section is 2696
guilty of falsification in a theft offense. Except as otherwise 2697
provided in this division, falsification in a theft offense is a 2698
misdemeanor of the first degree. If the value of the property or 2699
services stolen is five hundred dollars or more and is less than 2700
five thousand dollars, falsification in a theft offense is a 2701
felony of the fifth degree. If the value of the property or 2702
services stolen is five thousand dollars or more and is less than 2703
one hundred thousand dollars, falsification in a theft offense is 2704
a felony of the fourth degree. If the value of the property or 2705

services stolen is one hundred thousand dollars or more, 2706
falsification in a theft offense is a felony of the third degree. 2707

(3) Whoever violates division (A)(12) or (B) of this section 2708
is guilty of falsification to purchase a firearm, a felony of the 2709
fifth degree. 2710

(4) Whoever violates division (A)(15) or (C) of this section 2711
is guilty of falsification to obtain a concealed handgun license, 2712
a felony of the fourth degree. 2713

(G) A person who violates this section is liable in a civil 2714
action to any person harmed by the violation for injury, death, or 2715
loss to person or property incurred as a result of the commission 2716
of the offense and for reasonable attorney's fees, court costs, 2717
and other expenses incurred as a result of prosecuting the civil 2718
action commenced under this division. A civil action under this 2719
division is not the exclusive remedy of a person who incurs 2720
injury, death, or loss to person or property as a result of a 2721
violation of this section. 2722

Sec. 3119.023. When a court or child support enforcement 2723
agency calculates the amount of child support to be paid pursuant 2724
to a court child support order in a proceeding in which the 2725
parents have split parental rights and responsibilities with 2726
respect to the children who are the subject of the child support 2727
order, the court or child support enforcement agency shall use a 2728
worksheet that is identical in content and form to the following: 2729

CHILD SUPPORT COMPUTATION WORKSHEET 2730

SPLIT PARENTAL RIGHTS AND RESPONSIBILITIES 2731

Name of parties 2732

Case No. 2733

Number of minor children 2734

Number of minor children with mother father 2735

	Column I	Column II	Column III	
	Father	Mother	Combined	
				2736
				2737
INCOME:				2738
1.a. Annual gross income from employment or, when determined appropriate by the court or agency, average annual gross income from employment over a reasonable period of years. (Exclude overtime, bonuses, self-employment income, or commissions)				2739
.....	\$.....	\$.....		2740
b. Amount of overtime, bonuses, and commissions (year 1 representing the most recent year)				2741
Father		Mother		2742
Yr. 3 \$.....		Yr. 3 \$.....		2743
(Three years ago)		(Three years ago)		2744
Yr. 2 \$.....		Yr. 2 \$.....		2745
(Two years ago)		(Two years ago)		2746
Yr. 1 \$.....		Yr. 1 \$.....		2747
(Last calendar year)		(Last calendar year)		2748
Average \$.....		\$.....		2749
(Include in Col. I and/or Col. II the average of the three years or the year 1 amount, whichever is less, if there exists a reasonable expectation				2750

that the total earnings from overtime and/or bonuses during the current calendar year will meet or exceed the amount that is the lower of the average of the three years or the year 1 amount. If, however, there exists a reasonable expectation that the total earnings from overtime/bonuses during the current calendar year will be less than the lower of the average of the 3 years or the year 1 amount, include only the amount reasonably expected to be earned this year)

	.....	\$.....	\$.....	2751
2.	For self-employment income			2752
a.	Gross receipts from business			2753
	.....	\$.....	\$.....	2754
b.	Ordinary and necessary business expenses			2755
	.....	\$.....	\$.....	2756
c.	5.6% of adjusted gross income or the actual marginal difference			2757

	between the actual rate paid by the self-employed individual and the F.I.C.A. rate	\$.....	\$.....	2758
d.	Adjusted gross income from self-employment (subtract the sum of 2b and 2c from 2a)	\$.....	\$.....	2759
3.	Annual income from interest and dividends (whether or not taxable)	\$.....	\$.....	2761
4.	Annual income from unemployment compensation	\$.....	\$.....	2763
5.	Annual income from workers' compensation, disability insurance benefits or social security disability retirement benefits	\$.....	\$.....	2765
6.	Other annual income (identify)	\$.....	\$.....	2767
7.a.	Total annual gross income (add lines 1a, 1b, 2d, and 3-6)	\$.....	\$.....	2769
b.	Health insurance maximum (multiply line 7a by 5%)			2770
				2771

	\$.....	\$.....	2772
ADJUSTMENTS TO INCOME:			2773
8. Adjustment for minor children born to or adopted by either parent and another parent who are living with this parent; adjustment does not apply to stepchildren (number of children times federal income tax exemption less child support received, not to exceed the federal tax exemption)			2774
.....	\$.....	\$.....	2775
9. Annual court-ordered support paid for other children			2776
.....	\$.....	\$.....	2777
10. Annual court-ordered spousal support paid to any spouse or former spouse			2778
.....	\$.....	\$.....	2779
11. Amount of local income taxes actually paid or estimated to be paid			2780
.....	\$.....	\$.....	2781
12. Mandatory work-related deductions such as union dues, uniform fees, etc. (not including taxes,			2782

	social security, or retirement)			
	.....	\$.....	\$.....	2783
13.	Total gross income			2784
	adjustments (add lines 8 through 12)			
	.....	\$.....	\$.....	2785
14.a.	Adjusted annual gross income (subtract line 13 from 7a)			2786
	.....	\$.....	\$.....	2787
b.	Cash medical support maximum (If the amount on line 7a, Col. I, is under 150% of the federal poverty level for an individual, enter \$0 on line 14b., Col. I. If the amount on line 7a, Col. I, is 150% or higher of the federal poverty level for an individual, multiply the amount on line 14a, Col. I, by 5% and enter this amount on line 14b, Col. I. If the amount on line 7a, Col. II, is under 150% of the federal poverty level for an individual, enter \$0 on line 14b, Col. II. If the amount on line 7a, Col. II, is 150% or			2788

higher of the federal
poverty level for an
individual, multiply the
amount on line 14a, Col.
II, by 5% and enter this
amount on line 14b, Col.
II.)

	.....	\$.....	\$.....	2789
15.	Combined annual income that is basis for child support order (add line 14a, Col. I and Col. II)			2790
			\$.....	2791
16.	Percentage of parent's income to total income			2792
a.	Father (divide line 14a, Col. I, by line 15, Col. III)%			2793
b.	Mother (divide line 14a, Col. II, by line 15, Col. III)%			2794
17.	Basic combined child support obligation (refer to schedule, first column, locate the amount nearest to the amount on line 15, Col. III, then refer to column for number of children with this parent. If the income of the parents is more than one sum but less than another, you	For children for whom the mother is the residential parent and legal custodian	For children for whom the father is the residential parent and legal custodian	2795

	may calculate the difference)			
	.....	\$.....	\$.....	2796
18.	Annual support obligation per parent			2797
a.	Of father for children for whom mother is the residential parent and legal custodian (multiply line 17, Col. I, by line 16a)			2798
	.....	\$.....		2799
b.	Of mother for children for whom the father is the residential parent and legal custodian (multiply line 17, Col. II, by line 16b)			2800
	.....		\$.....	2801
19.	Annual child care expenses for children who are the subject of this order that are work-, employment training-, or education-related, as approved by the court or agency (deduct tax credit from annual cost whether or not claimed)	Paid by father	Paid by mother	2802
	.....	\$.....	\$.....	2803
20.a.	Marginal, out-of-pocket costs, necessary to provide for health insurance for the	Paid by father	Paid by mother	2804

children who are the
subject of this order
(contributing cost of
private family health
insurance, minus the
contributing cost of
private single health
insurance, divided by the
total number of
dependents covered by the
plan, including the
children subject of the
support order, times the
number of children
subject of the support
order)

..... \$..... \$..... 2805

b. Cash medical support 2806
obligation (enter the
amount on line 14b or the
amount of annual health
care expenditures
estimated by the United
States Department of
Agriculture and described
in section 3119.30 of the
Revised Code, whichever
amount is lower)

..... \$..... \$..... 2807

21. ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS 2808
PROVIDED:

Father Mother 2809

a. Additions: line 16a b. Additions: line 16b 2810

	times sum of amounts	times sum of amounts	2811
	shown on line 19, Col. II	shown on line 19, Col. I	2812
	and line 20a, Col. II	and line 20a, Col. I	2813
	\$.....	\$.....	2814
c.	Subtractions: line 16b	d. Subtractions: line 16a	2815
	times sum of amounts	times sum of amounts	2816
	shown on line 19, Col. I	shown on line 19, Col. II	2817
	and line 20a, Col. I	and line 20a, Col. II	2818
	\$.....	\$.....	2819
22.	ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS PROVIDED:		2820
a.	Father: line 18a plus		2821
	line 21a minus line 21c		
	(if the amount on line		
	21c is greater than or		
	equal to the amount on		
	line 21a--enter the		
	number on line 18a in		
	Col. I)		
	.....	\$.....	2822
b.	Any non-means-tested		2823
	benefits, including		
	social security and		
	veterans' benefits, paid		
	to and received by		
	children for whom the		
	mother is the residential		
	parent and legal		
	custodian or a person on		
	behalf of those children		
	due to death, disability,		
	or retirement of the		
	father		
	.....	\$.....	2824

c.	Actual annual obligation of father (subtract line 22b from line 22a)	\$.....	2825 2826
d.	Mother: line 18b plus line 21b minus line 21d (if the amount on line 21d is greater than or equal to the amount on line 21b--enter the number on line 18b in Col. II)	\$.....	2827 2828
e.	Any non-means-tested benefits, including social security and veterans' benefits, paid to and received by children for whom the father is the residential parent and legal custodian or a person on behalf of those children due to death, disability, or retirement of the mother	\$.....	2829 2830
f.	Actual annual obligation of mother (subtract line 22e from line 22d)	\$.....	2831 2832
g.	Actual annual obligation payable (subtract lesser		2833

	actual annual obligation from greater actual annual obligation using amounts in lines 22c and 22f to determine net child support payable)	..... \$..... \$.....	2834
23.	ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT PROVIDED:		2835
	Father	Mother	2836
a.	Additions: line 16a times the sum of the amounts shown on line 19, Col. II and line 20b, Col. II \$.....	b. Additions: line 16b times the sum of the amounts shown on line 19, Col. I and line 20b, Col. I \$.....	2837 2838
c.	Subtractions: line 16b times the sum of the amounts shown on line 19, Col. I and line 20b, Col. I \$.....	d. Subtractions: line 16a times the sum of the amounts shown on line 19, Col. II and line 20b, Col. II \$.....	2839 2840
24.	ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS NOT PROVIDED:		2841
a.	Father: line 18a plus line 23a minus line 23c (if the amount on line 23c is greater than or equal to the amount on line 23a, enter the number on line 18a in Col. I)	\$.....	2842
b.	Any non-means-tested benefits, including	\$.....	2843

social security and
veterans' benefits, paid
to and received by a
child for whom the mother
is the residential parent
and legal custodian, or a
person on behalf of the
child, due to death,
disability, or retirement
of the father

c.	Actual annual obligation of the father (subtract line 24b from line 24a)	\$.....	2844
d.	Mother: line 18b plus line 23b minus 23d (if the amount on line 23d is greater than or equal to the amount on line 23b, enter the number on line 18b in Col. II)		2845
	.....	\$.....	2846
e.	Any non-means-tested benefits, including social security and veterans' benefits, paid to and received by a child for whom the father is the residential parent and legal custodian, or a person on behalf of the child, due to death, disability, or retirement of the mother		2847

	.....	\$.....	2848
f.	Actual annual obligation of the mother (subtract line 24e from line 24d)	\$.....	2849
g.	Actual annual obligation payable (subtract lesser actual annual obligation from greater annual obligation of parents using amounts in lines 24c and 24f to determine net child support payable)		2850
	\$.....	\$.....
h.	Add line 20b, Col. I, to line 24g, Col. I, when father is the obligor or line 20b, Col. II, to line 24g, Col. II, when mother is obligor		2851
	\$.....	\$.....
25.	Deviation from split residential parent guideline amount shown on line 22c, 22f, 24c, or 24f if amount would be unjust or inappropriate: (see section 3119.23 of the Revised Code.) (Specific facts and monetary value must be stated.)		2852
	.....		2853
	.....		2854
	.....		2855
	.....		2856
	.....		2857
	.....		2858
	.....		2859
	WHEN	WHEN	2860
	HEALTH	HEALTH	2861
	INSURANCE	INSURANCE	2862

	IS	IS NOT	2863
	PROVIDED	PROVIDED	2864
26. FINAL CHILD SUPPORT			2865
FIGURE: (This amount reflects final annual child support obligation; in Col. I enter line 22g plus or minus any amounts indicated in line 25, or in Col. II enter line 24h <u>24g</u> plus or minus any amounts indicated on line 25.)			
	\$.....	\$.....	2866
		Father/Mother, OBLIGOR	
27. FOR DECREE: Child support per month (divide obligor's annual share, line 26, by 12) plus any processing charge			2867
	\$.....	\$.....	2868
28. FINAL CASH MEDICAL SUPPORT 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)			2869
		\$.....	2870

29. FOR DECREE: Cash medical support per month (divide line 28 by 12)	2871
.....	\$..... 2872
Prepared by:	2873
Counsel:	Pro se: 2874
(For mother/father)	2875
CSEA:	Other: 2876
Worksheet Has Been Reviewed and Agreed To:	2877
.....	..... 2878
Mother	Date 2879
.....	..... 2880
Father	Date 2881
Sec. 3301.0714. (A) The state board of education shall adopt	2882
rules for a statewide education management information system. The	2883
rules shall require the state board to establish guidelines for	2884
the establishment and maintenance of the system in accordance with	2885
this section and the rules adopted under this section. The	2886
guidelines shall include:	2887
(1) Standards identifying and defining the types of data in	2888
the system in accordance with divisions (B) and (C) of this	2889
section;	2890
(2) Procedures for annually collecting and reporting the data	2891
to the state board in accordance with division (D) of this	2892
section;	2893
(3) Procedures for annually compiling the data in accordance	2894
with division (G) of this section;	2895
(4) Procedures for annually reporting the data to the public	2896
in accordance with division (H) of this section.	2897
(B) The guidelines adopted under this section shall require	2898
the data maintained in the education management information system	2899

to include at least the following: 2900

(1) Student participation and performance data, for each 2901
grade in each school district as a whole and for each grade in 2902
each school building in each school district, that includes: 2903

(a) The numbers of students receiving each category of 2904
instructional service offered by the school district, such as 2905
regular education instruction, vocational education instruction, 2906
specialized instruction programs or enrichment instruction that is 2907
part of the educational curriculum, instruction for gifted 2908
students, instruction for students with disabilities, and remedial 2909
instruction. The guidelines shall require instructional services 2910
under this division to be divided into discrete categories if an 2911
instructional service is limited to a specific subject, a specific 2912
type of student, or both, such as regular instructional services 2913
in mathematics, remedial reading instructional services, 2914
instructional services specifically for students gifted in 2915
mathematics or some other subject area, or instructional services 2916
for students with a specific type of disability. The categories of 2917
instructional services required by the guidelines under this 2918
division shall be the same as the categories of instructional 2919
services used in determining cost units pursuant to division 2920
(C)(3) of this section. 2921

(b) The numbers of students receiving support or 2922
extracurricular services for each of the support services or 2923
extracurricular programs offered by the school district, such as 2924
counseling services, health services, and extracurricular sports 2925
and fine arts programs. The categories of services required by the 2926
guidelines under this division shall be the same as the categories 2927
of services used in determining cost units pursuant to division 2928
(C)(4)(a) of this section. 2929

(c) Average student grades in each subject in grades nine 2930
through twelve; 2931

(d) Academic achievement levels as assessed by the testing of student achievement under sections 3301.0710 and 3301.0711 of the Revised Code;	2932 2933 2934
(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	2935 2936 2937
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	2938 2939 2940
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	2941 2942 2943 2944
(h) Expulsion rates;	2945
(i) Suspension rates;	2946
(j) The percentage of students receiving corporal punishment;	2947
(k) Dropout rates;	2948
(l) Rates of retention in grade;	2949
(m) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	2950 2951 2952
(n) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	2953 2954 2955 2956 2957
(o) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to	2958 2959 2960 2961

report to the department the results of any diagnostic assessment 2962
administered to a kindergarten student if the parent of that 2963
student requests the district not to report those results. 2964

(2) Personnel and classroom enrollment data for each school 2965
district, including: 2966

(a) The total numbers of licensed employees and nonlicensed 2967
employees and the numbers of full-time equivalent licensed 2968
employees and nonlicensed employees providing each category of 2969
instructional service, instructional support service, and 2970
administrative support service used pursuant to division (C)(3) of 2971
this section. The guidelines adopted under this section shall 2972
require these categories of data to be maintained for the school 2973
district as a whole and, wherever applicable, for each grade in 2974
the school district as a whole, for each school building as a 2975
whole, and for each grade in each school building. 2976

(b) The total number of employees and the number of full-time 2977
equivalent employees providing each category of service used 2978
pursuant to divisions (C)(4)(a) and (b) of this section, and the 2979
total numbers of licensed employees and nonlicensed employees and 2980
the numbers of full-time equivalent licensed employees and 2981
nonlicensed employees providing each category used pursuant to 2982
division (C)(4)(c) of this section. The guidelines adopted under 2983
this section shall require these categories of data to be 2984
maintained for the school district as a whole and, wherever 2985
applicable, for each grade in the school district as a whole, for 2986
each school building as a whole, and for each grade in each school 2987
building. 2988

(c) The total number of regular classroom teachers teaching 2989
classes of regular education and the average number of pupils 2990
enrolled in each such class, in each of grades kindergarten 2991
through five in the district as a whole and in each school 2992
building in the school district. 2993

(d) The number of master teachers employed by each school district and each school building, once a definition of master teacher has been developed by the educator standards board pursuant to section 3319.61 of the Revised Code.

(3)(a) Student demographic data for each school district, including information regarding the gender ratio of the school district's pupils, the racial make-up of the school district's pupils, the number of limited English proficient students in the district, and an appropriate measure of the number of the school district's pupils who reside in economically disadvantaged households. The demographic data shall be collected in a manner to allow correlation with data collected under division (B)(1) of this section. Categories for data collected pursuant to division (B)(3) of this section shall conform, where appropriate, to standard practices of agencies of the federal government.

(b) With respect to each student entering kindergarten, whether the student previously participated in a public preschool program, a private preschool program, or a head start program, and the number of years the student participated in each of these programs.

(4) Any data required to be collected pursuant to federal law.

(C) The education management information system shall include 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. 3025
The guidelines shall require the cost units under this division 3026
(C)(1) to be designed so that each of them may be compiled and 3027
reported in terms of average expenditure per pupil in formula ADM 3028
in the school district, as determined pursuant to section 3317.03 3029
of the Revised Code. 3030

(2) Administrative costs for each school building in the 3031
school district. The guidelines shall require the cost units under 3032
this division (C)(2) to be designed so that each of them may be 3033
compiled and reported in terms of average expenditure per 3034
full-time equivalent pupil receiving instructional or support 3035
services in each building. 3036

(3) Instructional services costs for each category of 3037
instructional service provided directly to students and required 3038
by guidelines adopted pursuant to division (B)(1)(a) of this 3039
section. The guidelines shall require the cost units under 3040
division (C)(3) of this section to be designed so that each of 3041
them may be compiled and reported in terms of average expenditure 3042
per pupil receiving the service in the school district as a whole 3043
and average expenditure per pupil receiving the service in each 3044
building in the school district and in terms of a total cost for 3045
each category of service and, as a breakdown of the total cost, a 3046
cost for each of the following components: 3047

(a) The cost of each instructional services category required 3048
by guidelines adopted under division (B)(1)(a) of this section 3049
that is provided directly to students by a classroom teacher; 3050

(b) The cost of the instructional support services, such as 3051
services provided by a speech-language pathologist, classroom 3052
aide, multimedia aide, or librarian, provided directly to students 3053
in conjunction with each instructional services category; 3054

(c) The cost of the administrative support services related 3055

to each instructional services category, such as the cost of 3056
personnel that develop the curriculum for the instructional 3057
services category and the cost of personnel supervising or 3058
coordinating the delivery of the instructional services category. 3059

(4) Support or extracurricular services costs for each 3060
category of service directly provided to students and required by 3061
guidelines adopted pursuant to division (B)(1)(b) of this section. 3062
The guidelines shall require the cost units under division (C)(4) 3063
of this section to be designed so that each of them may be 3064
compiled and reported in terms of average expenditure per pupil 3065
receiving the service in the school district as a whole and 3066
average expenditure per pupil receiving the service in each 3067
building in the school district and in terms of a total cost for 3068
each category of service and, as a breakdown of the total cost, a 3069
cost for each of the following components: 3070

(a) The cost of each support or extracurricular services 3071
category required by guidelines adopted under division (B)(1)(b) 3072
of this section that is provided directly to students by a 3073
licensed employee, such as services provided by a guidance 3074
counselor or any services provided by a licensed employee under a 3075
supplemental contract; 3076

(b) The cost of each such services category provided directly 3077
to students by a nonlicensed employee, such as janitorial 3078
services, cafeteria services, or services of a sports trainer; 3079

(c) The cost of the administrative services related to each 3080
services category in division (C)(4)(a) or (b) of this section, 3081
such as the cost of any licensed or nonlicensed employees that 3082
develop, supervise, coordinate, or otherwise are involved in 3083
administering or aiding the delivery of each services category. 3084

(D)(1) The guidelines adopted under this section shall 3085
require school districts to collect information about individual 3086

students, staff members, or both in connection with any data 3087
required by division (B) or (C) of this section or other reporting 3088
requirements established in the Revised Code. The guidelines may 3089
also require school districts to report information about 3090
individual staff members in connection with any data required by 3091
division (B) or (C) of this section or other reporting 3092
requirements established in the Revised Code. The guidelines shall 3093
not authorize school districts to request social security numbers 3094
of individual students. The guidelines shall prohibit the 3095
reporting under this section of a student's name, address, and 3096
social security number to the state board of education or the 3097
department of education. The guidelines shall also prohibit the 3098
reporting under this section of any personally identifiable 3099
information about any student, except for the purpose of assigning 3100
the data verification code required by division (D)(2) of this 3101
section, to any other person unless such person is employed by the 3102
school district or the information technology center operated 3103
under section 3301.075 of the Revised Code and is authorized by 3104
the district or technology center to have access to such 3105
information or is employed by an entity with which the department 3106
contracts for the scoring of tests administered under section 3107
3301.0711 or 3301.0712 of the Revised Code. The guidelines may 3108
require school districts to provide the social security numbers of 3109
individual staff members. 3110

(2) The guidelines shall provide for each school district or 3111
community school to assign a data verification code that is unique 3112
on a statewide basis over time to each student whose initial Ohio 3113
enrollment is in that district or school and to report all 3114
required individual student data for that student utilizing such 3115
code. The guidelines shall also provide for assigning data 3116
verification codes to all students enrolled in districts or 3117
community schools on the effective date of the guidelines 3118
established under this section. 3119

Individual student data shall be reported to the department 3120
through the information technology centers utilizing the code but, 3121
except as provided in ~~section~~ sections 3310.11, 3310.42, 3313.978, 3122
and 3317.20 of the Revised Code, at no time shall the state board 3123
or the department have access to information that would enable any 3124
data verification code to be matched to personally identifiable 3125
student data. 3126

Each school district shall ensure that the data verification 3127
code is included in the student's records reported to any 3128
subsequent school district or community school in which the 3129
student enrolls. Any such subsequent district or school shall 3130
utilize the same identifier in its reporting of data under this 3131
section. 3132

The director of health shall request and receive, pursuant to 3133
sections 3301.0723 and 3701.62 of the Revised Code, a data 3134
verification code for a child who is receiving services under 3135
division (A)(2) of section 3701.61 of the Revised Code. 3136

(E) The guidelines adopted under this section may require 3137
school districts to collect and report data, information, or 3138
reports other than that described in divisions (A), (B), and (C) 3139
of this section for the purpose of complying with other reporting 3140
requirements established in the Revised Code. The other data, 3141
information, or reports may be maintained in the education 3142
management information system but are not required to be compiled 3143
as part of the profile formats required under division (G) of this 3144
section or the annual statewide report required under division (H) 3145
of this section. 3146

(F) Beginning with the school year that begins July 1, 1991, 3147
the board of education of each school district shall annually 3148
collect and report to the state board, in accordance with the 3149
guidelines established by the board, the data required pursuant to 3150
this section. A school district may collect and report these data 3151

notwithstanding section 2151.357 or 3319.321 of the Revised Code. 3152

(G) The state board shall, in accordance with the procedures 3153
it adopts, annually compile the data reported by each school 3154
district pursuant to division (D) of this section. The state board 3155
shall design formats for profiling each school district as a whole 3156
and each school building within each district and shall compile 3157
the data in accordance with these formats. These profile formats 3158
shall: 3159

(1) Include all of the data gathered under this section in a 3160
manner that facilitates comparison among school districts and 3161
among school buildings within each school district; 3162

(2) Present the data on academic achievement levels as 3163
assessed by the testing of student achievement maintained pursuant 3164
to division (B)(1)(d) of this section. 3165

(H)(1) The state board shall, in accordance with the 3166
procedures it adopts, annually prepare a statewide report for all 3167
school districts and the general public that includes the profile 3168
of each of the school districts developed pursuant to division (G) 3169
of this section. Copies of the report shall be sent to each school 3170
district. 3171

(2) The state board shall, in accordance with the procedures 3172
it adopts, annually prepare an individual report for each school 3173
district and the general public that includes the profiles of each 3174
of the school buildings in that school district developed pursuant 3175
to division (G) of this section. Copies of the report shall be 3176
sent to the superintendent of the district and to each member of 3177
the district board of education. 3178

(3) Copies of the reports received from the state board under 3179
divisions (H)(1) and (2) of this section shall be made available 3180
to the general public at each school district's offices. Each 3181
district board of education shall make copies of each report 3182

available to any person upon request and payment of a reasonable 3183
fee for the cost of reproducing the report. The board shall 3184
annually publish in a newspaper of general circulation in the 3185
school district, at least twice during the two weeks prior to the 3186
week in which the reports will first be available, a notice 3187
containing the address where the reports are available and the 3188
date on which the reports will be available. 3189

(I) Any data that is collected or maintained pursuant to this 3190
section and that identifies an individual pupil is not a public 3191
record for the purposes of section 149.43 of the Revised Code. 3192

(J) As used in this section: 3193

(1) "School district" means any city, local, exempted 3194
village, or joint vocational school district and, in accordance 3195
with section 3314.17 of the Revised Code, any community school. As 3196
used in division (L) of this section, "school district" also 3197
includes any educational service center or other educational 3198
entity required to submit data using the system established under 3199
this section. 3200

(2) "Cost" means any expenditure for operating expenses made 3201
by a school district excluding any expenditures for debt 3202
retirement except for payments made to any commercial lending 3203
institution for any loan approved pursuant to section 3313.483 of 3204
the Revised Code. 3205

(K) Any person who removes data from the information system 3206
established under this section for the purpose of releasing it to 3207
any person not entitled under law to have access to such 3208
information is subject to section 2913.42 of the Revised Code 3209
prohibiting tampering with data. 3210

(L)(1) In accordance with division (L)(2) of this section and 3211
the rules adopted under division (L)(10) of this section, the 3212
department of education may sanction any school district that 3213

reports incomplete or inaccurate data, reports data that does not conform to data requirements and descriptions published by the department, fails to report data in a timely manner, or otherwise does not make a good faith effort to report data as required by this section.

(2) If the department decides to sanction a school district under this division, the department shall take the following sequential actions:

(a) Notify the district in writing that the department has determined that data has not been reported as required under this section and require the district to review its data submission and submit corrected data by a deadline established by the department. The department also may require the district to develop a corrective action plan, which shall include provisions for the district to provide mandatory staff training on data reporting procedures.

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;

(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;

(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;

(ii) Conduct a site visit and evaluation of the district;

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;	3245 3246 3247
(iv) Continue monitoring the district's data reporting;	3248
(v) Assign department staff to supervise the district's data management system;	3249 3250
(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;	3251 3252 3253
(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;	3254 3255 3256 3257
(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;	3258 3259 3260 3261 3262
(ix) Any other action designed to correct the district's data reporting problems.	3263 3264
(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.	3265 3266 3267 3268 3269 3270
(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department	3271 3272 3273 3274

withheld funds from the district under that division, the 3275
department may release those funds to the district, except that if 3276
the department withheld funding under division (L)(2)(c) of this 3277
section, the department shall not release the funds withheld under 3278
division (L)(2)(b) of this section and, if the department withheld 3279
funding under division (L)(2)(d) of this section, the department 3280
shall not release the funds withheld under division (L)(2)(b) or 3281
(c) of this section. 3282

(5) Notwithstanding anything in this section to the contrary, 3283
the department may use its own staff or an outside entity to 3284
conduct an audit of a school district's data reporting practices 3285
any time the department has reason to believe the district has not 3286
made a good faith effort to report data as required by this 3287
section. If any audit conducted by an outside entity under 3288
division (L)(2)(d)(i) or (5) of this section confirms that a 3289
district has not made a good faith effort to report data as 3290
required by this section, the district shall reimburse the 3291
department for the full cost of the audit. The department may 3292
withhold state funds due to the district for this purpose. 3293

(6) Prior to issuing a revised report card for a school 3294
district under division (L)(2)(d)(viii) of this section, the 3295
department may hold a hearing to provide the district with an 3296
opportunity to demonstrate that it made a good faith effort to 3297
report data as required by this section. The hearing shall be 3298
conducted by a referee appointed by the department. Based on the 3299
information provided in the hearing, the referee shall recommend 3300
whether the department should issue a revised report card for the 3301
district. If the referee affirms the department's contention that 3302
the district did not make a good faith effort to report data as 3303
required by this section, the district shall bear the full cost of 3304
conducting the hearing and of issuing any revised report card. 3305

(7) If the department determines that any inaccurate data 3306

reported under this section caused a school district to receive 3307
excess state funds in any fiscal year, the district shall 3308
reimburse the department an amount equal to the excess funds, in 3309
accordance with a payment schedule determined by the department. 3310
The department may withhold state funds due to the district for 3311
this purpose. 3312

(8) Any school district that has funds withheld under 3313
division (L)(2) of this section may appeal the withholding in 3314
accordance with Chapter 119. of the Revised Code. 3315

(9) In all cases of a disagreement between the department and 3316
a school district regarding the appropriateness of an action taken 3317
under division (L)(2) of this section, the burden of proof shall 3318
be on the district to demonstrate that it made a good faith effort 3319
to report data as required by this section. 3320

(10) The state board of education shall adopt rules under 3321
Chapter 119. of the Revised Code to implement division (L) of this 3322
section. 3323

(M) No information technology center or school district shall 3324
acquire, change, or update its student administration software 3325
package to manage and report data required to be reported to the 3326
department unless it converts to a student software package that 3327
is certified by the department. 3328

(N) The state board of education, in accordance with sections 3329
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 3330
license as defined under division (A) of section 3319.31 of the 3331
Revised Code that has been issued to any school district employee 3332
found to have willfully reported erroneous, inaccurate, or 3333
incomplete data to the education management information system. 3334

(O) No person shall release or maintain any information about 3335
any student in violation of this section. Whoever violates this 3336
division is guilty of a misdemeanor of the fourth degree. 3337

(P) The department shall disaggregate the data collected 3338
under division (B)(1)(o) of this section according to the race and 3339
socioeconomic status of the students assessed. No data collected 3340
under that division shall be included on the report cards required 3341
by section 3302.03 of the Revised Code. 3342

(Q) If the department cannot compile any of the information 3343
required by division (C)(5) of section 3302.03 of the Revised Code 3344
based upon the data collected under this section, the department 3345
shall develop a plan and a reasonable timeline for the collection 3346
of any data necessary to comply with that division. 3347

Sec. 3310.42. (A) Only for the purpose of administering the 3348
autism scholarship program, the department of education may 3349
request from any of the following entities the data verification 3350
code assigned under division (D)(2) of section 3301.0714 of the 3351
Revised Code to any child who is seeking a scholarship under the 3352
program: 3353

(1) The school district in which the child is entitled to 3354
attend school; 3355

(2) If applicable, the community school in which the child is 3356
enrolled; 3357

(3) The independent contractor engaged to create and maintain 3358
data verification codes. 3359

(B) Upon a request by the department under division (A) of 3360
this section for the data verification code of a child seeking a 3361
scholarship or a request by the child's parent for that code, the 3362
school district or community school shall submit that code to the 3363
department or parent in the manner specified by the department. If 3364
the child has not been assigned a code, because the child will be 3365
entering preschool or kindergarten during the school year for 3366
which the scholarship is sought, the district shall assign a code 3367

to that child and submit the code to the department or parent by a 3368
date specified by the department. If the district does not assign 3369
a code to the child by the specified date, the department shall 3370
assign a code to the child. 3371

The department annually shall submit to each school district 3372
the name and data verification code of each child residing in the 3373
district who is entering preschool or kindergarten, who has been 3374
awarded a scholarship under the program, and for whom the 3375
department has assigned a code under this division. 3376

(C) The department shall not release any data verification 3377
code that it receives under this section to any person except as 3378
provided by law. 3379

(D) Any document relative to the autism scholarship program 3380
that the department holds in its files that contains both a 3381
child's name or other personally identifiable information and the 3382
child's data verification code shall not be a public record under 3383
section 149.43 of the Revised Code. 3384

Sec. 3311.24. (A)(1) Except as provided in division (B) of 3385
this section, the board of education of a city, exempted village, 3386
or local school district shall file with the state board of 3387
education a proposal to transfer territory from such district to 3388
an adjoining city, exempted village, or local school district in 3389
any of the following circumstances: 3390

(a) The district board deems the transfer advisable and, if 3391
the portion of the district proposed to be transferred is five 3392
acres or more, the board has obtained written consent to the 3393
transfer from seventy-five per cent of the owners of parcels of 3394
real property on the tax duplicate within that portion of the 3395
district; 3396

(b) A petition, signed by seventy-five per cent of the 3397

qualified electors residing within that portion of a city, 3398
exempted village, or local school district proposed to be 3399
transferred voting at the last general election, requests such a 3400
transfer; 3401

(c) If no qualified electors reside in that portion of the 3402
district proposed to be transferred, a petition, signed by 3403
seventy-five per cent of the owners of parcels of real property on 3404
the tax duplicate within that portion of the district, requests 3405
such a transfer. 3406

(2) The board of education of the district in which such 3407
proposal originates shall file such proposal, together with a map 3408
showing the boundaries of the territory proposed to be 3409
transferred, with the state board of education prior to the first 3410
day of April in any even-numbered year. The state board of 3411
education may, if it is advisable, provide for a hearing in any 3412
suitable place in any of the school districts affected by such 3413
proposed transfer of territory. The state board of education or 3414
its representatives shall preside at any such hearing. 3415

(3) A board of education of a city, exempted village, or 3416
local school district that receives a petition of transfer signed 3417
by electors of the district under division (A)(1)(b) of this 3418
section shall cause the board of elections to check the 3419
sufficiency of signatures on the petition. A board of education of 3420
a city, exempted village, or local school district that receives 3421
written consent or a petition of transfer signed by owners of 3422
parcels of real property under division (A)(1)(a) or (c) of this 3423
section shall cause the county auditor to check the sufficiency of 3424
signatures on the consent or petition. 3425

(4) Not later than the first day of September the state board 3426
of education shall either approve or disapprove a proposed 3427
transfer of territory filed with it as provided by this section 3428
and shall notify, in writing, the boards of education of the 3429

districts affected by such proposed transfer of territory of its 3430
decision. 3431

If the decision of the state board of education is an 3432
approval of the proposed transfer of territory then the board of 3433
education of the district in which the territory is located shall, 3434
within thirty days after receiving the state board of education's 3435
decision, adopt a resolution transferring the territory and shall 3436
forthwith submit a copy of such resolution to the treasurer of the 3437
board of education of the city, exempted village, or local school 3438
district to which the territory is transferred. Such transfer 3439
shall not be complete however, until: 3440

(a) A resolution accepting the transfer has been passed by a 3441
majority vote of the full membership of the board of education of 3442
the city, exempted village, or local school district to which the 3443
territory is transferred; 3444

(b) An equitable division of the funds and indebtedness 3445
between the districts involved has been made by the board of 3446
education making the transfer; 3447

(c) A map showing the boundaries of the territory transferred 3448
has been filed, by the board of education accepting the transfer, 3449
with the county auditor of each county affected by the transfer. 3450

When such transfer is complete the legal title of the school 3451
property in the territory transferred shall be vested in the board 3452
of education or governing board of the school district to which 3453
the territory is transferred. 3454

(B) Whenever the transfer of territory pursuant to this 3455
section is initiated by a board of education, the board shall, 3456
before filing a proposal for transfer with the state board of 3457
education under this section, make a good faith effort to 3458
negotiate the terms of transfer with any other school district 3459
whose territory would be affected by the transfer. Before the 3460

state board may hold a hearing on the transfer, or approve or 3461
disapprove any such transfer, it must receive the following: 3462

(1) A resolution requesting approval of the transfer, passed 3463
by the school district submitting the proposal and, if applicable, 3464
evidence of the consent of affected property owners to the 3465
transfer; 3466

(2) Evidence determined to be sufficient by the state board 3467
to show that good faith negotiations have taken place or that the 3468
district requesting the transfer has made a good faith effort to 3469
hold such negotiations; 3470

(3) If any negotiations took place, a statement signed by all 3471
boards that participated in the negotiations, listing the terms 3472
agreed on and the points on which no agreement could be reached. 3473

Negotiations held pursuant to this section shall be governed 3474
by the rules adopted by the state board under division (D) of 3475
section 3311.06 of the Revised Code. Districts involved in a 3476
transfer under division (B) of this section may agree to share 3477
revenues from the property included in the territory to be 3478
transferred, establish cooperative programs between the 3479
participating districts, and establish mechanisms for the 3480
settlement of any future boundary disputes. 3481

Sec. 3313.842. (A) The boards of education of any two or more 3482
school districts may enter into an agreement for joint or 3483
cooperative establishment and operation of any educational program 3484
including any class, course, or program that may be included in a 3485
school district's graded course of study and staff development 3486
programs for teaching and nonteaching school employees. Each 3487
school district that is party to such an agreement may contribute 3488
funds of the district in support of the agreement and for the 3489
establishment and operation of any educational program established 3490
under the agreement. The agreement shall designate one of the 3491

districts as the district responsible for receiving and disbursing 3492
the funds contributed by the districts that are parties to the 3493
agreement. 3494

(B) Notwithstanding sections 3313.48 and 3313.64 of the 3495
Revised Code, any district that is party to an agreement for joint 3496
or cooperative establishment and operation of an educational 3497
program may charge fees or tuition for students who participate in 3498
the program and are entitled to attend school in the district 3499
under section 3313.64 or 3313.65 of the Revised Code. 3500

Sec. 3313.978. (A) Annually by the first day of November, the 3501
superintendent of public instruction shall notify the pilot 3502
project school district of the number of initial scholarships that 3503
the state superintendent will be awarding in each of grades 3504
kindergarten through eight. 3505

The state superintendent shall provide information about the 3506
scholarship program to all students residing in the district, 3507
shall accept applications from any such students until such date 3508
as shall be established by the state superintendent as a deadline 3509
for applications, and shall establish criteria for the selection 3510
of students to receive scholarships from among all those applying 3511
prior to the deadline, which criteria shall give preference to 3512
students from low-income families. For each student selected, the 3513
state superintendent shall also determine whether the student 3514
qualifies for seventy-five or ninety per cent of the scholarship 3515
amount. Students whose family income is at or above two hundred 3516
per cent of the maximum income level established by the state 3517
superintendent for low-income families shall qualify for 3518
seventy-five per cent of the scholarship amount and students whose 3519
family income is below two hundred per cent of that maximum income 3520
level shall qualify for ninety per cent of the scholarship amount. 3521
The state superintendent shall notify students of their selection 3522

prior to the fifteenth day of January and whether they qualify for 3523
seventy-five or ninety per cent of the scholarship amount. 3524

(1) A student receiving a pilot project scholarship may 3525
utilize it at an alternative public school by notifying the 3526
district superintendent, at any time before the beginning of the 3527
school year, of the name of the public school in an adjacent 3528
school district to which the student has been accepted pursuant to 3529
section 3327.06 of the Revised Code. 3530

(2) A student may decide to utilize a pilot project 3531
scholarship at a registered private school in the district if all 3532
of the following conditions are met: 3533

(a) By the fifteenth day of February of the preceding school 3534
year, or at any time prior to the start of the school year, the 3535
parent makes an application on behalf of the student to a 3536
registered private school. 3537

(b) The registered private school notifies the parent and the 3538
state superintendent as follows that the student has been 3539
admitted: 3540

(i) By the fifteenth day of March of the preceding school 3541
year if the student filed an application by the fifteenth day of 3542
February and was admitted by the school pursuant to division (A) 3543
of section 3313.977 of the Revised Code; 3544

(ii) Within one week of the decision to admit the student if 3545
the student is admitted pursuant to division (C) of section 3546
3313.977 of the Revised Code. 3547

(c) The student actually enrolls in the registered private 3548
school to which the student was first admitted or in another 3549
registered private school in the district or in a public school in 3550
an adjacent school district. 3551

(B) The state superintendent shall also award in any school 3552

year tutorial assistance grants to a number of students equal to 3553
the number of students who receive scholarships under division (A) 3554
of this section. Tutorial assistance grants shall be awarded 3555
solely to students who are enrolled in the public schools of the 3556
district in a grade level covered by the pilot project. Tutorial 3557
assistance grants may be used solely to obtain tutorial assistance 3558
from a provider approved pursuant to division (D) of section 3559
3313.976 of the Revised Code. 3560

All students wishing to obtain tutorial assistance grants 3561
shall make application to the state superintendent by the first 3562
day of the school year in which the assistance will be used. The 3563
state superintendent shall award assistance grants in accordance 3564
with criteria the superintendent shall establish. For each student 3565
awarded a grant, the state superintendent shall also determine 3566
whether the student qualifies for seventy-five or ninety per cent 3567
of the grant amount and so notify the student. Students whose 3568
family income is at or above two hundred per cent of the maximum 3569
income level established by the state superintendent for 3570
low-income families shall qualify for seventy-five per cent of the 3571
grant amount and students whose family income is below two hundred 3572
per cent of that maximum income level shall qualify for ninety per 3573
cent of the grant amount. 3574

(C)(1) In the case of basic scholarships for students in 3575
grades kindergarten through eight, the scholarship amount shall 3576
not exceed the lesser of the tuition charges of the alternative 3577
school the scholarship recipient attends or three thousand dollars 3578
before fiscal year 2007 and three thousand four hundred fifty 3579
dollars in fiscal year 2007 and thereafter. 3580

In the case of basic scholarships for students in grades nine 3581
through twelve, the scholarship amount shall not exceed the lesser 3582
of the tuition charges of the alternative school the scholarship 3583
recipient attends or two thousand seven hundred dollars before 3584

fiscal year 2007 and three thousand four hundred fifty dollars in 3585
fiscal year 2007 and thereafter. 3586

(2) The state superintendent shall provide for an increase in 3587
the basic scholarship amount in the case of any student who is a 3588
mainstreamed student with a disability and shall further increase 3589
such amount in the case of any separately educated student with a 3590
disability. Such increases shall take into account the 3591
instruction, related services, and transportation costs of 3592
educating such students. 3593

(3) In the case of tutorial assistance grants, the grant 3594
amount shall not exceed the lesser of the provider's actual 3595
charges for such assistance or: 3596

(a) Before fiscal year 2007, a percentage established by the 3597
state superintendent, not to exceed twenty per cent, of the amount 3598
of the pilot project school district's average basic scholarship 3599
amount; 3600

(b) In fiscal year 2007 and thereafter, four hundred dollars. 3601

(4) No scholarship or tutorial assistance grant shall be 3602
awarded unless the state superintendent determines that 3603
twenty-five or ten per cent, as applicable, of the amount 3604
specified for such scholarship or grant pursuant to division 3605
(C)(1), (2), or (3) of this section will be furnished by a 3606
political subdivision, a private nonprofit or for profit entity, 3607
or another person. Only seventy-five or ninety per cent of such 3608
amounts, as applicable, shall be paid from state funds pursuant to 3609
section 3313.979 of the Revised Code. 3610

(D)(1) Annually by the first day of November, the state 3611
superintendent shall estimate the maximum per-pupil scholarship 3612
amounts for the ensuing school year. The state superintendent 3613
shall make this estimate available to the general public at the 3614
offices of the district board of education together with the forms 3615

required by division (D)(2) of this section. 3616

(2) Annually by the fifteenth day of January, the chief 3617
administrator of each registered private school located in the 3618
pilot project district and the principal of each public school in 3619
such district shall complete a parental information form and 3620
forward it to the president of the board of education. The 3621
parental information form shall be prescribed by the department of 3622
education and shall provide information about the grade levels 3623
offered, the numbers of students, tuition amounts, achievement 3624
test results, and any sectarian or other organizational 3625
affiliations. 3626

(E)(1) Only for the purpose of administering the pilot 3627
project scholarship program, the department may request from any 3628
of the following entities the data verification code assigned 3629
under division (D)(2) of section 3301.0714 of the Revised Code to 3630
any student who is seeking a scholarship under the program: 3631

(a) The school district in which the student is entitled to 3632
attend school under section 3313.64 or 3313.65 of the Revised 3633
Code; 3634

(b) If applicable, the community school in which the student 3635
is enrolled; 3636

(c) The independent contractor engaged to create and maintain 3637
data verification codes. 3638

(2) Upon a request by the department under division (E)(1) of 3639
this section for the data verification code of a student seeking a 3640
scholarship or a request by the student's parent for that code, 3641
the school district or community school shall submit that code to 3642
the department or parent in the manner specified by the 3643
department. If the student has not been assigned a code, because 3644
the student will be entering kindergarten during the school year 3645
for which the scholarship is sought, the district shall assign a 3646

code to that student and submit the code to the department or 3647
parent by a date specified by the department. If the district does 3648
not assign a code to the student by the specified date, the 3649
department shall assign a code to the student. 3650

The department annually shall submit to each school district 3651
the name and data verification code of each student residing in 3652
the district who is entering kindergarten, who has been awarded a 3653
scholarship under the program, and for whom the department has 3654
assigned a code under this division. 3655

(3) The department shall not release any data verification 3656
code that it receives under division (E) of this section to any 3657
person except as provided by law. 3658

(F) Any document relative to the pilot project scholarship 3659
program that the department holds in its files that contains both 3660
a student's name or other personally identifiable information and 3661
the student's data verification code shall not be a public record 3662
under section 149.43 of the Revised Code. 3663

~~**Sec. 3314.05.** Division (A) of this section shall not apply to~~ 3664
~~internet or computer based community schools.~~ 3665

(A) The contract between the community school and the sponsor 3666
shall specify the facilities to be used for the community school 3667
and the method of acquisition. 3668

~~(A) A (B)(1) Except as provided in divisions (B)(2) and (3)~~ 3669
~~of this section, a community school may be located in multiple~~ 3670
~~facilities under the same contract only if the limitations on~~ 3671
~~availability of space prohibit serving all the grade levels~~ 3672
~~specified in the contract in a single facility. The school shall~~ 3673
~~not offer the same grade level classrooms in more than one~~ 3674
~~facility.~~ 3675

(2) A community school may be located in multiple facilities 3676

under the same contract and may assign students in the same grade level to multiple facilities, as long as all of the following apply: 3677
3678
3679

(a) The governing authority of the community school filed a copy of its contract with the school's sponsor under section 3314.03 of the Revised Code with the superintendent of public instruction on or before May 15, 2008. 3680
3681
3682
3683

(b) The school was not open for operation prior to July 1, 2008. 3684
3685

(c) The governing authority has entered into and maintains a contract with an operator of the type described in division (A)(2) of section 3314.014 of the Revised Code. 3686
3687
3688

(d) The contract with that operator qualified the school to be established pursuant to division (A) of section 3314.016 of the Revised Code. 3689
3690
3691

(e) The school's rating under section 3302.03 of the Revised Code does not fall below "in need of continuous improvement" for two or more consecutive years. 3692
3693
3694

(3) Divisions (B)(1) and (2) of this section do not apply to internet- or computer-based community schools. 3695
3696

(C) Any facility used for a community school shall meet all health and safety standards established by law for school buildings. 3697
3698
3699

~~(B)~~(D) In the case where a community school is proposed to be located in a facility owned by a school district or educational service center, the facility may not be used for such community school unless the district or service center board owning the facility enters into an agreement for the community school to utilize the facility. Use of the facility may be under any terms and conditions agreed to by the district or service center board 3700
3701
3702
3703
3704
3705
3706

and the school. 3707

Sec. 3317.20. This section does not apply to preschool 3708
children with disabilities. 3709

(A) As used in this section: 3710

(1) "Applicable weight" means the multiple specified in 3711
section 3317.013 of the Revised Code for a disability described in 3712
that section. 3713

(2) "Child's school district" means the school district in 3714
which a child is entitled to attend school pursuant to section 3715
3313.64 or 3313.65 of the Revised Code. 3716

(3) "State share percentage" means the state share percentage 3717
of the child's school district as defined in section 3317.022 of 3718
the Revised Code. 3719

(B) Except as provided in division (C) of this section, the 3720
department shall annually pay each county MR/DD board for each 3721
child with a disability, other than a preschool child with a 3722
disability, for whom the county MR/DD board provides special 3723
education and related services an amount equal to the formula 3724
amount + (state share percentage X formula amount X the applicable 3725
weight). 3726

(C) If any school district places with a county MR/DD board 3727
more children with disabilities than it had placed with a county 3728
MR/DD board in fiscal year 1998, the department shall not make a 3729
payment under division (B) of this section for the number of 3730
children exceeding the number placed in fiscal year 1998. The 3731
department instead shall deduct from the district's payments under 3732
this chapter, and pay to the county MR/DD board, an amount 3733
calculated in accordance with the formula prescribed in division 3734
(B) of this section for each child over the number of children 3735
placed in fiscal year 1998. 3736

(D) The department shall calculate for each county MR/DD board receiving payments under divisions (B) and (C) of this section the following amounts:

(1) The amount received by the county MR/DD board for approved special education and related services units, other than units for preschool children with disabilities, in fiscal year 1998, divided by the total number of children served in the units that year;

(2) The product of the quotient calculated under division (D)(1) of this section times the number of children for whom payments are made under divisions (B) and (C) of this section.

If the amount calculated under division (D)(2) of this section is greater than the total amount calculated under divisions (B) and (C) of this section, the department shall pay the county MR/DD board one hundred per cent of the difference in addition to the payments under divisions (B) and (C) of this section.

(E) Each county MR/DD board shall report to the department, in the manner specified by the department, the name of each child for whom the county MR/DD board provides special education and related services and the child's school district.

(F)(1) For the purpose of verifying the accuracy of the payments under this section, the department may request from either of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any child who is placed with a county MR/DD board:

(a) The child's school district;

(b) The independent contractor engaged to create and maintain data verification codes.

(2) Upon a request by the department under division (F)(1) of

this section for the data verification code of a child, the 3767
child's school district shall submit that code to the department 3768
in the manner specified by the department. If the child has not 3769
been assigned a code, the district shall assign a code to that 3770
child and submit the code to the department by a date specified by 3771
the department. If the district does not assign a code to the 3772
child by the specified date, the department shall assign a code to 3773
the child. 3774

The department annually shall submit to each school district 3775
the name and data verification code of each child residing in the 3776
district for whom the department has assigned a code under this 3777
division. 3778

(3) The department shall not release any data verification 3779
code that it receives under division (F) of this section to any 3780
person except as provided by law. 3781

(G) Any document relative to special education and related 3782
services provided by a county MR/DD board that the department 3783
holds in its files that contains both a student's name or other 3784
personally identifiable information and the student's data 3785
verification code shall not be a public record under section 3786
149.43 of the Revised Code. 3787

Sec. 3318.01. As used in sections 3318.01 to 3318.20 of the 3788
Revised Code: 3789

(A) "Ohio school facilities commission" means the commission 3790
created pursuant to section 3318.30 of the Revised Code. 3791

(B) "Classroom facilities" means rooms in which pupils 3792
regularly assemble in public school buildings to receive 3793
instruction and education and such facilities and building 3794
improvements for the operation and use of such rooms as may be 3795
needed in order to provide a complete educational program, and may 3796

include space within which a child care facility or a community 3797
resource center is housed. "Classroom facilities" includes any 3798
space necessary for the operation of a vocational education 3799
program for secondary students in any school district that 3800
operates such a program. 3801

(C) "Project" means a project to construct or acquire 3802
classroom facilities, or to reconstruct or make additions to 3803
existing classroom facilities, to be used for housing the 3804
applicable school district and its functions. 3805

For a district that opts to divide its entire classroom 3806
facilities needs into segments to be completed separately, as 3807
authorized by section 3318.034 of the Revised Code, "project" 3808
means a segment. 3809

(D) "School district" means a local, exempted village, or 3810
city school district as such districts are defined in Chapter 3811
3311. of the Revised Code, acting as an agency of state 3812
government, performing essential governmental functions of state 3813
government pursuant to sections 3318.01 to 3318.20 of the Revised 3814
Code. 3815

For purposes of assistance provided under sections 3318.40 to 3816
3318.45 of the Revised Code, the term "school district" as used in 3817
this section and in divisions (A), (C), and (D) of section 3318.03 3818
and in sections 3318.031, 3318.042, 3318.07, 3318.08, 3318.083, 3819
3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 3318.13, 3820
3318.14, 3318.15, 3318.16, 3318.19, and 3318.20 of the Revised 3821
Code means a joint vocational school district established pursuant 3822
to section 3311.18 of the Revised Code. 3823

(E) "School district board" means the board of education of a 3824
school district. 3825

(F) "Net bonded indebtedness" means the difference between 3826
the sum of the par value of all outstanding and unpaid bonds and 3827

notes which a school district board is obligated to pay and any 3828
amounts the school district is obligated to pay under 3829
lease-purchase agreements entered into under section 3313.375 of 3830
the Revised Code, and the amount held in the sinking fund and 3831
other indebtedness retirement funds for their redemption. Notes 3832
issued for school buses in accordance with section 3327.08 of the 3833
Revised Code, notes issued in anticipation of the collection of 3834
current revenues, and bonds issued to pay final judgments shall 3835
not be considered in calculating the net bonded indebtedness. 3836

"Net bonded indebtedness" does not include indebtedness 3837
arising from the acquisition of land to provide a site for 3838
classroom facilities constructed, acquired, or added to pursuant 3839
to sections 3318.01 to 3318.20 of the Revised Code or the par 3840
value of bonds that have been authorized by the electors and the 3841
proceeds of which will be used by the district to provide any part 3842
of its portion of the basic project cost. 3843

(G) "Board of elections" means the board of elections of the 3844
county containing the most populous portion of the school 3845
district. 3846

(H) "County auditor" means the auditor of the county in which 3847
the greatest value of taxable property of such school district is 3848
located. 3849

(I) "Tax duplicates" means the general tax lists and 3850
duplicates prescribed by sections 319.28 and 319.29 of the Revised 3851
Code. 3852

(J) "Required level of indebtedness" means: 3853

(1) In the case of school districts in the first percentile, 3854
five per cent of the district's valuation for the year preceding 3855
the year in which the controlling board approved the project under 3856
section 3318.04 of the Revised Code. 3857

(2) In the case of school districts ranked in a subsequent 3858

percentile, five per cent of the district's valuation for the year 3859
preceding the year in which the controlling board approved the 3860
project under section 3318.04 of the Revised Code, plus [two 3861
one-hundredths of one per cent multiplied by (the percentile in 3862
which the district ranks for the fiscal year preceding the fiscal 3863
year in which the controlling board approved the district's 3864
project minus one)]. 3865

(K) "Required percentage of the basic project costs" means 3866
one per cent of the basic project costs times the percentile in 3867
which the school district ranks for the fiscal year preceding the 3868
fiscal year in which the controlling board approved the district's 3869
project. 3870

(L) "Basic project cost" means a cost amount determined in 3871
accordance with rules adopted under section 111.15 of the Revised 3872
Code by the Ohio school facilities commission. The basic project 3873
cost calculation shall take into consideration the square footage 3874
and cost per square foot necessary for the grade levels to be 3875
housed in the classroom facilities, the variation across the state 3876
in construction and related costs, the cost of the installation of 3877
site utilities and site preparation, the cost of demolition of all 3878
or part of any existing classroom facilities that are abandoned 3879
under the project, the cost of insuring the project until it is 3880
completed, any contingency reserve amount prescribed by the 3881
commission under section 3318.086 of the Revised Code, and the 3882
professional planning, administration, and design fees that a 3883
school district may have to pay to undertake a classroom 3884
facilities project. 3885

For a joint vocational school district that receives 3886
assistance under sections 3318.40 to 3318.45 of the Revised Code, 3887
the basic project cost calculation for a project under those 3888
sections shall also take into account the types of laboratory 3889
spaces and program square footages needed for the vocational 3890

education programs for high school students offered by the school 3891
district. 3892

For a district that opts to divide its entire classroom 3893
facilities needs into segments, each segment to be completed as a 3894
separate project, as authorized by section 3318.034 of the Revised 3895
Code, "basic project cost" means the cost determined in accordance 3896
with this division of a segment. 3897

(M)(1) Except for a joint vocational school district that 3898
receives assistance under sections 3318.40 to 3318.45 of the 3899
Revised Code, a "school district's portion of the basic project 3900
cost" means the amount determined under section 3318.032 of the 3901
Revised Code. 3902

(2) For a joint vocational school district that receives 3903
assistance under sections 3318.40 to 3318.45 of the Revised Code, 3904
a "school district's portion of the basic project cost" means the 3905
amount determined under division (C) of section 3318.42 of the 3906
Revised Code. 3907

(N) "Child care facility" means space within a classroom 3908
facility in which the needs of infants, toddlers, preschool 3909
children, and school children are provided for by persons other 3910
than the parent or guardian of such children for any part of the 3911
day, including persons not employed by the school district 3912
operating such classroom facility. 3913

(O) "Community resource center" means space within a 3914
classroom facility in which comprehensive services that support 3915
the needs of families and children are provided by community-based 3916
social service providers. 3917

(P) "Valuation" means the total value of all property in the 3918
school district as listed and assessed for taxation on the tax 3919
duplicates. 3920

(Q) "Percentile" means the percentile in which the school 3921

district is ranked pursuant to section 3318.011 of the Revised Code. 3922
3923

(R) "Installation of site utilities" means the installation of a site domestic water system, site fire protection system, site gas distribution system, site sanitary system, site storm drainage system, and site telephone and data system. 3924
3925
3926
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(S) "Site preparation" means the earthwork necessary for preparation of the building foundation system, the paved pedestrian and vehicular circulation system, playgrounds on the project site, and lawn and planting on the project site. 3928
3929
3930
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Sec. 3318.03. (A) Before conducting an on-site evaluation of a school district under section 3318.02 of the Revised Code, at the request of the district board of education, the Ohio school facilities commission shall examine any classroom facilities needs assessment that has been conducted by the district and any master plan developed for meeting the facility needs of the district. 3932
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(B) Upon conducting the on-site evaluation under section 3318.02 of the Revised Code, the Ohio school facilities commission shall make a determination of all of the following: 3938
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(1) The needs of the school district for additional classroom facilities; 3941
3942

(2) The number of classroom facilities to be included in a project and the basic project cost of constructing, acquiring, reconstructing, or making additions to each such facility; 3943
3944
3945

(3) The amount of such cost that the school district can supply from available funds, by the issuance of bonds previously authorized by the electors of the school district the proceeds of which can lawfully be used for the project and by the issuance of bonds under section 3318.05 of the Revised Code; 3946
3947
3948
3949
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(4) The remaining amount of such cost that shall be supplied 3951

by the state; 3952

(5) The amount of the state's portion to be encumbered in 3953
accordance with section 3318.11 of the Revised Code in the current 3954
and subsequent fiscal years from funds appropriated for purposes 3955
of sections 3318.01 to 3318.20 of the Revised Code. 3956

For a district that opts to divide its entire classroom 3957
facilities needs into segments to be completed separately, as 3958
authorized by section 3318.034 of the Revised Code, the 3959
determinations made under divisions (B)(1) to (5) of this section 3960
apply only to the segment that currently is proceeding as a 3961
separate project in accordance with section 3318.034 of the 3962
Revised Code. 3963

(C) The commission shall make a determination in favor of 3964
constructing, acquiring, reconstructing, or making additions to a 3965
classroom facility only upon evidence that the proposed project 3966
conforms to sound educational practice, that it is in keeping with 3967
the orderly process of school district reorganization and 3968
consolidation, and that the actual or projected enrollment in each 3969
classroom facility proposed to be included in the project is at 3970
least three hundred fifty pupils. Exceptions shall be authorized 3971
only in those districts where topography, sparsity of population, 3972
and other factors make larger schools impracticable. 3973

If the school district board determines that an existing 3974
facility has historical value or for other good cause determines 3975
that an existing facility should be renovated in lieu of acquiring 3976
a comparable facility by new construction, the commission may 3977
approve the expenditure of project funds for the renovation of 3978
that facility up to but not exceeding one hundred per cent of the 3979
estimated cost of acquiring a comparable facility by new 3980
construction, as long as the commission determines that the 3981
facility when renovated can be operationally efficient, will be 3982
adequate for the future needs of the district, and will comply 3983

with the other provisions of this division. 3984

(D) Sections 125.81 and 153.04 of the Revised Code shall not 3985
apply to classroom facilities constructed under either sections 3986
3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised 3987
Code. 3988

Sec. 3318.032. (A) The portion of the basic project cost 3989
supplied by the school district shall be the greater of: 3990

(1) The required percentage of the basic project costs; 3991

(2) ~~An~~ (a) For all districts except a district that opts to 3992
divide its entire classroom facilities needs into segments to be 3993
completed separately as authorized by section 3318.034 of the 3994
Revised Code, an amount necessary to raise the school district's 3995
net bonded indebtedness, as of the date the controlling board 3996
approved the project, to within five thousand dollars of the 3997
required level of indebtedness~~;~~i 3998

(b) For a district that opts to divide its entire classroom 3999
facilities needs into segments to be completed separately as 4000
authorized by section 3318.034 of the Revised Code, an amount 4001
necessary to raise the school district's net bonded indebtedness, 4002
as of the date the controlling board approved the segment as a 4003
separate project, to within five thousand dollars of the 4004
following: 4005

The required level of indebtedness X (the basic 4006
project cost of the segment as approved as a separate 4007
project by the controlling board / the estimated basic 4008
project cost of the district's entire classroom facilities 4009
needs as determined jointly by the staff of the Ohio school 4010
facilities commission and the district) 4011

(B) The amount of the district's share determined under this 4012
section shall be calculated only as of the date the controlling 4013

board approved the project, and that amount applies throughout the 4014
one-year period permitted under section 3318.05 of the Revised 4015
Code for the district's electors to approve the propositions 4016
described in that section. If the amount reserved and encumbered 4017
for a project is released because the electors do not approve 4018
those propositions within that year, and the school district later 4019
receives the controlling board's approval for the project, the 4020
district's portion shall be recalculated in accordance with this 4021
section as of the date of the controlling board's subsequent 4022
approval. 4023

(C) Notwithstanding anything to the contrary in division (A) 4024
or (B) of this section, at no time shall a school district's 4025
portion of the basic project cost be greater than ninety-five per 4026
cent of the total basic project cost. 4027

Sec. 3318.034. (A) This section applies to any school 4028
district that is offered assistance under sections 3318.01 to 4029
3318.20 of the Revised Code on or after the effective date of this 4030
section, and that, for the fiscal year immediately prior to the 4031
fiscal year for which that assistance is offered, had a formula 4032
ADM, as defined in section 3317.02 of the Revised Code, of at 4033
least nine thousand eight hundred students. 4034

Notwithstanding any provision of this chapter to the 4035
contrary, with the approval of the Ohio school facilities 4036
commission, any school district to which this section applies may 4037
opt to divide the district's entire classroom facilities needs, as 4038
those needs are jointly determined by the staff of the commission 4039
and the school district, into discrete segments and may proceed 4040
with each segment sequentially as a separate project under those 4041
sections. That project shall comply with all of the provisions of 4042
those sections unless otherwise provided in this section. 4043

(B) Each segment shall comply with all of the following: 4044

(1) The segment shall consist of the new construction of one or more entire buildings or the complete renovation of one or more entire existing buildings, with any necessary additions to that building. 4045
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(2) The segment shall not include any construction of or renovation or repair to any building that does not complete the needs of the district with respect to that particular building at the time the segment is completed. 4049
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(3) The segment shall consist of new construction, renovations, additions, reconstruction, or repair of classroom facilities to the extent that the school district portion, as determined under section 3318.032 of the Revised Code, is an amount not less than the amount that likely would be generated from a property tax of three mills times the district's valuation for twenty-three years, unless the district previously has undertaken a segment as a separate project under this section and the district's portion of the estimated basic project cost of the remainder of its entire classroom facilities needs, as determined jointly by the staff of the commission and the district, is less than the amount otherwise required by this division. 4053
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(C) The commission shall conditionally approve and seek controlling board approval in accordance with division (A) of section 3318.04 of the Revised Code of each segment, at the time it is proposed, as a separate project. Approval by the voting members of the commission or the controlling board of the district's entire classroom facilities needs, as determined jointly by the staff of the commission and district, shall not be required. If the commission conditionally approves and the controlling board approves the segment as a separate project, the district board accepts that approval pursuant to section 3318.05 of the Revised Code, and the district electors approve any bond issuance and taxes necessary to pay the district's portion of the 4065
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basic project cost or the district board otherwise raises 4077
sufficient funds, as authorized by this chapter, to pay the 4078
district's portion of the basic project cost, the commission shall 4079
enter into an agreement with the district board under section 4080
3318.08 of the Revised Code for the segment as a separate project. 4081
That agreement shall include an acknowledgment that the project 4082
covered by the agreement is only one segment of the district's 4083
entire classroom facilities needs, as determined jointly by the 4084
staff of the commission and the district, and that the district 4085
may proceed with future segments under this section at a later 4086
time, as prescribed in division (D) of this section. The 4087
commission and the district board shall enter into a separate 4088
agreement under section 3318.08 of the Revised Code for each 4089
segment. 4090

(D) A school district that undertakes a segment of its entire 4091
classroom facilities needs, as determined jointly by the staff of 4092
the commission and the district, as a separate project may 4093
undertake a subsequent segment as another separate project at any 4094
time, as long as the current percentile of the district is 4095
eligible for assistance under section 3318.02 of the Revised Code. 4096

(E) The school district portion of the basic project cost of 4097
each segment undertaken as a separate project under this section 4098
shall be determined under section 3318.032 of the Revised Code 4099
using the district's current percentile. 4100

(F) The school district's maintenance levy requirement, as 4101
defined in section 3318.18 of the Revised Code, shall run for 4102
twenty-three years from the date the first segment is undertaken. 4103

Sec. 3318.04. (A) If the Ohio school facilities commission 4104
makes a determination under section 3318.03 of the Revised Code in 4105
favor of constructing, acquiring, reconstructing, or making 4106
additions to a classroom facility, the project shall be 4107

conditionally approved. Such conditional approval shall be 4108
submitted to the controlling board for approval thereof. The 4109
controlling board shall forthwith approve or reject the 4110
commission's determination, conditional approval, the amount of 4111
the state's portion of the basic project cost, and, the amount of 4112
the state's portion to be encumbered in the current fiscal year. 4113
In the event of approval thereof by the controlling board, the 4114
commission shall certify such conditional approval to the school 4115
district board and shall encumber from the total funds 4116
appropriated for the purpose of sections 3318.01 to 3318.20 of the 4117
Revised Code the amount approved under this section to be 4118
encumbered in the current fiscal year. 4119

The basic project cost for a project approved under this 4120
section shall not exceed the cost that would otherwise have to be 4121
incurred if the classroom facilities to be constructed, acquired, 4122
or reconstructed, or the additions to be made to classroom 4123
facilities, under such project meet, but do not exceed, the 4124
specifications for plans and materials for classroom facilities 4125
adopted by the commission. 4126

(B)(1) No school district shall have a project conditionally 4127
approved pursuant to this section if the school district has 4128
already received any assistance for a project funded under any 4129
version of sections 3318.01 to 3318.20 of the Revised Code, and 4130
the prior project was one for which the electors of such district 4131
approved a levy within the last twenty years pursuant to any 4132
version of section 3318.06 of the Revised Code for purposes of 4133
qualifying for the funding of that project, unless the district 4134
demonstrates to the satisfaction of the commission that the 4135
district has experienced since approval of its prior project an 4136
exceptional increase in enrollment significantly above the 4137
district's design capacity under that prior project as determined 4138
by rule of the commission. 4139

(2) Notwithstanding division (B)(1) of this section, any school district that received assistance under sections 3318.01 to 3318.20 of the Revised Code, as those sections existed prior to May 20, 1997, may receive additional assistance under those sections, as they exist on and after May 20, 1997, prior to the expiration of the period of time required under division (B)(1) of this section, if the percentile in which the school district is located, as determined under section 3318.011 of the Revised Code, is eligible for assistance as prescribed in section 3318.02 of the Revised Code.

The commission may provide assistance under sections 3318.01 to 3318.20 of the Revised Code pursuant to this division to no more than five school districts per fiscal year until all eligible school districts have received the additional assistance authorized under this division. The commission shall establish application procedures, deadlines, and priorities for funding projects under this division.

The commission at its discretion may waive current design specifications it has adopted for projects under sections 3318.01 to 3318.20 of the Revised Code when assessing an application for additional assistance under this division for the renovation of classroom facilities constructed or renovated under a school district's previous project. If the commission finds that a school district's existing classroom facilities are adequate to meet all of the school district's needs, the commission may determine that no additional state assistance be awarded to a school district under this division.

In order for a school district to be eligible to receive any additional assistance under this division, the school district electors shall extend the school district's existing levy dedicated for maintenance of classroom facilities under Chapter 3318. of the Revised Code, pursuant to section 3318.061 of the

Revised Code or shall provide equivalent alternative maintenance 4172
funds as specified in division (A)(2) of section 3318.06 of the 4173
Revised Code. 4174

(3) Notwithstanding division (B)(1) of this section, any 4175
school district that has received assistance under sections 4176
3318.01 to 3318.20 of the Revised Code after May 20, 1997, may 4177
receive additional assistance if the commission decides in favor 4178
of providing such assistance pursuant to section 3318.042 of the 4179
Revised Code. 4180

(4) Notwithstanding division (B)(1) of this section, any 4181
school district that has opted to divide its entire classroom 4182
facilities needs into segments to be completed separately, as 4183
authorized by section 3318.034 of the Revised Code, and that has 4184
received assistance under sections 3318.01 to 3318.20 of the 4185
Revised Code for one of those segments may receive assistance 4186
under those sections for a subsequent segment. Assistance for any 4187
subsequent segment shall not include any additional work on a 4188
building included in a prior segment unless the district 4189
demonstrates to the satisfaction of the commission that the 4190
district has experienced since the completion of the prior segment 4191
an exceptional increase in enrollment in the grade levels housed 4192
in that building. 4193

Sec. 3333.04. The chancellor of the Ohio board of regents 4194
shall: 4195

(A) Make studies of state policy in the field of higher 4196
education and formulate a master plan for higher education for the 4197
state, considering the needs of the people, the needs of the 4198
state, and the role of individual public and private institutions 4199
within the state in fulfilling these needs; 4200

(B)(1) Report annually to the governor and the general 4201
assembly on the findings from the chancellor's studies and the 4202

master plan for higher education for the state; 4203

(2) Report at least semiannually to the general assembly and 4204
the governor the enrollment numbers at each state-assisted 4205
institution of higher education. 4206

(C) Approve or disapprove the establishment of new branches 4207
or academic centers of state colleges and universities; 4208

(D) Approve or disapprove the establishment of state 4209
technical colleges or any other state institution of higher 4210
education; 4211

(E) Recommend the nature of the programs, undergraduate, 4212
graduate, professional, state-financed research, and public 4213
services which should be offered by the state colleges, 4214
universities, and other state-assisted institutions of higher 4215
education in order to utilize to the best advantage their 4216
facilities and personnel; 4217

(F) Recommend to the state colleges, universities, and other 4218
state-assisted institutions of higher education graduate or 4219
professional programs, including, but not limited to, doctor of 4220
philosophy, doctor of education, and juris doctor programs, that 4221
could be eliminated because they constitute unnecessary 4222
duplication, as shall be determined using the process developed 4223
pursuant to this division, or for other good and sufficient cause. 4224
Prior to recommending a program for elimination, the chancellor 4225
shall request the board of regents to hold at least one public 4226
hearing on the matter and advise the chancellor on whether the 4227
program should be recommended for elimination. The board shall 4228
provide notice of each hearing within a reasonable amount of time 4229
prior to its scheduled date. Following the hearing, the board 4230
shall issue a recommendation to the chancellor. The chancellor 4231
shall consider the board's recommendation but shall not be 4232
required to accept it. 4233

For purposes of determining the amounts of any state 4234
instructional subsidies paid to state colleges, universities, and 4235
other state-assisted institutions of higher education, the 4236
chancellor may exclude students enrolled in any program that the 4237
chancellor has recommended for elimination pursuant to this 4238
division except that the chancellor shall not exclude any such 4239
student who enrolled in the program prior to the date on which the 4240
chancellor initially commences to exclude students under this 4241
division. 4242

The chancellor and state colleges, universities, and other 4243
state-assisted institutions of higher education shall jointly 4244
develop a process for determining which existing graduate or 4245
professional programs constitute unnecessary duplication. 4246

(G) Recommend to the state colleges, universities, and other 4247
state-assisted institutions of higher education programs which 4248
should be added to their present programs; 4249

(H) Conduct studies for the state colleges, universities, and 4250
other state-assisted institutions of higher education to assist 4251
them in making the best and most efficient use of their existing 4252
facilities and personnel; 4253

(I) Make recommendations to the governor and general assembly 4254
concerning the development of state-financed capital plans for 4255
higher education; the establishment of new state colleges, 4256
universities, and other state-assisted institutions of higher 4257
education; and the establishment of new programs at the existing 4258
state colleges, universities, and other institutions of higher 4259
education; 4260

(J) Review the appropriation requests of the public community 4261
colleges and the state colleges and universities and submit to the 4262
office of budget and management and to the chairpersons of the 4263
finance committees of the house of representatives and of the 4264

senate the chancellor's recommendations in regard to the biennial 4265
higher education appropriation for the state, including 4266
appropriations for the individual state colleges and universities 4267
and public community colleges. For the purpose of determining the 4268
amounts of instructional subsidies to be paid to state-assisted 4269
colleges and universities, the chancellor shall define "full-time 4270
equivalent student" by program per academic year. The definition 4271
may take into account the establishment of minimum enrollment 4272
levels in technical education programs below which support 4273
allowances will not be paid. Except as otherwise provided in this 4274
section, the chancellor shall make no change in the definition of 4275
"full-time equivalent student" in effect on November 15, 1981, 4276
which would increase or decrease the number of subsidy-eligible 4277
full-time equivalent students, without first submitting a fiscal 4278
impact statement to the president of the senate, the speaker of 4279
the house of representatives, the legislative service commission, 4280
and the director of budget and management. The chancellor shall 4281
work in close cooperation with the director of budget and 4282
management in this respect and in all other matters concerning the 4283
expenditures of appropriated funds by state colleges, 4284
universities, and other institutions of higher education. 4285

(K) Seek the cooperation and advice of the officers and 4286
trustees of both public and private colleges, universities, and 4287
other institutions of higher education in the state in performing 4288
the chancellor's duties and making the chancellor's plans, 4289
studies, and recommendations; 4290

(L) Appoint advisory committees consisting of persons 4291
associated with public or private secondary schools, members of 4292
the state board of education, or personnel of the state department 4293
of education; 4294

(M) Appoint advisory committees consisting of college and 4295
university personnel, or other persons knowledgeable in the field 4296

of higher education, or both, in order to obtain their advice and 4297
assistance in defining and suggesting solutions for the problems 4298
and needs of higher education in this state; 4299

(N) Approve or disapprove all new degrees and new degree 4300
programs at all state colleges, universities, and other 4301
state-assisted institutions of higher education; 4302

(O) Adopt such rules as are necessary to carry out the 4303
chancellor's duties and responsibilities. The rules shall 4304
prescribe procedures for the chancellor to follow when taking 4305
actions associated with the chancellor's duties and 4306
responsibilities and shall indicate which types of actions are 4307
subject to those procedures. The procedures adopted under this 4308
division shall be in addition to any other procedures prescribed 4309
by law for such actions. However, if any other provision of the 4310
Revised Code or rule adopted by the chancellor prescribes 4311
different procedures for such an action, the procedures adopted 4312
under this division shall not apply to that action to the extent 4313
they conflict with the procedures otherwise prescribed by law. The 4314
procedures adopted under this division shall include at least the 4315
following: 4316

(1) Provision for public notice of the proposed action; 4317

(2) An opportunity for public comment on the proposed action, 4318
which may include a public hearing on the action by the board of 4319
regents; 4320

(3) Methods for parties that may be affected by the proposed 4321
action to submit comments during the public comment period; 4322

(4) Submission of recommendations from the board of regents 4323
regarding the proposed action, at the request of the chancellor; 4324

(5) Written publication of the final action taken by the 4325
chancellor and the chancellor's rationale for the action; 4326

(6) A timeline for the process described in divisions (O)(1)	4327
to (5) of this section.	4328
(P) Establish and submit to the governor and the general	4329
assembly a clear and measurable set of goals and timetables for	4330
their achievement for each program under the chancellor's	4331
supervision that is designed to accomplish any of the following:	4332
(1) Increased access to higher education;	4333
(2) Job training;	4334
(3) Adult literacy;	4335
(4) Research;	4336
(5) Excellence in higher education;	4337
(6) Reduction in the number of graduate programs within the	4338
same subject area.	4339
In July of each odd-numbered year, the chancellor shall	4340
submit to the governor and the general assembly a report on	4341
progress made toward these goals.	4342
(Q) Make recommendations to the governor and the general	4343
assembly regarding the design and funding of the student financial	4344
aid programs specified in sections 3333.12, 3333.122, 3333.21 to	4345
3333.27, and 5910.02 of the Revised Code;	4346
(R) Participate in education-related state or federal	4347
programs on behalf of the state and assume responsibility for the	4348
administration of such programs in accordance with applicable	4349
state or federal law;	4350
(S) Adopt rules for student financial aid programs as	4351
required by sections 3333.12, 3333.122, 3333.21 to 3333.27,	4352
3333.28, and 5910.02 of the Revised Code, and perform any other	4353
administrative functions assigned to the chancellor by those	4354
sections;	4355

~~(T)~~ Administer contracts under sections 3702.74 and 3702.75 4356
of the Revised Code in accordance with rules adopted by the 4357
director of health under section 3702.79 of the Revised Code; 4358

~~(U)~~ Conduct enrollment audits of state-supported institutions 4359
of higher education; 4360

~~(V)~~(U) Appoint consortiums of college and university 4361
personnel to participate in the development and operation of 4362
statewide collaborative efforts, including the Ohio supercomputer 4363
center, the Ohio academic resources network, OhioLink, and the 4364
Ohio learning network. For each consortium, the chancellor shall 4365
designate a college or university to serve as that consortium's 4366
fiscal agent, financial officer, and employer. Any funds 4367
appropriated for the consortiums shall be distributed to the 4368
fiscal agents for the operation of the consortiums. A consortium 4369
shall follow the rules of the college or university that serves as 4370
its fiscal agent. 4371

~~(W)~~(V) Adopt rules establishing advisory duties and 4372
responsibilities of the board of regents not otherwise prescribed 4373
by law; 4374

~~(X)~~(W) Respond to requests for information about higher 4375
education from members of the general assembly and direct staff to 4376
conduct research or analysis as needed for this purpose. 4377

Sec. 3333.044. (A) The chancellor of the Ohio board of 4378
regents may contract with any consultants that are necessary for 4379
the discharge of the chancellor's duties under this chapter. 4380

(B) The chancellor may purchase, upon the terms that the 4381
chancellor determines to be advisable, one or more policies of 4382
insurance from insurers authorized to do business in this state 4383
that insure consultants who have contracted with the chancellor 4384
under division (A) of this section or members of an advisory 4385

committee appointed under section 3333.04 of the Revised Code, 4386
with respect to the activities of the consultants or advisory 4387
committee members in the course of the performance of their 4388
responsibilities as consultants or advisory committee members. 4389

(C) Subject to the approval of the controlling board, the 4390
chancellor may contract with any entities for the discharge of the 4391
chancellor's duties and responsibilities under any of the programs 4392
established pursuant to sections 3333.12, 3333.122, 3333.21 to 4393
3333.28, ~~3702.71 to 3702.81~~, and 5120.55, and Chapter 5910. of the 4394
Revised Code. The chancellor shall not enter into a contract under 4395
this division unless the proposed contractor demonstrates that its 4396
primary purpose is to promote access to higher education by 4397
providing student financial assistance through loans, grants, or 4398
scholarships, and by providing high quality support services and 4399
information to students and their families with regard to such 4400
financial assistance. 4401

Chapter 125. of the Revised Code does not apply to contracts 4402
entered into pursuant to this section. In awarding contracts under 4403
this division, the chancellor shall consider factors such as the 4404
cost of the administration of the contract, the experience of the 4405
contractor, and the contractor's ability to properly execute the 4406
contract. 4407

Sec. 3333.122. (A) As used in this section: 4408

(1) "Eligible student" means a student who is: 4409

(a) An Ohio resident who first enrolls in an undergraduate 4410
program in the 2006-2007 academic year or thereafter; 4411

(b) If the student first enrolled in an undergraduate program 4412
in the 2006-2007 or 2007-2008 academic year, the student is 4413
enrolled in ~~either~~ one of the following: 4414

(i) An accredited institution of higher education in this 4415

state that meets the requirements of Title VI of the Civil Rights Act of 1964 and is state-assisted, is nonprofit and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code, has a certificate of registration from the state board of career colleges and schools and program authorization to award an associate or bachelor's degree, or is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code. Students who attend an institution that holds a certificate of registration shall be enrolled in a program leading to an associate or bachelor's degree for which associate or bachelor's degree program the institution has program authorization issued under section 3332.05 of the Revised Code.

(ii) A technical education program of at least two years duration sponsored by a private institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964;

(iii) A nursing diploma program approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised Code and that meets the requirements of Title VI of the Civil Rights Act of 1964.

(c) If the student first enrolled in an undergraduate program after the 2007-2008 academic year, the student is enrolled in ~~either~~ one of the following:

(i) An accredited institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and is state-assisted, is nonprofit and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code, or is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code;

(ii) An education program of at least two years duration 4447
sponsored by a private institution of higher education in this 4448
state that meets the requirements of Title VI of the Civil Rights 4449
Act of 1964 and has a certificate of authorization pursuant to 4450
Chapter 1713. of the Revised Code; 4451

(iii) A nursing diploma program approved by the board of 4452
nursing under division (A)(5) of section 4723.06 of the Revised 4453
Code and that meets the requirements of Title VI of the Civil 4454
Rights Act of 1964. 4455

(2) A student who participated in either the early college 4456
high school program administered by the department of education or 4457
in the post-secondary enrollment options program pursuant to 4458
Chapter 3365. of the Revised Code before the 2006-2007 academic 4459
year shall not be excluded from eligibility for a needs-based 4460
financial aid grant under this section. 4461

(3) "Resident," "expected family contribution" or "EFC," 4462
"full-time student," "three-quarters-time student," "half-time 4463
student," "one-quarter-time student," and "accredited" shall be 4464
defined by rules adopted by the chancellor of the Ohio board of 4465
regents. 4466

(B) The chancellor shall establish and administer a 4467
needs-based financial aid program based on the United States 4468
department of education's method of determining financial need and 4469
may adopt rules to carry out this section. The program shall be 4470
known as the Ohio college opportunity grant program. The general 4471
assembly shall support the needs-based financial aid program by 4472
such sums and in such manner as it may provide, but the chancellor 4473
may also receive funds from other sources to support the program. 4474
If the amounts available for support of the program are inadequate 4475
to provide grants to all eligible students, preference in the 4476
payment of grants shall be given in terms of expected family 4477
contribution, beginning with the lowest expected family 4478

contribution category and proceeding upward by category to the 4479
highest expected family contribution category. 4480

A needs-based financial aid grant shall be paid to an 4481
eligible student through the institution in which the student is 4482
enrolled, except that no needs-based financial aid grant shall be 4483
paid to any person serving a term of imprisonment. Applications 4484
for such grants shall be made as prescribed by the chancellor, and 4485
such applications may be made in conjunction with and upon the 4486
basis of information provided in conjunction with student 4487
assistance programs funded by agencies of the United States 4488
government or from financial resources of the institution of 4489
higher education. The institution shall certify that the student 4490
applicant meets the requirements set forth in divisions (A)(1)(a) 4491
and (b) of this section. Needs-based financial aid grants shall be 4492
provided to an eligible student only as long as the student is 4493
making appropriate progress toward a nursing diploma or an 4494
associate or bachelor's degree. No student shall be eligible to 4495
receive a grant for more than ten semesters, fifteen quarters, or 4496
the equivalent of five academic years. A grant made to an eligible 4497
student on the basis of less than full-time enrollment shall be 4498
based on the number of credit hours for which the student is 4499
enrolled and shall be computed in accordance with a formula 4500
adopted by the chancellor. No student shall receive more than one 4501
grant on the basis of less than full-time enrollment. 4502

A needs-based financial aid grant shall not exceed the total 4503
instructional and general charges of the institution. 4504

(C) The tables in this division prescribe the maximum grant 4505
amounts covering two semesters, three quarters, or a comparable 4506
portion of one academic year. Grant amounts for additional terms 4507
in the same academic year shall be determined under division (D) 4508
of this section. 4509

As used in the tables in division (C) of this section: 4510

(1) "Private institution" means an institution that is 4511
nonprofit and has a certificate of authorization pursuant to 4512
Chapter 1713. of the Revised Code. 4513

(2) "Career college" means either an institution that holds a 4514
certificate of registration from the state board of career 4515
colleges and schools or a private institution exempt from 4516
regulation under Chapter 3332. of the Revised Code as prescribed 4517
in section 3333.046 of the Revised Code. 4518

Full-time students shall be eligible to receive awards 4519
according to the following table: 4520

Full-Time Enrollment					4521
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:	4522
\$2,101	\$2,190	\$300	\$600	\$480	4523
2,001	2,100	402	798	642	4524
1,901	2,000	498	1,002	798	4525
1,801	1,900	600	1,200	960	4526
1,701	1,800	702	1,398	1,122	4527
1,601	1,700	798	1,602	1,278	4528
1,501	1,600	900	1,800	1,440	4529
1,401	1,500	1,002	1,998	1,602	4530
1,301	1,400	1,098	2,202	1,758	4531
1,201	1,300	1,200	2,400	1,920	4532
1,101	1,200	1,302	2,598	2,082	4533
1,001	1,100	1,398	2,802	2,238	4534
901	1,000	1,500	3,000	2,400	4535

801	900	1,602	3,198	2,562	4536
701	800	1,698	3,402	2,718	4537
601	700	1,800	3,600	2,280	4538
501	600	1,902	3,798	3,042	4539
401	500	1,998	4,002	3,198	4540
301	400	2,100	4,200	3,360	4541
201	300	2,202	4,398	3,522	4542
101	200	2,298	4,602	3,678	4543
1	100	2,400	4,800	3,840	4544
0	0	2,496	4,992	3,996	4545

Three-quarters-time students shall be eligible to receive 4546
awards according to the following table: 4547

Three-Quarters-Time Enrollment 4548

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:	4549
\$2,101	\$2,190	\$228	\$450	\$360	4550
2,001	2,100	300	600	480	4551
1,901	2,000	372	750	600	4552
1,801	1,900	450	900	720	4553
1,701	1,800	528	1,050	840	4554
1,601	1,700	600	1,200	960	4555
1,501	1,600	678	1,350	1,080	4556
1,401	1,500	750	1,500	1,200	4557
1,301	1,400	822	1,650	1,320	4558
1,201	1,300	900	1,800	1,440	4559
1,101	1,200	978	1,950	1,560	4560
1,001	1,100	1,050	2,100	1,680	4561

901	1,000	1,128	2,250	1,800	4562
801	900	1,200	2,400	1,920	4563
701	800	1,272	2,550	2,040	4564
601	700	1,350	2,700	2,160	4565
501	600	1,428	2,850	2,280	4566
401	500	1,500	3,000	2,400	4567
301	400	1,578	3,150	2,520	4568
201	300	1,650	3,300	2,640	4569
101	200	1,722	3,450	2,760	4570
1	100	1,800	3,600	2,880	4571
0	0	1,872	3,744	3,000	4572

Half-time students shall be eligible to receive awards 4573
according to the following table: 4574

Half-Time Enrollment 4575

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	4576
2,001	2,100	204	402	324	4577
1,901	2,000	252	504	402	4578
1,801	1,900	300	600	480	4579
1,701	1,800	354	702	564	4580
1,601	1,700	402	804	642	4581
1,501	1,600	450	900	720	4582
1,401	1,500	504	1,002	804	4583
1,301	1,400	552	1,104	882	4584
1,201	1,300	600	1,200	960	4585
1,101	1,200	654	1,302	1,044	4586

1,001	1,100	702	1,404	1,122	4588
901	1,000	750	1,500	1,200	4589
801	900	804	1,602	1,284	4590
701	800	852	1,704	1,362	4591
601	700	900	1,800	1,440	4592
501	600	954	1,902	1,524	4593
401	500	1,002	2,004	1,602	4594
301	400	1,050	2,100	1,680	4595
201	300	1,104	2,202	1,764	4596
101	200	1,152	2,304	1,842	4597
1	100	1,200	2,400	1,920	4598
0	0	1,248	2,496	1,998	4599

One-quarter-time students shall be eligible to receive awards 4600
according to the following table: 4601

One-Quarter-Time Enrollment 4602

If the EFC is equal to or greater than:	And if the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	
\$2,101	\$2,190	\$78	\$150	\$120	4603
2,001	2,100	102	198	162	4604
1,901	2,000	126	252	198	4605
1,801	1,900	150	300	240	4606
1,701	1,800	174	348	282	4607
1,601	1,700	198	402	318	4608
1,501	1,600	228	450	360	4609
1,401	1,500	252	498	402	4610
1,301	1,400	276	552	438	4611
1,201	1,300	300	600	480	4612
					4613

1,101	1,200	324	648	522	4614
1,001	1,100	348	702	558	4615
901	1,000	378	750	600	4616
801	900	402	798	642	4617
701	800	426	852	678	4618
601	700	450	900	720	4619
501	600	474	948	762	4620
401	500	498	1,002	798	4621
301	400	528	1,050	840	4622
201	300	552	1,098	882	4623
101	200	576	1,152	918	4624
1	100	600	1,200	960	4625
0	0	624	1,248	1,002	4626

(D) For a full-time student enrolled in an eligible institution for a semester or quarter in addition to the portion of the academic year covered by a grant determined under division (C) of this section, the maximum grant amount shall be a percentage of the maximum prescribed in the applicable table of that division. The maximum grant for a fourth quarter shall be one-third of the maximum amount prescribed under that division. The maximum grant for a third semester shall be one-half of the maximum amount prescribed under that division.

(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a religious profession unless such course of study leads to an accredited bachelor of arts, bachelor of science, associate of arts, or associate of science degree.

(F)(1) Except as provided in division (F)(2) of this section, no grant shall be made to any student for enrollment during a fiscal year in an institution with a cohort default rate determined by the United States secretary of education pursuant to the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408,

20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 4646
preceding the fiscal year, equal to or greater than thirty per 4647
cent for each of the preceding two fiscal years. 4648

(2) Division (F)(1) of this section does not apply to the 4649
following: 4650

(a) Any student enrolled in an institution that under the 4651
federal law appeals its loss of eligibility for federal financial 4652
aid and the United States secretary of education determines its 4653
cohort default rate after recalculation is lower than the rate 4654
specified in division (F)(1) of this section or the secretary 4655
determines due to mitigating circumstances the institution may 4656
continue to participate in federal financial aid programs. The 4657
chancellor shall adopt rules requiring institutions to provide 4658
information regarding an appeal to the chancellor. 4659

(b) Any student who has previously received a grant under 4660
this section who meets all other requirements of this section. 4661

(3) The chancellor shall adopt rules for the notification of 4662
all institutions whose students will be ineligible to participate 4663
in the grant program pursuant to division (F)(1) of this section. 4664

(4) A student's attendance at an institution whose students 4665
lose eligibility for grants under division (F)(1) of this section 4666
shall not affect that student's eligibility to receive a grant 4667
when enrolled in another institution. 4668

(G) Institutions of higher education that enroll students 4669
receiving needs-based financial aid grants under this section 4670
shall report to the chancellor all students who have received 4671
needs-based financial aid grants but are no longer eligible for 4672
all or part of such grants and shall refund any moneys due the 4673
state within thirty days after the beginning of the quarter or 4674
term immediately following the quarter or term in which the 4675
student was no longer eligible to receive all or part of the 4676

student's grant. There shall be an interest charge of one per cent 4677
per month on all moneys due and payable after such thirty-day 4678
period. The chancellor shall immediately notify the office of 4679
budget and management and the legislative service commission of 4680
all refunds so received. 4681

Sec. 3353.02. (A) There is hereby created the eTech Ohio 4682
commission as an independent agency to advance education and 4683
accelerate the learning of the citizens of this state through 4684
technology. The commission shall provide leadership and support in 4685
extending the knowledge of the citizens of this state by promoting 4686
access to and use of all forms of educational technology, 4687
including educational television and radio, radio reading 4688
services, broadband networks, videotapes, compact discs, digital 4689
video on demand (DVD), and the internet. The commission also shall 4690
administer programs to provide financial and other assistance to 4691
school districts and other educational institutions for the 4692
acquisition and utilization of educational technology. 4693

The commission is a body corporate and politic, an agency of 4694
the state performing essential governmental functions of the 4695
state. 4696

(B) The commission shall consist of thirteen members, nine of 4697
whom shall be voting members. Six of the voting members shall be 4698
representatives of the public. Of the representatives of the 4699
public, four shall be appointed by the governor with the advice 4700
and consent of the senate, one shall be appointed by the speaker 4701
of the house of representatives, and one shall be appointed by the 4702
president of the senate. The superintendent of public instruction 4703
or a designee of the superintendent, the chancellor of the Ohio 4704
board of regents or a designee of the chancellor, and the ~~director~~ 4705
~~of the office of information technology~~ state chief information 4706
officer or a designee of the ~~director~~ officer shall be ex officio 4707

voting members. Of the nonvoting members, two shall be members of 4708
the house of representatives appointed by the speaker of the house 4709
of representatives and two shall be members of the senate 4710
appointed by the president of the senate. The members appointed 4711
from each chamber shall not be members of the same political 4712
party. 4713

(C) Initial terms of office for members appointed by the 4714
governor shall be one year for one member, two years for one 4715
member, three years for one member, and four years for one member. 4716
At the first meeting of the commission, members appointed by the 4717
governor shall draw lots to determine the length of the term each 4718
member will serve. Thereafter, terms of office for members 4719
appointed by the governor shall be for four years. Terms of office 4720
for voting members appointed by the speaker of the house of 4721
representatives and the president of the senate shall be for four 4722
years. Any member who is a representative of the public may be 4723
reappointed by the member's respective appointing authority, but 4724
no such member may serve more than two consecutive four-year 4725
terms. Such a member may be removed by the member's respective 4726
appointing authority for cause. 4727

Any legislative member appointed by the speaker of the house 4728
of representatives or the president of the senate who ceases to be 4729
a member of the legislative chamber from which the member was 4730
appointed shall cease to be a member of the commission. The 4731
speaker of the house of representatives and the president of the 4732
senate may remove their respective appointments to the commission 4733
at any time. 4734

(D) Vacancies among appointed members shall be filled in the 4735
manner provided for original appointments. Any member appointed to 4736
fill a vacancy occurring prior to the expiration of the term for 4737
which the member's predecessor was appointed shall hold office for 4738
the remainder of that term. Any appointed member shall continue in 4739

office subsequent to the expiration of that member's term until 4740
the member's successor takes office or until a period of sixty 4741
days has elapsed, whichever occurs first. 4742

(E) Members of the commission shall serve without 4743
compensation. The members who are representatives of the public 4744
shall be reimbursed, pursuant to office of budget and management 4745
guidelines, for actual and necessary expenses incurred in the 4746
performance of official duties. 4747

(F) The governor shall appoint the chairperson of the 4748
commission from among the commission's voting members. The 4749
chairperson shall serve a term of two years and may be 4750
reappointed. The commission shall elect other officers as 4751
necessary from among its voting members and shall prescribe its 4752
rules of procedure. 4753

(G) The commission shall establish advisory groups as needed 4754
to address topics of interest and to provide guidance to the 4755
commission regarding educational technology issues and the 4756
technology needs of educators, learners, and the public. Members 4757
of each advisory group shall be appointed by the commission and 4758
shall include representatives of individuals or organizations with 4759
an interest in the topic addressed by the advisory group. 4760

Sec. 3354.16. (A) When the board of trustees of a community 4761
college district has by resolution determined to let by contract 4762
the work of improvements pursuant to the official plan of such 4763
district, contracts in amounts exceeding a dollar amount set by 4764
the board, which dollar amount shall not exceed fifty thousand 4765
dollars, shall be advertised after notices calling for bids have 4766
been published once a week for three consecutive weeks, in at 4767
least one newspaper of general circulation within the community 4768
college district wherein the work is to be done. Subject to 4769
section 3354.10 of the Revised Code, the board of trustees of the 4770

district may let such contract to the lowest responsive and 4771
responsible bidder, in accordance with section 9.312 of the 4772
Revised Code, who meets the requirements of section 153.54 of the 4773
Revised Code. Such contract shall be in writing and shall be 4774
accompanied by or shall refer to plans and specifications for the 4775
work to be done. Such contract shall be approved by the board of 4776
trustees and signed by the president of the board and by the 4777
contractor. 4778

(B) On the first day of January of every even-numbered year, 4779
the chancellor of the board of regents shall adjust the fifty 4780
thousand dollar contract limit set forth in division (A) of this 4781
section, as adjusted in any previous year pursuant to this 4782
division. The chancellor shall adjust the limit according to the 4783
average increase or decrease for each of the two years immediately 4784
preceding the adjustment as set forth in the United States 4785
department of commerce, bureau of ~~the census~~ economic analysis 4786
implicit price deflator for construction gross domestic product, 4787
nonresidential structures, or an alternative if the federal 4788
government ceases to publish this metric, provided that no 4789
increase or decrease for any year shall exceed three per cent of 4790
the contract limit in existence at the time of the adjustment. 4791
Notwithstanding division (A) of this section, the limit adjusted 4792
under this division shall be used thereafter in lieu of the limit 4793
in division (A) of this section. 4794

(C) Before entering into an improvement pursuant to division 4795
(A) of this section, the board of trustees of a community college 4796
district shall require separate and distinct proposals to be made 4797
for furnishing materials or doing work on the improvement, or 4798
both, in the board's discretion, for each separate and distinct 4799
branch or class of work entering into the improvement. The board 4800
of trustees also may require a single, combined proposal for the 4801
entire project for materials or doing work, or both, in the 4802

board's discretion, that includes each separate and distinct 4803
branch or class of work entering into the improvement. The board 4804
of trustees need not solicit separate proposals for a branch or 4805
class of work for an improvement if the estimate cost for that 4806
branch or class of work is less than five thousand dollars. 4807

(D) When more than one branch or class of work is required, 4808
no contract for the entire job, or for a greater portion thereof 4809
than is embraced in one such branch or class of work shall be 4810
awarded, unless the separate bids do not cover all the work and 4811
materials required or the bids for the whole or for two or more 4812
kinds of work or materials are lower than the separate bids in the 4813
aggregate. The board of trustees need not award separate contracts 4814
for a branch or class of work entering into an improvement if the 4815
estimated cost for that branch or class of work is less than five 4816
thousand dollars. 4817

Sec. 3355.12. (A) When the managing authority of the 4818
university branch district has determined to let by contract the 4819
work of improvements, contracts in amounts exceeding a dollar 4820
amount set by the managing authority, which dollar amount shall 4821
not exceed fifty thousand dollars, shall be advertised after 4822
notices calling for bids have been published once a week for three 4823
consecutive weeks, in at least one newspaper of general 4824
circulation within the university branch district wherein the work 4825
is to be done. Such managing authority may let such contract to 4826
the lowest responsive and responsible bidder, in accordance with 4827
section 9.312 of the Revised Code, who meets the requirements of 4828
section 153.54 of the Revised Code. Such contract shall be in 4829
writing and shall be accompanied by or shall refer to plans and 4830
specifications for the work to be done. Such contract shall be 4831
approved by the managing authority of the university branch 4832
district and signed by the chairperson or vice-chairperson of the 4833
managing authority and by the contractor. 4834

(B) On the first day of January of every even-numbered year, 4835
the chancellor of the board of regents shall adjust the fifty 4836
thousand dollar contract limit set forth in division (A) of this 4837
section, as adjusted in any previous year pursuant to this 4838
division. The chancellor shall adjust the limit according to the 4839
average increase or decrease for each of the two years immediately 4840
preceding the adjustment as set forth in the United States 4841
department of commerce, bureau of ~~the census~~ economic analysis 4842
implicit price deflator for construction gross domestic product, 4843
nonresidential structures, or an alternative if the federal 4844
government ceases to publish this metric, provided that no 4845
increase or decrease for any year shall exceed three per cent of 4846
the contract limit in existence at the time of the adjustment. 4847
Notwithstanding division (A) of this section, the limit adjusted 4848
under this division shall be used thereafter in lieu of the limit 4849
in division (A) of this section. 4850

(C) Before entering into an improvement pursuant to division 4851
(A) of this section, the managing authority of the university 4852
branch district shall require separate and distinct proposals to 4853
be made for furnishing materials or doing work on the improvement, 4854
or both, in the board's discretion, for each separate and distinct 4855
branch or class of work entering into the improvement. The 4856
managing authority also may require a single, combined proposal 4857
for the entire project for materials or doing work, or both, in 4858
the board's discretion, that includes each separate and distinct 4859
branch or class of work entering into the improvement. The 4860
managing authority need not solicit separate proposals for a 4861
branch or class of work for an improvement if the estimate cost 4862
for that branch or class of work is less than five thousand 4863
dollars. 4864

(D) When more than one branch or class of work is required, 4865
no contract for the entire job, or for a greater portion thereof 4866

than is embraced in one such branch or class of work shall be 4867
awarded, unless the separate bids do not cover all the work and 4868
materials required or the bids for the whole or for two or more 4869
kinds of work or materials are lower than the separate bids in the 4870
aggregate. The managing authority need not award separate 4871
contracts for a branch or class of work entering into an 4872
improvement if the estimated cost for that branch or class of work 4873
is less than five thousand dollars. 4874

Sec. 3357.16. (A) When the board of trustees of a technical 4875
college district has by resolution determined to let by contract 4876
the work of improvements pursuant to the official plan of such 4877
district, contracts in amounts exceeding a dollar amount set by 4878
the board, which dollar amount shall not exceed fifty thousand 4879
dollars, shall be advertised after notice calling for bids has 4880
been published once a week for three consecutive weeks, in at 4881
least one newspaper of general circulation within the technical 4882
college district where the work is to be done. The board of 4883
trustees of the technical college district may let such contract 4884
to the lowest responsive and responsible bidder, in accordance 4885
with section 9.312 of the Revised Code, who meets the requirements 4886
of section 153.54 of the Revised Code. Such contract shall be in 4887
writing and shall be accompanied by or shall refer to plans and 4888
specifications for the work to be done. Such contract shall be 4889
approved by the board of trustees and signed by the president of 4890
the board and by the contractor. 4891

(B) On the first day of January of every even-numbered year, 4892
the chancellor of the board of regents shall adjust the fifty 4893
thousand dollar contract limit set forth in division (A) of this 4894
section, as adjusted in any previous year pursuant to this 4895
division. The chancellor shall adjust the limit according to the 4896
average increase or decrease for each of the two years immediately 4897
preceding the adjustment as set forth in the United States 4898

department of commerce, bureau of ~~the census~~ economic analysis 4899
implicit price deflator for ~~construction~~ gross domestic product, 4900
nonresidential structures, or an alternative if the federal 4901
government ceases to publish this metric, provided that no 4902
increase or decrease for any year shall exceed three per cent of 4903
the contract limit in existence at the time of the adjustment. 4904
Notwithstanding division (A) of this section, the limit adjusted 4905
under this division shall be used thereafter in lieu of the limit 4906
in division (A) of this section. 4907

(C) Before entering into an improvement pursuant to division 4908
(A) of this section, the board of trustees of a technical college 4909
district shall require separate and distinct proposals to be made 4910
for furnishing materials or doing work on the improvement, or 4911
both, in the board's discretion, for each separate and distinct 4912
branch or class of work entering into the improvement. The board 4913
of trustees also may require a single, combined proposal for the 4914
entire project for materials or doing work, or both, in the 4915
board's discretion, that includes each separate and distinct 4916
branch or class of work entering into the improvement. The board 4917
of trustees need not solicit separate proposals for a branch or 4918
class of work for an improvement if the estimate cost for that 4919
branch or class of work is less than five thousand dollars. 4920

(D) When more than one branch or class of work is required, 4921
no contract for the entire job, or for a greater portion thereof 4922
than is embraced in one such branch or class of work shall be 4923
awarded, unless the separate bids do not cover all the work and 4924
materials required or the bids for the whole or for two or more 4925
kinds of work or materials are lower than the separate bids in the 4926
aggregate. The board of trustees need not award separate contracts 4927
for a branch or class of work entering into an improvement if the 4928
estimated cost for that branch or class of work is less than five 4929
thousand dollars. 4930

Sec. 3365.15. The program known as "seniors to sophomores," 4931
or any successor name, shall permit nonpublic school students to 4932
participate. 4933

Sec. 3702.71. As used in sections 3702.71 to 3702.81 of the 4934
Revised Code: 4935

(A) "Primary care physician" means an individual who is 4936
authorized under Chapter 4731. of the Revised Code to practice 4937
medicine and surgery or osteopathic medicine and surgery and is 4938
board certified or board eligible in a primary care specialty. 4939

(B) "Primary care service" means professional comprehensive 4940
personal health services, which may include health education and 4941
disease prevention, treatment of uncomplicated health problems, 4942
diagnosis of chronic health problems, overall management of health 4943
care services for an individual or a family, and the services of a 4944
psychiatrist. "Primary care service" also includes providing the 4945
initial contact for health care services and making referrals for 4946
secondary and tertiary care and for continuity of health care 4947
services. 4948

(C) "Primary care specialty" means general internal medicine, 4949
pediatrics, adolescent medicine, obstetrics and gynecology, 4950
psychiatry, child and adolescent psychiatry, geriatric psychiatry, 4951
combined internal medicine and pediatrics, geriatrics, or family 4952
practice. 4953

Sec. 3702.72. (A) A primary care physician who will not have 4954
an outstanding obligation for medical service to the federal 4955
government, a state, or other entity at the time of participation 4956
in the physician loan repayment program and meets one of the 4957
following requirements may apply for participation in the 4958
physician loan repayment program: 4959

(1) The primary care physician is enrolled in the final year of an accredited program required for board certification in a primary care specialty.

(2) The primary care physician is enrolled in the final year of a fellowship program in a primary care specialty.

(3) The primary care physician holds a valid certificate to practice medicine and surgery or osteopathic medicine and surgery issued under Chapter 4731. of the Revised Code.

(B) An application for participation in the physician loan repayment program shall be submitted to the director of health on a form that the director shall prescribe. The information required to be submitted with an application includes the following:

(1) The applicant's name, permanent address or address at which the applicant is currently residing if different from the permanent address, and telephone number;

(2) The applicant's primary care specialty or specialties;

(3) The medical school or osteopathic medical school the applicant attended, the dates of attendance, and verification of attendance;

(4) The facility or institution where the applicant's medical residency program was completed or is being performed, and, if completed, the date of completion;

(5) If applicable, the facility or institution where the applicant's fellowship was completed or is being performed, and, if completed, the date of completion;

(6) A summary and verification of the educational expenses for which the applicant seeks reimbursement under the program;

~~(6)~~(7) Verification of the applicant's authorization under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

~~(7)~~(8) Verification of the applicant's United States citizenship or status as a legal alien. 4990
4991

Sec. 3702.73. If funds are available in the physician loan repayment fund created under section 3702.78 of the Revised Code and the general assembly has appropriated funds for the physician loan repayment program, the director of health shall approve an applicant for participation in the program if the director finds that, in accordance with the priorities established under section 3702.77 of the Revised Code, the applicant is eligible for participation in the program and the applicant's primary care specialty is needed in a health resource shortage area. 4992
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Upon approval, the director shall notify and enter into discussions with the applicant. The object of the discussions is to facilitate the recruitment of the applicant to a site within a health resource shortage area at which, according to the priorities established under section 3702.77 of the Revised Code, the applicant's primary care specialty is most needed. 5001
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If the director and applicant agree on the applicant's placement at a particular site within a health resource shortage area, the applicant shall prepare, sign, and deliver to the director a letter of intent agreeing to that placement. 5007
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5010

Sec. 3702.74. (A) A primary care physician who has signed a letter of intent under section 3702.73 of the Revised Code, and the director of health, ~~and the Ohio board of regents~~ may enter into a contract for the physician's participation in the physician loan repayment program. ~~A lending institution~~ The physician's employer or other funding source may also be a party to the contract. 5011
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(B) The contract shall include all of the following obligations: 5018
5019

(1) The primary care physician agrees to provide primary care services in the health resource shortage area identified in the letter of intent for at least two years ~~or one year per twenty thousand dollars of repayment agreed to under division (B)(3) of this section, whichever is greater;~~

(2) When providing primary care services in the health resource shortage area, the primary care physician agrees to do all of the following:

(a) Provide primary care services for a minimum of forty hours per week, of which at least twenty-one hours will be spent providing patient care in an outpatient or ambulatory setting;

(b) Provide primary care services without regard to a patient's ability to pay;

(c) Meet the conditions prescribed by the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and the department of job and family services for participation in the ~~medical assistance~~ medicaid program established under Chapter 5111. of the Revised Code and enter into a contract with the department to provide primary care services to recipients of the medical assistance program;

(d) Meet the conditions established by the department of job and family services for participation in the disability medical assistance program established under Chapter 5115. of the Revised Code and enter into a contract with the department to provide primary care services to recipients of disability medical assistance.

(3) The Ohio ~~board of regents~~ department of health agrees, as provided in section 3702.75 of the Revised Code, to repay, so long as the primary care physician performs the service obligation agreed to under division (B)(1) of this section, all or part of the principal and interest of a government or other educational

loan taken by the primary care physician for expenses described in 5051
section 3702.75 of the Revised Code; 5052

(4) The primary care physician agrees to pay the ~~board~~ the 5053
~~following as damages~~ department of health an amount established by 5054
rules adopted under section 3702.79 of the Revised Code if the 5055
physician fails to complete the service obligation agreed to under 5056
division (B)(1) of this section. 5057

~~(a) If the failure occurs during the first two years of the 5058
service obligation, three times the total amount the board has 5059
agreed to repay under division (B)(3) of this section. 5060~~

~~(b) If the failure occurs after the first two years of the 5061
service obligation, three times the amount the board is still 5062
obligated to repay under division (B)(3) of this section. 5063~~

(C) The contract may include any other terms agreed upon by 5064
the parties, ~~including an assignment to the Ohio board of regents 5065
of the physician's duty to pay the principal and interest of a 5066
government or other educational loan taken by the physician for 5067
expenses described in section 3702.75 of the Revised Code. If the 5068
board assumes the physician's duty to pay a loan, the contract 5069
shall set forth the total amount of principal and interest to be 5070
paid, an amortization schedule, and the amount of each payment to 5071
be made under the schedule. 5072~~

Sec. 3702.75. There is hereby created the physician loan 5073
repayment program. Under the program, the Ohio ~~board of regents~~ 5074
department of health, by means of a contract provision under 5075
division (B)(3) of section 3702.74 of the Revised Code, may agree 5076
to repay all or part of the principal and interest of a government 5077
or other educational loan taken by a primary care physician for 5078
the following expenses, so long as the expenses were incurred 5079
while the physician was enrolled in, for up to a maximum of four 5080
years, a medical school or osteopathic medical school in the 5081

United States that was, during the time enrolled, accredited by 5082
the liaison committee on medical education or the American 5083
osteopathic association, or a medical school or osteopathic 5084
medical school located outside the United States that was, during 5085
the time enrolled, acknowledged by the world health organization 5086
and verified by a member state of that organization as operating 5087
within the state's jurisdiction: 5088

(A) Tuition; 5089

(B) Other educational expenses, such as fees, books, and 5090
laboratory expenses, for specific purposes and in amounts 5091
determined to be reasonable by the director of health; 5092

(C) Room and board, in an amount determined reasonable by the 5093
director of health. 5094

~~No~~ In the first and second years, no repayment shall exceed 5095
~~twenty~~ twenty-five thousand dollars in ~~any~~ each year. In the third 5096
and fourth years, no repayment shall exceed thirty-five thousand 5097
dollars in each year. If, however, a repayment results in an 5098
increase in the primary care physician's federal, state, or local 5099
income tax liability, ~~the Ohio board of regents,~~ at the 5100
physician's request ~~and with the approval of the director of~~ 5101
~~health,~~ the department may reimburse the physician for the 5102
increased tax liability, regardless of the amount of the repayment 5103
made to the physician in that year. 5104

Not later than the thirty-first day of January each year, the 5105
~~Ohio board of regents~~ department shall mail to each physician to 5106
whom or on whose behalf repayment is made under this section a 5107
statement showing the amount ~~of principal and interest~~ repaid by 5108
the ~~board~~ department pursuant to the contract in the preceding 5109
year. The statement shall be sent by ordinary mail with address 5110
correction and forwarding requested in the manner prescribed by 5111
the United States postal service. 5112

Sec. 3702.78. The director of health may accept gifts of 5113
money from any source for the implementation and administration of 5114
sections 3702.72 to 3702.77 of the Revised Code. ~~The Ohio board of~~ 5115
~~regents may accept gifts of money from any source for~~ 5116
~~implementation and administration of the physician loan repayment~~ 5117
~~program under sections 3702.74 and 3702.75 of the Revised Code.~~ 5118

The director shall pay all gifts accepted under this section 5119
into the state treasury, to the credit of the health resource 5120
shortage area fund, which is hereby created. ~~The board shall pay,~~ 5121
~~and all gifts accepted under this section, and~~ damages collected 5122
under division (B)(4) of section 3702.74 of the Revised Code, into 5123
the state treasury, to the credit of the physician loan repayment 5124
fund, which is hereby created. 5125

The director shall use the health resource shortage area ~~fund~~ 5126
~~and the physician loan repayment funds~~ for the implementation and 5127
administration of sections 3702.72 to 3702.77 of the Revised Code. 5128
~~The board shall use the physician loan repayment fund for the~~ 5129
~~implementation and administration of the physician loan repayment~~ 5130
~~program under sections 3702.74 and 3702.75 of the Revised Code.~~ 5131

Sec. 3702.79. The director of health, in accordance with 5132
Chapter 119. of the Revised Code, shall adopt rules as necessary 5133
to implement and administer sections 3702.71 to 3702.78 of the 5134
Revised Code. In preparing rules, the director shall consult with 5135
~~the Ohio board of regents and~~ the physician loan repayment 5136
advisory board. 5137

Sec. 3702.81. There is hereby created the physician loan 5138
repayment advisory board. The board shall consist of ~~eleven~~ ten 5139
members as follows: 5140

(A) The following ~~six~~ five members appointed by the governor: 5141
a representative of ~~the department of health, a representative of~~ 5142

the Ohio academy of family practice, a representative of the board 5143
of regents, a representative of the Ohio association of community 5144
health centers, a representative of the Ohio state medical 5145
association, and a representative of the Ohio osteopathic 5146
association; 5147

(B) Two members of the house of representatives, one from 5148
each political party, appointed by the speaker of the house of 5149
representatives; 5150

(C) Two members of the senate, one from each political party, 5151
appointed by the president of the senate. 5152

(D) The director of health or an employee of the department 5153
of health designated by the director. 5154

Of the initial appointments made by the governor, three shall 5155
be for terms ending June 30, 1994, and four shall be for terms 5156
ending June 30, 1995. Of the initial appointments made by the 5157
speaker of the house of representatives, one shall be for a term 5158
ending June 30, 1994, and one shall be for a term ending June 30, 5159
1995. Of the initial appointments made by the president of the 5160
senate, one shall be for a term ending June 30, 1994, and one 5161
shall be for a term ending June 30, 1995. Thereafter, terms of 5162
office shall be two years, commencing on the first day of July and 5163
ending on the thirtieth day of June. Each member shall hold office 5164
from the date of appointment until the end of the term for which 5165
the member was appointed, except that a legislative member ceases 5166
to be a member of the board upon ceasing to be a member of the 5167
general assembly. 5168

Vacancies shall be filled in the manner prescribed for the 5169
original appointment. A member appointed to fill a vacancy 5170
occurring prior to the expiration of the term for which the 5171
member's predecessor was appointed shall hold office for the 5172
remainder of that term. A member shall continue in office 5173

subsequent to the expiration of the member's term until a 5174
successor takes office or until sixty days have elapsed, whichever 5175
occurs first. No person shall be appointed to the board for more 5176
than two consecutive terms. 5177

The governor, speaker, ~~or president, or director~~ may remove a 5178
member for whom the governor, speaker, ~~or president, or director~~ 5179
was the appointing authority, for misfeasance, malfeasance, or 5180
willful neglect of duty. 5181

The ~~governor~~ board shall designate a member ~~of the board~~ to 5182
serve as chairperson of the board. 5183

The board shall meet at least once annually. The chairperson 5184
shall call special meetings as needed or upon the request of six 5185
members. 5186

Six members of the board constitute a quorum to transact and 5187
vote on all business coming before the board. 5188

Members of the board shall serve without compensation. 5189

The department of health shall provide the board with staff 5190
assistance as requested by the board. 5191

Sec. 3702.85. There is hereby created the dentist loan 5192
repayment program, which shall be administered by the department 5193
of health in cooperation with ~~the board of regents and~~ the dentist 5194
loan repayment advisory board. The program shall provide loan 5195
repayment on behalf of individuals who agree to provide dental 5196
services in areas designated as dental health resource shortage 5197
areas by the director of health pursuant to section 3702.87 of the 5198
Revised Code. 5199

Under the program, the ~~Ohio board~~ department of ~~regents~~ 5200
health, by means of a contract entered into under section 3702.91 5201
of the Revised Code, may agree to repay all or part of the 5202
principal and interest of a government or other educational loan 5203

taken by an individual for the following expenses incurred while 5204
the individual was enrolled in an accredited dental college or a 5205
dental college located outside of the United States that meets the 5206
standards of section 4715.11 of the Revised Code: 5207

(A) Tuition; 5208

(B) Other educational expenses, such as fees, books, and 5209
laboratory expenses that are for purposes and in amounts 5210
determined reasonable by the director of health; 5211

(C) Room and board, in an amount determined reasonable by the 5212
director of health. 5213

Sec. 3702.86. The director of health, in accordance with 5214
Chapter 119. of the Revised Code, shall adopt rules as necessary 5215
to implement and administer sections 3702.85 to 3702.95 of the 5216
Revised Code. In preparing rules, the director shall consult with 5217
~~the Ohio board of regents and~~ the dentist loan repayment advisory 5218
board. 5219

Sec. 3702.91. (A) An individual who has signed a letter of 5220
intent under section 3702.90 of the Revised Code may enter into a 5221
contract with the director of health ~~and the Ohio board of regents~~ 5222
for participation in the dentist loan repayment program. A lending 5223
institution may also be a party to the contract. 5224

(B) The contract shall include all of the following 5225
obligations: 5226

(1) The individual agrees to provide dental services in the 5227
dental health resource shortage area identified in the letter of 5228
intent for at least one year. 5229

(2) When providing dental services in the dental health 5230
resource shortage area, the individual agrees to do all of the 5231
following: 5232

(a) Provide dental services for a minimum of forty hours per week;	5233 5234
(b) Provide dental services without regard to a patient's ability to pay;	5235 5236
(c) Meet the conditions prescribed by the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and the department of job and family services for participation in the medicaid program established under Chapter 5111. of the Revised Code and enter into a contract with the department to provide dental services to medicaid recipients.	5237 5238 5239 5240 5241 5242
(3) The Ohio board of regents <u>department of health</u> agrees, as provided in section 3702.85 of the Revised Code, to repay, so long as the individual performs the service obligation agreed to under division (B)(1) of this section, all or part of the principal and interest of a government or other educational loan taken by the individual for expenses described in section 3702.85 of the Revised Code up to but not exceeding twenty thousand dollars per year of service.	5243 5244 5245 5246 5247 5248 5249 5250
(4) The individual agrees to pay the board <u>department of health</u> the following as damages if the individual fails to complete the service obligation agreed to under division (B)(1) of this section:	5251 5252 5253 5254
(a) If the failure occurs during the first two years of the service obligation, three times the total amount the board <u>department</u> has agreed to repay under division (B)(3) of this section;	5255 5256 5257 5258
(b) If the failure occurs after the first two years of the service obligation, three times the amount the board <u>department</u> is still obligated to repay under division (B)(3) of this section.	5259 5260 5261
(C) The contract may include any other terms agreed upon by the parties, including an assignment to the Ohio board of regents	5262 5263

department of health of the individual's duty to pay the principal 5264
and interest of a government or other educational loan taken by 5265
the individual for expenses described in section 3702.85 of the 5266
Revised Code. If the ~~board~~ department assumes the individual's 5267
duty to pay a loan, the contract shall set forth the total amount 5268
of principal and interest to be paid, an amortization schedule, 5269
and the amount of each payment to be made under the schedule. 5270

(D) Not later than the thirty-first day of January of each 5271
year, the ~~Ohio board of regents~~ department of health shall mail to 5272
each individual to whom or on whose behalf repayment is made under 5273
the dentist loan repayment program a statement showing the amount 5274
of principal and interest repaid by the ~~board~~ department pursuant 5275
to the contract in the preceding year. The statement shall be sent 5276
by ordinary mail with address correction and forwarding requested 5277
in the manner prescribed by the United States postal service. 5278

Sec. 3702.93. The dentist loan repayment advisory board shall 5279
determine the amounts that will be paid as loan repayments on 5280
behalf of participants in the dentist loan repayment program. No 5281
repayment shall exceed twenty thousand dollars in any year, except 5282
that if a repayment results in an increase in the participant's 5283
federal, state, or local income tax liability, the ~~Ohio board of~~ 5284
~~regents~~ department of health, at the participant's request and 5285
with the approval of the director of health, may reimburse the 5286
participant for the increased tax liability, regardless of the 5287
amount of the repayment in that year. Total repayment on behalf of 5288
a participant shall not exceed eighty thousand dollars over the 5289
time of participation in the program. 5290

Sec. 3702.95. The director of health may accept gifts of 5291
money from any source for the implementation and administration of 5292
sections 3702.85 to 3702.93 of the Revised Code. ~~The Ohio board of~~ 5293
~~regents may accept gifts of money from any source for~~ 5294

~~implementation and administration of the dentist loan repayment
program under sections 3702.85 and 3702.91 of the Revised Code.~~ 5295
5296

The director shall pay all gifts accepted under this section 5297
into the state treasury, to the credit of the dental health 5298
resource shortage area fund, which is hereby created. ~~The board~~ 5299
~~shall pay, and all gifts accepted under this section, and damages~~ 5300
collected under division (B)(4) of section 3702.91 of the Revised 5301
Code, into the state treasury, to the credit of the dentist loan 5302
repayment fund, which is hereby created. 5303

The director shall use the dental health resource shortage 5304
area ~~fund~~ and dentist loan repayment funds for the implementation 5305
and administration of sections 3702.85 and ~~3702.87 to 3702.93 to~~ 5306
3702.95 of the Revised Code. ~~The board shall use the dentist loan~~ 5307
~~repayment fund for the implementation and administration of the~~ 5308
~~dentist loan repayment program under sections 3702.85 and 3702.91~~ 5309
~~of the Revised Code.~~ 5310

Sec. 3703.01. (A) Except as otherwise provided in this 5311
section, the division of industrial compliance in the department 5312
of commerce shall do all of the following: 5313

(1) Inspect all nonresidential buildings within the meaning 5314
of section 3781.06 of the Revised Code; 5315

(2) Condemn all unsanitary or defective plumbing that is 5316
found in connection with those places; 5317

(3) Order changes in plumbing necessary to insure the safety 5318
of the public health. 5319

(B)(1)(a) The division of industrial compliance, boards of 5320
health of city and general health districts, and county building 5321
departments shall not inspect plumbing or collect fees for 5322
inspecting plumbing in particular types of buildings in any 5323
municipal corporation that is certified by the board of building 5324

standards under section 3781.10 of the Revised Code to exercise 5325
enforcement authority for plumbing in those types of buildings. 5326

(b) The division shall not inspect plumbing or collect fees 5327
for inspecting plumbing in particular types of buildings in any 5328
health district that employs one or more plumbing inspectors 5329
certified pursuant to division (D) of this section to enforce 5330
Chapters 3781. and 3791. of the Revised Code and the rules adopted 5331
pursuant to those chapters relating to plumbing in those types of 5332
buildings. 5333

(c) The division shall not inspect plumbing or collect fees 5334
for inspecting plumbing in particular types of buildings in any 5335
health district where the county building department is authorized 5336
to inspect those types of buildings pursuant to a contract 5337
described in division (C)(1) of this section. 5338

(d) The division shall not inspect plumbing or collect fees 5339
for inspecting plumbing in particular types of buildings in any 5340
health district where the board of health has entered into a 5341
contract with the board of health of another district to conduct 5342
inspections pursuant to division (C)(2) of this section. 5343

(2) No county building department shall inspect plumbing or 5344
collect fees for inspecting plumbing in any type of building in a 5345
health district unless the department is authorized to inspect 5346
that type of building pursuant to a contract described in division 5347
(C)(1) of this section. 5348

(3) No municipal corporation shall inspect plumbing or 5349
collect fees for inspecting plumbing in types of buildings for 5350
which it is not certified by the board of building standards under 5351
section 3781.10 of the Revised Code to exercise enforcement 5352
authority. 5353

(4) No board of health of a health district shall inspect 5354
plumbing or collect fees for inspecting plumbing in types of 5355

buildings for which it does not have a plumbing inspector 5356
certified pursuant to division (D) of this section. 5357

(C)(1) The board of health of a health district may enter 5358
into a contract with a board of county commissioners to authorize 5359
the county building department to inspect plumbing in buildings 5360
within the health district. The contract may designate that the 5361
department inspect either residential or nonresidential buildings, 5362
as those terms are defined in section 3781.06 of the Revised Code, 5363
or both types of buildings, so long as the department employs or 5364
contracts with a plumbing inspector certified pursuant to division 5365
(D) of this section to inspect the types of buildings the contract 5366
designates. The board of health may enter into a contract 5367
regardless of whether the health district employs any certified 5368
plumbing inspectors to enforce Chapters 3781. and 3791. of the 5369
Revised Code. 5370

(2) The board of health of a health district, regardless of 5371
whether it employs any certified plumbing inspectors to enforce 5372
Chapters 3781. and 3791. of the Revised Code, may enter into a 5373
contract with the board of health of another health district to 5374
authorize that board to inspect plumbing in buildings within the 5375
contracting board's district. The contract may designate the 5376
inspection of either residential or nonresidential buildings as 5377
defined in section 3781.06 of the Revised Code, or both types of 5378
buildings, so long as the board that performs the inspections 5379
employs a plumbing inspector certified pursuant to division (D) of 5380
this section to inspect the types of buildings the contract 5381
designates. 5382

(D) The superintendent of industrial compliance shall adopt 5383
rules prescribing minimum qualifications based on education, 5384
training, experience, or demonstrated ability, that the 5385
superintendent shall use in certifying or recertifying plumbing 5386
inspectors to do plumbing inspections for health districts and 5387

county building departments that are authorized to perform 5388
inspections pursuant to a contract under division (C)(1) of this 5389
section, and for continuing education of plumbing inspectors. 5390
Those minimum qualifications shall be related to the types of 5391
buildings for which a person seeks certification. 5392

(E) The superintendent may enter into reciprocal 5393
registration, licensure, or certification agreements with other 5394
states and other agencies of this state relative to plumbing 5395
inspectors if both of the following apply: 5396

(1) The requirements for registration, licensure, or 5397
certification of plumbing inspectors under the laws of the other 5398
state or laws administered by the other agency are substantially 5399
equal to the requirements the superintendent adopts under division 5400
(D) of this section for certifying plumbing inspectors. 5401

(2) The other state or agency extends similar reciprocity to 5402
persons certified under this chapter. 5403

(F) The superintendent may select and contract with one or 5404
more persons to do all of the following regarding examinations for 5405
certification of plumbing inspectors: 5406

(1) Prepare, administer, score, and maintain the 5407
confidentiality of the examination; 5408

(2) Maintain responsibility for all expenses required to 5409
comply with division (F)(1) of this section; 5410

(3) Charge each applicant a fee for administering the 5411
examination in an amount the superintendent authorizes; 5412

(4) Design the examination for certification of plumbing 5413
inspectors to determine an applicant's competence to inspect 5414
plumbing. 5415

(G) Standards and methods prescribed in local plumbing 5416
regulations shall not be less than those prescribed in Chapters 5417

3781. and 3791. of the Revised Code and the rules adopted pursuant 5418
to those chapters. 5419

(H) Notwithstanding any other provision of this section, the 5420
division shall make a plumbing inspection of any building or other 5421
place that there is reason to believe is in a condition to be a 5422
menace to the public health. 5423

Sec. 3734.821. ~~Beginning on the effective date of this~~ 5424
~~section~~ Beginning on the effective date of this amendment and 5425
ending on June 30, 2011, at least sixty-five per cent of the 5426
moneys collected under division (A)(2) of section 3734.901 of the 5427
Revised Code and deposited in the state treasury to the credit of 5428
the scrap tire management fund created in section 3734.82 of the 5429
Revised Code shall be expended for clean-up and removal activities 5430
at the Kirby Goss tire site in ~~Wyandot~~ Muskingum county or other 5431
tire sites in the state. 5432

Sec. 3735.67. (A) The owner of real property located in a 5433
community reinvestment area and eligible for exemption from 5434
taxation under a resolution adopted pursuant to section 3735.66 of 5435
the Revised Code may file an application for an exemption from 5436
real property taxation of a percentage of the assessed valuation 5437
of a new structure or remodeling, completed after the effective 5438
date of the resolution adopted pursuant to section 3735.66 of the 5439
Revised Code, with the housing officer designated pursuant to 5440
section 3735.66 of the Revised Code for the community reinvestment 5441
area in which the property is located. If any part of the new 5442
structure or remodeling that would be exempted is of real property 5443
to be used for commercial or industrial purposes, the legislative 5444
authority and the owner of the property shall enter into a written 5445
agreement pursuant to section 3735.671 of the Revised Code prior 5446
to commencement of construction or remodeling; if such an 5447
agreement is subject to approval by the board of education of the 5448

school district within the territory of which the property is or 5449
will be located, the agreement shall not be formally approved by 5450
the legislative authority until the board of education approves 5451
the agreement in the manner prescribed by that section. 5452

(B) The housing officer shall verify the construction of the 5453
new structure or the cost of the remodeling and the facts asserted 5454
in the application. The housing officer shall determine whether 5455
the construction or the cost of the remodeling meets the 5456
requirements for an exemption under this section. In cases 5457
involving a structure of historical or architectural significance, 5458
the housing officer shall not determine whether the remodeling 5459
meets the requirements for a tax exemption unless the 5460
appropriateness of the remodeling has been certified, in writing, 5461
by the society, association, agency, or legislative authority that 5462
has designated the structure or by any organization or person 5463
authorized, in writing, by such society, association, agency, or 5464
legislative authority to certify the appropriateness of the 5465
remodeling. 5466

(C) If the construction or remodeling meets the requirements 5467
for exemption, the housing officer shall forward the application 5468
to the county auditor with a certification as to the division of 5469
this section under which the exemption is granted, and the period 5470
and percentage of the exemption as determined by the legislative 5471
authority pursuant to that division. If the construction or 5472
remodeling is of commercial or industrial property and the 5473
legislative authority is not required to certify a copy of a 5474
resolution under section 3735.671 of the Revised Code, the housing 5475
officer shall comply with the notice requirements prescribed under 5476
section 5709.83 of the Revised Code, unless the board has adopted 5477
a resolution under that section waiving its right to receive such 5478
a notice. 5479

(D) Except as provided in division (F) of this section, the 5480

tax exemption shall first apply in the year the construction or 5481
remodeling would first be taxable but for this section. In the 5482
case of remodeling that qualifies for exemption, a percentage, not 5483
to exceed one hundred per cent, of the amount by which the 5484
remodeling increased the assessed value of the structure shall be 5485
exempted from real property taxation. In the case of construction 5486
of a structure that qualifies for exemption, a percentage, not to 5487
exceed one hundred per cent, of the assessed value of the 5488
structure shall be exempted from real property taxation. In either 5489
case, the percentage shall be the percentage set forth in the 5490
agreement if the structure or remodeling is to be used for 5491
commercial or industrial purposes, or the percentage set forth in 5492
the resolution describing the community reinvestment area if the 5493
structure or remodeling is to be used for residential purposes. 5494

The construction of new structures and the remodeling of 5495
existing structures are hereby declared to be a public purpose for 5496
which exemptions from real property taxation may be granted for 5497
the following periods: 5498

(1) For every dwelling containing not more than two family 5499
units located within the same community reinvestment area and upon 5500
which the cost of remodeling is at least two thousand five hundred 5501
dollars, a period to be determined by the legislative authority 5502
adopting the resolution describing the community reinvestment area 5503
where the dwelling is located, but not exceeding ten years unless 5504
extended pursuant to division (D)(3) of this section; 5505

(2) For every dwelling containing more than two units and 5506
commercial or industrial properties, located within the same 5507
community reinvestment area, upon which the cost of remodeling is 5508
at least five thousand dollars, a period to be determined by the 5509
legislative authority adopting the resolution, but not exceeding 5510
twelve years unless extended pursuant to division (D)(3) of this 5511
section; 5512

(3) The period of exemption for a dwelling described in 5513
division (D)(1) or (2) of this section may be extended by a 5514
legislative authority for up to an additional ten years if the 5515
dwelling is a structure of historical or architectural 5516
significance, is a certified historic structure that has been 5517
subject to federal tax treatment under 26 U.S.C. 47 and 170(h), 5518
and units within the structure have been leased to individual 5519
tenants for five consecutive years; 5520

(4) Except as provided in division (F) of this section, for 5521
construction of every dwelling, and commercial or industrial 5522
structure located within the same community reinvestment area, a 5523
period to be determined by the legislative authority adopting the 5524
resolution, but not exceeding fifteen years. 5525

(E) Any person, board, or officer authorized by section 5526
5715.19 of the Revised Code to file complaints with the county 5527
board of revision may file a complaint with the housing officer 5528
challenging the continued exemption of any property granted an 5529
exemption under this section. A complaint against exemption shall 5530
be filed prior to the thirty-first day of December of the tax year 5531
for which taxation of the property is requested. The housing 5532
officer shall determine whether the property continues to meet the 5533
requirements for exemption and shall certify the housing officer's 5534
findings to the complainant. If the housing officer determines 5535
that the property does not meet the requirements for exemption, 5536
the housing officer shall notify the county auditor, who shall 5537
correct the tax list and duplicate accordingly. 5538

(F) The owner of a dwelling constructed in a community 5539
reinvestment area may file an application for an exemption after 5540
the year the construction first became subject to taxation. The 5541
application shall be processed in accordance with the procedures 5542
prescribed under this section and shall be granted if the 5543
construction that is the subject of the application otherwise 5544

meets the requirements for an exemption under this section. If 5545
approved, the exemption sought in the application first applies in 5546
the year the application is filed. An exemption approved pursuant 5547
to this division continues only for those years remaining in the 5548
period described in division (D)~~(3)~~(4) of this section. No 5549
exemption may be claimed for any year in that period that precedes 5550
the year in which the application is filed. 5551

Sec. 3905.40. There shall be paid to the superintendent of 5552
insurance the following fees: 5553

(A) Each insurance company doing business in this state shall 5554
pay: 5555

(1) For filing a copy of its charter or deed of settlement, 5556
two hundred fifty dollars; 5557

(2) For filing each statement, one hundred seventy-five 5558
dollars; 5559

(3) For each certificate of authority or license, one hundred 5560
seventy-five, and for each certified copy thereof, five dollars; 5561

(4) For each copy of a paper filed in the superintendent's 5562
office, twenty cents per page; 5563

(5) For issuing certificates of deposits or certified copies 5564
thereof, five dollars for the first certificate or copy and one 5565
dollar for each additional certificate or copy; 5566

(6) For issuing certificates of compliance or certified 5567
copies thereof, sixty dollars; 5568

(7) For affixing the seal of office and certifying documents, 5569
other than those enumerated herein, two dollars. 5570

(B) Each domestic life insurance company doing business in 5571
this state shall pay for annual valuation of its policies, one 5572
cent on every one thousand dollars of insurance. 5573

(C) Each applicant for licensure as an individual insurance 5574
agent except applicants for licensure as limited lines insurance 5575
agents and surplus line brokers shall pay ten dollars ~~before~~ 5576
~~admission to any examination required by the superintendent. Such~~ 5577
~~fee shall not be paid by the appointing insurance company for each~~ 5578
line of authority requested. Fees collected under this division 5579
shall be credited to the department of insurance operating fund 5580
created in section 3901.021 of the Revised Code. 5581

(D) Each domestic mutual life insurance company shall pay for 5582
verifying that any amendment to its articles of incorporation was 5583
regularly adopted, two hundred fifty dollars with each application 5584
for verification. Any such amendment shall be considered to have 5585
been regularly adopted when approved by the affirmative vote of 5586
two-thirds of the policyholders present in person or by proxy at 5587
any annual meeting of policyholders or at a special meeting of 5588
policyholders called for that purpose. 5589

Sec. 3961.04. (A) A discount medical plan organization or 5590
marketer shall disclose all of the following information in 5591
writing in not less than twelve-point type on the first content 5592
page of any advertisements, marketing materials, or brochures made 5593
available to the public relating to a discount medical plan and 5594
with any enrollment forms: 5595

(1) A statement that the discount medical plan is not 5596
insurance; 5597

(2) A statement that the range of discounts for medical 5598
services offered under the discount medical plan will vary 5599
depending on the type of provider and medical services; 5600

(3) A statement that the discount medical plan is prohibited 5601
from making members' payments to providers for medical services 5602
received under the discount medical plan; 5603

(4) A statement that the member is obligated to pay for all discounted medical services received under the discount medical plan;

(5) The discount medical plan organization's toll-free telephone number and internet web site address that a member or prospective member may use to obtain additional information about and assistance with the discount medical plan and up-to-date lists of providers participating in the discount medical plan.

(B) If a discount medical plan organization's or marketer's initial contact with a prospective member is by telephone, the organization or marketer shall disclose all of the information listed in division (A) of this section orally in addition to including such disclosures in the initial written materials provided to the prospective or new member.

(C) In addition to the disclosures required under division (A) of this section, a discount medical plan organization shall provide to each prospective member, at the time of enrollment, a copy of the terms and conditions of the discount medical plan, including any limitations or restrictions on the refund of any processing fees or periodic charges associated with the discount medical plan. A discount medical plan organization also shall provide each new member a written document containing the terms and conditions of the discount medical plan and including all of the following:

(1) Name of the member;

(2) Benefits provided under the discount medical plan;

(3) Any processing fees and periodic charges associated with the discount medical plan, including, but not limited to, if applicable, the procedures for changing the mode of payment and any accompanying additional charges;

(4) Any limitations, exclusions, or exceptions regarding the

receipt of discount medical plan benefits;	5635
(5) Any waiting periods for certain medical services under the discount medical plan;	5636
(6) Procedures for obtaining discounts under the discount medical plan, such as requiring members to contact the discount medical plan organization to request that the organization make an appointment with a provider on the member's behalf;	5638
(7) Cancellation and refund rights described in section 3961.06 of the Revised Code;	5639
(8) Membership renewal, termination, and cancellation terms and conditions;	5640
(9) Procedures for adding new family members to the discount medical plan;	5641
(10) Procedures for filing complaints under the discount medical plan organization's complaint system and a statement explaining that, if the member remains dissatisfied after completing the organization's complaint system, the member may contact the department of insurance;	5642
(11) Name, mailing address, and toll-free telephone number of the discount medical plan organization that a member may use to make inquiries about the discount medical plan, send cancellation notices, and file complaints.	5643
(D) A discount medical plan organization shall maintain on an internet web site page an up-to-date list of the names and addresses of the providers with which the organization has contracted directly or indirectly through a provider network. The organization's internet web site address shall be prominently displayed on all of the organization's advertisements, marketing materials, brochures, and discount medical plan cards.	5644
(E) When a discount medical plan organization or marketer	5645

sells a discount medical plan together with any other product, the 5665
organization or marketer shall do either of the following: 5666

(1) Provide the charges for each discount medical plan in 5667
writing to the member; 5668

(2) Reimburse the member for all periodic charges for the 5669
discount medical plan and all periodic charges for any other 5670
product if the member cancels ~~his or her~~ membership in accordance 5671
with division (B) of section ~~3901.06~~ 3961.06 of the Revised Code. 5672

Sec. 4301.355. (A) If a petition is filed under section 5673
4301.333 of the Revised Code for the submission of the question or 5674
questions set forth in this section, it shall be held in the 5675
precinct as ordered by the board of elections under that section. 5676
The expense of holding the election shall be charged to the 5677
municipal corporation or township of which the precinct is a part. 5678

(B) At the election, one or more of the following questions, 5679
as designated in a valid petition, shall be submitted to the 5680
electors of the precinct: 5681

(1) "Shall the sale of (insert beer, wine and 5682
mixed beverages, or spirituous liquor) be permitted by 5683
(insert name of applicant, liquor permit holder, or liquor agency 5684
store, including trade or fictitious name under which applicant 5685
for, or holder of, liquor permit or liquor agency store either 5686
intends to do, or does, business at the particular location), an 5687
..... (insert "applicant for" or "holder of" or "operator 5688
of") a (insert class name of liquor permit or permits 5689
followed by the words "liquor permit(s)" or, if appropriate, the 5690
words "liquor agency store for the State of Ohio"), who is engaged 5691
in the business of (insert general nature of the 5692
business in which applicant or liquor permit holder is engaged or 5693
will be engaged in at the particular location, as described in the 5694
petition) at (insert address of the particular location 5695

within the precinct as set forth in the petition) in this 5696
precinct?" 5697

(2) "Shall the sale of (insert beer, wine and 5698
mixed beverages, or spirituous liquor) be permitted for sale on 5699
Sunday between the hours of (insert "ten a.m. and 5700
midnight" or "one p.m. and midnight") by (insert name 5701
of applicant, liquor permit holder, or liquor agency store, 5702
including trade or fictitious name under which applicant for, or 5703
holder of, liquor permit or liquor agency store either intends to 5704
do, or does, business at the particular location), an 5705
(insert "applicant for a D-6 liquor permit," "holder of a D-6 5706
liquor permit," "applicant for or holder of an A-1-A, A-2, C-1, 5707
C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D-5e, D-5f, 5708
D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, or D-7 liquor permit," if only 5709
the approval of beer sales is sought, or "liquor agency store") 5710
who is engaged in the business of (insert general 5711
nature of the business in which applicant or liquor permit holder 5712
is engaged or will be engaged in at the particular location, as 5713
described in the petition) at (insert address of the 5714
particular location within the precinct) in this precinct?" 5715

(C) The board of elections shall furnish printed ballots at 5716
the election as provided under section 3505.06 of the Revised 5717
Code, except that a separate ballot shall be used for the election 5718
under this section. The question set forth in this section shall 5719
be printed on each ballot, and the board shall insert in the 5720
question appropriate words to complete it. Votes shall be cast as 5721
provided under section 3505.06 of the Revised Code. 5722

Sec. 4301.404. (A) As used in this section, "center for the 5723
preservation of wild animals" means a conservation center located 5724
on not less than five thousand acres of land that provides 5725
scientific, educational, and recreational resources to advance the 5726

conservation of animal populations and habitats. 5727

(B) Sections 4301.32 to 4301.391 and 4305.14 of the Revised 5728
Code and the provisions for local option elections and the 5729
election on the repeal of Ohio Constitution, Article XV, Section 9 5730
in section 4303.29 of the Revised Code do not affect or prohibit 5731
the sale of beer or intoxicating liquor at a center for the 5732
preservation of wild animals if any permit holder for the premises 5733
operates pursuant to the authority of a D liquor permit issued 5734
pursuant to Chapter 4303. of the Revised Code. 5735

(C) Permit D-6 shall be issued to the holder of any D permit 5736
that authorizes the sale of intoxicating liquor and that is issued 5737
for a center for the preservation of wild animals to allow the 5738
sale of intoxicating liquor under the permit at the premises 5739
between the hours of one p.m. and midnight on Sunday, whether or 5740
not such sale has been authorized in an election held under 5741
section 4301.351 of the Revised Code. Notwithstanding section 5742
4301.351 of the Revised Code, the holder of a D permit issued for 5743
a center for the preservation of wild animals may sell beer on 5744
Sunday whether or not the sale of intoxicating liquor has been 5745
authorized in an election held under that section. 5746

Sec. 4301.421. (A) For the purposes of section 307.696 of the 5747
Revised Code, to pay the expenses of administering the tax, and to 5748
pay any or all of the charge the board of elections makes against 5749
the county to hold the election on the question of levying the 5750
tax, or for those purposes and to provide revenues to the county 5751
for permanent improvements, the board of county commissioners may 5752
levy a tax on the sale of beer at a rate not to exceed sixteen 5753
cents per gallon, on the sale of cider at a rate not to exceed 5754
twenty-four cents per gallon, and on the sale of wine and mixed 5755
beverages at a rate not to exceed thirty-two cents per gallon. The 5756
tax shall be imposed on all beer, cider, wine, and mixed beverages 5757

sold for resale at retail in the county, and on all beer, cider, wine, and mixed beverages sold at retail in the county by the manufacturer, bottler, importer, or other person upon which the tax has not been paid. The tax shall not be levied on the sale of wine to be used for known sacramental purposes. The tax may be levied for any number of years not exceeding twenty. The tax shall be in addition to the taxes imposed by sections 4301.42, 4301.43, 4301.432, and 4305.01 of the Revised Code. The tax shall not be considered a cost in any computation required under rules of the liquor control commission regulating minimum prices or mark-ups.

Only one sale of the same article shall be used in computing, reporting, and paying the amount of tax due.

The tax shall be levied pursuant to a resolution of the county commissioners approved by a majority of the electors in the county voting on the question of levying the tax, which resolution shall specify the rate of the tax, the number of years the tax will be levied, and the purposes for which the tax is levied. The election may be held on the date of a general election or special election held not sooner than seventy-five days after the date the board certifies its resolution to the board of elections. If approved by the electors, the tax shall take effect on the first day of the month specified in the resolution but not sooner than the first day of the month that is at least sixty days after the certification of the election results by the board of elections. A copy of the resolution levying the tax and the certification of the board of elections shall be certified to the tax commissioner at least sixty days prior to the date on which the tax is to become effective.

A resolution under this section may be joined on the ballot as a single question with a resolution adopted under section 307.697 or 5743.024 of the Revised Code to levy a tax for the same

purposes and for the purpose of paying the expenses of 5790
administering the tax. The form of the ballot in an election held 5791
pursuant to this section shall be as prescribed in section 307.697 5792
of the Revised Code. 5793

(B) The board of county commissioners of a county in which a 5794
tax is imposed under this section on ~~the effective date of this~~ 5795
~~amendment July 19, 1995,~~ may levy a tax for the purpose of section 5796
307.673 of the Revised Code regardless of whether or not the 5797
cooperative agreement authorized under that section has been 5798
entered into prior to the day the resolution adopted under 5799
division (B)(1) or (2) of this section is adopted, and for the 5800
purpose of reimbursing a county for costs incurred in the 5801
construction of a sports facility pursuant to an agreement entered 5802
into by the county under section 307.696 of the Revised Code. The 5803
tax shall be levied and approved in one of the manners prescribed 5804
by division (B)(1) or (2) of this section. 5805

(1) The tax may be levied pursuant to a resolution adopted by 5806
a majority of the members of the board of county commissioners not 5807
later than ~~forty five days after the effective date of this~~ 5808
~~amendment September 2, 1995.~~ A board of county commissioners 5809
approving a tax under division (B)(1) of this section may approve 5810
a tax under division (D)(1) of section 307.697 or division (C)(1) 5811
of section 5743.024 of the Revised Code at the same time. Subject 5812
to the resolution being submitted to a referendum under sections 5813
305.31 to 305.41 of the Revised Code, the resolution shall take 5814
effect immediately, but the tax levied pursuant to the resolution 5815
shall not be levied prior to the day following the last day the 5816
tax levied pursuant to division (A) of this section may be levied. 5817

(2) The tax may be levied pursuant to a resolution adopted by 5818
a majority of the members of the board of county commissioners not 5819
later than ~~forty five days after the effective date of this~~ 5820
~~amendment September 2, 1995,~~ and approved by a majority of the 5821

electors of the county voting on the question of levying the tax 5822
at the next succeeding general election following ~~the effective~~ 5823
~~date of this amendment~~ July 19, 1995. The board of county 5824
commissioners shall certify a copy of the resolution to the board 5825
of elections immediately upon adopting a resolution under division 5826
(D)(2) of this section, and the board of elections shall place the 5827
question of levying the tax on the ballot at that election. The 5828
form of the ballot shall be as prescribed by division (C) of 5829
section 307.697 of the Revised Code, except that the phrase 5830
"paying not more than one-half of the costs of providing a sports 5831
facility together with related redevelopment and economic 5832
development projects" shall be replaced by the phrase "paying the 5833
costs of constructing or renovating a sports facility and 5834
reimbursing a county for costs incurred by the county in the 5835
construction of a sports facility," and the phrase ", beginning 5836
..... (here insert the earliest date the tax would take 5837
effect)" shall be appended after "years." A board of county 5838
commissioners submitting the question of a tax under division 5839
(B)(2) of this section may submit the question of a tax under 5840
division (D)(2) of section 307.697 or division (C)(2) of section 5841
5743.024 of the Revised Code as a single question, and the form of 5842
the ballot shall include each of the proposed taxes. 5843

If approved by a majority of electors voting on the question, 5844
the tax shall take effect on the day specified on the ballot, 5845
which shall not be earlier than the day following the last day the 5846
tax levied pursuant to division (A) of this section may be levied. 5847

The rate of a tax levied pursuant to division (B)(1) or (2) 5848
of this section shall not exceed the rate specified in division 5849
(A) of this section. A tax levied pursuant to division (B)(1) or 5850
(2) of this section may be levied for any number of years not 5851
exceeding twenty. 5852

A board of county commissioners adopting a resolution under 5853

division (B)(1) or (2) of this section shall certify a copy of the 5854
resolution to the tax commissioner immediately upon adoption of 5855
the resolution. 5856

(C) No tax shall be levied under this section on or after the 5857
effective date of the amendment of this section by of the 5858
127th general assembly. This division does not prevent the 5859
collection of any tax levied under this section before that date 5860
so long as that tax remains effective. 5861

Sec. 4301.424. (A) For the purpose of section 351.26 of the 5862
Revised Code and to pay any or all of the charge the board of 5863
elections makes against the county to hold the election on the 5864
question of levying the tax, the board of county commissioners, in 5865
the manner prescribed by division (A) of section 351.26 of the 5866
Revised Code, may levy a tax on each gallon of spirituous liquor; 5867
on the sale of beer; and on the sale of wine and mixed beverages. 5868
The tax on spirituous liquor shall be imposed on spirituous liquor 5869
sold to or purchased by liquor permit holders for resale, and sold 5870
at retail by the division of liquor control, in the county at a 5871
rate not greater than three dollars per gallon; the tax on beer, 5872
wine, and mixed beverages shall be imposed on all beer, wine, and 5873
mixed beverages sold for resale at retail in the county, and on 5874
all beer, wine, and mixed beverages sold at retail in the county 5875
by the manufacturer, bottler, importer, or other person and upon 5876
which the tax has not been paid. The rate of the tax on beer shall 5877
not exceed sixteen cents per gallon, and the rate of the tax on 5878
wine and mixed beverages shall not exceed thirty-two cents per 5879
gallon. Only one sale of the same article shall be used in 5880
computing, reporting, and paying the amount of tax due. The tax 5881
may be levied for any number of years not exceeding twenty. 5882

The tax shall be levied pursuant to a resolution of the board 5883
of county commissioners adopted as prescribed by division (A) of 5884

section 351.26 of the Revised Code and approved by a majority of 5885
the electors in the county voting on the question of levying the 5886
tax. The resolution shall specify the rates of the tax, the number 5887
of years the tax will be levied, and the purposes for which the 5888
tax is levied. Such election may be held on the date of a general 5889
or special election held not sooner than seventy-five days after 5890
the date the board certifies its resolution to the board of 5891
elections. If approved by the electors, the tax takes effect on 5892
the first day of the month specified in the resolution but not 5893
sooner than the first day of the month that is at least sixty days 5894
after the certification of the election results by the board of 5895
elections. A copy of the resolution levying the tax shall be 5896
certified to the division of liquor control and the tax 5897
commissioner at least sixty days prior to the date on which the 5898
tax is to become effective. 5899

(B) A resolution under this section may be joined on the 5900
ballot as a single question with a resolution adopted under 5901
section 5743.026 of the Revised Code to levy a tax for the same 5902
purposes, and for the purpose of paying the expenses of 5903
administering that tax. 5904

(C) The form of the ballot in an election held on the 5905
question of levying a tax proposed pursuant to this section shall 5906
be as prescribed by section 351.26 of the Revised Code. 5907

(D) No tax shall be levied under this section on or after the 5908
effective date of the amendment of this section by the capital 5909
appropriations act of the 127th general assembly. This division 5910
does not prevent the collection of any tax levied under this 5911
section before that date so long as that tax remains effective. 5912

Sec. 4301.432. For the purpose of encouraging the grape 5913
industries of the state, a tax is hereby levied on the sale or 5914
distribution of vermouth, sparkling and carbonated wine and 5915

champagne, and other wine, except for known sacramental purposes, 5916
at the rate of two cents per wine gallon, the tax to be paid by 5917
the holders of A-2 ~~and, B-2a,~~ B-5, and S permits or by any other 5918
person selling or distributing wine upon which no such tax has 5919
been paid. The treasurer of state shall credit to the Ohio grape 5920
industries fund created under section 924.54 of the Revised Code 5921
the moneys ~~he~~ the treasurer of state receives from this tax. 5922

Sec. 4301.441. Any information provided to a state agency by 5923
the department of taxation in accordance with division (C)(11) of 5924
section 5703.21 of the Revised Code shall not be disclosed 5925
publicly by that agency, except for purposes of enforcement, to 5926
deny the renewal of a liquor permit, or to report such information 5927
to the alcohol and tobacco tax and trade bureau in the United 5928
States department of the treasury. 5929

Sec. 4301.47. Every class A-1, A-2, and A-4 permit holder and 5930
each class B or S permit holder shall maintain and keep for a 5931
period of three years a record of the beer, wine, and mixed 5932
beverages purchased, distributed, or sold within this state by the 5933
permit holder, together with invoices, records, receipts, bills of 5934
lading, and other pertinent papers required by the tax 5935
commissioner and, upon demand by the tax commissioner, shall 5936
produce these records for a three-year period prior to the demand 5937
unless upon satisfactory proof it is shown that the nonproduction 5938
is due to causes beyond the permit holder's control. 5939

Sec. 4301.62. (A) As used in this section: 5940

(1) "Chauffeured limousine" means a vehicle registered under 5941
section 4503.24 of the Revised Code. 5942

(2) "Street," "highway," and "motor vehicle" have the same 5943
meanings as in section 4511.01 of the Revised Code. 5944

(B) No person shall have in the person's possession an opened 5945
container of beer or intoxicating liquor in any of the following 5946
circumstances: 5947

(1) In a state liquor store; 5948

(2) Except as provided in division (C) of this section, on 5949
the premises of the holder of any permit issued by the division of 5950
liquor control; 5951

(3) In any other public place; 5952

(4) Except as provided in division (D) or (E) of this 5953
section, while operating or being a passenger in or on a motor 5954
vehicle on any street, highway, or other public or private 5955
property open to the public for purposes of vehicular travel or 5956
parking; 5957

(5) Except as provided in division (D) or (E) of this 5958
section, while being in or on a stationary motor vehicle on any 5959
street, highway, or other public or private property open to the 5960
public for purposes of vehicular travel or parking. 5961

(C)(1) A person may have in the person's possession an opened 5962
container of any of the following: 5963

(a) Beer or intoxicating liquor that has been lawfully 5964
purchased for consumption on the premises where bought from the 5965
holder of an A-1-A, A-2, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, 5966
D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 5967
D-5l, D-7, D-8, E, F, F-2, or F-5 permit; 5968

(b) Beer, wine, or mixed beverages served for consumption on 5969
the premises by the holder of an F-3 permit or wine served for 5970
consumption on the premises by the holder of an F-4 or F-6 permit; 5971

(c) Beer or intoxicating liquor consumed on the premises of a 5972
convention facility as provided in section 4303.201 of the Revised 5973
Code; 5974

(d) Beer or intoxicating liquor to be consumed during 5975
tastings and samplings approved by rule of the liquor control 5976
commission. 5977

(2) A person may have in the person's possession on an F 5978
liquor permit premises an opened container of beer or intoxicating 5979
liquor that was not purchased from the holder of the F permit if 5980
the premises for which the F permit is issued is a music festival 5981
and the holder of the F permit grants permission for that 5982
possession on the premises during the period for which the F 5983
permit is issued. As used in this division, "music festival" means 5984
a series of outdoor live musical performances, extending for a 5985
period of at least three consecutive days and located on an area 5986
of land of at least forty acres. 5987

(3)(a) A person may have in the person's possession on a D-2 5988
liquor permit premises an opened or unopened container of wine 5989
that was not purchased from the holder of the D-2 permit if the 5990
premises for which the D-2 permit is issued is an outdoor 5991
performing arts center, the person is attending an orchestral 5992
performance, and the holder of the D-2 permit grants permission 5993
for the possession and consumption of wine in certain 5994
predesignated areas of the premises during the period for which 5995
the D-2 permit is issued. 5996

(b) As used in division (C)(3)(a) of this section: 5997

(i) "Orchestral performance" means a concert comprised of a 5998
group of not fewer than forty musicians playing various musical 5999
instruments. 6000

(ii) "Outdoor performing arts center" means an outdoor 6001
performing arts center that is located on not less than eight 6002
hundred acres of land and that is open for performances from the 6003
first day of April to the last day of October of each year. 6004

(D) This section does not apply to a person who pays all or a 6005

portion of the fee imposed for the use of a chauffeured limousine 6006
pursuant to a prearranged contract, or the guest of the person, 6007
when all of the following apply: 6008

(1) The person or guest is a passenger in the limousine. 6009

(2) The person or guest is located in the limousine, but is 6010
not occupying a seat in the front compartment of the limousine 6011
where the operator of the limousine is located. 6012

(3) The limousine is located on any street, highway, or other 6013
public or private property open to the public for purposes of 6014
vehicular travel or parking. 6015

(E) An opened bottle of wine that was purchased from the 6016
holder of a permit that authorizes the sale of wine for 6017
consumption on the premises where sold is not an opened container 6018
for the purposes of this section if both of the following apply: 6019

(1) The opened bottle of wine is securely resealed by the 6020
permit holder or an employee of the permit holder before the 6021
bottle is removed from the premises. The bottle shall be secured 6022
in such a manner that it is visibly apparent if the bottle has 6023
been subsequently opened or tampered with. 6024

(2) The opened bottle of wine that is resealed in accordance 6025
with division (E)(1) of this section is stored in the trunk of a 6026
motor vehicle or, if the motor vehicle does not have a trunk, 6027
behind the last upright seat or in an area not normally occupied 6028
by the driver or passengers and not easily accessible by the 6029
driver. 6030

**Sec. 4303.03. ~~Permit~~ (A) Subject to division (B) of this 6031
section, permit A-2 may be issued to a manufacturer to manufacture 6032
wine from grapes or other fruits; to import and purchase wine in 6033
bond for blending purposes, the total amount of wine so imported 6034
during the year covered by the permit not to exceed forty per cent 6035**

of all the wine manufactured and imported; to manufacture, 6036
purchase, and import brandy for fortifying purposes; and to sell 6037
those products either in glass or container for consumption on the 6038
premises where manufactured, in sealed containers for consumption 6039
off the premises where manufactured, and to wholesale permit 6040
holders under the rules adopted by the division of liquor control. 6041

6042

(B)(1) The holder of an A-2 permit shall not sell directly to 6043
a retailer. In order to make sales to a retailer, the manufacturer 6044
shall obtain a B-2a permit or make the sale directly to a B-2 or 6045
B-5 permit holder for subsequent resale to a retailer. 6046

(2) The holder of an A-2 permit shall not sell directly to a 6047
consumer unless the product is sold on the premises in accordance 6048
with division (A) of this section. In order to make sales to a 6049
consumer off the premises where the wine is manufactured, the 6050
manufacturer shall obtain an S permit. 6051

(3) Nothing in this chapter prohibits an A-2 permit holder 6052
also holding a B-2a or S permit. 6053

(C) The fee for this permit is seventy-six dollars for each 6054
plant to which this permit is issued. 6055

Sec. 4303.071. (A)(1) ~~Except as otherwise provided in 6056
division (A)(2) of this section, permit~~ Permit B-2a may be issued 6057
to a person that ~~manufactures wine,~~ is the brand owner or United 6058
States importer of wine, ~~or~~ is the designated agent of a brand 6059
owner or importer for all wine sold in this state for that owner 6060
or importer, or manufactures wine if such manufacturer is entitled 6061
to a tax credit under 27 C.F.R. 24.278 and produces less than two 6062
hundred fifty thousand gallons of wine per year. If the person 6063
resides outside this state, the person shall comply with the 6064
requirements governing the issuance of licenses or permits that 6065
authorize the sale of intoxicating liquor by the appropriate 6066

authority of the state in which the person resides or by the 6067
alcohol and tobacco tax and trade bureau in the United States 6068
department of the treasury. 6069

~~(2) A B-2a permit shall only be issued to a manufacturer of 6070
wine that is entitled to a tax credit under 27 C.F.R. 24.278 and 6071
that produces less than one hundred fifty thousand gallons of wine 6072
per year. 6073~~

~~(3)~~ The fee for the B-2a permit is twenty-five dollars. 6074

~~(4)~~(3) The holder of a B-2a permit may sell wine to a retail 6075
permit holder, but a B-2a permit holder that is a wine 6076
manufacturer may sell to a retail permit holder only wine that the 6077
B-2a permit holder has manufactured. 6078

~~(5)~~(4) The holder of a B-2a permit shall renew the permit in 6079
accordance with section 4303.271 of the Revised Code, except that 6080
renewal shall not be subject to the notice and hearing 6081
requirements established in division (B) of that section. 6082

(B) The holder of a B-2a permit shall collect and pay ~~all~~ 6083
~~applicable~~ the taxes relating to the delivery of a wine to a 6084
retailer ~~including, but not limited to, taxes that are~~ levied 6085
under sections 4301.421 and ~~4301.43~~ 4301.432 and Chapters 5739. 6086
and 5741. of the Revised Code. 6087

(C) The holder of a B-2a permit shall comply with this 6088
chapter, Chapter 4301. of the Revised Code, and any rules adopted 6089
by the liquor control commission under section 4301.03 of the 6090
Revised Code. 6091

Sec. 4303.181. (A) Permit D-5a may be issued either to the 6092
owner or operator of a hotel or motel that is required to be 6093
licensed under section 3731.03 of the Revised Code, that contains 6094
at least fifty rooms for registered transient guests or is owned 6095
by a state institution of higher education as defined in section 6096

3345.011 of the Revised Code or a private college or university, 6097
and that qualifies under the other requirements of this section, 6098
or to the owner or operator of a restaurant specified under this 6099
section, to sell beer and any intoxicating liquor at retail, only 6100
by the individual drink in glass and from the container, for 6101
consumption on the premises where sold, and to registered guests 6102
in their rooms, which may be sold by means of a controlled access 6103
alcohol and beverage cabinet in accordance with division (B) of 6104
section 4301.21 of the Revised Code; and to sell the same products 6105
in the same manner and amounts not for consumption on the premises 6106
as may be sold by holders of D-1 and D-2 permits. The premises of 6107
the hotel or motel shall include a retail food establishment or a 6108
food service operation licensed pursuant to Chapter 3717. of the 6109
Revised Code that operates as a restaurant for purposes of this 6110
chapter and that is affiliated with the hotel or motel and within 6111
or contiguous to the hotel or motel, and that serves food within 6112
the hotel or motel, but the principal business of the owner or 6113
operator of the hotel or motel shall be the accommodation of 6114
transient guests. In addition to the privileges authorized in this 6115
division, the holder of a D-5a permit may exercise the same 6116
privileges as the holder of a D-5 permit. 6117

The owner or operator of a hotel, motel, or restaurant who 6118
qualified for and held a D-5a permit on August 4, 1976, may, if 6119
the owner or operator held another permit before holding a D-5a 6120
permit, either retain a D-5a permit or apply for the permit 6121
formerly held, and the division of liquor control shall issue the 6122
permit for which the owner or operator applies and formerly held, 6123
notwithstanding any quota. 6124

A D-5a permit shall not be transferred to another location. 6125
No quota restriction shall be placed on the number of D-5a permits 6126
that may be issued. 6127

The fee for this permit is two thousand three hundred 6128

forty-four dollars. 6129

(B) Permit D-5b may be issued to the owner, operator, tenant, 6130
lessee, or occupant of an enclosed shopping center to sell beer 6131
and intoxicating liquor at retail, only by the individual drink in 6132
glass and from the container, for consumption on the premises 6133
where sold; and to sell the same products in the same manner and 6134
amount not for consumption on the premises as may be sold by 6135
holders of D-1 and D-2 permits. In addition to the privileges 6136
authorized in this division, the holder of a D-5b permit may 6137
exercise the same privileges as a holder of a D-5 permit. 6138

A D-5b permit shall not be transferred to another location. 6139

One D-5b permit may be issued at an enclosed shopping center 6140
containing at least two hundred twenty-five thousand, but less 6141
than four hundred thousand, square feet of floor area. 6142

Two D-5b permits may be issued at an enclosed shopping center 6143
containing at least four hundred thousand square feet of floor 6144
area. No more than one D-5b permit may be issued at an enclosed 6145
shopping center for each additional two hundred thousand square 6146
feet of floor area or fraction of that floor area, up to a maximum 6147
of five D-5b permits for each enclosed shopping center. The number 6148
of D-5b permits that may be issued at an enclosed shopping center 6149
shall be determined by subtracting the number of D-3 and D-5 6150
permits issued in the enclosed shopping center from the number of 6151
D-5b permits that otherwise may be issued at the enclosed shopping 6152
center under the formulas provided in this division. Except as 6153
provided in this section, no quota shall be placed on the number 6154
of D-5b permits that may be issued. Notwithstanding any quota 6155
provided in this section, the holder of any D-5b permit first 6156
issued in accordance with this section is entitled to its renewal 6157
in accordance with section 4303.271 of the Revised Code. 6158

The holder of a D-5b permit issued before April 4, 1984, 6159

whose tenancy is terminated for a cause other than nonpayment of 6160
rent, may return the D-5b permit to the division of liquor 6161
control, and the division shall cancel that permit. Upon 6162
cancellation of that permit and upon the permit holder's payment 6163
of taxes, contributions, premiums, assessments, and other debts 6164
owing or accrued upon the date of cancellation to this state and 6165
its political subdivisions and a filing with the division of a 6166
certification of that payment, the division shall issue to that 6167
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 6168
that person requests. The division shall issue the D-5 permit, or 6169
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 6170
D-3, or D-5 permits currently issued in the municipal corporation 6171
or in the unincorporated area of the township where that person's 6172
proposed premises is located equals or exceeds the maximum number 6173
of such permits that can be issued in that municipal corporation 6174
or in the unincorporated area of that township under the 6175
population quota restrictions contained in section 4303.29 of the 6176
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 6177
be transferred to another location. If a D-5b permit is canceled 6178
under the provisions of this paragraph, the number of D-5b permits 6179
that may be issued at the enclosed shopping center for which the 6180
D-5b permit was issued, under the formula provided in this 6181
division, shall be reduced by one if the enclosed shopping center 6182
was entitled to more than one D-5b permit under the formula. 6183

The fee for this permit is two thousand three hundred 6184
forty-four dollars. 6185

(C) Permit D-5c may be issued to the owner or operator of a 6186
retail food establishment or a food service operation licensed 6187
pursuant to Chapter 3717. of the Revised Code that operates as a 6188
restaurant for purposes of this chapter and that qualifies under 6189
the other requirements of this section to sell beer and any 6190
intoxicating liquor at retail, only by the individual drink in 6191

glass and from the container, for consumption on the premises 6192
where sold, and to sell the same products in the same manner and 6193
amounts not for consumption on the premises as may be sold by 6194
holders of D-1 and D-2 permits. In addition to the privileges 6195
authorized in this division, the holder of a D-5c permit may 6196
exercise the same privileges as the holder of a D-5 permit. 6197

To qualify for a D-5c permit, the owner or operator of a 6198
retail food establishment or a food service operation licensed 6199
pursuant to Chapter 3717. of the Revised Code that operates as a 6200
restaurant for purposes of this chapter, shall have operated the 6201
restaurant at the proposed premises for not less than twenty-four 6202
consecutive months immediately preceding the filing of the 6203
application for the permit, have applied for a D-5 permit no later 6204
than December 31, 1988, and appear on the division's quota waiting 6205
list for not less than six months immediately preceding the filing 6206
of the application for the permit. In addition to these 6207
requirements, the proposed D-5c permit premises shall be located 6208
within a municipal corporation and further within an election 6209
precinct that, at the time of the application, has no more than 6210
twenty-five per cent of its total land area zoned for residential 6211
use. 6212

A D-5c permit shall not be transferred to another location. 6213
No quota restriction shall be placed on the number of such permits 6214
that may be issued. 6215

Any person who has held a D-5c permit for at least two years 6216
may apply for a D-5 permit, and the division of liquor control 6217
shall issue the D-5 permit notwithstanding the quota restrictions 6218
contained in section 4303.29 of the Revised Code or in any rule of 6219
the liquor control commission. 6220

The fee for this permit is one thousand five hundred 6221
sixty-three dollars. 6222

(D) Permit D-5d may be issued to the owner or operator of a retail food establishment or a food service operation licensed pursuant to Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located at an airport operated by a board of county commissioners pursuant to section 307.20 of the Revised Code, at an airport operated by a port authority pursuant to Chapter 4582. of the Revised Code, or at an airport operated by a regional airport authority pursuant to Chapter 308. of the Revised Code. The holder of a D-5d permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized in this division, the holder of a D-5d permit may exercise the same privileges as the holder of a D-5 permit.

A D-5d permit shall not be transferred to another location. No quota restrictions shall be placed on the number of such permits that may be issued.

The fee for this permit is two thousand three hundred forty-four dollars.

(E) Permit D-5e may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, or that is a charitable organization under any chapter of the Revised Code, and that owns or operates a riverboat that meets all of the following:

- (1) Is permanently docked at one location;
- (2) Is designated as an historical riverboat by the Ohio historical society;

(3) Contains not less than fifteen hundred square feet of floor area; 6254
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(4) Has a seating capacity of fifty or more persons. 6256

The holder of a D-5e permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold. 6257
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A D-5e permit shall not be transferred to another location. 6260
No quota restriction shall be placed on the number of such permits that may be issued. The population quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission shall not apply to this division, and the division shall issue a D-5e permit to any applicant who meets the requirements of this division. However, the division shall not issue a D-5e permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited. 6261
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The fee for this permit is one thousand two hundred nineteen dollars. 6270
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(F) Permit D-5f may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following: 6272
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(1) It contains not less than twenty-five hundred square feet of floor area. 6277
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(2) It is located on or in, or immediately adjacent to, the shoreline of, a navigable river. 6279
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(3) It provides docking space for twenty-five boats. 6281

(4) It provides entertainment and recreation, provided that not less than fifty per cent of the business on the permit 6282
6283

premises shall be preparing and serving meals for a consideration. 6284

In addition, each application for a D-5f permit shall be 6285
accompanied by a certification from the local legislative 6286
authority that the issuance of the D-5f permit is not inconsistent 6287
with that political subdivision's comprehensive development plan 6288
or other economic development goal as officially established by 6289
the local legislative authority. 6290

The holder of a D-5f permit may sell beer and intoxicating 6291
liquor at retail, only by the individual drink in glass and from 6292
the container, for consumption on the premises where sold. 6293

A D-5f permit shall not be transferred to another location. 6294

The division of liquor control shall not issue a D-5f permit 6295
if the permit premises or proposed permit premises are located 6296
within an area in which the sale of spirituous liquor by the glass 6297
is prohibited. 6298

A fee for this permit is two thousand three hundred 6299
forty-four dollars. 6300

As used in this division, "navigable river" means a river 6301
that is also a "navigable water" as defined in the "Federal Power 6302
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 6303

(G) Permit D-5g may be issued to a nonprofit corporation that 6304
is either the owner or the operator of a national professional 6305
sports museum. The holder of a D-5g permit may sell beer and any 6306
intoxicating liquor at retail, only by the individual drink in 6307
glass and from the container, for consumption on the premises 6308
where sold. The holder of a D-5g permit shall sell no beer or 6309
intoxicating liquor for consumption on the premises where sold 6310
after one a.m. A D-5g permit shall not be transferred to another 6311
location. No quota restrictions shall be placed on the number of 6312
D-5g permits that may be issued. The fee for this permit is one 6313
thousand eight hundred seventy-five dollars. 6314

(H)(1) Permit D-5h may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, that owns or operates any of the following:

(a) A fine arts museum, provided that the nonprofit organization has no less than one thousand five hundred bona fide members possessing full membership privileges;

(b) A community arts center. As used in division (H)(1)(b) of this section, "community arts center" means a facility that provides arts programming to the community in more than one arts discipline, including, but not limited to, exhibits of works of art and performances by both professional and amateur artists.

(c) A community theater, provided that the nonprofit organization is a member of the Ohio arts council and the American community theatre association and has been in existence for not less than ten years. As used in division (H)(1)(c) of this section, "community theater" means a facility that contains at least one hundred fifty seats and has a primary function of presenting live theatrical performances and providing recreational opportunities to the community.

(2) The holder of a D-5h permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold. The holder of a D-5h permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after one a.m. A D-5h permit shall not be transferred to another location. No quota restrictions shall be placed on the number of D-5h permits that may be issued.

(3) The fee for a D-5h permit is one thousand eight hundred seventy-five dollars.

(I) Permit D-5i may be issued to the owner or operator of a

retail food establishment or a food service operation licensed 6346
under Chapter 3717. of the Revised Code that operates as a 6347
restaurant for purposes of this chapter and that meets all of the 6348
following requirements: 6349

(1) It is located in a municipal corporation or a township 6350
with a population of one hundred thousand or less. 6351

(2) It has inside seating capacity for at least one hundred 6352
forty persons. 6353

(3) It has at least four thousand square feet of floor area. 6354

(4) It offers full-course meals, appetizers, and sandwiches. 6355

(5) Its receipts from beer and liquor sales, excluding wine 6356
sales, do not exceed twenty-five per cent of its total gross 6357
receipts. 6358

(6) It has at least one of the following characteristics: 6359

(a) The value of its real and personal property exceeds seven 6360
hundred twenty-five thousand dollars. 6361

(b) It is located on property that is owned or leased by the 6362
state or a state agency, and its owner or operator has 6363
authorization from the state or the state agency that owns or 6364
leases the property to obtain a D-5i permit. 6365

The holder of a D-5i permit shall cause an independent audit 6366
to be performed at the end of one full year of operation following 6367
issuance of the permit in order to verify the requirements of 6368
division (I)(5) of this section. The results of the independent 6369
audit shall be transmitted to the division. Upon determining that 6370
the receipts of the holder from beer and liquor sales, excluding 6371
wine sales, exceeded twenty-five per cent of its total gross 6372
receipts, the division shall suspend the permit of the permit 6373
holder under section 4301.25 of the Revised Code and may allow the 6374
permit holder to elect a forfeiture under section 4301.252 of the 6375

Revised Code. 6376

The holder of a D-5i permit may sell beer and any 6377
intoxicating liquor at retail, only by the individual drink in 6378
glass and from the container, for consumption on the premises 6379
where sold, and may sell the same products in the same manner and 6380
amounts not for consumption on the premises where sold as may be 6381
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 6382
permit shall sell no beer or intoxicating liquor for consumption 6383
on the premises where sold after two-thirty a.m. In addition to 6384
the privileges authorized in this division, the holder of a D-5i 6385
permit may exercise the same privileges as the holder of a D-5 6386
permit. 6387

A D-5i permit shall not be transferred to another location. 6388
The division of liquor control shall not renew a D-5i permit 6389
unless the retail food establishment or food service operation for 6390
which it is issued continues to meet the requirements described in 6391
divisions (I)(1) to (6) of this section. No quota restrictions 6392
shall be placed on the number of D-5i permits that may be issued. 6393
The fee for the D-5i permit is two thousand three hundred 6394
forty-four dollars. 6395

(J)(1) Permit D-5j may be issued to the owner or the operator 6396
of a retail food establishment or a food service operation 6397
licensed under Chapter 3717. of the Revised Code to sell beer and 6398
intoxicating liquor at retail, only by the individual drink in 6399
glass and from the container, for consumption on the premises 6400
where sold and to sell beer and intoxicating liquor in the same 6401
manner and amounts not for consumption on the premises where sold 6402
as may be sold by the holders of D-1 and D-2 permits. The holder 6403
of a D-5j permit may exercise the same privileges, and shall 6404
observe the same hours of operation, as the holder of a D-5 6405
permit. 6406

(2) The D-5j permit shall be issued only within a community 6407

entertainment district that is designated under section 4301.80 of 6408
the Revised Code and that meets one of the following 6409
qualifications: 6410

(a) It is located in a municipal corporation with a 6411
population of at least one hundred thousand. 6412

(b) It is located in a municipal corporation with a 6413
population of at least twenty thousand, and either of the 6414
following applies: 6415

(i) It contains an amusement park the rides of which have 6416
been issued a permit by the department of agriculture under 6417
Chapter 1711. of the Revised Code. 6418

(ii) Not less than fifty million dollars will be invested in 6419
development and construction in the community entertainment 6420
district's area located in the municipal corporation. 6421

(c) It is located in a township with a population of at least 6422
forty thousand. 6423

(d) It is located in a municipal corporation with a 6424
population of at least ten thousand, and not less than seventy 6425
million dollars will be invested in development and construction 6426
in the community entertainment district's area located in the 6427
municipal corporation. 6428

(3) The location of a D-5j permit may be transferred only 6429
within the geographic boundaries of the community entertainment 6430
district in which it was issued and shall not be transferred 6431
outside the geographic boundaries of that district. 6432

(4) Not more than one D-5j permit shall be issued within each 6433
community entertainment district for each five acres of land 6434
located within the district. Not more than fifteen D-5j permits 6435
may be issued within a single community entertainment district. 6436
Except as otherwise provided in division (J)(4) of this section, 6437

no quota restrictions shall be placed upon the number of D-5j permits that may be issued. 6438
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(5) The fee for a D-5j permit is two thousand three hundred forty-four dollars. 6440
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(K)(1) Permit D-5k may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, that is the owner or operator of a botanical garden recognized by the American association of botanical gardens and arboreta, and that has not less than twenty-five hundred bona fide members. 6442
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(2) The holder of a D-5k permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, on the premises where sold. 6449
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(3) The holder of a D-5k permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after one a.m. 6452
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(4) A D-5k permit shall not be transferred to another location. 6455
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(5) No quota restrictions shall be placed on the number of D-5k permits that may be issued. 6457
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(6) The fee for the D-5k permit is one thousand eight hundred seventy-five dollars. 6459
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(L) Permit D-5l may be issued to either the owner or the operator of a retail food establishment or food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located in, or affiliated with, a center for the preservation of wild animals as defined in section 4301.404 of the Revised Code, to sell beer and any intoxicating liquor at retail, only by the glass and from 6461
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the container, for consumption on the premises where sold, and to 6468
sell the same products in the same manner and amounts not for 6469
consumption on the premises as may be sold by the holders of D-1 6470
and D-2 permits. In addition to the privileges authorized by this 6471
division, the holder of a D-5l permit may exercise the same 6472
privileges as the holder of a D-5 permit. 6473

A D-5l permit shall not be transferred to another location. 6474
No quota restrictions shall be placed on the number of D-5l 6475
permits that may be issued. The fee for a permit D-5l is two 6476
thousand three hundred forty-four dollars. 6477

Sec. 4303.182. (A) Except as otherwise provided in divisions 6478
(B) to (J) of this section, permit D-6 shall be issued to the 6479
holder of an A-1-A, A-2, C-2, D-2, D-3, D-3a, D-4, D-4a, D-5, 6480
D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 6481
D-5l, or D-7 permit to allow sale under that permit between the 6482
hours of ten a.m. and midnight, or between the hours of one p.m. 6483
and midnight, on Sunday, as applicable, if that sale has been 6484
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 6485
of the Revised Code and under the restrictions of that 6486
authorization. 6487

(B) Permit D-6 shall be issued to the holder of any permit, 6488
including a D-4a and D-5d permit, authorizing the sale of 6489
intoxicating liquor issued for a premises located at any publicly 6490
owned airport, as defined in section 4563.01 of the Revised Code, 6491
at which commercial airline companies operate regularly scheduled 6492
flights on which space is available to the public, to allow sale 6493
under such permit between the hours of ten a.m. and midnight on 6494
Sunday, whether or not that sale has been authorized under section 6495
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 6496

(C) Permit D-6 shall be issued to the holder of a D-5a 6497
permit, and to the holder of a D-3 or D-3a permit who is the owner 6498

or operator of a hotel or motel that is required to be licensed 6499
under section 3731.03 of the Revised Code, that contains at least 6500
fifty rooms for registered transient guests, and that has on its 6501
premises a retail food establishment or a food service operation 6502
licensed pursuant to Chapter 3717. of the Revised Code that 6503
operates as a restaurant for purposes of this chapter and is 6504
affiliated with the hotel or motel and within or contiguous to the 6505
hotel or motel and serving food within the hotel or motel, to 6506
allow sale under such permit between the hours of ten a.m. and 6507
midnight on Sunday, whether or not that sale has been authorized 6508
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 6509
Revised Code. 6510

(D) The holder of a D-6 permit that is issued to a sports 6511
facility may make sales under the permit between the hours of 6512
eleven a.m. and midnight on any Sunday on which a professional 6513
baseball, basketball, football, hockey, or soccer game is being 6514
played at the sports facility. As used in this division, "sports 6515
facility" means a stadium or arena that has a seating capacity of 6516
at least four thousand and that is owned or leased by a 6517
professional baseball, basketball, football, hockey, or soccer 6518
franchise or any combination of those franchises. 6519

(E) Permit D-6 shall be issued to the holder of any permit 6520
that authorizes the sale of beer or intoxicating liquor and that 6521
is issued to a premises located in or at the Ohio historical 6522
society area or the state fairgrounds, as defined in division (B) 6523
of section 4301.40 of the Revised Code, to allow sale under that 6524
permit between the hours of ten a.m. and midnight on Sunday, 6525
whether or not that sale has been authorized under section 6526
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 6527

(F) Permit D-6 shall be issued to the holder of any permit 6528
that authorizes the sale of intoxicating liquor and that is issued 6529
to an outdoor performing arts center to allow sale under that 6530

permit between the hours of one p.m. and midnight on Sunday, 6531
whether or not that sale has been authorized under section 6532
4301.361 of the Revised Code. A D-6 permit issued under this 6533
division is subject to the results of an election, held after the 6534
D-6 permit is issued, on question (B)(4) as set forth in section 6535
4301.351 of the Revised Code. Following the end of the period 6536
during which an election may be held on question (B)(4) as set 6537
forth in that section, sales of intoxicating liquor may continue 6538
at an outdoor performing arts center under a D-6 permit issued 6539
under this division, unless an election on that question is held 6540
during the permitted period and a majority of the voters voting in 6541
the precinct on that question vote "no." 6542

As used in this division, "outdoor performing arts center" 6543
means an outdoor performing arts center that is located on not 6544
less than eight hundred acres of land and that is open for 6545
performances from the first day of April to the last day of 6546
October of each year. 6547

(G) Permit D-6 shall be issued to the holder of any permit 6548
that authorizes the sale of beer or intoxicating liquor and that 6549
is issued to a golf course owned by the state, a conservancy 6550
district, a park district created under Chapter 1545. of the 6551
Revised Code, or another political subdivision to allow sale under 6552
that permit between the hours of ten a.m. and midnight on Sunday, 6553
whether or not that sale has been authorized under section 6554
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 6555

(H) Permit D-6 shall be issued to the holder of a D-5g permit 6556
to allow sale under that permit between the hours of ten a.m. and 6557
midnight on Sunday, whether or not that sale has been authorized 6558
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 6559
Revised Code. 6560

(I) Permit D-6 shall be issued to the holder of any D permit 6561
for a premises that is licensed under Chapter 3717. of the Revised 6562

Code and that is located at a ski area to allow sale under the D-6 6563
permit between the hours of ten a.m. and midnight on Sunday, 6564
whether or not that sale has been authorized under section 6565
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 6566

As used in this division, "ski area" means a ski area as 6567
defined in section 4169.01 of the Revised Code, provided that the 6568
passenger tramway operator at that area is registered under 6569
section 4169.03 of the Revised Code. 6570

(J) Permit D-6 shall be issued to the holder of a D-5j permit 6571
for a permit premises that is located in a community entertainment 6572
district, as defined in section 4301.80 of the Revised Code, that 6573
was approved by the legislative authority of a municipal 6574
corporation under that section between October 1 and October 15, 6575
2005, to allow sale under the permit between the hours of ten a.m. 6576
and midnight on Sunday, whether or not that sale has been 6577
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 6578
of the Revised Code. 6579

(K) If the restriction to licensed premises where the sale of 6580
food and other goods and services exceeds fifty per cent of the 6581
total gross receipts of the permit holder at the premises is 6582
applicable, the division of liquor control may accept an affidavit 6583
from the permit holder to show the proportion of the permit 6584
holder's gross receipts derived from the sale of food and other 6585
goods and services. If the liquor control commission determines 6586
that affidavit to have been false, it shall revoke the permits of 6587
the permit holder at the premises concerned. 6588

(L) The fee for the D-6 permit is five hundred dollars when 6589
it is issued to the holder of an A-1-A, A-2, D-2, D-3, D-3a, D-4, 6590
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 6591
D-5j, D-5k, D-5l, or D-7 permit. The fee for the D-6 permit is 6592
four hundred dollars when it is issued to the holder of a C-2 6593
permit. 6594

Sec. 4303.232. (A)(1) ~~Except as provided in division (A)(2)~~ 6595
~~of this section, permit Permit S may be issued to a person that~~ 6596
~~manufactures wine,~~ is the brand owner or United States importer of 6597
wine, ~~or~~ is the designated agent of a brand owner or importer for 6598
all wine sold in this state for that owner or importer, or 6599
manufactures wine if such manufacturer is entitled to a tax credit 6600
under 27 C.F.R. 24.278 and produces less than two hundred fifty 6601
thousand gallons of wine per year. If the person resides outside 6602
this state, the person shall comply with the requirements 6603
governing the issuance of licenses or permits that authorize the 6604
sale of intoxicating liquor by the appropriate authority of the 6605
state in which the person resides or by the alcohol and tobacco 6606
tax and trade bureau of the United States department of the 6607
treasury. 6608

(2) ~~An S permit shall only be issued to a manufacturer of~~ 6609
~~wine that is entitled to a tax credit under 27 C.F.R. 24.278 and~~ 6610
~~that produces less than one hundred fifty thousand gallons of wine~~ 6611
~~per year.~~ 6612

~~(3)~~ The fee for the S permit is twenty-five dollars. 6613

~~(4)~~(3) The holder of an S permit may sell wine to a personal 6614
consumer by receiving and filling orders that the personal 6615
consumer submits to the permit holder. The permit holder shall 6616
sell only wine that the permit holder has manufactured to a 6617
personal consumer. 6618

~~(5)~~(4) The holder of an S permit shall renew the permit in 6619
accordance with section 4303.271 of the Revised Code, except that 6620
the renewal shall not be subject to the notice and hearing 6621
requirements established in division (B) of that section. 6622

~~(6)~~(5) The division of liquor control may refuse to renew an 6623
S permit for any of the reasons specified in section 4303.292 of 6624
the Revised Code or if the holder of the permit fails to do any of 6625

the following: 6626

(a) Collect and pay all applicable taxes specified in 6627
division (B) of this section; 6628

(b) Pay the permit fee; 6629

(c) Comply with this section or any rules adopted by the 6630
liquor control commission under section 4301.03 of the Revised 6631
Code. 6632

(B) The holder of an S permit shall collect and pay ~~all~~ 6633
~~applicable~~ the taxes relating to the delivery of wine to a 6634
personal consumer, ~~including, but not limited to, taxes that are~~ 6635
levied under sections 4301.421 and ~~4301.43~~ 4301.432 and Chapters 6636
5739. and 5741. of the Revised Code. 6637

(C)(1) The holder of an S permit shall send a shipment of 6638
wine that has been paid for by a personal consumer to that 6639
personal consumer via the holder of an H permit. Prior to sending 6640
a shipment of wine to a personal consumer, the holder of an S 6641
permit, or an employee of the permit holder, shall make a bona 6642
fide effort to ensure that the personal consumer is at least 6643
twenty-one years of age. The shipment of wine shall be shipped in 6644
a package that clearly has written on it in bold print the words 6645
"alcohol enclosed." No person shall fail to comply with division 6646
(C)(1) of this section. 6647

(2) Upon delivering a shipment of wine to a personal 6648
consumer, the holder of the H permit, or an employee of the permit 6649
holder, shall verify that the personal consumer is at least 6650
twenty-one years of age by checking the personal consumer's 6651
driver's or commercial driver's license or identification card 6652
issued under sections 4507.50 to 4507.52 of the Revised Code. 6653

(3) The holder of an S permit shall keep a record of each 6654
shipment of wine that the permit holder sends to a personal 6655
consumer. The records shall be used for all of the following: 6656

(a) To provide a copy of each wine shipment invoice to the tax commissioner in a manner prescribed by the commissioner. The invoice shall include the name of each personal consumer that purchased wine from the S permit holder in accordance with this section and any other information required by the tax commissioner.

(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.

(c) To notify a personal consumer of any health or welfare recalls of the wine that has been purchased by the personal consumer.

(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.

(E) The holder of an S permit shall comply with this chapter, Chapter 4301. of the Revised Code, and any rules adopted by the liquor control commission under section 4301.03 of the Revised Code.

Sec. 4303.233. No family household shall purchase more than twenty-four cases of ~~nine-liter~~ twelve bottles of seven hundred fifty milliliters of wine in one year.

Sec. 4303.30. The rights granted by any D-2, D-3, D-3a, D-4, 6688
D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 6689
D-5l, or D-6 permit shall be exercised at not more than two fixed 6690
counters, commonly known as bars, in rooms or places on the permit 6691
premises, where beer, mixed beverages, wine, or spirituous liquor 6692
is sold to the public for consumption on the premises. For each 6693
additional fixed counter on the permit premises where those 6694
beverages are sold for consumption on the premises, the permit 6695
holder shall obtain a duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, 6696
D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, or D-6 6697
permit. 6698

The holder of any D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, 6699
D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, or D-6 permit 6700
shall be granted, upon application to the division of liquor 6701
control, a duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, 6702
D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, or D-6 permit for 6703
each additional fixed counter on the permit premises at which 6704
beer, mixed beverages, wine, or spirituous liquor is sold for 6705
consumption on the premises, provided the application is made in 6706
the same manner as an application for an original permit. The 6707
application shall be identified with DUPLICATE printed on the 6708
permit application form furnished by the department, in boldface 6709
type. The application shall identify by name, or otherwise amply 6710
describe, the room or place on the premises where the duplicate 6711
permit is to be operative. Each duplicate permit shall be issued 6712
only to the same individual, firm, or corporation as that of the 6713
original permit and shall be an exact duplicate in size and word 6714
content as the original permit, except that it shall show on it 6715
the name or other ample identification of the room, or place, for 6716
which it is issued and shall have DUPLICATE printed on it in 6717
boldface type. A duplicate permit shall bear the same number as 6718
the original permit. The fee for a duplicate permit is: D-1, one 6719

hundred dollars; D-2, one hundred dollars; D-3, four hundred 6720
dollars; D-3a, four hundred dollars; D-4, two hundred dollars; 6721
D-5, one thousand dollars; D-5a, one thousand dollars; D-5b, one 6722
thousand dollars; D-5c, four hundred dollars; D-5e, six hundred 6723
fifty dollars; D-5f, one thousand dollars; D-6, one hundred 6724
dollars when issued to the holder of a D-4a permit; and in all 6725
other cases one hundred dollars or an amount which is twenty per 6726
cent of the fees payable for the A-1-A, D-2, D-3, D-3a, D-4, D-5, 6727
D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, and 6728
D-6 permits issued to the same premises, whichever is higher. 6729
Application for a duplicate permit may be filed any time during 6730
the life of an original permit. The fee for each duplicate D-2, 6731
D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, 6732
D-5i, D-5j, D-5k, D-5l, or D-6 permit shall be paid in accordance 6733
with section 4303.24 of the Revised Code. 6734

Sec. 4303.33. (A) Every A-1 permit holder in this state, 6735
every bottler, importer, wholesale dealer, broker, producer, or 6736
manufacturer of beer outside this state and within the United 6737
States, and every B-1 permit holder and importer importing beer 6738
from any manufacturer, bottler, person, or group of persons 6739
however organized outside the United States for sale or 6740
distribution for sale in this state, on or before the eighteenth 6741
day of each month, shall make and file with the tax commissioner 6742
upon a form prescribed by the tax commissioner an advance tax 6743
payment in an amount estimated to equal the taxpayer's tax 6744
liability for the month in which the advance tax payment is made. 6745
If the advance tax payment credits claimed on the report are for 6746
advance tax payments received by the tax commissioner on or before 6747
the eighteenth day of the month covered by the report, the 6748
taxpayer is entitled to an additional credit of three per cent of 6749
the advance tax payment and a discount of three per cent shall be 6750
allowed the taxpayer at the time of filing the report if filed as 6751

provided in division (B) of this section on any amount by which 6752
the tax liability reflected in the report exceeds the advance tax 6753
payment estimate by not more than ten per cent. The additional 6754
three per cent credit and three per cent discount shall be in 6755
consideration for advancing the payment of the tax and other 6756
services performed by the permit holder and other taxpayers in the 6757
collection of the tax. 6758

"Advance tax payment credit" means credit for payments made 6759
by an A-1 or B-1 permit holder and any other persons during the 6760
period covered by a report which was made in anticipation of the 6761
tax liability required to be reported on that report. 6762

"Tax liability" as used in division (A) of this section means 6763
the total gross tax liability of an A-1 or B-1 permit holder and 6764
any other persons for the period covered by a report before any 6765
allowance for credits and discount. 6766

(B) Every A-1 permit holder in this state, every bottler, 6767
importer, wholesale dealer, broker, producer, or manufacturer of 6768
beer outside this state and within the United States, and every 6769
B-1 permit holder importing beer from any manufacturer, bottler, 6770
person, or group of persons however organized outside the United 6771
States, on or before the tenth day of each month, shall make and 6772
file a report for the preceding month upon a form prescribed by 6773
the tax commissioner which report shall show the amount of beer 6774
produced, sold, and distributed for sale in this state by the A-1 6775
permit holder, sold and distributed for sale in this state by each 6776
manufacturer, bottler, importer, wholesale dealer, or broker 6777
outside this state and within the United States, and the amount of 6778
beer imported into this state from outside the United States and 6779
sold and distributed for sale in this state by the B-1 permit 6780
holder or importer. 6781

The report shall be filed by mailing it to the tax 6782
commissioner, together with payment of the tax levied by sections 6783

4301.42 and 4305.01 of the Revised Code shown to be due on the 6784
report after deduction of advance payment credits and any 6785
additional credits or discounts provided for under this section. 6786

(C)(1) Every A-2 ~~and~~, A-4, B-2, B-2a, B-3, B-4, ~~and~~ B-5, and 6787
S permit holder in this state, on or before the eighteenth day of 6788
each month, shall make and file a report with the tax commissioner 6789
upon a form prescribed by the tax commissioner which report shall 6790
show, on the report of each A-2 ~~and~~, A-4, B-2a, and S permit 6791
holder the amount of wine, cider, and mixed beverages produced and 6792
sold, or sold in this state by each such A-2 ~~and~~, A-4, B-2a, and S 6793
permit holder for the next preceding calendar month and such other 6794
information as the tax commissioner requires, and on the report of 6795
each such B-2, B-3, B-4, and B-5 permit holder the amount of wine, 6796
cider, and mixed beverages purchased from an importer, broker, 6797
wholesale dealer, producer, or manufacturer located outside this 6798
state and sold and distributed in this state by such B-2, B-3, 6799
B-4, and B-5 permit holder, for the next preceding calendar month 6800
and such other information as the tax commissioner requires. 6801

(2) Every such A-2, A-4, B-2, B-2a, B-3, B-4, ~~and~~ B-5, and S 6802
permit holder in this state shall remit with the report the tax 6803
levied by sections 4301.43 and, if applicable, 4301.432 of the 6804
Revised Code less a discount thereon of three per cent of the 6805
total tax so levied and paid, provided the return is filed 6806
together with remittance of the amount of tax shown to be due 6807
thereon, within the time prescribed. Any permit holder or other 6808
persons who fail to file a report under this section, for each day 6809
the person so fails, may be required to forfeit and pay into the 6810
state treasury the sum of one dollar as revenue arising from the 6811
tax imposed by sections 4301.42, 4301.43, 4301.432, and 4305.01 of 6812
the Revised Code, and that sum may be collected by assessment in 6813
the manner provided in section 4305.13 of the Revised Code. 6814

(3) If the tax commissioner determines that the quantity 6815

reported by a person does not warrant monthly reporting, the 6816
commissioner may authorize the filing of returns and the payment 6817
of the tax required by this section for periods longer than one 6818
month. 6819

(D) Every B-1 permit holder and importer in this state 6820
importing beer from any manufacturer, bottler, person, or group of 6821
persons however organized, outside the United States, if required 6822
by the tax commissioner shall post a bond payable to the state in 6823
such form and amount as the commissioner prescribes with surety to 6824
the satisfaction of the tax commissioner, conditioned upon the 6825
payment to the tax commissioner of taxes levied by sections 6826
4301.42 and 4305.01 of the Revised Code. 6827

(E) No such wine, beer, cider, or mixed beverages sold or 6828
distributed in this state shall be taxed more than once under 6829
sections 4301.42, 4301.43, and 4305.01 of the Revised Code. 6830

(F) As used in this section: 6831

(1) "Cider" has the same meaning as in section 4301.01 of the 6832
Revised Code. 6833

(2) "Wine" has the same meaning as in section 4301.01 of the 6834
Revised Code, except that "wine" does not include cider. 6835

(G) All money collected by the tax commissioner under this 6836
section shall be paid to the treasurer of state as revenue arising 6837
from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 6838
4305.01 of the Revised Code. 6839

Sec. 4303.333. (A) An A-2 permit holder in this state whose 6840
total production of wine, wherever produced, which but for this 6841
exemption is taxable under section 4301.43 of the Revised Code 6842
does not exceed five hundred thousand gallons in a calendar year, 6843
shall be allowed an exemption from the taxes levied ~~in the~~ 6844
~~following calendar year~~ under section 4301.43 of the Revised Code 6845

on wine produced and sold or distributed in this state. The 6846
exemption may be claimed monthly against current taxes levied 6847
under such section as the reports required by section 4303.33 of 6848
the Revised Code are due. At the time the report for December is 6849
due for a calendar year during which a permit holder ~~is eligible~~ 6850
~~to receive~~ claimed an exemption under this section, if the permit 6851
holder has paid the tax levied under section 4301.43 of the 6852
Revised Code, the permit holder may claim a refund of such tax 6853
paid during the calendar year or shall remit any additional tax 6854
due because it did not qualify for the exemption on the December 6855
report. For the purpose of providing this refund, taxes previously 6856
paid under section 4303.33 of the Revised Code during the calendar 6857
year shall not be considered final until the December report is 6858
filed. ~~The~~ 6859

(B) The tax commissioner shall prescribe forms for and allow 6860
the exemptions and refunds authorized by this section. 6861

Sec. 4399.12. No provision contained in Title XLIII of the 6862
Revised Code that prohibits the sale of intoxicating liquors in 6863
any of the circumstances described in section 4399.11 of the 6864
Revised Code extends to or prevents the holder of an A, B, C-2, 6865
D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, 6866
D-5h, D-5i, D-5j, D-5k, D-5l, G, or I permit issued by the 6867
division of liquor control from distributing or selling 6868
intoxicating liquor at the place of business described in the 6869
permit of the holder. 6870

Sec. 4510.10. (A) As used in this section, "reinstatement 6871
fees" means the fees that are required under section 4507.1612, 6872
4507.45, 4509.101, 4509.81, 4511.191, 4511.951, or any other 6873
provision of the Revised Code, or under a schedule established by 6874
the bureau of motor vehicles, in order to reinstate a driver's or 6875
commercial driver's license or permit or nonresident operating 6876

privilege of an offender under a suspension. 6877

(B) Reinstatement fees are those fees that compensate the 6878
bureau of motor vehicles for suspensions, cancellations, or 6879
disqualifications of a person's driving privileges and to 6880
compensate the bureau and other agencies in their administration 6881
of programs intended to reduce and eliminate threats to public 6882
safety through education, treatment, and other activities. The 6883
registrar of motor vehicles shall not reinstate a driver's or 6884
commercial driver's license or permit or nonresident operating 6885
privilege of a person until the person has paid all reinstatement 6886
fees and has complied with all conditions for each suspension, 6887
cancellation, or disqualification incurred by that person. 6888

(C) When a municipal court or county court determines in a 6889
pending case involving an offender that the offender cannot 6890
reasonably pay reinstatement fees due and owing by the offender 6891
relative to one or more suspensions that have been or will be 6892
imposed by the bureau of motor vehicles or by a court of this 6893
state, the court, by order, may undertake an installment payment 6894
plan or a payment extension plan for the payment of reinstatement 6895
fees due and owing to the bureau in that pending case. The court 6896
shall establish an installment payment plan or a payment extension 6897
plan under this division in accordance with the requirements of 6898
divisions (D)(1) and (2) of this section. 6899

(D) Independent of the provisions of division (C) of this 6900
section, an offender who cannot reasonably pay reinstatement fees 6901
due and owing by the offender relative to a suspension that has 6902
been imposed on the offender may file a petition in the municipal 6903
court, county court, or, if the person is under the age of 6904
eighteen, the juvenile division of the court of common pleas in 6905
whose jurisdiction the person resides or, if the person is not a 6906
resident of this state, in the Franklin county municipal court or 6907

juvenile division of the Franklin county court of common pleas for 6908
an order that does either of the following, in order of 6909
preference: 6910

(1) Establishes a reasonable payment plan of not less than 6911
fifty dollars per month, to be paid by the offender to the bureau 6912
of motor vehicles in all succeeding months until all reinstatement 6913
fees required of the offender are paid in full; 6914

(2) If the offender, but for the payment of the reinstatement 6915
fees, otherwise would be entitled to operate a vehicle in this 6916
state or to obtain reinstatement of the offender's operating 6917
privileges, permits the offender to operate a motor vehicle, as 6918
authorized by the court, until a future date upon which date all 6919
reinstatement fees must be paid in full. A payment extension 6920
granted under this division shall not exceed one hundred eighty 6921
days, and any operating privileges granted under this division 6922
shall be solely for the purpose of permitting the offender 6923
occupational or "family necessity" privileges in order to enable 6924
the offender to reasonably acquire the delinquent reinstatement 6925
fees due and owing. 6926

~~(D)~~(E) If a municipal court, county court, or juvenile 6927
division enters an order of the type described in division (C) or 6928
division (D)(1) or (2) of this section, the court, at any time 6929
after the issuance of the order, may determine that a change of 6930
circumstances has occurred and may amend the order as justice 6931
requires, provided that the amended order also shall be an order 6932
that is permitted under division (C) or division (D)(1) or (2) of 6933
this section. 6934

~~(E)~~(F) If a court enters an order of the type described in 6935
division (C), (D)(1), ~~(C)~~(D)(2), or ~~(D)~~(E) of this section, during 6936
the pendency of the order, the offender in relation to whom it 6937
applies is not subject to prosecution for failing to pay the 6938
reinstatement fees covered by the order. 6939

~~(F)~~(G) Reinstatement fees are debts that may be discharged in 6940
bankruptcy. 6941

Sec. 4511.101. (A) There is hereby created in the state 6942
treasury the motorist service sign fund, which shall consist of 6943
proceeds from the business logo sign program established under 6944
this section. The director of transportation shall use money 6945
credited to the fund for transportation purposes, including 6946
transportation infrastructure. 6947

(B) The director of transportation, in accordance with 23 6948
U.S.C.A. 109(d), 131(f), and 315, as amended, shall establish a 6949
program for the placement of business logos for identification 6950
purposes on state directional signs within the rights-of-way of 6951
divided, multi-lane, limited access highways in both rural and 6952
urban areas. 6953

~~(B)~~(C) The director shall establish, and may revise at any 6954
time, a fee for participation in the business logo sign program. 6955
All direct and indirect costs of the business logo sign program 6956
established pursuant to this section shall be fully paid by the 6957
businesses applying for participation in the program. ~~At any~~ 6958
~~interchange where a business logo sign is erected, such costs~~ 6959
~~shall be divided equally among the participating businesses.~~ The 6960
direct and indirect costs of the program shall include, but not be 6961
limited to, the cost of capital, directional signs, blanks, posts, 6962
logos, installation, repair, engineering, design, insurance, 6963
removal, replacement, and administration. Money collected from 6964
participating businesses in excess of the direct and indirect 6965
costs and any reasonable profit earned by a person awarded a 6966
contract under division (D) of this section shall be retained by, 6967
or remitted to, the department and deposited to the credit of the 6968
motorist service sign fund. Nothing in this chapter shall be 6969
construed to prohibit the director from establishing such a 6970

program. 6971

~~(C)~~(D) The director, in accordance with rules adopted 6972
pursuant to Chapter 119. of the Revised Code, may contract with 6973
any private person to operate, maintain, ~~and~~ or market the 6974
business logo sign program. The ~~rules shall describe the terms of~~ 6975
~~the contract, and shall~~ may allow for a reasonable profit to be 6976
earned by the successful applicant. In awarding the contract, the 6977
director shall consider the skill, expertise, prior experience, 6978
and other qualifications of each applicant. 6979

~~(D)~~(E) As used in this section, "urban area" means an area 6980
having a population of fifty thousand or more according to the 6981
most recent federal census and designated as such on urban maps 6982
prepared by the department. 6983

~~(E)~~ ~~Neither~~ (F) In implementing this section, neither the 6984
department nor the director shall do either of the following: 6985

(1) Limit the right of any person to erect, maintain, repair, 6986
remove, or utilize any off-premises or on-premises advertising 6987
device; 6988

(2) Make participation in the business logo sign program 6989
conditional upon a business agreeing to limit, discontinue, 6990
withdraw, modify, alter, or change any advertising or sign. 6991

~~(F)~~(G) The program shall permit the business logo signs of a 6992
seller of motor vehicle fuel to include on the seller's signs a 6993
marking or symbol indicating that the seller sells one or more 6994
types of alternative fuel so long as the seller in fact sells that 6995
fuel. 6996

As used in this division, "alternative fuel" has the same 6997
meaning as in section 125.831 of the Revised Code. 6998

Sec. 4735.01. As used in this chapter: 6999

(A) "Real estate broker" includes any person, partnership, 7000

association, limited liability company, limited liability 7001
partnership, or corporation, foreign or domestic, who for another, 7002
whether pursuant to a power of attorney or otherwise, and who for 7003
a fee, commission, or other valuable consideration, or with the 7004
intention, or in the expectation, or upon the promise of receiving 7005
or collecting a fee, commission, or other valuable consideration 7006
does any of the following: 7007

(1) Sells, exchanges, purchases, rents, or leases, or 7008
negotiates the sale, exchange, purchase, rental, or leasing of any 7009
real estate; 7010

(2) Offers, attempts, or agrees to negotiate the sale, 7011
exchange, purchase, rental, or leasing of any real estate; 7012

(3) Lists, or offers, attempts, or agrees to list, or 7013
auctions, or offers, attempts, or agrees to auction, any real 7014
estate; 7015

(4) Buys or offers to buy, sells or offers to sell, or 7016
otherwise deals in options on real estate; 7017

(5) Operates, manages, or rents, or offers or attempts to 7018
operate, manage, or rent, other than as custodian, caretaker, or 7019
janitor, any building or portions of buildings to the public as 7020
tenants; 7021

(6) Advertises or holds self out as engaged in the business 7022
of selling, exchanging, purchasing, renting, or leasing real 7023
estate; 7024

(7) Directs or assists in the procuring of prospects or the 7025
negotiation of any transaction, other than mortgage financing, 7026
which does or is calculated to result in the sale, exchange, 7027
leasing, or renting of any real estate; 7028

(8) Is engaged in the business of charging an advance fee or 7029
contracting for collection of a fee in connection with any 7030

contract whereby the broker undertakes primarily to promote the 7031
sale, exchange, purchase, rental, or leasing of real estate 7032
through its listing in a publication issued primarily for such 7033
purpose, or for referral of information concerning such real 7034
estate to brokers, or both, except that this division does not 7035
apply to a publisher of listings or compilations of sales of real 7036
estate by their owners; 7037

(9) Collects rental information for purposes of referring 7038
prospective tenants to rental units or locations of such units and 7039
charges the prospective tenants a fee. 7040

(B) "Real estate" includes leaseholds as well as any and 7041
every interest or estate in land situated in this state, whether 7042
corporeal or incorporeal, whether freehold or nonfreehold, and the 7043
improvements on the land, but does not include cemetery interment 7044
rights. 7045

(C) "Real estate salesperson" means any person associated 7046
with a licensed real estate broker to do or to deal in any acts or 7047
transactions set out or comprehended by the definition of a real 7048
estate broker, for compensation or otherwise. 7049

(D) "Institution of higher education" means either of the 7050
following: 7051

(1) A nonprofit institution as defined in section 1713.01 of 7052
the Revised Code that actually awards, rather than intends to 7053
award, degrees for fulfilling requirements of academic work beyond 7054
high school; 7055

(2) An institution operated for profit that otherwise 7056
qualifies under the definition of an institution in section 7057
1713.01 of the Revised Code and that actually awards, rather than 7058
intends to award, degrees for fulfilling requirements of academic 7059
work beyond high school. 7060

(E) "Foreign real estate" means real estate not situated in 7061

this state and any interest in real estate not situated in this 7062
state. 7063

(F) "Foreign real estate dealer" includes any person, 7064
partnership, association, limited liability company, limited 7065
liability partnership, or corporation, foreign or domestic, who 7066
for another, whether pursuant to a power of attorney or otherwise, 7067
and who for a fee, commission, or other valuable consideration, or 7068
with the intention, or in the expectation, or upon the promise of 7069
receiving or collecting a fee, commission, or other valuable 7070
consideration, does or deals in any act or transaction specified 7071
or comprehended in division (A) of this section with respect to 7072
foreign real estate. 7073

(G) "Foreign real estate salesperson" means any person 7074
associated with a licensed foreign real estate dealer to do or 7075
deal in any act or transaction specified or comprehended in 7076
division (A) of this section with respect to foreign real estate, 7077
for compensation or otherwise. 7078

(H) Any person, partnership, association, limited liability 7079
company, limited liability partnership, or corporation, who, for 7080
another, in consideration of compensation, by fee, commission, 7081
salary, or otherwise, or with the intention, in the expectation, 7082
or upon the promise of receiving or collecting a fee, does, or 7083
offers, attempts, or agrees to engage in, any single act or 7084
transaction contained in the definition of a real estate broker, 7085
whether an act is an incidental part of a transaction, or the 7086
entire transaction, shall be constituted a real estate broker or 7087
real estate salesperson under this chapter. 7088

(I) The terms "real estate broker," "real estate 7089
salesperson," "foreign real estate dealer," and "foreign real 7090
estate salesperson" do not include a person, partnership, 7091
association, limited liability company, limited liability 7092
partnership, or corporation, or the regular employees thereof, who 7093

perform any of the acts or transactions specified or comprehended 7094
in division (A) of this section, whether or not for, or with the 7095
intention, in expectation, or upon the promise of receiving or 7096
collecting a fee, commission, or other valuable consideration: 7097

(1) With reference to real estate situated in this state or 7098
any interest in it owned by such person, partnership, association, 7099
limited liability company, limited liability partnership, or 7100
corporation, or acquired on its own account in the regular course 7101
of, or as an incident to the management of the property and the 7102
investment in it; 7103

(2) As receiver or trustee in bankruptcy, as guardian, 7104
executor, administrator, trustee, assignee, commissioner, or any 7105
person doing the things mentioned in this section, under authority 7106
or appointment of, or incident to a proceeding in, any court, or 7107
as a public officer, or as executor, trustee, or other bona fide 7108
fiduciary under any trust agreement, deed of trust, will, or other 7109
instrument creating a like bona fide fiduciary obligation; 7110

(3) As a public officer while performing the officer's 7111
official duties; 7112

(4) As an attorney at law in the performance of the 7113
attorney's duties; 7114

(5) As a person who engages in the brokering of the sale of 7115
business assets, not including the negotiation of the sale, lease, 7116
exchange, or assignment of any interest in real estate; 7117

(6) As a person who engages in the sale of manufactured homes 7118
as defined in division (C)(4) of section 3781.06 of the Revised 7119
Code, or of mobile homes as defined in division (O) of section 7120
4501.01 of the Revised Code, provided the sale does not include 7121
the negotiation, sale, lease, exchange, or assignment of any 7122
interest in real estate; 7123

(7) As a person who engages in the sale of commercial real 7124

estate pursuant to the requirements of section 4735.022 of the Revised Code.

(J) "Physically handicapped licensee" means a person licensed pursuant to this chapter who is under a severe physical disability which is of such a nature as to prevent the person from being able to attend any instruction lasting at least three hours in duration.

(K) "Division of real estate" may be used interchangeably with, and for all purposes has the same meaning as, "division of real estate and professional licensing."

(L) "Superintendent" or "superintendent of real estate" means the superintendent of the division of real estate and professional licensing of this state. Whenever the division or superintendent of real estate is referred to or designated in any statute, rule, contract, or other document, the reference or designation shall be deemed to refer to the division or superintendent of real estate and professional licensing, as the case may be.

(M) "Inactive license" means the license status in which a salesperson's license is in the possession of the division, renewed as required under this chapter or rules adopted under this chapter, and not associated with a real estate broker.

(N) "Broker's license on deposit" means the license status in which a broker's license is in the possession of the division of real estate and professional licensing and renewed as required under this chapter or rules adopted under this chapter.

(O) "Suspended license" means the license status that prohibits a licensee from providing services that require a license under this chapter for a specified interval of time.

(P) "Reactivate" means the process prescribed by the superintendent of real estate and professional licensing to remove a license from an inactive, voluntary hold, suspended, or broker's

license on deposit status to allow a licensee to provide services 7156
that require a license under this chapter. 7157

(Q) "Revoked" means the license status in which the license 7158
is void and not eligible for reactivation. 7159

(R) "Commercial real estate" means any parcel of real estate 7160
in this state other than real estate containing one to four 7161
residential units. "Commercial real estate" does not include 7162
single-family residential units such as condominiums, townhouses, 7163
manufactured homes, or homes in a subdivision when sold, leased, 7164
or otherwise conveyed on a unit-by-unit basis, even when those 7165
units are a part of a larger building or parcel of real estate 7166
containing more than four residential units. 7167

(S) "Out-of-state commercial broker" includes any person, 7168
partnership, association, limited liability company, limited 7169
liability partnership, or corporation that is licensed to do 7170
business as a real estate broker in a jurisdiction other than 7171
Ohio. 7172

(T) "Out-of-state commercial salesperson" includes any person 7173
affiliated with an out-of-state commercial broker who is not 7174
licensed as a real estate salesperson in Ohio. 7175

(U) "Exclusive right to sell or lease listing agreement" 7176
means an agency agreement between a seller and broker that meets 7177
the requirements of section 4735.55 of the Revised Code and does 7178
both of the following: 7179

(1) Grants the broker the exclusive right to represent the 7180
seller in the sale or lease of the seller's property; 7181

(2) Provides the broker will be compensated if the broker, 7182
the seller, or any other person or entity produces a purchaser or 7183
tenant in accordance with the terms specified in the listing 7184
agreement or if the property is sold or leased during the term of 7185
the listing agreement to anyone other than to specifically 7186

exempted persons or entities. 7187

(V) "Exclusive agency agreement" means an agency agreement 7188
between a seller and broker that meets the requirements of section 7189
4735.55 of the Revised Code and does both of the following: 7190

(1) Grants the broker the exclusive right to represent the 7191
seller in the sale or lease of the seller's property; 7192

(2) Provides the broker will be compensated if the broker or 7193
any other person or entity produces a purchaser or tenant in 7194
accordance with the terms specified in the listing agreement or if 7195
the property is sold or leased during the term of the listing 7196
agreement, unless the property is sold or leased solely through 7197
the efforts of the seller or to the specifically exempted persons 7198
or entities. 7199

(W) "Exclusive purchaser agency agreement" means an agency 7200
agreement between a purchaser and broker that meets the 7201
requirements of section 4735.55 of the Revised Code and does both 7202
of the following: 7203

(1) Grants the broker the exclusive right to represent the 7204
purchaser in the purchase or lease of property; 7205

(2) Provides the broker will be compensated in accordance 7206
with the terms specified in the exclusive agency agreement or if a 7207
property is purchased or leased by the purchaser during the term 7208
of the agency agreement unless the property is specifically 7209
exempted in the agency agreement. 7210

The agreement may authorize the broker to receive 7211
compensation from the seller or the seller's agent and may provide 7212
that the purchaser is not obligated to compensate the broker if 7213
the property is purchased or leased solely through the efforts of 7214
the purchaser. 7215

(X) "Seller" means a party in a real estate transaction who 7216

is the potential transferor of property. "Seller" includes an 7217
owner of property who is seeking to sell the property and a 7218
landlord who is seeking to rent or lease property to another 7219
person. 7220

(Y) "Voluntary hold" means the license status in which a 7221
license is in the possession of the division of real estate and 7222
professional licensing for a period of not more than twelve months 7223
pursuant to section 4735.142 of the Revised Code, is not renewed 7224
in accordance with the requirements specified in this chapter or 7225
the rules adopted pursuant to it, and is not associated with a 7226
real estate broker. 7227

(Z) "Resigned" means the license status in which a license 7228
has been voluntarily surrendered to or is otherwise in the 7229
possession of the division of real estate and professional 7230
licensing, is not renewed in accordance with the requirements 7231
specified in this chapter or the rules adopted pursuant to it, and 7232
is not associated with a real estate broker. 7233

Sec. 4735.02. Except as provided in section 4735.022 of the 7234
Revised Code, no person, partnership, association, limited 7235
liability company, limited liability partnership, or corporation 7236
shall act as a real estate broker or real estate salesperson, or 7237
advertise or assume to act as such, without first being licensed 7238
as provided in this chapter. No person, partnership, association, 7239
limited liability company, limited liability partnership, or 7240
corporation shall provide services that require a license under 7241
this chapter if the licensee's license is inactive, suspended, 7242
placed on voluntary hold, resigned, or a broker's license on 7243
deposit, or if the license has been revoked. Nothing contained in 7244
this chapter shall be construed as authorizing a real estate 7245
broker or salesperson to perform any service constituting the 7246
practice of law. 7247

No partnership, association, limited liability company, 7248
limited liability partnership, or corporation holding a real 7249
estate license shall employ as an officer, director, manager, or 7250
principal employee any person previously holding a license as a 7251
real estate broker, real estate salesperson, foreign real estate 7252
dealer, or foreign real estate salesperson, whose license has been 7253
placed in inactive, voluntary hold, or resigned status, or is 7254
suspended, or revoked and who has not thereafter reactivated the 7255
license or received a new license. 7256

Sec. 4735.10. (A)(1) The Ohio real estate commission may 7257
adopt reasonable rules in accordance with Chapter 119. of the 7258
Revised Code, necessary for implementing the provisions of this 7259
chapter relating, but not limited to, the following: 7260

(a) The form and manner of filing applications for license; 7261

(b) Times and form of examination for license; 7262

(c) Placing an existing broker's license on deposit or a 7263
salesperson's license on an inactive status for an indefinite 7264
period; 7265

(d) Specifying the process by which a licensee may place the 7266
licensee's license on voluntary hold or resigned status; 7267

(e) Defining any additional license status that the 7268
commission determines is necessary and that is not otherwise 7269
defined in this chapter and establishing the process by which a 7270
licensee places the licensee's license in a status defined by the 7271
commission in the rules the commission adopts. 7272

(2) The commission shall adopt reasonable rules in accordance 7273
with Chapter 119. of the Revised Code, for implementing the 7274
provisions of this chapter relating to the following: 7275

(a) The issuance, renewal, suspension, and revocation of 7276
licenses, other sanctions that may be imposed for violations of 7277

this chapter, the conduct of hearings related to these actions,	7278
and the process of reactivating a license;	7279
(b) By not later than January 1, 2004, a three-year license	7280
and a three-year license renewal system;	7281
(c) Standards for the approval of courses of study required	7282
for licenses, or offered in preparation for license examinations,	7283
or required as continuing education for licenses.	7284
(d) Guidelines to ensure that continuing education classes	7285
are open to all persons licensed under this chapter. The rules	7286
shall specify that an organization that sponsors a continuing	7287
education class may offer its members a reasonable reduction in	7288
the fees charged for the class.	7289
(e) Requirements for trust accounts and property management	7290
accounts. The rules shall specify that:	7291
(i) Brokerages engaged in the management of property for	7292
another may, pursuant to a written contract with the property	7293
owner, exercise signatory authority for withdrawals from property	7294
management accounts maintained in the name of the property owner.	7295
The exercise of authority for withdrawals does not constitute a	7296
violation of any provision of division (A) of section 4735.18 of	7297
the Revised Code.	7298
(ii) The interest earned on property management trust	7299
accounts maintained in the name of the property owner or the	7300
broker shall be payable to the property owner unless otherwise	7301
specified in a written contract.	7302
(f) Notice of renewal forms and filing deadlines;	7303
(g) Special assessments under division (A) of section 4735.12	7304
of the Revised Code.	7305
(B) The commission may adopt rules in accordance with Chapter	7306
119. of the Revised Code establishing standards and guidelines	7307

with which the superintendent of real estate shall comply in the 7308
exercise of the following powers: 7309

(1) Appointment and recommendation of ancillary trustees 7310
under section 4735.05 of the Revised Code; 7311

(2) Rejection of names proposed to be used by partnerships, 7312
associations, limited liability companies, limited liability 7313
partnerships, and corporations, under division (A) of section 7314
4735.06 of the Revised Code; 7315

(3) Acceptance and rejection of applications to take the 7316
broker and salesperson examinations and licensure, with 7317
appropriate waivers pursuant to division (E) of section 4735.07 7318
and section 4735.09 of the Revised Code; 7319

(4) Approval of applications of brokers to place their 7320
licenses on deposit and to become salespersons under section 7321
4735.13 of the Revised Code; 7322

(5) Appointment of hearing examiners under section 119.09 of 7323
the Revised Code; 7324

(6) Acceptance and rejection of applications to take the 7325
foreign real estate dealer and salesperson examinations and 7326
licensure, with waiver of examination, under sections 4735.27 and 7327
4735.28 of the Revised Code; 7328

(7) Qualification of foreign real estate under section 7329
4735.25 of the Revised Code. 7330

If at any time there is no rule in effect establishing a 7331
guideline or standard required by this division, the 7332
superintendent may adopt a rule in accordance with Chapter 119. of 7333
the Revised Code for such purpose. 7334

(C) The commission or superintendent may hear testimony in 7335
matters relating to the duties imposed upon them, and the 7336
president of the commission and superintendent may administer 7337

oaths. The commission or superintendent may require other proof of 7338
the honesty, truthfulness, and good reputation of any person named 7339
in an application for a real estate broker's or real estate 7340
salesperson's license before admitting the applicant to the 7341
examination or issuing a license. 7342

Sec. 4735.13. (A) The license of a real estate broker shall 7343
be prominently displayed in the office or place of business of the 7344
broker, and no license shall authorize the licensee to do business 7345
except from the location specified in it. If the broker maintains 7346
more than one place of business within the state, the broker shall 7347
apply for and procure a duplicate license for each branch office 7348
maintained by the broker. Each branch office shall be in the 7349
charge of a licensed broker or salesperson. The branch office 7350
license shall be prominently displayed at the branch office 7351
location. 7352

(B) The license of each real estate salesperson shall be 7353
mailed to and remain in the possession of the licensed broker with 7354
whom the salesperson is or is to be associated until the licensee 7355
places the license on inactive, voluntary hold, or resigned status 7356
or until the salesperson leaves the brokerage or is terminated. 7357
The broker shall keep each salesperson's license in a way that it 7358
can, and shall on request, be made immediately available for 7359
public inspection at the office or place of business of the 7360
broker. Except as provided in divisions (G) and (H) of this 7361
section, immediately upon the salesperson's leaving the 7362
association or termination of the association of a real estate 7363
salesperson with the broker, the broker shall return the 7364
salesperson's license to the superintendent of real estate. 7365

The failure of a broker to return the license of a real 7366
estate salesperson or broker who leaves or who is terminated, via 7367
certified mail return receipt requested, within three business 7368

days of the receipt of a written request from the superintendent 7369
for the return of the license, is prima-facie evidence of 7370
misconduct under division (A)(6) of section 4735.18 of the Revised 7371
Code. 7372

(C) Any licensee who is convicted of a felony or a crime 7373
involving moral turpitude or of violating any federal, state, or 7374
municipal civil rights law pertaining to discrimination in 7375
housing, or any court that issues a finding of an unlawful 7376
discriminatory practice pertaining to housing accommodations 7377
described in division (H) of section 4112.02 of the Revised Code 7378
or that convicts a licensee of a violation of any municipal civil 7379
rights law pertaining to housing discrimination, shall notify the 7380
superintendent of the conviction or finding within fifteen days. 7381
If a licensee fails to notify the superintendent within the 7382
required time, the superintendent immediately may revoke the 7383
license of the licensee. 7384

Any court that convicts a licensee of a violation of any 7385
municipal civil rights law pertaining to housing discrimination 7386
also shall notify the Ohio civil rights commission within fifteen 7387
days of the conviction. 7388

(D) In case of any change of business location, a broker 7389
shall give notice in writing to the superintendent, whereupon the 7390
superintendent shall issue new licenses for the unexpired period 7391
without charge. If a broker changes a business location without 7392
giving the required notice and without receiving new licenses that 7393
action is prima-facie evidence of misconduct under division (A)(6) 7394
of section 4735.18 of the Revised Code. 7395

(E) If a real estate broker desires to associate with another 7396
real estate broker in the capacity of a real estate salesperson, 7397
the broker shall apply to the superintendent to deposit the 7398
broker's real estate broker's license with the superintendent and 7399
for the issuance of a real estate salesperson's license. The 7400

application shall be made on a form prescribed by the 7401
superintendent and shall be accompanied by the recommendation of 7402
the real estate broker with whom the applicant intends to become 7403
associated and a fee of twenty-five dollars for the real estate 7404
salesperson's license. Four dollars of the fee shall be credited 7405
to the real estate education and research fund. If the 7406
superintendent is satisfied that the applicant is honest, 7407
truthful, and of good reputation, has not been convicted of a 7408
felony or a crime involving moral turpitude, and has not been 7409
finally adjudged by a court to have violated any municipal, state, 7410
or federal civil rights laws relevant to the protection of 7411
purchasers or sellers of real estate, and that the association of 7412
the real estate broker and the applicant will be in the public 7413
interest, the superintendent shall grant the application and issue 7414
a real estate salesperson's license to the applicant. Any license 7415
so deposited with the superintendent shall be subject to this 7416
chapter. A broker who intends to deposit the broker's license with 7417
the superintendent, as provided in this section, shall give 7418
written notice of this fact in a format prescribed by the 7419
superintendent to all salespersons associated with the broker when 7420
applying to place the broker's license on deposit. 7421

(F) If a real estate broker desires to become a member or 7422
officer of a partnership, association, limited liability company, 7423
limited liability partnership, or corporation that is or intends 7424
to become a licensed real estate broker, the broker shall notify 7425
the superintendent of the broker's intentions. The notice of 7426
intention shall be on a form prescribed by the superintendent and 7427
shall be accompanied by a fee of twenty-five dollars. Four dollars 7428
of the fee shall be credited to the real estate education and 7429
research fund. 7430

No real estate broker who is a member or officer of a 7431
partnership, association, limited liability company, limited 7432

liability partnership, or corporation that is a licensed real 7433
estate broker shall perform any acts as a real estate broker other 7434
than as the agent of the partnership, association, limited 7435
liability company, limited liability partnership, or corporation, 7436
and such broker shall not have any real estate salespersons 7437
associated with the broker. 7438

(G) If a real estate broker or salesperson enters the armed 7439
forces, the broker or salesperson may place the broker's or 7440
salesperson's license on deposit with the Ohio real estate 7441
commission. The licensee shall not be required to renew the 7442
license until the renewal date that follows the date of discharge 7443
from the armed forces. Any license deposited with the commission 7444
shall be subject to this chapter. Any licensee whose license is on 7445
deposit under this division and who fails to meet the continuing 7446
education requirements of section 4735.141 of the Revised Code 7447
because the licensee is in the armed forces shall satisfy the 7448
commission that the licensee has complied with the continuing 7449
education requirements within twelve months of the licensee's 7450
discharge. The commission shall notify the licensee of the 7451
licensee's obligations under section 4735.141 of the Revised Code 7452
at the time the licensee applies for reactivation of the 7453
licensee's license. 7454

(H) If a licensed real estate salesperson submits an 7455
application to the superintendent to leave the association of one 7456
broker to associate with a different broker, the broker possessing 7457
the licensee's license need not return the salesperson's license 7458
to the superintendent. The superintendent may process the 7459
application regardless of whether the licensee's license is 7460
returned to the superintendent. 7461

Sec. 4735.14. (A) Each license issued under this chapter, 7462
shall be valid without further recommendation or examination until 7463

it is placed in an inactive, voluntary hold, or resigned status, 7464
is revoked, or suspended, or such license expires by operation of 7465
law. 7466

(B) ~~Each~~ Except for a licensee who has placed the licensee's 7467
license on voluntary hold or resigned status pursuant to section 7468
4735.142 of the Revised Code, each licensed broker, brokerage, or 7469
salesperson shall file, on or before the date the Ohio real estate 7470
commission has adopted by rule for that licensee in accordance 7471
with division (A)(2)(f) of section 4735.10 of the Revised Code, a 7472
notice of renewal on a form prescribed by the superintendent of 7473
real estate. The notice of renewal shall be mailed by the 7474
superintendent to the most current personal residence address of 7475
each broker or salesperson as filed with the superintendent by the 7476
licensee and the place of business address of the brokerage two 7477
months prior to the filing deadline. 7478

(C) ~~The~~ Except as otherwise provided in division (B) of this 7479
section, the license of any real estate broker, brokerage, or 7480
salesperson that fails to file a notice of renewal on or before 7481
the filing deadline of each ensuing year shall be suspended 7482
automatically without the taking of any action by the 7483
superintendent. A suspended license may be reactivated within 7484
twelve months of the date of suspension, provided that the renewal 7485
fee plus a penalty fee of fifty per cent of the renewal fee is 7486
paid to the superintendent. Failure to reactivate the license as 7487
provided in this division shall result in automatic revocation of 7488
the license without the taking of any action by the 7489
superintendent. No person, partnership, association, corporation, 7490
limited liability company, or limited partnership shall engage in 7491
any act or acts for which a real estate license is required while 7492
that entity's license is placed in an inactive, voluntary hold, or 7493
resigned status, or is suspended, or revoked. The commission shall 7494
adopt rules in accordance with Chapter 119. of the Revised Code to 7495

provide to licensees notice of suspension or revocation or both. 7496

(D) Each licensee shall notify the commission of a change in 7497
personal residence address. A licensee's failure to notify the 7498
commission of a change in personal residence address does not 7499
negate the requirement to file the license renewal by the required 7500
deadline established by the commission by rule under division 7501
(A)(2)(f) of section 4735.10 of the Revised Code. 7502

(E) The superintendent shall not renew a license if the 7503
licensee is not in compliance with this chapter. 7504

Sec. 4735.141. (A) Except as otherwise provided in this 7505
division and except for a licensee who has placed the licensee's 7506
license on voluntary hold or resigned status pursuant to section 7507
4735.142 of the Revised Code, each person licensed under section 7508
4735.07 or 4735.09 of the Revised Code shall submit proof 7509
satisfactory to the superintendent of real estate that the 7510
licensee has satisfactorily completed thirty hours of continuing 7511
education, as prescribed by the Ohio real estate commission 7512
pursuant to section 4735.10 of the Revised Code, on or before the 7513
licensee's birthday occurring three years after the licensee's 7514
date of initial licensure, and on or before the licensee's 7515
birthday every three years thereafter. 7516

Persons licensed as real estate salespersons who subsequently 7517
become licensed real estate brokers shall continue to submit proof 7518
of continuing education in accordance with the time period 7519
established in this section. 7520

The requirements of this section shall not apply to any 7521
physically handicapped licensee as provided in division (E) of 7522
this section. 7523

Each licensee who is seventy years of age or older, within a 7524
continuing education reporting period, shall submit proof 7525

satisfactory to the superintendent of real estate that the 7526
licensee has satisfactorily completed a total of nine classroom 7527
hours of continuing education, including instruction in Ohio real 7528
estate law; recently enacted state and federal laws affecting the 7529
real estate industry; municipal, state, and federal civil rights 7530
law; and canons of ethics for the real estate industry as adopted 7531
by the commission. The required proof of completion shall be 7532
submitted on or before the licensee's birthday that falls in the 7533
third year of that continuing education reporting period. A 7534
licensee who is seventy years of age or older whose license is in 7535
an inactive status is exempt from the continuing education 7536
requirements specified in this section. The commission shall adopt 7537
reasonable rules in accordance with Chapter 119. of the Revised 7538
Code to carry out the purposes of this paragraph. 7539

(B) The continuing education requirements of this section 7540
shall be completed in schools, seminars, and educational 7541
institutions approved by the commission. Such approval shall be 7542
given according to rules established by the commission under the 7543
procedures of Chapter 119. of the Revised Code, and shall not be 7544
limited to institutions providing two-year or four-year degrees. 7545
Each school, seminar, or educational institution approved under 7546
this division shall be open to all licensees on an equal basis. 7547

(C) If the requirements of this section are not met by a 7548
licensee within the period specified, the licensee's license shall 7549
be suspended automatically without the taking of any action by the 7550
superintendent. The superintendent shall notify the licensee of 7551
the license suspension. Any license so suspended shall remain 7552
suspended until it is reactivated by the superintendent. No such 7553
license shall be reactivated until it is established, to the 7554
satisfaction of the superintendent, that the requirements of this 7555
section have been met. If the requirements of this section are not 7556
met within twelve months from the date the license was suspended, 7557

the license shall be revoked automatically without the taking of 7558
any action by the superintendent. 7559

(D) If the license of a real estate broker is suspended 7560
pursuant to division (C) of this section, the license of a real 7561
estate salesperson associated with that broker correspondingly is 7562
suspended pursuant to division (H) of section 4735.20 of the 7563
Revised Code. However, the suspended license of the associated 7564
real estate salesperson shall be reactivated and no fee shall be 7565
charged or collected for that reactivation if all of the following 7566
occur: 7567

(1) That broker subsequently submits proof to the 7568
superintendent that the broker has complied with the requirements 7569
of this section and requests that the broker's license as a real 7570
estate broker be reactivated. 7571

(2) The superintendent then reactivates the broker's license 7572
as a real estate broker. 7573

(3) The associated real estate salesperson intends to 7574
continue to be associated with that broker, has complied with the 7575
requirements of this section, and otherwise is in compliance with 7576
this chapter. 7577

Any person whose license is reactivated pursuant to this 7578
division shall submit proof satisfactory to the superintendent 7579
that the person has completed thirty hours of continuing 7580
education, as prescribed by the Ohio real estate commission, on or 7581
before the third year following the licensee's birthday occurring 7582
immediately after reactivation. 7583

(E) Any licensee who is a physically handicapped licensee at 7584
any time during the last three months of the third year of the 7585
licensee's continuing education reporting period may receive an 7586
extension of time to submit proof to the superintendent that the 7587
licensee has satisfactorily completed the required thirty hours of 7588

continuing education. To receive an extension of time, the 7589
licensee shall submit a request to the division of real estate for 7590
the extension and proof satisfactory to the commission that the 7591
licensee was a physically handicapped licensee at some time during 7592
the last three months of the three-year reporting period. The 7593
proof shall include, but is not limited to, a signed statement by 7594
the licensee's attending physician describing the physical 7595
disability, certifying that the licensee's disability is of such a 7596
nature as to prevent the licensee from attending any instruction 7597
lasting at least three hours in duration, and stating the expected 7598
duration of the physical disability. The licensee shall request 7599
the extension and provide the physician's statement to the 7600
division no later than one month prior to the end of the 7601
licensee's three-year continuing education reporting period, 7602
unless the physical disability did not arise until the last month 7603
of the three-year reporting period, in which event the licensee 7604
shall request the extension and provide the physician's statement 7605
as soon as practical after the occurrence of the physical 7606
disability. A licensee granted an extension pursuant to this 7607
division who is no longer a physically handicapped licensee and 7608
who submits proof of completion of the continuing education during 7609
the extension period, shall submit, for future continuing 7610
education reporting periods, proof of completion of the continuing 7611
education requirements according to the schedule established in 7612
division (A) of this section. 7613

Sec. 4735.142. (A) Any person licensed under section 4735.07 7614
or 4735.09 of the Revised Code, at any time prior to the date the 7615
licensee is required to file a notice of renewal pursuant to 7616
division (B) of section 4735.14 of the Revised Code may apply to 7617
the superintendent of real estate and professional licensing to 7618
place the licensee's license on voluntary hold or a resigned 7619
status. 7620

(B) If the superintendent has placed a license on voluntary hold pursuant to a request made under division (A) of this section, the licensee who requested that the licensee's license be placed on voluntary hold may apply to the superintendent to reactivate that license within twelve months after the date the license is placed on voluntary hold. The superintendent shall reactivate that license if the licensee complies with the requirements for such reactivation that are specified in rules adopted by the Ohio real estate commission pursuant to division (A) of section 4735.10 of the Revised Code and satisfies all of the following requirements:

(1) The licensee complies with the postlicensure education requirements specified in section 4735.07 or 4735.09 of the Revised Code, as applicable;

(2) The licensee complies with the continuing education requirements specified in section 4735.141 of the Revised Code;

(3) The licensee renews the licensee's license in accordance with section 4735.14 of the Revised Code and, if applicable, pays the annual brokerage assessment fee in accordance with the requirements specified in rules adopted by the commission.

(C) If a licensee does not apply to reactivate a license on voluntary hold pursuant to division (B) of this section during the twelve-month time period specified in that division or does not satisfy the requirements specified in that division during that twelve-month period, the superintendent shall consider that license to be in a resigned status. The superintendent shall not reactivate a resigned license. The resignation of a license is considered to be final without the taking of any action by the superintendent. If a person whose license is in a resigned status pursuant to this division wishes to obtain an active license, the person shall apply for an active license in accordance with the requirements specified in section 4735.07 or 4735.09 of the

Revised Code, as applicable. 7653

(D) A licensee, at any time during which a license has been 7654
suspended pursuant to division (G) of section 4735.07, division 7655
(G) of section 4735.09, division (E) of section 4735.12, division 7656
(C) of section 4735.14, division (C) of section 4735.141, or 7657
section 4735.182 of the Revised Code, may apply to the 7658
superintendent on a form prescribed by the superintendent to 7659
voluntarily resign the licensee's license. The resignation of a 7660
license is considered to be final without the taking of any action 7661
by the superintendent. If a person whose license is in a resigned 7662
status pursuant to a request made under this division wishes to 7663
obtain an active or inactive license, the person shall apply for 7664
such a license in accordance with the requirements specified in 7665
section 4735.07 or 4735.09 of the Revised Code, as applicable, or 7666
in the rules adopted by the commission pursuant to division (A) of 7667
section 4735.10 of the Revised Code. 7668

(E) If placing a broker's license on voluntary hold or a 7669
resigned status will result in the closure of the broker's 7670
brokerage, the broker, within three days after applying to the 7671
superintendent to place the license on voluntary hold or a 7672
resigned status, shall provide to each salesperson associated with 7673
that broker a written notice stating that fact. 7674

(F) This section does not apply to any licensee whose license 7675
has been suspended pursuant to division (F) of section 4735.181 of 7676
the Revised Code or due to disciplinary action ordered by the 7677
commission pursuant to section 4735.051 of the Revised Code. 7678

Sec. 4752.04. A person seeking a license to provide home 7679
medical equipment services shall apply to the Ohio respiratory 7680
care board on a form the board shall prescribe and provide. The 7681
application must be accompanied by the license application fee 7682
established in rules adopted under section 4752.17 of the Revised 7683

Code and, except that the board may waive all or part of the fee 7684
if the board determines that an applicant's license will be issued 7685
in the last six months of the biennial licensing period 7686
established under section 4752.05 of the Revised Code. 7687

In the application, the applicant shall specify the name and 7688
location of the facility from which services will be provided. 7689

Sec. 4752.05. (A) The Ohio respiratory care board shall issue 7690
a license to provide home medical equipment services to each 7691
applicant under section 4752.04 of the Revised Code that meets 7692
either of the following requirements: 7693

(1) Meets the standards established by the board in rules 7694
adopted under section 4752.17 of the Revised Code; 7695

(2) Is a pharmacy licensed under Chapter 4729. of the Revised 7696
Code that receives total payments of ten thousand dollars or more 7697
per year from selling or renting home medical equipment. 7698

(B) During the period ending one year after ~~the effective~~ 7699
~~date of this section~~ September 16, 2004, an applicant that does 7700
not meet either of the requirements of division (A) of this 7701
section shall be granted a provisional license if for at least 7702
twelve months prior to ~~the effective date of this section~~ 7703
September 16, 2004 the applicant was engaged in the business of 7704
providing home medical equipment services. The provisional license 7705
expires one year following the date on which it is issued and is 7706
not subject to renewal under section 4752.06 of the Revised Code. 7707

(C) The board may conduct a personal interview of an 7708
applicant, or an applicant's representative, to determine the 7709
applicant's qualifications for licensure. 7710

(D) A license issued under division (A) of this section ~~is~~ 7711
~~valid from the day it is issued until the thirtieth day of June~~ 7712
~~that immediately follows the date of issue. Thereafter a license~~ 7713

~~is valid only if it is~~ expires at the end of the licensing period 7714
for which it is issued and may be renewed in accordance with 7715
section 4752.06 of the Revised Code ~~biennially on or before the~~ 7716
~~thirtieth day of June.~~ For purposes of issuing and renewing 7717
licenses, the board shall use a biennial licensing period that 7718
begins on the first day of July of each even-numbered year and 7719
ends on the thirtieth day of June of the next succeeding 7720
even-numbered year. 7721

(E) Any license issued under this section is valid only for 7722
the facility named in the application. 7723

Sec. 4752.06. Except for a provisional license issued under 7724
section 4752.05 of the Revised Code, a license issued under this 7725
chapter shall be renewed by the Ohio respiratory care board if the 7726
license holder is in compliance with the applicable requirements 7727
of this chapter. 7728

An application for license renewal shall be accompanied by 7729
the renewal fee established in rules adopted under section 4752.17 7730
of the Revised Code and, except as provided in division (B) of 7731
section 4752.07 of the Revised Code, by documentation satisfactory 7732
to the board that the continuing education requirements of section 7733
4752.07 of the Revised Code have been met. Renewals shall be made 7734
in accordance with the standard renewal procedure established 7735
under Chapter 4745. of the Revised Code and the renewal procedures 7736
established in rules adopted under section 4752.17 of the Revised 7737
Code. 7738

Sec. 4752.07. (A) The holder of a license issued under this 7739
chapter shall do all of the following: 7740

~~(A)~~(1) Maintain a physical facility and a medical equipment 7741
inventory; 7742

~~(B)~~(2) Establish equipment management and personnel policies; 7743

~~(C)~~(3) Provide life-sustaining home medical equipment, as 7744
described in division (B)(1) of section 4752.01 of the Revised 7745
Code, and related home medical equipment services twenty-four 7746
hours per day, seven days per week; 7747

~~(D)~~ Require (4) Except as provided in division (B) of this 7748
section, require persons in its employ or under its control who 7749
provide home medical equipment services to successfully complete 7750
continuing education programs in home medical equipment services 7751
that meet the standards established by rule adopted under section 7752
4752.17 of the Revised Code and maintain records on participation 7753
in those programs; 7754

~~(E)~~(5) Maintain records on all individuals to whom it 7755
provides home medical equipment and services; 7756

~~(F)~~(6) Maintain liability insurance, including coverage for 7757
professional and products liability; 7758

~~(G)~~(7) Comply with all other requirements established by rule 7759
adopted under section 4752.17 of the Revised Code that apply to 7760
persons licensed under this chapter. 7761

(B) For the first renewal of a license that was issued in the 7762
last six months of the biennial licensing period established under 7763
section 4752.05 of the Revised Code, the board may waive all or 7764
part of the continuing education requirements that otherwise would 7765
have to be met to renew the license under section 4752.06 of the 7766
Revised Code. 7767

Sec. 4752.11. (A) A person seeking a certificate of 7768
registration to provide home medical equipment services shall 7769
apply to the Ohio respiratory care board on a form the board shall 7770
prescribe and provide. The application must be accompanied by the 7771
registration fee established in rules adopted under section 7772
4752.17 of the Revised Code, except that the board may waive all 7773

or part of the fee if the board determines that an applicant's 7774
certificate of registration will be issued in the last six months 7775
of the biennial registration period established under section 7776
4752.12 of the Revised Code. 7777

(B) The applicant shall specify in the application all of the 7778
following: 7779

(1) The name of the facility from which services will be 7780
provided; 7781

(2) The facility's address; 7782

(3) The facility's telephone number; 7783

(4) A person who may be contacted with regard to the 7784
facility; 7785

(5) The name of the national accrediting body that issued the 7786
accreditation on which the application is based; 7787

(6) The applicant's accreditation number and the expiration 7788
date of the accreditation; 7789

(7) A telephone number that may be used twenty-four hours a 7790
day, seven days a week, to obtain information related to the 7791
facility's provision of home medical equipment services. 7792

Sec. 4752.12. (A) The Ohio respiratory care board shall issue 7793
a certificate of registration to provide home medical equipment 7794
services to each applicant who submits a complete application 7795
under section 4752.11 of the Revised Code. For purposes of this 7796
division, an application is complete only if the board finds that 7797
the applicant holds accreditation from the joint commission on 7798
accreditation of healthcare organizations or another national 7799
accrediting body recognized by the board, as specified in rules 7800
adopted under section 4752.17 of the Revised Code. 7801

(B) A certificate of registration issued under this section 7802

~~is valid from the day it is issued until the thirtieth day of June~~ 7803
~~that immediately follows the date of issue. Thereafter, a~~ 7804
~~certificate of registration is valid only if it is expires at the~~ 7805
~~end of the registration period for which it is issued and may be~~ 7806
~~renewed in accordance with section 4752.13 of the Revised Code~~ 7807
~~biennially on or before the thirtieth day of June. For purposes of~~ 7808
~~renewing certificates of registration, the board shall use a~~ 7809
~~biennial registration period that begins on the first day of July~~ 7810
~~of each even-numbered year and ends on the thirtieth day of June~~ 7811
~~of the next succeeding even-numbered year.~~ 7812

(C) A certificate of registration issued under this section 7813
is valid only for the facility named in the application. 7814

Sec. 4752.13. A certificate of registration issued under this 7815
chapter shall be renewed by the Ohio respiratory care board if the 7816
certificate holder is accredited by the joint commission on 7817
accreditation of healthcare organizations or another national 7818
accrediting body recognized by the board, as specified in rules 7819
adopted under section 4752.17 of the Revised Code. 7820

An application for renewal of a certificate of registration 7821
shall be accompanied by the renewal fee established in rules 7822
adopted under section 4752.17 of the Revised Code. Renewals shall 7823
be made in accordance with the standard renewal procedure 7824
established under Chapter 4745. of the Revised Code and the 7825
renewal procedures established in rules adopted under section 7826
4752.17 of the Revised Code. 7827

Sec. 4905.84. (A) As used in this section: 7828

(1) "Telecommunications relay service" means intrastate 7829
transmission services that provide the ability for an individual 7830
who has a hearing or speech impairment to engage in a 7831
communication by wire or radio with a hearing individual in a 7832

manner that is functionally equivalent to the ability of an 7833
individual who does not have a hearing or speech impairment to 7834
communicate using voice communication services by wire or radio. 7835
"Telecommunications relay service" includes services that enable 7836
two-way communication between an individual who uses a 7837
telecommunications device for the deaf or other nonvoice terminal 7838
device and an individual who does not use such a device. 7839

(2) "TRS provider" means an entity selected by the public 7840
utilities commission as the provider of telecommunications relay 7841
service for this state as part of the commission's intrastate 7842
telecommunications relay service program certified pursuant to 7843
federal law. 7844

(B) For the sole purpose of funding telecommunications relay 7845
service, the commission shall, not earlier than January 1, 2009, 7846
impose on and collect from each service provider that is required 7847
under federal law to provide its customers access to 7848
telecommunications relay service an annual assessment to pay for 7849
costs incurred by the TRS provider for providing such service in 7850
Ohio. The commission shall determine the appropriate service 7851
providers to be assessed the telecommunications relay service 7852
costs, including telephone companies as defined in division (A)(2) 7853
of section 4905.03 of the Revised Code, commercial mobile radio 7854
service providers, and providers of advanced services or internet 7855
protocol-enabled services that are competitive with or 7856
functionally equivalent to basic local exchange service as defined 7857
in section 4927.01 of the Revised Code. 7858

(C) The assessment shall be allocated proportionately among 7859
the appropriate service providers using a competitively neutral 7860
formula established by the commission based on the number of 7861
retail intrastate customer access lines or their equivalent. The 7862
commission shall annually reconcile the funds collected with the 7863
actual costs of providing telecommunications relay service when it 7864

issues the assessment and shall either proportionately charge the 7865
service providers for any amounts not sufficient to cover the 7866
actual costs or proportionately credit amounts collected in excess 7867
of the actual costs. The total amount assessed from all service 7868
providers shall not exceed the total telecommunications relay 7869
service costs. 7870

Each service provider that pays the assessment shall be 7871
permitted to recover the cost of the assessment. The method of 7872
recovery may include, but is not limited to, a customer billing 7873
surcharge. 7874

The commission shall deposit the money collected in the 7875
telecommunications relay service fund, which is hereby created in 7876
the state treasury, and shall use the money in that fund solely to 7877
compensate the TRS provider. 7878

(D) The commission shall take such measures as it considers 7879
necessary to protect the confidentiality of information provided 7880
to the commission pursuant to this section by service providers 7881
required to pay the assessment. 7882

(E) The commission may assess a forfeiture of not more than 7883
one thousand dollars on any service provider failing to comply 7884
with this section. Each day's continuance of such failure is a 7885
separate offense. The forfeiture shall be recovered in accordance 7886
with sections 4905.55 to 4905.60 of the Revised Code. 7887

(F) The jurisdiction and authority granted to the commission 7888
by this section is limited to the administration and enforcement 7889
of this section. The commission may adopt such rules as it finds 7890
necessary to carry out this section. The commission shall adopt 7891
rules under Chapter 119. of the Revised Code to establish the 7892
assessment amounts and procedures. 7893

Sec. 4928.142. (A) For the purpose of complying with section 7894

4928.141 of the Revised Code and subject to division (D) of this 7895
section and, as applicable, subject to the rate plan requirement 7896
of division (A) of section 4928.141 of the Revised Code, an 7897
electric distribution utility may establish a standard service 7898
offer price for retail electric generation service that is 7899
delivered to the utility under a market-rate offer. 7900

(1) The market-rate offer shall be determined through a 7901
competitive bidding process that provides for all of the 7902
following: 7903

(a) Open, fair, and transparent competitive solicitation; 7904

(b) Clear product definition; 7905

(c) Standardized bid evaluation criteria; 7906

(d) Oversight by an independent third party that shall design 7907
the solicitation, administer the bidding, and ensure that the 7908
criteria specified in division (A)(1)(a) to (c) of this section 7909
are met; 7910

(e) Evaluation of the submitted bids prior to the selection 7911
of the least-cost bid winner or winners. 7912

No generation supplier shall be prohibited from participating 7913
in the bidding process. 7914

(2) The public utilities commission shall modify rules, or 7915
adopt new rules as necessary, concerning the conduct of the 7916
competitive bidding process and the qualifications of bidders, 7917
which rules shall foster supplier participation in the bidding 7918
process and shall be consistent with the requirements of division 7919
(A)(1) of this section. 7920

(B) Prior to initiating a competitive bidding process for a 7921
market-rate offer under division (A) of this section, the electric 7922
distribution utility shall file an application with the 7923
commission. An electric distribution utility may file its 7924

application with the commission prior to the effective date of the 7925
commission rules required under division (A)(2) of this section, 7926
and, as the commission determines necessary, the utility shall 7927
immediately conform its filing to the rules upon their taking 7928
effect. 7929

An application under this division shall detail the electric 7930
distribution utility's proposed compliance with the requirements 7931
of division (A)(1) of this section and with commission rules under 7932
division (A)(2) of this section and demonstrate that all of the 7933
following requirements are met: 7934

(1) The electric distribution utility or its transmission 7935
service affiliate belongs to at least one regional transmission 7936
organization that has been approved by the federal energy 7937
regulatory commission; or there otherwise is comparable and 7938
nondiscriminatory access to the electric transmission grid. 7939

(2) Any such regional transmission organization has a 7940
market-monitor function and the ability to take actions to 7941
identify and mitigate market power or the electric distribution 7942
utility's market conduct; or a similar market monitoring function 7943
exists with commensurate ability to identify and monitor market 7944
conditions and mitigate conduct associated with the exercise of 7945
market power. 7946

(3) A published source of information is available publicly 7947
or through subscription that identifies pricing information for 7948
traded electricity on- and off-peak energy products that are 7949
contracts for delivery beginning at least two years from the date 7950
of the publication and is updated on a regular basis. 7951

The commission shall initiate a proceeding and, within ninety 7952
days after the application's filing date, shall determine by order 7953
whether the electric distribution utility and its market-rate 7954
offer meet all of the foregoing requirements. If the finding is 7955

positive, the electric distribution utility may initiate its 7956
competitive bidding process. If the finding is negative as to one 7957
or more requirements, the commission in the order shall direct the 7958
electric distribution utility regarding how any deficiency may be 7959
remedied in a timely manner to the commission's satisfaction; 7960
otherwise, the electric distribution utility shall withdraw the 7961
application. However, if such remedy is made and the subsequent 7962
finding is positive and also if the electric distribution utility 7963
made a simultaneous filing under this section and section 4928.143 7964
of the Revised Code, the utility shall not initiate its 7965
competitive bid until at least one hundred fifty days after the 7966
filing date of those applications. 7967

(C) Upon the completion of the competitive bidding process 7968
authorized by divisions (A) and (B) of this section, including for 7969
the purpose of division (D) of this section, the commission shall 7970
select the least-cost bid winner or winners of that process, and 7971
such selected bid or bids, as prescribed as retail rates by the 7972
commission, shall be the electric distribution utility's standard 7973
service offer unless the commission, by order issued before the 7974
third calendar day following the conclusion of the competitive 7975
bidding process for the market rate offer, determines that one or 7976
more of the following criteria were not met: 7977

(1) Each portion of the bidding process was oversubscribed, 7978
such that the amount of supply bid upon was greater than the 7979
amount of the load bid out. 7980

(2) There were four or more bidders. 7981

(3) At least twenty-five per cent of the load is bid upon by 7982
one or more persons other than the electric distribution utility. 7983

All costs incurred by the electric distribution utility as a 7984
result of or related to the competitive bidding process or to 7985
procuring generation service to provide the standard service 7986

offer, including the costs of energy and capacity and the costs of 7987
all other products and services procured as a result of the 7988
competitive bidding process, shall be timely recovered through the 7989
standard service offer price, and, for that purpose, the 7990
commission shall approve a reconciliation mechanism, other 7991
recovery mechanism, or a combination of such mechanisms for the 7992
utility. 7993

(D) The first application filed under this section by an 7994
electric distribution utility that, as of ~~the effective date of~~ 7995
~~this section~~ July 31, 2008, directly owns, in whole or in part, 7996
operating electric generating facilities that had been used and 7997
useful in this state shall require that a portion of that 7998
utility's standard service offer load for the first five years of 7999
the market rate offer be competitively bid under division (A) of 8000
this section as follows: ten per cent of the load in year one ~~and,~~ 8001
not ~~less~~ more than twenty per cent in year two, thirty per cent in 8002
year three, forty per cent in year four, and fifty per cent in 8003
year five. Consistent with those percentages, the commission shall 8004
determine the actual percentages for each year of years one 8005
through five. The standard service offer price for retail electric 8006
generation service under this first application shall be a 8007
proportionate blend of the bid price and the generation service 8008
price for the remaining standard service offer load, which latter 8009
price shall be equal to the electric distribution utility's most 8010
recent standard service offer price, adjusted upward or downward 8011
as the commission determines reasonable, relative to the 8012
jurisdictional portion of any known and measurable changes from 8013
the level of any one or more of the following costs as reflected 8014
in that most recent standard service offer price: 8015

(1) The electric distribution utility's prudently incurred 8017
cost of fuel used to produce electricity; 8018

(2) Its prudently incurred purchased power costs; 8019

(3) Its prudently incurred costs of satisfying the supply and 8020
demand portfolio requirements of this state, including, but not 8021
limited to, renewable energy resource and energy efficiency 8022
requirements; 8023

(4) Its costs prudently incurred to comply with environmental 8024
laws and regulations, with consideration of the derating of any 8025
facility associated with those costs. 8026

In making any adjustment to the most recent standard service 8027
offer price on the basis of costs described in division (D) of 8028
this section, the commission shall include the benefits that may 8029
become available to the electric distribution utility as a result 8030
of or in connection with the costs included in the adjustment, 8031
including, but not limited to, the utility's receipt of emissions 8032
credits or its receipt of tax benefits or of other benefits, and, 8033
accordingly, the commission may impose such conditions on the 8034
adjustment to ensure that any such benefits are properly aligned 8035
with the associated cost responsibility. The commission shall also 8036
determine how such adjustments will affect the electric 8037
distribution utility's return on common equity that may be 8038
achieved by those adjustments. The commission shall not apply its 8039
consideration of the return on common equity to reduce any 8040
adjustments authorized under this division unless the adjustments 8041
will cause the electric distribution utility to earn a return on 8042
common equity that is significantly in excess of the return on 8043
common equity that is earned by publicly traded companies, 8044
including utilities, that face comparable business and financial 8045
risk, with such adjustments for capital structure as may be 8046
appropriate. The burden of proof for demonstrating that 8047
significantly excessive earnings will not occur shall be on the 8048
electric distribution utility. 8049

Additionally, the commission may adjust the electric 8050

distribution utility's most recent standard service offer price by 8051
such just and reasonable amount that the commission determines 8052
necessary to address any emergency that threatens the utility's 8053
financial integrity or to ensure that the resulting revenue 8054
available to the utility for providing the standard service offer 8055
is not so inadequate as to result, directly or indirectly, in a 8056
taking of property without compensation pursuant to Section 19 of 8057
Article I, Ohio Constitution. The electric distribution utility 8058
has the burden of demonstrating that any adjustment to its most 8059
recent standard service offer price is proper in accordance with 8060
this division. 8061

(E) Beginning in the second year of a blended price under 8062
division (D) of this section and notwithstanding any other 8063
requirement of this section, the commission may alter 8064
prospectively the proportions specified in that division to 8065
mitigate any effect of an abrupt or significant change in the 8066
electric distribution utility's standard service offer price that 8067
would otherwise result in general or with respect to any rate 8068
group or rate schedule but for such alteration. Any such 8069
alteration shall be made not more often than annually, and the 8070
commission shall not, by altering those proportions and in any 8071
event, including because of the length of time, as authorized 8072
under division (C) of this section, taken to approve the market 8073
rate offer, cause the duration of the blending period to exceed 8074
ten years as counted from the effective date of the approved 8075
market rate offer. Additionally, any such alteration shall be 8076
limited to an alteration affecting the prospective proportions 8077
used during the blending period and shall not affect any blending 8078
proportion previously approved and applied by the commission under 8079
this division. 8080

(F) An electric distribution utility that has received 8081
commission approval of its first application under division (C) of 8082

this section shall not, nor ever shall be authorized or required 8083
by the commission to, file an application under section 4928.143 8084
of the Revised Code. 8085

Sec. 5101.5211. (A) As used in sections 5101.5211 to 8086
5101.5216 of the Revised Code: 8087

"Children's buy-in program" means the program established 8088
under sections 5101.5211 to 5101.5216 of the Revised Code. 8089

"Countable family income" has the meaning established in 8090
rules adopted under section 5101.5215 of the Revised Code. 8091

"Creditable coverage" has the same meaning as in 42 U.S.C. 8092
300gg(c)(1), except that it does not mean medical assistance 8093
available under the children's buy-in program or the program for 8094
medically handicapped children. 8095

"Family" has the meaning established in rules adopted under 8096
section 5101.5215 of the Revised Code. 8097

"Federal poverty guidelines" has the same meaning as in 8098
section 5101.46 of the Revised Code. 8099

"Program for medically handicapped children" means the 8100
program established under sections 3701.021 to 3701.0210 of the 8101
Revised Code. 8102

(B) The director of job and family services shall establish 8103
the children's buy-in program in accordance with sections 8104
5101.5211 to 5101.5216 of the Revised Code. The director shall 8105
submit to the United States secretary of health and human services 8106
an amendment to the state medicaid plan, an amendment to the state 8107
child health plan, one or more requests for a federal waiver, or 8108
such an amendment and waiver requests as necessary to seek federal 8109
matching funds for the children's buy-in program. The director 8110
shall not begin implementation of the program until after 8111
submitting the amendment, waiver request, or both. The director 8112

may begin implementation of the program before receiving approval 8113
of the amendment, waiver request, or both using state funds only. 8114
The director shall implement the program regardless of whether the 8115
amendment, waiver request, or both are denied. The program shall 8116
be funded with state funds only if the United States secretary 8117
denies federal matching funds for the program. If the United 8118
States secretary approves federal matching funds for the program 8119
and if permitted under the terms of the approval, the program 8120
shall be operated as part of the medicaid program, the children's 8121
health insurance program, or both. 8122

Sec. 5101.5212. Under the children's buy-in program and 8123
subject to section 5101.5213 of the Revised Code, an individual 8124
who does both of the following in accordance with rules adopted 8125
under section 5101.5215 of the Revised Code qualifies for medical 8126
assistance under the program, unless the director of job and 8127
family services has adopted rules under division (B) of section 8128
5101.5215 of the Revised Code to limit the number of individuals 8129
who may participate in the program at one time and the program is 8130
serving the maximum number of individuals specified in the rules: 8131

(A) Applies for the children's buy-in program; 8133

(B) Provides satisfactory evidence of all of the following: 8134

(1) That the individual is under nineteen years of age; 8135

(2) That the individual's countable family income exceeds 8136
~~three~~ two hundred fifty per cent of the federal poverty 8137
guidelines; 8138

(3) That the individual has not had creditable coverage for 8139
at least six months before enrolling in the children's buy-in 8140
program; 8141

(4) That one or more of the following apply to the 8142

individual: 8143

(a) The individual is unable to obtain creditable coverage 8144
due to a pre-existing condition of the individual; 8145

(b) The individual lost the only creditable coverage 8146
available to the individual because the individual has exhausted a 8147
lifetime benefit limitation; 8148

(c) The premium for the only creditable coverage available to 8149
the individual is greater than two hundred per cent of the premium 8150
applicable to the individual under the children's buy-in program; 8151

(d) The individual participates in the program for medically 8152
handicapped children. 8153

(5) That the individual meets the additional eligibility 8154
requirements for the children's buy-in program established in 8155
rules adopted under section 5101.5215 of the Revised Code. 8156

Sec. 5101.5213. (A) An individual participating in the 8157
children's buy-in program shall be charged a monthly premium 8158
established by rules adopted under section 5101.5215 of the 8159
Revised Code. The amount of the monthly premium shall not be less 8160
than the following: 8161

(1) In the case of an individual with countable family income 8162
exceeding ~~three~~ two hundred fifty per cent but not exceeding four 8163
hundred per cent of the federal poverty guidelines, the following 8164
amount: 8165

(a) If no other member of the individual's family receives 8166
medical assistance under the program with the individual, one 8167
hundred dollars; 8168

(b) If one or more members of the individual's family receive 8169
medical assistance under the program with the individual, one 8170
hundred fifty dollars. 8171

(2) In the case of an individual with countable family income 8172
exceeding four hundred per cent but not exceeding five hundred per 8173
cent of the federal poverty guidelines, the following amount: 8174

8175

(a) If no other member of the individual's family receives 8176
medical assistance under the program with the individual, one 8177
hundred twenty-five dollars; 8178

(b) If one or more members of the individual's family receive 8179
medical assistance under the program with the individual, one 8180
hundred seventy-five dollars. 8181

(3) In the case of an individual with countable family income 8182
exceeding five hundred per cent of the federal poverty guidelines, 8183
the full amount of the actuarially determined cost of the premium. 8184

8185

(B) If the premium for the children's buy-in program is not 8186
paid for two consecutive months, the individual shall lose 8187
eligibility for the program. The individual may not resume 8188
participation in the program until the unpaid premiums that 8189
accrued before the individual lost eligibility are paid. 8190

Sec. 5101.5214. (A) An individual participating in the 8191
children's buy-in program ~~may~~ shall be charged co-payments ~~to the~~ 8192
~~extent required~~ established by rules, ~~if any,~~ adopted under 8193
~~division (B) of~~ section 5101.5215 of the Revised Code. 8194

(B) Notwithstanding division (B) of section 5111.0112 of the 8195
Revised Code, if applicable, and to the extent permitted by 8196
federal law, a provider may refuse to provide a service to an 8197
individual if a co-payment ~~authorized~~ required by this section is 8198
not paid. 8199

Sec. 5101.5215. (A) The director of job and family services 8200
shall adopt rules in accordance with Chapter 119. of the Revised 8201

Code as necessary to implement the children's buy-in program, 8202
including rules that do all of the following: 8203

(1) Establish the meaning of "countable family income" and 8204
"family"; 8205

(2) For the purpose of section 5101.5212 of the Revised Code, 8206
establish additional eligibility requirements for the program; 8207
8208

(3) For the purpose of section 5101.5213 of the Revised Code, 8209
establish monthly premiums for the children's buy-in program; 8210
8211

(4) For the purpose of section 5101.5214 of the Revised Code, 8212
establish copayment requirements for the children's buy-in 8213
program. 8214

(B) The director may adopt rules in accordance with Chapter 8215
119. of the Revised Code to ~~establish co-payment requirements for~~ 8216
limit the number of individuals participating who may participate 8217
in the children's buy-in program at one time. 8218

Sec. 5101.572. (A) A third party shall cooperate with the 8219
department of job and family services in identifying individuals 8220
for the purpose of establishing third party liability pursuant to 8221
Title XIX of the Social Security Act, as amended. 8222

(B) In furtherance of the requirement in division (A) of this 8223
section and to allow the department to determine any period that 8224
the individual or the individual's spouse or dependent may have 8225
been covered by the third party and the nature of the coverage, a 8226
third party shall provide, as the department so chooses, 8227
information or access to information, or both, in the third 8228
party's electronic data system on the department's request and in 8229
accordance with division (C) of this section. 8230

(C)(1) If the department chooses to receive information 8231

directly, the third party shall provide the information under all 8232
of the following circumstances: 8233

(a) In a medium, format, and manner prescribed by the 8234
director of job and family services in rules adopted under section 8235
5101.591 of the Revised Code; 8236

(b) Free of charge; 8237

(c) Not later than the end of the thirtieth day after the 8238
department makes its request, unless a different time is agreed to 8239
by the director in writing. 8240

(2) If the department chooses to receive access to 8241
information, the third party shall provide access by a method 8242
prescribed by the director of job and family services in rules 8243
adopted under section 5101.591 of the Revised Code. In 8244
facilitating access, the department may enter into a trading 8245
partner agreement with the third party to permit the exchange of 8246
information via "ASC X 12N 270/271 Health Care Eligibility Benefit 8247
Inquiry and Response" transactions. 8248

(D) All of the following apply with respect to information 8249
provided by a third party to the department under this section: 8250

(1) The information is confidential and not a public record 8251
under section 149.43 of the Revised Code. 8252

(2) The release of information to the department is not to be 8253
considered a violation of any right of confidentiality or contract 8254
that the third party may have with covered persons including, but 8255
not limited to, contractees, beneficiaries, heirs, assignees, and 8256
subscribers. 8257

(3) The third party is immune from any liability that it may 8258
otherwise incur through its release of information to the 8259
department. 8260

The department of job and family services shall limit its use 8261

of information gained from third parties to purposes directly 8262
connected with the administration of the medicaid program and the 8263
child support program authorized by Title IV-D of the "Social 8264
Security Act." 8265

(E) No third party shall disclose to other parties or make 8266
use of any information regarding recipients of aid under Chapter 8267
5107. or 5111. of the Revised Code that it obtains from the 8268
department, except in the manner provided for by the director of 8269
job and family services in administrative rules. 8270

Sec. 5101.80. (A) As used in this section and in section 8271
5101.801 of the Revised Code: 8272

(1) "County family services agency" has the same meaning as 8273
in section 307.981 of the Revised Code. 8274

(2) "State agency" has the same meaning as in section 9.82 of 8275
the Revised Code. 8276

(3) "Title IV-A administrative agency" means both of the 8277
following: 8278

(a) A county family services agency or state agency 8279
administering a Title IV-A program under the supervision of the 8280
department of job and family services; 8281

(b) A government agency or private, not-for-profit entity 8282
administering a project funded in whole or in part with funds 8283
provided under the Title IV-A demonstration program created under 8284
section 5101.803 of the Revised Code. 8285

(4) "Title IV-A program" means all of the following that are 8286
funded in part with funds provided under the temporary assistance 8287
for needy families block grant established by Title IV-A of the 8288
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 8289
amended: 8290

(a) The Ohio works first program established under Chapter 8291

5107. of the Revised Code;	8292
(b) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;	8293 8294
(c) A program established by the general assembly or an executive order issued by the governor that is administered or supervised by the department of job and family services pursuant to section 5101.801 of the Revised Code;	8295 8296 8297 8298
(d) The kinship permanency incentive program created under section 5101.802 of the Revised Code;	8299 8300
(e) The Title IV-A demonstration program created under section 5101.803 of the Revised Code;	8301 8302
(f) A component of a Title IV-A program identified under divisions (A)(4)(a) to (e) of this section that the Title IV-A state plan prepared under division (C)(1) of this section identifies as a component.	8303 8304 8305 8306
(B) The department of job and family services shall act as the single state agency to administer and supervise the administration of Title IV-A programs. The Title IV-A state plan and amendments to the plan prepared under division (C) of this section are binding on Title IV-A administrative agencies. No Title IV-A administrative agency may establish, by rule or otherwise, a policy governing a Title IV-A program that is inconsistent with a Title IV-A program policy established, in rule or otherwise, by the director of job and family services.	8307 8308 8309 8310 8311 8312 8313 8314 8315
(C) The department of job and family services shall do all of the following:	8316 8317
(1) Prepare and submit to the United States secretary of health and human services a Title IV-A state plan for Title IV-A programs;	8318 8319 8320
(2) Prepare and submit to the United States secretary of	8321

health and human services amendments to the Title IV-A state plan 8322
that the department determines necessary, including amendments 8323
necessary to implement Title IV-A programs identified in divisions 8324
(A)(4)(c) to (f) of this section; 8325

(3) Prescribe forms for applications, certificates, reports, 8326
records, and accounts of Title IV-A administrative agencies, and 8327
other matters related to Title IV-A programs; 8328

(4) Make such reports, in such form and containing such 8329
information as the department may find necessary to assure the 8330
correctness and verification of such reports, regarding Title IV-A 8331
programs; 8332

(5) Require reports and information from each Title IV-A 8333
administrative agency as may be necessary or advisable regarding a 8334
Title IV-A program; 8335

(6) Afford a fair hearing in accordance with section 5101.35 8336
of the Revised Code to any applicant for, or participant or former 8337
participant of, a Title IV-A program aggrieved by a decision 8338
regarding the program; 8339

(7) Administer and expend, pursuant to Chapters 5104., 5107., 8340
and 5108. of the Revised Code and sections 5101.801, 5101.802, and 8341
5101.803 of the Revised Code, any sums appropriated by the general 8342
assembly for the purpose of those chapters and sections and all 8343
sums paid to the state by the secretary of the treasury of the 8344
United States as authorized by Title IV-A of the "Social Security 8345
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended; 8346

(8) Conduct investigations and audits as are necessary 8347
regarding Title IV-A programs; 8348

(9) Enter into reciprocal agreements with other states 8349
relative to the provision of Ohio works first and prevention, 8350
retention, and contingency to residents and nonresidents; 8351

(10) Contract with a private entity to conduct an independent on-going evaluation of the Ohio works first program and the prevention, retention, and contingency program. The contract must require the private entity to do all of the following:

(a) Examine issues of process, practice, impact, and outcomes;

(b) Study former participants of Ohio works first who have not participated in Ohio works first for at least one year to determine whether they are employed, the type of employment in which they are engaged, the amount of compensation they are receiving, whether their employer provides health insurance, whether and how often they have received benefits or services under the prevention, retention, and contingency program, and whether they are successfully self sufficient;

(c) Provide the department with reports at times the department specifies.

(11) Not later than ~~January 1, 2001,~~ and the ~~first~~ last day of each January and July ~~thereafter~~, prepare a report containing information on the following:

(a) Individuals exhausting the time limits for participation in Ohio works first set forth in section 5107.18 of the Revised Code.

(b) Individuals who have been exempted from the time limits set forth in section 5107.18 of the Revised Code and the reasons for the exemption.

(D) The department shall provide copies of the reports it receives under division (C)(10) of this section and prepares under division (C)(11) of this section to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The department shall provide copies of the reports to any private or government entity

on request. 8383

(E) An authorized representative of the department or a 8384
county family services agency or state agency administering a 8385
Title IV-A program shall have access to all records and 8386
information bearing thereon for the purposes of investigations 8387
conducted pursuant to this section. An authorized representative 8388
of a government entity or private, not-for-profit entity 8389
administering a project funded in whole or in part with funds 8390
provided under the Title IV-A demonstration program shall have 8391
access to all records and information bearing on the project for 8392
the purpose of investigations conducted pursuant to this section. 8393

Sec. 5111.032. (A) As used in this section: 8394

(1) "Criminal records check" has the same meaning as in 8395
section 109.572 of the Revised Code. 8396

(2) "Department" includes a designee of the department of job 8397
and family services. 8398

(3) "Owner" means a person who has an ownership interest in a 8399
provider in an amount designated by the department of job and 8400
family services in rules adopted under this section. 8401

(4) "Provider" means a person, institution, or entity that 8402
has a provider agreement with the department of job and family 8403
services pursuant to Title XIX of the "Social Security Act," 49 8404
State. 620 (1965), 42 U.S.C. 1396, as amended. 8405

(B)(1) Except as provided in division (B)(2) of this section, 8406
the department of job and family services may require that any 8407
provider, applicant to be a provider, employee or prospective 8408
employee of a provider, owner or prospective owner of a provider, 8409
officer or prospective officer of a provider, or board member or 8410
prospective board member of a provider submit to a criminal 8411
records check as a condition of obtaining a provider agreement, 8412

continuing to hold a provider agreement, being employed by a 8413
provider, having an ownership interest in a provider, or being an 8414
officer or board member of a provider. The department may 8415
designate the categories of persons who are subject to the 8416
criminal records check requirement. The department shall designate 8417
the times at which the criminal records checks must be conducted. 8418

(2) The section does not apply to providers, applicants to be 8419
providers, employees of a provider, or prospective employees of a 8420
provider who are subject to criminal records checks under section 8421
5111.033 or 5111.034 of the Revised Code. 8422

(C)(1) The department shall inform each provider or applicant 8423
to be a provider whether the provider or applicant is subject to a 8424
criminal records check requirement under division (B) of this 8425
section. For providers, the information shall be given at times 8426
designated in rules adopted under this section. For applicants to 8427
be providers, the information shall be given at the time of 8428
initial application. When the information is given, the department 8429
shall specify which of the provider's or applicant's employees or 8430
prospective employees, owners or prospective owners, officers or 8431
prospective officers, or board members or prospective board 8432
members are subject to the criminal records check requirement. 8433

(2) At times designated in rules adopted under this section, 8434
a provider that is subject to the criminal records check 8435
requirement shall inform each person specified by the department 8436
under division (C)(1) of this section that the person is required, 8437
as applicable, to submit to a criminal records check for final 8438
consideration for employment in a full-time, part-time, or 8439
temporary position; as a condition of continued employment; or as 8440
a condition of becoming or continuing to be an officer, board 8441
member or owner of a provider. 8442

(D)(1) If a provider or applicant to be a provider is subject 8443
to a criminal records check under this section, the department 8444

shall require the conduct of a criminal records check by the 8445
superintendent of the bureau of criminal identification and 8446
investigation. If a provider or applicant to be a provider for 8447
whom a criminal records check is required does not present proof 8448
of having been a resident of this state for the five-year period 8449
immediately prior to the date the criminal records check is 8450
requested or provide evidence that within that five-year period 8451
the superintendent has requested information about the individual 8452
from the federal bureau of investigation in a criminal records 8453
check, the department shall require the provider or applicant to 8454
request that the superintendent obtain information from the 8455
federal bureau of investigation as part of the criminal records 8456
check of the provider or applicant. Even if a provider or 8457
applicant for whom a criminal records check request is required 8458
presents proof of having been a resident of this state for the 8459
five-year period, the department may require that the provider or 8460
applicant request that the superintendent obtain information from 8461
the federal bureau of investigation and include it in the criminal 8462
records check of the provider or applicant. 8463

(2) A provider shall require the conduct of a criminal 8464
records check by the superintendent with respect to each of the 8465
persons specified by the department under division (C)(1) of this 8466
section. If the person for whom a criminal records check is 8467
required does not present proof of having been a resident of this 8468
state for the five-year period immediately prior to the date the 8469
criminal records check is requested or provide evidence that 8470
within that five-year period the superintendent of the bureau of 8471
criminal identification and investigation has requested 8472
information about the individual from the federal bureau of 8473
investigation in a criminal records check, the individual shall 8474
request that the superintendent obtain information from the 8475
federal bureau of investigation as part of the criminal records 8476
check of the individual. Even if an individual for whom a criminal 8477

records check request is required presents proof of having been a 8478
resident of this state for the five-year period, the department 8479
may require the provider to request that the superintendent obtain 8480
information from the federal bureau of investigation and include 8481
it in the criminal records check of the person. 8482

(E)(1) Criminal records checks required under this section 8483
for providers or applicants to be providers shall be obtained as 8484
follows: 8485

(a) The department shall provide each provider or applicant 8486
information about accessing and completing the form prescribed 8487
pursuant to division (C)(1) of section 109.572 of the Revised Code 8488
and the standard fingerprint impression sheet prescribed pursuant 8489
to division (C)(2) of that section. 8490

(b) The provider or applicant shall submit the required form 8491
and one complete set of fingerprint impressions directly to the 8492
superintendent for purposes of conducting the criminal records 8493
check using the applicable methods prescribed by division (C) of 8494
section 109.572 of the Revised Code. The applicant or provider 8495
shall pay all fees associated with obtaining the criminal records 8496
check. 8497

(c) The superintendent shall conduct the criminal records 8498
check in accordance with section 109.572 of the Revised Code. The 8499
provider or applicant shall instruct the superintendent to submit 8500
the report of the criminal records check directly to the director 8501
of job and family services. 8502

(2) Criminal records checks required under this section for 8503
persons specified by the department under division (C)(1) of this 8504
section shall be obtained as follows: 8505

(a) The provider shall give to each person subject to 8506
criminal records check requirement information about accessing and 8507
completing the form prescribed pursuant to division (C)(1) of 8508

section 109.572 of the Revised Code and the standard fingerprint 8509
impression sheet prescribed pursuant to division (C)(2) of that 8510
section. 8511

(b) The person shall submit the required form and one 8512
complete set of fingerprint impressions directly to the 8513
superintendent for purposes of conducting the criminal records 8514
check using the applicable methods prescribed by division (C) of 8515
section 109.572 of the Revised Code. The person shall pay all fees 8516
associated with obtaining the criminal records check. 8517

(c) The superintendent shall conduct the criminal records 8518
check in accordance with section 109.572 of the Revised Code. The 8519
person subject to the criminal records check shall instruct the 8520
superintendent to submit the report of the criminal records check 8521
directly to the provider. The department may require the provider 8522
to submit the report to the department. 8523

(F) If a provider or applicant to be a provider is given the 8524
information specified in division (E)(1)(a) of this section but 8525
fails to obtain a criminal records check, the department shall, as 8526
applicable, terminate the provider agreement or deny the 8527
application to be a provider. 8528

If a person is given the information specified in division 8529
(E)(2)(a) of this section but fails to obtain a criminal records 8530
check, the provider shall not, as applicable, permit the person to 8531
be an employee, owner, officer, or board member of the provider. 8532

(G) Except as provided in rules adopted under division (J) of 8533
this section, the department shall terminate the provider 8534
agreement of a provider or the department shall not issue a 8535
provider agreement to an applicant if the provider or applicant is 8536
subject to a criminal records check under this section and the 8537
provider or applicant has been convicted of, has pleaded guilty 8538
to, or has been found eligible for intervention in lieu of 8539

conviction for any of the following: 8540

(1) A violation of section 2903.01, 2903.02, 2903.03, 8541
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 8542
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 8543
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 8544
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 8545
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 8546
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 8547
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 8548
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 8549
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 8550
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 8551
3716.11 of the Revised Code, felonious sexual penetration in 8552
violation of former section 2907.12 of the Revised Code, a 8553
violation of section 2905.04 of the Revised Code as it existed 8554
prior to July 1, 1996, a violation of section 2919.23 of the 8555
Revised Code that would have been a violation of section 2905.04 8556
of the Revised Code as it existed prior to July 1, 1996, had the 8557
violation been committed prior to that date; 8558

(2) An existing or former law of this state, any other state, 8559
or the United States that is substantially equivalent to any of 8560
the offenses listed in division ~~(D)~~(G)(1) of this section. 8561

(H)(1)(a) Except as provided in rules adopted under division 8562
(J) of this section and subject to division (H)(2) of this 8563
section, no provider shall permit a person to be an employee, 8564
owner, officer, or board member of the provider if the person is 8565
subject to a criminal records check under this section and the 8566
person has been convicted of, has pleaded guilty to, or has been 8567
found eligible for intervention in lieu of conviction for any of 8568
the offenses specified in division (G)(1) or (2) of this section. 8569

(b) No provider shall employ a person who has been excluded 8570
from participating in the medicaid program, the medicare program 8571

operated pursuant to Title XVIII of the "Social Security Act," or 8572
any other federal health care program. 8573

(2)(a) A provider may employ conditionally a person for whom 8574
a criminal records check is required under this section prior to 8575
obtaining the results of a criminal records check regarding the 8576
person, but only if the person submits a request for a criminal 8577
records check not later than five business days after the 8578
individual begins conditional employment. 8579

(b) A provider that employs a person conditionally under 8580
authority of division (H)(2)(a) of this section shall terminate 8581
the person's employment if the results of the criminal records 8582
check request are not obtained within the period ending sixty days 8583
after the date the request is made. Regardless of when the results 8584
of the criminal records check are obtained, if the results 8585
indicate that the individual has been convicted of, has pleaded 8586
guilty to, or has been found eligible for intervention in lieu of 8587
conviction for any of the offenses specified in division (G)(1) or 8588
(2) of this section, the provider shall terminate the person's 8589
employment unless the provider chooses to employ the individual 8590
pursuant to division (J) of this section. 8591

(I) The report of a criminal records check conducted pursuant 8592
to this section is not a public record for the purposes of section 8593
149.43 of the Revised Code and shall not be made available to any 8594
person other than the following: 8595

(1) The person who is the subject of the criminal records 8596
check or the person's representative; 8597

(2) The director of job and family services and the staff of 8598
the department in the administration of the medicaid program; 8599

(3) A court, hearing officer, or other necessary individual 8600
involved in a case dealing with the denial or termination of a 8601
provider agreement; 8602

(4) A court, hearing officer, or other necessary individual 8603
involved in a case dealing with a person's denial of employment, 8604
termination of employment, or employment or unemployment benefits. 8605

(J) The department may adopt rules in accordance with Chapter 8606
119. of the Revised Code to implement this section. The rules may 8607
specify circumstances under which the department may continue a 8608
provider agreement or issue a provider agreement to an applicant 8609
when the provider or applicant has been convicted of, has pleaded 8610
guilty to, or has been found eligible for intervention in lieu of 8611
conviction for any of the offenses specified in division (G)(1) or 8612
(2) of this section. The rules may also specify circumstances 8613
under which a provider may permit a person to be an employee, 8614
owner, officer, or board member of the provider, when the person 8615
has been convicted of, has pleaded guilty to, or has been found 8616
eligible for intervention in lieu of conviction for any of the 8617
offenses specified in division (G)(1) or (2) of this section. 8618

Sec. 5111.31. (A) Every provider agreement with the provider 8619
of a nursing facility or intermediate care facility for the 8620
mentally retarded shall: 8621

(1) Prohibit the provider from failing or refusing to retain 8622
as a patient any person because the person is, becomes, or may, as 8623
a patient in the facility, become a medicaid recipient. For the 8624
purposes of this division, a medicaid recipient who is a patient 8625
in a facility shall be considered a patient in the facility during 8626
any hospital stays totaling less than twenty-five days during any 8627
twelve-month period. Recipients who have been identified by the 8628
department of job and family services or its designee as requiring 8629
the level of care of an intermediate care facility for the 8630
mentally retarded shall not be subject to a maximum period of 8631
absences during which they are considered patients if prior 8632
authorization of the department for visits with relatives and 8633

friends and participation in therapeutic programs is obtained 8634
under rules adopted under section 5111.02 of the Revised Code. 8635

(2) Except as provided by division (B)(1) of this section, 8636
include any part of the facility that meets standards for 8637
certification of compliance with federal and state laws and rules 8638
for participation in the medicaid program. 8639

(3) Prohibit the provider from discriminating against any 8640
patient on the basis of race, color, sex, creed, or national 8641
origin. 8642

(4) Except as otherwise prohibited under section 5111.55 of 8643
the Revised Code, prohibit the provider from failing or refusing 8644
to accept a patient because the patient is, becomes, or may, as a 8645
patient in the facility, become a medicaid recipient if less than 8646
eighty per cent of the patients in the facility are medicaid 8647
recipients. 8648

(B)(1) Except as provided by division (B)(2) of this section, 8649
the following are not required to be included in a provider 8650
agreement unless otherwise required by federal law: 8651

(a) Beds added during the period beginning July 1, 1987, and 8652
ending July 1, 1993, to a nursing home licensed under Chapter 8653
3721. of the Revised Code; 8654

(b) Beds in an intermediate care facility for the mentally 8655
retarded that are designated for respite care under a medicaid 8656
waiver component operated pursuant to a waiver sought under 8657
section 5111.87 of the Revised Code; 8658

~~(c) Beds that are converted to providing home and 8659
community based services under the ICF/MR conversion pilot program 8660
authorized by a waiver sought under division (B)(1) of section 8661
5111.88 of the Revised Code. 8662~~

(2) If a provider chooses to include a bed specified in 8663

division (B)(1)(a) of this section in a provider agreement, the 8664
bed may not be removed from the provider agreement unless the 8665
provider withdraws the facility in which the bed is located from 8666
the medicaid program. 8667

(C) Nothing in this section shall bar a provider that is a 8668
religious organization operating a religious or denominational 8669
nursing facility or intermediate care facility for the mentally 8670
retarded from giving preference to persons of the same religion or 8671
denomination. Nothing in this section shall bar any provider from 8672
giving preference to persons with whom the provider has contracted 8673
to provide continuing care. 8674

(D) Nothing in this section shall bar the provider of a 8675
county home organized under Chapter 5155. of the Revised Code from 8676
admitting residents exclusively from the county in which the 8677
county home is located. 8678

(E) No provider of a nursing facility or intermediate care 8679
facility for the mentally retarded for which a provider agreement 8680
is in effect shall violate the provider contract obligations 8681
imposed under this section. 8682

(F) Nothing in divisions (A) and (C) of this section shall 8683
bar a provider from retaining patients who have resided in the 8684
provider's facility for not less than one year as private pay 8685
patients and who subsequently become medicaid recipients, but 8686
refusing to accept as a patient any person who is or may, as a 8687
patient in the facility, become a medicaid recipient, if all of 8688
the following apply: 8689

(1) The provider does not refuse to retain any patient who 8690
has resided in the provider's facility for not less than one year 8691
as a private pay patient because the patient becomes a medicaid 8692
recipient, except as necessary to comply with division (F)(2) of 8693
this section; 8694

(2) The number of medicaid recipients retained under this division does not at any time exceed ten per cent of all the patients in the facility;

(3) On July 1, 1980, all the patients in the facility were private pay patients.

Sec. 5111.874. (A) As used in sections 5111.874 to 5111.879 of the Revised Code:

"Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

"ICF/MR services" means intermediate care facility for the mentally retarded services covered by the medicaid program that an intermediate care facility for the mentally retarded provides to a resident of the facility who is a medicaid recipient eligible for medicaid-covered intermediate care facility for the mentally retarded services.

"Intermediate care facility for the mentally retarded" means an intermediate care facility for the mentally retarded that is certified as in compliance with applicable standards for the medicaid program by the director of health in accordance with Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended, and licensed as a residential facility under section 5123.19 of the Revised Code.

"Residential facility" has the same meaning as in section 5123.19 of the Revised Code.

(B) For the purpose of increasing the number of slots available for home and community-based services and subject to section 5111.877 of the Revised Code, the operator of an intermediate care facility for the mentally retarded may convert all of the beds in the facility from providing ICF/MR services to providing home and community-based services if all of the

following requirements are met: 8725

(1) The operator provides the directors of health, job and family services, and mental retardation and developmental disabilities at least ninety days' notice of the operator's intent to relinquish the facility's certification as an intermediate care facility for the mentally retarded and to begin providing home and community-based services. 8726
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(2) The operator complies with the requirements of sections 5111.65 to 5111.688 of the Revised Code regarding a voluntary termination as defined in section 5111.65 of the Revised Code if those requirements are applicable. 8732
8733
8734
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(3) The operator notifies each of the facility's residents that the facility is to cease providing ICF/MR services and inform each resident that the resident may do either of the following: 8736
8737
8738

(a) Continue to receive ICF/MR services by transferring to another facility that is an intermediate care facility for the mentally retarded willing and able to accept the resident if the resident continues to qualify for ICF/MR services; 8739
8740
8741
8742

(b) Begin to receive home and community-based services instead of ICF/MR services from any provider of home and community-based services that is willing and able to provide the services to the resident if the resident is eligible for the services and a slot for the services is available to the resident. 8743
8744
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(4) The operator meets the requirements for providing home and community-based services, including the following: 8748
8749

(a) Such requirements applicable to a residential facility if the operator maintains the facility's license as a residential facility; 8750
8751
8752

(b) Such requirements applicable to a facility that is not licensed as a residential facility if the operator surrenders the 8753
8754

facility's residential facility license under section 5123.19 of 8755
the Revised Code. 8756

(5) The director of mental retardation and developmental 8757
disabilities approves the conversion. 8758

(C) The notice to the director of mental retardation and 8759
developmental disabilities under division (B)(1) of this section 8760
shall specify whether the operator wishes to surrender the 8761
facility's license as a residential facility under section 5123.19 8762
of the Revised Code. 8763

(D) If the director of mental retardation and developmental 8764
disabilities approves a conversion under division (B) of this 8765
section, the director of health shall terminate the certification 8766
of the intermediate care facility for the mentally retarded to be 8767
converted. The director of health shall notify the director of job 8768
and family services of the termination. On receipt of the director 8769
of health's notice, the director of job and family services shall 8770
terminate the operator's medicaid provider agreement that 8771
authorizes the operator to provide ICF/MR services at the 8772
facility. The operator is not entitled to notice or a hearing 8773
under Chapter 119. of the Revised Code before the director of job 8774
and family services terminates the medicaid provider agreement. 8775
8776

Sec. 5111.875. (A) For the purpose of increasing the number 8777
of slots available for home and community-based services and 8778
subject to section 5111.877 of the Revised Code, a person who 8779
acquires, through a request for proposals issued by the director 8780
of mental retardation and developmental disabilities, a 8781
residential facility that is an intermediate care facility for the 8782
mentally retarded and for which the license as a residential 8783
facility was previously surrendered or revoked may convert some or 8784
all of the facility's beds from providing ICF/MR services to 8785

providing home and community-based services if all of the 8786
following requirements are met: 8787

(1) The person provides the directors of health, job and 8788
family services, and mental retardation and developmental 8789
disabilities at least ninety days' notice of the person's intent 8790
to make the conversion. 8791

(2) The person complies with the requirements of sections 8792
5111.65 to 5111.688 of the Revised Code regarding a voluntary 8793
termination as defined in section 5111.65 of the Revised Code if 8794
those requirements are applicable. 8795

(3) If the person intends to convert all of the facility's 8796
beds, the person notifies each of the facility's residents that 8797
the facility is to cease providing ICF/MR services and informs 8798
each resident that the resident may do either of the following: 8799

(a) Continue to receive ICF/MR services by transferring to 8800
another facility that is an intermediate care facility for the 8801
mentally retarded willing and able to accept the resident if the 8802
resident continues to qualify for ICF/MR services; 8803

(b) Begin to receive home and community-based services 8804
instead of ICF/MR services from any provider of home and 8805
community-based services that is willing and able to provide the 8806
services to the resident if the resident is eligible for the 8807
services and a slot for the services is available to the resident. 8808

(4) If the person intends to convert some but not all of the 8809
facility's beds, the person notifies each of the facility's 8810
residents that the facility is to convert some of its beds from 8811
providing ICF/MR services to providing home and community-based 8812
services and inform each resident that the resident may do either 8813
of the following: 8814

(a) Continue to receive ICF/MR services from any provider of 8815

ICF/MR services that is willing and able to provide the services 8816
to the resident if the resident continues to qualify for ICF/MR 8817
services; 8818

(b) Begin to receive home and community-based services 8819
instead of ICF/MR services from any provider of home and 8820
community-based services that is willing and able to provide the 8821
services to the resident if the resident is eligible for the 8822
services and a slot for the services is available to the resident. 8823

(5) The person meets the requirements for providing home and 8824
community-based services at a residential facility. 8825

(B) The notice provided to the directors under division 8826
(A)(1) of this section shall specify whether some or all of the 8827
facility's beds are to be converted. If some but not all of the 8828
beds are to be converted, the notice shall specify how many of the 8829
facility's beds are to be converted and how many of the beds are 8830
to continue to provide ICF/MR services. 8831

(C) On receipt of a notice under division (A)(1) of this 8832
section, the director of health shall do the following: 8833

(1) Terminate the certification of the intermediate care 8834
facility for the mentally retarded if the notice specifies that 8835
all of the facility's beds are to be converted; 8836

(2) Reduce the facility's certified capacity by the number of 8837
beds being converted if the notice specifies that some but not all 8838
of the beds are to be converted. 8839

(D) The director of health shall notify the director of job 8840
and family services of the termination or reduction under division 8841
(C) of this section. On receipt of the director of health's 8842
notice, the director of job and family services shall do the 8843
following: 8844

(1) Terminate the person's medicaid provider agreement that 8845

authorizes the person to provide ICF/MR services at the facility 8846
if the facility's certification was terminated; 8847

(2) Amend the person's medicaid provider agreement to reflect 8848
the facility's reduced certified capacity if the facility's 8849
certified capacity is reduced. 8850

The person is not entitled to notice or a hearing under 8851
Chapter 119. of the Revised Code before the director of job and 8852
family services terminates or amends the medicaid provider 8853
agreement. 8854

Sec. 5111.876. Subject to section 5111.877 of the Revised 8855
Code, the director of mental retardation and developmental 8856
disabilities may request that the director of job and family 8857
services seek the approval of the United States secretary of 8858
health and human services to increase the number of slots 8859
available for home and community-based services by a number not 8860
exceeding the number of beds that were part of the licensed 8861
capacity of a residential facility that had its license revoked or 8862
surrendered under section 5123.19 of the Revised Code if the 8863
residential facility was an intermediate care facility for the 8864
mentally retarded at the time of the license revocation or 8865
surrender. The revocation or surrender may have occurred before, 8866
or may occur on or after, the effective date of this section. The 8867
request may include beds the director removed from such a 8868
residential facility's licensed capacity before transferring 8869
ownership or operation of the residential facility pursuant to a 8870
request for proposals. 8871

Sec. 5111.877. The director of job and family services may 8872
seek approval from the United States secretary of health and human 8873
services for not more than a total of one hundred slots for home 8874
and community-based services for the purposes of sections 8875

5111.874, 5111.875, and 5111.876 of the Revised Code. 8876

Sec. 5111.878. No person or government entity may reconvert a bed to be used for ICF/MR services if the bed was converted to use for home and community-based services under section 5111.874 or 5111.875 of the Revised Code. This prohibition applies regardless of either of the following: 8877
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(A) The bed is part of the licensed capacity of a residential facility. 8882
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(B) The bed has been sold, leased, or otherwise transferred to another person or government entity. 8884
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Sec. 5111.879. The directors of job and family services and mental retardation and developmental disabilities may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement sections 5111.874 to 5111.879 of the Revised Code. 8886
8887
8888
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Sec. 5111.941. (A) The medicaid revenue and collections fund is hereby created in the state treasury. Except as otherwise provided by statute or as authorized by the controlling board, ~~the non-federal~~ both of the following shall be credited to the fund: 8890
8891
8892
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(1) The nonfederal share of all medicaid-related revenues, collections, and recoveries shall be credited to the fund; 8894
8895

(2) The monthly premiums charged under the children's buy-in program pursuant to section 5101.5213 of the Revised Code. ~~The~~ 8896
8897

(B) The department of job and family services shall use money credited to the medicaid revenue and collections fund to pay for medicaid services and contracts and the children's buy-in program established under sections 5101.5211 to 5101.5216 of the Revised Code. 8898
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Sec. 5112.31. The department of job and family services shall 8903
do all of the following: 8904

(A) For the purpose of providing home and community-based 8905
services for mentally retarded and developmentally disabled 8906
persons, annually assess each intermediate care facility for the 8907
mentally retarded a franchise permit fee equal to nine dollars and 8908
sixty-three cents multiplied, ~~except as adjusted under section~~ 8909
~~5112.311 of the Revised Code,~~ by the product of the following: 8910

(1) The number of beds certified under Title XIX of the 8911
"Social Security Act" on the first day of May of the calendar year 8912
in which the assessment is determined pursuant to division (A) of 8913
section 5112.33 of the Revised Code; 8914

(2) The number of days in the fiscal year beginning on the 8915
first day of July of the same calendar year. 8916

(B) Beginning July 1, 2007, and the first day of each July 8917
thereafter, adjust fees determined under division (A) of this 8918
section in accordance with the composite inflation factor 8919
established in rules adopted under section 5112.39 of the Revised 8920
Code. 8921

(C) If the United States secretary of health and human 8922
services determines that the franchise permit fee established by 8923
sections 5112.30 to 5112.39 of the Revised Code would be an 8924
impermissible health care-related tax under section 1903(w) of the 8925
"Social Security Act," 42 U.S.C.A. 1396b(w), as amended, take all 8926
necessary actions to cease implementation of those sections in 8927
accordance with rules adopted under section 5112.39 of the Revised 8928
Code. 8929

Sec. 5123.0412. (A) The department of mental retardation and 8930
developmental disabilities shall charge each county board of 8931
mental retardation and developmental disabilities an annual fee 8932

equal to one and one-half per cent of the total value of all 8933
medicaid paid claims for ~~medicaid case management services and~~ 8934
home and community-based services provided during the year to an 8935
individual eligible for services from the county board. No county 8936
board shall pass the cost of a fee charged to the county board 8937
under this section on to another provider of these services. 8938

(B) The fees collected under this section shall be deposited 8939
into the ODMR/DD administration and oversight fund and the ODJFS 8940
administration and oversight fund, both of which are hereby 8941
created in the state treasury. The portion of the fees to be 8942
deposited into the ODMR/DD administration and oversight fund and 8943
the portion of the fees to be deposited into the ODJFS 8944
administration and oversight fund shall be the portion specified 8945
in an interagency agreement entered into under division (C) of 8946
this section. The department of mental retardation and 8947
developmental disabilities shall use the money in the ODMR/DD 8948
administration and oversight fund and the department of job and 8949
family services shall use the money in the ODJFS administration 8950
and oversight fund for both of the following purposes: 8951

(1) The administrative and oversight costs of medicaid case 8952
management services and home and community-based services. The 8953
administrative and oversight costs shall include costs for staff, 8954
systems, and other resources the departments need and dedicate 8955
solely to the following duties associated with the services: 8956

- (a) Eligibility determinations; 8957
- (b) Training; 8958
- (c) Fiscal management; 8959
- (d) Claims processing; 8960
- (e) Quality assurance oversight; 8961
- (f) Other duties the departments identify. 8962

(2) Providing technical support to county boards' local administrative authority under section 5126.055 of the Revised Code for the services.

(C) The departments of mental retardation and developmental disabilities and job and family services shall enter into an interagency agreement to do both of the following:

(1) Specify which portion of the fees collected under this section is to be deposited into the ODMR/DD administration and oversight fund and which portion is to be deposited into the ODJFS administration and oversight fund;

(2) Provide for the departments to coordinate the staff whose costs are paid for with money in the ODMR/DD administration and oversight fund and the ODJFS administration and oversight fund.

(D) The departments shall submit an annual report to the director of budget and management certifying how the departments spent the money in the ODMR/DD administration and oversight fund and the ODJFS administration and oversight fund for the purposes specified in division (B) of this section.

Sec. 5123.196. (A) Except as provided in division ~~(F)~~(E) 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~~
The maximum number of beds for the purpose of division (A) of this section shall not exceed ten thousand eight hundred thirty-eight minus, except as provided in division (C) of this section, both of the following:

(1) The number of such beds that cease to be residential facility beds on or after July 1, 2003, because a residential facility license is revoked, terminated, or not renewed for any reason or is surrendered in accordance with section 5123.19 of the Revised Code ~~and after the issuance of an adjudication order pursuant to Chapter 119. of the Revised Code;~~

(2) The number of such beds for which a licensee voluntarily converts to use for supported living on or after July 1, 2003.

(C) The director is not required to reduce the maximum number of beds pursuant to division (B) of this section by a bed that ceases to be a residential facility bed if the director determines that the bed is needed to provide services to an individual with mental retardation or a developmental disability who resided in the residential facility in which the bed was located ~~unless the reason the bed ceases to be a residential facility bed is because it is converted to providing home and community based services under the ICF/MR conversion pilot program that is authorized by a waiver sought under division (B)(1) of section 5111.88 of the Revised Code.~~

~~(D) The director shall increase the number of beds determined under division (B) of this section if necessary to enable the operator of a residential facility to do either of the following:~~

~~(1) Obtain a residential facility license as required by section 5111.8814 of the Revised Code;~~

~~(2) Reconvert beds to providing ICF/MR services under section 5111.8811 of the Revised Code.~~

~~(E)~~ The director shall maintain an up-to-date written record of the maximum number of residential facility beds provided for by division (B) of this section.

~~(F)~~(E) The director may issue an interim license under division (S) of section 5123.19 of the Revised Code and issue,

pursuant to rules adopted under division (H)(11) of that section, 9024
a waiver allowing a residential facility to admit more residents 9025
than the facility is licensed to admit regardless of whether the 9026
interim license or waiver will result in there being more beds in 9027
all residential facilities licensed under that section than is 9028
permitted under division (B) of this section. 9029

Sec. 5525.01. Before entering into a contract the director of 9030
transportation shall advertise for bids for two consecutive weeks 9031
in one newspaper of general circulation published in the county in 9032
which the improvement or part thereof is located, but if there is 9033
no such newspaper then in one newspaper having general circulation 9034
in an adjacent county. The director may advertise for bids in such 9035
other publications as the director considers advisable. Such 9036
notices shall state that plans and specifications for the 9037
improvement are on file in the office of the director and the 9038
district deputy director of the district in which the improvement 9039
or part thereof is located and the time within which bids therefor 9040
will be received. 9041

Each bidder shall be required to file with the bidder's bid a 9042
bid guaranty in the form of a certified check ~~or~~, a cashier's 9043
check, or an electronic funds transfer to the treasurer of state 9044
that is evidenced by a receipt or by a certification to the 9045
director of transportation in a form prescribed by the director 9046
that an electronic funds transfer has been made to the treasurer 9047
of state, for an amount equal to five per cent of the bidder's 9048
bid, but in no event more than fifty thousand dollars, or a bid 9049
bond for ten per cent of the bidder's bid, payable to the 9050
director, which check, transferred sum, or bond shall be forthwith 9051
returned to the bidder in case the contract is awarded to another 9052
bidder, or, in case of a successful bidder, when the bidder has 9053
entered into a contract and furnished the bonds required by 9054
section 5525.16 of the Revised Code. In the event the contract is 9055

awarded to a bidder, and the bidder fails or refuses to furnish 9056
the bonds as required by section 5525.16 of the Revised Code, the 9057
check, transferred sum, or bid bond filed with the bidder's bid 9058
shall be forfeited as liquidated damages. No bidder shall be 9059
required either to file a signed contract with the bidder's bid, 9060
to enter into a contract, or to furnish the contract performance 9061
bond and the payment bond required by that section until the bids 9062
have been opened and the bidder has been notified by the director 9063
that the bidder is awarded the contract. 9064

The director shall permit a bidder to withdraw the bidder's 9065
bid from consideration, without forfeiture of the ~~certified~~ check, 9066
transferred sum, or bid bond filed with the bid, providing a 9067
written request together with a sworn statement of the grounds for 9068
such withdrawal is delivered within forty-eight hours after the 9069
time established for the receipt of bids, and if the price bid was 9070
substantially lower than the other bids, providing the bid was 9071
submitted in good faith, and the reason for the price bid being 9072
substantially lower was a clerical mistake evident on the face of 9073
the bid, as opposed to a judgment mistake, and was actually due to 9074
an unintentional and substantial arithmetic error or an 9075
unintentional omission of a substantial quantity of work, labor, 9076
or material made directly in the compilation of the bid. In the 9077
event the director decides the conditions for withdrawal have not 9078
been met, the director may award the contract to such bidder. If 9079
such bidder does not then enter into a contract and furnish the 9080
contract bond as required by law, the director may declare 9081
forfeited the ~~certified~~ check, transferred sum, or bid bond as 9082
liquidated damages and award the contract to the next higher 9083
bidder or reject the remaining bids and readvertise the project 9084
for bids. Such bidder may, within thirty days, appeal the decision 9085
of the director to the court of common pleas of Franklin county 9086
and the court may affirm or reverse the decision of the director 9087
and may order the director to refund the amount of the forfeiture. 9088

At the hearing before the common pleas court evidence may be 9089
introduced for and against the decision of the director. The 9090
decision of the common pleas court may be appealed as in other 9091
cases. 9092

There is hereby created the ODOT letting fund, which shall be 9093
in the custody of the treasurer of state but shall not be part of 9094
the state treasury. All certified checks and cashiers' checks 9095
received with bidders' bids, and all sums transferred to the 9096
treasurer of state by electronic funds transfer in connection with 9097
bidders' bids, under this section shall be credited to the fund. 9098
All such bid guaranties shall be held in the fund until a 9099
determination is made as to the final disposition of the money. If 9100
the department determines that any such bid guaranty is no longer 9101
required to be held, the amount of the bid guaranty shall be 9102
returned to the appropriate bidder. If the department determines 9103
that a bid guaranty under this section shall be forfeited, the 9104
amount of the bid guaranty shall be transferred or, in the case of 9105
money paid on a forfeited bond, deposited into the state treasury, 9106
to the credit of the highway operating fund. Any investment 9107
earnings of the ODOT letting fund shall be distributed as the 9108
treasurer of state considers appropriate. 9109

The director shall require all bidders to furnish the 9110
director, upon such forms as the director may prescribe, detailed 9111
information with respect to all pending work of the bidder, 9112
whether with the department of transportation or otherwise, 9113
together with such other information as the director considers 9114
necessary. 9115

In the event a bidder fails to submit anything required to be 9116
submitted with the bid and then fails or refuses to so submit such 9117
at the request of the director, the failure or refusal constitutes 9118
grounds for the director, in the director's discretion, to declare 9119
as forfeited the bid guaranty submitted with the bid. 9120

The director may reject any or all bids. Except in regard to 9121
contracts for environmental remediation and specialty work for 9122
which there are no classes of work set out in the rules adopted by 9123
the director, if the director awards the contract, the director 9124
shall award it to the lowest competent and responsible bidder as 9125
defined by rules adopted by the director under section 5525.05 of 9126
the Revised Code, who is qualified to bid under sections 5525.02 9127
to 5525.09 of the Revised Code. In regard to contracts for 9128
environmental remediation and specialty work for which there are 9129
no classes of work set out in the rules adopted by the director, 9130
the director shall competitively bid the projects in accordance 9131
with this chapter and shall award the contracts to the lowest and 9132
best bidder. 9133

The award for all projects competitively let by the director 9134
under this section shall be made within ten days after the date on 9135
which the bids are opened, and the successful bidder shall enter 9136
into a contract and furnish a contract performance bond and a 9137
payment bond, as provided for in section 5525.16 of the Revised 9138
Code, within ten days after the bidder is notified that the bidder 9139
has been awarded the contract. 9140

The director may insert in any contract awarded under this 9141
chapter a clause providing for value engineering change proposals, 9142
under which a contractor who has been awarded a contract may 9143
propose a change in the plans and specifications of the project 9144
that saves the department time or money on the project without 9145
impairing any of the essential functions and characteristics of 9146
the project such as service life, reliability, economy of 9147
operation, ease of maintenance, safety, and necessary standardized 9148
features. If the director adopts the value engineering proposal, 9149
the savings from the proposal shall be divided between the 9150
department and the contractor according to guidelines established 9151
by the director, provided that the contractor shall receive at 9152

least fifty per cent of the savings from the proposal. The 9153
adoption of a value engineering proposal does not invalidate the 9154
award of the contract or require the director to rebid the 9155
project. 9156

Sec. 5703.19. (A) To carry out the purposes of the laws that 9157
the tax commissioner is required to administer, the commissioner 9158
or any person employed by the commissioner for that purpose, upon 9159
demand, may inspect books, accounts, records, and memoranda of any 9160
person or public utility subject to those laws, and may examine 9161
under oath any officer, agent, or employee of that person or 9162
public utility. Any person other than the commissioner who makes a 9163
demand pursuant to this section shall produce the person's 9164
authority to make the inspection. 9165

(B) If a person or public utility receives at least ten days' 9166
written notice of a demand made under division (A) of this section 9167
and refuses to comply with that demand, a penalty of five hundred 9168
dollars shall be imposed upon the person or public utility for 9169
each day the person or public utility refuses to comply with the 9170
demand. Penalties imposed under this division may be assessed and 9171
collected in the same manner as assessments made under Chapter 9172
3769., 4305., 5727., 5728., 5733., 5735., 5739., 5743., 5745., 9173
5747., 5749., or ~~5753.~~ 5751., or sections 3734.90 to 3734.9014, of 9174
the Revised Code. 9175

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 9176
of this section, no agent of the department of taxation, except in 9177
the agent's report to the department or when called on to testify 9178
in any court or proceeding, shall divulge any information acquired 9179
by the agent as to the transactions, property, or business of any 9180
person while acting or claiming to act under orders of the 9181
department. Whoever violates this provision shall thereafter be 9182
disqualified from acting as an officer or employee or in any other 9183

capacity under appointment or employment of the department. 9184

9185

(B)(1) For purposes of an audit pursuant to section 117.15 of 9186
the Revised Code, or an audit of the department pursuant to 9187
Chapter 117. of the Revised Code, or an audit, pursuant to that 9188
chapter, the objective of which is to express an opinion on a 9189
financial report or statement prepared or issued pursuant to 9190
division (A)(7) or (9) of section 126.21 of the Revised Code, the 9191
officers and employees of the auditor of state charged with 9192
conducting the audit shall have access to and the right to examine 9193
any state tax returns and state tax return information in the 9194
possession of the department to the extent that the access and 9195
examination are necessary for purposes of the audit. Any 9196
information acquired as the result of that access and examination 9197
shall not be divulged for any purpose other than as required for 9198
the audit or unless the officers and employees are required to 9199
testify in a court or proceeding under compulsion of legal 9200
process. Whoever violates this provision shall thereafter be 9201
disqualified from acting as an officer or employee or in any other 9202
capacity under appointment or employment of the auditor of state. 9203

(2) For purposes of an internal audit pursuant to section 9204
126.45 of the Revised Code, the officers and employees of the 9205
office of internal auditing in the office of budget and management 9206
charged with conducting the internal audit shall have access to 9207
and the right to examine any state tax returns and state tax 9208
return information in the possession of the department to the 9209
extent that the access and examination are necessary for purposes 9210
of the internal audit. Any information acquired as the result of 9211
that access and examination shall not be divulged for any purpose 9212
other than as required for the internal audit or unless the 9213
officers and employees are required to testify in a court or 9214
proceeding under compulsion of legal process. Whoever violates 9215

this provision shall thereafter be disqualified from acting as an 9216
officer or employee or in any other capacity under appointment or 9217
employment of the office of internal auditing. 9218

(3) As provided by section 6103(d)(2) of the Internal Revenue 9219
Code, any federal tax returns or federal tax information that the 9220
department has acquired from the internal revenue service, through 9221
federal and state statutory authority, may be disclosed to the 9222
auditor of state or the office of internal auditing solely for 9223
purposes of an audit of the department. 9224

(C) Division (A) of this section does not prohibit any of the 9225
following: 9226

(1) Divulging information contained in applications, 9227
complaints, and related documents filed with the department under 9228
section 5715.27 of the Revised Code or in applications filed with 9229
the department under section 5715.39 of the Revised Code; 9230

(2) Providing information to the office of child support 9231
within the department of job and family services pursuant to 9232
section 3125.43 of the Revised Code; 9233

(3) Disclosing to the board of motor vehicle collision repair 9234
registration any information in the possession of the department 9235
that is necessary for the board to verify the existence of an 9236
applicant's valid vendor's license and current state tax 9237
identification number under section 4775.07 of the Revised Code; 9238

(4) Providing information to the administrator of workers' 9239
compensation pursuant to sections 4123.271 and 4123.591 of the 9240
Revised Code; 9241

(5) Providing to the attorney general information the 9242
department obtains under division (J) of section 1346.01 of the 9243
Revised Code; 9244

(6) Permitting properly authorized officers, employees, or 9245

agents of a municipal corporation from inspecting reports or 9246
information pursuant to rules adopted under section 5745.16 of the 9247
Revised Code; 9248

(7) Providing information regarding the name, account number, 9249
or business address of a holder of a vendor's license issued 9250
pursuant to section 5739.17 of the Revised Code, a holder of a 9251
direct payment permit issued pursuant to section 5739.031 of the 9252
Revised Code, or a seller having a use tax account maintained 9253
pursuant to section 5741.17 of the Revised Code, or information 9254
regarding the active or inactive status of a vendor's license, 9255
direct payment permit, or seller's use tax account; 9256

(8) Releasing invoices or invoice information furnished under 9257
section 4301.433 of the Revised Code pursuant to that section; 9258

(9) Providing to a county auditor notices or documents 9259
concerning or affecting the taxable value of property in the 9260
county auditor's county. Unless authorized by law to disclose 9261
documents so provided, the county auditor shall not disclose such 9262
documents; 9263

(10) Providing to a county auditor sales or use tax return or 9264
audit information under section 333.06 of the Revised Code; 9265

(11) Subject to section 4301.441 of the Revised Code, 9266
disclosing to the appropriate state agency information in the 9267
possession of the department of taxation that is necessary to 9268
verify a permit holder's total gallonage or noncompliance with 9269
taxes levied under Chapter 4301. or 4305. of the Revised Code; 9270

(12) Disclosing to the department of natural resources 9271
information in the possession of the department that is necessary 9272
to verify the taxpayer's compliance with division (A)(1), (8), or 9273
(9) of section 5749.02 of the Revised Code. 9274

Sec. 5703.57. (A) As used in this section, "Ohio business 9275

gateway" has the same meaning as in section 718.051 of the Revised Code. 9276
9277

(B) There is hereby created the Ohio business gateway steering committee to direct the continuing development of the Ohio business gateway and to oversee its operations. The committee shall provide general oversight regarding operation of the Ohio business gateway and shall recommend to the department of administrative services enhancements that will improve the Ohio business gateway. The committee shall consider all banking, technological, administrative, and other issues associated with the Ohio business gateway and shall make recommendations regarding the type of reporting forms or other tax documents to be filed through the Ohio business gateway. 9278
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(C) The committee shall consist of: 9289

(1) The following members, appointed by the governor with the advice and consent of the senate: 9290
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(a) Not more than two representatives of the business community; 9292
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(b) Not more than three representatives of municipal tax administrators; and 9294
9295

(c) Not more than two tax practitioners. 9296

(2) The following ex officio members: 9297

(a) The director or other highest officer of each state agency that has tax reporting forms or other tax documents filed with it through the Ohio business gateway or the director's designee; 9298
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9300
9301

(b) The secretary of state or the secretary of state's designee; 9302
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(c) The treasurer of state or the treasurer of state's 9304

designee; 9305

(d) The director of budget and management or the director's 9306
designee; 9307

(e) ~~The director of the office of information technology~~ 9308
state chief information officer or the ~~director's~~ officer's 9309
designee; ~~and~~ 9310

(f) The tax commissioner or the tax commissioner's designee; 9311
and 9312

(g) The director of development or the director's designee. 9313

An appointed member shall serve until the member resigns or 9314
is removed by the governor. Vacancies shall be filled in the same 9315
manner as original appointments. 9316

(D) A vacancy on the committee does not impair the right of 9317
the other members to exercise all the functions of the committee. 9318
The presence of a majority of the members of the committee 9319
constitutes a quorum for the conduct of business of the committee. 9320
The concurrence of at least a majority of the members of the 9321
committee is necessary for any action to be taken by the 9322
committee. On request, each member of the committee shall be 9323
reimbursed for the actual and necessary expenses incurred in the 9324
discharge of the member's duties. 9325

(E) The committee is a part of the department of taxation for 9326
administrative purposes. 9327

(F) Each year, the governor shall select a member of the 9328
committee to serve as chairperson. The chairperson shall appoint 9329
an official or employee of the department of taxation to act as 9330
the committee's secretary. The secretary shall keep minutes of the 9331
committee's meetings and a journal of all meetings, proceedings, 9332
findings, and determinations of the committee. 9333

(G) The committee shall hire professional, technical, and 9334

clerical staff needed to support its activities. 9335

(H) The committee shall meet as often as necessary to perform 9336
its duties. 9337

Sec. 5703.82. (A) Not later than April 1, 2009, the 9338
department of taxation shall acquire the necessary hardware, 9339
software, and services to establish and implement a tax discovery 9340
data system to increase the efficiency of tax collections in the 9341
state. The system must be fully integrated and pre-staged for the 9342
purposes of assisting in revenue analysis, discovering 9343
noncompliant taxpayers, and collecting taxes from those taxpayers. 9344
The system shall consolidate tax data from various mainframe 9345
systems and operate as a single tax discovery data system. The 9346
department shall contract, pursuant to a competitive bidding 9347
process, for the necessary hardware, software, and services to 9348
implement the tax discovery data system. 9349

(B) There is hereby created in the state treasury the 9350
discovery project fund. All money to the credit of the fund shall 9351
be used to pay the costs of implementing and operating the tax 9352
discovery data system and to defray the costs incurred by the 9353
department of taxation in administering the system. 9354

(C) Beginning July 1, 2009, on or before the first day of 9355
January, April, July, and October of each calendar year, the tax 9356
commissioner shall determine and certify to the director of budget 9357
and management the amount needed to pay the costs of operating the 9358
tax discovery data system in the previous calendar quarter and the 9359
costs incurred in the previous calendar quarter by the department 9360
of taxation in administering the system. The director shall 9361
provide for payment from the general revenue fund to the discovery 9362
project fund of the amount so certified. 9363

Sec. 5709.121. (A) Real property and tangible personal 9364

property belonging to a charitable or educational institution or 9365
to the state or a political subdivision, shall be considered as 9366
used exclusively for charitable or public purposes by such 9367
institution, the state, or political subdivision, if it meets one 9368
of the following requirements: 9369

(1) It is used by such institution, the state, or political 9370
subdivision, or by one or more other such institutions, the state, 9371
or political subdivisions under a lease, sublease, or other 9372
contractual arrangement: 9373

(a) As a community or area center in which presentations in 9374
music, dramatics, the arts, and related fields are made in order 9375
to foster public interest and education therein; 9376

(b) For other charitable, educational, or public purposes. 9377

(2) It is made available under the direction or control of 9378
such institution, the state, or political subdivision for use in 9379
furtherance of or incidental to its charitable, educational, or 9380
public purposes and not with the view to profit. 9381

(3) It is used by an organization described in division (D) 9382
of section 5709.12 of the Revised Code. If the organization is a 9383
corporation that receives a grant under the Thomas Alva Edison 9384
grant program authorized by division (C) of section 122.33 of the 9385
Revised Code at any time during the tax year, "used," for the 9386
purposes of this division, includes holding property for lease or 9387
resale to others. 9388

(B)(1) Property described in division (A)(1)(a) of this 9389
section shall continue to be considered as used exclusively for 9390
charitable or public purposes even if the property is conveyed 9391
through one conveyance or a series of conveyances to an entity 9392
that is not a charitable or educational institution and is not the 9393
state or a political subdivision, provided that all of the 9394
following conditions apply with respect to that property: 9395

(a) The property has been listed as exempt on the county auditor's tax list and duplicate for the county in which it is located for the ten tax years immediately preceding the year in which the property is conveyed through one conveyance or a series of conveyances;

(b) The owner to which the property is conveyed through one conveyance or a series of conveyances leases the property through one lease or a series of leases to the entity that owned or occupied the property for the ten tax years immediately preceding the year in which the property is conveyed or an affiliate of such prior owner or occupant;

(c) The property includes improvements that are at least fifty years old;

(d) The property is being renovated in connection with a claim for historic preservation tax credits available under federal law;

(e) The property continues to be used for the purposes described in division (A)(1)(a) of this section after its conveyance; and

(f) The property is certified by the United States secretary of the interior as a "certified historic structure" or certified as part of a certified historic structure.

(2) Notwithstanding section 5715.27 of the Revised Code, an application for exemption from taxation of property described in division (B)(1) of this section may be filed by either the owner of the property or its occupant.

(C) For purposes of this section, an institution is a charitable institution if the institution is a nonprofit corporation or association, no part of the net earnings of which inures to the benefit of any private shareholder or individual, is exempt from federal income taxation under section 501(a) of the

Internal Revenue Code, the majority of the institution's board of directors are appointed by the mayor or legislative authority of a municipal corporation or a board of county commissioners, or a combination thereof, and the primary purpose of the institution is to assist in the development and revitalization of downtown urban areas.

Sec. 5727.85. (A) By the thirty-first day of July of each year, beginning in 2002 and ending in 2016, the department of education shall determine the following for each school district and each joint vocational school district ~~eligible for payment under division (C) or (D) of this section:~~

(1) The state education aid offset, which is the difference obtained by subtracting the amount described in division (A)(1)(b) of this section from the amount described in division (A)(1)(a) of this section:

(a) The state education aid computed for the school district or joint vocational school district for the current fiscal year as of the thirty-first day of July;

(b) The state education aid that would be computed for the school district or joint vocational school district for the current fiscal year as of the thirty-first day of July if the recognized valuation included the tax value loss for the school district or joint vocational school district.

(2) The greater of zero or the difference obtained by subtracting the state education aid offset determined under division (A)(1) of this section from the fixed-rate levy loss certified under division (J) of section 5727.84 of the Revised Code for all taxing districts in each school district and joint vocational school district.

By the fifth day of August of each such year, the department

of education shall certify the amount so determined under division 9457
(A)(1) of this section to the director of budget and management. 9458

(B) Not later than the thirty-first day of October of the 9459
years 2006 through 2016, the department of education shall 9460
determine all of the following for each school district: 9461

(1) The amount obtained by subtracting the district's state 9462
education aid computed for fiscal year 2002 from the district's 9463
state education aid computed for the current fiscal year as of the 9464
fifteenth day of July, by including in the definition of 9465
recognized valuation the machinery and equipment, inventory, 9466
furniture and fixtures, and telephone property tax value losses, 9467
as defined in section 5751.20 of the Revised Code, for the school 9468
district or joint vocational school district for the preceding tax 9469
year; 9470

(2) The inflation-adjusted property tax loss. The 9471
inflation-adjusted property tax loss equals the fixed-rate levy 9472
loss, excluding the tax loss from levies within the ten-mill 9473
limitation to pay debt charges, determined under division (G) of 9474
section 5727.84 of the Revised Code for all taxing districts in 9475
each school district, plus the product obtained by multiplying 9476
that loss by the cumulative percentage increase in the consumer 9477
price index from January 1, 2002, to the thirtieth day of June of 9478
the current year. 9479

(3) The difference obtained by subtracting the amount 9480
computed under division (B)(1) from the amount of the 9481
inflation-adjusted property tax loss. If this difference is zero 9482
or a negative number, no further payments shall be made under 9483
division (C) of this section to the school district from the 9484
school district property tax replacement fund. 9485

(C) The department of education shall pay from the school 9486
district property tax replacement fund to each school district all 9487

of the following: 9488

(1) In February 2002, one-half of the fixed-rate levy loss 9489
certified under division (J) of section 5727.84 of the Revised 9490
Code between the twenty-first and twenty-eighth days of February. 9491

(2) From August 2002 through August 2017, one-half of the 9492
amount calculated for that fiscal year under division (A)(2) of 9493
this section between the twenty-first and twenty-eighth days of 9494
August and of February, provided the difference computed under 9495
division (B)(3) of this section is not less than or equal to zero. 9496

For taxes levied within the ten-mill limitation for debt 9497
purposes in tax year 1998 in the case of electric company tax 9498
value losses, and in tax year 1999 in the case of natural gas 9499
company tax value losses, payments shall be made equal to one 9500
hundred per cent of the loss computed as if the tax were a 9501
fixed-rate levy, but those payments shall extend from fiscal year 9502
2006 through fiscal year 2016. 9503

The department of education shall report to each school 9504
district the apportionment of the payments among the school 9505
district's funds based on the certifications under division (J) of 9506
section 5727.84 of the Revised Code. 9507

(D) Not later than January 1, 2002, for all taxing districts 9508
in each joint vocational school district, the tax commissioner 9509
shall certify to the department of education the fixed-rate levy 9510
loss determined under division (G) of section 5727.84 of the 9511
Revised Code. From February 2002 to August 2016, the department 9512
shall pay from the school district property tax replacement fund 9513
to the joint vocational school district one-half of the amount 9514
calculated for that fiscal year under division (A)(2) of this 9515
section between the twenty-first and twenty-eighth days of August 9516
and of February. 9517

(E)(1) Not later than January 1, 2002, for each fixed-sum 9518

levy levied by each school district or joint vocational school 9519
district and for each year for which a determination is made under 9520
division (H) of section 5727.84 of the Revised Code that a 9521
fixed-sum levy loss is to be reimbursed, the tax commissioner 9522
shall certify to the department of education the fixed-sum levy 9523
loss determined under that division. The certification shall cover 9524
a time period sufficient to include all fixed-sum levies for which 9525
the tax commissioner made such a determination. The department 9526
shall pay from the school district property tax replacement fund 9527
to the school district or joint vocational school district 9528
one-half of the fixed-sum levy loss so certified for each year 9529
between the twenty-first and twenty-eighth days of August and of 9530
February. 9531

(2) Beginning in 2003, by the thirty-first day of January of 9532
each year, the tax commissioner shall review the certification 9533
originally made under division (E)(1) of this section. If the 9534
commissioner determines that a debt levy that had been scheduled 9535
to be reimbursed in the current year has expired, a revised 9536
certification for that and all subsequent years shall be made to 9537
the department of education. 9538

(F) If the balance of the half-mill equalization fund created 9539
under section 3318.18 of the Revised Code is insufficient to make 9540
the full amount of payments required under division (D) of that 9541
section, the department of education, at the end of the third 9542
quarter of the fiscal year, shall certify to the director of 9543
budget and management the amount of the deficiency, and the 9544
director shall transfer an amount equal to the deficiency from the 9545
school district property tax replacement fund to the half-mill 9546
equalization fund. 9547

(G) Beginning in August 2002, and ending in May 2017, the 9548
director of budget and management shall transfer from the school 9549
district property tax replacement fund to the general revenue fund 9550

each of the following: 9551

(1) Between the twenty-eighth day of August and the fifth day 9552
of September, the lesser of one-half of the amount certified for 9553
that fiscal year under division (A)(2) of this section or the 9554
balance in the school district property tax replacement fund; 9555

(2) Between the first and fifth days of May, the lesser of 9556
one-half of the amount certified for that fiscal year under 9557
division (A)(2) of this section or the balance in the school 9558
district property tax replacement fund. 9559

(H) On the first day of June each year, the director of 9560
budget and management shall transfer any balance remaining in the 9561
school district property tax replacement fund after the payments 9562
have been made under divisions (C), (D), (E), (F), and (G) of this 9563
section to the half-mill equalization fund created under section 9564
3318.18 of the Revised Code to the extent required to make any 9565
payments in the current fiscal year under that section, and shall 9566
transfer the remaining balance to the general revenue fund. 9567

(I) From fiscal year 2002 through fiscal year 2016, if the 9568
total amount in the school district property tax replacement fund 9569
is insufficient to make all payments under divisions (C), (D), 9570
(E), and (F) of this section at the time the payments are to be 9571
made, the director of budget and management shall transfer from 9572
the general revenue fund to the school district property tax 9573
replacement fund the difference between the total amount to be 9574
paid and the total amount in the school district property tax 9575
replacement fund, except that no transfer shall be made by reason 9576
of a deficiency to the extent that it results from the amendment 9577
of section 5727.84 of the Revised Code by Amended Substitute House 9578
Bill No. 95 of the 125th general assembly. 9579

(J) If all of the territory of a school district or joint 9580
vocational school district is merged with an existing district, or 9581

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 2009. From February 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:			9614
	YEAR	PERCENTAGE	9615
	2010	70%	9616
	2011	70%	9617
	2012	60%	9618
	2013	50%	9619
	2014	40%	9620
	2015	24%	9621
	2016	11.5%	9622
	2017 and thereafter	0%	9623

Fixed-sum levy losses for the districts shall be determined under division (J)(4) of this section. 9624
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(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. 9626
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(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 an equitable division of the fixed-sum levy losses. 9633
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(K) There is hereby created the public utility property tax study committee, effective January 1, 2011. The committee shall consist of the following seven members: the tax commissioner, three members of the senate appointed by the president of the senate, and three members of the house of representatives appointed by the speaker of the house of representatives. The 9640
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appointments shall be made not later than January 31, 2011. The 9646
tax commissioner shall be the chairperson of the committee. 9647

The committee shall study the extent to which each school 9648
district or joint vocational school district has been compensated, 9649
under sections 5727.84 and 5727.85 of the Revised Code as enacted 9650
by Substitute Senate Bill No. 3 of the 123rd general assembly and 9651
any subsequent acts, for the property tax loss caused by the 9652
reduction in the assessment rates for natural gas, electric, and 9653
rural electric company tangible personal property. Not later than 9654
June 30, 2011, the committee shall issue a report of its findings, 9655
including any recommendations for providing additional 9656
compensation for the property tax loss or regarding remedial 9657
legislation, to the president of the senate and the speaker of the 9658
house of representatives, at which time the committee shall cease 9659
to exist. 9660

The department of taxation and department of education shall 9661
provide such information and assistance as is required for the 9662
committee to carry out its duties. 9663

Sec. 5739.01. As used in this chapter: 9664

(A) "Person" includes individuals, receivers, assignees, 9665
trustees in bankruptcy, estates, firms, partnerships, 9666
associations, joint-stock companies, joint ventures, clubs, 9667
societies, corporations, the state and its political subdivisions, 9668
and combinations of individuals of any form. 9669

(B) "Sale" and "selling" include all of the following 9670
transactions for a consideration in any manner, whether absolutely 9671
or conditionally, whether for a price or rental, in money or by 9672
exchange, and by any means whatsoever: 9673

(1) All transactions by which title or possession, or both, 9674
of tangible personal property, is or is to be transferred, or a 9675

license to use or consume tangible personal property is or is to 9676
be granted; 9677

(2) All transactions by which lodging by a hotel is or is to 9678
be furnished to transient guests; 9679

(3) All transactions by which: 9680

(a) An item of tangible personal property is or is to be 9681
repaired, except property, the purchase of which would not be 9682
subject to the tax imposed by section 5739.02 of the Revised Code; 9683

(b) An item of tangible personal property is or is to be 9684
installed, except property, the purchase of which would not be 9685
subject to the tax imposed by section 5739.02 of the Revised Code 9686
or property that is or is to be incorporated into and will become 9687
a part of a production, transmission, transportation, or 9688
distribution system for the delivery of a public utility service; 9689

(c) The service of washing, cleaning, waxing, polishing, or 9690
painting a motor vehicle is or is to be furnished; 9691

(d) Until August 1, 2003, industrial laundry cleaning 9692
services are or are to be provided and, on and after August 1, 9693
2003, laundry and dry cleaning services are or are to be provided; 9694

(e) Automatic data processing, computer services, or 9695
electronic information services are or are to be provided for use 9696
in business when the true object of the transaction is the receipt 9697
by the consumer of automatic data processing, computer services, 9698
or electronic information services rather than the receipt of 9699
personal or professional services to which automatic data 9700
processing, computer services, or electronic information services 9701
are incidental or supplemental. Notwithstanding any other 9702
provision of this chapter, such transactions that occur between 9703
members of an affiliated group are not sales. An "affiliated 9704
group" means two or more persons related in such a way that one 9705
person owns or controls the business operation of another member 9706

of the group. In the case of corporations with stock, one 9707
corporation owns or controls another if it owns more than fifty 9708
per cent of the other corporation's common stock with voting 9709
rights. 9710

(f) Telecommunications service, including prepaid calling 9711
service, prepaid wireless calling service, or ancillary service, 9712
is or is to be provided, but not including coin-operated telephone 9713
service; 9714

(g) Landscaping and lawn care service is or is to be 9715
provided; 9716

(h) Private investigation and security service is or is to be 9717
provided; 9718

(i) Information services or tangible personal property is 9719
provided or ordered by means of a nine hundred telephone call; 9720

(j) Building maintenance and janitorial service is or is to 9721
be provided; 9722

(k) Employment service is or is to be provided; 9723

(l) Employment placement service is or is to be provided; 9724

(m) Exterminating service is or is to be provided; 9725

(n) Physical fitness facility service is or is to be 9726
provided; 9727

(o) Recreation and sports club service is or is to be 9728
provided; 9729

(p) On and after August 1, 2003, satellite broadcasting 9730
service is or is to be provided; 9731

(q) On and after August 1, 2003, personal care service is or 9732
is to be provided to an individual. As used in this division, 9733
"personal care service" includes skin care, the application of 9734
cosmetics, manicuring, pedicuring, hair removal, tattooing, body 9735

piercing, tanning, massage, and other similar services. "Personal 9736
care service" does not include a service provided by or on the 9737
order of a licensed physician or licensed chiropractor, or the 9738
cutting, coloring, or styling of an individual's hair. 9739

(r) On and after August 1, 2003, the transportation of 9740
persons by motor vehicle or aircraft is or is to be provided, when 9741
the transportation is entirely within this state, except for 9742
transportation provided by an ambulance service, by a transit bus, 9743
as defined in section 5735.01 of the Revised Code, and 9744
transportation provided by a citizen of the United States holding 9745
a certificate of public convenience and necessity issued under 49 9746
U.S.C. 41102; 9747

(s) On and after August 1, 2003, motor vehicle towing service 9748
is or is to be provided. As used in this division, "motor vehicle 9749
towing service" means the towing or conveyance of a wrecked, 9750
disabled, or illegally parked motor vehicle. 9751

(t) On and after August 1, 2003, snow removal service is or 9752
is to be provided. As used in this division, "snow removal 9753
service" means the removal of snow by any mechanized means, but 9754
does not include the providing of such service by a person that 9755
has less than five thousand dollars in sales of such service 9756
during the calendar year. 9757

(u) Electronic publishing service is or is to be provided to 9758
a consumer for use in business, except that such transactions 9759
occurring between members of an affiliated group, as defined in 9760
division (B)(3)(e) of this section, are not sales. 9761

(4) All transactions by which printed, imprinted, 9762
overprinted, lithographic, multilithic, blueprinted, photostatic, 9763
or other productions or reproductions of written or graphic matter 9764
are or are to be furnished or transferred; 9765

(5) The production or fabrication of tangible personal 9766

property for a consideration for consumers who furnish either 9767
directly or indirectly the materials used in the production of 9768
fabrication work; and include the furnishing, preparing, or 9769
serving for a consideration of any tangible personal property 9770
consumed on the premises of the person furnishing, preparing, or 9771
serving such tangible personal property. Except as provided in 9772
section 5739.03 of the Revised Code, a construction contract 9773
pursuant to which tangible personal property is or is to be 9774
incorporated into a structure or improvement on and becoming a 9775
part of real property is not a sale of such tangible personal 9776
property. The construction contractor is the consumer of such 9777
tangible personal property, provided that the sale and 9778
installation of carpeting, the sale and installation of 9779
agricultural land tile, the sale and erection or installation of 9780
portable grain bins, or the provision of landscaping and lawn care 9781
service and the transfer of property as part of such service is 9782
never a construction contract. 9783

As used in division (B)(5) of this section: 9784

(a) "Agricultural land tile" means fired clay or concrete 9785
tile, or flexible or rigid perforated plastic pipe or tubing, 9786
incorporated or to be incorporated into a subsurface drainage 9787
system appurtenant to land used or to be used directly in 9788
production by farming, agriculture, horticulture, or floriculture. 9789
The term does not include such materials when they are or are to 9790
be incorporated into a drainage system appurtenant to a building 9791
or structure even if the building or structure is used or to be 9792
used in such production. 9793

(b) "Portable grain bin" means a structure that is used or to 9794
be used by a person engaged in farming or agriculture to shelter 9795
the person's grain and that is designed to be disassembled without 9796
significant damage to its component parts. 9797

(6) All transactions in which all of the shares of stock of a 9798

closely held corporation are transferred, if the corporation is 9799
not engaging in business and its entire assets consist of boats, 9800
planes, motor vehicles, or other tangible personal property 9801
operated primarily for the use and enjoyment of the shareholders; 9802

(7) All transactions in which a warranty, maintenance or 9803
service contract, or similar agreement by which the vendor of the 9804
warranty, contract, or agreement agrees to repair or maintain the 9805
tangible personal property of the consumer is or is to be 9806
provided; 9807

(8) The transfer of copyrighted motion picture films used 9808
solely for advertising purposes, except that the transfer of such 9809
films for exhibition purposes is not a sale; 9810

(9) On and after August 1, 2003, all transactions by which 9811
tangible personal property is or is to be stored, except such 9812
property that the consumer of the storage holds for sale in the 9813
regular course of business; 9814

(10) All transactions in which "guaranteed auto protection" 9815
is provided whereby a person promises to pay to the consumer the 9816
difference between the amount the consumer receives from motor 9817
vehicle insurance and the amount the consumer owes to a person 9818
holding title to or a lien on the consumer's motor vehicle in the 9819
event the consumer's motor vehicle suffers a total loss under the 9820
terms of the motor vehicle insurance policy or is stolen and not 9821
recovered, if the protection and its price are included in the 9822
purchase or lease agreement. 9823

Except as provided in this section, "sale" and "selling" do 9824
not include transfers of interest in leased property where the 9825
original lessee and the terms of the original lease agreement 9826
remain unchanged, or professional, insurance, or personal service 9827
transactions that involve the transfer of tangible personal 9828
property as an inconsequential element, for which no separate 9829

charges are made. 9830

(C) "Vendor" means the person providing the service or by 9831
whom the transfer effected or license given by a sale is or is to 9832
be made or given and, for sales described in division (B)(3)(i) of 9833
this section, the telecommunications service vendor that provides 9834
the nine hundred telephone service; if two or more persons are 9835
engaged in business at the same place of business under a single 9836
trade name in which all collections on account of sales by each 9837
are made, such persons shall constitute a single vendor. 9838

Physicians, dentists, hospitals, and veterinarians who are 9839
engaged in selling tangible personal property as received from 9840
others, such as eyeglasses, mouthwashes, dentifrices, or similar 9841
articles, are vendors. Veterinarians who are engaged in 9842
transferring to others for a consideration drugs, the dispensing 9843
of which does not require an order of a licensed veterinarian or 9844
physician under federal law, are vendors. 9845

(D)(1) "Consumer" means the person for whom the service is 9846
provided, to whom the transfer effected or license given by a sale 9847
is or is to be made or given, to whom the service described in 9848
division (B)(3)(f) or (i) of this section is charged, or to whom 9849
the admission is granted. 9850

(2) Physicians, dentists, hospitals, and blood banks operated 9851
by nonprofit institutions and persons licensed to practice 9852
veterinary medicine, surgery, and dentistry are consumers of all 9853
tangible personal property and services purchased by them in 9854
connection with the practice of medicine, dentistry, the rendition 9855
of hospital or blood bank service, or the practice of veterinary 9856
medicine, surgery, and dentistry. In addition to being consumers 9857
of drugs administered by them or by their assistants according to 9858
their direction, veterinarians also are consumers of drugs that 9859
under federal law may be dispensed only by or upon the order of a 9860
licensed veterinarian or physician, when transferred by them to 9861

others for a consideration to provide treatment to animals as 9862
directed by the veterinarian. 9863

(3) A person who performs a facility management, or similar 9864
service contract for a contractee is a consumer of all tangible 9865
personal property and services purchased for use in connection 9866
with the performance of such contract, regardless of whether title 9867
to any such property vests in the contractee. The purchase of such 9868
property and services is not subject to the exception for resale 9869
under division (E)(1) of this section. 9870

(4)(a) In the case of a person who purchases printed matter 9871
for the purpose of distributing it or having it distributed to the 9872
public or to a designated segment of the public, free of charge, 9873
that person is the consumer of that printed matter, and the 9874
purchase of that printed matter for that purpose is a sale. 9875

(b) In the case of a person who produces, rather than 9876
purchases, printed matter for the purpose of distributing it or 9877
having it distributed to the public or to a designated segment of 9878
the public, free of charge, that person is the consumer of all 9879
~~tangible~~ tangible personal property and services purchased for use 9880
or consumption in the production of that printed matter. That 9881
person is not entitled to claim exemption under division 9882
(B)(42)(f) of section 5739.02 of the Revised Code for any material 9883
incorporated into the printed matter or any equipment, supplies, 9884
or services primarily used to produce the printed matter. 9885
9886

(c) The distribution of printed matter to the public or to a 9887
designated segment of the public, free of charge, is not a sale to 9888
the members of the public to whom the printed matter is 9889
distributed or to any persons who purchase space in the printed 9890
matter for advertising or other purposes. 9891

(5) A person who makes sales of any of the services listed in 9892

division (B)(3) of this section is the consumer of any tangible 9893
personal property used in performing the service. The purchase of 9894
that property is not subject to the resale exception under 9895
division (E)(1) of this section. 9896

(6) A person who engages in highway transportation for hire 9897
is the consumer of all packaging materials purchased by that 9898
person and used in performing the service, except for packaging 9899
materials sold by such person in a transaction separate from the 9900
service. 9901

(E) "Retail sale" and "sales at retail" include all sales, 9902
except those in which the purpose of the consumer is to resell the 9903
thing transferred or benefit of the service provided, by a person 9904
engaging in business, in the form in which the same is, or is to 9905
be, received by the person. 9906

(F) "Business" includes any activity engaged in by any person 9907
with the object of gain, benefit, or advantage, either direct or 9908
indirect. "Business" does not include the activity of a person in 9909
managing and investing the person's own funds. 9910

(G) "Engaging in business" means commencing, conducting, or 9911
continuing in business, and liquidating a business when the 9912
liquidator thereof holds itself out to the public as conducting 9913
such business. Making a casual sale is not engaging in business. 9914

(H)(1)(a) "Price," except as provided in divisions (H)(2) and 9915
(3) of this section, means the total amount of consideration, 9916
including cash, credit, property, and services, for which tangible 9917
personal property or services are sold, leased, or rented, valued 9918
in money, whether received in money or otherwise, without any 9919
deduction for any of the following: 9920

(i) The vendor's cost of the property sold; 9921

(ii) The cost of materials used, labor or service costs, 9922
interest, losses, all costs of transportation to the vendor, all 9923

taxes imposed on the vendor, including the tax imposed under 9924
Chapter 5751. of the Revised Code, and any other expense of the 9925
vendor; 9926

(iii) Charges by the vendor for any services necessary to 9927
complete the sale; 9928

(iv) On and after August 1, 2003, delivery charges. As used 9929
in this division, "delivery charges" means charges by the vendor 9930
for preparation and delivery to a location designated by the 9931
consumer of tangible personal property or a service, including 9932
transportation, shipping, postage, handling, crating, and packing. 9933

(v) Installation charges; 9934

(vi) Credit for any trade-in. 9935

(b) "Price" includes consideration received by the vendor 9936
from a third party, if the vendor actually receives the 9937
consideration from a party other than the consumer, and the 9938
consideration is directly related to a price reduction or discount 9939
on the sale; the vendor has an obligation to pass the price 9940
reduction or discount through to the consumer; the amount of the 9941
consideration attributable to the sale is fixed and determinable 9942
by the vendor at the time of the sale of the item to the consumer; 9943
and one of the following criteria is met: 9944

(i) The consumer presents a coupon, certificate, or other 9945
document to the vendor to claim a price reduction or discount 9946
where the coupon, certificate, or document is authorized, 9947
distributed, or granted by a third party with the understanding 9948
that the third party will reimburse any vendor to whom the coupon, 9949
certificate, or document is presented; 9950

(ii) The consumer identifies the consumer's self to the 9951
seller as a member of a group or organization entitled to a price 9952
reduction or discount. A preferred customer card that is available 9953
to any patron does not constitute membership in such a group or 9954

organization. 9955

(iii) The price reduction or discount is identified as a 9956
third party price reduction or discount on the invoice received by 9957
the consumer, or on a coupon, certificate, or other document 9958
presented by the consumer. 9959

(c) "Price" does not include any of the following: 9960

(i) Discounts, including cash, term, or coupons that are not 9961
reimbursed by a third party that are allowed by a vendor and taken 9962
by a consumer on a sale; 9963

(ii) Interest, financing, and carrying charges from credit 9964
extended on the sale of tangible personal property or services, if 9965
the amount is separately stated on the invoice, bill of sale, or 9966
similar document given to the purchaser; 9967

(iii) Any taxes legally imposed directly on the consumer that 9968
are separately stated on the invoice, bill of sale, or similar 9969
document given to the consumer. For the purpose of this division, 9970
the tax imposed under Chapter 5751. of the Revised Code is not a 9971
tax directly on the consumer, even if the tax or a portion thereof 9972
is separately stated. 9973

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 9974
section, any discount allowed by an automobile manufacturer to its 9975
employee, or to the employee of a supplier, on the purchase of a 9976
new motor vehicle from a new motor vehicle dealer in this state. 9977

(2) In the case of a sale of any new motor vehicle by a new 9978
motor vehicle dealer, as defined in section 4517.01 of the Revised 9979
Code, in which another motor vehicle is accepted by the dealer as 9980
part of the consideration received, "price" has the same meaning 9981
as in division (H)(1) of this section, reduced by the credit 9982
afforded the consumer by the dealer for the motor vehicle received 9983
in trade. 9984

(3) In the case of a sale of any watercraft or outboard motor 9985
by a watercraft dealer licensed in accordance with section 9986
1547.543 of the Revised Code, in which another watercraft, 9987
watercraft and trailer, or outboard motor is accepted by the 9988
dealer as part of the consideration received, "price" has the same 9989
meaning as in division (H)(1) of this section, reduced by the 9990
credit afforded the consumer by the dealer for the watercraft, 9991
watercraft and trailer, or outboard motor received in trade. As 9992
used in this division, "watercraft" includes an outdrive unit 9993
attached to the watercraft. 9994

(I) "Receipts" means the total amount of the prices of the 9995
sales of vendors, provided that cash discounts allowed and taken 9996
on sales at the time they are consummated are not included, minus 9997
any amount deducted as a bad debt pursuant to section 5739.121 of 9998
the Revised Code. "Receipts" does not include the sale price of 9999
property returned or services rejected by consumers when the full 10000
sale price and tax are refunded either in cash or by credit. 10001

(J) "Place of business" means any location at which a person 10002
engages in business. 10003

(K) "Premises" includes any real property or portion thereof 10004
upon which any person engages in selling tangible personal 10005
property at retail or making retail sales and also includes any 10006
real property or portion thereof designated for, or devoted to, 10007
use in conjunction with the business engaged in by such person. 10008

(L) "Casual sale" means a sale of an item of tangible 10009
personal property that was obtained by the person making the sale, 10010
through purchase or otherwise, for the person's own use and was 10011
previously subject to any state's taxing jurisdiction on its sale 10012
or use, and includes such items acquired for the seller's use that 10013
are sold by an auctioneer employed directly by the person for such 10014
purpose, provided the location of such sales is not the 10015
auctioneer's permanent place of business. As used in this 10016

division, "permanent place of business" includes any location 10017
where such auctioneer has conducted more than two auctions during 10018
the year. 10019

(M) "Hotel" means every establishment kept, used, maintained, 10020
advertised, or held out to the public to be a place where sleeping 10021
accommodations are offered to guests, in which five or more rooms 10022
are used for the accommodation of such guests, whether the rooms 10023
are in one or several structures. 10024

(N) "Transient guests" means persons occupying a room or 10025
rooms for sleeping accommodations for less than thirty consecutive 10026
days. 10027

(O) "Making retail sales" means the effecting of transactions 10028
wherein one party is obligated to pay the price and the other 10029
party is obligated to provide a service or to transfer title to or 10030
possession of the item sold. "Making retail sales" does not 10031
include the preliminary acts of promoting or soliciting the retail 10032
sales, other than the distribution of printed matter which 10033
displays or describes and prices the item offered for sale, nor 10034
does it include delivery of a predetermined quantity of tangible 10035
personal property or transportation of property or personnel to or 10036
from a place where a service is performed, regardless of whether 10037
the vendor is a delivery vendor. 10038

(P) "Used directly in the rendition of a public utility 10039
service" means that property that is to be incorporated into and 10040
will become a part of the consumer's production, transmission, 10041
transportation, or distribution system and that retains its 10042
classification as tangible personal property after such 10043
incorporation; fuel or power used in the production, transmission, 10044
transportation, or distribution system; and tangible personal 10045
property used in the repair and maintenance of the production, 10046
transmission, transportation, or distribution system, including 10047
only such motor vehicles as are specially designed and equipped 10048

for such use. Tangible personal property and services used 10049
primarily in providing highway transportation for hire are not 10050
used directly in the rendition of a public utility service. In 10051
this definition, "public utility" includes a citizen of the United 10052
States holding, and required to hold, a certificate of public 10053
convenience and necessity issued under 49 U.S.C. 41102. 10054

(Q) "Refining" means removing or separating a desirable 10055
product from raw or contaminated materials by distillation or 10056
physical, mechanical, or chemical processes. 10057

(R) "Assembly" and "assembling" mean attaching or fitting 10058
together parts to form a product, but do not include packaging a 10059
product. 10060

(S) "Manufacturing operation" means a process in which 10061
materials are changed, converted, or transformed into a different 10062
state or form from which they previously existed and includes 10063
refining materials, assembling parts, and preparing raw materials 10064
and parts by mixing, measuring, blending, or otherwise committing 10065
such materials or parts to the manufacturing process. 10066
"Manufacturing operation" does not include packaging. 10067

(T) "Fiscal officer" means, with respect to a regional 10068
transit authority, the secretary-treasurer thereof, and with 10069
respect to a county that is a transit authority, the fiscal 10070
officer of the county transit board if one is appointed pursuant 10071
to section 306.03 of the Revised Code or the county auditor if the 10072
board of county commissioners operates the county transit system. 10073

(U) "Transit authority" means a regional transit authority 10074
created pursuant to section 306.31 of the Revised Code or a county 10075
in which a county transit system is created pursuant to section 10076
306.01 of the Revised Code. For the purposes of this chapter, a 10077
transit authority must extend to at least the entire area of a 10078
single county. A transit authority that includes territory in more 10079

than one county must include all the area of the most populous 10080
county that is a part of such transit authority. County population 10081
shall be measured by the most recent census taken by the United 10082
States census bureau. 10083

(V) "Legislative authority" means, with respect to a regional 10084
transit authority, the board of trustees thereof, and with respect 10085
to a county that is a transit authority, the board of county 10086
commissioners. 10087

(W) "Territory of the transit authority" means all of the 10088
area included within the territorial boundaries of a transit 10089
authority as they from time to time exist. Such territorial 10090
boundaries must at all times include all the area of a single 10091
county or all the area of the most populous county that is a part 10092
of such transit authority. County population shall be measured by 10093
the most recent census taken by the United States census bureau. 10094

(X) "Providing a service" means providing or furnishing 10095
anything described in division (B)(3) of this section for 10096
consideration. 10097

(Y)(1)(a) "Automatic data processing" means processing of 10098
others' data, including keypunching or similar data entry services 10099
together with verification thereof, or providing access to 10100
computer equipment for the purpose of processing data. 10101

(b) "Computer services" means providing services consisting 10102
of specifying computer hardware configurations and evaluating 10103
technical processing characteristics, computer programming, and 10104
training of computer programmers and operators, provided in 10105
conjunction with and to support the sale, lease, or operation of 10106
taxable computer equipment or systems. 10107

(c) "Electronic information services" means providing access 10108
to computer equipment by means of telecommunications equipment for 10109
the purpose of either of the following: 10110

(i) Examining or acquiring data stored in or accessible to the computer equipment; 10111
10112

(ii) Placing data into the computer equipment to be retrieved by designated recipients with access to the computer equipment. 10113
10114

For transactions occurring on or after the effective date of the amendment of this section by H.B. 157 of the 127th general assembly, December 21, 2007, "electronic information services" does not include electronic publishing as defined in division (LLL) of this section. 10115
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(d) "Automatic data processing, computer services, or electronic information services" shall not include personal or professional services. 10120
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(2) As used in divisions (B)(3)(e) and (Y)(1) of this section, "personal and professional services" means all services other than automatic data processing, computer services, or electronic information services, including but not limited to: 10123
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(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where the service provider receives data or information and studies, alters, analyzes, interprets, or adjusts such material; 10127
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(b) Analyzing business policies and procedures; 10132

(c) Identifying management information needs; 10133

(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives; 10134
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10136

(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management; 10137
10138
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10140

(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;

(g) Testing of business procedures;

(h) Training personnel in business procedure applications;

(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;

(j) Providing debt collection services by any oral, written, graphic, or electronic means.

The services listed in divisions (Y)(2)(a) to (j) of this section are not automatic data processing or computer services.

(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:

(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare;

(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;

(3) A person who leases a motor vehicle to and operates it 10171
for a person described by division (Z)(1) or (2) of this section. 10172

(AA)(1) "Telecommunications service" means the electronic 10173
transmission, conveyance, or routing of voice, data, audio, video, 10174
or any other information or signals to a point, or between or 10175
among points. "Telecommunications service" includes such 10176
transmission, conveyance, or routing in which computer processing 10177
applications are used to act on the form, code, or protocol of the 10178
content for purposes of transmission, conveyance, or routing 10179
without regard to whether the service is referred to as voice-over 10180
internet protocol service or is classified by the federal 10181
communications commission as enhanced or value-added. 10182
"Telecommunications service" does not include any of the 10183
following: 10184

(a) Data processing and information services that allow data 10185
to be generated, acquired, stored, processed, or retrieved and 10186
delivered by an electronic transmission to a consumer where the 10187
consumer's primary purpose for the underlying transaction is the 10188
processed data or information; 10189

(b) Installation or maintenance of wiring or equipment on a 10190
customer's premises; 10191

(c) Tangible personal property; 10192

(d) Advertising, including directory advertising; 10193

(e) Billing and collection services provided to third 10194
parties; 10195

(f) Internet access service; 10196

(g) Radio and television audio and video programming 10197
services, regardless of the medium, including the furnishing of 10198
transmission, conveyance, and routing of such services by the 10199
programming service provider. Radio and television audio and video 10200

programming services include, but are not limited to, cable 10201
service, as defined in 47 U.S.C. 522(6), and audio and video 10202
programming services delivered by commercial mobile radio service 10203
providers, as defined in 47 C.F.R. 20.3; 10204

(h) Ancillary service; 10205

(i) Digital products delivered electronically, including 10206
software, music, video, reading materials, or ring tones. 10207

(2) "Ancillary service" means a service that is associated 10208
with or incidental to the provision of telecommunications service, 10209
including conference bridging service, detailed telecommunications 10210
billing service, directory assistance, vertical service, and voice 10211
mail service. As used in this division: 10212

(a) "Conference bridging service" means an ancillary service 10213
that links two or more participants of an audio or video 10214
conference call, including providing a telephone number. 10215
"Conference bridging service" does not include telecommunications 10216
services used to reach the conference bridge. 10217

(b) "Detailed telecommunications billing service" means an 10218
ancillary service of separately stating information pertaining to 10219
individual calls on a customer's billing statement. 10220

(c) "Directory assistance" means an ancillary service of 10221
providing telephone number or address information. 10222

(d) "Vertical service" means an ancillary service that is 10223
offered in connection with one or more telecommunications 10224
services, which offers advanced calling features that allow 10225
customers to identify callers and manage multiple calls and call 10226
connections, including conference bridging service. 10227

(e) "Voice mail service" means an ancillary service that 10228
enables the customer to store, send, or receive recorded messages. 10229
"Voice mail service" does not include any vertical services that 10230

the customer may be required to have in order to utilize the voice 10231
mail service. 10232

(3) "900 service" means an inbound toll telecommunications 10233
service purchased by a subscriber that allows the subscriber's 10234
customers to call in to the subscriber's prerecorded announcement 10235
or live service, and which is typically marketed under the name 10236
"900" service and any subsequent numbers designated by the federal 10237
communications commission. "900 service" does not include the 10238
charge for collection services provided by the seller of the 10239
telecommunications service to the subscriber, or services or 10240
products sold by the subscriber to the subscriber's customer. 10241

(4) "Prepaid calling service" means the right to access 10242
exclusively telecommunications services, which must be paid for in 10243
advance and which enables the origination of calls using an access 10244
number or authorization code, whether manually or electronically 10245
dialed, and that is sold in predetermined units of dollars of 10246
which the number declines with use in a known amount. 10247

(5) "Prepaid wireless calling service" means a 10248
telecommunications service that provides the right to utilize 10249
mobile telecommunications service as well as other 10250
non-telecommunications services, including the download of digital 10251
products delivered electronically, and content and ancillary 10252
services, that must be paid for in advance and that is sold in 10253
predetermined units of dollars of which the number declines with 10254
use in a known amount. 10255

(6) "Value-added non-voice data service" means a 10256
telecommunications service in which computer processing 10257
applications are used to act on the form, content, code, or 10258
protocol of the information or data primarily for a purpose other 10259
than transmission, conveyance, or routing. 10260

(7) "Coin-operated telephone service" means a 10261

telecommunications service paid for by inserting money into a 10262
telephone accepting direct deposits of money to operate. 10263

(8) "Customer" has the same meaning as in section 5739.034 of 10264
the Revised Code. 10265

(BB) "Laundry and dry cleaning services" means removing soil 10266
or dirt from towels, linens, articles of clothing, or other fabric 10267
items that belong to others and supplying towels, linens, articles 10268
of clothing, or other fabric items. "Laundry and dry cleaning 10269
services" does not include the provision of self-service 10270
facilities for use by consumers to remove soil or dirt from 10271
towels, linens, articles of clothing, or other fabric items. 10272

(CC) "Magazines distributed as controlled circulation 10273
publications" means magazines containing at least twenty-four 10274
pages, at least twenty-five per cent editorial content, issued at 10275
regular intervals four or more times a year, and circulated 10276
without charge to the recipient, provided that such magazines are 10277
not owned or controlled by individuals or business concerns which 10278
conduct such publications as an auxiliary to, and essentially for 10279
the advancement of the main business or calling of, those who own 10280
or control them. 10281

(DD) "Landscaping and lawn care service" means the services 10282
of planting, seeding, sodding, removing, cutting, trimming, 10283
pruning, mulching, aerating, applying chemicals, watering, 10284
fertilizing, and providing similar services to establish, promote, 10285
or control the growth of trees, shrubs, flowers, grass, ground 10286
cover, and other flora, or otherwise maintaining a lawn or 10287
landscape grown or maintained by the owner for ornamentation or 10288
other nonagricultural purpose. However, "landscaping and lawn care 10289
service" does not include the providing of such services by a 10290
person who has less than five thousand dollars in sales of such 10291
services during the calendar year. 10292

(EE) "Private investigation and security service" means the performance of any activity for which the provider of such service is required to be licensed pursuant to Chapter 4749. of the Revised Code, or would be required to be so licensed in performing such services in this state, and also includes the services of conducting polygraph examinations and of monitoring or overseeing the activities on or in, or the condition of, the consumer's home, business, or other facility by means of electronic or similar monitoring devices. "Private investigation and security service" does not include special duty services provided by off-duty police officers, deputy sheriffs, and other peace officers regularly employed by the state or a political subdivision.

(FF) "Information services" means providing conversation, giving consultation or advice, playing or making a voice or other recording, making or keeping a record of the number of callers, and any other service provided to a consumer by means of a nine hundred telephone call, except when the nine hundred telephone call is the means by which the consumer makes a contribution to a recognized charity.

(GG) "Research and development" means designing, creating, or formulating new or enhanced products, equipment, or manufacturing processes, and also means conducting scientific or technological inquiry and experimentation in the physical sciences with the goal of increasing scientific knowledge which may reveal the bases for new or enhanced products, equipment, or manufacturing processes.

(HH) "Qualified research and development equipment" means capitalized tangible personal property, and leased personal property that would be capitalized if purchased, used by a person primarily to perform research and development. Tangible personal property primarily used in testing, as defined in division (A)(4) of section 5739.011 of the Revised Code, or used for recording or storing test results, is not qualified research and development

equipment unless such property is primarily used by the consumer 10325
in testing the product, equipment, or manufacturing process being 10326
created, designed, or formulated by the consumer in the research 10327
and development activity or in recording or storing such test 10328
results. 10329

(II) "Building maintenance and janitorial service" means 10330
cleaning the interior or exterior of a building and any tangible 10331
personal property located therein or thereon, including any 10332
services incidental to such cleaning for which no separate charge 10333
is made. However, "building maintenance and janitorial service" 10334
does not include the providing of such service by a person who has 10335
less than five thousand dollars in sales of such service during 10336
the calendar year. 10337

(JJ) "Employment service" means providing or supplying 10338
personnel, on a temporary or long-term basis, to perform work or 10339
labor under the supervision or control of another, when the 10340
personnel so provided or supplied receive their wages, salary, or 10341
other compensation from the provider or supplier of the employment 10342
service or from a third party that provided or supplied the 10343
personnel to the provider or supplier. "Employment service" does 10344
not include: 10345

(1) Acting as a contractor or subcontractor, where the 10346
personnel performing the work are not under the direct control of 10347
the purchaser. 10348

(2) Medical and health care services. 10349

(3) Supplying personnel to a purchaser pursuant to a contract 10350
of at least one year between the service provider and the 10351
purchaser that specifies that each employee covered under the 10352
contract is assigned to the purchaser on a permanent basis. 10353

(4) Transactions between members of an affiliated group, as 10354
defined in division (B)(3)(e) of this section. 10355

(5) Transactions where the personnel so provided or supplied 10356
by a provider or supplier to a purchaser of an employment service 10357
are then provided or supplied by that purchaser to a third party 10358
as an employment service, except "employment service" does include 10359
the transaction between that purchaser and the third party. 10360

(KK) "Employment placement service" means locating or finding 10361
employment for a person or finding or locating an employee to fill 10362
an available position. 10363

(LL) "Exterminating service" means eradicating or attempting 10364
to eradicate vermin infestations from a building or structure, or 10365
the area surrounding a building or structure, and includes 10366
activities to inspect, detect, or prevent vermin infestation of a 10367
building or structure. 10368

(MM) "Physical fitness facility service" means all 10369
transactions by which a membership is granted, maintained, or 10370
renewed, including initiation fees, membership dues, renewal fees, 10371
monthly minimum fees, and other similar fees and dues, by a 10372
physical fitness facility such as an athletic club, health spa, or 10373
gymnasium, which entitles the member to use the facility for 10374
physical exercise. 10375

(NN) "Recreation and sports club service" means all 10376
transactions by which a membership is granted, maintained, or 10377
renewed, including initiation fees, membership dues, renewal fees, 10378
monthly minimum fees, and other similar fees and dues, by a 10379
recreation and sports club, which entitles the member to use the 10380
facilities of the organization. "Recreation and sports club" means 10381
an organization that has ownership of, or controls or leases on a 10382
continuing, long-term basis, the facilities used by its members 10383
and includes an aviation club, gun or shooting club, yacht club, 10384
card club, swimming club, tennis club, golf club, country club, 10385
riding club, amateur sports club, or similar organization. 10386

(OO) "Livestock" means farm animals commonly raised for food or food production, and includes but is not limited to cattle, sheep, goats, swine, and poultry. "Livestock" does not include invertebrates, fish, amphibians, reptiles, horses, domestic pets, animals for use in laboratories or for exhibition, or other animals not commonly raised for food or food production.

(PP) "Livestock structure" means a building or structure used exclusively for the housing, raising, feeding, or sheltering of livestock, and includes feed storage or handling structures and structures for livestock waste handling.

(QQ) "Horticulture" means the growing, cultivation, and production of flowers, fruits, herbs, vegetables, sod, mushrooms, and nursery stock. As used in this division, "nursery stock" has the same meaning as in section 927.51 of the Revised Code.

(RR) "Horticulture structure" means a building or structure used exclusively for the commercial growing, raising, or overwintering of horticultural products, and includes the area used for stocking, storing, and packing horticultural products when done in conjunction with the production of those products.

(SS) "Newspaper" means an unbound publication bearing a title or name that is regularly published, at least as frequently as biweekly, and distributed from a fixed place of business to the public in a specific geographic area, and that contains a substantial amount of news matter of international, national, or local events of interest to the general public.

(TT) "Professional racing team" means a person that employs at least twenty full-time employees for the purpose of conducting a motor vehicle racing business for profit. The person must conduct the business with the purpose of racing one or more motor racing vehicles in at least ten competitive professional racing events each year that comprise all or part of a motor racing

series sanctioned by one or more motor racing sanctioning 10418
organizations. A "motor racing vehicle" means a vehicle for which 10419
the chassis, engine, and parts are designed exclusively for motor 10420
racing, and does not include a stock or production model vehicle 10421
that may be modified for use in racing. For the purposes of this 10422
division: 10423

(1) A "competitive professional racing event" is a motor 10424
vehicle racing event sanctioned by one or more motor racing 10425
sanctioning organizations, at which aggregate cash prizes in 10426
excess of eight hundred thousand dollars are awarded to the 10427
competitors. 10428

(2) "Full-time employee" means an individual who is employed 10429
for consideration for thirty-five or more hours a week, or who 10430
renders any other standard of service generally accepted by custom 10431
or specified by contract as full-time employment. 10432

(UU)(1) "Lease" or "rental" means any transfer of the 10433
possession or control of tangible personal property for a fixed or 10434
indefinite term, for consideration. "Lease" or "rental" includes 10435
future options to purchase or extend, and agreements described in 10436
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 10437
the amount of consideration may be increased or decreased by 10438
reference to the amount realized upon the sale or disposition of 10439
the property. "Lease" or "rental" does not include: 10440

(a) A transfer of possession or control of tangible personal 10441
property under a security agreement or a deferred payment plan 10442
that requires the transfer of title upon completion of the 10443
required payments; 10444

(b) A transfer of possession or control of tangible personal 10445
property under an agreement that requires the transfer of title 10446
upon completion of required payments and payment of an option 10447
price that does not exceed the greater of one hundred dollars or 10448

one per cent of the total required payments; 10449

(c) Providing tangible personal property along with an 10450
operator for a fixed or indefinite period of time, if the operator 10451
is necessary for the property to perform as designed. For purposes 10452
of this division, the operator must do more than maintain, 10453
inspect, or set-up the tangible personal property. 10454

(2) "Lease" and "rental," as defined in division (UU) of this 10455
section, shall not apply to leases or rentals that exist before 10456
June 26, 2003. 10457

(3) "Lease" and "rental" have the same meaning as in division 10458
(UU)(1) of this section regardless of whether a transaction is 10459
characterized as a lease or rental under generally accepted 10460
accounting principles, the Internal Revenue Code, Title XIII of 10461
the Revised Code, or other federal, state, or local laws. 10462

(VV) "Mobile telecommunications service" has the same meaning 10463
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 10464
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 10465
on and after August 1, 2003, includes related fees and ancillary 10466
services, including universal service fees, detailed billing 10467
service, directory assistance, service initiation, voice mail 10468
service, and vertical services, such as caller ID and three-way 10469
calling. 10470

(WW) "Certified service provider" has the same meaning as in 10471
section 5740.01 of the Revised Code. 10472

(XX) "Satellite broadcasting service" means the distribution 10473
or broadcasting of programming or services by satellite directly 10474
to the subscriber's receiving equipment without the use of ground 10475
receiving or distribution equipment, except the subscriber's 10476
receiving equipment or equipment used in the uplink process to the 10477
satellite, and includes all service and rental charges, premium 10478
channels or other special services, installation and repair 10479

service charges, and any other charges having any connection with 10480
the provision of the satellite broadcasting service. 10481

(YY) "Tangible personal property" means personal property 10482
that can be seen, weighed, measured, felt, or touched, or that is 10483
in any other manner perceptible to the senses. For purposes of 10484
this chapter and Chapter 5741. of the Revised Code, "tangible 10485
personal property" includes motor vehicles, electricity, water, 10486
gas, steam, and prewritten computer software. 10487

(ZZ) "Direct mail" means printed material delivered or 10488
distributed by United States mail or other delivery service to a 10489
mass audience or to addressees on a mailing list provided by the 10490
consumer or at the direction of the consumer when the cost of the 10491
items are not billed directly to the recipients. "Direct mail" 10492
includes tangible personal property supplied directly or 10493
indirectly by the consumer to the direct mail vendor for inclusion 10494
in the package containing the printed material. "Direct mail" does 10495
not include multiple items of printed material delivered to a 10496
single address. 10497

(AAA) "Computer" means an electronic device that accepts 10498
information in digital or similar form and manipulates it for a 10499
result based on a sequence of instructions. 10500

(BBB) "Computer software" means a set of coded instructions 10501
designed to cause a computer or automatic data processing 10502
equipment to perform a task. 10503

(CCC) "Delivered electronically" means delivery of computer 10504
software from the seller to the purchaser by means other than 10505
tangible storage media. 10506

(DDD) "Prewritten computer software" means computer software, 10507
including prewritten upgrades, that is not designed and developed 10508
by the author or other creator to the specifications of a specific 10509
purchaser. The combining of two or more prewritten computer 10510

software programs or prewritten portions thereof does not cause 10511
the combination to be other than prewritten computer software. 10512
"Prewritten computer software" includes software designed and 10513
developed by the author or other creator to the specifications of 10514
a specific purchaser when it is sold to a person other than the 10515
purchaser. If a person modifies or enhances computer software of 10516
which the person is not the author or creator, the person shall be 10517
deemed to be the author or creator only of such person's 10518
modifications or enhancements. Prewritten computer software or a 10519
prewritten portion thereof that is modified or enhanced to any 10520
degree, where such modification or enhancement is designed and 10521
developed to the specifications of a specific purchaser, remains 10522
prewritten computer software; provided, however, that where there 10523
is a reasonable, separately stated charge or an invoice or other 10524
statement of the price given to the purchaser for the modification 10525
or enhancement, the modification or enhancement shall not 10526
constitute prewritten computer software. 10527

(EEE)(1) "Food" means substances, whether in liquid, 10528
concentrated, solid, frozen, dried, or dehydrated form, that are 10529
sold for ingestion or chewing by humans and are consumed for their 10530
taste or nutritional value. "Food" does not include alcoholic 10531
beverages, dietary supplements, soft drinks, or tobacco. 10532

(2) As used in division (EEE)(1) of this section: 10533

(a) "Alcoholic beverages" means beverages that are suitable 10534
for human consumption and contain one-half of one per cent or more 10535
of alcohol by volume. 10536

(b) "Dietary supplements" means any product, other than 10537
tobacco, that is intended to supplement the diet and that is 10538
intended for ingestion in tablet, capsule, powder, softgel, 10539
gelcap, or liquid form, or, if not intended for ingestion in such 10540
a form, is not represented as conventional food for use as a sole 10541
item of a meal or of the diet; that is required to be labeled as a 10542

dietary supplement, identifiable by the "supplement facts" box 10543
found on the label, as required by 21 C.F.R. 101.36; and that 10544
contains one or more of the following dietary ingredients: 10545

(i) A vitamin; 10546

(ii) A mineral; 10547

(iii) An herb or other botanical; 10548

(iv) An amino acid; 10549

(v) A dietary substance for use by humans to supplement the 10550
diet by increasing the total dietary intake; 10551

(vi) A concentrate, metabolite, constituent, extract, or 10552
combination of any ingredient described in divisions 10553
(EEE)(2)(b)(i) to (v) of this section. 10554

(c) "Soft drinks" means nonalcoholic beverages that contain 10555
natural or artificial sweeteners. "Soft drinks" does not include 10556
beverages that contain milk or milk products, soy, rice, or 10557
similar milk substitutes, or that contains greater than fifty per 10558
cent vegetable or fruit juice by volume. 10559

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 10560
tobacco, or any other item that contains tobacco. 10561

(FFF) "Drug" means a compound, substance, or preparation, and 10562
any component of a compound, substance, or preparation, other than 10563
food, dietary supplements, or alcoholic beverages that is 10564
recognized in the official United States pharmacopoeia, official 10565
homeopathic pharmacopoeia of the United States, or official 10566
national formulary, and supplements to them; is intended for use 10567
in the diagnosis, cure, mitigation, treatment, or prevention of 10568
disease; or is intended to affect the structure or any function of 10569
the body. 10570

(GGG) "Prescription" means an order, formula, or recipe 10571
issued in any form of oral, written, electronic, or other means of 10572

transmission by a duly licensed practitioner authorized by the 10573
laws of this state to issue a prescription. 10574

(HHH) "Durable medical equipment" means equipment, including 10575
repair and replacement parts for such equipment, that can 10576
withstand repeated use, is primarily and customarily used to serve 10577
a medical purpose, generally is not useful to a person in the 10578
absence of illness or injury, and is not worn in or on the body. 10579
"Durable medical equipment" does not include mobility enhancing 10580
equipment. 10581

(III) "Mobility enhancing equipment" means equipment, 10582
including repair and replacement parts for such equipment, that is 10583
primarily and customarily used to provide or increase the ability 10584
to move from one place to another and is appropriate for use 10585
either in a home or a motor vehicle, that is not generally used by 10586
persons with normal mobility, and that does not include any motor 10587
vehicle or equipment on a motor vehicle normally provided by a 10588
motor vehicle manufacturer. "Mobility enhancing equipment" does 10589
not include durable medical equipment. 10590

(JJJ) "Prosthetic device" means a replacement, corrective, or 10591
supportive device, including repair and replacement parts for the 10592
device, worn on or in the human body to artificially replace a 10593
missing portion of the body, prevent or correct physical deformity 10594
or malfunction, or support a weak or deformed portion of the body. 10595
As used in this division, "prosthetic device" does not include 10596
corrective eyeglasses, contact lenses, or dental prosthesis. 10597

(KKK)(1) "Fractional aircraft ownership program" means a 10598
program in which persons within an affiliated group sell and 10599
manage fractional ownership program aircraft, provided that at 10600
least one hundred airworthy aircraft are operated in the program 10601
and the program meets all of the following criteria: 10602

(a) Management services are provided by at least one program 10603

manager within an affiliated group on behalf of the fractional owners. 10604
10605

(b) Each program aircraft is owned or possessed by at least one fractional owner. 10606
10607

(c) Each fractional owner owns or possesses at least a one-sixteenth interest in at least one fixed-wing program aircraft. 10608
10609
10610

(d) A dry-lease aircraft interchange arrangement is in effect among all of the fractional owners. 10611
10612

(e) Multi-year program agreements are in effect regarding the fractional ownership, management services, and dry-lease aircraft interchange arrangement aspects of the program. 10613
10614
10615

(2) As used in division (KKK)(1) of this section: 10616

(a) "Affiliated group" has the same meaning as in division (B)(3)(e) of this section. 10617
10618

(b) "Fractional owner" means a person that owns or possesses at least a one-sixteenth interest in a program aircraft and has entered into the agreements described in division (KKK)(1)(e) of this section. 10619
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(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (KKK)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program. 10623
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(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (KKK)(1)(e) of this section, and offered by the program 10630
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10633

manager to the fractional owners, including, at a minimum, the 10634
establishment and implementation of safety guidelines; the 10635
coordination of the scheduling of the program aircraft and crews; 10636
program aircraft maintenance; program aircraft insurance; crew 10637
training for crews employed, furnished, or contracted by the 10638
program manager or the fractional owner; the satisfaction of 10639
record-keeping requirements; and the development and use of an 10640
operations manual and a maintenance manual for the fractional 10641
aircraft ownership program. 10642

(e) "Program manager" means the person that offers management 10643
services to fractional owners pursuant to a management services 10644
agreement under division (KKK)(1)(e) of this section. 10645

(LLL) "Electronic publishing" means providing access to one 10646
or more of the following primarily for business customers, 10647
including the federal government or a state government or a 10648
political subdivision thereof, to conduct research: news; 10649
business, financial, legal, consumer, or credit materials; 10650
editorials, columns, reader commentary, or features; photos or 10651
images; archival or research material; legal notices, identity 10652
verification, or public records; scientific, educational, 10653
instructional, technical, professional, trade, or other literary 10654
materials; or other similar information which has been gathered 10655
and made available by the provider to the consumer in an 10656
electronic format. Providing electronic publishing includes the 10657
functions necessary for the acquisition, formatting, editing, 10658
storage, and dissemination of data or information that is the 10659
subject of a sale. 10660

Sec. 5739.02. For the purpose of providing revenue with which 10661
to meet the needs of the state, for the use of the general revenue 10662
fund of the state, for the purpose of securing a thorough and 10663
efficient system of common schools throughout the state, for the 10664

purpose of affording revenues, in addition to those from general 10665
property taxes, permitted under constitutional limitations, and 10666
from other sources, for the support of local governmental 10667
functions, and for the purpose of reimbursing the state for the 10668
expense of administering this chapter, an excise tax is hereby 10669
levied on each retail sale made in this state. 10670

(A)(1) The tax shall be collected as provided in section 10671
5739.025 of the Revised Code, ~~provided that on and after July 1,~~ 10672
~~2003, and on or before June 30, 2005, the rate of tax shall be six~~ 10673
~~per cent. On and after July 1, 2005, the.~~ The rate of the tax 10674
shall be five and one-half per cent. The tax applies and is 10675
collectible when the sale is made, regardless of the time when the 10676
price is paid or delivered. 10677

(2) In the case of the lease or rental, with a fixed term of 10678
more than thirty days or an indefinite term with a minimum period 10679
of more than thirty days, of any motor vehicles designed by the 10680
manufacturer to carry a load of not more than one ton, watercraft, 10681
outboard motor, or aircraft, or of any tangible personal property, 10682
other than motor vehicles designed by the manufacturer to carry a 10683
load of more than one ton, to be used by the lessee or renter 10684
primarily for business purposes, the tax shall be collected by the 10685
vendor at the time the lease or rental is consummated and shall be 10686
calculated by the vendor on the basis of the total amount to be 10687
paid by the lessee or renter under the lease agreement. If the 10688
total amount of the consideration for the lease or rental includes 10689
amounts that are not calculated at the time the lease or rental is 10690
executed, the tax shall be calculated and collected by the vendor 10691
at the time such amounts are billed to the lessee or renter. In 10692
the case of an open-end lease or rental, the tax shall be 10693
calculated by the vendor on the basis of the total amount to be 10694
paid during the initial fixed term of the lease or rental, and for 10695
each subsequent renewal period as it comes due. As used in this 10696

division, "motor vehicle" has the same meaning as in section 10697
4501.01 of the Revised Code, and "watercraft" includes an outdrive 10698
unit attached to the watercraft. 10699

A lease with a renewal clause and a termination penalty or 10700
similar provision that applies if the renewal clause is not 10701
exercised is presumed to be a sham transaction. In such a case, 10702
the tax shall be calculated and paid on the basis of the entire 10703
length of the lease period, including any renewal periods, until 10704
the termination penalty or similar provision no longer applies. 10705
The taxpayer shall bear the burden, by a preponderance of the 10706
evidence, that the transaction or series of transactions is not a 10707
sham transaction. 10708

(3) Except as provided in division (A)(2) of this section, in 10709
the case of a sale, the price of which consists in whole or in 10710
part of the lease or rental of tangible personal property, the tax 10711
shall be measured by the installments of that lease or rental. 10712

(4) In the case of a sale of a physical fitness facility 10713
service or recreation and sports club service, the price of which 10714
consists in whole or in part of a membership for the receipt of 10715
the benefit of the service, the tax applicable to the sale shall 10716
be measured by the installments thereof. 10717

(B) The tax does not apply to the following: 10718

(1) Sales to the state or any of its political subdivisions, 10719
or to any other state or its political subdivisions if the laws of 10720
that state exempt from taxation sales made to this state and its 10721
political subdivisions; 10722

(2) Sales of food for human consumption off the premises 10723
where sold; 10724

(3) Sales of food sold to students only in a cafeteria, 10725
dormitory, fraternity, or sorority maintained in a private, 10726
public, or parochial school, college, or university; 10727

(4) Sales of newspapers and of magazine subscriptions and	10728
sales or transfers of magazines distributed as controlled	10729
circulation publications;	10730
(5) The furnishing, preparing, or serving of meals without	10731
charge by an employer to an employee provided the employer records	10732
the meals as part compensation for services performed or work	10733
done;	10734
(6) Sales of motor fuel upon receipt, use, distribution, or	10735
sale of which in this state a tax is imposed by the law of this	10736
state, but this exemption shall not apply to the sale of motor	10737
fuel on which a refund of the tax is allowable under division (A)	10738
of section 5735.14 of the Revised Code; and the tax commissioner	10739
may deduct the amount of tax levied by this section applicable to	10740
the price of motor fuel when granting a refund of motor fuel tax	10741
pursuant to division (A) of section 5735.14 of the Revised Code	10742
and shall cause the amount deducted to be paid into the general	10743
revenue fund of this state;	10744
(7) Sales of natural gas by a natural gas company, of water	10745
by a water-works company, or of steam by a heating company, if in	10746
each case the thing sold is delivered to consumers through pipes	10747
or conduits, and all sales of communications services by a	10748
telegraph company, all terms as defined in section 5727.01 of the	10749
Revised Code, and sales of electricity delivered through wires;	10750
(8) Casual sales by a person, or auctioneer employed directly	10751
by the person to conduct such sales, except as to such sales of	10752
motor vehicles, watercraft or outboard motors required to be	10753
titled under section 1548.06 of the Revised Code, watercraft	10754
documented with the United States coast guard, snowmobiles, and	10755
all-purpose vehicles as defined in section 4519.01 of the Revised	10756
Code;	10757
(9)(a) Sales of services or tangible personal property, other	10758

than motor vehicles, mobile homes, and manufactured homes, by 10759
churches, organizations exempt from taxation under section 10760
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 10761
organizations operated exclusively for charitable purposes as 10762
defined in division (B)(12) of this section, provided that the 10763
number of days on which such tangible personal property or 10764
services, other than items never subject to the tax, are sold does 10765
not exceed six in any calendar year, except as otherwise provided 10766
in division (B)(9)(b) of this section. If the number of days on 10767
which such sales are made exceeds six in any calendar year, the 10768
church or organization shall be considered to be engaged in 10769
business and all subsequent sales by it shall be subject to the 10770
tax. In counting the number of days, all sales by groups within a 10771
church or within an organization shall be considered to be sales 10772
of that church or organization. 10773

(b) The limitation on the number of days on which tax-exempt 10774
sales may be made by a church or organization under division 10775
(B)(9)(a) of this section does not apply to sales made by student 10776
clubs and other groups of students of a primary or secondary 10777
school, or a parent-teacher association, booster group, or similar 10778
organization that raises money to support or fund curricular or 10779
extracurricular activities of a primary or secondary school. 10780

(c) Divisions (B)(9)(a) and (b) of this section do not apply 10781
to sales by a noncommercial educational radio or television 10782
broadcasting station. 10783

(10) Sales not within the taxing power of this state under 10784
the Constitution of the United States; 10785

(11) Except for transactions that are sales under division 10786
(B)(3)(r) of section 5739.01 of the Revised Code, the 10787
transportation of persons or property, unless the transportation 10788
is by a private investigation and security service; 10789

(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; sales to offices administering one or more homes for the aged or one or more hospital facilities exempt under section 140.08 of the Revised Code; and sales to organizations described in division (D) of section 5709.12 of the Revised Code.

"Charitable purposes" means the relief of poverty; the improvement of health through the alleviation of illness, disease, or injury; the operation of an organization exclusively for the provision of professional, laundry, printing, and purchasing services to hospitals or charitable institutions; the operation of a home for the aged, as defined in section 5701.13 of the Revised Code; the operation of a radio or television broadcasting station that is licensed by the federal communications commission as a noncommercial educational radio or television station; the operation of a nonprofit animal adoption service or a county humane society; the promotion of education by an institution of learning that maintains a faculty of qualified instructors, teaches regular continuous courses of study, and confers a recognized diploma upon completion of a specific curriculum; the operation of a parent-teacher association, booster group, or similar organization primarily engaged in the promotion and support of the curricular or extracurricular activities of a primary or secondary school; the operation of a community or area center in which presentations in music, dramatics, the arts, and related fields are made in order to foster public interest and education therein; the production of performances in music,

dramatics, and the arts; or the promotion of education by an 10823
organization engaged in carrying on research in, or the 10824
dissemination of, scientific and technological knowledge and 10825
information primarily for the public. 10826

Nothing in this division shall be deemed to exempt sales to 10827
any organization for use in the operation or carrying on of a 10828
trade or business, or sales to a home for the aged for use in the 10829
operation of independent living facilities as defined in division 10830
(A) of section 5709.12 of the Revised Code. 10831

(13) Building and construction materials and services sold to 10832
construction contractors for incorporation into a structure or 10833
improvement to real property under a construction contract with 10834
this state or a political subdivision of this state, or with the 10835
United States government or any of its agencies; building and 10836
construction materials and services sold to construction 10837
contractors for incorporation into a structure or improvement to 10838
real property that are accepted for ownership by this state or any 10839
of its political subdivisions, or by the United States government 10840
or any of its agencies at the time of completion of the structures 10841
or improvements; building and construction materials sold to 10842
construction contractors for incorporation into a horticulture 10843
structure or livestock structure for a person engaged in the 10844
business of horticulture or producing livestock; building 10845
materials and services sold to a construction contractor for 10846
incorporation into a house of public worship or religious 10847
education, or a building used exclusively for charitable purposes 10848
under a construction contract with an organization whose purpose 10849
is as described in division (B)(12) of this section; building 10850
materials and services sold to a construction contractor for 10851
incorporation into a building under a construction contract with 10852
an organization exempt from taxation under section 501(c)(3) of 10853
the Internal Revenue Code of 1986 when the building is to be used 10854

exclusively for the organization's exempt purposes; building and 10855
construction materials sold for incorporation into the original 10856
construction of a sports facility under section 307.696 of the 10857
Revised Code; and building and construction materials and services 10858
sold to a construction contractor for incorporation into real 10859
property outside this state if such materials and services, when 10860
sold to a construction contractor in the state in which the real 10861
property is located for incorporation into real property in that 10862
state, would be exempt from a tax on sales levied by that state; 10863

(14) Sales of ships or vessels or rail rolling stock used or 10864
to be used principally in interstate or foreign commerce, and 10865
repairs, alterations, fuel, and lubricants for such ships or 10866
vessels or rail rolling stock; 10867

(15) Sales to persons primarily engaged in any of the 10868
activities mentioned in division (B)(42)(a) or (g) of this 10869
section, to persons engaged in making retail sales, or to persons 10870
who purchase for sale from a manufacturer tangible personal 10871
property that was produced by the manufacturer in accordance with 10872
specific designs provided by the purchaser, of packages, including 10873
material, labels, and parts for packages, and of machinery, 10874
equipment, and material for use primarily in packaging tangible 10875
personal property produced for sale, including any machinery, 10876
equipment, and supplies used to make labels or packages, to 10877
prepare packages or products for labeling, or to label packages or 10878
products, by or on the order of the person doing the packaging, or 10879
sold at retail. "Packages" includes bags, baskets, cartons, 10880
crates, boxes, cans, bottles, bindings, wrappings, and other 10881
similar devices and containers, but does not include motor 10882
vehicles or bulk tanks, trailers, or similar devices attached to 10883
motor vehicles. "Packaging" means placing in a package. Division 10884
(B)(15) of this section does not apply to persons engaged in 10885
highway transportation for hire. 10886

(16) Sales of food to persons using food stamp benefits to purchase the food. As used in this division, "food" has the same meaning as in the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 2012, as amended, and federal regulations adopted pursuant to that act.

(17) Sales to persons engaged in farming, agriculture, horticulture, or floriculture, of tangible personal property for use or consumption directly in the production by farming, agriculture, horticulture, or floriculture of other tangible personal property for use or consumption directly in the production of tangible personal property for sale by farming, agriculture, horticulture, or floriculture; or material and parts for incorporation into any such tangible personal property for use or consumption in production; and of tangible personal property for such use or consumption in the conditioning or holding of products produced by and for such use, consumption, or sale by persons engaged in farming, agriculture, horticulture, or floriculture, except where such property is incorporated into real property;

(18) Sales of drugs for a human being that may be dispensed only pursuant to a prescription; insulin as recognized in the official United States pharmacopoeia; urine and blood testing materials when used by diabetics or persons with hypoglycemia to test for glucose or acetone; hypodermic syringes and needles when used by diabetics for insulin injections; epoetin alfa when purchased for use in the treatment of persons with medical disease; hospital beds when purchased by hospitals, nursing homes, or other medical facilities; and medical oxygen and medical oxygen-dispensing equipment when purchased by hospitals, nursing homes, or other medical facilities;

(19) Sales of prosthetic devices, durable medical equipment for home use, or mobility enhancing equipment, when made pursuant

to a prescription and when such devices or equipment are for use 10919
by a human being. 10920

(20) Sales of emergency and fire protection vehicles and 10921
equipment to nonprofit organizations for use solely in providing 10922
fire protection and emergency services, including trauma care and 10923
emergency medical services, for political subdivisions of the 10924
state; 10925

(21) Sales of tangible personal property manufactured in this 10926
state, if sold by the manufacturer in this state to a retailer for 10927
use in the retail business of the retailer outside of this state 10928
and if possession is taken from the manufacturer by the purchaser 10929
within this state for the sole purpose of immediately removing the 10930
same from this state in a vehicle owned by the purchaser; 10931

(22) Sales of services provided by the state or any of its 10932
political subdivisions, agencies, instrumentalities, institutions, 10933
or authorities, or by governmental entities of the state or any of 10934
its political subdivisions, agencies, instrumentalities, 10935
institutions, or authorities; 10936

(23) Sales of motor vehicles to nonresidents of this state 10937
under the circumstances described in division (B) of section 10938
5739.029 of the Revised Code; 10939

(24) Sales to persons engaged in the preparation of eggs for 10940
sale of tangible personal property used or consumed directly in 10941
such preparation, including such tangible personal property used 10942
for cleaning, sanitizing, preserving, grading, sorting, and 10943
classifying by size; packages, including material and parts for 10944
packages, and machinery, equipment, and material for use in 10945
packaging eggs for sale; and handling and transportation equipment 10946
and parts therefor, except motor vehicles licensed to operate on 10947
public highways, used in intraplant or interplant transfers or 10948
shipment of eggs in the process of preparation for sale, when the 10949

plant or plants within or between which such transfers or 10950
shipments occur are operated by the same person. "Packages" 10951
includes containers, cases, baskets, flats, fillers, filler flats, 10952
cartons, closure materials, labels, and labeling materials, and 10953
"packaging" means placing therein. 10954

(25)(a) Sales of water to a consumer for residential use, 10955
except the sale of bottled water, distilled water, mineral water, 10956
carbonated water, or ice; 10957

(b) Sales of water by a nonprofit corporation engaged 10958
exclusively in the treatment, distribution, and sale of water to 10959
consumers, if such water is delivered to consumers through pipes 10960
or tubing. 10961

(26) Fees charged for inspection or reinspection of motor 10962
vehicles under section 3704.14 of the Revised Code; 10963

(27) Sales to persons licensed to conduct a food service 10964
operation pursuant to section 3717.43 of the Revised Code, of 10965
tangible personal property primarily used directly for the 10966
following: 10967

(a) To prepare food for human consumption for sale; 10968

(b) To preserve food that has been or will be prepared for 10969
human consumption for sale by the food service operator, not 10970
including tangible personal property used to display food for 10971
selection by the consumer; 10972

(c) To clean tangible personal property used to prepare or 10973
serve food for human consumption for sale. 10974

(28) Sales of animals by nonprofit animal adoption services 10975
or county humane societies; 10976

(29) Sales of services to a corporation described in division 10977
(A) of section 5709.72 of the Revised Code, and sales of tangible 10978
personal property that qualifies for exemption from taxation under 10979

section 5709.72 of the Revised Code; 10980

(30) Sales and installation of agricultural land tile, as 10981
defined in division (B)(5)(a) of section 5739.01 of the Revised 10982
Code; 10983

(31) Sales and erection or installation of portable grain 10984
bins, as defined in division (B)(5)(b) of section 5739.01 of the 10985
Revised Code; 10986

(32) The sale, lease, repair, and maintenance of, parts for, 10987
or items attached to or incorporated in, motor vehicles that are 10988
primarily used for transporting tangible personal property 10989
belonging to others by a person engaged in highway transportation 10990
for hire, except for packages and packaging used for the 10991
transportation of tangible personal property; 10992

(33) Sales to the state headquarters of any veterans' 10993
organization in this state that is either incorporated and issued 10994
a charter by the congress of the United States or is recognized by 10995
the United States veterans administration, for use by the 10996
headquarters; 10997

(34) Sales to a telecommunications service vendor, mobile 10998
telecommunications service vendor, or satellite broadcasting 10999
service vendor of tangible personal property and services used 11000
directly and primarily in transmitting, receiving, switching, or 11001
recording any interactive, one- or two-way electromagnetic 11002
communications, including voice, image, data, and information, 11003
through the use of any medium, including, but not limited to, 11004
poles, wires, cables, switching equipment, computers, and record 11005
storage devices and media, and component parts for the tangible 11006
personal property. The exemption provided in this division shall 11007
be in lieu of all other exemptions under division (B)(42)(a) of 11008
this section to which the vendor may otherwise be entitled, based 11009
upon the use of the thing purchased in providing the 11010

telecommunications, mobile telecommunications, or satellite 11011
broadcasting service. 11012

(35)(a) Sales where the purpose of the consumer is to use or 11013
consume the things transferred in making retail sales and 11014
consisting of newspaper inserts, catalogues, coupons, flyers, gift 11015
certificates, or other advertising material that prices and 11016
describes tangible personal property offered for retail sale. 11017

(b) Sales to direct marketing vendors of preliminary 11018
materials such as photographs, artwork, and typesetting that will 11019
be used in printing advertising material; of printed matter that 11020
offers free merchandise or chances to win sweepstake prizes and 11021
that is mailed to potential customers with advertising material 11022
described in division (B)(35)(a) of this section; and of equipment 11023
such as telephones, computers, facsimile machines, and similar 11024
tangible personal property primarily used to accept orders for 11025
direct marketing retail sales. 11026

(c) Sales of automatic food vending machines that preserve 11027
food with a shelf life of forty-five days or less by refrigeration 11028
and dispense it to the consumer. 11029

For purposes of division (B)(35) of this section, "direct 11030
marketing" means the method of selling where consumers order 11031
tangible personal property by United States mail, delivery 11032
service, or telecommunication and the vendor delivers or ships the 11033
tangible personal property sold to the consumer from a warehouse, 11034
catalogue distribution center, or similar fulfillment facility by 11035
means of the United States mail, delivery service, or common 11036
carrier. 11037

(36) Sales to a person engaged in the business of 11038
horticulture or producing livestock of materials to be 11039
incorporated into a horticulture structure or livestock structure; 11040

(37) Sales of personal computers, computer monitors, computer 11041

keyboards, modems, and other peripheral computer equipment to an 11042
individual who is licensed or certified to teach in an elementary 11043
or a secondary school in this state for use by that individual in 11044
preparation for teaching elementary or secondary school students; 11045

(38) Sales to a professional racing team of any of the 11046
following: 11047

(a) Motor racing vehicles; 11048

(b) Repair services for motor racing vehicles; 11049

(c) Items of property that are attached to or incorporated in 11050
motor racing vehicles, including engines, chassis, and all other 11051
components of the vehicles, and all spare, replacement, and 11052
rebuilt parts or components of the vehicles; except not including 11053
tires, consumable fluids, paint, and accessories consisting of 11054
instrumentation sensors and related items added to the vehicle to 11055
collect and transmit data by means of telemetry and other forms of 11056
communication. 11057

(39) Sales of used manufactured homes and used mobile homes, 11058
as defined in section 5739.0210 of the Revised Code, made on or 11059
after January 1, 2000; 11060

(40) Sales of tangible personal property and services to a 11061
provider of electricity used or consumed directly and primarily in 11062
generating, transmitting, or distributing electricity for use by 11063
others, including property that is or is to be incorporated into 11064
and will become a part of the consumer's production, transmission, 11065
or distribution system and that retains its classification as 11066
tangible personal property after incorporation; fuel or power used 11067
in the production, transmission, or distribution of electricity; 11068
and tangible personal property and services used in the repair and 11069
maintenance of the production, transmission, or distribution 11070
system, including only those motor vehicles as are specially 11071
designed and equipped for such use. The exemption provided in this 11072

division shall be in lieu of all other exemptions in division 11073
(B)(42)(a) of this section to which a provider of electricity may 11074
otherwise be entitled based on the use of the tangible personal 11075
property or service purchased in generating, transmitting, or 11076
distributing electricity. 11077

(41) Sales to a person providing services under division 11078
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 11079
personal property and services used directly and primarily in 11080
providing taxable services under that section. 11081

(42) Sales where the purpose of the purchaser is to do any of 11082
the following: 11083

(a) To incorporate the thing transferred as a material or a 11084
part into tangible personal property to be produced for sale by 11085
manufacturing, assembling, processing, or refining; or to use or 11086
consume the thing transferred directly in producing tangible 11087
personal property for sale by mining, including, without 11088
limitation, the extraction from the earth of all substances that 11089
are classed geologically as minerals, production of crude oil and 11090
natural gas, farming, agriculture, horticulture, or floriculture, 11091
or directly in the rendition of a public utility service, except 11092
that the sales tax levied by this section shall be collected upon 11093
all meals, drinks, and food for human consumption sold when 11094
transporting persons. Persons engaged in rendering farming, 11095
agricultural, horticultural, or floricultural services, and 11096
services in the exploration for, and production of, crude oil and 11097
natural gas, for others are deemed engaged directly in farming, 11098
agriculture, horticulture, and floriculture, or exploration for, 11099
and production of, crude oil and natural gas. This paragraph does 11100
not exempt from "retail sale" or "sales at retail" the sale of 11101
tangible personal property that is to be incorporated into a 11102
structure or improvement to real property. 11103

(b) To hold the thing transferred as security for the 11104

performance of an obligation of the vendor;	11105
(c) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance;	11106 11107
(d) To use or consume the thing directly in commercial fishing;	11108 11109
(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;	11110 11111 11112 11113
(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;	11114 11115 11116 11117 11118
(g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;	11119 11120 11121
(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;	11122 11123 11124 11125 11126 11127
(i) To use the thing transferred as qualified research and development equipment;	11128 11129
(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the	11130 11131 11132 11133 11134

warehouse, distribution center, or similar facility, to retail 11135
stores of an affiliated group of which that person is a member, or 11136
by means of direct marketing. This division does not apply to 11137
motor vehicles registered for operation on the public highways. As 11138
used in this division, "affiliated group" has the same meaning as 11139
in division (B)(3)(e) of section 5739.01 of the Revised Code and 11140
"direct marketing" has the same meaning as in division (B)(35) of 11141
this section. 11142

(k) To use or consume the thing transferred to fulfill a 11143
contractual obligation incurred by a warrantor pursuant to a 11144
warranty provided as a part of the price of the tangible personal 11145
property sold or by a vendor of a warranty, maintenance or service 11146
contract, or similar agreement the provision of which is defined 11147
as a sale under division (B)(7) of section 5739.01 of the Revised 11148
Code; 11149

(l) To use or consume the thing transferred in the production 11150
of a newspaper for distribution to the public; 11151

(m) To use tangible personal property to perform a service 11152
listed in division (B)(3) of section 5739.01 of the Revised Code, 11153
if the property is or is to be permanently transferred to the 11154
consumer of the service as an integral part of the performance of 11155
the service; i 11156

(n) To use or consume the thing transferred in acquiring, 11157
formatting, editing, storing, and disseminating data or 11158
information by electronic publishing. 11159

As used in division (B)(42) of this section, "thing" includes 11160
all transactions included in divisions (B)(3)(a), (b), and (e) of 11161
section 5739.01 of the Revised Code. 11162

(43) Sales conducted through a coin operated device that 11163
activates vacuum equipment or equipment that dispenses water, 11164
whether or not in combination with soap or other cleaning agents 11165

or wax, to the consumer for the consumer's use on the premises in 11166
washing, cleaning, or waxing a motor vehicle, provided no other 11167
personal property or personal service is provided as part of the 11168
transaction. 11169

(44) Sales of replacement and modification parts for engines, 11170
airframes, instruments, and interiors in, and paint for, aircraft 11171
used primarily in a fractional aircraft ownership program, and 11172
sales of services for the repair, modification, and maintenance of 11173
such aircraft, and machinery, equipment, and supplies primarily 11174
used to provide those services. 11175

(45) Sales of telecommunications service that is used 11176
directly and primarily to perform the functions of a call center. 11177
As used in this division, "call center" means any physical 11178
location where telephone calls are placed or received in high 11179
volume for the purpose of making sales, marketing, customer 11180
service, technical support, or other specialized business 11181
activity, and that employs at least fifty individuals that engage 11182
in call center activities on a full-time basis, or sufficient 11183
individuals to fill fifty full-time equivalent positions. 11184

(46) Sales by a telecommunications service vendor of 900 11185
service to a subscriber. This division does not apply to 11186
information services, as defined in division (FF) of section 11187
5739.01 of the Revised Code. 11188

(47) Sales of value-added non-voice data service. This 11189
division does not apply to any similar service that is not 11190
otherwise a telecommunications service. 11191

(48)(a) Sales of machinery, equipment, and software to a 11192
qualified direct selling entity for use in a warehouse or 11193
distribution center primarily for storing, transporting, or 11194
otherwise handling inventory that is held for sale to independent 11195
salespersons who operate as direct sellers and that is held 11196

primarily for distribution outside this state; 11197

(b) As used in division (B)(48)(a) of this section: 11198

(i) "Direct seller" means a person selling consumer products 11199
to individuals for personal or household use and not from a fixed 11200
retail location, including selling such product at in-home product 11201
demonstrations, parties, and other one-on-one selling. 11202

(ii) "Qualified direct selling entity" means an entity 11203
selling to direct sellers at the time the entity enters into a tax 11204
credit agreement with the tax credit authority pursuant to section 11205
122.17 of the Revised Code, provided that the agreement was 11206
entered into on or after January 1, 2007. Neither contingencies 11207
relevant to the granting of, nor later developments with respect 11208
to, the tax credit shall impair the status of the qualified direct 11209
selling entity under division (B)(48) of this section after 11210
execution of the tax credit agreement by the tax credit authority. 11211

(c) Division (B)(48) of this section is limited to machinery, 11212
equipment, and software first stored, used, or consumed in this 11213
state within the period commencing with the effective date of the 11214
amendment of this section by the capital appropriations act of the 11215
127th general assembly and ending on the date that is five years 11216
after that effective date. 11217

(C) For the purpose of the proper administration of this 11218
chapter, and to prevent the evasion of the tax, it is presumed 11219
that all sales made in this state are subject to the tax until the 11220
contrary is established. 11221

(D) The levy of this tax on retail sales of recreation and 11222
sports club service shall not prevent a municipal corporation from 11223
levying any tax on recreation and sports club dues or on any 11224
income generated by recreation and sports club dues. 11225

(E) The tax collected by the vendor from the consumer under 11226
this chapter is not part of the price, but is a tax collection for 11227

the benefit of the state, and of counties levying an additional 11228
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 11229
Code and of transit authorities levying an additional sales tax 11230
pursuant to section 5739.023 of the Revised Code. Except for the 11231
discount authorized under section 5739.12 of the Revised Code and 11232
the effects of any rounding pursuant to section 5703.055 of the 11233
Revised Code, no person other than the state or such a county or 11234
transit authority shall derive any benefit from the collection or 11235
payment of the tax levied by this section or section 5739.021, 11236
5739.023, or 5739.026 of the Revised Code. 11237

Sec. 5739.029. (A) Notwithstanding sections 5739.02, 11238
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 11239
5741.023 of the Revised Code, and except as otherwise provided in 11240
division (B) of this section, the tax due under this chapter on 11241
the sale of a motor vehicle required to be titled under Chapter 11242
4505. of the Revised Code by a motor vehicle dealer to a consumer 11243
that is a nonresident of this state shall be the lesser of the 11244
amount of tax that would be due under this chapter and Chapter 11245
5741. of the Revised Code if the total combined rate were six per 11246
cent, or the amount of tax that would be due to the state in 11247
which the consumer titles or registers the motor vehicle or to 11248
which the consumer removes the vehicle for use. 11249

(B) No tax is due under this section, any other section of 11250
this chapter, or Chapter 5741. of the Revised Code under any of 11251
the following circumstances: 11252

(1)(a) The consumer intends to immediately remove the motor 11253
vehicle from this state for use outside this state; 11254

(b) Upon removal of the motor vehicle from this state, the 11255
consumer intends to title or register the vehicle in another state 11256
if such titling or registration is required; 11257

(c) The consumer executes an affidavit as required under 11258

division (C) of this section affirming the consumer's intentions 11259
under divisions (B)(1)(a) and (b) of this section; and 11260

(d) The state in which the consumer titles or registers the 11261
motor vehicle or to which the consumer removes the vehicle for use 11262
provides an exemption under circumstances substantially similar to 11263
those described in division (B)(1) of this section. 11264

(2) The state in which the consumer titles or registers the 11265
motor vehicle or to which the consumer removes the vehicle for use 11266
does not provide a credit against its sales or use tax or similar 11267
excise tax for sales or use tax paid to this state. 11268

(3) The state in which the consumer titles or registers the 11269
motor vehicle or to which the consumer removes the vehicle for use 11270
does not impose a sales or use tax or similar excise tax on the 11271
ownership or use of motor vehicles. 11272

(C) Any nonresident consumer that purchases a motor vehicle 11273
from a motor vehicle dealer in this state under the circumstances 11274
described in divisions (B)(1)(a) and (b) of this section shall 11275
execute an affidavit affirming the intentions described in those 11276
divisions. The affidavit shall be executed in triplicate and in 11277
the form specified by the tax commissioner. The affidavit shall be 11278
given to the motor vehicle dealer. 11279

A motor vehicle dealer that accepts in good faith an 11280
affidavit presented under this division by a nonresident consumer 11281
may rely upon the representations made in the affidavit. 11282

(D) A motor vehicle dealer making a sale subject to the tax 11283
under division (A) of this section shall collect the tax due 11284
unless the sale is subject to the exception under division (B) of 11285
this section or unless the sale is not otherwise subject to taxes 11286
levied under sections 5739.02, 5739.021, 5739.023, 5739.026, 11287
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code. In 11288
the case of a sale under the circumstances described in division 11289

(B)(1) of this section, the dealer shall retain one copy of the affidavit and file the original and the other copy with the clerk of the court of common pleas. If tax is due under division (A) of this section, the dealer shall remit the tax collected to the clerk at the time the dealer obtains the Ohio certificate of title in the name of the consumer as required under section 4505.06 of the Revised Code. The clerk shall forward the original affidavit to the tax commissioner in the manner prescribed by the commissioner.

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

and any province of Canada. 11321

Sec. 5739.12. (A)(1) Each person who has or is required to 11322
have a vendor's license, on or before the twenty-third day of each 11323
month, shall make and file a return for the preceding month, ~~on~~ 11324
~~forms in the form~~ prescribed by the tax commissioner, and shall 11325
pay the tax shown on the return to be due. ~~The return shall be~~ 11326
filed electronically using the Ohio business gateway, as defined 11327
in section 718.051 of the Revised Code, the Ohio telefile system, 11328
or any other electronic means prescribed by the commissioner. 11329
Payment of the tax shown on the return to be due shall be made 11330
electronically in a manner approved by the commissioner. The 11331
commissioner may require a vendor that operates from multiple 11332
locations or has multiple vendor's licenses to report all tax 11333
liabilities on one consolidated return. The return shall show the 11334
amount of tax due from the vendor to the state for the period 11335
covered by the return and such other information as the 11336
commissioner deems necessary for the proper administration of this 11337
chapter. The commissioner may extend the time for making and 11338
filing returns and paying the tax, and may require that the return 11339
for the last month of any annual or semiannual period, as 11340
determined by the commissioner, be a reconciliation return 11341
detailing the vendor's sales activity for the preceding annual or 11342
semiannual period. The reconciliation return shall be filed by the 11343
last day of the month following the last month of the annual or 11344
semiannual period. The commissioner may remit all or any part of 11345
amounts or penalties that may become due under this chapter and 11346
may adopt rules relating thereto. Such return shall be filed 11347
electronically as directed by ~~mailing it to~~ the tax commissioner, 11348
~~together with~~ and payment of the amount of tax shown to be due 11349
thereon, after deduction of any discount provided for under this 11350
~~section. Remittance,~~ shall be made ~~payable to the treasurer of~~ 11351
~~state. The return shall be considered filed when received by the~~ 11352

~~tax commissioner, and the payment shall be considered made when~~ 11353
~~received by the tax commissioner or when credited to an account~~ 11354
~~designated by the treasurer of state or electronically in a manner~~ 11355
~~approved by the tax commissioner.~~ 11356

(2) Any person required to file returns and make payments 11357
electronically under division (A)(1) of this section may apply to 11358
the tax commissioner on a form prescribed by the commissioner to 11359
be excused from that requirement. For good cause shown, the 11360
commissioner may excuse the person from that requirement and may 11361
permit the person to file the returns and make the payments 11362
required by this section by nonelectronic means. 11363

(B)(1) If the return is filed and the amount of tax shown 11364
thereon to be due is paid on or before the date such return is 11365
required to be filed, the vendor shall be entitled to a discount 11366
of: 11367

~~(a) On and after July 1, 2005, and on and before June 30,~~ 11368
~~2007, nine tenths of one per cent of the amount shown to be due on~~ 11369
~~the return;~~ 11370

~~(b) On and after July 1, 2007, three-fourths of one per cent~~ 11371
~~of the amount shown to be due on the return.~~ 11372

(2) A vendor that has selected a certified service provider 11373
as its agent shall not be entitled to the discount if the 11374
certified service provider receives a monetary allowance pursuant 11375
to section 5739.06 of the Revised Code for performing the vendor's 11376
sales and use tax functions in this state. Amounts paid to the 11377
clerk of courts pursuant to section 4505.06 of the Revised Code 11378
shall be subject to the applicable discount. The discount shall be 11379
in consideration for prompt payment to the clerk of courts and for 11380
other services performed by the vendor in the collection of the 11381
tax. 11382

(C)(1) Upon application to the tax commissioner, a vendor who 11383

is required to file monthly returns may be relieved of the 11384
requirement to report and pay the actual tax due, provided that 11385
the vendor agrees to remit to the ~~tax~~ commissioner payment of not 11386
less than an amount determined by the commissioner to be the 11387
average monthly tax liability of the vendor, based upon a review 11388
of the returns or other information pertaining to such vendor for 11389
a period of not less than six months nor more than two years 11390
immediately preceding the filing of the application. Vendors who 11391
agree to the above conditions shall make and file an annual or 11392
semiannual reconciliation return, as prescribed by the 11393
commissioner. The reconciliation return shall be filed 11394
electronically as directed by ~~mailing or delivering it to~~ the tax 11395
commissioner, ~~together with~~ and payment of the amount of tax shown 11396
to be due thereon, after deduction of any discount provided in 11397
this section. ~~Remittance,~~ shall be made ~~payable to the treasurer~~ 11398
~~of state~~ electronically in a manner approved by the commissioner. 11399
Failure of a vendor to comply with any of the above conditions may 11400
result in immediate reinstatement of the requirement of reporting 11401
and paying the actual tax liability on each monthly return, and 11402
the commissioner may at the commissioner's discretion deny the 11403
vendor the right to report and pay based upon the average monthly 11404
liability for a period not to exceed two years. The amount 11405
ascertained by the commissioner to be the average monthly tax 11406
liability of a vendor may be adjusted, based upon a review of the 11407
returns or other information pertaining to the vendor for a period 11408
of not less than six months nor more than two years preceding such 11409
adjustment. 11410

(2) The commissioner may authorize vendors whose tax 11411
liability is not such as to merit monthly returns, as ascertained 11412
by the commissioner upon the basis of administrative costs to the 11413
state, to make and file returns at less frequent intervals. When 11414
returns are filed at less frequent intervals in accordance with 11415
such authorization, the vendor shall be allowed the discount 11416

provided in this section in consideration for prompt payment with 11417
the return, provided the return is filed ~~together with~~ and payment 11418
is made of the amount of tax shown to be due thereon, at the time 11419
specified by the commissioner, but a vendor that has selected a 11420
certified service provider as its agent shall not be entitled to 11421
the discount. 11422

(D) Any vendor who fails to file a return or to pay the full 11423
amount of the tax shown on the return to be due in the manner 11424
prescribed under this section and the rules of the commissioner 11425
may, for each such return ~~the vendor fails to file or each such~~ 11426
~~tax the vendor fails to pay in full as shown on the return within~~ 11427
~~the period prescribed by this section and the rules of the~~ 11428
~~commissioner~~, be required to forfeit and pay into the state 11429
treasury an additional charge not exceeding fifty dollars or ten 11430
per cent of the tax required to be paid for the reporting period, 11431
whichever is greater, as revenue arising from the tax imposed by 11432
this chapter, and such sum may be collected by assessment in the 11433
manner provided in section 5739.13 of the Revised Code. The 11434
commissioner may remit all or a portion of the additional charge 11435
and may adopt rules relating to the imposition and remission of 11436
the additional charge. 11437

(E) If the amount required to be collected by a vendor from 11438
consumers is in excess of the applicable percentage of the 11439
vendor's receipts from sales that are taxable under section 11440
5739.02 of the Revised Code, or in the case of sales subject to a 11441
tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of 11442
the Revised Code, in excess of the percentage equal to the 11443
aggregate rate of such taxes and the tax levied by section 5739.02 11444
of the Revised Code, such excess shall be remitted along with the 11445
remittance of the amount of tax due under section 5739.10 of the 11446
Revised Code. 11447

(F) The commissioner, if the commissioner deems it necessary 11448

in order to insure the payment of the tax imposed by this chapter, 11449
may require returns and payments to be made for other than monthly 11450
periods. ~~The returns shall be signed by the vendor or the vendor's~~ 11451
~~authorized agent.~~ 11452

(G) Any vendor required to file a return and pay the tax 11453
under this section, whose total payment for a year equals or 11454
exceeds the amount shown in division (A) of section 5739.122 of 11455
the Revised Code, ~~shall make each payment required by this section~~ 11456
~~in the second ensuing and each succeeding year by electronic funds~~ 11457
~~transfer as prescribed by, and on or before the dates specified~~ 11458
~~in, section 5739.122 of the Revised Code, except as otherwise~~ 11459
~~prescribed by~~ is subject to the accelerated tax payment 11460
requirements in divisions (B) and (C) of that section. For a 11461
vendor that operates from multiple locations or has multiple 11462
vendor's licenses, in determining whether the vendor's total 11463
payment equals or exceeds the amount shown in division (A) of that 11464
section, the vendor's total payment amount shall be the amount of 11465
the vendor's total tax liability for the previous calendar year 11466
for all of the vendor's locations or licenses. 11467

Sec. 5739.122. (A) If the total amount of tax required to be 11468
paid by a vendor under section 5739.12 of the Revised Code for any 11469
calendar year equals or exceeds seventy-five thousand dollars, the 11470
vendor shall remit each monthly tax payment in the second ensuing 11471
and each succeeding tax year ~~by electronic funds transfer on an~~ 11472
accelerated basis as prescribed by divisions (B) and (C) of this 11473
section. 11474

If a vendor's tax payment for each of two consecutive years 11475
is less than seventy-five thousand dollars, the vendor is relieved 11476
of the requirement to remit taxes ~~by electronic funds transfer in~~ 11477
the manner prescribed by this section for the year that next 11478
follows the second of the consecutive years in which the tax 11479

payment is less than that amount, and is relieved of that 11480
requirement for each succeeding year, unless the tax payment in a 11481
subsequent year equals or exceeds seventy-five thousand dollars. 11482

The tax commissioner shall notify each vendor required to 11483
~~remit taxes by electronic funds transfer~~ make accelerated tax 11484
payments of the vendor's obligation to do so, and shall maintain 11485
an updated list of those vendors, ~~and shall timely certify the~~ 11486
~~list and any additions thereto or deletions therefrom to the~~ 11487
~~treasurer of state.~~ Failure by the tax commissioner to notify a 11488
vendor subject to this section to remit taxes ~~by electronic funds~~ 11489
~~transfer~~ on an accelerated basis does not relieve the vendor of 11490
its obligation to remit taxes ~~by electronic funds transfer~~ as 11491
provided under division (B) of this section. 11492

(B) Vendors required by division (A) of this section to ~~remit~~ 11493
~~make accelerated tax payments by electronic funds transfer~~ shall 11494
electronically remit such payments to the ~~treasurer of state tax~~ 11495
commissioner in the a manner ~~prescribed by this section and rules~~ 11496
~~adopted~~ approved by the ~~treasurer of state under section 113.061~~ 11497
~~of the Revised Code, and commissioner,~~ as follows: 11498

(1) On or before the twenty-third day of each month, a vendor 11499
shall remit an amount equal to seventy-five per cent of the 11500
anticipated tax liability for that month. 11501

(2) On or before the twenty-third day of each month, a vendor 11502
shall report the taxes collected for the previous month and shall 11503
remit that amount, less any amounts paid for that month as 11504
required by division (B)(1) of this section. 11505

The payment of taxes ~~by electronic funds transfer~~ on an 11506
accelerated basis under this section does not affect a vendor's 11507
obligation to file ~~the monthly return~~ returns and pay the tax 11508
shown on the returns to be due as required under section 5739.12 11509
of the Revised Code. 11510

(C) A vendor required by this section to remit taxes ~~by~~ 11511
~~electronic funds transfer on an accelerated basis~~ may apply to the 11512
~~treasurer of state tax commissioner,~~ in the manner prescribed by 11513
the ~~treasurer of state~~ commissioner, to be excused from that 11514
requirement. The ~~treasurer of state~~ commissioner may excuse the 11515
vendor from remittance ~~by electronic funds transfer on an~~ 11516
accelerated basis for good cause shown for the period of time 11517
requested by the vendor or for a portion of that period. ~~The~~ 11518
~~treasurer of state shall notify the tax commissioner and the~~ 11519
~~vendor of the treasurer of state's decision as soon as is~~ 11520
~~practicable.~~ 11521

(D)(1)(a) If a vendor that is required to remit payments 11522
under division (B) of this section fails to make a payment 11523
required under division (B)(1) of this section, or makes a payment 11524
under division (B)(1) of this section that is less than 11525
seventy-five per cent of the actual liability for that month, the 11526
commissioner may impose an additional charge not to exceed five 11527
per cent of that unpaid amount. 11528

(b) Division (D)(1)(a) of this section does not apply if the 11529
vendor's payment under division (B)(1) of this section is equal to 11530
or greater than seventy-five per cent of the vendor's reported 11531
liability for the same month in the immediately preceding calendar 11532
year. 11533

(2) ~~If a vendor required by this section to remit taxes by~~ 11534
~~electronic funds transfer remits those taxes by some means other~~ 11535
~~than by electronic funds transfer as prescribed by this section~~ 11536
~~and the rules adopted by the treasurer of state, and the treasurer~~ 11537
~~of state determines that such failure was not due to reasonable~~ 11538
~~cause or was due to willful neglect, the treasurer of state shall~~ 11539
~~notify the tax commissioner of the failure to remit by electronic~~ 11540
~~funds transfer and shall provide the commissioner with any~~ 11541
~~information used in making that determination. The tax~~ 11542

~~commissioner may impose an additional charge not to exceed the 11543
lesser of five per cent of the amount of the taxes required to be 11544
paid by electronic funds transfer or five thousand dollars. 11545~~

~~(3)~~ Any additional charge imposed under division (D)(1) ~~or~~ 11546
~~(2)~~ of this section is in addition to any other penalty or charge 11547
imposed under this chapter, and shall be considered as revenue 11548
arising from taxes imposed under this chapter. An additional 11549
charge may be collected by assessment in the manner prescribed by 11550
section 5739.13 of the Revised Code. The tax commissioner may 11551
waive all or a portion of such a charge and may adopt rules 11552
governing such waiver. 11553

~~No additional charge shall be imposed under division (D)(2) 11554
of this section against a vendor that has been notified of its 11555
obligation to remit taxes under this section and that remits its 11556
first two tax payments after such notification by some means other 11557
than electronic funds transfer. The additional charge may be 11558
imposed upon the remittance of any subsequent tax payment that the 11559
vendor remits by some means other than electronic funds transfer. 11560~~

Sec. 5739.124. (A) If required by the tax commissioner, a 11561
person permit holder required to make payments ~~by electronic funds 11562
transfer~~ under section 5739.032 ~~or 5739.122~~ of the Revised Code 11563
shall file all returns and reports electronically. The 11564
commissioner may require the person permit holder to use the Ohio 11565
business gateway, as defined in section 718.051 of the Revised 11566
Code, or any other electronic means approved by the commissioner, 11567
to file the returns and reports, or to remit the tax, in lieu of 11568
the manner prescribed ~~by the treasurer of state under sections 11569
section~~ 5739.032 ~~and 5739.122~~ of the Revised Code. 11570

(B) A person required under this section to file reports and 11571
returns electronically may apply to the tax commissioner to be 11572
excused from that requirement. Applications shall be made on a 11573

form prescribed by the commissioner. The commissioner may approve 11574
the application for good cause. 11575

(C)(1) If a person required to file a report or return 11576
electronically under this section fails to do so, the tax 11577
commissioner may impose an additional charge not to exceed the 11578
following: 11579

(a) For each of the first two failures, five per cent of the 11580
amount required to be reported on the report or return; 11581

(b) For the third and any subsequent failure, ten per cent of 11582
the amount required to be reported on the report or return. 11583

(2) The charges authorized under division (C)(1) of this 11584
section are in addition to any other charge or penalty authorized 11585
under this chapter, and shall be considered as revenue arising 11586
from taxes imposed under this chapter. An additional charge may be 11587
collected by assessment in the manner prescribed by section 11588
5739.13 of the Revised Code. The commissioner may waive all or a 11589
portion of such a charge and may adopt rules governing such 11590
waiver. 11591

Sec. 5739.21. (A) One hundred per cent of all money deposited 11592
into the state treasury under sections 5739.01 to 5739.31 of the 11593
Revised Code ~~and that is~~ not required to be distributed as 11594
provided in section 5739.102 of the Revised Code or division (B) 11595
of this section shall be credited to the general revenue fund. 11596
11597

(B)(1) In any case where any county or transit authority has 11598
levied a tax or taxes pursuant to section 5739.021, 5739.023, or 11599
5739.026 of the Revised Code, the tax commissioner shall, within 11600
forty-five days after the end of each month, determine and certify 11601
to the director of budget and management the amount of the 11602
proceeds of such tax or taxes received during that month from 11603

billings and assessments, or associated with tax returns or 11604
reports filed during that month, to be returned to the county or 11605
transit authority levying the tax or taxes. The amount to be 11606
returned to each county and transit authority shall be a fraction 11607
of the aggregate amount of money collected with respect to each 11608
area in which one or more of such taxes are concurrently in effect 11609
with the tax levied by section 5739.02 of the Revised Code. The 11610
numerator of the fraction is the rate of the tax levied by the 11611
county or transit authority and the denominator of the fraction is 11612
the aggregate rate of such taxes applicable to such area. The 11613
amount to be returned to each county or transit authority shall be 11614
reduced by the amount of any refunds of county or transit 11615
authority tax paid pursuant to section 5739.07 of the Revised Code 11616
during the same month, or transfers made pursuant to division 11617
(B)(2) of section 5703.052 of the Revised Code. 11618

(2) On a periodic basis, using the best information 11619
available, the tax commissioner shall distribute any amount of a 11620
county or transit authority tax that cannot be distributed under 11621
division (B)(1) of this section. Through audit or other means, the 11622
commissioner shall attempt to obtain the information necessary to 11623
make the distribution as provided under that division and, on 11624
receipt of that information, shall make adjustments to 11625
distributions previously made under this division. 11626

(3) Beginning July 1, 2008, eight and thirty-three 11627
one-hundredths of one per cent of the revenue collected from the 11628
tax due under division (A) of section 5739.029 of the Revised Code 11629
shall be distributed to the county where the sale of the motor 11630
vehicle is situated under section 5739.035 of the Revised Code. The 11631
amount to be so distributed to the county shall be apportioned on 11632
the basis of the rates of taxes the county levies pursuant to 11633
sections 5739.021 and 5739.026 of the Revised Code, as applicable, 11634
and shall be credited to the funds of the county as provided in 11635

divisions (A) and (B) of section 5739.211 of the Revised Code. 11636

(C) The aggregate amount to be returned to any county or 11637
transit authority shall be reduced by one per cent, which shall be 11638
certified directly to the credit of the local sales tax 11639
administrative fund, which is hereby created in the state 11640
treasury. For the purpose of determining the amount to be returned 11641
to a county and transit authority in which the rate of tax imposed 11642
by the transit authority has been reduced under section 5739.028 11643
of the Revised Code, the tax commissioner shall use the respective 11644
rates of tax imposed by the county or transit authority that 11645
results from the change in the rates authorized under that 11646
section. 11647

(D) The director of budget and management shall transfer, 11648
from the same funds and in the same proportions specified in 11649
division (A) of this section, to the permissive tax distribution 11650
fund created by division (B)(1) of section 4301.423 of the Revised 11651
Code and to the local sales tax administrative fund, the amounts 11652
certified by the tax commissioner. The tax commissioner shall 11653
then, on or before the twentieth day of the month in which such 11654
certification is made, provide for payment of such respective 11655
amounts to the county treasurer and to the fiscal officer of the 11656
transit authority levying the tax or taxes. The amount transferred 11657
to the local sales tax administrative fund is for use by the tax 11658
commissioner in defraying costs incurred in administering such 11659
taxes levied by a county or transit authority. 11660

Sec. 5741.04. Every seller required to register with the tax 11661
commissioner pursuant to section 5741.17 of the Revised Code who 11662
is engaged in the business of selling tangible personal property 11663
in this state for storage, use, or other consumption in this 11664
state, to which section 5741.02 of the Revised Code applies, or 11665
which is subject to a tax levied pursuant to section 5741.021, 11666

5741.022, or 5741.023 of the Revised Code, shall, and any other seller who is authorized by rule of the tax commissioner to do so may, collect from the consumer the full and exact amount of the tax payable on each such storage, use, or consumption, in the manner and at the times provided as follows:

(A) If the price is, at or prior to the delivery of possession of the thing sold to the consumer, paid in currency passed from hand to hand by the consumer, or ~~his~~ the consumer's agent, to the seller, or ~~his~~ the seller's agent, the seller or ~~his~~ the seller's agent shall collect the tax with and at the same time as the price.

(B) If the price is otherwise paid or to be paid, the seller or ~~his~~ the seller's agent shall, at or prior to the delivery of possession of the thing sold to the consumer, charge the tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code to the account of the consumer, which amount shall be collected by the seller from the consumer in addition to the price. Such transaction shall be reported on the return for the period in which the transaction occurred, and the amount of tax applicable to the transaction shall be remitted with the return or, if the consumer is subject to section 5741.121 of the Revised Code, ~~by electronic funds transfer as~~ in the manner prescribed by that section. The amount of the tax shall become a legal charge in favor of the seller and against the consumer.

(C) It shall be the obligation of each consumer, as required by section 5741.12 of the Revised Code, to report and pay the taxes levied by sections 5741.021, 5741.022, and 5741.023 of the Revised Code, if applicable, on any storage, use, or other consumption of tangible personal property purchased in this state from a vendor required to be licensed pursuant to section 5739.17 of the Revised Code.

Sec. 5741.12. (A) Each seller required by section 5741.17 of 11698
the Revised Code to register with the tax commissioner, and any 11699
seller authorized by the commissioner to collect the tax imposed 11700
by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 11701
of the Revised Code is subject to the same requirements and 11702
entitled to the same deductions and discount for prompt payments 11703
as are vendors under section 5739.12 of the Revised Code, and the 11704
same monetary allowances as are vendors under section 5739.06 of 11705
the Revised Code. The powers and duties of the commissioner ~~and~~ 11706
~~the treasurer of state~~ with respect to returns and tax remittances 11707
under this section shall be identical with those prescribed in 11708
section 5739.12 of the Revised Code. 11709

(B) Every person storing, using, or consuming tangible 11710
personal property or receiving the benefit of a service, the 11711
storage, use, consumption, or receipt of which is subject to the 11712
tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, 11713
or 5741.023 of the Revised Code, when such tax was not paid to a 11714
seller, shall, on or before the twenty-third day of each month, 11715
file with the tax commissioner a return for the preceding month in 11716
such form as is prescribed by the commissioner, showing such 11717
information as the commissioner deems necessary, and shall pay the 11718
tax shown on the return to be due. Remittance shall be made 11719
payable to the treasurer of state. The commissioner may require 11720
consumers to file returns and pay the tax at other than monthly 11721
intervals, if the commissioner determines that such filing is 11722
necessary for the efficient administration of the tax. If the 11723
commissioner determines that a consumer's tax liability is not 11724
such as to merit monthly filing, the commissioner may authorize 11725
the consumer to file returns and pay tax at less frequent 11726
intervals. 11727

Any consumer required to file a return and pay the tax under 11728
this section whose payment for any year ~~indicated in~~ equals or 11729

~~exceeds the amount shown in division (A) of section 5741.121 of~~ 11730
~~the Revised Code equals or exceeds the amount shown in that~~ 11731
~~section shall make each payment required by this section in the~~ 11732
~~second ensuing and each succeeding year by means of electronic~~ 11733
~~funds transfer as prescribed by, and on or before the dates~~ 11734
~~specified in, section 5741.121 of the Revised Code, except as~~ 11735
~~otherwise prescribed by~~ is subject to the accelerated tax payment 11736
requirements in divisions (B) and (C) of that section. 11737

(C) Every person storing, using, or consuming a motor 11738
vehicle, watercraft, or outboard motor, the ownership of which 11739
must be evidenced by certificate of title, shall file the return 11740
required by this section and pay the tax due at or prior to the 11741
time of filing an application for certificate of title. 11742

Sec. 5741.121. (A) If the total amount of tax required to be 11743
paid by a seller or consumer under section 5741.12 of the Revised 11744
Code for any year equals or exceeds seventy-five thousand dollars, 11745
the seller or consumer shall remit each monthly tax payment in the 11746
second ensuing and each succeeding year ~~by electronic funds~~ 11747
~~transfer~~ on an accelerated basis as prescribed by division (B) of 11748
this section. 11749

If a seller's or consumer's tax payment for each of two 11750
consecutive years is less than seventy-five thousand dollars, the 11751
seller or consumer is relieved of the requirement to remit taxes 11752
~~by electronic funds transfer~~ on an accelerated basis for the year 11753
that next follows the second of the consecutive years in which the 11754
tax payment is less than that amount, and is relieved of that 11755
requirement for each succeeding year, unless the tax payment in a 11756
subsequent year equals or exceeds seventy-five thousand dollars. 11757

The tax commissioner shall notify each seller or consumer 11758
required to ~~remit taxes by electronic funds transfer~~ make 11759
accelerated tax payments of the seller's or consumer's obligation 11760

to do so, and shall maintain an updated list of those sellers and 11761
consumers, ~~and shall timely certify the list and any additions~~ 11762
~~thereto or deletions therefrom to the treasurer of state.~~ Failure 11763
by the tax commissioner to notify a seller or consumer subject to 11764
this section to remit taxes ~~by electronic funds transfer~~ on an 11765
accelerated basis does not relieve the seller or consumer of the 11766
obligation to remit taxes ~~by electronic funds transfer~~ as provided 11767
under division (B) of this section. 11768

(B) Sellers and consumers required by division (A) of this 11769
section to ~~remit~~ make accelerated tax payments ~~by electronic funds~~ 11770
~~transfer~~ shall electronically remit such payments to the ~~treasurer~~ 11771
~~of state tax commissioner,~~ in the a manner ~~prescribed by this~~ 11772
~~section and rules adopted~~ approved by the ~~treasurer of state~~ under 11773
~~section 113.061 of the Revised Code,~~ and commissioner, as follows: 11774
11775

(1) On or before the twenty-third day of each month, a seller 11776
or consumer shall remit an amount equal to seventy-five per cent 11777
of the anticipated tax liability for that month. 11778

(2) On or before the twenty-third day of each month, a seller 11779
shall report the taxes collected and a consumer shall report the 11780
taxes due for the previous month and shall remit that amount, less 11781
any amounts paid for that month as required by division (B)(1) of 11782
this section. 11783

The payment of taxes ~~by electronic funds transfer~~ on an 11784
accelerated basis under this section does not affect a seller's or 11785
consumer's obligation to file ~~the monthly return~~ returns and pay 11786
the tax shown on the returns to be due as required under section 11787
5741.12 of the Revised Code. 11788

(C) A seller or consumer required by this section to remit 11789
taxes ~~by electronic funds transfer~~ on an accelerated basis may 11790
apply to the ~~treasurer of state~~ tax commissioner in the manner 11791

prescribed by the ~~treasurer of state commissioner~~ to be excused 11792
from that requirement. The ~~treasurer of state commissioner~~ may 11793
excuse the seller or consumer from remittance ~~by electronic funds~~ 11794
~~transfer~~ on an accelerated basis for good cause shown for the 11795
period of time requested by the seller or consumer or for a 11796
portion of that period. ~~The treasurer of state shall notify the~~ 11797
~~tax commissioner and the seller or consumer of the treasurer of~~ 11798
~~state's decision as soon as is practicable.~~ 11799

(D)(1)(a) If a seller or consumer that is required to remit 11800
payments under division (B) of this section fails to make a 11801
payment required under division (B)(1) of this section, or makes a 11802
payment under division (B)(1) of this section that is less than 11803
seventy-five per cent of the actual liability for that month, the 11804
commissioner may impose an additional charge not to exceed five 11805
per cent of that unpaid amount. 11806

(b) Division (D)(1)(a) of this section does not apply if the 11807
seller's or consumer's payment under division (B)(1) of this 11808
section is equal to or greater than seventy-five per cent of the 11809
seller's or consumer's reported liability for the same month in 11810
the immediately preceding calendar year. 11811

~~(2) If a seller or consumer required by this section to remit~~ 11812
~~taxes by electronic funds transfer remits those taxes by some~~ 11813
~~means other than by electronic funds transfer as prescribed by the~~ 11814
~~rules adopted by the treasurer of state, and the treasurer of~~ 11815
~~state determines that such failure was not due to reasonable cause~~ 11816
~~or was due to willful neglect, the treasurer of state shall notify~~ 11817
~~the tax commissioner of the failure to remit by electronic funds~~ 11818
~~transfer and shall provide the commissioner with any information~~ 11819
~~used in making that determination. The tax commissioner may impose~~ 11820
~~an additional charge not to exceed the lesser of five per cent of~~ 11821
~~the amount of the taxes required to be paid by electronic funds~~ 11822
~~transfer or five thousand dollars.~~ 11823

~~(3)~~ Any additional charge imposed under division (D)(1) of 11824
this section is in addition to any other penalty or charge imposed 11825
under this chapter, and shall be considered as revenue arising 11826
from taxes imposed under this chapter. An additional charge may be 11827
collected by assessment in the manner prescribed by section 11828
5741.13 of the Revised Code. The tax commissioner may waive all or 11829
a portion of such a charge and may adopt rules governing such 11830
waiver. 11831

~~No additional charge shall be imposed under division (D)(2)~~ 11832
~~of this section against a seller or consumer that has been~~ 11833
~~notified of the obligation to remit taxes under this section and~~ 11834
~~that remits its first two tax payments after such notification by~~ 11835
~~some means other than electronic funds transfer. The additional~~ 11836
~~charge may be imposed upon the remittance of any subsequent tax~~ 11837
~~payment that the seller or consumer remits by some means other~~ 11838
~~than electronic funds transfer.~~ 11839

Sec. 5741.122. (A) If required by the tax commissioner, a 11840
person required to make payments ~~by electronic funds transfer~~ 11841
under section ~~5739.032~~ or 5741.121 of the Revised Code shall file 11842
all returns and reports electronically. The commissioner may 11843
require the person to use the Ohio business gateway, as defined in 11844
section 718.051 of the Revised Code, or any other electronic means 11845
approved by the commissioner, to file the returns and reports, or 11846
to remit the tax, in lieu of the manner prescribed ~~by the~~ 11847
~~treasurer of state~~ under ~~sections 5739.032 and~~ section 5741.121 of 11848
the Revised Code. 11849

(B) A person required under this section to file reports and 11850
returns electronically may apply to the tax commissioner to be 11851
excused from that requirement. Applications shall be made on a 11852
form prescribed by the commissioner. The commissioner may approve 11853
the application for good cause. 11854

(C)(1) If a person required to file a report or return 11855
electronically under this section fails to do so, the tax 11856
commissioner may impose an additional charge not to exceed the 11857
following: 11858

(a) For each of the first two failures, five per cent of the 11859
amount required to be reported on the report or return; 11860

(b) For the third and any subsequent failure, ten per cent of 11861
the amount required to be reported on the report or return. 11862

(2) The charges authorized under division (C)(1) of this 11863
section are in addition to any other charge or penalty authorized 11864
under this chapter, and shall be considered as revenue arising 11865
from taxes imposed under this chapter. An additional charge may be 11866
collected by assessment in the manner prescribed by section 11867
5741.13 of the Revised Code. The commissioner may waive all or a 11868
portion of such a charge and may adopt rules governing such 11869
waiver. 11870

Sec. 5743.021. (A) As used in this section, "qualifying 11871
regional arts and cultural district" means a regional arts and 11872
cultural district created under section 3381.04 of the Revised 11873
Code in a county having a population of one million two hundred 11874
thousand or more according to the 2000 federal decennial census. 11875

(B) For one or more of the purposes for which a tax may be 11876
levied under section 3381.16 of the Revised Code and for the 11877
purposes of paying the expenses of administering the tax and the 11878
expenses charged by a board of elections to hold an election on a 11879
question submitted under this section, the board of county 11880
commissioners of a county that has within its territorial 11881
boundaries a qualifying regional arts and cultural district may 11882
levy a tax on the sale of cigarettes sold for resale at retail in 11883
the county composing the district. The rate of the tax, when added 11884
to the rate of any other tax concurrently levied by the board 11885

under this section, shall not exceed fifteen mills per cigarette, 11886
and shall be computed on each cigarette sold. Only one sale of the 11887
same article shall be used in computing the amount of tax due. The 11888
tax may be levied for any number of years not exceeding ten years. 11889

The tax shall be levied pursuant to a resolution of the board 11890
of county commissioners approved by a majority of the electors in 11891
the county voting on the question of levying the tax. The 11892
resolution shall specify the rate of the tax, the number of years 11893
the tax will be levied, and the purposes for which the tax is 11894
levied. The election may be held on the date of a general, 11895
primary, or special election held not sooner than seventy-five 11896
days after the date the board certifies its resolution to the 11897
board of elections. If approved by the electors, the tax shall 11898
take effect on the first day of the month specified in the 11899
resolution but not sooner than the first day of the month that is 11900
at least sixty days after the certification of the election 11901
results by the board of elections. A copy of the resolution 11902
levying the tax shall be certified to the tax commissioner at 11903
least sixty days prior to the date on which the tax is to become 11904
effective. 11905

(C) The form of the ballot in an election held under this 11906
section shall be as follows, or in any other form acceptable to 11907
the secretary of state: 11908

"For the purpose of (insert the purpose or 11909
purposes of the tax), shall an excise tax be levied throughout 11910
..... County for the benefit of the (name of the 11911
qualifying regional arts and cultural district) on the sale of 11912
cigarettes at wholesale at the rate of mills per cigarette 11913
for years? 11914

	For the tax
--	-------------

11915
11916

	Against the tax	"
--	-----------------	---

11917

(D) The treasurer of state shall credit all moneys arising 11918
from taxes levied on behalf of each district under this section 11919
and section 5743.321 of the Revised Code as follows: 11920

(1) To the tax refund fund created by section 5703.052 of the 11921
Revised Code, amounts equal to the refunds from each tax levied 11922
under this section certified by the tax commissioner pursuant to 11923
section 5743.05 of the Revised Code; 11924

(2) Following the crediting of amounts pursuant to division 11925
(D)(1) of this section: 11926

(a) To the permissive tax distribution fund created under 11927
section 4301.423 of the Revised Code, an amount equal to 11928
ninety-eight per cent of the remainder collected; 11929

(b) To the local excise tax administrative fund, which is 11930
hereby created in the state treasury, an amount equal to two per 11931
cent of such remainder, for use by the tax commissioner in 11932
defraying costs incurred in administering the tax. 11933

On or before the second working day of each month, the 11934
treasurer of state shall certify to the tax commissioner the 11935
amount of taxes levied on behalf of each district under sections 11936
5743.021 and 5743.321 of the Revised Code and paid to the 11937
treasurer of state during the preceding month. 11938

On or before the tenth day of each month, the tax 11939
commissioner shall distribute the amount credited to the 11940
permissive tax distribution fund during the preceding month by 11941
providing for payment of the appropriate amount to the county 11942
treasurer of the county in which the tax is levied. 11943

(E) No tax shall be levied under this section on or after the 11944
effective date of the amendment of this section by the capital 11945
appropriations act of the 127th general assembly. This division 11946
does not prevent the collection of any tax levied under this 11947

section before that date so long as that tax remains effective. 11948

Sec. 5743.024. (A) For the purposes of section 307.696 of the 11949
Revised Code, to pay the expenses of administering the tax, and to 11950
pay any or all of the charge the board of elections makes against 11951
the county to hold the election on the question of levying the 11952
tax, or for such purposes and to provide revenues to the county 11953
for permanent improvements, the board of county commissioners may 11954
levy a tax on sales of cigarettes sold for resale at retail in the 11955
county. The tax shall not exceed two and twenty-five hundredths of 11956
a mill per cigarette, and shall be computed on each cigarette 11957
sold. The tax may be levied for any number of years not exceeding 11958
twenty. Only one sale of the same article shall be used in 11959
computing the amount of tax due. 11960

The tax shall be levied pursuant to a resolution of the 11961
county commissioners approved by a majority of the electors in the 11962
county voting on the question of levying the tax. The resolution 11963
shall specify the rate of the tax, the number of years the tax 11964
will be levied, and the purposes for which the tax is levied. Such 11965
election may be held on the date of a general or special election 11966
held not sooner than seventy-five days after the date the board 11967
certifies its resolution to the board of elections. If approved by 11968
the electors, the tax shall take effect on the first day of the 11969
month specified in the resolution but not sooner than the first 11970
day of the month that is at least sixty days after the 11971
certification of the election results by the board of elections. A 11972
copy of the resolution levying the tax shall be certified to the 11973
tax commissioner at least sixty days prior to the date on which 11974
the tax is to become effective. 11975

A resolution under this section may be joined on the ballot 11976
as a single question with a resolution adopted under section 11977
307.697 or 4301.421 of the Revised Code to levy a tax for the same 11978

purposes and for the purpose of paying the expenses of 11979
administering the tax. The form of the ballot in an election held 11980
pursuant to this section shall be as prescribed in section 307.697 11981
of the Revised Code. 11982

(B) The treasurer of state shall credit all moneys arising 11983
from each county's taxes levied under this section and section 11984
5743.323 of the Revised Code as follows: 11985

(1) To the tax refund fund created by section 5703.052 of the 11986
Revised Code, amounts equal to the refunds from each tax levied 11987
under this section certified by the tax commissioner pursuant to 11988
section 5743.05 of the Revised Code; 11989

(2) Following the crediting of amounts pursuant to division 11990
(B)(1) of this section: 11991

(a) To the permissive tax distribution fund created by 11992
division (B)(1) of section 4301.423 of the Revised Code, an amount 11993
equal to ninety-eight per cent of the remainder collected; 11994

(b) To the local excise tax administrative fund, which is 11995
hereby created in the state treasury, an amount equal to two per 11996
cent of such remainder, for use by the tax commissioner in 11997
defraying costs incurred in administering the tax. 11998

On or before the second working day of each month, the 11999
treasurer of state shall certify to the tax commissioner the 12000
amount of each county's taxes levied under sections 5743.024 and 12001
5743.323 and paid to the treasurer of state during the preceding 12002
month. 12003

On or before the tenth day of each month, the tax 12004
commissioner shall distribute the amount credited to the 12005
permissive tax distribution fund during the preceding month by 12006
providing for payment of the appropriate amount to the county 12007
treasurer of each county levying the tax. 12008

(C) The board of county commissioners of a county in which a tax is imposed under this section on ~~the effective date of this amendment~~ July 19, 1995, may levy a tax for the purpose of section 307.673 of the Revised Code regardless of whether or not the cooperative agreement authorized under that section has been entered into prior to the day the resolution adopted under division (C)(1) or (2) of this section is adopted, and for the purpose of reimbursing a county for costs incurred in the construction of a sports facility pursuant to an agreement entered into by the county under section 307.696 of the Revised Code. The tax shall be levied and approved in one of the manners prescribed by division (C)(1) or (2) of this section.

(1) The tax may be levied pursuant to a resolution adopted by a majority of the members of the board of county commissioners not later than forty-five days after ~~the effective date of this amendment~~ July 19, 1995. A board of county commissioners approving a tax under division (C)(1) of this section may approve a tax under division (D)(1) of section 307.697 or division (B)(1) of section 4301.421 of the Revised Code at the same time. Subject to the resolution being submitted to a referendum under sections 305.31 to 305.41 of the Revised Code, the resolution shall take effect immediately, but the tax levied pursuant to the resolution shall not be levied prior to the day following the last day taxes levied pursuant to division (A) of this section may be levied.

(2) The tax may be levied pursuant to a resolution adopted by a majority of the members of the board of county commissioners not later than forty-five days after ~~the effective date of this amendment~~ July 19, 1995, and approved by a majority of the electors of the county voting on the question of levying the tax at the next succeeding general election following ~~the effective date of this amendment~~ July 19, 1995. The board of county commissioners shall certify a copy of the resolution to the board

of elections immediately upon adopting a resolution under division 12041
(C)(2) of this section, and the board of elections shall place the 12042
question of levying the tax on the ballot at that election. The 12043
form of the ballot shall be as prescribed by division (C) of 12044
section 307.697 of the Revised Code, except that the phrase 12045
"paying not more than one-half of the costs of providing a sports 12046
facility together with related redevelopment and economic 12047
development projects" shall be replaced by the phrase "paying the 12048
costs of constructing or renovating a sports facility and 12049
reimbursing a county for costs incurred by the county in the 12050
construction of a sports facility," and the phrase ", beginning 12051
..... (here insert the earliest date the tax would take 12052
effect)" shall be appended after "years." A board of county 12053
commissioners submitting the question of a tax under division 12054
(C)(2) of this section may submit the question of a tax under 12055
division (D)(2) of section 307.697 or division (B)(2) of section 12056
4301.421 of the Revised Code as a single question, and the form of 12057
the ballot shall include each of the proposed taxes. 12058

If approved by a majority of electors voting on the question, 12059
the tax shall take effect on the day specified on the ballot, 12060
which shall not be earlier than the day following the last day the 12061
tax levied pursuant to division (A) of this section may be levied. 12062

The rate of a tax levied pursuant to division (C)(1) or (2) 12063
of this section shall not exceed the rate specified in division 12064
(A) of this section. A tax levied pursuant to division (C)(1) or 12065
(2) of this section may be levied for any number of years not 12066
exceeding twenty. 12067

A board of county commissioners adopting a resolution under 12068
this division shall certify a copy of the resolution to the tax 12069
commissioner immediately upon adoption of the resolution. 12070

(E) No tax shall be levied under this section on or after the 12071
effective date of the amendment of this section by the capital 12072

appropriations act of the 127th general assembly. This division 12073
does not prevent the collection of any tax levied under this 12074
section before that date so long as that tax remains effective. 12075

Sec. 5743.321. For the same purposes for which it levies a 12076
tax under section 5743.021 of the Revised Code, the board of 12077
county commissioners of a county that has within its territorial 12078
boundaries a qualifying regional arts and cultural district and 12079
that levies a tax under that section, by resolution adopted by a 12080
majority of the board, shall levy a tax at the same rate on the 12081
use, consumption, or storage for consumption of cigarettes by 12082
consumers in the county in which that tax is levied, provided that 12083
the tax shall not apply if the tax levied by section 5743.021 of 12084
the Revised Code has been paid. The tax shall take effect on the 12085
date that a tax levied under that section takes effect, and shall 12086
remain in effect as long as the tax levied under that section 12087
remains effective. 12088

No tax shall be levied under this section on or after the 12089
effective date of the amendment of this section by the capital 12090
appropriations act of the 127th general assembly. This paragraph 12091
does not prevent the collection of any tax levied under this 12092
section before that date so long as that tax remains effective. 12093

Sec. 5743.323. For the purposes of section 307.696 of the 12094
Revised Code and to pay the expenses of levying the tax or for 12095
such purposes and to provide revenues to the county for permanent 12096
improvements, the board of county commissioners of a county that 12097
levies a tax under division (A) or (C) of section 5743.024 of the 12098
Revised Code shall by resolution adopted by a majority of the 12099
board levy a tax at the same rate on the use, consumption, or 12100
storage for consumption of cigarettes by consumers in the county, 12101
provided that the tax shall not apply if the tax levied by 12102
division (A) or (C) of section 5743.024 of the Revised Code has 12103

been paid. The tax shall take effect on the date that a tax levied 12104
under division (A) or (C) of section 5743.024 of the Revised Code 12105
takes effect, and shall remain in effect as long as the tax levied 12106
under such division remains effective. 12107

No tax shall be levied under this section on or after the 12108
effective date of the amendment of this section by the capital 12109
appropriations act of the 127th general assembly. This paragraph 12110
does not prevent the collection of any tax levied under this 12111
section before that date so long as that tax remains effective. 12112

Sec. 5745.05. (A) Prior to the first day of March, June, 12113
September, and December, the tax commissioner shall certify to the 12114
director of budget and management the amount to be paid to each 12115
municipal corporation, as indicated on the declaration of 12116
estimated tax reports and annual reports received under sections 12117
5745.03 and 5745.04 of the Revised Code, less any amounts 12118
previously distributed and net of any audit adjustments made by 12119
the tax commissioner. Not later than the first day of March, June, 12120
September, and December, the director of budget and management 12121
shall provide for payment of the amount certified to each 12122
municipal corporation from the municipal income tax fund, plus a 12123
pro rata share of any investment earnings accruing to the fund 12124
since the previous payment under this section apportioned among 12125
municipal corporations entitled to such payments in proportion to 12126
the amount certified by the tax commissioner. All investment 12127
earnings on money in the municipal income tax fund shall be 12128
credited to that fund. 12129

(B) If the tax commissioner determines that the amount of tax 12130
paid by a taxpayer and distributed to a municipal corporation 12131
under this section for a taxable year exceeds the amount payable 12132
to that municipal corporation under this chapter after accounting 12133
for amounts remitted with the annual report and as estimated 12134

taxes, the tax commissioner shall permit the taxpayer to credit 12135
the excess against the taxpayer's payments to the municipal 12136
corporation of estimated taxes remitted for an ensuing taxable 12137
year under section 5745.04 of the Revised Code. If, upon the 12138
written request of the taxpayer, the tax commissioner determines 12139
that the excess to be so credited is likely to exceed the amount 12140
of estimated taxes payable by the taxpayer to the municipal 12141
corporation during the ensuing twelve months, the tax commissioner 12142
shall so notify the municipal corporation and the municipal 12143
corporation shall issue a refund of the excess to the taxpayer 12144
within ninety days after receiving such a notice. Interest shall 12145
accrue on the amount to be refunded and is payable to the taxpayer 12146
at the rate per annum prescribed by section 5703.47 of the Revised 12147
Code from the ninety-first day after the notice is received by the 12148
municipal corporation until the day the refund is paid. 12149
Immediately after notifying a municipal corporation under this 12150
division of an excess to be refunded, the commissioner also shall 12151
notify the director of budget and management of the amount of the 12152
excess, and the director shall transfer from the municipal income 12153
tax administrative fund to the municipal income tax fund one and 12154
one-half per cent of the amount of the excess. The commissioner 12155
shall include the transferred amount in the computation of the 12156
amount due the municipal corporation in the next certification to 12157
the director under division (A) of this section. 12158

Sec. 5747.01. Except as otherwise expressly provided or 12159
clearly appearing from the context, any term used in this chapter 12160
that is not otherwise defined in this section has the same meaning 12161
as when used in a comparable context in the laws of the United 12162
States relating to federal income taxes or if not used in a 12163
comparable context in those laws, has the same meaning as in 12164
section 5733.40 of the Revised Code. Any reference in this chapter 12165
to the Internal Revenue Code includes other laws of the United 12166

States relating to federal income taxes.	12167
As used in this chapter:	12168
(A) "Adjusted gross income" or "Ohio adjusted gross income"	12169
means federal adjusted gross income, as defined and used in the	12170
Internal Revenue Code, adjusted as provided in this section:	12171
(1) Add interest or dividends on obligations or securities of	12172
any state or of any political subdivision or authority of any	12173
state, other than this state and its subdivisions and authorities.	12174
(2) Add interest or dividends on obligations of any	12175
authority, commission, instrumentality, territory, or possession	12176
of the United States to the extent that the interest or dividends	12177
are exempt from federal income taxes but not from state income	12178
taxes.	12179
(3) Deduct interest or dividends on obligations of the United	12180
States and its territories and possessions or of any authority,	12181
commission, or instrumentality of the United States to the extent	12182
that the interest or dividends are included in federal adjusted	12183
gross income but exempt from state income taxes under the laws of	12184
the United States.	12185
(4) Deduct disability and survivor's benefits to the extent	12186
included in federal adjusted gross income.	12187
(5) Deduct benefits under Title II of the Social Security Act	12188
and tier 1 railroad retirement benefits to the extent included in	12189
federal adjusted gross income under section 86 of the Internal	12190
Revenue Code.	12191
(6) In the case of a taxpayer who is a beneficiary of a trust	12192
that makes an accumulation distribution as defined in section 665	12193
of the Internal Revenue Code, add, for the beneficiary's taxable	12194
years beginning before 2002, the portion, if any, of such	12195
distribution that does not exceed the undistributed net income of	12196

the trust for the three taxable years preceding the taxable year 12197
in which the distribution is made to the extent that the portion 12198
was not included in the trust's taxable income for any of the 12199
trust's taxable years beginning in 2002 or thereafter. 12200

"Undistributed net income of a trust" means the taxable income of 12201
the trust increased by (a)(i) the additions to adjusted gross 12202
income required under division (A) of this section and (ii) the 12203
personal exemptions allowed to the trust pursuant to section 12204
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 12205
deductions to adjusted gross income required under division (A) of 12206
this section, (ii) the amount of federal income taxes attributable 12207
to such income, and (iii) the amount of taxable income that has 12208
been included in the adjusted gross income of a beneficiary by 12209
reason of a prior accumulation distribution. Any undistributed net 12210
income included in the adjusted gross income of a beneficiary 12211
shall reduce the undistributed net income of the trust commencing 12212
with the earliest years of the accumulation period. 12213

(7) Deduct the amount of wages and salaries, if any, not 12214
otherwise allowable as a deduction but that would have been 12215
allowable as a deduction in computing federal adjusted gross 12216
income for the taxable year, had the targeted jobs credit allowed 12217
and determined under sections 38, 51, and 52 of the Internal 12218
Revenue Code not been in effect. 12219

(8) Deduct any interest or interest equivalent on public 12220
obligations and purchase obligations to the extent that the 12221
interest or interest equivalent is included in federal adjusted 12222
gross income. 12223

(9) Add any loss or deduct any gain resulting from the sale, 12224
exchange, or other disposition of public obligations to the extent 12225
that the loss has been deducted or the gain has been included in 12226
computing federal adjusted gross income. 12227

(10) Deduct or add amounts, as provided under section 5747.70 12228

of the Revised Code, related to contributions to variable college 12229
savings program accounts made or tuition units purchased pursuant 12230
to Chapter 3334. of the Revised Code. 12231

(11)(a) Deduct, to the extent not otherwise allowable as a 12232
deduction or exclusion in computing federal or Ohio adjusted gross 12233
income for the taxable year, the amount the taxpayer paid during 12234
the taxable year for medical care insurance and qualified 12235
long-term care insurance for the taxpayer, the taxpayer's spouse, 12236
and dependents. No deduction for medical care insurance under 12237
division (A)(11) of this section shall be allowed either to any 12238
taxpayer who is eligible to participate in any subsidized health 12239
plan maintained by any employer of the taxpayer or of the 12240
taxpayer's spouse, or to any taxpayer who is entitled to, or on 12241
application would be entitled to, benefits under part A of Title 12242
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 12243
301, as amended. For the purposes of division (A)(11)(a) of this 12244
section, "subsidized health plan" means a health plan for which 12245
the employer pays any portion of the plan's cost. The deduction 12246
allowed under division (A)(11)(a) of this section shall be the net 12247
of any related premium refunds, related premium reimbursements, or 12248
related insurance premium dividends received during the taxable 12249
year. 12250

(b) Deduct, to the extent not otherwise deducted or excluded 12251
in computing federal or Ohio adjusted gross income during the 12252
taxable year, the amount the taxpayer paid during the taxable 12253
year, not compensated for by any insurance or otherwise, for 12254
medical care of the taxpayer, the taxpayer's spouse, and 12255
dependents, to the extent the expenses exceed seven and one-half 12256
per cent of the taxpayer's federal adjusted gross income. 12257

(c) For purposes of division (A)(11) of this section, 12258
"medical care" has the meaning given in section 213 of the 12259
Internal Revenue Code, subject to the special rules, limitations, 12260

and exclusions set forth therein, and "qualified long-term care" 12261
has the same meaning given in section 7702B(c) of the Internal 12262
Revenue Code. 12263

(12)(a) Deduct any amount included in federal adjusted gross 12264
income solely because the amount represents a reimbursement or 12265
refund of expenses that in any year the taxpayer had deducted as 12266
an itemized deduction pursuant to section 63 of the Internal 12267
Revenue Code and applicable United States department of the 12268
treasury regulations. The deduction otherwise allowed under 12269
division (A)(12)(a) of this section shall be reduced to the extent 12270
the reimbursement is attributable to an amount the taxpayer 12271
deducted under this section in any taxable year. 12272

(b) Add any amount not otherwise included in Ohio adjusted 12273
gross income for any taxable year to the extent that the amount is 12274
attributable to the recovery during the taxable year of any amount 12275
deducted or excluded in computing federal or Ohio adjusted gross 12276
income in any taxable year. 12277

(13) Deduct any portion of the deduction described in section 12278
1341(a)(2) of the Internal Revenue Code, for repaying previously 12279
reported income received under a claim of right, that meets both 12280
of the following requirements: 12281

(a) It is allowable for repayment of an item that was 12282
included in the taxpayer's adjusted gross income for a prior 12283
taxable year and did not qualify for a credit under division (A) 12284
or (B) of section 5747.05 of the Revised Code for that year; 12285

(b) It does not otherwise reduce the taxpayer's adjusted 12286
gross income for the current or any other taxable year. 12287

(14) Deduct an amount equal to the deposits made to, and net 12288
investment earnings of, a medical savings account during the 12289
taxable year, in accordance with section 3924.66 of the Revised 12290
Code. The deduction allowed by division (A)(14) of this section 12291

does not apply to medical savings account deposits and earnings	12292
otherwise deducted or excluded for the current or any other	12293
taxable year from the taxpayer's federal adjusted gross income.	12294
(15)(a) Add an amount equal to the funds withdrawn from a	12295
medical savings account during the taxable year, and the net	12296
investment earnings on those funds, when the funds withdrawn were	12297
used for any purpose other than to reimburse an account holder	12298
for, or to pay, eligible medical expenses, in accordance with	12299
section 3924.66 of the Revised Code;	12300
(b) Add the amounts distributed from a medical savings	12301
account under division (A)(2) of section 3924.68 of the Revised	12302
Code during the taxable year.	12303
(16) Add any amount claimed as a credit under section	12304
5747.059 of the Revised Code to the extent that such amount	12305
satisfies either of the following:	12306
(a) The amount was deducted or excluded from the computation	12307
of the taxpayer's federal adjusted gross income as required to be	12308
reported for the taxpayer's taxable year under the Internal	12309
Revenue Code;	12310
(b) The amount resulted in a reduction of the taxpayer's	12311
federal adjusted gross income as required to be reported for any	12312
of the taxpayer's taxable years under the Internal Revenue Code.	12313
(17) Deduct the amount contributed by the taxpayer to an	12314
individual development account program established by a county	12315
department of job and family services pursuant to sections 329.11	12316
to 329.14 of the Revised Code for the purpose of matching funds	12317
deposited by program participants. On request of the tax	12318
commissioner, the taxpayer shall provide any information that, in	12319
the tax commissioner's opinion, is necessary to establish the	12320
amount deducted under division (A)(17) of this section.	12321
(18) Beginning in taxable year 2001 but not for any taxable	12322

year beginning after December 31, 2005, if the taxpayer is married 12323
and files a joint return and the combined federal adjusted gross 12324
income of the taxpayer and the taxpayer's spouse for the taxable 12325
year does not exceed one hundred thousand dollars, or if the 12326
taxpayer is single and has a federal adjusted gross income for the 12327
taxable year not exceeding fifty thousand dollars, deduct amounts 12328
paid during the taxable year for qualified tuition and fees paid 12329
to an eligible institution for the taxpayer, the taxpayer's 12330
spouse, or any dependent of the taxpayer, who is a resident of 12331
this state and is enrolled in or attending a program that 12332
culminates in a degree or diploma at an eligible institution. The 12333
deduction may be claimed only to the extent that qualified tuition 12334
and fees are not otherwise deducted or excluded for any taxable 12335
year from federal or Ohio adjusted gross income. The deduction may 12336
not be claimed for educational expenses for which the taxpayer 12337
claims a credit under section 5747.27 of the Revised Code. 12338

(19) Add any reimbursement received during the taxable year 12339
of any amount the taxpayer deducted under division (A)(18) of this 12340
section in any previous taxable year to the extent the amount is 12341
not otherwise included in Ohio adjusted gross income. 12342

(20)(a)(i) Add five-sixths of the amount of depreciation 12343
expense allowed by subsection (k) of section 168 of the Internal 12344
Revenue Code, including the taxpayer's proportionate or 12345
distributive share of the amount of depreciation expense allowed 12346
by that subsection to a pass-through entity in which the taxpayer 12347
has a direct or indirect ownership interest. 12348

(ii) Add five-sixths of the amount of qualifying section 179 12349
depreciation expense, including a person's proportionate or 12350
distributive share of the amount of qualifying section 179 12351
depreciation expense allowed to any pass-through entity in which 12352
the person has a direct or indirect ownership. For the purposes of 12353
this division, "qualifying section 179 depreciation expense" means 12354

the difference between (I) the amount of depreciation expense 12355
directly or indirectly allowed to the taxpayer under section 179 12356
of the Internal Revenue Code, and (II) the amount of depreciation 12357
expense directly or indirectly allowed to the taxpayer under 12358
section 179 of the Internal Revenue Code as that section existed 12359
on December 31, 2002. 12360

The tax commissioner, under procedures established by the 12361
commissioner, may waive the add-backs related to a pass-through 12362
entity if the taxpayer owns, directly or indirectly, less than 12363
five per cent of the pass-through entity. 12364

(b) Nothing in division (A)(20) of this section shall be 12365
construed to adjust or modify the adjusted basis of any asset. 12366

(c) To the extent the add-back required under division 12367
(A)(20)(a) of this section is attributable to property generating 12368
nonbusiness income or loss allocated under section 5747.20 of the 12369
Revised Code, the add-back shall be situated to the same location 12370
as the nonbusiness income or loss generated by the property for 12371
the purpose of determining the credit under division (A) of 12372
section 5747.05 of the Revised Code. Otherwise, the add-back shall 12373
be apportioned, subject to one or more of the four alternative 12374
methods of apportionment enumerated in section 5747.21 of the 12375
Revised Code. 12376

(d) For the purposes of division (A) of this section, net 12377
operating loss carryback and carryforward shall not include 12378
five-sixths of the allowance of any net operating loss deduction 12379
carryback or carryforward to the taxable year to the extent such 12380
loss resulted from depreciation allowed by section 168(k) of the 12381
Internal Revenue Code and by the qualifying section 179 12382
depreciation expense amount. 12383

(21)(a) If the taxpayer was required to add an amount under 12384
division (A)(20)(a) of this section for a taxable year, deduct 12385

one-fifth of the amount so added for each of the five succeeding taxable years. 12386
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(b) If the amount deducted under division (A)(21)(a) of this section is attributable to an add-back allocated under division (A)(20)(c) of this section, the amount deducted shall be situated to the same location. Otherwise, the add-back shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code. 12388
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(c) No deduction is available under division (A)(21)(a) of this section with regard to any depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount to the extent that such depreciation resulted in or increased a federal net operating loss carryback or carryforward to a taxable year to which division (A)(20)(d) of this section does not apply. 12396
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(22) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year as reimbursement for life insurance premiums under section 5919.31 of the Revised Code. 12403
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(23) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year as a death benefit paid by the adjutant general under section 5919.33 of the Revised Code. 12408
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(24) Deduct, to the extent included in federal adjusted gross income and not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year, military pay and allowances received by the taxpayer during 12413
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the taxable year for active duty service in the United States 12417
army, air force, navy, marine corps, or coast guard or reserve 12418
components thereof or the national guard. The deduction may not be 12419
claimed for military pay and allowances received by the taxpayer 12420
while the taxpayer is stationed in this state. 12421

(25) Deduct, to the extent not otherwise allowable as a 12422
deduction or exclusion in computing federal or Ohio adjusted gross 12423
income for the taxable year and not otherwise compensated for by 12424
any other source, the amount of qualified organ donation expenses 12425
incurred by the taxpayer during the taxable year, not to exceed 12426
ten thousand dollars. A taxpayer may deduct qualified organ 12427
donation expenses only once for all taxable years beginning with 12428
taxable years beginning in 2007. 12429

For the purposes of division (A)(25) of this section: 12430

(a) "Human organ" means all or any portion of a human liver, 12431
pancreas, kidney, intestine, or lung, and any portion of human 12432
bone marrow. 12433

(b) "Qualified organ donation expenses" means travel 12434
expenses, lodging expenses, and wages and salary forgone by a 12435
taxpayer in connection with the taxpayer's donation, while living, 12436
of one or more of the taxpayer's human organs to another human 12437
being. 12438

(26) Deduct, to the extent not otherwise deducted or excluded 12439
in computing federal or Ohio adjusted gross income for the taxable 12440
year, amounts received by the taxpayer as retired military 12441
personnel pay for service in the United States army, navy, air 12442
force, coast guard, or marine corps or reserve components thereof, 12443
or the national guard. If the taxpayer receives income on account 12444
of retirement paid under the federal civil service retirement 12445
system or federal employees retirement system, or under any 12446
successor retirement program enacted by the congress of the United 12447

States that is established and maintained for retired employees of 12448
the United States government, and such retirement income is based, 12449
in whole or in part, on credit for the taxpayer's military 12450
service, the deduction allowed under this division shall include 12451
only that portion of such retirement income that is attributable 12452
to the taxpayer's military service, to the extent that portion of 12453
such retirement income is otherwise included in federal adjusted 12454
gross income and is not otherwise deducted under this section. Any 12455
amount deducted under division (A)(26) of this section is not 12456
included in the taxpayer's adjusted gross income for the purposes 12457
of section 5747.055 of the Revised Code. No amount may be deducted 12458
under division (A)(26) of this section on the basis of which a 12459
credit was claimed under section 5747.055 of the Revised Code. 12460

(27) Deduct, to the extent not otherwise deducted or excluded 12462
in computing federal or Ohio adjusted gross income for the taxable 12463
year, the amount the taxpayer received during the taxable year 12464
from the military injury relief fund created in section 5101.98 of 12465
the Revised Code. 12466

(B) "Business income" means income, including gain or loss, 12467
arising from transactions, activities, and sources in the regular 12468
course of a trade or business and includes income, gain, or loss 12469
from real property, tangible property, and intangible property if 12470
the acquisition, rental, management, and disposition of the 12471
property constitute integral parts of the regular course of a 12472
trade or business operation. "Business income" includes income, 12473
including gain or loss, from a partial or complete liquidation of 12474
a business, including, but not limited to, gain or loss from the 12475
sale or other disposition of goodwill. 12476

(C) "Nonbusiness income" means all income other than business 12477
income and may include, but is not limited to, compensation, rents 12478
and royalties from real or tangible personal property, capital 12479

gains, interest, dividends and distributions, patent or copyright 12480
royalties, or lottery winnings, prizes, and awards. 12481

(D) "Compensation" means any form of remuneration paid to an 12482
employee for personal services. 12483

(E) "Fiduciary" means a guardian, trustee, executor, 12484
administrator, receiver, conservator, or any other person acting 12485
in any fiduciary capacity for any individual, trust, or estate. 12486

(F) "Fiscal year" means an accounting period of twelve months 12487
ending on the last day of any month other than December. 12488

(G) "Individual" means any natural person. 12489

(H) "Internal Revenue Code" means the "Internal Revenue Code 12490
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 12491

(I) "Resident" means any of the following, provided that 12492
division (I)(3) of this section applies only to taxable years of a 12493
trust beginning in 2002 or thereafter: 12494

(1) An individual who is domiciled in this state, subject to 12495
section 5747.24 of the Revised Code; 12496

(2) The estate of a decedent who at the time of death was 12497
domiciled in this state. The domicile tests of section 5747.24 of 12498
the Revised Code are not controlling for purposes of division 12499
(I)(2) of this section. 12500

(3) A trust that, in whole or part, resides in this state. If 12501
only part of a trust resides in this state, the trust is a 12502
resident only with respect to that part. 12503

For the purposes of division (I)(3) of this section: 12504

(a) A trust resides in this state for the trust's current 12505
taxable year to the extent, as described in division (I)(3)(d) of 12506
this section, that the trust consists directly or indirectly, in 12507
whole or in part, of assets, net of any related liabilities, that 12508
were transferred, or caused to be transferred, directly or 12509

indirectly, to the trust by any of the following: 12510

(i) A person, a court, or a governmental entity or 12511
instrumentality on account of the death of a decedent, but only if 12512
the trust is described in division (I)(3)(e)(i) or (ii) of this 12513
section; 12514

(ii) A person who was domiciled in this state for the 12515
purposes of this chapter when the person directly or indirectly 12516
transferred assets to an irrevocable trust, but only if at least 12517
one of the trust's qualifying beneficiaries is domiciled in this 12518
state for the purposes of this chapter during all or some portion 12519
of the trust's current taxable year; 12520

(iii) A person who was domiciled in this state for the 12521
purposes of this chapter when the trust document or instrument or 12522
part of the trust document or instrument became irrevocable, but 12523
only if at least one of the trust's qualifying beneficiaries is a 12524
resident domiciled in this state for the purposes of this chapter 12525
during all or some portion of the trust's current taxable year. If 12526
a trust document or instrument became irrevocable upon the death 12527
of a person who at the time of death was domiciled in this state 12528
for purposes of this chapter, that person is a person described in 12529
division (I)(3)(a)(iii) of this section. 12530

(b) A trust is irrevocable to the extent that the transferor 12531
is not considered to be the owner of the net assets of the trust 12532
under sections 671 to 678 of the Internal Revenue Code. 12533

(c) With respect to a trust other than a charitable lead 12534
trust, "qualifying beneficiary" has the same meaning as "potential 12535
current beneficiary" as defined in section 1361(e)(2) of the 12536
Internal Revenue Code, and with respect to a charitable lead trust 12537
"qualifying beneficiary" is any current, future, or contingent 12538
beneficiary, but with respect to any trust "qualifying 12539
beneficiary" excludes a person or a governmental entity or 12540

instrumentality to any of which a contribution would qualify for 12541
the charitable deduction under section 170 of the Internal Revenue 12542
Code. 12543

(d) For the purposes of division (I)(3)(a) of this section, 12544
the extent to which a trust consists directly or indirectly, in 12545
whole or in part, of assets, net of any related liabilities, that 12546
were transferred directly or indirectly, in whole or part, to the 12547
trust by any of the sources enumerated in that division shall be 12548
ascertained by multiplying the fair market value of the trust's 12549
assets, net of related liabilities, by the qualifying ratio, which 12550
shall be computed as follows: 12551

(i) The first time the trust receives assets, the numerator 12552
of the qualifying ratio is the fair market value of those assets 12553
at that time, net of any related liabilities, from sources 12554
enumerated in division (I)(3)(a) of this section. The denominator 12555
of the qualifying ratio is the fair market value of all the 12556
trust's assets at that time, net of any related liabilities. 12557

(ii) Each subsequent time the trust receives assets, a 12558
revised qualifying ratio shall be computed. The numerator of the 12559
revised qualifying ratio is the sum of (1) the fair market value 12560
of the trust's assets immediately prior to the subsequent 12561
transfer, net of any related liabilities, multiplied by the 12562
qualifying ratio last computed without regard to the subsequent 12563
transfer, and (2) the fair market value of the subsequently 12564
transferred assets at the time transferred, net of any related 12565
liabilities, from sources enumerated in division (I)(3)(a) of this 12566
section. The denominator of the revised qualifying ratio is the 12567
fair market value of all the trust's assets immediately after the 12568
subsequent transfer, net of any related liabilities. 12569

(iii) Whether a transfer to the trust is by or from any of 12570
the sources enumerated in division (I)(3)(a) of this section shall 12571
be ascertained without regard to the domicile of the trust's 12572

beneficiaries. 12573

(e) For the purposes of division (I)(3)(a)(i) of this 12574
section: 12575

(i) A trust is described in division (I)(3)(e)(i) of this 12576
section if the trust is a testamentary trust and the testator of 12577
that testamentary trust was domiciled in this state at the time of 12578
the testator's death for purposes of the taxes levied under 12579
Chapter 5731. of the Revised Code. 12580

(ii) A trust is described in division (I)(3)(e)(ii) of this 12581
section if the transfer is a qualifying transfer described in any 12582
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 12583
irrevocable inter vivos trust, and at least one of the trust's 12584
qualifying beneficiaries is domiciled in this state for purposes 12585
of this chapter during all or some portion of the trust's current 12586
taxable year. 12587

(f) For the purposes of division (I)(3)(e)(ii) of this 12588
section, a "qualifying transfer" is a transfer of assets, net of 12589
any related liabilities, directly or indirectly to a trust, if the 12590
transfer is described in any of the following: 12591

(i) The transfer is made to a trust, created by the decedent 12592
before the decedent's death and while the decedent was domiciled 12593
in this state for the purposes of this chapter, and, prior to the 12594
death of the decedent, the trust became irrevocable while the 12595
decedent was domiciled in this state for the purposes of this 12596
chapter. 12597

(ii) The transfer is made to a trust to which the decedent, 12598
prior to the decedent's death, had directly or indirectly 12599
transferred assets, net of any related liabilities, while the 12600
decedent was domiciled in this state for the purposes of this 12601
chapter, and prior to the death of the decedent the trust became 12602
irrevocable while the decedent was domiciled in this state for the 12603

purposes of this chapter. 12604

(iii) The transfer is made on account of a contractual 12605
relationship existing directly or indirectly between the 12606
transferor and either the decedent or the estate of the decedent 12607
at any time prior to the date of the decedent's death, and the 12608
decedent was domiciled in this state at the time of death for 12609
purposes of the taxes levied under Chapter 5731. of the Revised 12610
Code. 12611

(iv) The transfer is made to a trust on account of a 12612
contractual relationship existing directly or indirectly between 12613
the transferor and another person who at the time of the 12614
decedent's death was domiciled in this state for purposes of this 12615
chapter. 12616

(v) The transfer is made to a trust on account of the will of 12617
a testator. 12618

(vi) The transfer is made to a trust created by or caused to 12619
be created by a court, and the trust was directly or indirectly 12620
created in connection with or as a result of the death of an 12621
individual who, for purposes of the taxes levied under Chapter 12622
5731. of the Revised Code, was domiciled in this state at the time 12623
of the individual's death. 12624

(g) The tax commissioner may adopt rules to ascertain the 12625
part of a trust residing in this state. 12626

(J) "Nonresident" means an individual or estate that is not a 12627
resident. An individual who is a resident for only part of a 12628
taxable year is a nonresident for the remainder of that taxable 12629
year. 12630

(K) "Pass-through entity" has the same meaning as in section 12631
5733.04 of the Revised Code. 12632

(L) "Return" means the notifications and reports required to 12633

be filed pursuant to this chapter for the purpose of reporting the 12634
tax due and includes declarations of estimated tax when so 12635
required. 12636

(M) "Taxable year" means the calendar year or the taxpayer's 12637
fiscal year ending during the calendar year, or fractional part 12638
thereof, upon which the adjusted gross income is calculated 12639
pursuant to this chapter. 12640

(N) "Taxpayer" means any person subject to the tax imposed by 12641
section 5747.02 of the Revised Code or any pass-through entity 12642
that makes the election under division (D) of section 5747.08 of 12643
the Revised Code. 12644

(O) "Dependents" means dependents as defined in the Internal 12645
Revenue Code and as claimed in the taxpayer's federal income tax 12646
return for the taxable year or which the taxpayer would have been 12647
permitted to claim had the taxpayer filed a federal income tax 12648
return. 12649

(P) "Principal county of employment" means, in the case of a 12650
nonresident, the county within the state in which a taxpayer 12651
performs services for an employer or, if those services are 12652
performed in more than one county, the county in which the major 12653
portion of the services are performed. 12654

(Q) As used in sections 5747.50 to 5747.55 of the Revised 12655
Code: 12656

(1) "Subdivision" means any county, municipal corporation, 12657
park district, or township. 12658

(2) "Essential local government purposes" includes all 12659
functions that any subdivision is required by general law to 12660
exercise, including like functions that are exercised under a 12661
charter adopted pursuant to the Ohio Constitution. 12662

(R) "Overpayment" means any amount already paid that exceeds 12663

the figure determined to be the correct amount of the tax. 12664

(S) "Taxable income" or "Ohio taxable income" applies only to 12665
estates and trusts, and means federal taxable income, as defined 12666
and used in the Internal Revenue Code, adjusted as follows: 12667

(1) Add interest or dividends, net of ordinary, necessary, 12668
and reasonable expenses not deducted in computing federal taxable 12669
income, on obligations or securities of any state or of any 12670
political subdivision or authority of any state, other than this 12671
state and its subdivisions and authorities, but only to the extent 12672
that such net amount is not otherwise includible in Ohio taxable 12673
income and is described in either division (S)(1)(a) or (b) of 12674
this section: 12675

(a) The net amount is not attributable to the S portion of an 12676
electing small business trust and has not been distributed to 12677
beneficiaries for the taxable year; 12678

(b) The net amount is attributable to the S portion of an 12679
electing small business trust for the taxable year. 12680

(2) Add interest or dividends, net of ordinary, necessary, 12681
and reasonable expenses not deducted in computing federal taxable 12682
income, on obligations of any authority, commission, 12683
instrumentality, territory, or possession of the United States to 12684
the extent that the interest or dividends are exempt from federal 12685
income taxes but not from state income taxes, but only to the 12686
extent that such net amount is not otherwise includible in Ohio 12687
taxable income and is described in either division (S)(1)(a) or 12688
(b) of this section; 12689

(3) Add the amount of personal exemption allowed to the 12690
estate pursuant to section 642(b) of the Internal Revenue Code; 12691

(4) Deduct interest or dividends, net of related expenses 12692
deducted in computing federal taxable income, on obligations of 12693
the United States and its territories and possessions or of any 12694

authority, commission, or instrumentality of the United States to 12695
the extent that the interest or dividends are exempt from state 12696
taxes under the laws of the United States, but only to the extent 12697
that such amount is included in federal taxable income and is 12698
described in either division (S)(1)(a) or (b) of this section; 12699

(5) Deduct the amount of wages and salaries, if any, not 12700
otherwise allowable as a deduction but that would have been 12701
allowable as a deduction in computing federal taxable income for 12702
the taxable year, had the targeted jobs credit allowed under 12703
sections 38, 51, and 52 of the Internal Revenue Code not been in 12704
effect, but only to the extent such amount relates either to 12705
income included in federal taxable income for the taxable year or 12706
to income of the S portion of an electing small business trust for 12707
the taxable year; 12708

(6) Deduct any interest or interest equivalent, net of 12709
related expenses deducted in computing federal taxable income, on 12710
public obligations and purchase obligations, but only to the 12711
extent that such net amount relates either to income included in 12712
federal taxable income for the taxable year or to income of the S 12713
portion of an electing small business trust for the taxable year; 12714

(7) Add any loss or deduct any gain resulting from sale, 12715
exchange, or other disposition of public obligations to the extent 12716
that such loss has been deducted or such gain has been included in 12717
computing either federal taxable income or income of the S portion 12718
of an electing small business trust for the taxable year; 12719

(8) Except in the case of the final return of an estate, add 12720
any amount deducted by the taxpayer on both its Ohio estate tax 12721
return pursuant to section 5731.14 of the Revised Code, and on its 12722
federal income tax return in determining federal taxable income; 12723

(9)(a) Deduct any amount included in federal taxable income 12724
solely because the amount represents a reimbursement or refund of 12725

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.

(b) Add any amount not otherwise included in Ohio taxable income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio taxable income in any taxable year, but only to the extent such amount has not been distributed to beneficiaries for the taxable year.

(10) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was included in the taxpayer's taxable income or the decedent's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year.

(b) It does not otherwise reduce the taxpayer's taxable income or the decedent's adjusted gross income for the current or any other taxable year.

(11) Add any amount claimed as a credit under section 5747.059 of the Revised Code to the extent that the amount satisfies either of the following:

(a) The amount was deducted or excluded from the computation of the taxpayer's federal taxable income as required to be reported for the taxpayer's taxable year under the Internal

Revenue Code; 12757

(b) The amount resulted in a reduction in the taxpayer's 12758
federal taxable income as required to be reported for any of the 12759
taxpayer's taxable years under the Internal Revenue Code. 12760

(12) Deduct any amount, net of related expenses deducted in 12761
computing federal taxable income, that a trust is required to 12762
report as farm income on its federal income tax return, but only 12763
if the assets of the trust include at least ten acres of land 12764
satisfying the definition of "land devoted exclusively to 12765
agricultural use" under section 5713.30 of the Revised Code, 12766
regardless of whether the land is valued for tax purposes as such 12767
land under sections 5713.30 to 5713.38 of the Revised Code. If the 12768
trust is a pass-through entity investor, section 5747.231 of the 12769
Revised Code applies in ascertaining if the trust is eligible to 12770
claim the deduction provided by division (S)(12) of this section 12771
in connection with the pass-through entity's farm income. 12772

Except for farm income attributable to the S portion of an 12773
electing small business trust, the deduction provided by division 12774
(S)(12) of this section is allowed only to the extent that the 12775
trust has not distributed such farm income. Division (S)(12) of 12776
this section applies only to taxable years of a trust beginning in 12777
2002 or thereafter. 12778

(13) Add the net amount of income described in section 641(c) 12779
of the Internal Revenue Code to the extent that amount is not 12780
included in federal taxable income. 12781

(14) Add or deduct the amount the taxpayer would be required 12782
to add or deduct under division (A)(20) or (21) of this section if 12783
the taxpayer's Ohio taxable income were computed in the same 12784
manner as an individual's Ohio adjusted gross income is computed 12785
under this section. In the case of a trust, division (S)(14) of 12786
this section applies only to any of the trust's taxable years 12787

beginning in 2002 or thereafter.	12788
(T) "School district income" and "school district income tax"	12789
have the same meanings as in section 5748.01 of the Revised Code.	12790
(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7)	12791
of this section, "public obligations," "purchase obligations," and	12792
"interest or interest equivalent" have the same meanings as in	12793
section 5709.76 of the Revised Code.	12794
(V) "Limited liability company" means any limited liability	12795
company formed under Chapter 1705. of the Revised Code or under	12796
the laws of any other state.	12797
(W) "Pass-through entity investor" means any person who,	12798
during any portion of a taxable year of a pass-through entity, is	12799
a partner, member, shareholder, or equity investor in that	12800
pass-through entity.	12801
(X) "Banking day" has the same meaning as in section 1304.01	12802
of the Revised Code.	12803
(Y) "Month" means a calendar month.	12804
(Z) "Quarter" means the first three months, the second three	12805
months, the third three months, or the last three months of the	12806
taxpayer's taxable year.	12807
(AA)(1) "Eligible institution" means a state university or	12808
state institution of higher education as defined in section	12809
3345.011 of the Revised Code, or a private, nonprofit college,	12810
university, or other post-secondary institution located in this	12811
state that possesses a certificate of authorization issued by the	12812
Ohio board of regents pursuant to Chapter 1713. of the Revised	12813
Code or a certificate of registration issued by the state board of	12814
career colleges and schools under Chapter 3332. of the Revised	12815
Code.	12816
(2) "Qualified tuition and fees" means tuition and fees	12817

imposed by an eligible institution as a condition of enrollment or attendance, not exceeding two thousand five hundred dollars in each of the individual's first two years of post-secondary education. If the individual is a part-time student, "qualified tuition and fees" includes tuition and fees paid for the academic equivalent of the first two years of post-secondary education during a maximum of five taxable years, not exceeding a total of five thousand dollars. "Qualified tuition and fees" does not include:

(a) Expenses for any course or activity involving sports, games, or hobbies unless the course or activity is part of the individual's degree or diploma program;

(b) The cost of books, room and board, student activity fees, athletic fees, insurance expenses, or other expenses unrelated to the individual's academic course of instruction;

(c) Tuition, fees, or other expenses paid or reimbursed through an employer, scholarship, grant in aid, or other educational benefit program.

(BB)(1) "Modified business income" means the business income included in a trust's Ohio taxable income after such taxable income is first reduced by the qualifying trust amount, if any.

(2) "Qualifying trust amount" of a trust means capital gains and losses from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, a qualifying investee to the extent included in the trust's Ohio taxable income, but only if the following requirements are satisfied:

(a) The book value of the qualifying investee's physical assets in this state and everywhere, as of the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, is available to the trust.

(b) The requirements of section 5747.011 of the Revised Code 12849
are satisfied for the trust's taxable year in which the trust 12850
recognizes the gain or loss. 12851

Any gain or loss that is not a qualifying trust amount is 12852
modified business income, qualifying investment income, or 12853
modified nonbusiness income, as the case may be. 12854

(3) "Modified nonbusiness income" means a trust's Ohio 12855
taxable income other than modified business income, other than the 12856
qualifying trust amount, and other than qualifying investment 12857
income, as defined in section 5747.012 of the Revised Code, to the 12858
extent such qualifying investment income is not otherwise part of 12859
modified business income. 12860

(4) "Modified Ohio taxable income" applies only to trusts, 12861
and means the sum of the amounts described in divisions (BB)(4)(a) 12862
to (c) of this section: 12863

(a) The fraction, calculated under section 5747.013, and 12864
applying section 5747.231 of the Revised Code, multiplied by the 12865
sum of the following amounts: 12866

(i) The trust's modified business income; 12867

(ii) The trust's qualifying investment income, as defined in 12868
section 5747.012 of the Revised Code, but only to the extent the 12869
qualifying investment income does not otherwise constitute 12870
modified business income and does not otherwise constitute a 12871
qualifying trust amount. 12872

(b) The qualifying trust amount multiplied by a fraction, the 12873
numerator of which is the sum of the book value of the qualifying 12874
investee's physical assets in this state on the last day of the 12875
qualifying investee's fiscal or calendar year ending immediately 12876
prior to the day on which the trust recognizes the qualifying 12877
trust amount, and the denominator of which is the sum of the book 12878
value of the qualifying investee's total physical assets 12879

everywhere on the last day of the qualifying investee's fiscal or 12880
calendar year ending immediately prior to the day on which the 12881
trust recognizes the qualifying trust amount. If, for a taxable 12882
year, the trust recognizes a qualifying trust amount with respect 12883
to more than one qualifying investee, the amount described in 12884
division (BB)(4)(b) of this section shall equal the sum of the 12885
products so computed for each such qualifying investee. 12886

(c)(i) With respect to a trust or portion of a trust that is 12887
a resident as ascertained in accordance with division (I)(3)(d) of 12888
this section, its modified nonbusiness income. 12889

(ii) With respect to a trust or portion of a trust that is 12890
not a resident as ascertained in accordance with division 12891
(I)(3)(d) of this section, the amount of its modified nonbusiness 12892
income satisfying the descriptions in divisions (B)(2) to (5) of 12893
section 5747.20 of the Revised Code, except as otherwise provided 12894
in division (BB)(4)(c)(ii) of this section. With respect to a 12895
trust or portion of a trust that is not a resident as ascertained 12896
in accordance with division (I)(3)(d) of this section, the trust's 12897
portion of modified nonbusiness income recognized from the sale, 12898
exchange, or other disposition of a debt interest in or equity 12899
interest in a section 5747.212 entity, as defined in section 12900
5747.212 of the Revised Code, without regard to division (A) of 12901
that section, shall not be allocated to this state in accordance 12902
with section 5747.20 of the Revised Code but shall be apportioned 12903
to this state in accordance with division (B) of section 5747.212 12904
of the Revised Code without regard to division (A) of that 12905
section. 12906

If the allocation and apportionment of a trust's income under 12907
divisions (BB)(4)(a) and (c) of this section do not fairly 12908
represent the modified Ohio taxable income of the trust in this 12909
state, the alternative methods described in division (C) of 12910
section 5747.21 of the Revised Code may be applied in the manner 12911

and to the same extent provided in that section. 12912

(5)(a) Except as set forth in division (BB)(5)(b) of this 12913
section, "qualifying investee" means a person in which a trust has 12914
an equity or ownership interest, or a person or unit of government 12915
the debt obligations of either of which are owned by a trust. For 12916
the purposes of division (BB)(2)(a) of this section and for the 12917
purpose of computing the fraction described in division (BB)(4)(b) 12918
of this section, all of the following apply: 12919

(i) If the qualifying investee is a member of a qualifying 12920
controlled group on the last day of the qualifying investee's 12921
fiscal or calendar year ending immediately prior to the date on 12922
which the trust recognizes the gain or loss, then "qualifying 12923
investee" includes all persons in the qualifying controlled group 12924
on such last day. 12925

(ii) If the qualifying investee, or if the qualifying 12926
investee and any members of the qualifying controlled group of 12927
which the qualifying investee is a member on the last day of the 12928
qualifying investee's fiscal or calendar year ending immediately 12929
prior to the date on which the trust recognizes the gain or loss, 12930
separately or cumulatively own, directly or indirectly, on the 12931
last day of the qualifying investee's fiscal or calendar year 12932
ending immediately prior to the date on which the trust recognizes 12933
the qualifying trust amount, more than fifty per cent of the 12934
equity of a pass-through entity, then the qualifying investee and 12935
the other members are deemed to own the proportionate share of the 12936
pass-through entity's physical assets which the pass-through 12937
entity directly or indirectly owns on the last day of the 12938
pass-through entity's calendar or fiscal year ending within or 12939
with the last day of the qualifying investee's fiscal or calendar 12940
year ending immediately prior to the date on which the trust 12941
recognizes the qualifying trust amount. 12942

(iii) For the purposes of division (BB)(5)(a)(iii) of this 12943

section, "upper level pass-through entity" means a pass-through 12944
entity directly or indirectly owning any equity of another 12945
pass-through entity, and "lower level pass-through entity" means 12946
that other pass-through entity. 12947

An upper level pass-through entity, whether or not it is also 12948
a qualifying investee, is deemed to own, on the last day of the 12949
upper level pass-through entity's calendar or fiscal year, the 12950
proportionate share of the lower level pass-through entity's 12951
physical assets that the lower level pass-through entity directly 12952
or indirectly owns on the last day of the lower level pass-through 12953
entity's calendar or fiscal year ending within or with the last 12954
day of the upper level pass-through entity's fiscal or calendar 12955
year. If the upper level pass-through entity directly and 12956
indirectly owns less than fifty per cent of the equity of the 12957
lower level pass-through entity on each day of the upper level 12958
pass-through entity's calendar or fiscal year in which or with 12959
which ends the calendar or fiscal year of the lower level 12960
pass-through entity and if, based upon clear and convincing 12961
evidence, complete information about the location and cost of the 12962
physical assets of the lower pass-through entity is not available 12963
to the upper level pass-through entity, then solely for purposes 12964
of ascertaining if a gain or loss constitutes a qualifying trust 12965
amount, the upper level pass-through entity shall be deemed as 12966
owning no equity of the lower level pass-through entity for each 12967
day during the upper level pass-through entity's calendar or 12968
fiscal year in which or with which ends the lower level 12969
pass-through entity's calendar or fiscal year. Nothing in division 12970
(BB)(5)(a)(iii) of this section shall be construed to provide for 12971
any deduction or exclusion in computing any trust's Ohio taxable 12972
income. 12973

(b) With respect to a trust that is not a resident for the 12974
taxable year and with respect to a part of a trust that is not a 12975

resident for the taxable year, "qualifying investee" for that 12976
taxable year does not include a C corporation if both of the 12977
following apply: 12978

(i) During the taxable year the trust or part of the trust 12979
recognizes a gain or loss from the sale, exchange, or other 12980
disposition of equity or ownership interests in, or debt 12981
obligations of, the C corporation. 12982

(ii) Such gain or loss constitutes nonbusiness income. 12983

(6) "Available" means information is such that a person is 12984
able to learn of the information by the due date plus extensions, 12985
if any, for filing the return for the taxable year in which the 12986
trust recognizes the gain or loss. 12987

(CC) "Qualifying controlled group" has the same meaning as in 12988
section 5733.04 of the Revised Code. 12989

(DD) "Related member" has the same meaning as in section 12990
5733.042 of the Revised Code. 12991

(EE)(1) For the purposes of division (EE) of this section: 12992

(a) "Qualifying person" means any person other than a 12993
qualifying corporation. 12994

(b) "Qualifying corporation" means any person classified for 12995
federal income tax purposes as an association taxable as a 12996
corporation, except either of the following: 12997

(i) A corporation that has made an election under subchapter 12998
S, chapter one, subtitle A, of the Internal Revenue Code for its 12999
taxable year ending within, or on the last day of, the investor's 13000
taxable year; 13001

(ii) A subsidiary that is wholly owned by any corporation 13002
that has made an election under subchapter S, chapter one, 13003
subtitle A of the Internal Revenue Code for its taxable year 13004
ending within, or on the last day of, the investor's taxable year. 13005

(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.

(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:

(1) "Trust" does not include a qualified pre-income tax trust.

(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.

(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.

(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements:

(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972;

(b) The trust became irrevocable upon the creation of the trust; and

(c) The grantor was domiciled in this state at the time the trust was created.

Sec. 5747.02. (A) For the purpose of providing revenue for

the support of schools and local government functions, to provide		13036
relief to property taxpayers, to provide revenue for the general		13037
revenue fund, and to meet the expenses of administering the tax		13038
levied by this chapter, there is hereby levied on every		13039
individual, trust, and estate residing in or earning or receiving		13040
income in this state, on every individual, trust, and estate		13041
earning or receiving lottery winnings, prizes, or awards pursuant		13042
to Chapter 3770. of the Revised Code, and on every individual,		13043
trust, and estate otherwise having nexus with or in this state		13044
under the Constitution of the United States, an annual tax		13045
measured in the case of individuals by Ohio adjusted gross income		13046
less an exemption for the taxpayer, the taxpayer's spouse, and		13047
each dependent as provided in section 5747.025 of the Revised		13048
Code; measured in the case of trusts by modified Ohio taxable		13049
income under division (D) of this section; and measured in the		13050
case of estates by Ohio taxable income. The tax imposed by this		13051
section on the balance thus obtained is hereby levied as follows:		13052
(1) For taxable years beginning in 2004:		13053
OHIO ADJUSTED GROSS INCOME LESS		13054
EXEMPTIONS (INDIVIDUALS)		
OR		13055
MODIFIED OHIO		13056
TAXABLE INCOME (TRUSTS)		13057
OR		13058
OHIO TAXABLE INCOME (ESTATES)	TAX	13059
\$5,000 or less	.743%	13060
More than \$5,000 but not more	\$37.15 plus 1.486% of the amount	13061
than \$10,000	in excess of \$5,000	
More than \$10,000 but not more	\$111.45 plus 2.972% of the	13062
than \$15,000	amount in excess of \$10,000	
More than \$15,000 but not more	\$260.05 plus 3.715% of the	13063
than \$20,000	amount in excess of \$15,000	

More than \$20,000 but not more than \$40,000	\$445.80 plus 4.457% of the amount in excess of \$20,000	13064
More than \$40,000 but not more than \$80,000	\$1,337.20 plus 5.201% of the amount in excess of \$40,000	13065
More than \$80,000 but not more than \$100,000	\$3,417.60 plus 5.943% of the amount in excess of \$80,000	13066
More than \$100,000 but not more than \$200,000	\$4,606.20 plus 6.9% of the amount in excess of \$100,000	13067
More than \$200,000	\$11,506.20 plus 7.5% of the amount in excess of \$200,000	13068
(2) For taxable years beginning in 2005:		13069
OHIO ADJUSTED GROSS INCOME LESS		13070
EXEMPTIONS (INDIVIDUALS)		
OR		13071
MODIFIED OHIO		13072
TAXABLE INCOME (TRUSTS)		13073
OR		13074
OHIO TAXABLE INCOME (ESTATES)	TAX	13075
\$5,000 or less	.712%	13076
More than \$5,000 but not more than \$10,000	\$35.60 plus 1.424% of the amount in excess of \$5,000	13077
More than \$10,000 but not more than \$15,000	\$106.80 plus 2.847% of the amount in excess of \$10,000	13078
More than \$15,000 but not more than \$20,000	\$249.15 plus 3.559% of the amount in excess of \$15,000	13079
More than \$20,000 but not more than \$40,000	\$427.10 plus 4.27% of the amount in excess of \$20,000	13080
More than \$40,000 but not more than \$80,000	\$1,281.10 plus 4.983% of the amount in excess of \$40,000	13081
More than \$80,000 but not more than \$100,000	\$3,274.30 plus 5.693% of the amount in excess of \$80,000	13082
More than \$100,000 but not more than \$200,000	\$4,412.90 plus 6.61% of the amount in excess of \$100,000	13083

More than \$200,000	\$11,022.90 plus 7.185% of the amount in excess of \$200,000	13084
(3) For taxable years beginning in 2006:		13085
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		13086
OR		13087
MODIFIED OHIO		13088
TAXABLE INCOME (TRUSTS)		13089
OR		13090
OHIO TAXABLE INCOME (ESTATES)	TAX	13091
\$5,000 or less	.681%	13092
More than \$5,000 but not more than \$10,000	\$34.05 plus 1.361% of the amount in excess of \$5,000	13093
More than \$10,000 but not more than \$15,000	\$102.10 plus 2.722% of the amount in excess of \$10,000	13094
More than \$15,000 but not more than \$20,000	\$238.20 plus 3.403% of the amount in excess of \$15,000	13095
More than \$20,000 but not more than \$40,000	\$408.35 plus 4.083% of the amount in excess of \$20,000	13096
More than \$40,000 but not more than \$80,000	\$1,224.95 plus 4.764% of the amount in excess of \$40,000	13097
More than \$80,000 but not more than \$100,000	\$3,130.55 plus 5.444% of the amount in excess of \$80,000	13098
More than \$100,000 but not more than \$200,000	\$4,219.35 plus 6.32% of the amount in excess of \$100,000	13099
More than \$200,000	\$10,539.35 plus 6.87% of the amount in excess of \$200,000	13100
(4) For taxable years beginning in 2007:		13101
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		13102
OR		13103
MODIFIED OHIO		13104

TAXABLE INCOME (TRUSTS)		13105
OR		13106
OHIO TAXABLE INCOME (ESTATES)	TAX	13107
\$5,000 or less	.649%	13108
More than \$5,000 but not more than \$10,000	\$32.45 plus 1.299% of the amount in excess of \$5,000	13109
More than \$10,000 but not more than \$15,000	\$97.40 plus 2.598% of the amount in excess of \$10,000	13110
More than \$15,000 but not more than \$20,000	\$227.30 plus 3.247% of the amount in excess of \$15,000	13111
More than \$20,000 but not more than \$40,000	\$389.65 plus 3.895% of the amount in excess of \$20,000	13112
More than \$40,000 but not more than \$80,000	\$1,168.65 plus 4.546% of the amount in excess of \$40,000	13113
More than \$80,000 but not more than \$100,000	\$2,987.05 plus 5.194% of the amount in excess of \$80,000	13114
More than \$100,000 but not more than \$200,000	\$4,025.85 plus 6.031% of the amount in excess of \$100,000	13115
More than \$200,000	\$10,056.85 plus 6.555% of the amount in excess of \$200,000	13116
(5) For taxable years beginning in 2008:		13117
OHIO ADJUSTED GROSS INCOME LESS		13118
EXEMPTIONS (INDIVIDUALS)		
OR		13119
MODIFIED OHIO		13120
TAXABLE INCOME (TRUSTS)		13121
OR		13122
OHIO TAXABLE INCOME (ESTATES)	TAX	13123
\$5,000 or less	.618%	13124
More than \$5,000 but not more than \$10,000	\$30.90 plus 1.236% of the amount in excess of \$5,000	13125
More than \$10,000 but not more than \$15,000	\$92.70 plus 2.473% of the amount in excess of \$10,000	13126

More than \$15,000 but not more than \$20,000	\$216.35 plus 3.091% of the amount in excess of \$15,000	13127
More than \$20,000 but not more than \$40,000	\$370.90 plus 3.708% of the amount in excess of \$20,000	13128
More than \$40,000 but not more than \$80,000	\$1,112.50 plus 4.327% of the amount in excess of \$40,000	13129
More than \$80,000 but not more than \$100,000	\$2,843.30 plus 4.945% of the amount in excess of \$80,000	13130
More than \$100,000 but not more than \$200,000	\$3,832.30 plus 5.741% of the amount in excess of \$100,000	13131
More than \$200,000	\$9,573.30 plus 6.24% of the amount in excess of \$200,000	13132
(6) For taxable years beginning in 2009 or thereafter:		13133
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		13134
OR		13135
MODIFIED OHIO		13136
TAXABLE INCOME (TRUSTS)		13137
OR		13138
OHIO TAXABLE INCOME (ESTATES)	TAX	13139
\$5,000 or less	.587%	13140
More than \$5,000 but not more than \$10,000	\$29.35 plus 1.174% of the amount in excess of \$5,000	13141
More than \$10,000 but not more than \$15,000	\$88.05 plus 2.348% of the amount in excess of \$10,000	13142
More than \$15,000 but not more than \$20,000	\$205.45 plus 2.935% of the amount in excess of \$15,000	13143
More than \$20,000 but not more than \$40,000	\$352.20 plus 3.521% of the amount in excess of \$20,000	13144
More than \$40,000 but not more than \$80,000	\$1,056.40 plus 4.109% of the amount in excess of \$40,000	13145
More than \$80,000 but not more than \$100,000	\$2,700.00 plus 4.695% of the amount in excess of \$80,000	13146

More than \$100,000 but not more than \$200,000 \$3,639.00 plus 5.451% of the amount in excess of \$100,000 13147

More than \$200,000 \$9,090.00 plus 5.925% of the amount in excess of \$200,000 13148

In July of each year, beginning in 2010, the tax commissioner shall adjust the income amounts prescribed in this division by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the adjustment of the income amounts. The rates of taxation shall not be adjusted. 13149
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The adjusted amounts apply to taxable years beginning in the calendar year in which the adjustments are made. The tax commissioner shall not make such adjustments in any year in which the amount resulting from the adjustment would be less than the amount resulting from the adjustment in the preceding year. 13161
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(B) If the director of budget and management makes a certification to the tax commissioner under division (B) of section 131.44 of the Revised Code, the amount of tax as determined under division (A) of this section shall be reduced by the percentage prescribed in that certification for taxable years beginning in the calendar year in which that certification is made. 13166
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(C) The levy of this tax on income does not prevent a municipal corporation, a joint economic development zone created under section 715.691, or a joint economic development district created under section 715.70 or 715.71 or sections 715.72 to 13173
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715.81 of the Revised Code from levying a tax on income. 13177

(D) This division applies only to taxable years of a trust 13178
beginning in 2002 or thereafter. 13179

(1) The tax imposed by this section on a trust shall be 13180
computed by multiplying the Ohio modified taxable income of the 13181
trust by the rates prescribed by division (A) of this section. 13182

(2) A nonresident trust may claim a credit ~~is allowed~~ against 13183
the tax computed under division (D) of this section equal to the 13184
lesser of (1) the tax paid to another state or the District of 13185
Columbia on the nonresident trust's modified nonbusiness income, 13186
other than the portion of the nonresident trust's nonbusiness 13187
income that is qualifying investment income as defined in section 13188
5747.012 of the Revised Code, or (2) the effective tax rate, based 13189
on modified Ohio taxable income, multiplied by the nonresident 13190
trust's modified nonbusiness income other than the portion of the 13191
nonresident trust's nonbusiness income that is qualifying 13192
investment income. The credit applies before any other applicable 13193
credits. 13194

(3) The credits enumerated in divisions (A)(1) to (13) of 13195
section 5747.98 of the Revised Code do not apply to a trust 13196
subject to ~~this~~ division (D) of this section. Any credits 13197
enumerated in other divisions of section 5747.98 of the Revised 13198
Code apply to a trust subject to ~~this~~ division (D) of this 13199
section. To the extent that the trust distributes income for the 13200
taxable year for which a credit is available to the trust, the 13201
credit shall be shared by the trust and its beneficiaries. The tax 13202
commissioner and the trust shall be guided by applicable 13203
regulations of the United States treasury regarding the sharing of 13204
credits. 13205

(E) For the purposes of this section, "trust" means any trust 13206
described in Subchapter J of Chapter 1 of the Internal Revenue 13207

Code, excluding trusts that are not irrevocable as defined in 13208
division (I)(3)(b) of section 5747.01 of the Revised Code and that 13209
have no modified Ohio taxable income for the taxable year, 13210
charitable remainder trusts, qualified funeral trusts and preneed 13211
funeral contract trusts established pursuant to section 1111.19 of 13212
the Revised Code that are not qualified funeral trusts, endowment 13213
and perpetual care trusts, qualified settlement trusts and funds, 13214
designated settlement trusts and funds, and trusts exempted from 13215
taxation under section 501(a) of the Internal Revenue Code. 13216

Sec. 5747.082. (A) As used in this section: 13217

(1) "Electronic technology" means electronic technology 13218
acceptable to the tax commissioner under division (B) of this 13219
section. 13220

(2) "Original tax return" means any report, return, or other 13221
tax document required to be filed under this chapter for the 13222
purpose of reporting the taxes due under, and withholdings 13223
required by, this chapter. "Original tax return" does not include 13224
an amended return or any declaration or form required by or filed 13225
in connection with section 5747.09 of the Revised Code. 13226

(3) "Related member" has the same meaning as in section 13227
5733.042 of the Revised Code. 13228

(4) "Tax return preparer" means any person that operates a 13229
business that prepares, or directly or indirectly employs another 13230
person to prepare, for a taxpayer an original tax return in 13231
exchange for compensation or remuneration from the taxpayer or the 13232
taxpayer's related member. With respect to the preparation of a 13233
return or application for refund under this chapter, "tax return 13234
preparer" does not include an individual who performs only one or 13235
more of the following activities: 13236

(a) Furnishes typing, reproducing, or other mechanical 13237

assistance; 13238

(b) Prepares an application for refund or a return on behalf of an employer by whom the individual is regularly and continuously employed, or on behalf of an officer or employee of that employer; 13239
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(c) Prepares as a fiduciary an application for refund or a return; 13243
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(d) Prepares an application for refund or a return for a taxpayer in response to a notice of deficiency issued to the taxpayer or the taxpayer's related member, or in response to a waiver of restriction after the commencement of an audit of the taxpayer or the taxpayer's related member. 13245
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(B) Divisions (C) and (D) of this section apply to the filing of original tax returns that are due in a calendar year only if the tax commissioner, by the last day of the calendar year immediately preceding the calendar year in which such returns are due, has published on the department of taxation's official internet web site at least one method of electronic technology acceptable to the commissioner for filing such returns. 13250
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(C) A tax return preparer that prepares more than fifty original tax returns during any calendar year that begins on or after January 1, 2007, shall, for the current calendar year and for each calendar year thereafter, use electronic technology to file with the tax commissioner all original tax returns prepared by the tax return preparer. This division does not apply to a tax return preparer for a calendar year if, during the previous calendar year, the tax return preparer prepared no more than twenty-five original tax returns. 13257
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(D) If a tax return preparer required by this section to submit original tax returns by electronic technology files an original tax return by some means other than by electronic 13266
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technology, the tax commissioner shall impose a penalty of fifty 13269
dollars for each return that is not filed by electronic 13270
technology. Upon good cause shown by the tax return preparer, the 13271
tax commissioner may waive all or any portion of the penalty or 13272
may refund all or any portion of the penalty the tax return 13273
preparer has paid. 13274

Sec. 5748.022. A majority of the members of a board of 13275
education of a school district levying a tax under section 5748.02 13276
of the Revised Code may adopt a resolution reducing the rate of 13277
the tax by a multiple of one-fourth of one per cent. 13278

The resolution shall set forth the current rate of the tax, 13279
the reduced rate of tax that results from adoption of the 13280
resolution, the purpose or purposes for which the tax is levied, 13281
the remaining number of years the tax will be levied or that it is 13282
levied for a continuing period of time, and the date on which the 13283
reduced tax rate shall take effect, which shall be the ensuing 13284
first day of January occurring at least ~~sixty~~ forty-five days 13285
after a copy of the resolution is certified to the tax 13286
commissioner. 13287

Sec. 5749.17. Any information provided to the department of 13288
natural resources by the department of taxation in accordance with 13289
division (C)(11) of section 5703.21 of the Revised Code shall not 13290
be disclosed publicly by the department of natural resources, but 13291
the department of natural resources may provide such information 13292
to the attorney general for purposes of enforcement of the law. 13293

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of 13294
the Revised Code: 13295

(1) "School district," "joint vocational school district," 13296
"local taxing unit," "recognized valuation," "fixed-rate levy," 13297
and "fixed-sum levy" have the same meanings as used in section 13298

5727.84 of the Revised Code. 13299

(2) "State education aid" for a school district means the sum 13300
of state aid amounts computed for the district under division (A) 13301
of section 3317.022 of the Revised Code, including the amounts 13302
calculated under sections 3317.029 and 3317.0217 of the Revised 13303
Code; divisions (C)(1), (C)(4), (D), (E), and (F) of section 13304
3317.022; divisions (B), (C), and (D) of section 3317.023; 13305
divisions (L) and (N) of section 3317.024; section 3317.0216; and 13306
any unit payments for gifted student services paid under sections 13307
3317.05, 3317.052, and 3317.053 of the Revised Code; except that, 13308
for fiscal years 2008 and 2009, the amount computed for the 13309
district under Section 269.20.80 of H.B. 119 of the 127th general 13310
assembly and as that section subsequently may be amended shall be 13311
substituted for the amount computed under division (D) of section 13312
3317.022 of the Revised Code, and the amount computed under 13313
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 13314
that section subsequently may be amended shall be included. 13315

(3) "State education aid" for a joint vocational school 13316
district means the sum of the state aid computed for the district 13317
under division (N) of section 3317.024 and section 3317.16 of the 13318
Revised Code, except that, for fiscal years 2008 and 2009, the 13319
amount computed under Section 269.30.80 of H.B. 119 of the 127th 13320
general assembly and as that section subsequently may be amended 13321
shall be included. 13322

(4) "State education aid offset" means the amount determined 13323
for each school district or joint vocational school district under 13324
division (A)(1) of section 5751.21 of the Revised Code. 13325

(5) "Machinery and equipment property tax value loss" means 13326
the amount determined under division (C)(1) of this section. 13327

(6) "Inventory property tax value loss" means the amount 13328
determined under division (C)(2) of this section. 13329

- (7) "Furniture and fixtures property tax value loss" means 13330
the amount determined under division (C)(3) of this section. 13331
- (8) "Machinery and equipment fixed-rate levy loss" means the 13332
amount determined under division (D)(1) of this section. 13333
- (9) "Inventory fixed-rate levy loss" means the amount 13334
determined under division (D)(2) of this section. 13335
- (10) "Furniture and fixtures fixed-rate levy loss" means the 13336
amount determined under division (D)(3) of this section. 13337
- (11) "Total fixed-rate levy loss" means the sum of the 13338
machinery and equipment fixed-rate levy loss, the inventory 13339
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 13340
loss, and the telephone company fixed-rate levy loss. 13341
- (12) "Fixed-sum levy loss" means the amount determined under 13342
division (E) of this section. 13343
- (13) "Machinery and equipment" means personal property 13344
subject to the assessment rate specified in division (F) of 13345
section 5711.22 of the Revised Code. 13346
- (14) "Inventory" means personal property subject to the 13347
assessment rate specified in division (E) of section 5711.22 of 13348
the Revised Code. 13349
- (15) "Furniture and fixtures" means personal property subject 13350
to the assessment rate specified in division (G) of section 13351
5711.22 of the Revised Code. 13352
- (16) "Qualifying levies" are levies in effect for tax year 13353
2004 or applicable to tax year 2005 or approved at an election 13354
conducted before September 1, 2005. For the purpose of determining 13355
the rate of a qualifying levy authorized by section 5705.212 or 13356
5705.213 of the Revised Code, the rate shall be the rate that 13357
would be in effect for tax year 2010. 13358
- (17) "Telephone property" means tangible personal property of 13359

a telephone, telegraph, or interexchange telecommunications 13360
company subject to an assessment rate specified in section 13361
5727.111 of the Revised Code in tax year 2004. 13362

(18) "Telephone property tax value loss" means the amount 13363
determined under division (C)(4) of this section. 13364

(19) "Telephone property fixed-rate levy loss" means the 13365
amount determined under division (D)(4) of this section. 13366

(B) The commercial activities tax receipts fund is hereby 13367
created in the state treasury and shall consist of money arising 13368
from the tax imposed under this chapter. All money in that fund 13369
shall be credited for each fiscal year in the following 13370
percentages to the general revenue fund, to the school district 13371
tangible property tax replacement fund, which is hereby created in 13372
the state treasury for the purpose of making the payments 13373
described in section 5751.21 of the Revised Code, and to the local 13374
government tangible property tax replacement fund, which is hereby 13375
created in the state treasury for the purpose of making the 13376
payments described in section 5751.22 of the Revised Code, in the 13377
following percentages: 13378

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	13379
2007	0%	70.0%	30.0%	13380
2008	0%	70.0%	30.0%	13381
2009	0%	70.0%	30.0%	13382
2010	0%	70.0%	30.0%	13383
2011	0%	70.0%	30.0%	13384
2012	5.3%	70.0%	24.7%	13385
2013	10.6%	70.0%	19.4%	13386
2014	14.1%	70.0%	15.9%	13387

2015	17.6%	70.0%	12.4%	13389
2016	21.1%	70.0%	8.9%	13390
2017	24.6%	70.0%	5.4%	13391
2018	28.1%	70.0%	1.9%	13392
2019 and thereafter	30%	70%	0%	13393

(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 13418
twenty-three; 13419

(d) For tax year 2009 and thereafter a fraction, the 13420
numerator of which is seventeen and the denominator of which is 13421
twenty-three. 13422

(3) Furniture and fixtures property tax value loss is the 13423
taxable value of furniture and fixture property as reported by 13424
taxpayers for tax year 2004 multiplied by: 13425

(a) For tax year 2006, twenty-five per cent; 13426

(b) For tax year 2007, fifty per cent; 13427

(c) For tax year 2008, seventy-five per cent; 13428

(d) For tax year 2009 and thereafter, one hundred per cent. 13429

The taxable value of property reported by taxpayers used in 13430
divisions (C)(1), (2), and (3) of this section shall be such 13431
values as determined to be final by the tax commissioner as of 13432
August 31, 2005. Such determinations shall be final except for any 13433
correction of a clerical error that was made prior to August 31, 13434
2005, by the tax commissioner. 13435

(4) Telephone property tax value loss is the taxable value of 13436
telephone property as taxpayers would have reported that property 13437
for tax year 2004 if the assessment rate for all telephone 13438
property for that year were twenty-five per cent, multiplied by: 13439

(a) For tax year 2006, zero per cent; 13440

(b) For tax year 2007, zero per cent; 13441

(c) For tax year 2008, zero per cent; 13442

(d) For tax year 2009, sixty per cent; 13443

(e) For tax year 2010, eighty per cent; 13444

(f) For tax year 2011 and thereafter, one hundred per cent. 13445

(5) Division (C)(5) of this section applies to any school district, joint vocational school district, or local taxing unit in a county in which is located a facility currently or formerly devoted to the enrichment or commercialization of uranium or uranium products, and for which the total taxable value of property listed on the general tax list of personal property for any tax year from tax year 2001 to tax year 2004 was fifty per cent or less of the taxable value of such property listed on the general tax list of personal property for the next preceding tax year.

In computing the fixed-rate levy losses under divisions (D)(1), (2), and (3) of this section for any school district, joint vocational school district, or local taxing unit to which division (C)(5) of this section applies, the taxable value of such property as listed on the general tax list of personal property for tax year 2000 shall be substituted for the taxable value of such property as reported by taxpayers for tax year 2004, in the taxing district containing the uranium facility, if the taxable value listed for tax year 2000 is greater than the taxable value reported by taxpayers for tax year 2004. For the purpose of making the computations under divisions (D)(1), (2), and (3) of this section, the tax year 2000 valuation is to be allocated to machinery and equipment, inventory, and furniture and fixtures property in the same proportions as the tax year 2004 values. For the purpose of the calculations in division (A) of section 5751.21 of the Revised Code, the tax year 2004 taxable values shall be used.

To facilitate the calculations required under division (C) of this section, the county auditor, upon request from the tax commissioner, shall provide by August 1, 2005, the values of machinery and equipment, inventory, and furniture and fixtures for all single-county personal property taxpayers for tax year 2004.

(D) Not later than September 15, 2005, the tax commissioner 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 13509
qualifying levies remaining in effect for the current tax year and 13510
any school district ~~emergency~~ levies imposed under section 13511
5705.194 or 5705.213 of the Revised Code that are qualifying 13512
levies not remaining in effect for the current year. For 2011 13513
through 2017 in the case of school district ~~emergency~~ levies 13514
imposed under section 5705.194 or 5705.213 of the Revised Code and 13515
for all years after 2010 in the case of other fixed-sum levies, 13516
this computation shall include only qualifying levies remaining in 13517
effect for the current year. For purposes of this computation, a 13518
qualifying school district ~~emergency~~ levy imposed under section 13519
5705.194 or 5705.213 of the Revised Code remains in effect in a 13520
year after 2010 only if, for that year, the board of education 13521
levies a school district ~~emergency~~ levy imposed under section 13522
5705.194 or 5705.213 of the Revised Code for an annual sum at 13523
least equal to the annual sum levied by the board in tax year 2004 13524
less the amount of the payment certified under this division for 13525
2006. 13526

(2) The total taxable value in tax year 2004 less the sum of 13527
the machinery and equipment, inventory, furniture and fixtures, 13528
and telephone property tax value losses in each school district, 13529
joint vocational school district, and local taxing unit multiplied 13530
by one-half of one mill per dollar. 13531

(3) For the calculations in divisions (E)(1) and (2) of this 13532
section, the tax value losses are those that would be calculated 13533
for tax year 2009 under divisions (C)(1), (2), and (3) of this 13534
section and for tax year 2011 under division (C)(4) of this 13535
section. 13536

(4) To facilitate the calculation under divisions (D) and (E) 13537
of this section, not later than September 1, 2005, any school 13538
district, joint vocational school district, or local taxing unit 13539
that has a qualifying levy that was approved at an election 13540

conducted during 2005 before September 1, 2005, shall certify to 13541
the tax commissioner a copy of the county auditor's certificate of 13542
estimated property tax millage for such levy as required under 13543
division (B) of section 5705.03 of the Revised Code, which is the 13544
rate that shall be used in the calculations under such divisions. 13545

If the amount determined under division (E) of this section 13546
for any school district, joint vocational school district, or 13547
local taxing unit is greater than zero, that amount shall equal 13548
the reimbursement to be paid pursuant to division ~~(D)~~ (E) of 13549
section 5751.21 or division (A)(3) of section 5751.22 of the 13550
Revised Code, and the one-half of one mill that is subtracted 13551
under division (E)(2) of this section shall be apportioned among 13552
all contributing fixed-sum levies in the proportion that each levy 13553
bears to the sum of all fixed-sum levies within each school 13554
district, joint vocational school district, or local taxing unit. 13555

(F) Not later than October 1, 2005, the tax commissioner 13556
shall certify to the department of education for every school 13557
district and joint vocational school district the machinery and 13558
equipment, inventory, furniture and fixtures, and telephone 13559
property tax value losses determined under division (C) of this 13560
section, the machinery and equipment, inventory, furniture and 13561
fixtures, and telephone fixed-rate levy losses determined under 13562
division (D) of this section, and the fixed-sum levy losses 13563
calculated under division (E) of this section. The calculations 13564
under divisions (D) and (E) of this section shall separately 13565
display the levy loss for each levy eligible for reimbursement. 13566

(G) Not later than October 1, 2005, the tax commissioner 13567
shall certify the amount of the fixed-sum levy losses to the 13568
county auditor of each county in which a school district, joint 13569
vocational school district, or local taxing unit with a fixed-sum 13570
levy loss reimbursement has territory. 13571

Sec. 5751.21. (A) Not later than the ~~fifteenth~~ thirtieth day 13572
of July of 2007 through 2017, the department of education shall 13573
consult with the director of budget and management and determine 13574
the following for each school district and each joint vocational 13575
school district eligible for payment under division (B) of this 13576
section: 13577

(1) The state education aid offset, which is the difference 13578
obtained by subtracting the amount described in division (A)(1)(b) 13579
of this section from the amount described in division (A)(1)(a) of 13580
this section: 13581

(a) The state education aid computed for the school district 13582
or joint vocational school district for the current fiscal year as 13583
of the ~~fifteenth~~ thirtieth day of July; 13584

(b) The state education aid that would be computed for the 13585
school district or joint vocational school district for the 13586
current fiscal year as of the ~~fifteenth~~ thirtieth day of July if 13587
the recognized valuation included the machinery and equipment, 13588
inventory, furniture and fixtures, and telephone property tax 13589
value losses for the school district or joint vocational school 13590
district for the second preceding tax year, and if taxes charged 13591
and payable associated with the tax value losses are accounted for 13592
in any state education aid computation dependent on taxes charged 13593
and payable. 13594

(2) The greater of zero or the difference obtained by 13595
subtracting the state education aid offset determined under 13596
division (A)(1) of this section from the sum of the machinery and 13597
equipment fixed-rate levy loss, the inventory fixed-rate levy 13598
loss, furniture and fixtures fixed-rate levy loss, and telephone 13599
property fixed-rate levy loss certified under division (F) of 13600
section 5751.20 of the Revised Code for all taxing districts in 13601
each school district and joint vocational school district for the 13602

second preceding tax year. 13603

By the ~~twentieth~~ thirtieth day of July of each such year, the 13604
department of education and the director of budget and management 13605
shall agree upon the amount to be determined under division (A)(1) 13606
of this section. 13607

(B)(1) On or before the thirtieth day of June of each fiscal 13608
year beginning in 2008, the department of education shall 13609
recalculate the offset described under division (A) of this 13610
section, and adjust payments made under division (C) of this 13611
section accordingly so that the total annualized reimbursement for 13612
that fiscal year is based on the recalculated offset. 13613

(2) On or before the thirty-first day of December of each 13614
year beginning in 2008, the department, in consultation with the 13615
director of budget and management, shall recalculate the offset 13616
described under division (A) of this section to determine the 13617
annualized reimbursement that should have been made for the prior 13618
fiscal year under division (C) of this section. The department 13619
shall adjust future payments under division (C) of this section to 13620
account for any underpayments or overpayments in the prior fiscal 13621
year. 13622

(C) The department of education shall pay from the school 13623
district tangible property tax replacement fund to each school 13624
district and joint vocational school district all of the following 13625
for fixed-rate levy losses certified under division (F) of section 13626
5751.20 of the Revised Code: 13627

(1) On or before May 31, 2006, one-seventh of the total 13628
fixed-rate levy loss for tax year 2006; 13629

(2) On or before August 31, 2006, and October 31, 2006, 13630
one-half of six-sevenths of the total fixed-rate levy loss for tax 13631
year 2006; 13632

(3) On or before May 31, 2007, one-seventh of the total 13633

fixed-rate levy loss for tax year 2007;	13634
(4) On or before August 31, 2007, and October 31, 2007,	13635
forty-three per cent of the amount determined under division	13636
(A)(2) of this section for fiscal year 2008, but not less than	13637
zero, plus one-half of six-sevenths of the difference between the	13638
total fixed-rate levy loss for tax year 2007 and the total	13639
fixed-rate levy loss for tax year 2006.	13640
(5) On or before May 31 <u>June 30</u> , 2008, fourteen per cent of	13641
the amount determined under division (A)(2) of this section for	13642
fiscal year 2008, but not less than zero, plus one-seventh of the	13643
difference between the total fixed-rate levy loss for tax year	13644
2008 and the total fixed-rate levy loss for tax year 2006.	13645
(6) On or before August 31, 2008, and October 31, 2008,	13646
forty-three per cent of the amount determined under division	13647
(A)(2) of this section for fiscal year 2009, but not less than	13648
zero, plus one-half of six-sevenths of the difference between the	13649
total fixed-rate levy loss in tax year 2008 and the total	13650
fixed-rate levy loss in tax year 2007.	13651
(7) On or before May 31 <u>June 30</u> , 2009, fourteen per cent of	13652
the amount determined under division (A)(2) of this section for	13653
fiscal year 2009, but not less than zero, plus one-seventh of the	13654
difference between the total fixed-rate levy loss for tax year	13655
2009 and the total fixed-rate levy loss for tax year 2007.	13656
(8) On or before August 31, 2009, and October 31, 2009,	13657
forty-three per cent of the amount determined under division	13658
(A)(2) of this section for fiscal year 2010, but not less than	13659
zero, plus one-half of six-sevenths of the difference between the	13660
total fixed-rate levy loss in tax year 2009 and the total	13661
fixed-rate levy loss in tax year 2008.	13662
(9) On or before May 31 <u>June 30</u> , 2010, fourteen per cent of	13663
the amount determined under division (A)(2) of this section for	13664

fiscal year 2010, but not less than zero, plus one-seventh of the 13665
difference between the total fixed-rate levy loss in tax year 2010 13666
and the total fixed-rate levy loss in tax year 2008. 13667

(10) On or before August 31, 2010, and October 31, 2010, 13668
forty-three per cent of the amount determined under division 13669
(A)(2) of this section for fiscal year 2011, but not less than 13670
zero, plus one-half of six-sevenths of the difference between the 13671
telephone property fixed-rate levy loss for tax year 2010 and the 13672
telephone property fixed-rate levy loss for tax year 2009. 13673

(11) On or before ~~May 31~~ June 30, 2011, fourteen per cent of 13674
the amount determined under division (A)(2) of this section for 13675
fiscal year 2011, but not less than zero, plus one-seventh of the 13676
difference between the telephone property fixed-rate levy loss for 13677
tax year 2011 and the telephone property fixed-rate levy loss for 13678
tax year 2009. 13679

(12) On or before August 31, 2011, and October 31, 2011, the 13680
amount determined under division (A)(2) of this section multiplied 13681
by a fraction, the numerator of which is fourteen and the 13682
denominator of which is seventeen, but not less than zero, 13683
multiplied by forty-three per cent, plus one-half of six-sevenths 13684
of the difference between the telephone property fixed-rate levy 13685
loss for tax year 2011 and the telephone property fixed-rate levy 13686
loss for tax year 2010. 13687

(13) On or before ~~May 31~~ June 30, 2012, fourteen per cent of 13688
the amount determined under division (A)(2) of this section for 13689
fiscal year 2012, multiplied by a fraction, the numerator of which 13690
is fourteen and the denominator of which is seventeen, plus 13691
one-seventh of the difference between the telephone property 13692
fixed-rate levy loss for tax year 2011 and the telephone property 13693
fixed-rate levy loss for tax year 2010. 13694

(14) On or before August 31, 2012, October 31, 2012, and ~~May~~ 13695

~~31~~ June 30, 2013, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is eleven and the denominator of which is seventeen, but not less than zero, multiplied by one-third.

(15) On or before August 31, 2013, October 31, 2013, and ~~May~~ ~~31~~ June 30, 2014, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is nine and the denominator of which is seventeen, but not less than zero, multiplied by one-third.

(16) On or before August 31, 2014, October 31, 2014, and ~~May~~ ~~31~~ June 30, 2015, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is seven and the denominator of which is seventeen, but not less than zero, multiplied by one-third.

(17) On or before August 31, 2015, October 31, 2015, and ~~May~~ ~~31~~ June 30, 2016, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is five and the denominator of which is seventeen, but not less than zero, multiplied by one-third.

(18) On or before August 31, 2016, October 31, 2016, and ~~May~~ ~~31~~ June 30, 2017, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is three and the denominator of which is seventeen, but not less than zero, multiplied by one-third.

(19) On or before August 31, 2017, October 31, 2017, and ~~May~~ ~~31~~ June 30, 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.

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 13727
school district's funds based on the certifications under division 13728
(F) of section 5751.20 of the Revised Code. 13729

Any qualifying levy that is a fixed-rate levy that is not 13730
applicable to a tax year after 2010 does not qualify for any 13731
reimbursement after the tax year to which it is last applicable. 13732

~~(C)~~(D) For taxes levied within the ten-mill limitation for 13733
debt purposes in tax year 2005, payments shall be made equal to 13734
one hundred per cent of the loss computed as if the tax were a 13735
fixed-rate levy, but those payments shall extend from fiscal year 13736
2006 through fiscal year 2018, as long as the qualifying levy 13737
continues to be used for debt purposes. If the purpose of such a 13738
qualifying levy is changed, that levy becomes subject to the 13739
payments determined in division ~~(B)~~(C) of this section. 13740

~~(D)~~(E)(1) Not later than January 1, 2006, for each fixed-sum 13741
levy of each school district or joint vocational school district 13742
and for each year for which a determination is made under division 13743
(F) of section 5751.20 of the Revised Code that a fixed-sum levy 13744
loss is to be reimbursed, the tax commissioner shall certify to 13745
the department of education the fixed-sum levy loss determined 13746
under that division. The certification shall cover a time period 13747
sufficient to include all fixed-sum levies for which the 13748
commissioner made such a determination. The department shall pay 13749
from the school district property tax replacement fund to the 13750
school district or joint vocational school district one-third of 13751
the fixed-sum levy loss so certified for each year on or before 13752
the last day of ~~May~~ June, August, and October of the current year. 13753

(2) Beginning in 2006, by the first day of January of each 13754
year, the tax commissioner shall review the certification 13755
originally made under division ~~(D)~~(E)(1) of this section. If the 13756
commissioner determines that a debt levy that had been scheduled 13757
to be reimbursed in the current year has expired, a revised 13758

certification for that and all subsequent years shall be made to 13759
the department of education. 13760

~~(E)~~(F) Beginning in September 2007 and through June 2018, the 13761
director of budget and management shall transfer from the school 13762
district tangible property tax replacement fund to the general 13763
revenue fund each of the following: 13764

(1) On the first day of September, one-fourth of the amount 13765
determined for that fiscal year under division (A)(1) of this 13766
section; 13767

(2) On the first day of December, one-fourth of the amount 13768
determined for that fiscal year under division (A)(1) of this 13769
section; 13770

(3) On the first day of March, one-fourth of the amount 13771
determined for that fiscal year under division (A)(1) of this 13772
section; 13773

(4) On the first day of June, one-fourth of the amount 13774
determined for that fiscal year under division (A)(1) of this 13775
section. 13776

If, when a transfer is required under division ~~(E)~~(F)(1), 13777
(2), (3), or (4) of this section, there is not sufficient money in 13778
the school district tangible property tax replacement fund to make 13779
the transfer in the required amount, the director shall transfer 13780
the balance in the fund to the general revenue fund and may make 13781
additional transfers on later dates as determined by the director 13782
in a total amount that does not exceed one-fourth of the amount 13783
determined for the fiscal year. 13784

~~(F)~~(G) For each of the fiscal years 2006 through 2018, if the 13785
total amount in the school district tangible property tax 13786
replacement fund is insufficient to make all payments under 13787
divisions ~~(B)~~(C), ~~(C)~~(D), and ~~(D)~~(E) of this section at the times 13788
the payments are to be made, the director of budget and management 13789

shall transfer from the general revenue fund to the school 13790
district tangible property tax replacement fund the difference 13791
between the total amount to be paid and the amount in the school 13792
district tangible property tax replacement fund. For each fiscal 13793
year after 2018, at the time payments under division ~~(D)~~(E) of 13794
this section are to be made, the director of budget and management 13795
shall transfer from the general revenue fund to the school 13796
district property tax replacement fund the amount necessary to 13797
make such payments. 13798

~~(G)~~(H)(1) On the fifteenth day of June of 2006 through 2011, 13799
the director of budget and management may transfer any balance in 13800
the school district tangible property tax replacement fund to the 13801
general revenue fund. At the end of fiscal years 2012 through 13802
2018, any balance in the school district tangible property tax 13803
replacement fund shall remain in the fund to be used in future 13804
fiscal years for school purposes. 13805

(2) In each fiscal year beginning with fiscal year 2019, all 13806
amounts credited to the school district tangible personal property 13807
tax replacement fund shall be appropriated for school purposes. 13808

~~(H)~~(I) If all of the territory of a school district or joint 13809
vocational school district is merged with another district, or if 13810
a part of the territory of a school district or joint vocational 13811
school district is transferred to an existing or newly created 13812
district, the department of education, in consultation with the 13813
tax commissioner, shall adjust the payments made under this 13814
section as follows: 13815

(1) For a merger of two or more districts, the machinery and 13816
equipment, inventory, furniture and fixtures, and telephone 13817
property fixed-rate levy losses and the fixed-sum levy losses of 13818
the successor district shall be equal to the sum of the machinery 13819
and equipment, inventory, furniture and fixtures, and telephone 13820
property fixed-rate levy losses and debt levy losses as determined 13821

in section 5751.20 of the Revised Code, for each of the districts 13822
involved in the merger. 13823

(2) If property is transferred from one district to a 13824
previously existing district, the amount of machinery and 13825
equipment, inventory, furniture and fixtures, and telephone 13826
property tax value losses and fixed-rate levy losses that shall be 13827
transferred to the recipient district shall be an amount equal to 13828
the total machinery and equipment, inventory, furniture and 13829
fixtures, and telephone property fixed-rate levy losses times a 13830
fraction, the numerator of which is the value of business tangible 13831
personal property on the land being transferred in the most recent 13832
year for which data are available, and the denominator of which is 13833
the total value of business tangible personal property in the 13834
district from which the land is being transferred in the most 13835
recent year for which data are available. For each of the first 13836
five years after the property is transferred, but not after fiscal 13837
year 2012, if the tax rate in the recipient district is less than 13838
the tax rate of the district from which the land was transferred, 13839
one-half of the payments arising from the amount of fixed-rate 13840
levy losses so transferred to the recipient district shall be paid 13841
to the recipient district and one-half of the payments arising 13842
from the fixed-rate levy losses so transferred shall be paid to 13843
the district from which the land was transferred. Fixed-rate levy 13844
losses so transferred shall be computed on the basis of the sum of 13845
the rates of fixed-rate qualifying levies of the district from 13846
which the land was transferred, notwithstanding division ~~(D)~~(E) of 13847
this section. 13848

(3) After December 31, 2004, if property is transferred from 13849
one or more districts to a district that is newly created out of 13850
the transferred property, the newly created district shall be 13851
deemed not to have any machinery and equipment, inventory, 13852
furniture and fixtures, or telephone property fixed-rate levy 13853

losses and the districts from which the property was transferred 13854
shall have no reduction in their machinery and equipment, 13855
inventory, furniture and fixtures, and telephone property 13856
fixed-rate levy losses. 13857

(4) If the recipient district under division ~~(H)~~(I)(2) of 13858
this section or the newly created district under divisions 13859
~~(H)~~(I)(3) of this section is assuming debt from one or more of the 13860
districts from which the property was transferred and any of the 13861
districts losing the property had fixed-sum levy losses, the 13862
department of education, in consultation with the tax 13863
commissioner, shall make an equitable division of the fixed-sum 13864
levy loss reimbursements. 13865

Sec. 6117.01. (A) As used in this chapter: 13866

(1) "Sanitary facilities" means sanitary sewers, force mains, 13867
lift or pumping stations, and facilities for the treatment, 13868
disposal, impoundment, or storage of wastes; equipment and 13869
furnishings; and all required appurtenances and necessary real 13870
estate and interests in real estate. 13871

(2) "Drainage" or "waters" means flows from rainfall or 13872
otherwise produced by, or resulting from, the elements, storm 13873
water discharges and releases or migrations of waters from 13874
properties, accumulations, flows, and overflows of water, 13875
including accelerated flows and runoffs, flooding and threats of 13876
flooding of properties and structures, and other surface and 13877
subsurface drainage. 13878

(3) "Drainage facilities" means storm sewers, force mains, 13879
pumping stations, and facilities for the treatment, disposal, 13880
impoundment, retention, control, or storage of waters; 13881
improvements of or for any channel, ditch, drain, floodway, or 13882
watercourse, including location, construction, reconstruction, 13883
reconditioning, widening, deepening, cleaning, removal of 13884

obstructions, straightening, boxing, culverting, tiling, filling, 13885
walling, arching, or change in course, location, or terminus; 13886
improvements of or for a river, creek, or run, including 13887
reinforcement of banks, enclosing, deepening, widening, 13888
straightening, removal of obstructions, or change in course, 13889
location, or terminus; facilities for the protection of lands from 13890
the overflow of water, including a levee, wall, embankment, jetty, 13891
dike, dam, sluice, revetment, reservoir, retention or holding 13892
basin, control gate, or breakwater; facilities for controlled 13893
drainage, regulation of stream flow, and protection of an outlet; 13894
the vacation of a ditch or drain; equipment and furnishings; and 13895
all required appurtenances and necessary real estate and interests 13896
in real estate. 13897

(4) "County sanitary engineer" means either of the following: 13898

(a) The registered professional engineer employed or 13899
appointed by the board of county commissioners to be the county 13900
sanitary engineer as provided in this section ~~6117.01 of the~~ 13901
~~Revised Code;~~ 13902

(b) The county engineer, if, for as long as and to the extent 13903
that engineer by agreement entered into under section 315.14 of 13904
the Revised Code is retained to discharge duties of a county 13905
sanitary engineer under this chapter. 13906

(5) "Current operating expenses," "debt charges," "permanent 13907
improvement," "public obligations," and "subdivision" have the 13908
same meanings as in section 133.01 of the Revised Code. 13909

(6) "Construct," "construction," or "constructing" means 13910
construction, reconstruction, enlargement, extension, improvement, 13911
renovation, repair, and replacement of sanitary or drainage 13912
facilities or of prevention or replacement facilities, but does 13913
not include any repairs, replacements, or similar actions that do 13914
not constitute and qualify as permanent improvements. 13915

(7) "Maintain," "maintaining," or "maintenance" means 13916
repairs, replacements, and similar actions that constitute and are 13917
payable as current operating expenses and that are required to 13918
restore sanitary or drainage facilities or prevention or 13919
replacement facilities to, or to continue sanitary or drainage 13920
facilities or prevention or replacement facilities in, good order 13921
and working condition, but does not include construction of 13922
permanent improvements. 13923

(8) "Public agency" means a state and any agency or 13924
subdivision of a state, including a county, a municipal 13925
corporation, or other subdivision. 13926

(9) "Combined sewer" means a sewer system that is designed to 13927
collect and convey sewage, including domestic, commercial, and 13928
industrial wastewater, and storm water through a single-pipe 13929
system to a treatment works or combined sewer overflow outfall 13930
approved by the director of environmental protection. 13931

(10) "Prevention or replacement facilities" means vegetated 13932
swales or median strips, permeable pavement, trees and tree boxes, 13933
rain barrels and cisterns, rain gardens and filtration planters, 13934
vegetated roofs, wetlands, riparian buffers, and practices and 13935
structures that use or mimic natural processes to filter or reuse 13936
storm water. 13937

(B)(1) For the purpose of preserving and promoting the public 13938
health and welfare, a board of county commissioners may lay out, 13939
establish, consolidate, or otherwise modify the boundaries of, and 13940
maintain, one or more sewer districts within the county and 13941
outside municipal corporations and may have a registered 13942
professional engineer make the surveys necessary for the 13943
determination of the proper boundaries of each district, which 13944
shall be designated by an appropriate name or number. The board 13945
may acquire, construct, maintain, and operate within any district 13946
sanitary or drainage facilities that it determines to be necessary 13947

or appropriate for the collection of sewage and other wastes 13948
originating in or entering the district, to comply with the 13949
provisions of a contract entered into for the purposes described 13950
in sections 6117.41 to 6117.44 of the Revised Code and pursuant to 13951
those sections or other applicable provisions of law, or for the 13952
collection, control, or abatement of waters originating or 13953
accumulating in, or flowing in, into, or through, the district, 13954
and other sanitary or drainage facilities, within or outside of 13955
the district, that it determines to be necessary or appropriate to 13956
conduct the wastes and waters to a proper outlet and to provide 13957
for their proper treatment, disposal, and disposition. The board 13958
may provide for the protection of the sanitary and drainage 13959
facilities and may negotiate and enter into a contract with any 13960
public agency or person for the management, maintenance, 13961
operation, and repair of any of the facilities on behalf of the 13962
county upon the terms and conditions that may be agreed upon with 13963
the agency or person and that may be determined by the board to be 13964
in the best interests of the county. By contract with any public 13965
agency or person operating sanitary or drainage facilities within 13966
or outside of the county, the board may provide a proper outlet 13967
for any of the wastes and waters and for their proper treatment, 13968
disposal, and disposition. 13969

(2) For purposes of preventing storm water from entering a 13970
combined sewer and causing an overflow or an inflow to a sanitary 13971
sewer, the board may acquire, design, construct, operate, repair, 13972
maintain, and provide for a project or program that separates 13973
storm water from a combined sewer or for a prevention or 13974
replacement facility that prevents or minimizes storm water from 13975
entering a combined sewer or a sanitary sewer. 13976

(C) The board of county commissioners may employ a registered 13977
professional engineer to be the county sanitary engineer for the 13978
time and on the terms it considers best and may authorize the 13979

county sanitary engineer to employ necessary assistants upon the 13980
terms fixed by the board. Prior to the initial assignment of 13981
drainage facilities duties to the county sanitary engineer, if the 13982
county sanitary engineer is not the county engineer, the board 13983
first shall offer to enter into an agreement with the county 13984
engineer pursuant to section 315.14 of the Revised Code for 13985
assistance in the performance of those duties of the board 13986
pertaining to drainage facilities, and the county engineer shall 13987
accept or reject the offer within thirty days after the date the 13988
offer is made. 13989

The board may create and maintain a sanitary engineering 13990
department, which shall be under its supervision and which shall 13991
be headed by the county sanitary engineer, for the purpose of 13992
aiding it in the performance of its duties under this chapter and 13993
Chapter 6103. of the Revised Code or its other duties regarding 13994
sanitation, drainage, and water supply provided by law. The board 13995
shall provide suitable facilities for the use of the department 13996
and shall provide for and pay the compensation of the county 13997
sanitary engineer and all authorized necessary expenses of the 13998
county sanitary engineer and the sanitary engineering department. 13999
The county sanitary engineer, with the approval of the board, may 14000
appoint necessary assistants and clerks, and the compensation of 14001
those assistants and clerks shall be provided for and paid by the 14002
board. 14003

(D) The board of county commissioners may adopt, publish, 14004
administer, and enforce rules for the construction, maintenance, 14005
protection, and use of county-owned or county-operated sanitary 14006
and drainage facilities and prevention or replacement facilities 14007
outside municipal corporations, and of sanitary and drainage 14008
facilities and prevention or replacement facilities within 14009
municipal corporations that are owned or operated by the county or 14010
that discharge into sanitary or drainage facilities or prevention 14011

or replacement facilities owned or operated by the county, 14012
including, but not limited to, rules for the establishment and use 14013
of any connections, the termination in accordance with reasonable 14014
procedures of sanitary service for the nonpayment of county 14015
sanitary rates and charges and, if so determined, the concurrent 14016
termination of any county water service for the nonpayment of 14017
those rates and charges, the termination in accordance with 14018
reasonable procedures of drainage service for the nonpayment of 14019
county drainage rates and charges, and the establishment and use 14020
of security deposits to the extent considered necessary to ensure 14021
the payment of county sanitary or drainage rates and charges. The 14022
rules shall not be inconsistent with the laws of this state or any 14023
applicable rules of the director of environmental protection. 14024

14025

(E) No sanitary or drainage facilities or prevention or 14026
replacement facilities shall be constructed in any county outside 14027
municipal corporations by any person until the plans and 14028
specifications have been approved by the board of county 14029
commissioners, and any construction shall be done under the 14030
supervision of the county sanitary engineer. Not less than thirty 14031
days before the date drainage plans are submitted to the board for 14032
its approval, the plans shall be submitted to the county engineer. 14033
If the county engineer is of the opinion after review that the 14034
facilities will have a significant adverse effect on roads, 14035
culverts, bridges, or existing maintenance within the county, the 14036
county engineer may submit a written opinion to the board not 14037
later than thirty days after the date the plans are submitted to 14038
the county engineer. The board may take action relative to the 14039
drainage plans only after the earliest of receiving the written 14040
opinion of the county engineer, receiving a written waiver of 14041
submission of an opinion from the county engineer, or passage of 14042
thirty days from the date the plans are submitted to the county 14043
engineer. Any person constructing the facilities shall pay to the 14044

county all expenses incurred by the board in connection with the 14045
construction 14046

(F) The county sanitary engineer or the county sanitary 14047
engineer's authorized assistants or agents, when properly 14048
identified in writing or otherwise and after written notice is 14049
delivered to the owner at least five days in advance or is mailed 14050
at least five days in advance by first class or certified mail to 14051
the owner's tax mailing address, may enter upon any public or 14052
private property for the purpose of making, and may make, surveys 14053
or inspections necessary for the laying out of sewer districts or 14054
the design or evaluation of county sanitary or drainage facilities 14055
or prevention or replacement facilities. This entry is not a 14056
trespass and is not to be considered an entry in connection with 14057
any appropriation of property proceedings under sections 163.01 to 14058
163.22 of the Revised Code that may be pending. No person or 14059
public agency shall forbid the county sanitary engineer or the 14060
county sanitary engineer's authorized assistants or agents to 14061
enter, or interfere with their entry, upon the property for that 14062
purpose or forbid or interfere with their making of surveys or 14063
inspections. If actual damage is done to property by the making of 14064
the surveys and inspections, the board shall pay the reasonable 14065
value of the damage to the property owner, and the cost shall be 14066
included in the cost of the facilities and may be included in any 14067
special assessments to be levied and collected to pay that cost. 14068

Sec. 6117.011. A board of county commissioners in the manner 14069
provided in this section may make surveys of water supply, 14070
sanitary facilities, ~~or~~ drainage facilities, or prevention or 14071
replacement facilities for any sewer district, the acquisition or 14072
construction of which is contemplated. 14073

Any board desiring to make a survey shall adopt a resolution 14074
declaring its purpose and necessity. In making the surveys, the 14075

board may call upon engineering officers or employees regularly 14076
employed by the board or may authorize and enter into contracts 14077
for the services of registered professional engineers to make the 14078
surveys. 14079

The surveys authorized by this section may include drawings, 14080
plans, specifications, estimates of cost of labor and materials, 14081
other items of cost, assessment rolls, and other facts, material, 14082
data, reports, and information and recommendations that the board 14083
considers advisable or necessary for the purpose. 14084

Contracts entered into for the surveys shall be considered 14085
contracts for professional services and may provide for 14086
preliminary surveys or the making of detailed plans, or both, and 14087
also may provide for engineering supervision of the work. No 14088
contract shall be valid unless one or more of the services to be 14089
performed are by its terms to be commenced within one year after 14090
the contract date. 14091

The contracts shall be signed by at least two members of the 14092
board and by the engineer agreeing to perform the service, and one 14093
signed copy of the contract shall be filed with the fiscal officer 14094
of the county, whose certificate, otherwise required by section 14095
5705.41 of the Revised Code, need not be provided. Payment for the 14096
contracts may be made from the general fund or any other fund 14097
legally available for that use at the times that are agreed upon 14098
or as determined by the board. The proceeds of any public 14099
obligations issued pursuant to section 6119.36 of the Revised Code 14100
or any other public obligations issued or incurred to pay the cost 14101
of facilities to which a survey relates may be used to pay any 14102
part of the cost under the contracts or to reimburse the fund from 14103
which payment was made. 14104

Sec. 6117.012. (A) A board of county commissioners may adopt 14105
rules requiring owners of property within the district whose 14106

property is served by a connection to sewers maintained and 14107
operated by the board or to sewers that are connected to 14108
interceptor sewers maintained and operated by the board to do any 14109
of the following: 14110

(1) Disconnect ~~stormwater~~ storm water inflows to sanitary 14111
sewers maintained and operated by the board and not operated as a 14112
combined sewer, or to connections with those sewers; 14113

(2) Disconnect ~~non-stormwater~~ non-storm water inflows to 14114
~~stormwater~~ storm water sewers maintained and operated by the board 14115
and not operated as a combined sewer, or to connections with those 14116
storm water sewers; 14117

(3) Reconnect or relocate any such disconnected inflows in 14118
compliance with board rules and applicable building codes, health 14119
codes, or other relevant codes; 14120

(4) Prevent sewer back-ups into properties that have 14121
experienced one or more ~~overflows~~ back-ups of sanitary or combined 14122
sewers maintained and operated by the board; 14123

(5) Prevent storm water from entering a combined sewer and 14124
causing an overflow or an inflow to a sanitary sewer, which 14125
prevention may include projects or programs that separate the 14126
storm water from a combined sewer or that utilize a prevention or 14127
replacement facility to prevent or minimize storm water from 14128
entering a combined sewer or a sanitary sewer. 14129

(B) Any inflow required to be disconnected or any sewer 14130
back-up required to be prevented under a rule adopted pursuant to 14131
~~division~~ divisions (A)(1) to (4) of this section constitutes a 14132
nuisance subject to injunctive relief and abatement pursuant to 14133
Chapter 3767. of the Revised Code or as otherwise permitted by 14134
law. 14135

(C) A board of county commissioners may use sewer district 14136
funds; county general fund moneys; the proceeds of bonds issued 14137

under Chapter 133. or 165. of the Revised Code; and, to the extent 14138
permitted by their terms, loans, grants, or other moneys from 14139
appropriate state or federal funds, for either of the following: 14140

(1) The cost of disconnections, reconnections, relocations, 14141
combined sewer overflow prevention, or sewer back-up prevention 14142
required by rules adopted pursuant to division (A) of this 14143
section, performed by the county or under contract with the 14144
county; 14145

(2) Payments to the property owner or a contractor hired by 14146
the property owner pursuant to a competitive process established 14147
by district rules, for the cost of disconnections, reconnections, 14148
relocations, combined sewer overflow prevention, or sewer back-up 14149
prevention required by rules adopted pursuant to division (A) of 14150
this section after the board, pursuant to its rules, has approved 14151
the work to be performed and after the county has received from 14152
the property owner a statement releasing the county from all 14153
liability in connection with the disconnections, reconnections, 14154
relocations, combined sewer overflow prevention, or sewer back-up 14155
prevention. 14156

(D) Except as provided in division (E) of this section, the 14157
board of county commissioners shall require in its rules regarding 14158
disconnections, reconnections, ~~or~~ relocations of sewers, combined 14159
sewer overflow prevention, or sewer back-up prevention the 14160
reimbursement of moneys expended pursuant to division (C) of this 14161
section by either of the following methods: 14162

(1) A charge to the property owner in the amount of the 14163
payment made pursuant to division (C) of this section for 14164
immediate payment or payment in installments with interest as 14165
determined by the board not to exceed ten per cent, which payments 14166
may be billed as a separate item with the rents charged to that 14167
owner for use of the sewers. The board may approve installment 14168
payments for a period of not more than fifteen years. If charges 14169

are to be paid in installments, the board shall certify to the 14170
county auditor information sufficient to identify each subject 14171
parcel of property, the total of the charges to be paid in 14172
installments, and the total number of installments to be paid. The 14173
auditor shall record the information in the sewer improvement 14174
record until these charges are paid in full. Charges not paid when 14175
due shall be certified to the county auditor, who shall place the 14176
charges upon the real property tax list and duplicate against that 14177
property. Those charges shall be a lien on the property from the 14178
date they are placed on the tax list and duplicate and shall be 14179
collected in the same manner as other taxes. 14180

(2) A special assessment levied against the property, payable 14181
in the number of years the board determines, not to exceed fifteen 14182
years, with interest as determined by the board not to exceed ten 14183
per cent. The board shall certify the assessments to the county 14184
auditor, stating the amount and time of payment. The auditor shall 14185
record the information in the county sewer improvement record, 14186
showing separately the assessments to be collected, and shall 14187
place the assessments upon the real property tax list and 14188
duplicate for collection. The assessments shall be a lien on the 14189
property from the date they are placed on the tax list and 14190
duplicate and shall be collected in the same manner as other 14191
taxes. 14192

(E) The county may adopt a resolution specifying a maximum 14193
amount of the cost of any disconnection, reconnection, relocation, 14194
combined sewer overflow prevention, or sewer back-up prevention 14195
required pursuant to division (A) of this section that may be paid 14196
by the county for each affected parcel of property without 14197
requiring reimbursement. That amount may be allowed only if there 14198
is a building code, health code, or other relevant code, or a 14199
federally imposed or state-imposed consent decree that is filed or 14200
otherwise recorded in a court of competent jurisdiction, 14201

applicable to the affected parcel that prohibits in the future any inflows, combined sewer overflows, or sewer back-ups not allowed under rules adopted pursuant to division (A)(1) ~~or~~, (4), or (5) of this section. The board, by rule, shall establish criteria for determining how much of the maximum amount for each qualifying parcel need not be reimbursed.

(F) Disconnections, reconnections, relocations, combined sewer overflow prevention, or sewer back-up prevention required under this section and performed by a contractor under contract with the property owner shall not be considered a public improvement, and those performed by the county shall be considered a public improvement as defined in section 4115.03 of the Revised Code.

Disconnections, reconnections, relocations, combined sewer overflow prevention, or sewer back-up prevention required under this section performed by a contractor under contract with the property owner shall not be subject to competitive bidding or public bond laws.

(G) Property owners shall be responsible for maintaining any improvements made or facilities constructed on private property to reconnect or relocate disconnected inflows, for combined sewer overflow prevention, or for sewer back-up prevention pursuant to this section unless a public easement or other agreement exists for the county to maintain that improvement or facility.

(H) A board of county commissioners may provide rate reductions of and credits against charges for the use of sewers to a property owner that implements a project or program that prevents storm water from entering a combined sewer and causing an overflow. Such a project or program may include the use of a prevention or replacement facility to handle storm water that has been separated from a combined sewer. The revised rates or charges shall be collected and paid to the county treasurer in accordance

with section 6117.02 of the Revised Code. 14234

Sec. 6117.04. The authority of a board of county 14235
commissioners to acquire, construct, maintain, and operate 14236
sanitary or drainage facilities or prevention or replacement 14237
facilities for a county sewer district in the territory of a 14238
municipal corporation, or a regional district established under 14239
Chapter 6119. of the Revised Code, that is in whole or in part 14240
within the county sewer district is the same as provided by law 14241
with respect to territory within a county sewer district that is 14242
wholly outside a municipal corporation or a regional district, 14243
subject to the following in the case of facilities within a 14244
municipal corporation: 14245

(A) The acquisition, construction, maintenance, and operation 14246
of the facilities shall first be authorized by an ordinance or 14247
resolution of the legislative authority of the municipal 14248
corporation. 14249

(B) All road surfaces, curbs, sidewalks, sewers, water supply 14250
facilities, or other public improvements or property that may be 14251
disturbed or damaged by the construction of the facilities shall 14252
be replaced or restored within a reasonable time by the county, 14253
and the cost shall be treated as a part of the cost of the 14254
facilities. 14255

(C) The municipal corporation, with the prior approval of or 14256
by agreement with the board, may make use of the facilities in 14257
accordance with rules established by the board and subject to any 14258
applicable requirements of the director of environmental 14259
protection. 14260

Sec. 6117.05. (A) Whenever any portion of a sewer district is 14261
incorporated as, or annexed to, a municipal corporation, the area 14262
so incorporated or annexed shall remain under the jurisdiction of 14263

the board of county commissioners for purposes of the acquisition 14264
and construction of sanitary and drainage facility and prevention 14265
or replacement facility improvements until all of those 14266
improvements for the area for which a resolution described in 14267
division (A) or (E) of section 6117.06 of the Revised Code has 14268
been adopted by the board have been acquired or completed or until 14269
the board has abandoned the improvements. The board, unless and 14270
until a conveyance is made to a municipal corporation in 14271
accordance with division (B) of this section, shall continue to 14272
have jurisdiction in the area so incorporated or annexed with 14273
respect to the management, maintenance, and operation of all 14274
sanitary and drainage facilities and prevention or replacement 14275
facilities so acquired or completed, or previously acquired or 14276
completed, including the right to establish rules and rates and 14277
charges for the use of, and connections to, the facilities. The 14278
incorporation or annexation of any part of a district shall not 14279
affect the legality or enforceability of any public obligations 14280
issued or incurred by the county for purposes of this chapter to 14281
provide for the payment of the cost of acquisition, construction, 14282
maintenance, or operation of any sanitary or drainage facilities 14283
or prevention or replacement facilities within the area, or the 14284
validity of any assessments levied or to be levied upon properties 14285
within the area to provide for the payment of the cost of 14286
acquisition, construction, maintenance, or operation of the 14287
facilities. 14288

(B) Any completed sanitary or drainage facilities or 14289
prevention or replacement facilities acquired or constructed by a 14290
county under this chapter for the use of any county sewer 14291
district, or any part of those facilities, that are located within 14292
a municipal corporation or within any area that is incorporated 14293
as, or annexed to, a municipal corporation, or any part of the 14294
facilities that serve a municipal corporation or such an area, may 14295
be conveyed, by mutual agreement between the board and the 14296

municipal corporation, to the municipal corporation on terms and 14297
for consideration as may be negotiated. Upon and after the 14298
conveyance, the municipal corporation shall manage, maintain, and 14299
operate the facilities in accordance with the agreement. The board 14300
may retain the right to joint use of all or part of any facilities 14301
so conveyed for the benefit of the district. Neither the validity 14302
of any assessment levied or to be levied, nor the legality or 14303
enforceability of any public obligations issued or incurred, to 14304
provide for the payment of the cost of the acquisition, 14305
construction, maintenance, or operation of the facilities or any 14306
part of them, shall be affected by the conveyance. 14307

Sec. 6117.06. (A) After the establishment of any sewer 14308
district, the board of county commissioners, if a sanitary or 14309
drainage facility or prevention or replacement facility 14310
improvement is to be undertaken, may have the county sanitary 14311
engineer prepare, or otherwise cause to be prepared, for the 14312
district, or revise as needed, a general plan of sewerage or 14313
drainage that is as complete in each case as can be developed at 14314
the time and that is devised with regard to any existing sanitary 14315
or drainage facilities or prevention or replacement facilities in 14316
the district and present as well as prospective needs for 14317
additional sanitary or drainage facilities or prevention or 14318
replacement facilities in the district. After the general plan, in 14319
original or revised form, has been approved by the board, it may 14320
adopt a resolution generally describing the improvement that is 14321
necessary to be acquired or constructed in accordance with the 14322
particular plan, declaring that the improvement is necessary for 14323
the preservation and promotion of the public health and welfare, 14324
and determining whether or not special assessments are to be 14325
levied and collected to pay any part of the cost of the 14326
improvement. 14327

(B) If special assessments are not to be levied and collected 14328

to pay any part of the cost of the improvement, the board, in the 14329
resolution provided for in division (A) of this section or in a 14330
subsequent resolution, including a resolution authorizing the 14331
issuance or incurrence of public obligations for the improvement, 14332
may authorize the improvement and the expenditure of the funds 14333
required for its acquisition or construction and may proceed with 14334
the improvement without regard to the procedures otherwise 14335
required by divisions (C), (D), and (E) of this section and by 14336
sections 6117.07 to 6117.24 of the Revised Code. Those procedures 14337
are required only for improvements for which special assessments 14338
are to be levied and collected. 14339

(C) If special assessments are to be levied and collected 14340
pursuant to a determination made in the resolution provided for in 14341
division (A) of this section or in a subsequent resolution, the 14342
procedures referred to in division (B) of this section as being 14343
required for that purpose shall apply, and the board may have the 14344
county sanitary engineer prepare, or otherwise cause to be 14345
prepared, detailed plans, specifications, and an estimate of cost 14346
for the improvement, together with a tentative assessment of the 14347
cost based on the estimate. The tentative assessment shall be for 14348
the information of property owners and shall not be levied or 14349
certified to the county auditor for collection. The detailed 14350
plans, specifications, estimate of cost, and tentative assessment, 14351
if approved by the board, shall be carefully preserved in the 14352
office of the board or the county sanitary engineer and shall be 14353
open to the inspection of all persons interested in the 14354
improvement. 14355

(D) After the board's approval of the detailed plans, 14356
specifications, estimate of cost, and tentative assessment, and at 14357
least twenty-four days before adopting a resolution pursuant to 14358
division (E) of this section, the board, except to the extent that 14359
appropriate waivers of notice are obtained from affected owners, 14360

shall cause to be sent a notice of its intent to adopt the 14361
resolution to each owner of property proposed to be assessed that 14362
is listed on the records of the county auditor for current 14363
agricultural use value taxation pursuant to section 5713.31 of the 14364
Revised Code and that is not located in an agricultural district 14365
established under section 929.02 of the Revised Code. The notice 14366
shall satisfy all of the following: 14367

(1) Be sent by first class or certified mail; 14368

(2) Specify the proposed date of the adoption of the 14369
resolution; 14370

(3) Contain a statement that the improvement will be financed 14371
in whole or in part by special assessments and that all properties 14372
not located in an agricultural district established pursuant to 14373
section 929.02 of the Revised Code may be subject to a special 14374
assessment; 14375

(4) Contain a statement that an agricultural district may be 14376
established by filing an application with the county auditor. 14377

If it appears, by the return of the mailed notices or by 14378
other means, that one or more of the affected owners cannot be 14379
found or are not served by the mailed notice, the board shall 14380
cause the notice to be published once in a newspaper of general 14381
circulation in the county not later than ten days before the 14382
adoption of the resolution. 14383

(E) After complying with divisions (A), (C), and (D) of this 14384
section, the board may adopt a resolution declaring that the 14385
improvement, which shall be described as to its nature and its 14386
location, route, and termini, is necessary for the preservation 14387
and promotion of the public health and welfare, referring to the 14388
plans, specifications, estimate of cost, and tentative assessment, 14389
stating the place where they are on file and may be examined, and 14390
providing that the entire cost or a lesser designated part of the 14391

cost will be specially assessed against the benefited properties 14392
within the district and that any balance will be paid by the 14393
county at large from other available funds. The resolution also 14394
shall contain a description of the boundaries of that part of the 14395
district to be assessed and shall designate a time and place for 14396
objections to the improvement, to the tentative assessment, or to 14397
the boundaries of the assessment district to be heard by the 14398
board. The date of that hearing shall be not less than twenty-four 14399
days after the date of the first publication of the notice of the 14400
hearing required by this division. 14401

The board shall cause a notice of the hearing to be published 14402
once a week for two consecutive weeks in a newspaper of general 14403
circulation in the county, and on or before the date of the second 14404
publication, it shall cause to be sent by first class or certified 14405
mail a copy of the notice to every owner of property to be 14406
assessed for the improvement whose address is known. 14407

The notice shall set forth the time and place of the hearing, 14408
a summary description of the proposed improvement, including its 14409
general route and termini, a summary description of the area 14410
constituting the assessment district, and the place where the 14411
plans, specifications, estimate of cost, and tentative assessment 14412
are on file and may be examined. Each mailed notice also shall 14413
include a statement that the property of the addressee will be 14414
assessed for the improvement. The notice also shall be sent by 14415
first class or certified mail, on or before the date of the second 14416
publication, to the clerk, or to the official discharging the 14417
duties of a clerk, of any municipal corporation any part of which 14418
lies within the assessment district and shall state whether or not 14419
any property belonging to the municipal corporation is to be 14420
assessed and, if so, shall identify that property. 14421

At the hearing, or at any adjournment of the hearing, of 14422
which no further published or mailed notice need be given, the 14423

board shall hear all parties whose properties are proposed to be 14424
assessed. Written objections to or endorsements of the proposed 14425
improvement, its character and termini, the boundaries of the 14426
assessment district, or the tentative assessment shall be received 14427
by the board for a period of five days after the completion of the 14428
hearing, and no action shall be taken by the board in the matter 14429
until after that period has elapsed. The minutes of the hearing 14430
shall be entered on the journal of the board, showing the persons 14431
who appear in person or by attorney, and all written objections 14432
shall be preserved and filed in the office of the board. 14433

Sec. 6117.25. (A) The board of county commissioners may pay 14434
the whole or any part of the cost of constructing, maintaining, 14435
repairing, or operating any improvement provided for in this 14436
chapter, including the payment of a county sanitary engineer and 14437
~~his~~ the sanitary engineer's assistants and other necessary 14438
expenses. Insofar as such expenses relate to the construction of a 14439
permanent improvement, they may be considered as part of the cost 14440
of such improvement and bonds may be issued therefor. ~~Bonds~~ 14441

(B) ~~Bonds~~ and notes in anticipation thereof, including bonds 14442
issued in anticipation of the collection of assessments deferred 14443
pursuant to sections 6117.061 and 6117.33 of the Revised Code, may 14444
be issued by the board pursuant to Chapter 133. of the Revised 14445
Code, to finance any such improvement~~+~~, provided that where a 14446
separate issue of bonds is issued in anticipation of the 14447
collection of deferred assessments, the first principal maturity 14448
of such bonds may be not later than five years from the date of 14449
such bonds. Bonds issued in anticipation of the collection of 14450
assessments deferred pursuant to sections 6117.061 and 6117.33 of 14451
the Revised Code and notes issued in anticipation of such bonds 14452
shall be considered for all purposes under this chapter and 14453
Chapter 133. of the Revised Code as being bonds or notes issued in 14454
anticipation of the levy or collection of special assessments. 14455

(C) Bonds may be issued by the board under Chapter 165. of 14456
the Revised Code to finance such improvements payable solely from 14457
revenues generated by the improvements. 14458

Sec. 6117.251. (A) After the establishment of any county 14459
sewer district, the board of county commissioners may determine by 14460
resolution that it is necessary to provide sanitary or drainage 14461
facility improvements or prevention or replacement facility 14462
improvements and to maintain and operate the improvements within 14463
the district or a designated portion of the district, that the 14464
improvements, which shall be generally described in the 14465
resolution, shall be constructed, that funds are required to pay 14466
the preliminary costs of the improvements to be incurred prior to 14467
the commencement of the proceedings for their construction, and 14468
that those funds shall be provided in accordance with this 14469
section. 14470

(B) Prior to the adoption of the resolution, the board shall 14471
give notice of its pendency and of the proposed determination of 14472
the necessity of the improvements generally described in the 14473
resolution. The notice shall set forth a description of the 14474
properties to be benefited by the improvements and the time and 14475
place of a hearing of objections to and endorsements of the 14476
improvements. The notice shall be given either by publication in a 14477
newspaper of general circulation in the county once a week for two 14478
consecutive weeks, or by mailing a copy of the notice by first 14479
class or certified mail to the owners of the properties proposed 14480
to be assessed at their respective tax mailing addresses, or by 14481
both manners, the first publication to be made or the mailing to 14482
occur at least two weeks prior to the date set for the hearing. At 14483
the hearing, or at any adjournment of the hearing, of which no 14484
further published or mailed notice need be given, the board shall 14485
hear all persons whose properties are proposed to be assessed and 14486
the evidence it considers to be necessary. The board then shall 14487

determine the necessity of the proposed improvements and whether 14488
the improvements shall be made by the board and, if they are to be 14489
made, shall direct the preparation of tentative assessments upon 14490
the benefited properties and by whom they shall be prepared. 14491

(C) In order to obtain funds for the preparation of a general 14492
or revised general plan of sewerage or drainage for the district 14493
or part of the district, for the preparation of the detailed 14494
plans, specifications, estimate of cost, and tentative assessment 14495
for the proposed improvements, and for the cost of financing and 14496
legal services incident to the preparation of all of those plans 14497
and a plan of financing the proposed improvements, the board may 14498
levy upon the properties to be benefited in the district a 14499
preliminary assessment apportioned according to benefits or to tax 14500
valuation or partly by one method and partly by the other method 14501
as the board may determine. The assessments shall be in the amount 14502
determined to be necessary to obtain funds for the general and 14503
detailed plans and the cost of financing and legal services and 14504
shall be payable in the number of years that the board shall 14505
determine, not to exceed twenty years, together with interest on 14506
any public obligations that may be issued or incurred in 14507
anticipation of the collection of the assessments. 14508

(D) The board shall have power at any time to levy additional 14509
assessments according to benefits or to tax valuation or partly by 14510
one method and partly by the other method as the board may 14511
determine for the purposes described in division (C) of this 14512
section upon the benefited properties to complete the payment of 14513
the costs described in division (C) of this section or to pay the 14514
cost of any additional plans, specifications, estimate of cost, or 14515
tentative assessment and the cost of financing and legal services 14516
incident to the preparation of those plans and the plan of 14517
financing, which additional assessments shall be payable in the 14518
number of years that the board shall determine, not to exceed 14519

twenty years, together with interest on any public obligations 14520
that may be issued or incurred in anticipation of the collection 14521
of the additional assessments. 14522

(E) Prior to the adoption of a resolution levying assessments 14523
under this section, the board shall give notice either by one 14524
publication in a newspaper of general circulation in the county, 14525
or by mailing a copy of the notice by first class or certified 14526
mail to the owners of the properties proposed to be assessed at 14527
their respective tax mailing addresses, or by both manners, the 14528
publication to be made or the mailing to occur at least ten days 14529
prior to the date of the meeting at which the resolution shall be 14530
taken up for consideration; that notice shall state the time and 14531
place of the meeting at which the resolution is to be considered. 14532
At the time and place of the meeting, or at any adjournment of the 14533
meeting, of which no further published or mailed notice need be 14534
given, the board shall hear all persons whose properties are 14535
proposed to be assessed, shall correct any errors and make any 14536
revisions that appear to be necessary or just, and then may adopt 14537
a resolution levying upon the properties determined to be 14538
benefited the assessments as so corrected and revised. 14539

The assessments levied by the resolution shall be certified 14540
to the county auditor for collection in the same manner as taxes 14541
in the year or years in which they are payable. 14542

(F) Upon the adoption of the resolution described in division 14543
(E) of this section, no further action shall be taken or work done 14544
until ten days have elapsed. If, at the expiration of that period, 14545
no appeal has been effected by any property owner as provided in 14546
this division, the action of the board shall be final. If, at the 14547
end of that ten days, any owner of property to be assessed for the 14548
improvements has effected an appeal, no further action shall be 14549
taken and no work done in connection with the improvements under 14550
the resolution until the matters appealed from have been disposed 14551

of in court. 14552

Any owner of property to be assessed may appeal as provided 14553
and upon the grounds stated in sections 6117.09 to 6117.24 of the 14554
Revised Code. 14555

If no appeal has been perfected or if on appeal the 14556
resolution of the board is sustained, the board may authorize and 14557
enter into contracts to carry out the purposes for which the 14558
assessments have been levied without the prior issuance of notes, 14559
provided that the payments under those contracts do not fall due 14560
prior to the time by which the assessments are to be collected. 14561
The board may issue and sell bonds with a maximum maturity of 14562
twenty years in anticipation of the collection of the assessments 14563
and may issue notes in anticipation of the issuance of the bonds, 14564
which notes and bonds, as public obligations, shall be issued and 14565
sold as provided in Chapter 133. of the Revised Code. 14566

Sec. 6117.28. Whenever the owners of all the lots and lands 14567
to be assessed for any sanitary or drainage facility improvement 14568
or any prevention or replacement facility improvement provided for 14569
in this chapter, by petition in writing, request the board of 14570
county commissioners to provide for the acquisition or 14571
construction, maintenance, and operation of the improvement, 14572
describing the improvement and the lots and lands owned by them 14573
respectively to be assessed to pay the cost of acquisition or 14574
construction, maintenance, and operation of the improvement and 14575
consenting that their lots and lands may be assessed to pay the 14576
cost of the acquisition or construction of the improvement and of 14577
its maintenance and operation as provided in this chapter, and 14578
waive all legal notices otherwise required, the board may have the 14579
county sanitary engineer prepare, or otherwise cause to be 14580
prepared, the necessary plans, specifications, and estimate of 14581
cost of the acquisition or construction, maintenance, and 14582

operation of the improvement and a tentative assessment. When the 14583
owners state, in writing, that they have examined the estimate of 14584
cost and tentative assessment, that they have no objections to 14585
them, and that, in case bonds are proposed to be issued prior to 14586
the acquisition or construction of the improvement, they waive 14587
their right or option to pay the assessments in cash, the board 14588
may proceed as provided in this chapter to cause the improvement 14589
to be acquired or constructed and to cause provision to be made 14590
for the payment of the cost of its acquisition or construction, 14591
maintenance, and operation, except that none of the notices 14592
otherwise required by law need be given and no opportunity need be 14593
provided for the filing of objections to the improvement, its 14594
character and termini, the boundaries of the assessment district, 14595
or the tentative assessment or, if bonds are issued prior to the 14596
acquisition or construction of the improvement, for paying the 14597
assessments in cash. The board may proceed to issue or incur 14598
public obligations in the required amount, complete the 14599
acquisition or construction of the improvement, and levy and 14600
collect the assessments authorized by this chapter. No person or 14601
public agency shall have the right to appeal from any decision or 14602
action of the board in the matter except refusal by the board to 14603
proceed with the improvement. 14604

The tentative assessment provided for in this section shall 14605
be for the information of property owners and shall not be levied 14606
or certified to the county auditor for collection. On completion 14607
of the improvement, its cost shall be determined, and the county 14608
sanitary engineer shall prepare, or otherwise cause to be 14609
prepared, a revised assessment based on the actual cost and in 14610
substantially the same proportion as the tentative assessment. The 14611
board shall confirm and levy the revised assessment and certify it 14612
to the county auditor for collection. 14613

Sec. 6117.30. The cost of the acquisition or construction of 14614

sanitary or drainage facilities or prevention or replacement 14615
facilities to be paid by assessments shall be assessed, as an 14616
assessment district assessment, upon all the property within the 14617
county sewer district found to be benefited in accordance with the 14618
special benefits conferred, less any part of the cost that is paid 14619
by the county at large from other available funds. State land so 14620
benefited shall bear its portion of the assessed cost. 14621

Sec. 6117.34. Whenever the legislative authority or board of 14622
health, or the officers performing the duties of the legislative 14623
authority or board of health, of a municipal corporation, the 14624
board of health of a general health district, or a board of 14625
township trustees makes complaint, in writing, to the 14626
environmental protection agency that unsanitary conditions exist 14627
in any county, the agency's director forthwith shall inquire into 14628
and investigate the conditions complained of. If, upon 14629
investigation of the complaint, the director finds that it is 14630
necessary for the public health and welfare that sanitary or 14631
drainage facilities or prevention or replacement facilities be 14632
acquired or constructed, maintained, and operated to serve any 14633
territory outside municipal corporations in any county, the 14634
director shall notify the board of county commissioners of the 14635
county of that finding and order that corrective action be taken. 14636
The board shall obey the order and proceed as provided in this 14637
chapter to establish a county sewer district, if required, to 14638
provide the necessary funds, to acquire or construct the 14639
facilities, and to maintain and operate the facilities, as 14640
required by the order and in a manner that is satisfactory to the 14641
director. Any part or all of the cost of the facilities or of the 14642
maintenance and operation of the facilities may be assessed upon 14643
the benefited properties as provided in this chapter. 14644

Sec. 6117.38. (A) At any time after the formation of any 14645

county sewer district, the board of county commissioners, when it 14646
considers it appropriate, on application by a person or public 14647
agency for the provision of sewerage or drainage to properties of 14648
the person or public agency located outside of the district, may 14649
contract with the person or public agency for depositing sewage or 14650
drainage from those properties in facilities acquired or 14651
constructed or to be acquired or constructed by the county to 14652
serve the district and for the treatment, disposal, and 14653
disposition of the sewage or drainage, on terms that the board 14654
considers equitable. The amount to be paid by the person or public 14655
agency to reimburse the county for costs of acquiring or 14656
constructing those facilities shall not be less than the original 14657
or comparable assessment for similar property within the district 14658
or, in the absence of an original or comparable assessment, an 14659
amount that is found by the board to be reasonable and fairly 14660
reflective of that portion of the cost of those facilities 14661
attributable to the properties to be served. The board shall 14662
appropriate any moneys received for that service to and for the 14663
use and benefit of the district. The board may collect the amount 14664
to be paid by the person or public agency in full, in cash or in 14665
installments as a part of a connection charge to be collected in 14666
accordance with division (B) or (D) of section 6117.02 of the 14667
Revised Code, or if the properties to be served are located within 14668
the county, the same amount may be assessed against those 14669
properties, and, in that event, the manner of making the 14670
assessment, together with the notice of it, shall be as provided 14671
in this chapter. 14672

(B) Whenever sanitary or drainage facilities or prevention or 14673
replacement facilities have been acquired or constructed by, and 14674
at the expense of, a person or public agency and the board 14675
considers it appropriate to acquire the facilities or any part of 14676
them for the purpose of providing sewerage or drainage service to 14677
territory within a sewer district, the county sanitary engineer, 14678

at the direction of the board, shall examine the facilities. If 14679
the county sanitary engineer finds the facilities properly 14680
designed and constructed, the county sanitary engineer shall 14681
certify that fact to the board. The board may determine to 14682
purchase the facilities or any part of them at a cost that, after 14683
consultation with the county sanitary engineer, it finds to be 14684
reasonable. 14685

Subject to and in accordance with this division and division 14686
(B) or divisions (C), (D), and (E) of section 6117.06 of the 14687
Revised Code, the board may purchase the facilities or any part of 14688
them by negotiation. For the purpose of paying the cost of their 14689
acquisition, the board may issue or incur public obligations and 14690
assess the entire cost, or a lesser designated part of the cost, 14691
of their acquisition against the benefited properties in the 14692
manner provided in this chapter for the construction of original 14693
or comparable facilities. 14694

Sec. 6117.41. At any time after the formation of any county 14695
sewer district, the board of county commissioners may enter into a 14696
contract, upon the terms and for the period of time that are 14697
mutually agreed upon, with any other public agency to prepare all 14698
necessary plans and estimates of cost and to acquire or construct 14699
any sanitary or drainage facilities or any prevention or 14700
replacement facilities that are to be used jointly by the 14701
contracting parties, and to provide for the maintenance, 14702
operation, and joint use by the contracting parties of those 14703
facilities or the maintenance, operation, and joint use of any 14704
suitable existing sanitary or drainage facilities or prevention or 14705
replacement facilities belonging to either of the contracting 14706
parties. 14707

Sec. 6117.42. All contracts under section 6117.41 of the 14708
Revised Code shall provide for the payment of compensation to the 14709

county or other public agency owning, acquiring, or constructing, 14710
or agreeing to acquire or construct, the sanitary or drainage 14711
facilities or prevention or replacement facilities to be jointly 14712
used in an amount agreed upon as the other party's share of the 14713
cost of acquiring or constructing the facilities. The contract 14714
also shall provide for payment of compensation to the county or 14715
other public agency owning, acquiring, or constructing the 14716
facilities and operating and maintaining them in an amount agreed 14717
upon as the other party's share of the cost of operating and 14718
maintaining them or, in lieu of all other or differing payments, 14719
and agreed price per unit of flow. A county or other public agency 14720
owning, acquiring, or constructing, or agreeing to acquire or 14721
construct, any of the facilities and agreeing to their use by 14722
another public agency shall retain full control and management of 14723
the acquisition, construction, maintenance, and operation of the 14724
facilities, unless otherwise provided in the contract and except, 14725
in the case of a county, when conveyed to a municipal corporation 14726
as provided in division (B) of section 6117.05 of the Revised 14727
Code. 14728

Sec. 6117.43. A county or other public agency contracting as 14729
provided in sections 6117.41 and 6117.42 of the Revised Code for 14730
the joint use of any sanitary or drainage facilities or any 14731
prevention or replacement facilities acquired or constructed, or 14732
to be acquired or constructed, by another public agency may 14733
provide for payment of the agreed compensation by the levy of 14734
taxes or special assessments or from sanitary sewer or drainage 14735
rates and charges, if and to the extent that the public agency is 14736
authorized by the laws governing it in the acquisition, 14737
construction, maintenance, or operation of the facilities to 14738
provide for payment of the costs in respect of which the 14739
compensation is due from those sources, and may issue or incur 14740
public obligations as provided by those laws and pay the debt 14741

charges on those obligations from those sources if and to the 14742
extent so authorized. 14743

Sec. 6117.44. A county or other public agency receiving the 14744
compensation provided for in section 6117.42 of the Revised Code 14745
shall credit the amount so received to the proper fund to be used 14746
for the acquisition, construction, or operation and maintenance, 14747
as the case may be, of the sanitary or drainage facilities or the 14748
prevention or replacement facilities or for other authorized 14749
purposes. 14750

Sec. 6117.45. No person or public agency shall tamper with or 14751
damage any sanitary or drainage facility or any prevention or 14752
replacement facility acquired or constructed by a county under 14753
this chapter or any apparatus or accessory connected with it or 14754
pertaining to it, or make any connection into or with the 14755
facility, without the permission of the board of county 14756
commissioners or in a manner or for a use other than as prescribed 14757
by the board. No person or public agency shall refuse to permit 14758
the inspection by the county sanitary engineer of any such 14759
connection. No person or public agency shall violate any other 14760
provision of this chapter. 14761

All fines collected under section 6117.99 of the Revised Code 14762
shall be paid to the county treasurer and credited to the fund 14763
that the board determines to be most appropriate after 14764
consideration of the nature and extent of the particular 14765
violations. 14766

Sec. 6117.49. (A) If the board of county commissioners 14767
determines by resolution that the best interests of the county and 14768
those served by the sanitary or drainage facilities or the 14769
prevention or replacement facilities of a county sewer district so 14770
require, the board may sell or otherwise dispose of the facilities 14771

to another public agency or a person. The resolution declaring the 14772
necessity of that disposition shall recite the reasons for the 14773
sale or other disposition and shall establish any conditions or 14774
terms that the board may impose, including, but not limited to, a 14775
minimum sales price if a sale is proposed, a requirement for the 14776
submission by bidders of the schedule of rates and charges 14777
initially proposed to be paid for the services of the facilities, 14778
and other pertinent conditions or terms relating to the sale or 14779
other disposition. The resolution also shall designate a time and 14780
place for the hearing of objections to the sale or other 14781
disposition by the board. Notice of the adoption of the resolution 14782
and the time and place of the hearing shall be published once a 14783
week for two consecutive weeks in a newspaper of general 14784
circulation in the sewer district and in the county. The public 14785
hearing on the sale or other disposition shall be held not less 14786
than twenty-four days following the date of first publication of 14787
the notice. A copy of the notice also shall be sent by first class 14788
or certified mail, on or before the date of the second 14789
publication, to any public agency within the area served by the 14790
facilities. At the public hearing, or at any adjournment of it, of 14791
which no further published or mailed notice need be given, the 14792
board shall hear all interested parties. A period of five days 14793
shall be given following the completion of the hearing for the 14794
filing of written objections by any interested persons or public 14795
agencies to the sale or other disposition, after which the board 14796
shall consider any objections and by resolution determine whether 14797
or not to proceed with the sale or other disposition. If the board 14798
determines to proceed with the sale or other disposition, it shall 14799
receive bids after advertising once a week for four consecutive 14800
weeks in a newspaper of general circulation in the county and, 14801
subject to the right of the board to reject any or all bids, may 14802
make an award to a responsible bidder whose proposal is determined 14803
by the board to be in the best interests of the county and those 14804

served by the facilities. 14805

(B) A conveyance of sanitary or drainage facilities or of 14806
prevention or replacement facilities by a county to a municipal 14807
corporation in accordance with division (B) of section 6117.05 of 14808
the Revised Code may be made without regard to division (A) of 14809
this section. 14810

Sec. 6121.045. With respect to a loan made under this 14811
chapter, the Ohio water development authority shall not charge any 14812
fees or fines in excess of the principal amount of the loan. 14813

Sec. 6123.042. With respect to a loan made under this 14814
chapter, the Ohio water development authority shall not charge any 14815
fees or fines in excess of the principal amount of the loan. 14816

Section 101.02. That existing sections 9.835, 113.061, 14817
113.40, 117.13, 117.38, 124.152, 125.021, 125.18, 125.25, 133.08, 14818
135.61, 135.63, 135.65, 135.66, 156.02, 165.01, 165.03, 303.12, 14819
303.211, 307.697, 321.261, 351.26, 519.12, 519.211, 1346.03, 14820
2743.49, 2921.13, 3119.023, 3301.0714, 3311.24, 3313.842, 14821
3313.978, 3314.05, 3317.20, 3318.01, 3318.03, 3318.032, 3318.04, 14822
3333.04, 3333.044, 3333.122, 3353.02, 3354.16, 3355.12, 3357.16, 14823
3702.71, 3702.72, 3702.73, 3702.74, 3702.75, 3702.78, 3702.79, 14824
3702.81, 3702.85, 3702.86, 3702.91, 3702.93, 3702.95, 3703.01, 14825
3734.821, 3735.67, 3905.40, 3961.04, 4301.355, 4301.421, 4301.424, 14826
4301.432, 4301.47, 4301.62, 4303.03, 4303.071, 4303.181, 4303.182, 14827
4303.232, 4303.233, 4303.30, 4303.33, 4303.333, 4399.12, 4510.10, 14828
4511.101, 4735.01, 4735.02, 4735.10, 4735.13, 4735.14, 4735.141, 14829
4752.04, 4752.05, 4752.06, 4752.07, 4752.11, 4752.12, 4752.13, 14830
4928.142, 5101.5211, 5101.5212, 5101.5213, 5101.5214, 5101.5215, 14831
5101.572, 5101.80, 5111.032, 5111.31, 5111.941, 5112.31, 14832
5123.0412, 5123.196, 5525.01, 5703.19, 5703.21, 5703.57, 5709.121, 14833
5727.85, 5739.01, 5739.02, 5739.029, 5739.12, 5739.122, 5739.124, 14834

5739.21, 5741.04, 5741.12, 5741.121, 5741.122, 5743.021, 5743.024, 14835
 5743.321, 5743.323, 5745.05, 5747.01, 5747.02, 5748.022, 5751.20, 14836
 5751.21, 6117.01, 6117.011, 6117.012, 6117.04, 6117.05, 6117.06, 14837
 6117.25, 6117.251, 6117.28, 6117.30, 6117.34, 6117.38, 6117.41, 14838
 6117.42, 6117.43, 6117.44, 6117.45, and 6117.49 of the Revised 14839
 Code are hereby repealed. 14840
 14841

Section 105.01. That sections 124.821, 5111.88, 5111.881, 14842
 5111.882, 5111.883, 5111.884, 5111.885, 5111.886, 5111.887, 14843
 5111.888, 5111.889, 5111.8810, 5111.8811, 5111.8812, 5111.8813, 14844
 5111.8814, 5111.8815, 5111.8816, 5111.8817, 5112.311, and 5739.213 14845
 of the Revised Code are hereby repealed. 14846

Section 201.10. The items set forth in this section are 14847
 hereby appropriated out of any moneys in the state treasury to the 14848
 credit of the Nursing Home - Federal Fund (Fund 3190) that are not 14849
 otherwise appropriated. 14850

			Appropriations	
OVH OHIO VETERANS' HOME AGENCY				14851
C43019	G-Life Safety & Security	\$ 310,700		14852
C43020	G-Critical Power & Grounds	\$ 510,250		14853
C43021	S-S/G Tub Room & Nurse Call	\$ 1,856,712		14854
C43022	S-G Renovate Giffin First Floor	\$ 418,015		14855
C43023	S-S/G Floor Replacement	\$ 579,270		14856
C43024	S-S. VH HVAC Upgrade	\$ 1,362,936		14857
C43025	S-Network Infrastructure	\$ 488,807		14858
C43026	G-HVAC Controls Upgrade	\$ 357,500		14859
Total Ohio Veterans' Home Agency		\$ 5,884,190		14860
TOTAL Nursing Home - Federal Fund		\$ 5,884,190		14861

Section 203.10. The items set forth in this section are 14863
 hereby appropriated out of any moneys in the state treasury to the 14864

credit of the Army National Guard Service Contract Fund (Fund 14865
3420) that are not otherwise appropriated. 14866

Appropriations

ADJ ADJUTANT GENERAL 14867

C74519 Energy Conservation - Federal Share \$ 107,792 14868

Total Adjutant General \$ 107,792 14869

TOTAL Army National Guard Service Contract Fund \$ 107,792 14870

Section 205.10. The items set forth in this section are 14872
hereby appropriated out of any moneys in the state treasury to the 14873
credit of the Special Administrative Fund (Fund 4A90) that are not 14874
otherwise appropriated. 14875

Appropriations

JFS DEPARTMENT OF JOB AND FAMILY SERVICES 14876

C60000 Various Renovations - Local Offices \$ 537,869 14877

C60001 145 South Front Renovation \$ 6,500,000 14878

Total Department of Job and Family Services \$ 7,037,869 14879

TOTAL Special Administrative Fund \$ 7,037,869 14880

Section 207.10. The items set forth in this section are 14882
hereby appropriated out of any moneys in the state treasury to the 14883
credit of the State Fire Marshal Fund (Fund 5460) that are not 14884
otherwise appropriated. 14885

Appropriations

COM DEPARTMENT OF COMMERCE 14886

C80002 MARCS Radios \$ 50,000 14887

C80010 Security Enhancements \$ 200,000 14888

C80011 Gas Line Replacement \$ 80,000 14889

C80012 Roof Replacement Main & Training \$ 800,000 14890

C80013 ADAMS Data Imaging System \$ 35,000 14891

C80014 Mobile Fire Behavior Lab \$ 75,000 14892

C80015 Gas Chromatograph/Mass Spec \$ 90,000 14893

C80016	Search & Rescue Training Module	\$	70,000	14894
C80017	Fiber-optic Installation with AGR	\$	200,000	14895
	Total Department of Commerce	\$	1,600,000	14896
	TOTAL State Fire Marshal Fund	\$	1,600,000	14897

Section 209.10. The items set forth in this section are 14899
 hereby appropriated out of any moneys in the state treasury to the 14900
 credit of the Veterans' Home Improvement Fund (Fund 6040) that are 14901
 not otherwise appropriated. 14902

Appropriations

OVH OHIO VETERANS' HOME AGENCY 14903

C43027	G-Life Safety & Security	\$	167,300	14904
C43028	G-Critical Power & Grounds	\$	274,750	14905
C43029	S-S/G Tub Room & Nurse Call	\$	999,768	14906
C43030	S-G Renovate Giffin First Floor	\$	225,085	14907
C43031	S-S/G Floor Replacement	\$	311,915	14908
C43032	S-S. VH HVAC Upgrade	\$	733,889	14909
C43033	S-Network Infrastructure	\$	263,204	14910
C43034	G-HVAC Controls Upgrade	\$	192,500	14911
C43035	S-Replace Wanderguard System	\$	261,000	14912
	Total Ohio Veterans' Home Agency	\$	3,429,411	14913
	TOTAL Veterans' Home Improvement Fund	\$	3,429,411	14914

Section 211.10. The items set forth in this section are 14916
 hereby appropriated out of any moneys in the state treasury to the 14917
 credit of the Highway Safety Fund (Fund 7036) that are not 14918
 otherwise appropriated. 14919

Appropriations

DPS DEPARTMENT OF PUBLIC SAFETY 14920

C76021	Academy Maintenance and Repair	\$	1,696,345	14921
	Total Department of Public Safety	\$	1,696,345	14922
	TOTAL Highway Safety Fund	\$	1,696,345	14923

Section 213.10. The items set forth in this section are 14925
hereby appropriated out of any moneys in the state treasury to the 14926
credit of the State Capital Improvements Revolving Loan Fund (Fund 14927
7040). Revenues to the State Capital Improvements Revolving Loan 14928
Fund shall consist of all repayments of loans made to local 14929
subdivisions for capital improvements, investment earnings on 14930
moneys in the fund, and moneys obtained from federal or private 14931
grants or from other sources for the purpose of making loans for 14932
the purpose of financing or assisting in the financing of the cost 14933
of capital improvement projects of local subdivisions. 14934

Appropriations

	PWC PUBLIC WORKS COMMISSION		14935
C15030	Revolving Loan	\$ 39,500,000	14936
Total Public Works Commission		\$ 39,500,000	14937
TOTAL State Capital Improvements Revolving Loan Fund		\$ 39,500,000	14938

The foregoing appropriation item C15030, Revolving Loan, 14939
shall be used in accordance with sections 164.01 to 164.12 of the 14940
Revised Code. 14941

If the Public Works Commission receives refunds due to 14942
project overpayments that are discovered during a post-project 14943
audit, the Director of the Public Works Commission may certify to 14944
the Director of Budget and Management that refunds have been 14945
received. In certifying the refunds, the Director of the Public 14946
Works Commission shall provide the Director of Budget and 14947
Management information on the project refunds. The certification 14948
shall detail by project the source and amount of project 14949
overpayments received and include any supporting documentation 14950
required or requested by the Director of Budget and Management. 14951
Upon receipt of the certification, the Director of Budget and 14952
Management shall determine if the project refunds are necessary to 14953
support existing appropriations. If the project refunds are 14954

available to support additional appropriations, these amounts are 14955
hereby appropriated to appropriation item C15030, Revolving Loan. 14956

Section 215.10. The items set forth in this section are 14957
hereby appropriated out of any moneys in the state treasury to the 14958
credit of the Waterways Safety Fund (Fund 7086) that are not 14959
otherwise appropriated. 14960

			Appropriations	
DNR DEPARTMENT OF NATURAL RESOURCES				14961
C725A7	Cooperative Grant Funding for Boating Facilities	\$ 9,300,000		14962
C725N9	Operations Facilities Development - Sandusky Watercraft Office Construction	\$ 2,350,000		14963
Total Department of Natural Resources			\$ 11,650,000	14964
TOTAL Waterways Safety Fund			\$ 11,650,000	14965

Section 217.10. The items set forth in this section are 14967
hereby appropriated out of any moneys in the state treasury to the 14968
credit of the Clean Ohio Revitalization Fund (Fund 7003) that are 14969
not otherwise appropriated: 14970

			Appropriations	
DEV DEPARTMENT OF DEVELOPMENT				14971
C19500	Clean Ohio Revitalization	\$ 32,000,000		14972
C19501	Clean Ohio Assistance	\$ 8,000,000		14973
Total Department of Development			\$ 40,000,000	14974
TOTAL Clean Ohio Assistance Fund			\$ 40,000,000	14975

Section 217.11. CLEAN OHIO REVITALIZATION 14977

The Treasurer of State is hereby authorized to issue and 14978
sell, in accordance with Section 2o of Article VIII, Ohio 14979
Constitution, and pursuant to sections 151.01 and 151.40 of the 14980
Revised Code, original obligations in an aggregate principal 14981
amount not to exceed \$40,000,000 in addition to the original 14982

issuance of obligations heretofore authorized by prior acts of the 14983
General Assembly. These authorized obligations shall be issued and 14984
sold from time to time, subject to applicable constitutional and 14985
statutory limitations, as needed to ensure sufficient moneys to 14986
the credit of the Clean Ohio Revitalization Fund (Fund 7003) to 14987
pay costs of revitalization projects. 14988

Section 219.10. The items set forth in this section are 14989
hereby appropriated out of any moneys in the state treasury to the 14990
credit of the Job Ready Site Development Fund (Fund 7012) that are 14991
not otherwise appropriated: 14992

			Appropriations	
DEV DEPARTMENT OF DEVELOPMENT				14993
C19502	Job Ready Sites	\$ 30,000,000		14994
Total Department of Development			\$ 30,000,000	14995
TOTAL Job Ready Site Development Fund			\$ 30,000,000	14996

Section 219.11. JOB READY SITE DEVELOPMENT 14998

The Ohio Public Facilities Commission, upon request of the 14999
Department of Development, is hereby authorized to issue and sell, 15000
in accordance with Section 2p of Article VIII, Ohio Constitution, 15001
and pursuant to sections 151.01 and 151.11 of the Revised Code, 15002
original obligations of the State of Ohio in an aggregate amount 15003
not to exceed \$30,000,000 in addition to the original issuance of 15004
obligations heretofore authorized by prior acts of the General 15005
Assembly. These authorized obligations shall be issued and sold 15006
from time to time, subject to applicable constitutional and 15007
statutory limitations, as needed to ensure sufficient moneys to 15008
the credit of the Job Ready Site Development Fund (Fund 7012) to 15009
pay costs of sites and facilities. 15010

Section 221.10. The items set forth in the sections of this 15011
act prefixed with the section number "221" are hereby appropriated 15012

out of any moneys in the state treasury to the credit of the 15013
Administrative Building Fund (Fund 7026) that are not otherwise 15014
appropriated. 15015

Appropriations

Section 221.10.10. ADJ ADJUTANT GENERAL 15016

C74502	Roof Replacement - Various Facilities	\$	583,874	15017
C74503	Electrical Systems - Various Facilities	\$	348,079	15018
C74504	Camp Perry Facility/Infrastructure Improvements	\$	500,000	15019
C74505	Replace Windows and Doors - Various Facilities	\$	341,342	15020
C74506	Plumbing Renovations - Various Facilities	\$	523,241	15021
C74507	Paving Renovations - Various Facilities	\$	527,733	15022
C74508	HVAC Systems - Various Facilities	\$	1,387,939	15023
C74510	Masonry Renovations - Various Facilities	\$	180,000	15024
C74526	Energy Conservation - Various Facilities	\$	107,792	15025
C74528	Camp Perry Improvements	\$	1,000,000	15026
C74531	Rickenbacker Radar Project	\$	1,000,000	15027
Total Adjutant General		\$	6,500,000	15028

Appropriations

Section 221.10.20. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 15030

C10010	Surface Road Building Renovations	\$	400,000	15031
C10013	Energy Conservation Projects	\$	2,100,000	15032
C10015	SOCC Renovations	\$	5,000,000	15033
C10020	North High Street Complex Renovations	\$	12,500,000	15034
C10030	Broadband Ohio	\$	5,000,000	15035
C10031	Operations Facilities Improvements	\$	2,800,000	15036
C10032	Columbus Downtown Development - Sky	\$	2,500,000	15037

Bridge Project

Total Department of Administrative Services \$ 31,300,000 15038

Appropriations

Section 221.10.30. AGR DEPARTMENT OF AGRICULTURE 15040

C70007 Building and Grounds Renovation \$ 650,000 15041

C70014 Grounds Security and Emergency Power \$ 200,000 15042

C70015 Fiber Installation for Infrastructure \$ 200,000 15043

ODA/SFM

C70016 ODA/SFM Shared Driveway/Entrance \$ 50,000 15044

C70017 Raze Building #2 \$ 265,000 15045

Total Department of Agriculture \$ 1,365,000 15046

Appropriations

Section 221.10.40. CSR CAPITOL SQUARE REVIEW AND ADVISORY 15048

BOARD 15049

C87406 Grounds Improvement \$ 221,000 15050

C87407 Sound and Lighting Systems \$ 145,000 15051

C87408 HVAC Improvement \$ 628,381 15052

C87412 Security and Safety Upgrades \$ 337,000 15053

C87413 Education Center \$ 540,367 15054

C87415 Interior Repairs and Replacements \$ 186,000 15055

Total Capitol Square Review and Advisory Board \$ 2,057,748 15056

Appropriations

Section 221.10.50. EXP EXPOSITIONS COMMISSION 15058

C72300 Electric Upgrade \$ 2,100,000 15059

C72303 Building Renovations and Repairs \$ 2,900,000 15060

C72312 Emergency Renovations and Equipment \$ 1,000,000 15061

Replacement

Total Expositions Commission \$ 6,000,000 15062

Appropriations

Section 221.10.60. LIB STATE LIBRARY BOARD 15064

C35001	OPLIN Router Replacement Project	\$	200,000	15065
	Total State Library Board	\$	200,000	15066

Appropriations

Section 221.10.70. DNR DEPARTMENT OF NATURAL RESOURCES				15068
C725D5	Fountain Square Building and Telephone System Improvements	\$	1,000,000	15069
C725D7	MARCS	\$	425,000	15070
C725E0	DNR Fairgrounds Area - General Upgrading - Fairgrounds Site Improvements	\$	500,000	15071
C725N7	Operations Facilities Development	\$	300,000	15072
	Total Department of Natural Resources	\$	2,225,000	15073

Appropriations

Section 221.10.80. DPS DEPARTMENT OF PUBLIC SAFETY				15075
C76017	Replacement Mission Critical Building System	\$	725,250	15076
C76022	American Red Cross Facility - Cincinnati	\$	1,000,000	15077
C76023	Red Cross Muskingum Lakes Chapter	\$	500,000	15078
C76024	American Red Cross Facility - Tuscarawas	\$	250,000	15079
C76025	Southeast Ohio Emergency Responder Facility	\$	25,000	15080
C76026	Tallmadge Shooting Range	\$	500,000	15081
	Total Department of Public Safety	\$	3,000,000	15082

Appropriations

Section 221.10.90. OSB SCHOOL FOR THE BLIND				15084
C22618	Front Entry Renovations	\$	112,500	15085
C22619	Public Address System Replacement	\$	77,000	15086
C22620	School HVAC Renovation	\$	215,000	15087
C22621	Renovations to Cottage C1	\$	125,000	15088
C22622	Track Shelter	\$	45,000	15089
	Total School for the Blind	\$	574,500	15090

Appropriations

Section 221.20.10. OSD SCHOOL FOR THE DEAF			15092
C22108	High School Window Replacement	\$ 123,000	15093
C22109	High School HVAC	\$ 117,500	15094
C22110	Gymnasium Floor & Lighting	\$ 237,000	15095
C22111	Staff Building Windows and Repairs	\$ 97,000	15096
C22112	Alumni Park Preservation	\$ 62,500	15097
Total School for the Deaf		\$ 637,000	15098

Appropriations

Section 221.20.20. DOT DEPARTMENT OF TRANSPORTATION			15099
C77701	Chillicothe Transit Facility - District	\$ 500,000	15100
9			
Total Department of Transportation		\$ 500,000	15101
TOTAL Administrative Building Fund		\$ 53,359,498	15102

Section 221.20.30. The Ohio Building Authority is hereby 15104
authorized to issue and sell, in accordance with Section 2i of 15105
Article VIII, Ohio Constitution, and Chapter 152. and other 15106
applicable sections of the Revised Code, original obligations in 15107
an aggregate principal amount not to exceed \$48,000,000 in 15108
addition to the original issuance of obligations heretofore 15109
authorized by prior acts of the General Assembly. These authorized 15110
obligations shall be issued, subject to applicable constitutional 15111
and statutory limitations, to pay costs associated with previously 15112
authorized capital facilities and the capital facilities referred 15113
to in Sections 221.10.10 to 221.20.10 of this act. 15114

Section 223.10. The items set forth in this section are 15115
hereby appropriated out of any moneys in the state treasury to the 15116
credit of the Adult Correctional Building Fund (Fund 7027) that 15117
are not otherwise appropriated. 15118

		Appropriations	
	DRC DEPARTMENT OF REHABILITATION AND CORRECTION		15119
	STATEWIDE AND CENTRAL OFFICE PROJECTS		15120
C50101	Community Based Correctional Facilities	\$ 1,600,000	15121
C50103	Asbestos Abatement - SW	\$ 1,000,000	15122
C50104	Power House/Utility Improvements - SW	\$ 1,400,000	15123
C50105	Water System/Plant Improvements - SW	\$ 6,000,000	15124
C50110	Security Improvements - SW	\$ 10,434,897	15125
C50136	General Building Renovations - SW	\$ 42,665,103	15126
C50175	Mandown Alert Communication - SW	\$ 4,800,000	15127
C501B3	Electrical System Upgrade - SW	\$ 4,100,000	15128
	Total Statewide and Central Office Projects	\$ 72,000,000	15129
	TOTAL Department of Rehabilitation and Correction	\$ 72,000,000	15130
	TOTAL Adult Correctional Building Fund	\$ 72,000,000	15131

Section 223.11. The Ohio Building Authority is hereby 15133
authorized to issue and sell, in accordance with Section 2i of 15134
Article VIII, Ohio Constitution, and Chapter 152. and section 15135
307.021 of the Revised Code, original obligations in an aggregate 15136
principal amount not to exceed \$62,000,000 in addition to the 15137
original issuance of obligations heretofore authorized by prior 15138
acts of the General Assembly. These authorized obligations shall 15139
be issued, subject to applicable constitutional and statutory 15140
limitations, to pay costs associated with previously authorized 15141
capital facilities and the capital facilities referred to in 15142
Section 223.10 of this act for the Department of Rehabilitation 15143
and Correction. 15144

Section 225.10. The items set forth in this section are 15145
hereby appropriated out of any moneys in the state treasury to the 15146
credit of the Juvenile Correctional Building Fund (Fund 7028) that 15147
are not otherwise appropriated. 15148

	DYS DEPARTMENT OF YOUTH SERVICES		15149
C47001	Fire Suppression, Safety and Security	\$ 4,036,125	15150
C47002	General Institutional Renovations	\$ 4,424,725	15151
C47003	CCF Renovations/Maintenance	\$ 2,000,000	15152
C47007	Juvenile Detention Centers	\$ 4,980,000	15153
C47016	Shower Renovation - SJCF	\$ 1,642,000	15154
C47017	Roof Replacement - SJCF	\$ 1,508,650	15155
C47018	Educational Annex - CHJCF	\$ 1,408,500	15156
C47019	Lawrence County Youth Facility	\$ 500,000	15157
	Relocation		
C47020	Lighthouse Youth Services	\$ 50,000	15158
	Total Department of Youth Services	\$ 20,550,000	15159
	TOTAL Juvenile Correctional Building Fund	\$ 20,550,000	15160

Section 225.11. The Ohio Building Authority is hereby 15162
authorized to issue and sell, in accordance with Section 2i of 15163
Article VIII, Ohio Constitution, and Chapter 152. and other 15164
applicable sections of the Revised Code, original obligations in 15165
an aggregate principal amount not to exceed \$19,000,000 in 15166
addition to the original issuance of obligations heretofore 15167
authorized by prior acts of the General Assembly. These authorized 15168
obligations shall be issued, subject to applicable constitutional 15169
and statutory limitations, to pay the costs associated with 15170
previously authorized capital facilities and the capital 15171
facilities referred to in Section 225.10 of this act for the 15172
Department of Youth Services. 15173

Section 227.10. The items set forth in this section are 15174
hereby appropriated out of any moneys in the state treasury to the 15175
credit of the Cultural and Sports Facilities Building Fund (Fund 15176
7030) that are not otherwise appropriated. 15177

Appropriations

AFC CULTURAL FACILITIES COMMISSION 15178

C37118	Statewide Site Repairs	\$	650,000	15179
C37127	Cedar Bog	\$	50,000	15180
C37148	Hayes Presidential Center	\$	150,000	15181
C37152	Zoar Village Building Restoration	\$	90,000	15182
C37153	Basic Renovations and Emergency Repairs	\$	850,000	15183
C37158	Rankin House Restoration and Development	\$	242,000	15184
C37165	Ohio Historical Center Rehabilitation	\$	514,000	15185
C37188	Trumpet in the Land Facility	\$	150,000	15186
C371A3	Voice of America Museum Facility	\$	500,000	15187
C371A9	Western Reserve Historical Society	\$	300,000	15188
C371B1	Rock and Roll Hall of Fame	\$	1,000,000	15189
C371G4	Collections Storage Facility and Learning Center	\$	1,240,000	15190
C371G6	Lockington Locks Stabilization	\$	462,000	15191
C371H1	Cincinnati Museum Center	\$	2,500,000	15192
C371H4	ProFootball Hall of Fame	\$	500,000	15193
C371H7	COSI - Columbus	\$	500,000	15194
C371I0	Stan Hywett Hall & Gardens	\$	1,250,000	15195
C371I1	Akron Art Museum	\$	400,000	15196
C371J1	McKinley Museum Improvements	\$	200,000	15197
C371J9	Stambaugh Auditorium	\$	675,000	15198
C371K0	Youngstown Symphony Orchestra	\$	675,000	15199
C371K3	Cincinnati Ballet	\$	250,000	15200
C371M8	Hale Farm and Village	\$	200,000	15201
C371O9	Historic Site-Signage - Phase II	\$	50,000	15202
C371P9	Civil War Site Improvements	\$	475,000	15203
C371Q0	On-Line Portal to Ohio's Heritage	\$	427,000	15204
C371Q1	Lucas County Multi-purpose Sports Arena	\$	2,200,000	15205
C371Q2	Ballpark Village project	\$	2,000,000	15206
C371Q3	Gordon Square Arts Center	\$	1,800,000	15207
C371Q4	Columbus Museum of Art	\$	1,500,000	15208
C371Q5	Cincinnati Zoo	\$	1,500,000	15209
C371Q6	Cincinnati Art Museum	\$	1,500,000	15210

C371Q7	Music Hall Facility	\$	1,100,000	15211
C371Q8	Heritage Center of Dayton Manufacturing & Entrepreneurship	\$	1,000,000	15212
C371Q9	Renaissance Theatre	\$	900,000	15213
C371R0	King Arts Complex	\$	861,000	15214
C371R1	National Underground Railroad Freedom Center	\$	850,000	15215
C371R2	Davis-Shai Historical Facility	\$	725,000	15216
C371R3	Loudonville Opera House	\$	600,000	15217
C371R4	Eagles Palace Theater	\$	600,000	15218
C371R5	Hiram College James A Garfield Institute	\$	500,000	15219
C371R6	Historic McCook House	\$	500,000	15220
C371R7	Jeffrey Mansion in Bexley	\$	475,000	15221
C371R8	Columbus Zoo and Aquarium	\$	500,000	15222
C371R9	Peggy McConnell Arts Center - Worthington	\$	475,000	15223
C371S0	Towpath Trail	\$	500,000	15224
C371S1	Museum of Contemporary Art Cleveland	\$	450,000	15225
C371S2	Canton Art Institute	\$	450,000	15226
C371S3	Ohio Genealogical Society	\$	350,000	15227
C371S4	Harding Home and Tomb	\$	340,000	15228
C371S5	Lake County Fine Arts Association	\$	300,000	15229
C371S6	Midland Theatre Improvements	\$	300,000	15230
C371S7	Maltz Museum of Jewish Heritage	\$	300,000	15231
C371S8	Allen County Historical Society Museum Renovation	\$	280,000	15232
C371S9	Portsmouth Mural	\$	250,000	15233
C371T0	Mt. Vernon - Nazarene University Arts Center	\$	300,000	15234
C371T1	Colony Theater	\$	250,000	15235
C371T2	Bucyrus Little Theater Restoration Project	\$	250,000	15236
C371T3	Boonshoft Museum of Discovery	\$	250,000	15237

C371T4	Audubon Ohio Park / Franklin County	\$	250,000	15238
C371T5	Cliffton Cultural Arts Center	\$	250,000	15239
C371T6	Baltimore Theatre	\$	50,000	15240
C371T7	Rock Mill Park Improvements	\$	150,000	15241
C371T8	Massillon Museum Improvements	\$	150,000	15242
C371T9	Cozad-Bates House Historic Project	\$	100,000	15243
C371U0	Ukrainian Museum	\$	50,000	15244
C371U1	Playhouse Square Center	\$	350,000	15245
C371U2	Mandel Jewish Community Center	\$	210,000	15246
C371U3	Lake Erie Nature & Science Center	\$	150,000	15247
C371U4	Great Lakes Science Center	\$	300,000	15248
C371U5	Cleveland Zoological Society	\$	150,000	15249
C371U6	Cleveland Playhouse	\$	150,000	15250
C371U7	Cleveland Orchestra - Severance Hall	\$	750,000	15251
C371U8	Kidron Historical Society - Sonnenberg Village project	\$	200,000	15252
C371U9	Health Science Education Facility	\$	250,000	15253
C371V0	Chesterhill Union Hall Theatre	\$	25,000	15254
C371V1	Geauga County Historical Society - Maple Museum	\$	20,000	15255
C371V2	Hallsville Historical Society	\$	100,000	15256
C371V3	Fayette County Historical Society	\$	150,000	15257
C371V4	Covedale Theatre	\$	100,000	15258
C371V5	Mariemont City - Women's Cultural Arts Center	\$	220,000	15259
C371V6	Madeira Historical Society/Miller House	\$	60,000	15260
C371V7	Sylvania Historic Village restoration	\$	200,000	15261
C371V8	City of Perrysburg & Owens Community College Indoor Firing Range	\$	200,000	15262
C371V9	Henry County Historical Society museum	\$	59,000	15263
C371W0	Antwerp Railroad Depot historic building	\$	106,000	15264
C371W1	Village of Edinburg Veterans Memorial	\$	35,000	15265
C371W2	Lorain County Historical Society Horace	\$	200,000	15266

	Starr House			
C371W3	North Ridgeville Historic Community Theater	\$	175,000	15267
C371W4	Redbrick Center for the Arts	\$	250,000	15268
C371W5	Irene Lawrence Fuller Historic House	\$	250,000	15269
C371W6	Preble County Historical Society Amphitheater	\$	250,000	15270
C371W7	BalletTech	\$	200,000	15271
C371W8	Cincinnati Museum Center - Eulett Center	\$	150,000	15272
C371W9	Rickenbacker Boyhood Home	\$	139,000	15273
C371X0	Rivers Edge Amphitheater project	\$	100,000	15274
C371X1	Variety Theater	\$	100,000	15275
C371X2	Morgan Township Historical Society	\$	80,000	15276
C371X3	Salem Community Theater	\$	53,000	15277
C371X4	Our House State Memorial	\$	50,000	15278
C371X5	Belle's Opera House Improvements	\$	50,000	15279
C371X6	Warren Veterans memorial	\$	50,000	15280
C371X7	Huntington Playhouse	\$	40,000	15281
C371X8	Cambridge Performing Arts Center	\$	37,500	15282
C371X9	Old Harvey Historic School Restoration	\$	25,000	15283
C371Y0	Dalton Community Historical Society	\$	10,000	15284
C371Y1	Mohawk Veterans' Memorial	\$	15,000	15285
C371Y2	Cleveland Museum of Natural History	\$	150,000	15286
C371Y3	Fire Museum	\$	83,334	15287
C371Y4	New Town Indian Artifact Museum	\$	300,000	15288
C371Y5	City of Perrysburg Fort Meigs	\$	200,000	15289
	Total Cultural Facilities Commission	\$	46,198,834	15290
	TOTAL Cultural and Sports Facilities Building Fund	\$	46,198,834	15291

Section 227.11. The Treasurer of State is hereby authorized 15293
to issue and sell, in accordance with Section 2i of Article VIII, 15294
Ohio Constitution, and Chapter 154. and other applicable sections 15295
of the Revised Code, original obligations in an aggregate 15296

principal amount not to exceed \$42,000,000 in addition to the 15297
original issuance of obligations heretofore authorized by prior 15298
acts of the General Assembly. These authorized obligations shall 15299
be issued, subject to applicable constitutional and statutory 15300
limitations, to pay costs of capital facilities as defined in 15301
section 154.01 of the Revised Code, including construction as 15302
defined in division (H) of section 3383.01 of the Revised Code, of 15303
the Ohio cultural facilities designated in Section 227.10 of this 15304
act. 15305

Section 229.10. The items set forth in this section are 15306
hereby appropriated out of any moneys in the state treasury to the 15307
credit of the Ohio Parks and Natural Resources Fund (Fund 7031) 15308
that are not otherwise appropriated. 15309

Appropriations

	DNR DEPARTMENT OF NATURAL RESOURCES		15310
	STATEWIDE AND LOCAL PROJECTS		15311
C72512	Land Acquisition - Department	\$ 3,000,000	15312
C72549	Operations Facilities Development	\$ 1,500,000	15313
C725B7	Underground Fuel Storage Tank	\$ 750,000	15314
	Removal/Replacement - Department		
C725C0	Cap Abandoned Water Wells	\$ 50,000	15315
C725E1	NatureWorks Local Park Grants	\$ 3,800,000	15316
C725E5	Project Planning	\$ 1,100,000	15317
C725J0	Natural Areas and Preserves Maintenance	\$ 200,000	15318
	Facility Development - Springville Marsh		
	Carbon Rod Removal		
C725M0	Dam Rehabilitation - Department	\$ 10,000,000	15319
C725N1	Handicapped Accessibility - Department	\$ 250,000	15320
C725N5	Wastewater/Water Systems Upgrade -	\$ 3,000,000	15321
	Department		
C72501	The Wilds	\$ 1,000,000	15322

C725P9	Boundary Protection	\$	150,000	15323
C725R6	Blanchard River Dredging	\$	3,000,000	15324
C725R7	Lake Alma Restroom and Shower Upgrades	\$	650,000	15325
C725R8	Miami River Flood Control Project - Logan County	\$	200,000	15326
C725R9	Wabash Watershed - Grand Lake St. Marys Dredging	\$	150,000	15327
C725S0	Historic Pittsburgh Marion & Chicago Train Station Bike Trail	\$	145,000	15328
C725S1	Addyson Boat Ramp	\$	100,000	15329
C725S2	Sylvania Retaining Wall Project	\$	200,000	15330
	Total Statewide and Local Projects	\$	29,245,000	15331
	Total Department of Natural Resources	\$	29,245,000	15332
	TOTAL Ohio Parks and Natural Resources Fund	\$	29,245,000	15333

Of the foregoing appropriation item C72512, Land Acquisition 15334
- Department, \$2,500,000 shall be used for the acquisition of the 15335
Vinton Furnace Experimental Forest. 15336

Section 229.11. The Ohio Public Facilities Commission, upon 15337
the request of the Director of Natural Resources, is hereby 15338
authorized to issue and sell, in accordance with Section 21 of 15339
Article VIII, Ohio Constitution, and Chapter 151. and particularly 15340
sections 151.01 and 151.05 of the Revised Code, original 15341
obligations in an aggregate principal amount not to exceed 15342
\$28,000,000 in addition to the original issuance of obligations 15343
heretofore authorized by prior acts of the General Assembly. These 15344
authorized obligations shall be issued, subject to applicable 15345
constitutional and statutory limitations, as needed to provide 15346
sufficient moneys to the credit of the Ohio Parks and Natural 15347
Resources Fund (Fund 7031) to pay costs of capital facilities as 15348
defined in sections 151.01 and 151.05 of the Revised Code. 15349

Section 231.10. The items set forth in the sections of this 15350

act prefixed with the number "231" are hereby appropriated out of 15351
any moneys in the state treasury to the credit of the Mental 15352
Health Facilities Improvement Fund (Fund 7033) that are not 15353
otherwise appropriated. 15354

Appropriations

Section 231.10.10. ADA DEPARTMENT OF ALCOHOL AND DRUG 15355
ADDICTION SERVICES 15356
C03804 Rehab Center of North Central Ohio \$ 300,000 15357
C03805 Prevention and Recovery Board - Jefferson \$ 300,000 15358
County
C03806 Lorain County Alcohol and Drug Abuse \$ 250,000 15359
Services
C03807 First Step Home \$ 200,000 15360
C03808 Glenbeigh Extended Residential Care \$ 500,000 15361
Total Department of Alcohol and Drug Addiction \$ 1,550,000 15362
Services

Appropriations

Section 231.10.20. DMH DEPARTMENT OF MENTAL HEALTH 15364
C58000 Hazardous Material Abatement \$ 500,000 15365
C58001 Community Assistance Projects \$ 9,410,000 15366
C58006 Patient Care Environment Improvement \$ 3,700,000 15367
C58007 Infrastructure Improvements \$ 4,600,000 15368
C58010 Campus Consolidation \$ 83,700,000 15369
C58017 Bellefaire Jewish Children's Bureau \$ 400,000 15370
C58018 Safety and Security Improvements \$ 1,460,000 15371
C58019 Energy Conservation Projects \$ 750,000 15372
Total Department of Mental Health \$ 104,520,000 15373
COMMUNITY ASSISTANCE PROJECTS 15374
Of the foregoing appropriation item C58001, Community 15375
Assistance Projects, \$200,000 shall be used for the Mayerson 15376

Center, \$260,000 shall be used for the Christian Children's Home,	15377
\$200,000 shall be used for the Michael's House Child Advocacy	15378
Center, \$100,000 shall be used for the Children's Home of	15379
Cincinnati, \$100,000 shall be used for the Achievement Centers for	15380
Children, \$100,000 shall be used for the Shaw JCC, \$100,000 shall	15381
be used for Someplace Safe, and \$350,000 shall be used for the	15382
Berea Children's Home.	15383

Appropriations

Section 231.20.30. DMR DEPARTMENT OF MENTAL RETARDATION AND	15384
DEVELOPMENTAL DISABILITIES	15385

STATEWIDE AND CENTRAL OFFICE PROJECTS 15386

C59004	Community Assistance Projects	\$	13,301,537	15387
C59022	Razing of Buildings	\$	200,000	15388
C59024	Telecommunications	\$	400,000	15389
C59029	Generator Replacement	\$	1,000,000	15390
C59034	Statewide Developmental Centers	\$	4,294,237	15391
C59050	Emergency Improvements	\$	500,000	15392
C59051	Energy Conservation	\$	500,000	15393
C59052	Guernsey County MRDD Boiler Replacement	\$	275,000	15394
C59053	Magnolia Clubhouse	\$	250,000	15395
C59054	Recreation Unlimited Life Center - Delaware	\$	150,000	15396
C59055	Camp McKinley Improvements	\$	30,000	15397
C59056	The Hope Learning Center	\$	250,000	15398
C59057	North Olmstead Welcome House	\$	150,000	15399
C59058	Providence House	\$	200,000	15400
	Total Statewide and Central Office Projects	\$	21,500,774	15401
	TOTAL Department of Mental Retardation and Developmental Disabilities	\$	21,500,774	15402
	TOTAL Mental Health Facilities Improvement Fund	\$	127,570,774	15403

COMMUNITY ASSISTANCE PROJECTS	15404
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The foregoing appropriation item C59004, Community Assistance Projects, may be used to provide community assistance funds for the development, purchase, construction, or renovation of facilities for day programs or residential programs that provide services to persons eligible for services from the Department of Mental Retardation and Developmental Disabilities or county boards of mental retardation and developmental disabilities. Any funds provided to nonprofit agencies for the construction or renovation of facilities for persons eligible for services from the Department of Mental Retardation and Developmental Disabilities and county boards of mental retardation and developmental disabilities shall be governed by the prevailing wage provisions in section 176.05 of the Revised Code.

Section 231.30.10. The foregoing appropriations for the Department of Mental Health, C58001, Community Assistance Projects, and the Department of Mental Retardation and Developmental Disabilities, C59004, Community Assistance Projects, may be used for facilities constructed or to be constructed pursuant to Chapter 340., 3793., 5119., 5123., or 5126. of the Revised Code or the authority granted by section 154.20 of the Revised Code and the rules issued pursuant to those chapters and shall be distributed by the Department of Mental Health and the Department of Mental Retardation and Developmental Disabilities, all subject to Controlling Board approval.

Section 231.30.20. (A) No capital improvement appropriations made in Sections 231.10.10 to 231.30.10 of this act shall be released for planning or for improvement, renovation, or construction or acquisition of capital facilities if a governmental agency, as defined in section 154.01 of the Revised Code, does not own the real property that constitutes the capital facilities or on which the capital facilities are or will be

located. This restriction does not apply in any of the following 15436
circumstances: 15437

(1) The governmental agency has a long-term (at least fifteen 15438
years) lease of, or other interest (such as an easement) in, the 15439
real property. 15440

(2) In the case of an appropriation for capital facilities 15441
that, because of their unique nature or location, will be owned or 15442
be part of facilities owned by a separate nonprofit organization 15443
and made available to the governmental agency for its use or 15444
operated by the nonprofit organization under contract with the 15445
governmental agency, the nonprofit organization either owns or has 15446
a long-term (at least fifteen years) lease of the real property or 15447
other capital facility to be improved, renovated, constructed, or 15448
acquired and has entered into a joint or cooperative use 15449
agreement, approved by the Department of Mental Health or the 15450
Department of Mental Retardation and Developmental Disabilities, 15451
whichever is applicable, with the governmental agency for that 15452
agency's use of and right to use the capital facilities to be 15453
financed and, if applicable, improved, the value of such use or 15454
right to use being, as determined by the parties, reasonably 15455
related to the amount of the appropriation. 15456

(B) In the case of capital facilities referred to in division 15457
(A)(2) of this section, the joint or cooperative use agreement 15458
shall include, at a minimum, provisions that: 15459

(1) Specify the extent and nature of that joint or 15460
cooperative use, extending for not fewer than fifteen years, with 15461
the value of such use or right to use to be, as determined by the 15462
parties and approved by the approving department, reasonably 15463
related to the amount of the appropriation; 15464

(2) Provide for pro rata reimbursement to the state should 15465
the arrangement for joint or cooperative use by a governmental 15466

agency be terminated; 15467

(3) Provide that procedures to be followed during the capital 15468
improvement process will comply with applicable state statutes and 15469
rules, including the provisions of this act. 15470

Section 231.40.10. The Treasurer of State is hereby 15471
authorized to issue and sell in accordance with Section 2i of 15472
Article VIII, Ohio Constitution, and Chapter 154. of the Revised 15473
Code, particularly section 154.20 of the Revised Code, original 15474
obligations in an aggregate principal amount not to exceed 15475
\$128,000,000 in addition to the original issuance of obligations 15476
heretofore authorized by prior acts of the General Assembly. These 15477
authorized obligations shall be issued, subject to applicable 15478
constitutional and statutory limitations, to pay costs of capital 15479
facilities as defined in section 154.01 of the Revised Code for 15480
mental hygiene and retardation. 15481

Section 233.10. The items set forth in the sections of this 15482
act prefixed with the section number "233" are hereby appropriated 15483
out of any moneys in the state treasury to the credit of the 15484
Higher Education Improvement Fund (Fund 7034) that are not 15485
otherwise appropriated. 15486

Appropriations

Section 233.10.10. ETC ETECH OHIO 15487
C37403 OGT Camera and Cabling Replacement \$ 725,000 15488
C37404 Digital Conversion \$ 9,525,000 15489
Total eTech Ohio \$ 10,250,000 15490

Appropriations

Section 233.20.10. BOARD OF REGENTS AND STATE INSTITUTIONS OF 15492
HIGHER EDUCATION 15493
BOR BOARD OF REGENTS 15494

C23501	Ohio Supercomputer Center Expansion	\$	2,000,000	15495
C23502	Research Facility Action and Investment Funds	\$	5,500,000	15496
C23506	Third Frontier Wright Capital	\$	100,000,000	15497
C23516	Ohio Library and Information Network	\$	9,910,000	15498
C23519	315 Corridor/SciTech	\$	500,000	15499
C23524	Supplemental Renovations - Library Depositories	\$	5,500,000	15500
C23529	Non-credit Job Training Facilities	\$	2,350,000	15501
C23530	Technology Initiatives	\$	3,741,000	15502
C23531	Ohio Aerospace Institute	\$	200,000	15503
C23532	Dark Fiber/OARnet	\$	2,000,000	15504
C23533	Instructional and Data Processing Equipment	\$	20,799,000	15505
C23534	Central State Student Activity Center	\$	14,000,000	15506
C23535	CWRU Energy Center	\$	333,333	15507
Total Board of Regents		\$	166,833,333	15508

Section 233.20.20. RESEARCH FACILITY ACTION AND INVESTMENT 15510

FUNDS 15511

The foregoing appropriation item C23502, Research Facility Action and Investment Funds, shall be used for a program of grants to be administered by the Board of Regents to provide timely availability of capital facilities for research programs and research-oriented instructional programs at or involving state-supported and state-assisted institutions of higher education. 15512-15518

Section 233.20.30. THIRD FRONTIER WRIGHT CAPITAL 15519

The foregoing appropriation item C23506, Third Frontier Wright Capital, shall be used to acquire, renovate, or construct facilities and purchase equipment for research programs, technology development, product development, and commercialization 15520-15523

programs at or involving state-supported and state-assisted 15524
institutions of higher education. The funds shall be used to make 15525
grants, which shall be awarded on a competitive basis, and shall 15526
be administered by the Third Frontier Commission. Expenditure of 15527
these funds shall comply with Section 2n of Article VIII, Ohio 15528
Constitution, and sections 151.01 and 151.04 of the Revised Code 15529
and shall be for the period beginning July 1, 2008, and ending 15530
June 30, 2010. 15531

The Third Frontier Commission shall develop guidelines 15532
relative to the application for and selection of projects funded 15533
from appropriation item C23506, Third Frontier Wright Capital. The 15534
Commission may develop the guidelines in consultation with other 15535
interested parties. The Board of Regents and all state-assisted 15536
and state-supported institutions of higher education shall take 15537
all actions necessary to implement grants awarded by the Third 15538
Frontier Commission. 15539

The foregoing appropriation item C23506, Third Frontier 15540
Wright Capital, consists of proceeds of obligations in the Higher 15541
Education Improvement Fund (Fund 7034) that are to be applied to 15542
capital improvements and capital facilities for state-supported 15543
and state-assisted institutions of higher education. 15544

Appropriations

Section 233.30.10. UAK UNIVERSITY OF AKRON			15545
C25000	Basic Renovations	\$ 5,056,161	15546
C25002	Wayne College Renovations/Expansion	\$ 258,182	15547
C25033	Polymer Processing Center - Phase II	\$ 7,363,281	15548
C25038	College of Education	\$ 5,000,000	15549
C25039	Campus Implementation	\$ 1,452,047	15550
C25040	Replacement of Gym Floor	\$ 150,000	15551
C25041	Maintenance Building	\$ 250,000	15552
C25042	Property Management Projects	\$ 150,000	15553

C25043	Akron Canton Regional Foodbank	\$	200,000	15554
	Total University of Akron	\$	19,879,671	15555

Appropriations

Section 233.30.20. BGU BOWLING GREEN STATE UNIVERSITY				15557
C24000	Basic Renovations	\$	4,354,164	15558
C24001	Basic Renovations - Firelands	\$	298,536	15559
C24021	Fine Art and Theater Complex	\$	6,116,000	15560
C24037	Academic Buildings Rehabilitation	\$	6,857,801	15561
C24038	Health Sciences Building	\$	934,363	15562
C24039	Wood County Health District Facility	\$	1,200,000	15563
C24040	James H. McBride Arboretum at BGSU	\$	378,000	15564
	Firelands			
	Total Bowling Green University	\$	20,138,864	15565

Appropriations

Section 233.30.30. CSU CENTRAL STATE UNIVERSITY				15567
C25500	Basic Renovations	\$	1,100,972	15568
C25503	Center for Education & Natural Sciences	\$	1,000,000	15569
C25507	Campus Master Plan	\$	500,000	15570
C25508	Emery Hall	\$	545,746	15571
	Total Central State University	\$	3,146,718	15572

Appropriations

Section 233.30.40. UCN UNIVERSITY OF CINCINNATI				15573
C26500	Basic Renovations	\$	10,720,621	15574
C26501	Basic Renovations - Clermont	\$	326,112	15575
C26502	Raymond Walters Renovations	\$	501,195	15576
C26530	Medical Science Building Renovation & Expansion	\$	26,412,509	15577
C26606	Hebrew Union College Archives	\$	185,000	15578
C26607	Consolidated Communication Project of Clermont County	\$	400,000	15579

C26612	Clermont Renovations	\$	751,132	15580
C26613	New Building	\$	1,582,233	15581
C26614	Barrett Cancer Center	\$	1,500,000	15582
C26615	Beech Acres	\$	125,000	15583
C26616	Forest Park Homeland Security Facility	\$	50,000	15584
C26617	Health Care Connection - Lincoln Heights	\$	150,000	15585
C26618	People Working Cooperatively	\$	120,000	15586
C26619	Sharonville Convention Center	\$	1,000,000	15587
C26620	Society for the Prevention of Cruelty to Animals - Facility	\$	100,000	15588
Total University of Cincinnati		\$	43,923,802	15589

Appropriations

Section 233.30.50. CLS CLEVELAND STATE UNIVERSITY 15591

C26000	Basic Renovations	\$	6,431,121	15592
C26040	Cleveland Museum of Art	\$	3,000,000	15593
C26048	Rhodes Tower Renovation	\$	4,030,166	15594
C26049	Basic Science Building HVAC and Electrical Upgrade	\$	1,125,000	15595
C26050	Law Building Renovation	\$	3,500,000	15596
C26051	Cleveland Hearing and Speech Center	\$	200,000	15597
C26052	University Hospitals Ireland Cancer Center	\$	3,000,000	15598
Total Cleveland State University		\$	21,286,287	15599

Appropriations

Section 233.30.60. KSU KENT STATE UNIVERSITY 15601

C27000	Basic Renovations	\$	5,220,323	15602
C27002	Basic Renovations - East Liverpool	\$	177,231	15603
C27004	Basic Renovations - Salem	\$	136,423	15604
C27005	Basic Renovations - Stark	\$	491,417	15605
C27006	Basic Renovations - Ashtabula	\$	281,425	15606
C27007	Basic Renovations - Trumbull	\$	463,939	15607

C27008	Basic Renovations - Tuscarawas	\$	310,510	15608
C27072	Gym Renovations for Health Sciences, Construction Phase	\$	486,469	15609
C27076	Performing Arts Center	\$	933,027	15610
C27087	Electrical Infrastructure Improvements	\$	1,407,000	15611
C27088	Oscar Ritchie Hall Rehabilitation	\$	6,715,000	15612
C27090	Music and Speech Center Renovations/Addition	\$	5,781,158	15613
C27093	Science and Nursing Building	\$	1,600,286	15614
C27096	Blossom Music Center	\$	1,000,000	15615
C270A5	Basic Renovations - Geauga	\$	93,152	15616
C270A6	Main Hall Renovations	\$	768,084	15617
C270A7	Classroom Building Interior Renovations, Phase 2	\$	333,435	15618
C270A8	Classroom Building HVAC and Energy Conservation Improvements	\$	259,027	15619
C270A9	Art Building Roof Replacement	\$	1,000,000	15620
C270B0	Classroom Building Interior Renovations	\$	854,608	15621
C270B1	University Hospitals Geauga Medical Center	\$	1,000,000	15622
Total Kent State University		\$	29,312,514	15623

Appropriations

Section 233.30.70. MUN MIAMI UNIVERSITY				15625
C28500	Basic Renovations	\$	5,615,288	15626
C28502	Basic Renovations - Hamilton	\$	686,759	15627
C28503	Basic Renovations - Middletown	\$	588,815	15628
C28556	Upham Hall North Wing Rehabilitation	\$	3,600,000	15629
C28559	Academic/Administrative & General Improvement Projects	\$	1,153,217	15630
C28560	Academic/Administrative & General Improvement Projects	\$	1,286,226	15631
C28564	Laws Hall Rehabilitation	\$	6,250,000	15632

C28565	Hughes Hall "C" Wing (design)	\$	700,000	15633
C28566	Western Steam Distribution Project	\$	1,500,000	15634
Total Miami University		\$	21,380,305	15635

Appropriations

Section 233.30.80. OSU OHIO STATE UNIVERSITY				15637
C31500	Basic Renovations	\$	22,999,842	15638
C31598	Main Library Rehabilitation/Expansion	\$	8,660,000	15639
C315R4	Founders Hall and Hopewell Hall Renovations	\$	1,003,812	15640
C315R7	Stone Lab Classroom Improvements	\$	250,000	15641
C315T4	Basic Renovations - Agricultural Technical Institute	\$	623,680	15642
C315T5	Basic Renovations - Lima	\$	311,913	15643
C315T6	Basic Renovations - Mansfield	\$	374,760	15644
C315T7	Basic Renovations - Marion	\$	312,878	15645
C315T8	Basic Renovations - Newark	\$	361,499	15646
C315T9	Basic Renovations - OARDC	\$	2,118,042	15647
C315U0	Horticultural Operations Center	\$	6,855,787	15648
C315U1	New Maintenance Facility	\$	2,000,000	15649
C315U2	Academic Core - North	\$	37,756,725	15650
C315U3	Cunz Hall Renovation	\$	6,540,000	15651
C315U4	College of Medicine Renovation/Addition	\$	6,000,000	15652
C315U5	Animal & Plant Biology Level 3 Isolate Facility	\$	6,220,796	15653
C315U7	Nationwide Children's Hospital Capital Equipment	\$	2,500,000	15654
C315U8	OSU African American & African Studies Community Center	\$	750,000	15655
C315U9	Flying Horse Pediatric Facility	\$	250,000	15656
Total Ohio State University		\$	105,889,734	15657

Appropriations

Section 233.30.90. OHU OHIO UNIVERSITY			15659
C30000	Basic Renovations	\$ 5,043,296	15660
C30004	Basic Renovations - Eastern	\$ 218,674	15661
C30006	Basic Renovations - Zanesville	\$ 297,309	15662
C30007	Basic Renovations - Chillicothe	\$ 266,629	15663
C30008	Basic Renovations - Ironton	\$ 232,932	15664
C30021	Brasee Hall Library/Gymnasium Renovation	\$ 801,485	15665
C30048	Clippinger Laboratory Renovation - 2nd & 3rd Floors	\$ 3,400,000	15666
C30051	Lausche Heating Plant Completion	\$ 4,410,000	15667
C30053	Parking and Roadway Improvements	\$ 502,542	15668
C30058	Integrated Learning and Research Facility	\$ 9,000,000	15669
C30062	Shannon Hall Interior Renovations - Learning Commons	\$ 609,112	15670
C30064	Stevenson Center Learning Commons	\$ 500,000	15671
C30069	Elson Hall 2nd Floor Partial Renovation	\$ 1,129,666	15672
C30073	Land Acquisition	\$ 170,830	15673
C30074	Basic Renovations - Lancaster	\$ 306,577	15674
C30075	Infrastructure Improvements	\$ 1,900,000	15675
C30076	Campus Entry & Grounds Improvements	\$ 325,000	15676
C30077	Academic Building Laboratory & Classroom Renovation Planning	\$ 58,491	15677
C30078	OU Southern Proctorville Campus Upgrades	\$ 50,000	15678
C30079	OU Southern Horse Park	\$ 325,000	15679
Total Ohio University		\$ 29,547,543	15680

Appropriations

Section 233.33.10. SSC SHAWNEE STATE UNIVERSITY			15682
C32400	Basic Renovations	\$ 1,036,884	15683
C32415	Land Acquisition	\$ 200,000	15684
C32423	Administration Building Renovation	\$ 1,443,831	15685
Total Shawnee State University		\$ 2,680,715	15686

Appropriations

Section 233.33.20. UTO UNIVERSITY OF TOLEDO			15688
C34000	Basic Renovations	\$ 5,800,643	15689
C34033	CBLE - Stranahan Hall Addition	\$ 4,600,000	15690
C34036	North Engineering Renovation	\$ 4,750,000	15691
C34038	MCO - Core Research Facility	\$ 1,800,000	15692
C34040	MCO - Clinical Academic Renovation	\$ 900,000	15693
C34041	MCO - Resource & Community Learning Center	\$ 900,000	15694
C34044	Campus Infrastructure Improvements	\$ 3,750,000	15695
C34045	Building Demolition	\$ 1,400,000	15696
C34046	MCO - Basic Renovations	\$ 2,013,792	15697
C34047	Center for Legal Justice	\$ 1,000,000	15698
C34048	Mercy College Technology and Infomatics Center	\$ 225,000	15699
Total University of Toledo		\$ 27,139,435	15700

Appropriations

Section 233.33.30. WSU WRIGHT STATE UNIVERSITY			15702
C27500	Basic Renovations	\$ 3,759,018	15703
C27501	Basic Renovations - Lake	\$ 132,481	15704
C27513	Science Laboratory Renovations	\$ 8,521,508	15705
C27526	Lake Campus Rehabilitation and Addition	\$ 461,750	15706
C27527	Advanced Technical Intelligence Center (ATIC)	\$ 2,500,000	15707
C27533	Auditorium/Classroom Upgrades	\$ 1,084,769	15708
C27534	Student Academic Success Center Renovation	\$ 250,000	15709
C27535	Air Force Advanced Manufacturing Facility	\$ 1,500,000	15710
C27536	Nursing Institute Facility	\$ 500,000	15711
C27537	Calamityville Lab Facilities (WPAFB)	\$ 3,000,000	15712
Total Wright State University		\$ 21,709,526	15713

Appropriations

Section 233.33.40. YSU YOUNGSTOWN STATE UNIVERSITY			15715
C34500	Basic Renovations	\$ 3,473,188	15716
C34518	Building System Upgrades	\$ 624,834	15717
C34523	Campus Development	\$ 1,500,000	15718
C34524	Instructional Space Upgrades	\$ 850,000	15719
C34525	College of Business	\$ 5,100,000	15720
C34526	Trumbull County Business Incubator	\$ 500,000	15721
Total Youngstown State University			\$ 12,048,022 15722

Appropriations

Section 233.33.50. NEM NORTHEASTERN OHIO UNIVERSITIES COLLEGE			15724
OF MEDICINE			15725
C30500	Basic Renovations	\$ 637,463	15726
C30517	Building Expansion Sitework	\$ 1,473,952	15727
Total Northeastern Ohio Universities College of Medicine			\$ 2,111,415 15728

Appropriations

Section 233.40.10. CTC CINCINNATI STATE COMMUNITY COLLEGE			15730
C36101	Basic Renovations	\$ 1,255,923	15731
C36107	Classroom Upgrade Project	\$ 270,000	15732
C36114	Lot C Parking Lot	\$ 250,000	15733
C36115	Ceiling Replacement	\$ 75,000	15734
C36116	Electrical Surge Protection	\$ 100,000	15735
C36117	Campus Signage	\$ 75,000	15736
C36118	Window and Garage Doors	\$ 175,659	15737
C36119	Window Replacement	\$ 100,000	15738
C36120	Blue Ash City Conference Center	\$ 150,000	15739
Total Cincinnati State Community College			\$ 2,451,582 15740

Appropriations

Section 233.40.20. CLT CLARK STATE COMMUNITY COLLEGE			15742
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C38512	Basic Renovations	\$	536,990	15743
C38513	Clark State Arts Center	\$	300,000	15744
C35813	Center City Park in Springfield - Phase	\$	1,500,000	15745

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Total Clark State Community College		\$	2,336,990	15746
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Appropriations

Section 233.40.30. CTI COLUMBUS STATE COMMUNITY COLLEGE 15748

C38400	Basic Renovations	\$	1,691,834	15749
C38411	Columbus Hall Renovation	\$	5,470,913	15750
C38412	Painters Apprenticeship Council	\$	500,000	15751
C38413	Jewish Community Center NE Initiative	\$	575,000	15752
Total Columbus State Community College		\$	8,237,747	15753

Appropriations

Section 233.40.40. CCC CUYAHOGA COMMUNITY COLLEGE 15755

C37800	Basic Renovations	\$	3,482,709	15756
C37818	Health Care Technology Building, Eastern Campus	\$	9,775,889	15757
C37828	Cleveland Institute of Art	\$	500,000	15758
C37829	College of Podiatric Medicine	\$	250,000	15759
C37830	Cuyahoga Community College Auto Lab Improvements	\$	50,000	15760
C37831	Visiting Nurse Association	\$	150,000	15761
Total Cuyahoga Community College		\$	14,208,598	15762

Appropriations

Section 233.40.50. ESC EDISON STATE COMMUNITY COLLEGE 15764

C39000	Basic Renovations	\$	688,818	15765
Total Edison State Community College		\$	688,818	15766

Appropriations

Section 233.40.60. JTC JEFFERSON COMMUNITY COLLEGE 15768

C38600	Basic Renovations	\$	269,043	15769
C39608	Second Floor Pugliese Training Center	\$	887,025	15770
Total Jefferson Community College		\$	1,156,068	15771

Appropriations

Section 233.40.70. LCC LAKELAND COMMUNITY COLLEGE 15773

C37900	Basic Renovations	\$	1,132,835	15774
C37912	C Building East End	\$	1,896,964	15775
Total Lakeland Community College		\$	3,029,799	15776

Appropriations

Section 233.40.80. LOR LORAIN COMMUNITY COLLEGE 15778

C38300	Basic Renovations	\$	1,275,420	15779
C38307	CC Rehabilitation - Student Center	\$	3,572,633	15780
Total Lorain Community College		\$	4,848,053	15781

Appropriations

Section 233.40.90. NTC NORTHWEST STATE COMMUNITY COLLEGE 15783

C38200	Basic Renovations	\$	104,798	15784
C38205	Allied Health and Public Service Building	\$	1,093,249	15785
C38206	Fulton County Wind Project	\$	250,000	15786
Total Northwest State Community College		\$	1,448,047	15787

Appropriations

Section 233.43.10. OTC OWENS COMMUNITY COLLEGE 15789

C38800	Basic Renovations	\$	1,778,419	15790
C38813	Energy Management Infrastructure	\$	2,000,000	15791
C38814	Required and Code Compliance Renovations for Penta Campus	\$	2,500,000	15792
Total Owens Community College		\$	6,278,419	15793

Appropriations

Section 233.43.20. RGC RIO GRANDE COMMUNITY COLLEGE 15795

C35600	Basic Renovations	\$	495,799	15796
C35606	Louvee Theater Project	\$	450,000	15797
Total Rio Grande Community College		\$	945,799	15798

Appropriations

Section 233.43.30. SCC SINCLAIR COMMUNITY COLLEGE 15800

C37700	Basic Renovations	\$	2,518,446	15801
C37709	National Composite Center	\$	750,000	15802
C37710	Greentree Health Science Academy	\$	1,000,000	15803
Total Sinclair Community College		\$	4,268,446	15804

Appropriations

Section 233.43.40. SOC SOUTHERN STATE COMMUNITY COLLEGE 15806

C32200	Basic Renovations	\$	404,599	15807
C32204	Laboratory and Classroom Building	\$	100,000	15808
Total Southern State Community College		\$	504,599	15809

Appropriations

Section 233.43.50. TTC TERRA STATE COMMUNITY COLLEGE 15811

C36400	Basic Renovations	\$	368,589	15812
C36407	Skilled Trades Center	\$	3,250,000	15813
C36408	Herbert Perna Center for Physical Health Studies	\$	375,000	15814
Total Terra State Community College		\$	3,993,589	15815

Appropriations

Section 233.43.60. WTC WASHINGTON STATE COMMUNITY COLLEGE 15817

C35800	Basic Renovations	\$	328,895	15818
C35809	Marietta Citizens' Armory Cultural Center	\$	200,000	15819
Total Washington State Community College		\$	528,895	15820

Appropriations

Section 233.50.10. BTC BELMONT TECHNICAL COLLEGE 15822

C36800	Basic Renovations	\$	243,300	15823
Total Belmont Technical College		\$	243,300	15824

Appropriations

Section 233.50.20. COT CENTRAL OHIO TECHNICAL COLLEGE 15826

C36900	Basic Renovations	\$	306,291	15827
C36905	Founders Hall and Hopewell Hall Renovations	\$	879,000	15828
C36907	COTC Expansion in Mt. Vernon	\$	700,000	15829
Total Central Ohio Technical College		\$	1,885,291	15830

Appropriations

Section 233.50.30. HTC HOCKING TECHNICAL COLLEGE 15832

C36300	Basic Renovations	\$	654,837	15833
C36310	McClenaghan Center for Hospitality Training	\$	1,400,000	15834
C36312	Energy Institute	\$	300,226	15835
C36313	Perry County Community Health Center at Hocking College	\$	200,000	15836
C36314	New Lexington Public Safety Training Facility	\$	750,000	15837
Total Hocking Technical College		\$	3,305,063	15838

Appropriations

Section 233.50.40. LTC JAMES RHODES STATE COLLEGE 15840

C38100	Basic Renovations	\$	435,403	15841
C38110	Design Planning for Center of Excellence for Health Sciences	\$	919,365	15842
Total James Rhodes State College		\$	1,354,768	15843

Appropriations

Section 233.50.50. MTC MARION TECHNICAL COLLEGE 15845

C35900	Basic Renovations	\$	139,497	15846
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C35905	Technical Education Center Vacated Space Renovations	\$	576,136	15847
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Total Marion Technical College		\$	715,633	15848
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Appropriations

Section 233.50.60. MAT ZANE STATE COLLEGE				15850
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C36200	Basic Renovations	\$	294,447	15851
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C36205	Willettt-Pratt Training Center Expansion	\$	250,000	15852
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C36207	College & Health Science Halls ESI Project, Phase II	\$	500,000	15853
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Total Zane State College		\$	1,044,447	15854
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Appropriations

Section 233.50.70. NCC NORTH CENTRAL TECHNICAL COLLEGE				15856
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C38000	Basic Renovations	\$	552,097	15857
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C38010	North Central State College Kehoe Center	\$	585,000	15858
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C38011	North Central State College Fallerius Technology Center	\$	150,000	15859
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Total North Central Technical College		\$	1,287,097	15860
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Appropriations

Section 233.50.80. STC STARK TECHNICAL COLLEGE				15862
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C38900	Basic Renovations	\$	786,333	15863
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C38913	Business Technologies Building	\$	2,034,537	15864
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C38914	Corporate and Community Services Facility	\$	500,000	15865
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Total Stark Technical College		\$	3,320,870	15866
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Total Board of Regents and				15867
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Institutions of Higher Education		\$	595,109,802	15868
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TOTAL Higher Education Improvement Fund		\$	605,359,802	15869
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Section 233.60.10. DEBT SERVICE FORMULA ALLOCATION				15871
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Based on the foregoing appropriations from the Higher				15872
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Education Improvement Fund (Fund 7034), the following higher		15873
education institutions shall be responsible for the specified		15874
amounts as part of the debt service component of the instructional		15875
subsidy beginning in fiscal year 2010:		15876
INSTITUTION	AMOUNT	15877
University of Akron	\$ 13,355,046	15878
University of Akron - Wayne	\$ 627,584	15879
Bowling Green State University	\$ 12,482,535	15880
Bowling Green State University - Firelands	\$ 942,492	15881
Central State University	\$ 2,045,746	15882
University of Cincinnati	\$ 26,412,509	15883
University of Cincinnati - Clermont	\$ 751,132	15884
University of Cincinnati - Walters	\$ 1,582,233	15885
Cleveland State University	\$ 10,760,269	15886
Kent State University	\$ 14,903,158	15887
Kent State University - Ashtabula	\$ 812,835	15888
Kent State University - East Liverpool	\$ 333,435	15889
Kent State University - Geauga	\$ 259,027	15890
Kent State University - Salem	\$ 486,469	15891
Kent State University - Stark	\$ 1,600,286	15892
Kent State University - Trumbull	\$ 854,608	15893
Kent State University - Tuscarawas	\$ 933,027	15894
Miami University	\$ 13,042,402	15895
Miami University - Hamilton	\$ 1,324,456	15896
Miami University - Middletown	\$ 1,405,890	15897
Ohio State University	\$ 58,956,725	15898
Ohio State University - ATI	\$ 6,855,787	15899
Ohio State University - Lima	\$ 2,000,000	15900
Ohio State University - Newark	\$ 1,030,695	15901
Ohio State University - OARDC	\$ 6,220,796	15902
Ohio University	\$ 17,406,578	15903
Ohio University - Eastern	\$ 609,112	15904
Ohio University - Chillicothe	\$ 1,002,542	15905

Ohio University - Southern	\$	554,321	15906
Ohio University - Lancaster	\$	801,485	15907
Ohio University - Zanesville	\$	1,129,666	15908
Shawnee State University	\$	1,643,831	15909
University of Toledo	\$	17,839,425	15910
Wright State University	\$	9,856,277	15911
Wright State University - Lake	\$	461,750	15912
Youngstown State University	\$	8,144,264	15913
Northeastern Ohio Universities College of Medicine	\$	1,542,025	15914
Cincinnati State Community College	\$	924,024	15915
Columbus State Community College	\$	5,470,913	15916
Cuyahoga Community College	\$	9,775,889	15917
Edison State Community College	\$	373,982	15918
Jefferson Community College	\$	874,547	15919
Lakeland Community College	\$	2,529,285	15920
Lorain County Community College	\$	3,572,633	15921
Northwest State Community College	\$	848,720	15922
Owens Community College	\$	4,449,028	15923
Terra State Community College	\$	3,250,000	15924
Central Ohio Technical College	\$	907,644	15925
Hocking Technical College	\$	1,700,226	15926
James Rhodes State Technical College	\$	919,365	15927
Marion Technical College	\$	576,136	15928
Zane State College	\$	701,703	15929
North Central Technical College	\$	435,000	15930
Stark Technical College	\$	1,844,168	15931

Institutions not listed above do not have a debt service 15932
obligation as a result of these appropriations. 15933

Within sixty days after the effective date of this section, 15934
any institution of higher education may notify the Board of 15935
Regents of its intention not to proceed with any project 15936
appropriated in this act. Upon receiving such a notification, the 15937

Board of Regents may release the institution from its debt service 15938
obligation for the specific project. 15939

Section 233.60.20. For all of the foregoing appropriation 15940
items from the Higher Education Improvement Fund (Fund 7034) that 15941
require local funds to be contributed by any state-supported or 15942
state-assisted institution of higher education, the Board of 15943
Regents shall not recommend that any funds be released until the 15944
recipient institution demonstrates to the Board of Regents and the 15945
Office of Budget and Management that the local funds contribution 15946
requirement has been secured or satisfied. The local funds are in 15947
addition to the foregoing appropriations. 15948

Section 233.60.30. The Ohio Public Facilities Commission is 15949
hereby authorized to issue and sell, in accordance with Section 2n 15950
of Article VIII, Ohio Constitution, and Chapter 151. and 15951
particularly sections 151.01 and 151.04 of the Revised Code, 15952
original obligations in an aggregate principal amount not to 15953
exceed \$606,000,000, in addition to the original issuance of 15954
obligations heretofore authorized by prior acts of the General 15955
Assembly. These authorized obligations shall be issued, subject to 15956
applicable constitutional and statutory limitations, to pay costs 15957
of capital facilities as defined in sections 151.01 and 151.04 of 15958
the Revised Code for state-supported and state-assisted 15959
institutions of higher education. 15960

Section 233.60.40. None of the foregoing capital improvements 15961
appropriations for state-supported or state-assisted institutions 15962
of higher education shall be expended until the particular 15963
appropriation has been recommended for release by the Board of 15964
Regents and released by the Director of Budget and Management or 15965
the Controlling Board. Either the institution concerned, or the 15966
Board of Regents with the concurrence of the institution 15967

concerned, may initiate the request to the Director of Budget and Management or the Controlling Board for the release of the particular appropriations.

Section 233.60.50. (A) No capital improvement appropriations made in sections of this act prefixed with the section number "233" shall be released for planning or for improvement, renovation, construction, or acquisition of capital facilities if the institution of higher education or the state does not own the real property on which the capital facilities are or will be located. This restriction does not apply in any of the following circumstances:

(1) The institution has a long-term (at least fifteen years) lease of, or other interest (such as an easement) in, the real property.

(2) The Board of Regents certifies to the Controlling Board that undue delay will occur if planning does not proceed while the property or property interest acquisition process continues. In this case, funds may be released upon approval of the Controlling Board to pay for planning through the development of schematic drawings only.

(3) In the case of an appropriation for capital facilities that, because of their unique nature or location, will be owned or will be part of facilities owned by a separate nonprofit organization or public body and will be made available to the institution of higher education for its use, the nonprofit organization or public body either owns or has a long-term (at least fifteen years) lease of the real property or other capital facility to be improved, renovated, constructed, or acquired and has entered into a joint or cooperative use agreement with the institution of higher education that meets the requirements of

division (C) of this section. 15998

(B) Any foregoing appropriations that require cooperation 15999
between a technical college and a branch campus of a university 16000
may be released by the Controlling Board upon recommendation by 16001
the Board of Regents that the facilities proposed by the 16002
institutions are: 16003

(1) The result of a joint planning effort by the university 16004
and the technical college, satisfactory to the Board of Regents; 16005

(2) Facilities that will meet the needs of the region in 16006
terms of technical and general education, taking into 16007
consideration the totality of facilities that will be available 16008
after the completion of the projects; 16009

(3) Planned to permit maximum joint use by the university and 16010
technical college of the totality of facilities that will be 16011
available upon their completion; and 16012

(4) To be located on or adjacent to the branch campus of the 16013
university. 16014

(C) The Board of Regents shall adopt rules regarding the 16015
release of moneys from all the foregoing appropriations for 16016
capital facilities for all state-supported or state-assisted 16017
institutions of higher education. In the case of capital 16018
facilities referred to in division (A)(3) of this section, the 16019
joint or cooperative use agreements shall include, as a minimum, 16020
provisions that: 16021

(1) Specify the extent and nature of that joint or 16022
cooperative use, extending for not fewer than fifteen years, with 16023
the value of such use or right to use to be, as is determined by 16024
the parties and approved by the Board of Regents, reasonably 16025
related to the amount of the appropriations; 16026

(2) Provide for pro rata reimbursement to the state should 16027

the arrangement for joint or cooperative use be terminated; 16028

(3) Provide that procedures to be followed during the capital 16029
improvement process will comply with appropriate applicable state 16030
statutes and rules, including the provisions of this act; and 16031

(4) Provide for payment or reimbursement to the institution 16032
of its administrative costs incurred as a result of the facilities 16033
project, not to exceed 1.5 per cent of the appropriated amount. 16034

(D) Upon the recommendation of the Board of Regents, the 16035
Controlling Board may approve the transfer of appropriations for 16036
projects requiring cooperation between institutions from one 16037
institution to another institution with the approval of both 16038
institutions. 16039

(E) Notwithstanding section 127.14 of the Revised Code, the 16040
Controlling Board, upon the recommendation of the Board of 16041
Regents, may transfer amounts appropriated to the Board of Regents 16042
to accounts of state-supported or state-assisted institutions 16043
created for that same purpose. 16044

Section 233.60.60. The requirements of Chapters 123. and 153. 16045
of the Revised Code, with respect to the powers and duties of the 16046
Director of Administrative Services, and the requirements of 16047
section 127.16 of the Revised Code, with respect to the 16048
Controlling Board, do not apply to projects of community college 16049
districts, which include Cuyahoga Community College, Jefferson 16050
Community College, Lakeland Community College, Lorain Community 16051
College, Rio Grande Community College, and Sinclair Community 16052
College; and technical college districts, which include Belmont 16053
Technical College, Central Ohio Technical College, Hocking 16054
Technical College, James Rhodes State College, Marion Technical 16055
College, Zane State College, North Central Technical College, and 16056
Stark Technical College. 16057

Section 233.60.70. Those institutions locally administering capital improvement projects pursuant to section 3345.50 of the Revised Code may:

(A) Establish charges for recovering costs directly related to project administration as defined by the Director of Administrative Services. The Department of Administrative Services shall review and approve these administrative charges when the charges are in excess of 1.5 per cent of the total construction budget.

(B) Seek reimbursement from state capital appropriations to the institution for the in-house design services performed by the institution for the capital projects. Acceptable charges are limited to design document preparation work that is done by the institution. These reimbursable design costs shall be shown as "A/E fees" within the project's budget that is submitted to the Controlling Board or the Director of Budget and Management as part of a request for release of funds. The reimbursement for in-house design shall not exceed seven per cent of the estimated construction cost.

Section 235.10. The items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Parks and Recreation Improvement Fund (Fund 7035) that are not otherwise appropriated.

			Appropriations
DNR DEPARTMENT OF NATURAL RESOURCES			16081
C725A0	State Parks, Campgrounds, Cabins, & Lodges	\$ 5,150,000	16082
C725A9	Park Boating Facilities - Shawnee Marina	\$ 1,000,000	16083
C725B8	Upgrade Underground Fuel Storage Tanks - Statewide	\$ 250,000	16084

C725E2	Local Parks Projects	\$	24,978,833	16085
C725E6	Project Planning	\$	500,000	16086
C725L8	Statewide Trails Program - Hocking Hills Trails Rehabilitation Phase II	\$	1,000,000	16087
C725M5	Middle Bass Island State Park - Marina	\$	4,000,000	16088
C725N0	Handicapped Accessibility - Statewide	\$	100,000	16089
C725N4	Hazardous Waste/Asbestos Abatement - Statewide	\$	150,000	16090
C725N6	Statewide Wastewater/Water Systems Upgrade	\$	3,000,000	16091
C725R3	State Park Renovations/Upgrading - Statewide Beach Bath House Replacement	\$	1,000,000	16092
Total Department of Natural Resources		\$	41,128,833	16093
TOTAL Parks and Recreation Improvement Fund		\$	41,128,833	16094

FEDERAL REIMBURSEMENT 16095

All reimbursements received from the federal government for 16096
any expenditures made pursuant to this section shall be deposited 16097
in the state treasury to the credit of the Parks and Recreation 16098
Improvement Fund (Fund 7035). 16099

LOCAL PARKS PROJECTS 16100

Of the foregoing appropriation item C725E2, Local Parks 16101
Projects, an amount equal to two per cent of the projects listed 16102
may be used by the Department of Natural Resources for the 16103
administration of local projects, \$3,050,000 shall be used for the 16104
Scioto Mile Development, \$2,000,000 shall be used for the 16105
Riverfront Park, \$2,000,000 shall be used for the Goodyear Park, 16106
\$1,090,000 shall be used for the Sterling Park, \$1,000,000 shall 16107
be used for the Little Miami Trail extension - Hamilton County 16108
Park District, \$675,000 shall be used for the Anthony Wayne Youth 16109
Foundation Recreation area, \$600,000 shall be used for the Euclid 16110
Beach Pier, \$500,000 shall be used for the Columbus Crew Facility 16111
- Hilliard, \$500,000 shall be used for the Franklin Park 16112

Conservatory, \$500,000 shall be used for the Colerain Township	16113
Park, \$500,000 shall be used for the Green Township Legacy Place	16114
Park, \$475,000 shall be used for the Dublin Emerald Fields Special	16115
Needs Playground, \$450,000 shall be used for the Sippo Lake Park	16116
improvements, \$400,000 shall be used for the Mentor Beach Park,	16117
\$400,000 shall be used for the Wick Neighborhood Public Park,	16118
\$400,000 shall be used for the Wayne County Rails to Trails	16119
Project, \$350,000 shall be used for the Whittier Peninsula Park,	16120
\$350,000 shall be used for the Perry Township Park, \$333,333 shall	16121
be used for the East Bank of the Flats, \$300,000 shall be used for	16122
the New Richmond Park, \$300,000 shall be used for the Beavercreek	16123
Wildlife Education Center, \$300,000 shall be used for the	16124
Versailles Park Project, \$300,000 shall be used for the Madison	16125
Township Park, \$284,000 shall be used for the Bike and Pedestrian	16126
Path - SugarTree Corridor, \$275,000 shall be used for the	16127
Montville Township Park Project, \$250,000 shall be used for the	16128
Grand Lake St. Mary's Shoreline Rip Rap Project, \$250,000 shall be	16129
used for the West Chester Beckett Park Improvements, \$250,000	16130
shall be used for the City of Strongsville Family Aquatic Center,	16131
\$250,000 shall be used for the Reis Park improvements, \$250,000	16132
shall be used for the McIntyre Park Hiking and Biking Trails,	16133
\$250,000 shall be used for the Circleville Community Park Project,	16134
\$250,000 shall be used for the Fremont Area Foundation Park	16135
athletic facilities, \$250,000 shall be used for the Alliance Park,	16136
\$200,000 shall be used for the Maple Heights Pool/Park	16137
improvements, \$200,000 shall be used for the Lancaster Community	16138
Parks revitalization, \$200,000 shall be used for the Grandview	16139
Yard Public Park, \$200,000 shall be used for the Wyoming City	16140
Regional Park, \$200,000 shall be used for the Chagrin River	16141
Lakefront Park, \$200,000 shall be used for the Aullwood Audobon	16142
Center, \$200,000 shall be used for the Austin Pike Project - land	16143
acquisition, \$200,000 shall be used for the Mary Virginia Crites	16144
Hammum Community Park, \$200,000 shall be used for the Canton Spray	16145

Park, \$150,000 shall be used for the Lima Historic Athletic Field, 16146
\$150,000 shall be used for the Myers Memorial Bandshell, \$150,000 16147
shall be used for the City of Logan Park/Pool improvements, 16148
\$150,000 shall be used for the Houston Fisher Memorial Park 16149
improvements, \$150,000 shall be used for the Indian Lake State 16150
Park improvements, \$150,000 shall be used for the Avon Lake 16151
Veterans Park improvements, \$125,000 shall be used for the York 16152
Township Park land acquisition, \$124,500 shall be used for the 16153
Salt Fork Concession Stand, \$100,000 shall be used for the Monroe 16154
Veterans' Memorial Park, \$100,000 shall be used for the Rivers 16155
Edge Bikeway, \$100,000 shall be used for the Mayfield Heights Park 16156
Facility improvement, \$100,000 shall be used for the Auburn 16157
Township Community Park, \$100,000 shall be used for the Lucas 16158
County Marina, \$100,000 shall be used for the Youngstown City 16159
Park, \$100,000 shall be used for the Salisbury Township Park 16160
improvements/land acquisition, \$100,000 shall be used for the 16161
Community Built Playground, \$100,000 shall be used for the Burkes 16162
Point Park, \$100,000 shall be used for the Barberton Newton Park, 16163
\$100,000 shall be used for the Crown Point Conservation Easement, 16164
\$100,000 shall be used for the Mudbrook Trail and Greenway 16165
Project, \$100,000 shall be used for the Mahoning River Water 16166
Trail, \$100,000 shall be used for the Moonville Rail Trail 16167
Project, \$100,000 shall be used for the Springboro Park 16168
improvements, \$75,000 shall be used for the Ault Park 16169
improvements, \$75,000 shall be used for the Willard Soccer and 16170
Football Park Project, \$75,000 shall be used for the Austintown 16171
Nature Rooms, \$75,000 shall be used for the Meigs Local Enrichment 16172
Project Multi-Purpose Complex, \$75,000 shall be used for the 16173
Miracle League facility - Muskingum County, \$70,000 shall be used 16174
for the City of Nelsonville Park/land acquisition, \$65,000 shall 16175
be used for the Village of Jacksonville Park improvements, \$50,000 16176
shall be used for the Ohio Wildlife Center, \$50,000 shall be used 16177
for the Kelley's Island Park Restroom PHASE II, \$50,000 shall be 16178

used for the Little League Challenger Field - Cambridge, \$50,000 16179
shall be used for the Avon Isle Park improvements, \$46,000 shall 16180
be used for the Huntington Township Park Projects, \$35,000 shall 16181
be used for the Village of Buchtel Park improvements, \$35,000 16182
shall be used for the Village of Syracuse Park improvements, 16183
\$30,000 shall be used for the Village of Albany Park improvements, 16184
\$30,000 shall be used for the Village of Aberdeen Boat Dock, 16185
\$30,000 shall be used for the Village of Hamler Parks improvement, 16186
\$25,000 shall be used for the Coshocton Children's Park, \$25,000 16187
shall be used for the Alt Park improvements, \$25,000 shall be used 16188
for the Cambridge Handicapped Playground, \$25,000 shall be used 16189
for the Murray City Community Parks improvement, \$25,000 shall be 16190
used for the Marblehead Lighthouse State Park - Replica Life Boat 16191
Station, \$25,000 shall be used for the Village of Attica Park 16192
Maintenance, \$20,000 shall be used for the Village of Stockport 16193
Park improvements, \$15,000 shall be used for the Village of 16194
Salineville Baseball Field, \$10,000 shall be used for the Village 16195
of Albany Bike Paths, \$10,000 shall be used for the Salem 16196
Skateboard Plaza, \$10,000 shall be used for the Village of Pomeroy 16197
Mini Park improvements, \$10,000 shall be used for the Skyvue 16198
Outdoor Classroom, and \$6,000 shall be used for the Wadsworth 16199
Skate Park. 16200

Section 235.11. For the appropriations in Section 235.10 of 16201
this act, the Department of Natural Resources shall periodically 16202
prepare and submit to the Director of Budget and Management the 16203
estimated design, planning, and engineering costs of 16204
capital-related work to be done by the Department for each 16205
project. Based on the estimates, the Director of Budget and 16206
Management may release appropriations from the foregoing 16207
appropriation item C725E6, Project Planning, within the Parks and 16208
Recreation Improvement Fund (Fund 7035), to pay for design, 16209
planning, and engineering costs incurred by the Department for the 16210

projects. Upon release of the appropriations by the Director of 16211
Budget and Management, the Department shall pay for these expenses 16212
from the Parks Capital Expenses Fund (Fund 2270), and shall be 16213
reimbursed from the Parks and Recreation Improvement Fund (Fund 16214
7035) using an intrastate voucher. 16215

Section 235.12. The Treasurer of State is hereby authorized 16216
to issue and sell, in accordance with Section 2i of Article VIII, 16217
Ohio Constitution, and Chapter 154. of the Revised Code, 16218
particularly section 154.22 of the Revised Code, original 16219
obligations in an aggregate principal amount not to exceed 16220
\$40,000,000, in addition to the original issuance of obligations 16221
heretofore authorized by prior acts of the General Assembly. These 16222
authorized obligations shall be issued, subject to applicable 16223
constitutional and statutory limitations, to pay the costs of 16224
capital facilities for parks and recreation as defined in section 16225
154.01 of the Revised Code. 16226

Section 235.13. (A) No capital improvement appropriations 16227
made in Section 235.10 of this act shall be released for planning 16228
or for improvement, renovation, or construction or acquisition of 16229
capital facilities if a governmental agency, as defined in section 16230
154.01 of the Revised Code, does not own the real property that 16231
constitutes the capital facilities or on which the capital 16232
facilities are or will be located. This restriction does not apply 16233
in any of the following circumstances: 16234

(1) The governmental agency has a long-term (at least fifteen 16235
years) lease of, or other interest (such as an easement) in, the 16236
real property. 16237

(2) In the case of an appropriation for capital facilities 16238
for parks and recreation that, because of their unique nature or 16239
location, will be owned or be part of facilities owned by a 16240

separate nonprofit organization and made available to the 16241
governmental agency for its use or operated by the nonprofit 16242
organization under contract with the governmental agency, the 16243
nonprofit organization either owns or has a long-term (at least 16244
fifteen years) lease of the real property or other capital 16245
facility to be improved, renovated, constructed, or acquired and 16246
has entered into a joint or cooperative use agreement, approved by 16247
the Department of Natural Resources, with the governmental agency 16248
for that agency's use of and right to use the capital facilities 16249
to be financed and, if applicable, improved, the value of such use 16250
or right to use being, as determined by the parties, reasonably 16251
related to the amount of the appropriation. 16252

(B) In the case of capital facilities referred to in division 16253
(A)(2) of this section, the joint or cooperative use agreement 16254
shall include, as a minimum, provisions that: 16255

(1) Specify the extent and nature of that joint or 16256
cooperative use, extending for not fewer than fifteen years, with 16257
the value of such use or right to use to be, as determined by the 16258
parties and approved by the approving department, reasonably 16259
related to the amount of the appropriation; 16260

(2) Provide for pro rata reimbursement to the state should 16261
the arrangement for joint or cooperative use by a governmental 16262
agency be terminated; and 16263

(3) Provide that procedures to be followed during the capital 16264
improvement process will comply with appropriate applicable state 16265
statutes and rules, including the provisions of this act. 16266

Section 237.10. The items set forth in this section are 16267
hereby appropriated out of any moneys in the state treasury to the 16268
credit of the State Capital Improvements Fund (Fund 7038) that are 16269
not otherwise appropriated. 16270

		Appropriations	
PWC PUBLIC WORKS COMMISSION			16271
C15000	Local Public Infrastructure	\$ 120,000,000	16272
Total Public Works Commission		\$ 120,000,000	16273
TOTAL State Capital Improvements Fund		\$ 120,000,000	16274

The foregoing appropriation item C15000, Local Public Infrastructure, shall be used in accordance with sections 164.01 to 164.12 of the Revised Code. The Director of the Public Works Commission may certify to the Director of Budget and Management that a need exists to appropriate investment earnings to be used in accordance with sections 164.01 to 164.12 of the Revised Code. If the Director of Budget and Management determines pursuant to division (D) of section 164.08 and section 164.12 of the Revised Code that investment earnings are available to support additional appropriations, such amounts are hereby appropriated.

If the Public Works Commission receives refunds due to project overpayments that are discovered during a post-project audit, the Director of the Public Works Commission may certify to the Director of Budget and Management that refunds have been received. In certifying the refunds, the Director of the Public Works Commission shall provide the Director of Budget and Management information on the project refunds. The certification shall detail by project the source and amount of project overpayments received and include any supporting documentation required or requested by the Director of Budget and Management. Upon receipt of the certification, the Director of Budget and Management shall determine if the project refunds are necessary to support existing appropriations. If the project refunds are available to support additional appropriations, these amounts are hereby appropriated to appropriation item C15030, Revolving Loan.

Section 237.11. The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with Section 2p

of Article VIII, Ohio Constitution, and sections 151.01 and 151.08 16302
of the Revised Code, original obligations of the state, in an 16303
aggregate principal amount not to exceed \$120,000,000, in addition 16304
to the original obligations heretofore authorized by prior acts of 16305
the General Assembly. These authorized obligations shall be issued 16306
and sold from time to time and in amounts necessary to ensure 16307
sufficient moneys to the credit of the State Capital Improvements 16308
Fund (Fund 7038) to pay costs of capital improvement projects of 16309
local subdivisions. 16310

Section 239.10. The items set forth in this section are 16311
hereby appropriated out of any moneys in the state treasury to the 16312
credit of the Clean Ohio Conservation Fund (Fund 7056) that are 16313
not otherwise appropriated. 16314

Appropriations

	PWC PUBLIC WORKS COMMISSION		16315
C15060	Clean Ohio Conservation	\$ 30,000,000	16316
	Total Public Works Commission	\$ 30,000,000	16317
	TOTAL Clean Ohio Conservation Fund	\$ 30,000,000	16318

The foregoing appropriation item C15060, Clean Ohio 16319
Conservation, shall be used in accordance with sections 164.20 to 16320
164.27 of the Revised Code. If the Public Works Commission 16321
receives refunds due to project overpayments that are discovered 16322
during the post-project audit, the Director of the Public Works 16323
Commission may certify to the Director of Budget and Management 16324
that refunds have been received. If the Director of Budget and 16325
Management determines that the project refunds are available to 16326
support additional appropriations, such amounts are hereby 16327
appropriated. 16328

Section 241.10. The items set forth in this section are 16329
hereby appropriated out of any moneys in the state treasury to the 16330

credit of the Clean Ohio Agricultural Easement Fund (Fund 7057) 16331
that are not otherwise appropriated. 16332

Appropriations

AGR DEPARTMENT OF AGRICULTURE			16333
C70009	Clean Ohio Agricultural Easements	\$ 5,000,000	16334
Total Department of Agriculture		\$ 5,000,000	16335
TOTAL Clean Ohio Agricultural Easement Fund		\$ 5,000,000	16336

Section 243.10. The items set forth in this section are 16338
hereby appropriated out of any moneys in the state treasury to the 16339
credit of the Clean Ohio Trail Fund (Fund 7061) that are not 16340
otherwise appropriated. 16341

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES			16342
C72514	Clean Ohio Trail - Grants	\$ 5,000,000	16343
Total Department of Natural Resources		\$ 5,000,000	16344
TOTAL Clean Ohio Trail Fund		\$ 5,000,000	16345

Section 243.11. The Ohio Public Facilities Commission is 16347
hereby authorized to issue and sell, in accordance with Section 2o 16348
of Article VIII, Ohio Constitution, and pursuant to sections 16349
151.01 and 151.09 of the Revised Code, original obligations of the 16350
state in an aggregate principal amount not to exceed \$40,000,000 16351
in addition to the original issuance of obligations heretofore 16352
authorized by prior acts of the General Assembly. These authorized 16353
obligations shall be issued and sold from time to time, subject to 16354
applicable constitutional and statutory limitations, as needed to 16355
ensure sufficient moneys to the credit of the Clean Ohio 16356
Conservation Fund (Fund 7056), the Clean Ohio Agricultural 16357
Easement Fund (Fund 7057), and the Clean Ohio Trail Fund (Fund 16358
7061) to pay costs of conservation projects. 16359

Section 245.10. Notwithstanding any provision of law to the 16360

contrary, the Director of Budget and Management, with the written 16361
concurrence of the Director of Public Safety, may transfer cash 16362
temporarily from the Highway Safety Fund (Fund 7036) to the 16363
Highway Safety Building Fund (Fund 7025), and the cash may be used 16364
to fund projects previously appropriated by acts of the General 16365
Assembly. The transfers shall be made for the purpose of providing 16366
cash to support appropriations or encumbrances that exist on the 16367
effective date of this section. At such time as obligations are 16368
issued for Highway Safety Building Fund projects, the Director of 16369
Budget and Management shall transfer from the Highway Safety 16370
Building Fund to the Highway Safety Fund any amounts originally 16371
transferred to the Highway Safety Building Fund under this 16372
section. 16373

Section 247.10. CERTIFICATION OF AVAILABILITY OF MONEYS 16374

Moneys that require release shall not be expended from any 16375
appropriation contained in this act without certification of the 16376
Director of Budget and Management that there are sufficient moneys 16377
in the state treasury in the fund from which the appropriation is 16378
made. Such certification shall be based on estimates of revenue, 16379
receipts, and expenses. Nothing in this section limits the 16380
authority granted to the Director of Budget and Management in 16381
section 126.07 of the Revised Code. 16382

Section 249.10. LIMITATION ON USE OF CAPITAL APPROPRIATIONS 16383

The appropriations made in this act, excluding those made to 16384
the State Capital Improvement Fund (Fund 7038) and the State 16385
Capital Improvements Revolving Loan Fund (Fund 7040) for buildings 16386
or structures, including remodeling and renovations, are limited 16387
to: 16388

(A) Acquisition of real property or interests in real 16389
property; 16390

(B) Buildings and structures, which include construction, 16391
demolition, complete heating, lighting and lighting fixtures, all 16392
necessary utilities, and ventilating, plumbing, sprinkling, and 16393
sewer systems, when such systems are authorized or necessary; 16394

(C) Architectural, engineering, and professional services 16395
expenses directly related to the projects; 16396

(D) Machinery that is a part of structures at the time of 16397
initial acquisition or construction; 16398

(E) Acquisition, development, and deployment of new computer 16399
systems, including the redevelopment or integration of existing 16400
and new computer systems, but excluding regular or ongoing 16401
maintenance or support agreements; 16402

(F) Equipment that meets all the following criteria: 16403

(1) The equipment is essential in bringing the facility up to 16404
its intended use; 16405

(2) The unit cost of the equipment, and not the individual 16406
parts of a unit, is about \$100 or more; 16407

(3) The equipment has a useful life of five years or more; 16408
and 16409

(4) The equipment is necessary for the functioning of the 16410
particular facility or project. 16411

Equipment shall not be paid for from these appropriations 16412
that is not an integral part of or directly related to the basic 16413
purpose or function of a project for which moneys are 16414
appropriated. This paragraph does not apply to appropriation items 16415
specifically for equipment. 16416

Section 251.10. CONTINGENCY RESERVE REQUIREMENT 16417

Any request for release of capital appropriations by the 16418
Director of Budget and Management or the Controlling Board of 16419

capital appropriations for projects, the contracts for which are 16420
awarded by the Department of Administrative Services, shall 16421
contain a contingency reserve, the amount of which shall be 16422
determined by the Department of Administrative Services, for 16423
payment of unanticipated project expenses. Any amount deducted 16424
from the encumbrance for a contractor's contract as an assessment 16425
for liquidated damages shall be added to the encumbrance for the 16426
contingency reserve. Contingency reserve funds shall be used to 16427
pay costs resulting from unanticipated job conditions, to comply 16428
with rulings regarding building and other codes, to pay costs 16429
related to errors or omissions in contract documents, to pay costs 16430
associated with changes in the scope of work, and to pay the cost 16431
of settlements and judgments related to the project. 16432

Any funds remaining upon completion of a project may, upon 16433
approval of the Controlling Board, be released for the use of the 16434
agency or instrumentality to which the appropriation was made for 16435
other capital facilities projects. 16436

Section 253.10. AGENCY ADMINISTRATION OF CAPITAL FACILITIES 16437
PROJECTS 16438

Notwithstanding sections 123.01 and 123.15 of the Revised 16439
Code, the Director of Administrative Services may authorize the 16440
Departments of Mental Health, Mental Retardation and Developmental 16441
Disabilities, Agriculture, Job and Family Services, Rehabilitation 16442
and Correction, Youth Services, Public Safety, Transportation, and 16443
the Ohio Veterans' Home to administer any capital facilities 16444
projects, the estimated cost of which, including design fees, 16445
construction, equipment, and contingency amounts, is less than 16446
\$1,500,000. Requests for authorization to administer capital 16447
facilities projects shall be made in writing to the Director of 16448
Administrative Services by the applicable state agency within 16449
sixty days after the effective date of the section of law in which 16450

the General Assembly initially makes an appropriation for the 16451
project. Upon the release of funds for the projects by the 16452
Controlling Board or the Director of Budget and Management, the 16453
agency may administer the capital project or projects for which 16454
agency administration has been authorized without the supervision, 16455
control, or approval of the Director of Administrative Services. 16456

A state agency authorized by the Director of Administrative 16457
Services to administer capital facilities projects pursuant to 16458
this section shall comply with the applicable procedures and 16459
guidelines established in Chapter 153. of the Revised Code. 16460

Section 255.10. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 16461
AGAINST THE STATE 16462

Except as otherwise provided in this section, an 16463
appropriation contained in this act or in any other act may be 16464
used for the purpose of satisfying judgments, settlements, or 16465
administrative awards ordered or approved by the Court of Claims 16466
or by any other court of competent jurisdiction in connection with 16467
civil actions against the state. This authorization does not apply 16468
to appropriations that are to be applied to or used for payment of 16469
guarantees by or on behalf of the state, or for payments under 16470
lease agreements relating to or debt service on bonds, notes, or 16471
other obligations of the state. Notwithstanding any other section 16472
of law to the contrary, this authorization includes appropriations 16473
from funds into which proceeds or direct obligations of the state 16474
are deposited only to the extent that the judgment, settlement, or 16475
administrative award is for or represents capital costs for which 16476
the appropriation may otherwise be used and is consistent with the 16477
purpose for which any related obligations were issued or entered 16478
into. Nothing contained in this section is intended to subject the 16479
state to suit in any forum in which it is not otherwise subject to 16480
suit, and it is not intended to waive or compromise any defense or 16481

right available to the state in any suit against it. 16482

Section 257.10. CAPITAL RELEASES BY THE DIRECTOR OF BUDGET 16483
AND MANAGEMENT 16484

Notwithstanding section 126.14 of the Revised Code, 16485
appropriations for appropriation item C50101, Community-Based 16486
Correctional Facilities, appropriated from the Adult Correctional 16487
Building Fund (Fund 7027) to the Department of Rehabilitation and 16488
Correction, shall be released upon the written approval of the 16489
Director of Budget and Management. The appropriations from the 16490
Public School Building Fund (Fund 7021) and the School Building 16491
Program Assistance Fund (Fund 7032) to the School Facilities 16492
Commission, from the Clean Ohio Conservation Fund (Fund 7056), the 16493
State Capital Improvement Fund (Fund 7038), and the State Capital 16494
Improvements Revolving Loan Fund (Fund 7040) to the Public Works 16495
Commission, shall be released upon presentation of a request to 16496
release the funds, by the agency to which the appropriation has 16497
been made, to the Director of Budget and Management. 16498

Section 259.10. PREVAILING WAGE REQUIREMENT 16499

Except as provided in section 4115.04 of the Revised Code, 16500
moneys appropriated or reappropriated by the 127th General 16501
Assembly shall not be used for the construction of public 16502
improvements, as defined in section 4115.03 of the Revised Code, 16503
unless the mechanics, laborers, or workers engaged therein are 16504
paid the prevailing rate of wages prescribed in section 4115.04 of 16505
the Revised Code. Nothing in this section affects the wages and 16506
salaries established for state employees under Chapter 124. of the 16507
Revised Code, or collective bargaining agreements entered into by 16508
the state under Chapter 4117. of the Revised Code, while engaged 16509
on force account work, nor does this section interfere with the 16510
use of inmate and patient labor by the state. 16511

Section 261.10. CAPITAL FACILITIES LEASES 16512

Capital facilities for which appropriations are made from the 16513
Highway Safety Building Fund (Fund 7025), the Administrative 16514
Building Fund (Fund 7026), the Adult Correctional Building Fund 16515
(Fund 7027), and the Juvenile Correctional Building Fund (Fund 16516
7028) may be leased by the Ohio Building Authority to the 16517
Department of Public Safety, the Department of Youth Services, the 16518
Department of Administrative Services, and the Department of 16519
Rehabilitation and Correction, and other agreements may be made by 16520
the Ohio Building Authority and the departments with respect to 16521
the use or purchase of such capital facilities, or, subject to the 16522
approval of the director of the department or the commission, the 16523
Ohio Building Authority may lease the capital facilities to, and 16524
make other agreements with respect to the use or purchase of the 16525
capital facilities with, any governmental agency or nonprofit 16526
corporation having authority under law to own, lease, or operate 16527
the capital facilities. The director of the department or the 16528
commission may sublease the capital facilities to, and make other 16529
agreements with respect to the use or purchase of the capital 16530
facilities with, any such governmental agency or nonprofit 16531
corporation, which agreements may include provisions for 16532
transmittal of receipts of the agency or nonprofit corporation of 16533
any charges for the use of the facilities, all upon such terms and 16534
conditions as the parties may agree upon and subject to any other 16535
provision of law affecting the leasing, acquisition, or 16536
disposition of capital facilities by the parties. 16537

Section 263.10. AUTHORIZATION OF THE DIRECTOR OF BUDGET AND 16538
MANAGEMENT 16539

The Director of Budget and Management shall authorize both of 16540
the following: 16541

(A) The initial release of moneys for projects from the funds 16542
into which proceeds of direct obligations of the state are 16543
deposited; and 16544

(B) The expenditure or encumbrance of moneys from funds into 16545
which proceeds of direct obligations are deposited, but only after 16546
determining to the director's satisfaction that either of the 16547
following applies: 16548

(1) The application of the moneys to the particular project 16549
will not negatively affect any exemption or exclusion from federal 16550
income tax of the interest or interest equivalent on obligations 16551
issued to provide moneys to the particular fund. 16552

(2) Moneys for the project will come from the proceeds of 16553
obligations, the interest on which is not so excluded or exempt 16554
and which have been authorized as "taxable obligations" by the 16555
issuing authority. 16556

The director shall report any nonrelease of moneys pursuant 16557
to this section to the Governor, to the Speaker of the House of 16558
Representatives, to the President of the Senate, and to the agency 16559
for the use of which the project is intended. 16560

Section 265.10. SCHOOL FACILITIES ENCUMBRANCES AND 16561
REAPPROPRIATION 16562

At the request of the Executive Director of the Ohio School 16563
Facilities Commission, the Director of Budget and Management may 16564
cancel encumbrances for school district projects from a previous 16565
biennium if the district has not raised its local share of project 16566
costs within one year after receiving Controlling Board approval 16567
in accordance with section 3318.05 of the Revised Code. The 16568
Executive Director of the Ohio School Facilities Commission shall 16569
certify the amounts of these canceled encumbrances to the Director 16570
of Budget and Management on a quarterly basis. The amounts of the 16571

16572 canceled encumbrances are hereby appropriated.

16573 **Section 267.10.** CERTIFICATE OF NEED REQUIREMENT

16574 An appropriation for a health care facility authorized under
16575 this act may not be released until the requirements of sections
16576 3702.51 to 3702.62 of the Revised Code have been met.

16577 **Section 269.10.** DISTRIBUTION OF PROCEEDS FROM ASBESTOS
16578 ABATEMENT LITIGATION

16579 All proceeds received by the state as a result of litigation,
16580 judgments, settlements, or claims, filed by or on behalf of any
16581 state agency, as defined by section 1.60 of the Revised Code, or
16582 state-supported or state-assisted institution of higher education,
16583 for damages or costs resulting from the use, removal, or hazard
16584 abatement of asbestos materials shall be deposited in the Asbestos
16585 Abatement Distribution Fund (Fund 6740). All funds deposited into
16586 the Asbestos Abatement Distribution Fund are hereby appropriated
16587 to the Attorney General. To the extent practicable, the proceeds
16588 placed in the Asbestos Abatement Distribution Fund shall be
16589 divided among the state agencies and state-supported or
16590 state-assisted institutions of higher education in accordance with
16591 the general provisions of the litigation regarding the percentage
16592 of recovery. Distribution of the proceeds to each state agency or
16593 state-supported or state-assisted institution of higher education
16594 shall be made in accordance with the Asbestos Abatement
16595 Distribution Plan to be developed by the Attorney General, the
16596 General Services Division within the Department of Administrative
16597 Services, and the Office of Budget and Management.

16598 In those circumstances where asbestos litigation proceeds are
16599 for reimbursement of expenditures made with funds outside the
16600 state treasury or damages to buildings not constructed with state
16601 appropriations, direct payments shall be made to the affected

institutions of higher education. Any proceeds received for 16602
reimbursement of expenditures made with funds within the state 16603
treasury or damages to buildings occupied by state agencies shall 16604
be distributed to the affected agencies with an intrastate 16605
transfer voucher to the funds identified in the Asbestos Abatement 16606
Distribution Plan. 16607

These proceeds shall be used for additional asbestos 16608
abatement or encapsulation projects, or for other capital 16609
improvements, except that proceeds distributed to the General 16610
Revenue Fund and other funds that are not bond improvement funds 16611
may be used for any purpose. The Controlling Board may, for bond 16612
improvement funds, create appropriation items or increase 16613
appropriation authority in existing appropriation items equaling 16614
the amount of the proceeds. The amounts approved by the 16615
Controlling Board are hereby appropriated. The proceeds deposited 16616
in bond improvement funds shall not be expended until released by 16617
the Controlling Board, which shall require certification by the 16618
Director of Budget and Management that the proceeds are sufficient 16619
and available to fund the additional anticipated expenditures. 16620

Section 271.10. OBLIGATIONS ISSUED UNDER CHAPTER 151. OF THE 16621
REVISED CODE 16622

The capital improvements for which appropriations are made in 16623
this act from the Third Frontier Research and Development Fund 16624
(Fund 7011), the Job Ready Site Development Fund (Fund 7012), the 16625
Ohio Parks and Natural Resources Fund (Fund 7031), the School 16626
Building Program Assistance Fund (Fund 7032), the Higher Education 16627
Improvement Fund (Fund 7034), the State Capital Improvements Fund 16628
(Fund 7038), the Clean Ohio Conservation Fund (Fund 7056), the 16629
Clean Ohio Agricultural Easement Fund (Fund 7057), and the Clean 16630
Ohio Trail Fund (Fund 7061) are determined to be capital 16631
improvements and capital facilities for research and development, 16632

preparation of sites, natural resources, a statewide system of 16633
common schools, state-supported and state-assisted institutions of 16634
higher education, local subdivision capital improvement projects, 16635
and conservation purposes (under the Clean Ohio Program) and are 16636
designated as capital facilities to which proceeds of obligations 16637
issued under Chapter 151. of the Revised Code are to be applied. 16638
16639

Section 273.10. OBLIGATIONS ISSUED UNDER CHAPTER 152. OF THE 16640
REVISED CODE 16641

The capital improvements for which appropriations are made in 16642
this act from the Highway Safety Building Fund (Fund 7025), the 16643
Administrative Building Fund (Fund 7026), the Adult Correctional 16644
Building Fund (Fund 7027), the Juvenile Correctional Building Fund 16645
(Fund 7028), and the Transportation Building Fund (Fund 7029) are 16646
determined to be capital improvements and capital facilities for 16647
housing state agencies and branches of state government and are 16648
designated as capital facilities to which proceeds of obligations 16649
issued under Chapter 152. of the Revised Code are to be applied. 16650

Section 273.20. OBLIGATIONS ISSUED UNDER CHAPTER 154. OF THE 16651
REVISED CODE 16652

The capital improvements for which appropriations are made in 16653
this act from the Cultural and Sports Facilities Building Fund 16654
(Fund 7030), the Mental Health Facilities Improvement Fund (Fund 16655
7033), and the Parks and Recreation Improvement Fund (Fund 7035) 16656
are determined to be capital improvements and capital facilities 16657
for housing state agencies and branches of government, mental 16658
hygiene and retardation, and parks and recreation and are 16659
designated as capital facilities to which proceeds of obligations 16660
issued under Chapter 154. of the Revised Code are to be applied. 16661

Section 275.10. TRANSFER OF OPEN ENCUMBRANCES 16662

Upon the request of the agency to which a capital project 16663
appropriation item is appropriated, the Director of Budget and 16664
Management may transfer open encumbrance amounts between separate 16665
encumbrances for the project appropriation item to the extent that 16666
any reductions in encumbrances are agreed to by the contracting 16667
vendor and the agency. 16668

Section 277.10. LITIGATION PROCEEDS TO THE ADMINISTRATIVE 16669
BUILDING FUND 16670

Any proceeds received by the state as the result of 16671
litigation or a settlement agreement related to any liability for 16672
the planning, design, engineering, construction, or construction 16673
management of facilities operated by the Department of 16674
Administrative Services shall be deposited into the Administrative 16675
Building Fund (Fund 7026). 16676

Section 279.10. COAL RESEARCH AND DEVELOPMENT BONDS 16677

The Ohio Public Facilities Commission, upon the request of 16678
the Director of the Ohio Coal Development Office with the advice 16679
of the Technical Advisory Committee created in section 1551.35 of 16680
the Revised Code and with the approval of the Director of the Air 16681
Quality Development Authority, is hereby authorized to issue and 16682
sell, in accordance with Section 15 of Article VIII, Ohio 16683
Constitution, and Chapter 151. of the Revised Code, and 16684
particularly sections 151.01 and 151.07 and other applicable 16685
sections of the Revised Code, bonds or other obligations of the 16686
state heretofore authorized by prior acts of the General Assembly. 16687
The obligations shall be issued, subject to applicable 16688
constitutional and statutory limitations, to provide sufficient 16689
moneys to the credit of the Coal Research and Development Fund 16690
created in section 1555.15 of the Revised Code to pay costs 16691
charged to the fund when due as estimated by the Director of the 16692

Ohio Coal Development Office. 16693

Section 281.10. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM PROJECT 16694

The Ohio Administrative Knowledge System (OAKS) shall be an 16695
enterprise resource planning system that replaces the state's 16696
central services infrastructure systems, including the Central 16697
Accounting System, the Human Resources/Payroll System, the Capital 16698
Improvements Projects Tracking System, the Fixed Assets Management 16699
System, and the Procurement System. The Department of 16700
Administrative Services, in conjunction with the Office of Budget 16701
and Management, may acquire the system, including, but not limited 16702
to, the enterprise resource planning software and installation and 16703
implementation thereof, pursuant to Chapter 125. of the Revised 16704
Code. Any lease-purchase arrangement utilized under Chapter 125. 16705
of the Revised Code, including any fractionalized interest therein 16706
as defined in division (N) of section 133.01 of the Revised Code, 16707
shall provide at the end of the lease period that OAKS shall 16708
become the property of the state. 16709

Section 283.10. Sections of this act prefixed with a section 16710
number in the 200s are and remain in full force and effect 16711
commencing on July 1, 2008, and terminating on June 30, 2010, for 16712
the purpose of drawing money from the state treasury in payment of 16713
liabilities lawfully incurred under those sections, and on June 16714
30, 2010, and not before, the moneys hereby appropri1066ated lapse 16715
into the funds from which they are severally appropriated. If, 16716
under Section 1c of Article II, Ohio Constitution, the sections of 16717
this act prefixed with a section number in the 200s do not take 16718
effect until after July 1, 2008, the sections are and remain in 16719
full force and effect commencing on that effective date. 16720

16721

Section 503.10. GENERAL OBLIGATIONS ADJUSTMENTS TO REFLECT 16722

TOBACCO SECURITIZATION 16723

In accordance with divisions (A)(5) and (6) of Section 518.03 16724
of H.B. 119 of the 127th General Assembly, the existing 16725
authorizations granted in prior acts of the General Assembly to 16726
issue and sell obligations under Section 2n of Article VIII, Ohio 16727
Constitution, to pay costs of facilities for (1) a system of 16728
common schools throughout the state is hereby reduced from 16729
\$4,145,000,000 to \$3,345,000,000, and (2) state-supported and 16730
state-assisted institutions of higher education is hereby reduced 16731
from \$2,957,000,000 to \$2,007,000,000. 16732

Section 503.20. On July 1, 2008, or as soon as possible 16733
thereafter, the Director of Budget and Management shall cancel any 16734
existing encumbrances against the Board of Regents' appropriation 16735
item 235624, Ohio Dental Loan Repayment, and re-establish them 16736
against the Department of Health's appropriation item 440624, Ohio 16737
Dental Loan Repayment. The amounts of the re-established 16738
encumbrances are hereby appropriated. 16739

On July 1, 2008, or as soon as possible thereafter, the 16740
Chancellor of the Board of Regents shall certify to the Director 16741
of Budget and Management the amount of cash and any outstanding 16742
encumbrances for the Dental Loan Repayment Program remaining in 16743
the National Health Services Corps - Ohio Loan Repayment Fund 16744
(Fund 3T00). The Director of Budget and Management shall transfer 16745
this amount in cash from the National Health Services Corps - Ohio 16746
Loan Repayment Fund (Fund 3T00) to the Federal Public Health 16747
Programs Fund (Fund 3920). In addition, the Director of Budget and 16748
Management shall cancel the outstanding Dental Loan Repayment 16749
Program encumbrances in the National Health Services Corps - Ohio 16750
Loan Repayment Fund (Fund 3T00) and re-establish these 16751
encumbrances in the Federal Public Health Programs Fund (Fund 16752
3920). The amounts of the re-established encumbrances are hereby 16753

appropriated. 16754

On and after the effective date of this section, 16755
administration of the Dental Loan Repayment Program is the 16756
responsibility of the Department of Health. 16757

Section 503.30. On July 1, 2008, the Director of Budget and 16758
Management shall cancel any existing encumbrances against 16759
appropriation item 235604, Physician Loan Repayment, and 16760
re-establish them against appropriation item 440628, Ohio 16761
Physician Loan Repayment. The amounts of the re-established 16762
encumbrances are hereby appropriated. 16763

On and after the effective date of this section, 16764
administration of the Physician Loan Repayment Program is the 16765
responsibility of the Department of Health. 16766

Section 515.10. SCHOOL FACILITIES COMMISSION REIMBURSEMENT 16767
FROM PROCEEDS OF TOBACCO SETTLEMENT BONDS 16768

Prior to January 1, 2009, the Executive Director of the Ohio 16769
School Facilities Commission shall report to the Director of 16770
Budget and Management the amount of funds expended between 16771
September 1, 2007, and June 30, 2008, from the Education 16772
Facilities Trust Fund (Fund N087) and from the Public School 16773
Building Fund (Fund 7021) that were eligible to be financed from 16774
the proceeds of the tax-exempt tobacco settlement bonds issued 16775
pursuant to section 183.51 of the Revised Code and were deposited 16776
into the School Building Program Assistance Fund (Fund 7032). Upon 16777
receipt of the report, the Director of Budget and Management may 16778
transfer cash, in the amount reported, from the tobacco settlement 16779
bond proceeds to each of the funds. Appropriations for the funds 16780
are hereby adjusted by the amounts of the cash transfers. 16781

Section 515.20. CORRECTIVE CASH TRANSFER 16782

On the effective date of this section, or as soon as possible 16783
thereafter, the Director of Budget and Management may transfer 16784
\$34,549.45 in cash from the Coal Research and Development Bond 16785
Services Fund (Fund 7076) into the Coal Research and Development 16786
Fund (Fund 7046) to correct deposits that were mistakenly 16787
deposited into the Coal Research and Development Bond Services 16788
Fund (Fund 7076). 16789

Section 515.21. CORRECTIVE CASH TRANSFER 16790

On the effective date of this section, or as soon as possible 16791
thereafter, the Director of Budget and Management may transfer 16792
\$5,538.11 in cash from the Coal Research and Development Fund 16793
(Fund 7046) into the Coal Research and Development Bond Services 16794
Fund (Fund 7076) to correct deposits that were mistakenly 16795
deposited into the Coal Research and Development Fund (Fund 7046). 16796

Section 515.30. TRANSFER FROM THE GENERAL REIMBURSEMENT FUND 16797
TO THE PUBLIC HEALTH PRIORITY TRUST FUND 16798

Notwithstanding any provision of law to the contrary, on July 16799
1, 2008, or as soon as possible thereafter, the Director of Budget 16800
and Management shall transfer \$950,000 cash from the General 16801
Reimbursement Fund (Fund 1060) to the Public Health Priority Trust 16802
Fund (Fund L087). The amount transferred is hereby appropriated to 16803
appropriation item 440-432, Pneumococcal Vaccines for Children, in 16804
the Department of Health. 16805

Section 610.10. That Sections 315.10 and 555.19 of Am. Sub. 16806
H.B. 67 of the 127th General Assembly be amended to read as 16807
follows: 16808

Sec. 315.10. OHIO TURNPIKE COMMISSION NOISE MITIGATION PILOT 16809
PROJECT 16810

~~There is hereby created the Community Resolution Fund, which shall be in the custody of the Treasurer of State but shall not be part of the state treasury. Notwithstanding any other provision of law to the contrary, on the first day of July in each of 2007 and 2008, or as soon as practicable thereafter in each of those years, the Treasurer of State shall transfer cash in the amount of \$250,000~~ the Department of Transportation shall enter into an agreement on a reimbursement basis with the Ohio Turnpike Commission for up to \$500,000 from the Highway Operating Fund (Fund 002) to the Community Resolution Fund. The Treasurer of State Under the agreement, the Department of Transportation shall pay up to \$250,000 from the fund early in fiscal year 2008 and up to \$250,000 early from the fund in fiscal year 2009 to the Ohio Turnpike Commission, which shall use the money for the study and pilot program required by the this section.

The Ohio Turnpike Commission shall perform a study of noise impact mitigation methods or techniques that may be used as an alternative to traditional sound barriers on the turnpike project. The study shall examine the viability of alternative noise impact mitigation methods or techniques that may be installed to alleviate traffic noise that is in excess of the criteria contained in the Ohio Department of Transportation's "Standard Procedures for the Analysis and Abatement of Highway Traffic Noise." After completing the study, but before ~~June 30~~ December 31, 2008, the Ohio Turnpike Commission shall commence a pilot program utilizing one or more alternative noise impact mitigation methods or techniques examined in the study, and shall submit a report containing the results of the pilot program and projected costs of further implementation to the Turnpike Legislative Review Committee not later than ~~December~~ June 30, 2008 2009. ~~After the fiscal year 2009 payment of \$250,000 is made to the Ohio Turnpike Commission, the Community Resolution Fund is abolished, and the Treasurer of State shall transfer any cash balance that remains~~

~~credited to that fund to the Highway Operating Fund.~~ 16844
16845

Sec. 555.19. In fiscal year 2008, the Department of 16846
Transportation shall expend at least \$400,000 in the township 16847
having the largest ~~geographic area~~ population according to the 16848
most recent federal decennial census for a pilot program involving 16849
the installation and operation of a system of portable signal 16850
preemption devices. Use of the devices in the pilot program shall 16851
be in accordance with section 4511.031 of the Revised Code. The 16852
Department shall consult with appropriate township officials in 16853
implementing the pilot program. 16854

Section 610.11. That existing Sections 315.10 and 555.19 of 16855
Am. Sub. H.B. 67 of the 127th General Assembly are hereby 16856
repealed. 16857

Section 610.20. That Sections 203.10 and 203.50 of Am. Sub. 16858
H.B. 67 of the 127th General Assembly, as amended by Am. Sub. H.B. 16859
119 of the 127th General Assembly, be amended to read as follows: 16860
16861

Sec. 203.10. DOT DEPARTMENT OF TRANSPORTATION				16862
FUND	TITLE	FY 2008	FY 2009	16863
	Transportation Planning and Research			16864
	Highway Operating Fund Group			16865
002 771-411	Planning and Research	\$ 20,724,547	\$ 21,733,301	16866
	- State			
002 771-412	Planning and Research	\$ 29,996,363	\$ 30,264,923	16867
	- Federal			
TOTAL HOF	Highway Operating			16868
Fund Group		\$ 50,720,910	\$ 51,998,224	16869
TOTAL ALL BUDGET FUND GROUPS	-			16870

Transportation Planning				16871	
and Research	\$	50,720,910	\$	51,998,224	16872
Highway Construction				16873	
Highway Operating Fund Group				16874	
002 772-421 Highway Construction -	\$	528,722,188	\$	504,184,419	16875
State					
002 772-422 Highway Construction -	\$	1,103,979,148	\$	1,086,733,759	16876
Federal					
002 772-424 Highway Construction -	\$	106,439,000	\$	100,379,155	16877
Other					
002 772-437 GARVEE Debt Service -	\$	10,321,300	\$	19,273,500	16878
State					
002 772-438 GARVEE Debt Service -	\$	113,915,900	\$	139,015,000	16879
Federal					
212 772-426 Highway Infrastructure	\$	4,303,173	\$	4,018,649	16880
Bank - Federal					
212 772-427 Highway Infrastructure	\$	8,268,315	\$	10,209,272	16881
Bank - State					
212 772-429 Highway Infrastructure	\$	11,000,000	\$	11,499,999	16882
Bank - Local					
212 772-430 Infrastructure Debt	\$	1,500,000	\$	1,500,000	16883
Reserve Title 23-49					
213 772-431 Roadway Infrastructure	\$	1,000,000	\$	1,000,000	16884
Bank - State					
213 772-432 Roadway Infrastructure	\$	6,000,000	\$	6,000,000	16885
Bank - Local					
213 772-433 Infrastructure Debt	\$	2,000,000	\$	2,000,000	16886
Reserve - State					
TOTAL HOF Highway Operating				16887	
Fund Group	\$	1,897,449,024	\$	1,885,813,753	16888
Highway Capital Improvement Fund Group				16889	
042 772-723 Highway Construction -	\$	200,000,000	\$	100,000,000	16890

Bonds			
TOTAL 042 Highway Capital	\$ 200,000,000	\$ 100,000,000	16891
Improvement Fund Group			
			16892
Infrastructure Bank Obligations Fund Group			
045 772-428 Highway Infrastructure	\$ 450,000,000	\$ 400,000,000	16893
Bank - Bonds			
TOTAL 045 Infrastructure Bank			16894
Obligations Fund Group	\$ 450,000,000	\$ 400,000,000	16895
TOTAL ALL BUDGET FUND GROUPS -			16896
Highway Construction	\$ 2,547,449,024	\$ 2,385,813,753	16897
Highway Maintenance			
			16898
Highway Operating Fund Group			
			16899
002 773-431 Highway Maintenance -	\$ 403,252,901	\$ 417,915,187	16900
State			
TOTAL HOF Highway Operating			16901
Fund Group	\$ 403,252,901	\$ 417,915,187	16902
			16903
TOTAL ALL BUDGET FUND GROUPS -			16904
Highway Maintenance	\$ 403,252,901	\$ 417,915,187	16905
<u>Transportation Infrastructure</u>			
			16906
<u>State Special Revenue Fund Group</u>			
			16907
<u>5Z2 774-610 Motorist Service</u>	<u>\$ 0</u>	<u>\$ 11,200,000</u>	16908
<u>Signs</u>			
<u>TOTAL SSR State Special Revenue</u>	<u>\$ 0</u>	<u>\$ 11,200,000</u>	16909
<u>Fund Group</u>			
<u>TOTAL ALL BUDGET FUND GROUPS -</u>	<u>\$ 0</u>	<u>\$ 11,200,000</u>	16910
<u>Transportation Infrastructure</u>			
Public Transportation			16911
Highway Operating Fund Group			
			16912
002 775-452 Public Transportation	\$ 25,471,589	\$ 30,391,763	16913
- Federal			
002 775-454 Public Transportation	\$ 1,500,000	\$ 1,500,000	16914

		- Other					
002	775-459	Elderly and Disabled	\$	4,730,000	\$	4,730,000	16915
		Special Equipment					
212	775-408	Transit Infrastructure	\$	2,500,000	\$	812,685	16916
		Bank - Local					
212	775-455	Title 49	\$	476,485	\$	312,795	16917
		Infrastructure Bank -					
		State					
213	775-457	Transit Infrastructure	\$	500,000	\$	312,082	16918
		Bank - State					
213	775-460	Transit Infrastructure	\$	1,000,000	\$	1,000,000	16919
		Bank - Local					
TOTAL HOF		Highway Operating					16920
Fund Group			\$	36,178,074	\$	39,059,325	16921
TOTAL ALL BUDGET FUND GROUPS -							16922
Public Transportation			\$	36,178,074	\$	39,059,325	16923
		Rail Transportation					16924
Federal Special Revenue		<u>Fund</u> Group					16925
3B9	776-662	Rail Transportation -	\$	10,000	\$	10,000	16926
		Federal					
TOTAL FED		Federal Special Revenue	\$	10,000	\$	10,000	16927
Fund Group							
Highway Operating		Fund Group					16928
002	776-462	Grade Crossings -	\$	15,000,000	\$	15,000,000	16929
		Federal					
TOTAL HOF		Highway Operating					16930
Fund Group			\$	15,000,000	\$	15,000,000	16931
State Special Revenue		Fund Group					16932
4N4	776-663	Panhandle Lease	\$	762,500	\$	763,700	16933
		Reserve Payments					
4N4	776-664	Rail Transportation -	\$	2,111,500	\$	2,111,500	16934
		Other					

TOTAL SSR State Special Revenue	\$	2,874,000	\$	2,875,200	16935
Fund Group					
TOTAL ALL BUDGET FUND GROUPS -					16936
Rail Transportation	\$	17,884,000	\$	17,885,200	16937
Aviation					16938
State Special Revenue Fund Group					16939
5W9 777-615 County Airport	\$	570,000	\$	570,000	16940
Maintenance					
TOTAL SSR State Special Revenue	\$	570,000	\$	570,000	16941
Fund Group					
Highway Operating Fund Group					16942
002 777-472 Airport Improvements -	\$	405,000	\$	405,000	16943
Federal					
002 777-475 Aviation	\$	5,210,000	\$	5,358,100	16944
Administration					
213 777-477 Aviation	\$	2,000,000	\$	3,500,000	16945
Infrastructure Bank -					
State					
213 777-478 Aviation	\$	5,996,118	\$	6,000,000	16946
Infrastructure Bank -					
Local					
TOTAL HOF Highway Operating					16947
Fund Group	\$	13,611,118	\$	15,263,100	16948
TOTAL ALL BUDGET FUND GROUPS -					16949
Aviation	\$	14,181,118	\$	15,833,100	16950
Administration					16951
Highway Operating Fund Group					16952
002 779-491 Administration - State	\$	120,262,864	\$	122,601,493	16953
TOTAL HOF Highway Operating					16954
Fund Group	\$	120,262,864	\$	122,601,493	16955
TOTAL ALL BUDGET FUND GROUPS -					16956
Administration	\$	120,262,864	\$	122,601,493	16957

Debt Service			16958
Highway Operating Fund Group			16959
002 770-003 Administration - State	\$ 10,555,300	\$ 3,614,700	16960
- Debt Service			
TOTAL HOF Highway Operating			16961
Fund Group	\$ 10,555,300	\$ 3,614,700	16962
TOTAL ALL BUDGET FUND GROUPS -			16963
Debt Service	\$ 10,555,300	\$ 3,614,700	16964
TOTAL Department of Transportation			16965
TOTAL FED Federal Special Revenue	\$ 10,000	\$ 10,000	16966
Fund Group			
TOTAL HOF Highway Operating			16967
Fund Group	\$ 2,547,030,191	\$ 2,551,265,782	16968
TOTAL 042 Highway Capital			16969
Improvement Fund Group	\$ 200,000,000	\$ 100,000,000	16970
TOTAL 045 Infrastructure Bank			16971
Obligations Fund Group	\$ 450,000,000	\$ 400,000,000	16972
TOTAL SSR State Special Revenue	\$ 3,444,000	\$ 3,445,200	16973
Fund Group		<u>14,645,200</u>	
TOTAL ALL BUDGET FUND GROUPS	\$ 3,200,484,191	\$ 3,054,720,982	16974
		<u>3,065,920,982</u>	
DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING			16975
Pursuant to section 121.51 of the Revised Code, the Director			16976
of Budget and Management, in conjunction with the Inspector			16977
General, shall prepare a schedule to transfer the necessary			16978
amounts from the Highway Operating Fund to the Deputy Inspector			16979
General for ODOT Fund to pay for the activities of the Deputy			16980
Inspector General. The amounts transferred are hereby			16981
appropriated.			16982
Sec. 203.50. PUBLIC ACCESS ROADS FOR STATE FACILITIES			16983
Of the foregoing appropriation item 772-421, Highway			16984

Construction - State, \$5,000,000 shall be used in each fiscal year 16985
during the fiscal year 2008-2009 biennium by the Department of 16986
Transportation for the construction, reconstruction, or 16987
maintenance of public access roads, including support features, to 16988
and within state facilities owned or operated by the Department of 16989
Natural Resources. 16990

Notwithstanding section 5511.06 of the Revised Code, of the 16991
foregoing appropriation item 772-421, Highway Construction - 16992
State, \$2,228,000 in each fiscal year of the fiscal year 2008-2009 16993
biennium shall be used by the Department of Transportation for the 16994
construction, reconstruction, or maintenance of park drives or 16995
park roads within the boundaries of metropolitan parks. 16996

Included in the foregoing appropriation item 772-421, Highway 16997
Construction - State, the department may perform related road work 16998
on behalf of the Ohio Expositions Commission at the state 16999
fairgrounds, including reconstruction or maintenance of public 17000
access roads and support features, to and within fairground 17001
facilities as requested by the commission and approved by the 17002
Director of Transportation. 17003

HIGHWAY CONSTRUCTION - FEDERAL 17004

Of the foregoing appropriation item 772-422, Highway 17005
Construction - Federal, \$200,000 in fiscal year 2008 shall be used 17006
for the Cleveland Metropolitan Park District West Creek Project. 17007

PUBLIC SCHOOL ENTRANCE IMPROVEMENTS 17008

Of the foregoing appropriation item 779-491, 17009
Administration-State, \$4,000,000 in fiscal year 2008, shall be 17010
used by the Department of Transportation to make grants available 17011
for state highway improvements at public school entrances under 17012
the following conditions: 17013

(A) The school is receiving assistance from the Ohio School 17014
Facilities Commission for the renovation or construction of new 17015

school facilities. 17016

(B) The state highway improvements are to be made at 17017
entrances within school zones. 17018

Grant awards shall be limited to \$500,000 per school 17019
district, and are contingent on local government officials or the 17020
participating school district, or both, matching 25 per cent of 17021
the improvement cost. 17022

LIQUIDATION OF UNFORESEEN LIABILITIES 17023

Any appropriation made to the Department of Transportation, 17024
Highway Operating Fund, not otherwise restricted by law, is 17025
available to liquidate unforeseen liabilities arising from 17026
contractual agreements of prior years when the prior year 17027
encumbrance is insufficient. 17028

Section 610.21. That existing Sections 203.10 and 203.50 of 17029
Am. Sub. H.B. 67 of the 127th General Assembly, as amended by Am. 17030
Sub. H.B. 119 of the 127th General Assembly, are hereby repealed. 17031

Section 610.30. That Section 512.70 of Am. Sub. H.B. 100 of 17032
the 127th General Assembly be amended to read as follows: 17033

Sec. 512.70. The Administrator of Workers' Compensation shall 17034
completely transition from use of the Micro Insurance Reserve 17035
Analysis System to a different system or different version of that 17036
system to determine the reserves for use in establishing premium 17037
rates assessed for the purposes of Chapter 4121., 4123., 4127., or 17038
4131. of the Revised Code on or before ~~June 30~~ July 1, 2008. A 17039
contract between the Administrator and a vendor for the System in 17040
existence on the effective date of this section shall expire in 17041
accordance with the terms of the contract, and the Administrator 17042
may renew or extend that contract only for a period of time that 17043
does not extend past June 30, 2008. 17044

The Administrator shall transition to a reserve analysis system that is characterized as transparent in nature and for that purpose of transparency, satisfies both of the following criteria:

(A) The manner in which the system uses data can be understood in general terms by employers who are subject to Chapters 4121., 4123., 4127., and 4131. of the Revised Code and other persons interested in use of the system;

(B) The type of data the system uses in making reserve analysis can be explained to employers who are subject to Chapters 4121., 4123., 4127., and 4131. of the Revised Code and other persons interested in use of the system.

The Administrator shall communicate information describing the manner in which the new reserve analysis system uses data and the type of data the system uses in making reserve analysis to employers who are subject to Chapters 4121., 4123., 4127., and 4131. of the Revised Code and to any other persons who request such information.

Section 610.31. That existing Section 512.70 of Am. Sub. H.B. 100 of the 127th General Assembly is hereby repealed.

Section 610.40. That Sections 207.20.50, 207.20.70, 207.30.10, 207.30.20, 207.30.30, 235.10, 261.10, 263.30.10, 269.30.70, 269.40.50, 269.50.30, 275.10, 293.10, 299.10, 309.10, 309.30.13, 309.30.30, 309.30.41, 309.30.42, 309.40.33, 337.30.43, 337.40.15, 369.10, 375.10, 405.10, 407.10, 512.03, 512.35, and 518.03 of Am. Sub. H.B. 119 of the 127th General Assembly be amended to read as follows:

Sec. 207.20.50. MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM
Effective with the implementation of the Multi-Agency Radio Communications System, the ~~State Chief Information Officer~~

Department of Administrative Services shall collect user fees from 17074
participants in the system. ~~The~~ Under the direction of the 17075
Director of Administrative Services, the State Chief Information 17076
Officer, with the advice of the Multi-Agency Radio Communications 17077
System Steering Committee and the Director of Budget and 17078
Management, shall determine the amount of the fees and the manner 17079
by which the fees shall be collected. Such user charges shall 17080
comply with the applicable cost principles issued by the federal 17081
Office of Management and Budget. All moneys from user charges and 17082
fees shall be deposited in the state treasury to the credit of the 17083
Multi-Agency Radio Communications System Administration Fund (Fund 17084
5C2), which is hereby established in the state treasury. All 17085
interest income derived from the investment of the fund shall 17086
accrue to the fund. 17087

Sec. 207.20.70. OAKS SUPPORT ORGANIZATION 17088

The foregoing appropriation item 100-635, OAKS Support 17089
Organization, shall be used by the ~~Office of Information~~ 17090
~~Technology~~ Department of Administrative Services to support the 17091
operating costs associated with the implementation and maintenance 17092
of the state's enterprise resource planning system, OAKS, 17093
consistent with its responsibilities under this section and 17094
Chapters 125. and 126. of the Revised Code. The OAKS Support 17095
Organization shall operate and maintain the human capital 17096
management and financial management modules of the state's 17097
enterprise resource planning system to support statewide human 17098
resources and financial management activities administered by the 17099
Department of Administrative Services' human resources division 17100
and the Office of Budget and Management. The OAKS Support 17101
Organization shall recover the costs to establish, operate, and 17102
maintain the OAKS system through intrastate transfer voucher 17103
billings to the Department of Administrative Services and the 17104
Office of Budget and Management. Effective July 1, 2007, the 17105

Department of Administrative Services, with the approval of the 171106
Director of Budget and Management, shall include the recovery of 171107
the costs of administering the human capital management module of 171108
the OAKS System within the human resources services payroll rate. 171109
These revenues shall be deposited to the credit of the Human 171110
Resources Services Fund (Fund 125). Amounts deposited under this 171111
section are hereby appropriated to appropriation item 100-622, 171112
Human Resources Division-Operating. Not less than quarterly, the 171113
Department of Administrative Services shall process the intrastate 171114
transfer billings to transfer cash from the Human Resources 171115
Services Fund (Fund 125) to the OAKS Support Organization Fund 171116
(Fund 5EB) to pay for the OAKS Support Organization costs. 171117

Sec. 207.30.10. CENTRALIZED GATEWAY ENHANCEMENTS FUND 171118

(A) As used in this section, "Ohio Business Gateway" refers 171119
to the internet-based system operated by the ~~Office of Information~~ 171120
~~Technology~~ Department of Administrative Services with the advice 171121
of the Ohio Business Gateway Steering Committee established under 171122
section 5703.57 of the Revised Code. The Ohio Business Gateway is 171123
established to provide businesses a central web site where various 171124
filings and payments are submitted on-line to government. The 171125
information is then distributed to the various government entities 171126
that interact with the business community. 171127

(B) As used in this section: 171128

(1) "State Portal" refers to the official web site of the 171129
state, operated by the ~~Office of Information Technology~~ Department 171130
of Administrative Services. 171131

(2) "Shared Hosting Environment" refers to the computerized 171132
system operated by the ~~Office of Information Technology~~ Department 171133
of Administrative Services for the purpose of providing capability 171134
for state agencies to host web sites. 171135

(C) There is hereby created in the state treasury the 17136
Centralized Gateway Enhancements Fund (Fund 5X3). The foregoing 17137
appropriation item 100-634, Centralized Gateway Enhancements, 17138
shall be used by the ~~Office of Information Technology~~ Department 17139
of Administrative Services to pay the costs of enhancing, 17140
expanding, and operating the infrastructure of the Ohio Business 17141
Gateway, State Portal, and Shared Hosting Environment. ~~The~~ Under 17142
the direction of the Director of Administrative Services, the 17143
State Chief Information Officer shall submit periodic spending 17144
plans to the Director of Budget and Management to justify 17145
operating transfers to the fund from the General Revenue Fund. 17146
Upon approval, the Director of Budget and Management shall 17147
transfer approved amounts to the fund, not to exceed the amount of 17148
the annual appropriation in each fiscal year. The spending plans 17149
may be based on the recommendations of the Ohio Business Gateway 17150
Steering Committee or its successor. 17151

Sec. 207.30.20. MAJOR IT PURCHASES AND CONTRACTS 17152

The Director of Administrative Services shall, on the 17153
effective date of this amendment, replace the Director and Chief 17154
Information Officer of the Office of Information Technology in all 17155
contracts executed pursuant to section 125.18 of the Revised Code 17156
and in matters relating to those contracts. Contracts entered into 17157
prior to the effective date of this amendment shall remain in full 17158
force and effect. 17159

Under the direction of the Director of Administrative 17160
Services, the State Chief Information Officer shall compute the 17161
amount of revenue attributable to the amortization of all 17162
equipment purchases and capitalized systems from appropriation 17163
item 100-607, IT ~~Service~~ Services Delivery; appropriation item 17164
100-617, Major IT Purchases; and appropriation item CAP-837, Major 17165
IT Purchases, which is recovered by the Office of Information 17166

Technology as part of the rates charged by the IT Service Delivery Fund (Fund 133) created in section 125.15 of the Revised Code. The Director of Budget and Management may transfer cash in an amount not to exceed the amount of amortization computed from the IT Service Delivery Fund (Fund 133) to the Major IT Purchases Fund (Fund 4N6).

On or before June 30, 2008, any unencumbered amounts of the foregoing appropriation item 100-607, IT Services Delivery, that are attributable to implementation of the NextGen Network for fiscal year 2008 are hereby appropriated for the same purpose for fiscal year 2009.

Sec. 207.30.30. INFORMATION TECHNOLOGY ASSESSMENT

The Under the direction of the Director of Administrative Services, the State Chief Information Officer, with the approval of the Director of Budget and Management, may establish an information technology assessment for the purpose of recovering the cost of selected infrastructure and statewide programs. Such assessment shall comply with applicable cost principles issued by the federal Office of Management and Budget. The information technology assessment shall be charged to all organized bodies, offices, or agencies established by the laws of the state for the exercise of any function of state government except for the General Assembly, any legislative agency, the Supreme Court, the other courts of record in Ohio, or any judicial agency, the Adjutant General, the Bureau of Workers' Compensation, and institutions administered by a board of trustees. Any state-entity exempted by this section may utilize the infrastructure or statewide program by participating in the information technology assessment. All charges for the information technology assessment shall be deposited to the credit of the IT Governance Fund (Fund 229).

Sec. 235.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD				17198
General Revenue Fund				17199
GRF 874-100 Personal Services	\$	2,057,000	\$ 2,057,000	17200
			<u>2,201,612</u>	
GRF 874-320 Maintenance and Equipment	\$	1,085,837	\$ 1,080,837	17201
TOTAL GRF General Revenue Fund	\$	3,142,837	\$ 3,137,837	17202
			<u>3,282,449</u>	
General Services Fund Group				17203
4G5 874-603 Capitol Square Education Center and Arts	\$	15,000	\$ 15,000	17204
4S7 874-602 Statehouse Gift Shop/Events	\$	650,484	\$ 650,484	17205
TOTAL GSF General Services Fund Group	\$	665,484	\$ 665,484	17206
Underground Parking Garage				17208
208 874-601 Underground Parking Garage Operations	\$	2,706,993	\$ 2,706,993	17209
TOTAL UPG Underground Parking Garage	\$	2,706,993	\$ 2,706,993	17210
TOTAL ALL BUDGET FUND GROUPS	\$	6,515,314	\$ 6,510,314	17211
			<u>6,654,926</u>	17212
Sec. 261.10. BDP BOARD OF DEPOSIT				17214
General Services Fund Group				17215
4M2 974-601 Board of Deposit	\$	1,676,000	\$ 1,676,000	17216
TOTAL GSF General Services Fund Group	\$	1,676,000	\$ 1,676,000	17217
TOTAL ALL BUDGET FUND GROUPS	\$	1,676,000	\$ 1,676,000	17218
BOARD OF DEPOSIT EXPENSE FUND				17219
				17220

Upon receiving certification of expenses from the Treasurer 17221
of State, the Director of Budget and Management shall transfer 17222
cash from the Investment Earnings Redistribution Fund (Fund 608) 17223
to the Board of Deposit Expense Fund (Fund 4M2). The latter fund 17224
shall be used pursuant to section 135.02 of the Revised Code to 17225
pay for any and all necessary expenses of the Board of Deposit or 17226
for banking charges and fees required for the operation of the 17227
State of Ohio Regular Account. 17228

Sec. 263.30.10. UNCLAIMED FUNDS TRANSFER 17229

(A) Notwithstanding division (A) of section 169.05 of the 17230
Revised Code, upon the request of the Director of Budget and 17231
Management, the Director of Commerce, prior to June 30, 2008, 17232
shall transfer to the Job Development Initiatives Fund (Fund 5AD) 17233
an amount not to exceed \$5,000,000 in cash of the unclaimed funds 17234
that have been reported by the holders of unclaimed funds under 17235
section 169.05 of the Revised Code, regardless of the allocation 17236
of the unclaimed funds described under that section. 17237

Notwithstanding division (A) of section 169.05 of the Revised 17238
Code, upon the request of the Director of Budget and Management, 17239
the Director of Commerce, prior to June 30, 2009, shall transfer 17240
to the Job Development Initiatives Fund (Fund 5AD) an amount not 17241
to exceed \$24,400,000 in cash of the unclaimed funds that have 17242
been reported by the holders of unclaimed funds under section 17243
169.05 of the Revised Code, regardless of the allocation of the 17244
unclaimed funds described under that section. 17245

(B) Notwithstanding division (A) of section 169.05 of the 17246
Revised Code, upon the request of the Director of Budget and 17247
Management, the Director of Commerce, prior to June 30, 2008, 17248
shall transfer to the State Special Projects Fund (Fund 4F2) an 17249
amount not to exceed ~~\$2,500,000~~ \$5,000,000 of the unclaimed funds 17250
that have been reported by the holders of unclaimed funds under 17251

section 169.05 of the Revised Code, regardless of the allocation 17252
of the unclaimed funds described under that section. 17253

Notwithstanding division (A) of section 169.05 of the Revised 17254
Code, upon the request of the Director of Budget and Management, 17255
the Director of Commerce, prior to June 30, 2009, shall transfer 17256
to the State Special Projects Fund (Fund 4F2) an amount not to 17257
exceed ~~\$2,500,000~~ \$1,000,000 in cash of the unclaimed funds that 17258
have been reported by the holders of unclaimed funds under section 17259
169.05 of the Revised Code, regardless of the allocation of the 17260
unclaimed funds described under that section. 17261

Sec. 269.30.70. FOUNDATION FUNDING 17262

The foregoing appropriation item 200-550, Foundation Funding, 17263
includes \$75,000,000 in each fiscal year for the state education 17264
aid offset due to the change in public utility valuation as a 17265
result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd 17266
General Assembly. This amount represents the total state education 17267
aid offset due to the valuation change for school districts and 17268
joint vocational school districts from all relevant appropriation 17269
line item sources. Upon certification by the Department of 17270
Education, in consultation with the Department of Taxation, to the 17271
Director of Budget and Management of the actual state aid offset, 17272
the cash transfer from Fund 053, appropriation item 200-900, 17273
School District Property Tax Replacement - Utility, shall be 17274
decreased or increased by the Director of Budget and Management to 17275
match the certification in accordance with section 5727.84 of the 17276
Revised Code. 17277

The foregoing appropriation item 200-550, Foundation Funding, 17278
includes \$58,000,000 in fiscal year 2008 and \$145,000,000 in 17279
fiscal year 2009 for the state education aid offset because of the 17280
changes in tangible personal property valuation as a result of Am. 17281
Sub. H.B. 66 of the 126th General Assembly. This amount represents 17282

the total state education aid offset because of the valuation 17283
change for school districts and joint vocational school districts 17284
from all relevant appropriation item sources. Upon certification 17285
by the Department of Education of the actual state education aid 17286
offset to the Director of Budget and Management, the cash transfer 17287
from Fund 047, appropriation item 200-909, School District 17288
Property Tax Replacement - Business, shall be decreased or 17289
increased by the Director of Budget and Management to match the 17290
certification in accordance with section 5751.21 of the Revised 17291
Code. 17292

Of the foregoing appropriation item 200-550, Foundation 17293
Funding, up to \$425,000 shall be expended in each fiscal year for 17294
court payments under section ~~2151.357~~ 2151.362 of the Revised 17295
Code; an amount shall be available in each fiscal year to fund up 17296
to 225 full-time equivalent approved GRADS teacher grants under 17297
division (N) of section 3317.024 of the Revised Code; an amount 17298
shall be available in each fiscal year to make payments to school 17299
districts under division (A)(3) of section 3317.022 of the Revised 17300
Code; an amount shall be available in each fiscal year to make 17301
payments to school districts under division (F) of section 17302
3317.022 of the Revised Code; and up to \$30,000,000 in each fiscal 17303
year shall be reserved for payments under sections 3317.026, 17304
3317.027, and 3317.028 of the Revised Code except that the 17305
Controlling Board may increase the \$30,000,000 amount if presented 17306
with such a request from the Department of Education. 17307

Of the foregoing appropriation item 200-550, Foundation 17308
Funding, up to \$19,770,000 in fiscal year 2008 and up to 17309
\$20,545,200 in fiscal year 2009 shall be used to provide 17310
additional state aid to school districts for special education 17311
students under division (C)(3) of section 3317.022 of the Revised 17312
Code, except that the Controlling Board may increase these amounts 17313
if presented with such a request from the Department of Education 17314

at the final meeting of the fiscal year; up to \$2,000,000 in each 17315
fiscal year shall be reserved for Youth Services tuition payments 17316
under section 3317.024 of the Revised Code; and up to \$52,000,000 17317
in each fiscal year shall be reserved to fund the state 17318
reimbursement of educational service centers under section 3317.11 17319
of the Revised Code and the section of ~~this act~~ Am. Sub. H.B. 119 17320
of the 127th General Assembly entitled "EDUCATIONAL SERVICE 17321
CENTERS FUNDING." An amount shall be available for special 17322
education weighted funding under division (C)(1) of section 17323
3317.022 and division (D)(1) of section 3317.16 of the Revised 17324
Code. 17325

Of the foregoing appropriation item 200-550, Foundation 17326
Funding, an amount shall be available in each fiscal year to be 17327
used by the Department of Education for transitional aid for 17328
school districts and joint vocational school districts. Funds 17329
shall be distributed under the sections of ~~this act~~ Am. Sub. H.B. 17330
119 of the 127th General Assembly entitled "TRANSITIONAL AID FOR 17331
CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" and 17332
"TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 17333

Of the foregoing appropriation item 200-550, Foundation 17334
Funding, up to \$1,000,000 in each fiscal year shall be used by the 17335
Department of Education for a program to pay for educational 17336
services for youth who have been assigned by a juvenile court or 17337
other authorized agency to any of the facilities described in 17338
division (A) of the section of ~~this act~~ Am. Sub. H.B. 119 of the 17339
127th General Assembly entitled "PRIVATE TREATMENT FACILITY 17340
PROJECT." 17341

Of the foregoing appropriation item 200-550, Foundation 17342
Funding, up to \$3,700,000 in each fiscal year shall be used for 17343
school breakfast programs. Of this amount, up to \$900,000 shall be 17344
used in each fiscal year by the Department of Education to 17345
contract with the Children's Hunger Alliance to expand access to 17346

child nutrition programs consistent with the organization's 17347
continued ability to meet specified performance measures as 17348
detailed in the contract. Of this amount, the Children's Hunger 17349
Alliance shall use at least \$150,000 in each fiscal year to 17350
subcontract with an appropriate organization or organizations to 17351
expand summer food participation in underserved areas of the 17352
state, consistent with those organizations' continued ability to 17353
meet specified performance measures as detailed in the 17354
subcontracts. The remainder of the appropriation shall be used to 17355
partially reimburse school buildings within school districts that 17356
are required to have a school breakfast program under section 17357
3313.813 of the Revised Code, at a rate decided by the Department. 17358

Of the foregoing appropriation item 200-550, Foundation 17359
Funding, up to \$8,686,000 in fiscal year 2008 and up to \$8,722,860 17360
in fiscal year 2009 shall be used to operate the school choice 17361
program in the Cleveland Municipal School District under sections 17362
3313.974 to 3313.979 of the Revised Code. 17363

Of the portion of the funds distributed to the Cleveland 17364
Municipal School District under this section, up to \$11,901,887 in 17365
each fiscal year shall be used to operate the school choice 17366
program in the Cleveland Municipal School District under sections 17367
3313.974 to 3313.979 of the Revised Code. 17368

Of the foregoing appropriation item 200-550, Foundation 17369
Funding, \$3,312,165 in each fiscal year shall be used in 17370
conjunction with funding appropriated under appropriation item 17371
200-431, School Improvement Initiatives, to help support districts 17372
in the development and implementation of their continuous 17373
improvements plans and provide technical assistance and support in 17374
accordance with Title I of the "No Child Left Behind Act of 2001." 17375

The remaining portion of appropriation item 200-550, 17376
Foundation Funding, shall be expended for the public schools of 17377
city, local, exempted village, and joint vocational school 17378

districts, including base-cost funding, special education speech 17379
service enhancement funding, career-technical education weight 17380
funding, career-technical education associated service funding, 17381
teacher training and experience funding, charge-off supplement, 17382
and excess cost supplement under sections 3317.022, 3317.023, 17383
3317.0216, and 3317.16 of the Revised Code. 17384

Appropriation items 200-502, Pupil Transportation, 200-521, 17385
Gifted Pupil Program, 200-540, Special Education Enhancements, and 17386
200-550, Foundation Funding, other than specific set-asides, are 17387
collectively used in each fiscal year to pay state formula aid 17388
obligations for school districts and joint vocational school 17389
districts under Chapter 3317. of the Revised Code. The first 17390
priority of these appropriation items, with the exception of 17391
specific set-asides, is to fund state formula aid obligations 17392
under Chapter 3317. of the Revised Code. It may be necessary to 17393
reallocate funds among these appropriation items or use excess 17394
funds from other general revenue fund appropriation items in the 17395
Department of Education's budget in each fiscal year, in order to 17396
meet state formula aid obligations. If it is determined that it is 17397
necessary to transfer funds among these appropriation items or to 17398
transfer funds from other General Revenue Fund appropriations in 17399
the Department of Education's budget to meet state formula aid 17400
obligations, the Department of Education shall seek approval from 17401
the Controlling Board to transfer funds as needed. 17402

Sec. 269.40.50. START-UP FUNDS 17403

Funds appropriated for the purpose of providing start-up 17404
grants to Title IV-A Head Start and Title IV-A Head Start Plus 17405
agencies in fiscal year 2004 and fiscal year 2005 for the 17406
provision of services to children eligible for Title IV-A services 17407
under the Title IV-A Head Start or Title IV-A Head Start Plus 17408
programs shall be reimbursed to the General Revenue Fund as 17409

follows: 17410

(A) If, for fiscal year 2008, an entity that was a Title IV-A 17411
Head Start or Title IV-A Head Start Plus agency will not be an 17412
early learning agency or early learning provider, the entity shall 17413
repay the entire amount of the start-up grant it received in 17414
fiscal year 2004 and fiscal year 2005 not later than June 30, 17415
2009, in accordance with a payment schedule agreed to by the 17416
Department of Education. 17417

(B) If an entity that was a Title IV-A Head Start or Title 17418
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 17419
2005 will be an early learning agency or early learning provider 17420
in fiscal year 2008 and fiscal year 2009, the entity shall be 17421
allowed to retain any amount of the start-up grant it received, 17422
unless division (D) of this section applies to the entity. In that 17423
case, the entity shall repay the entire amount of the obligation 17424
described in that division not later than June 30, 2009. 17425

(C) Within ninety days after ~~the effective date of this~~ 17426
~~section June 30, 2007~~, the Title IV-A Head Start agencies, Title 17427
IV-A Head Start Plus agencies, and the Department of Education 17428
shall determine the repayment schedule for amounts owed under 17429
division (A) of this section. These amounts shall be paid to the 17430
state not later than June 30, 2009. 17431

(D) If an entity that was a Title IV-A Head Start or Title 17432
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 17433
2005 owed the state any portion of the start-up grant amount 17434
during fiscal year 2006 or fiscal year 2007 but failed to repay 17435
the entire amount of the obligation by June 30, 2007, the entity 17436
shall be given an extension for repayment through June 30, 2009, 17437
before any amounts remaining due and payable to the state are 17438
referred to the Attorney General for collection under section 17439
131.02 of the Revised Code. 17440

(E) Any Title IV-A Head Start or Title IV-A Head Start Plus 17441
start-up grants that are retained by early learning agencies or 17442
early learning providers pursuant to this section shall be 17443
reimbursed to the General Revenue Fund when the early learning 17444
program ceases or is no longer funded from Title IV-A or if an 17445
early learning agency's or early learning provider's participation 17446
in the early learning program ceases or is terminated. 17447

Sec. 269.50.30. EDUCATIONAL SERVICE CENTERS FUNDING 17448

(A) As used in this section: 17449

(1) "Internet- or computer-based community school" has the 17450
same meaning as in section 3314.02 of the Revised Code. 17451

(2) "Service center ADM" has the same meaning as in section 17452
3317.11 of the Revised Code. 17453

(B) Notwithstanding division (F) of section 3317.11 of the 17454
Revised Code, no funds shall be provided under that division to an 17455
educational service center in either fiscal year for any pupils of 17456
a city or exempted village school district unless an agreement to 17457
provide services under section 3313.843 of the Revised Code was 17458
entered into by January 1, 1997, except that funds shall be 17459
provided to an educational service center for any pupils of a city 17460
school district if the agreement to provide services was entered 17461
into within one year of the date upon which such district changed 17462
from a local school district to a city school district. 17463

If an educational service center that entered into an 17464
agreement by January 1, 1997, with a city or exempted village 17465
school district to provide services under section 3313.843 of the 17466
Revised Code ceases to operate because all of the local school 17467
districts that constituted the territory of the service center 17468
have severed from the service center pursuant to section 3311.059 17469
of the Revised Code, another educational service center, by 17470

resolution of its governing board, may assume the obligations of 17471
the original service center to provide services to the city or 17472
exempted village school district under that agreement in fiscal 17473
year 2009. If that other service center assumes those obligations 17474
to provide services to the city or exempted village school 17475
district, that service center shall be considered to be the 17476
service center that entered into the agreement by January 1, 1997, 17477
and, accordingly, may receive funds under division (F) of section 17478
3317.11 of the Revised Code in accordance with this section in 17479
fiscal year 2009 for pupils of that city or exempted village 17480
school district. 17481

(C) Notwithstanding any provision of the Revised Code to the 17482
contrary, an educational service center that sponsors a community 17483
school under Chapter 3314. of the Revised Code in either fiscal 17484
year may include the students of that community school in its 17485
service center ADM for purposes of state funding under division 17486
(F) of section 3317.11 of the Revised Code, unless the community 17487
school is an Internet- or computer-based community school. A 17488
service center shall include the community school students in its 17489
service center ADM only to the extent that the students are not 17490
already so included, and only in accordance with guidelines issued 17491
by the Department of Education. If the students of a community 17492
school sponsored by an educational service center are included in 17493
the service center ADM of another educational service center, 17494
those students shall be removed from the service center ADM of the 17495
other educational service center and added to the service center 17496
ADM of the community school's sponsoring service center. The 17497
General Assembly authorizes this procedure as an incentive for 17498
educational service centers to take over sponsorship of community 17499
schools from the State Board of Education as the State Board's 17500
sponsorship is phased out in accordance with Sub. H.B. 364 of the 17501
124th General Assembly. No student of an Internet- or 17502
computer-based community school shall be counted in the service 17503

center ADM of any educational service center. The Department shall 17504
pay educational service centers under division (F) of section 17505
3317.11 of the Revised Code for community school students included 17506
in their service center ADMs under this division only if 17507
sufficient funds earmarked within appropriation item 200-550, 17508
Foundation Funding, for payments under that division remain after 17509
first paying for students attributable to their local and client 17510
school districts, in accordance with divisions (B) and (D) of this 17511
section. 17512

(D) If insufficient funds are earmarked within appropriation 17513
item 200-550, Foundation Funding, for payments under division (F) 17514
of section 3317.11 of the Revised Code and division (C) of this 17515
section in fiscal year 2008 or fiscal year 2009, the Department 17516
shall prioritize the distribution of the earmarked funds as 17517
follows: 17518

(1) The Department shall first distribute to each educational 17519
service center the per-student amount specified in division (F) of 17520
section 3317.11 of the Revised Code for each student in its 17521
service center ADM attributable to the local school districts 17522
within the service center's territory. 17523

(2) The Department shall distribute the remaining funds in 17524
each fiscal year to each educational service center for the 17525
students in its service center ADM attributable to each city and 17526
exempted village school district that had entered into an 17527
agreement with an educational service center for that fiscal year 17528
under section 3313.843 of the Revised Code by January 1, 1997, up 17529
to the per-student amount specified in division (F) of section 17530
3317.11 of the Revised Code. If insufficient funds remain to pay 17531
each service center the full amount specified in division (F) of 17532
that section for each such student, the Department shall 17533
distribute the remaining funds to each service center 17534
proportionally, on a per-student basis for each such student, 17535

unless that proportional per-student amount exceeds the amount 17536
specified in division (F)(1) of that section. In that case, the 17537
Department shall distribute the per-student amount specified in 17538
division (F)(1) of that section to each service center for each 17539
such student and shall distribute the remainder proportionally, on 17540
a per-student basis for each such student, to the multi-county 17541
service centers described in division (F)(2) of that section. 17542

(3) If the Department has paid each service center under 17543
divisions (D)(1) and (2) of this section, the full amount 17544
specified in division (F) of section 3317.11 of the Revised Code 17545
for each student attributable to its local school districts and 17546
its client school districts described in division (D)(2) of this 17547
section the Department shall distribute any remaining funds 17548
proportionally, on a per-student basis, to each service center 17549
that sponsors a community school, other than an Internet- or 17550
computer-based community school, for the students included in the 17551
service center ADM under division (C) of this section. These 17552
payments shall not exceed per student the amount specified in 17553
division (F) of section 3317.11 of the Revised Code. 17554

Sec. 275.10. PAY EMPLOYEE BENEFITS FUNDS 17555

Accrued Leave Liability Fund Group 17556

806 995-666 Accrued Leave Fund \$ 69,584,560 \$ 76,038,787 17557

807 995-667 Disability Fund \$ 40,104,713 \$ 39,309,838 17558

TOTAL ALF Accrued Leave Liability 17559

Fund Group \$ 109,689,273 \$ 115,348,625 17560

Agency Fund Group 17561

124 995-673 Payroll Deductions \$ 2,125,000,000 \$ 2,175,000,000 17562

808 995-668 State Employee Health \$ 499,240,000 \$ 550,922,742 17563

Benefit Fund

809 995-669 Dependent Care \$ 2,969,635 \$ 2,969,635 17564

Spending Account

810	995-670	Life Insurance	\$	2,113,589	\$	2,229,834	17565
		Investment Fund					
811	995-671	Parental Leave	\$	3,994,806	\$	4,234,495	17566
		Benefit Fund					
813	995-672	Health Care Spending	\$	12,000,000	\$	12,000,000	17567
		Account					
TOTAL AGY	Agency Fund Group		\$	2,645,318,030	\$	2,747,356,706	17568
TOTAL ALL BUDGET FUND GROUPS			\$	2,755,007,303	\$	2,862,705,331	17569

ACCRUED LEAVE LIABILITY FUND 17570

The foregoing appropriation item 995-666, Accrued Leave Fund, 17571
shall be used to make payments from the Accrued Leave Liability 17572
Fund (Fund 806), pursuant to section 125.211 of the Revised Code. 17573
If it is determined by the Director of Budget and Management that 17574
additional amounts are necessary, the amounts are appropriated. 17575

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 17576

The foregoing appropriation item 995-667, Disability Fund, 17577
shall be used to make payments from the State Employee Disability 17578
Leave Benefit Fund (Fund 807), pursuant to section 124.83 of the 17579
Revised Code. If it is determined by the Director of Budget and 17580
Management that additional amounts are necessary, the amounts are 17581
appropriated. 17582

PAYROLL WITHHOLDING FUND 17583

The foregoing appropriation item 995-673, Payroll Deductions, 17584
shall be used to make payments from the Payroll Withholding Fund 17585
(Fund 124). If it is determined by the Director of Budget and 17586
Management that additional appropriation amounts are necessary, 17587
such amounts are hereby appropriated. 17588

STATE EMPLOYEE HEALTH BENEFIT FUND 17589

The foregoing appropriation item 995-668, State Employee 17590
Health Benefit Fund, shall be used to make payments from the State 17591
Employee Health Benefit Fund (Fund 808), pursuant to section 17592

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 17623
make payments pursuant to state employees' participation in a 17624
flexible spending account for non-reimbursed health care expenses 17625
and pursuant to Section 125 of the Internal Revenue Code. All 17626
income derived from the investment of the fund shall accrue to the 17627
fund. If it is determined by the Director of Administrative 17628
Services that additional appropriation amounts are necessary, the 17629
Director of Administrative Services may request that the Director 17630
of Budget and Management increase such amounts. Such amounts are 17631
hereby appropriated. 17632

At the request of the Director of Administrative Services, 17633
the Director of Budget and Management shall transfer up to 17634
\$145,000 from the General Revenue Fund to the Health Care Spending 17635
Account Fund during fiscal years 2008 and 2009. This cash shall be 17636
transferred as needed to provide adequate cash flow for the Health 17637
Care Spending Account Fund during fiscal year 2008 and fiscal year 17638
2009. If funds are available at the end of fiscal years 2008 and 17639
2009, the Director of Budget and Management shall transfer cash up 17640
to the amount previously transferred in the respective year, plus 17641
interest income, back from the Health Care Spending Account (Fund 17642
813) to the General Revenue Fund. 17643

CASH TRANSFER TO ACCRUED LEAVE FUND 17644

The Director of Budget and Management may transfer 17645
\$100,080.79 in cash from the Dependent Care Spending Account Fund 17646
(Fund 809) to the Accrued Leave Fund (Fund 806) to correct an 17647
intrastate transfer voucher from the Department of Natural 17648
Resources that was mistakenly deposited into the Dependent Care 17649
Spending Account Fund. 17650

Sec. 293.10. DOH DEPARTMENT OF HEALTH 17651

General Revenue Fund 17652

GRF 440-407	Animal Borne Disease and Prevention	\$	2,327,101	\$	2,327,101	17653
GRF 440-412	Cancer Incidence Surveillance System	\$	1,002,619	\$	1,002,619	17654
GRF 440-413	Local Health Department Support	\$	3,786,794	\$	3,786,794	17655
GRF 440-416	Child and Family Health Services	\$	9,522,874	\$	9,622,874	17656
GRF 440-418	Immunizations	\$	9,400,615	\$	9,400,615	17657
GRF 440-425	Abstinence and Adoption Education	\$	500,000	\$	500,000	17658
GRF 440-431	Free Clinic Liability Insurance	\$	250,000	\$	250,000	17659
GRF 440-437	Healthy Ohio	\$	1,502,618	\$	2,855,553	17660
GRF 440-438	Breast and Cervical Cancer Screening	\$	2,500,000	\$	2,500,000	17661
GRF 440-444	AIDS Prevention and Treatment	\$	7,158,127	\$	7,158,127	17662
GRF 440-446	Infectious Disease Prevention	\$	200,000	\$	200,000	17663
GRF 440-451	Lab and Public Health Prevention Programs	\$	6,085,250	\$	6,085,250	17664
GRF 440-452	Child and Family Health Services Match	\$	1,024,017	\$	1,024,017	17665
GRF 440-453	Health Care Quality Assurance	\$	10,253,728	\$	10,253,728	17666
GRF 440-454	Local Environmental Health	\$	889,752	\$	889,752	17667
GRF 440-459	Help Me Grow	\$	10,923,397	\$	14,041,847	17668
GRF 440-505	Medically Handicapped Children	\$	10,791,784	\$	10,791,784	17669
GRF 440-507	Targeted Health Care Services Over 21	\$	1,681,023	\$	1,681,023	17670

GRF 440-511	Uncompensated Care and Emergency Medical Assistance	\$	0	\$	3,500,000	17671
TOTAL GRF	General Revenue Fund	\$	79,799,699	\$	87,871,084	17672
	General Services Fund Group					17673
142 440-646	Agency Health Services	\$	3,461,915	\$	3,461,915	17674
211 440-613	Central Support Indirect Costs	\$	28,884,707	\$	28,884,707	17675
473 440-622	Lab Operating Expenses	\$	4,954,045	\$	4,954,045	17676
683 440-633	Employee Assistance Program	\$	1,208,214	\$	1,208,214	17677
698 440-634	Nurse Aide Training	\$	170,000	\$	170,000	17678
TOTAL GSF	General Services Fund Group	\$	38,678,881	\$	38,678,881	17679 17680
	Federal Special Revenue Fund Group					17681
320 440-601	Maternal Child Health Block Grant	\$	30,666,635	\$	30,666,635	17682
387 440-602	Preventive Health Block Grant	\$	7,826,659	\$	7,826,659	17683
389 440-604	Women, Infants, and Children	\$	230,077,451	\$	230,077,451	17684
391 440-606	Medicaid/Medicare	\$	24,850,959	\$	24,850,959	17685
392 440-618	Federal Public Health Programs	\$	136,778,215	\$	136,778,215	17686
TOTAL FED	Federal Special Revenue Fund Group	\$	430,199,919	\$	430,199,919	17687 17688
	State Special Revenue Fund Group					17689
4D6 440-608	Genetics Services	\$	3,317,000	\$	3,317,000	17690
4F9 440-610	Sickle Cell Disease Control	\$	1,035,344	\$	1,035,344	17691
4G0 440-636	Heirloom Birth Certificate	\$	5,000	\$	5,000	17692

4G0	440-637	Birth Certificate Surcharge	\$	5,000	\$	5,000	17693
4L3	440-609	Miscellaneous Expenses	\$	446,468	\$	446,468	17694
<u>4P4</u>	<u>440-628</u>	<u>Ohio Physician Loan</u> <u>Repayment</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>476,870</u>	17695
4T4	440-603	Child Highway Safety	\$	233,894	\$	233,894	17696
4V6	440-641	Save Our Sight	\$	1,767,994	\$	1,767,994	17697
470	440-647	Fee Supported Programs	\$	27,996,243	\$	25,905,140	17698
471	440-619	Certificate of Need	\$	869,000	\$	898,000	17699
477	440-627	Medically Handicapped Children Audit	\$	3,693,016	\$	3,693,016	17700
5B5	440-616	Quality, Monitoring, and Inspection	\$	838,479	\$	838,479	17701
5CB	440-640	Poison Control Centers	\$	150,000	\$	150,000	17702
5CN	440-645	Choose Life	\$	75,000	\$	75,000	17703
5C0	440-615	Alcohol Testing and Permit	\$	1,455,405	\$	1,455,405	17704
5D6	440-620	Second Chance Trust	\$	1,054,951	\$	1,054,951	17705
5EC	440-650	Health Emergency	\$	15,312,500	\$	0	17706
5ED	440-651	Smoke Free Indoor Air	\$	800,000	\$	800,000	17707
5G4	440-639	Adoption Services	\$	20,000	\$	20,000	17708
5L1	440-623	Nursing Facility Technical Assistance Program	\$	664,282	\$	698,595	17709
<u>5Z7</u>	<u>440-624</u>	<u>Ohio Dental Loan</u> <u>Repayment</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>140,000</u>	17710
610	440-626	Radiation Emergency Response	\$	850,000	\$	850,000	17711
666	440-607	Medically Handicapped Children - County Assessments	\$	14,320,687	\$	14,320,687	17712
TOTAL SSR State Special Revenue							17713
Fund Group			\$	74,910,263	\$	57,569,973	17714

58,186,843

Holding Account Redistribution Fund Group				17715
R14 440-631 Vital Statistics	\$	70,000	\$ 70,000	17716
R48 440-625 Refunds, Grants	\$	20,000	\$ 20,000	17717
Reconciliation, and Audit Settlements				
TOTAL 090 Holding Account				17718
Redistribution Fund Group	\$	90,000	\$ 90,000	17719
TOTAL ALL BUDGET FUND GROUPS	\$	623,678,762	\$ 614,409,857	17720
			<u>615,026,727</u>	

Sec. 299.10. OHS OHIO HISTORICAL SOCIETY 17722

General Revenue Fund				17723
GRF 360-501 Operating Subsidy	\$	3,649,244	\$ 3,649,252	17724
GRF 360-502 Site and Museum	\$	8,501,781	8,501,788	17725
Operations			<u>8,357,176</u>	
GRF 360-504 Ohio Preservation	\$	417,516	\$ 415,381	17726
Office				
GRF 360-505 National	\$	754,884	\$ 754,884	17727
Afro-American Museum				
GRF 360-506 Hayes Presidential	\$	514,323	\$ 514,323	17728
Center				
GRF 360-508 State Historical	\$	853,000	\$ 775,000	17729
Grants				
TOTAL GRF General Revenue Fund	\$	14,690,748	\$ 14,610,628	17730
TOTAL ALL BUDGET FUND GROUPS	\$	14,690,748	\$ 14,610,628	17731
			<u>14,466,016</u>	

SUBSIDY APPROPRIATION 17732

Upon approval by the Director of Budget and Management, the 17733
foregoing appropriation items shall be released to the Ohio 17734
Historical Society in quarterly amounts that in total do not 17735
exceed the annual appropriations. The funds and fiscal records of 17736

the society for fiscal years 2008 and 2009 shall be examined by 17737
independent certified public accountants approved by the Auditor 17738
of State, and a copy of the audited financial statements shall be 17739
filed with the Office of Budget and Management. The society shall 17740
prepare and submit to the Office of Budget and Management the 17741
following: 17742

(A) An estimated operating budget for each fiscal year of the 17743
biennium. The operating budget shall be submitted at or near the 17744
beginning of each calendar year. 17745

(B) Financial reports, indicating actual receipts and 17746
expenditures for the fiscal year to date. These reports shall be 17747
filed at least semiannually during the fiscal biennium. 17748

The foregoing appropriations shall be considered to be the 17749
contractual consideration provided by the state to support the 17750
state's offer to contract with the Ohio Historical Society under 17751
section 149.30 of the Revised Code. 17752

STATE ARCHIVES 17753

Of the foregoing appropriation item 360-501, Operating 17754
Subsidy, \$300,000 in each fiscal year shall be used for the State 17755
Archives, Library, and Artifact Collections program. 17756

HAYES PRESIDENTIAL CENTER 17757

If a United States government agency, including, but not 17758
limited to, the National Park Service, chooses to take over the 17759
operations or maintenance of the Hayes Presidential Center, in 17760
whole or in part, the Ohio Historical Society shall make 17761
arrangements with the National Park Service or other United States 17762
government agency for the efficient transfer of operations or 17763
maintenance. 17764

HISTORICAL GRANTS 17765

Of the foregoing appropriation item 360-508, State Historical 17766

Grants, \$60,000 in fiscal year 2008 shall be distributed to the 17767
Paul Laurence Dunbar Home, \$75,000 in each fiscal year shall be 17768
distributed to the Center for Holocaust and Humanity Education 17769
located at the Hebrew Union College-Jewish Institute of Religion 17770
in Cincinnati, \$350,000 in each fiscal year shall be distributed 17771
to the Western Reserve Historical Society, \$350,000 in each fiscal 17772
year shall be distributed to the Cincinnati Museum Center, and up 17773
to \$18,000 in fiscal year 2008 shall be distributed to the 17774
Muskingum River Underground Railroad Historic Marker Project. 17775

PROCESSING FEES 17776

The Ohio Historical Society shall not charge or retain an 17777
administrative, service, or processing fee for distributing money 17778
that the General Assembly appropriates to the Society for grants 17779
or subsidies that the Society provides to other entities for their 17780
site-related programs. 17781

TRANSFER FOR STATEHOUSE TOURS AND EDUCATION 17782

On June 1, 2008, or as soon as possible thereafter, the 17783
Director of Budget and Management shall transfer \$12,297 cash from 17784
GRF appropriation item 360-502, Site and Museum Operations, to the 17785
Statehouse Gift Shop/Events Fund (Fund 4S70) in the Capitol Square 17786
Review and Advisory Board to support Statehouse tours and 17787
education staff. 17788

Sec. 309.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 17789

General Revenue Fund 17790

GRF 600-321 Support Services 17791

State	\$	50,785,978	\$	52,571,413	17792
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Federal	\$	10,460,286	\$	11,290,237	17793
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Support Services Total	\$	61,246,264	\$	63,861,650	17794
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GRF 600-410 TANF State	\$	267,619,061	\$	267,619,061	17795
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GRF 600-413 Child Care	\$	84,120,596	\$	84,120,596	17796
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	Match/Maintenance of Effort				
GRF 600-416	Computer Projects				17797
	State	\$ 115,383,181	\$ 116,419,033		17798
	Federal	\$ 21,488,920	\$ 21,192,117		17799
	Computer Projects Total	\$ 136,872,101	\$ 137,611,150		17800
GRF 600-417	Medicaid Provider Audits	\$ 2,000,000	\$ 2,000,000		17801
GRF 600-420	Child Support Administration	\$ 8,541,446	\$ 10,641,446		17802
GRF 600-421	Office of Family Stability	\$ 4,614,932	\$ 4,614,932		17803
GRF 600-423	Office of Children and Families	\$ 5,650,000	\$ 5,900,000		17804
GRF 600-425	Office of Ohio Health Plans				17805
	State	\$ 22,500,000	\$ 22,500,000		17806
	Federal	\$ 23,324,848	\$ 23,418,368		17807
	Office of Ohio Health Plans Total	\$ 45,824,848	\$ 45,918,368		17808
GRF 600-502	Administration - Local	\$ 34,014,103	\$ 34,014,103		17809
GRF 600-511	Disability Financial Assistance	\$ 22,128,480	\$ 25,335,908		17810
GRF 600-512	Non-TANF Disaster Assistance	\$ 1,000,000	\$ 1,000,000		17811
GRF 600-521	Entitlement Administration - Local	\$ 130,000,000	\$ 130,000,000		17812
GRF 600-523	Children and Families Services	\$ 78,115,135	\$ 78,115,135		17813
GRF 600-525	Health Care/Medicaid				17814
	State	\$ 3,371,917,993	\$ 3,603,598,928		17815
	Federal	\$ 5,173,236,576	\$ 5,736,989,273		17816
	Health Care Total	\$ 8,545,154,569	\$ 9,340,588,201		17817

GRF 600-526	Medicare Part D	\$	254,397,401	\$	271,854,640	17818
GRF 600-528	Adoption Services					17819
	State	\$	37,520,466	\$	43,978,301	17820
	Federal	\$	41,304,043	\$	49,196,065	17821
	Adoption Services Total	\$	78,824,509	\$	93,174,366	17822
GRF 600-529	Capital Compensation Program	\$	7,000,000	\$	0	17823
GRF 600-534	Adult Protective Services	\$	500,000	\$	500,000	17824
TOTAL GRF	General Revenue Fund					17825
	State	\$	4,497,808,772	\$	4,754,783,496	17826
	Federal	\$	5,269,814,673	\$	5,842,086,060	17827
	GRF Total	\$	9,767,623,445	\$	10,596,869,556	17828
General Services Fund Group						17829
4A8 600-658	Child Support Collections	\$	26,680,794	\$	26,680,794 <u>31,929,211</u>	17830
4R4 600-665	BCII Services/Fees	\$	36,974	\$	36,974	17831
5BG 600-653	Managed Care Assessment	\$	210,655,034	\$	222,667,304	17832
5C9 600-671	Medicaid Program Support	\$	80,120,048	\$	80,120,048	17833
5DL 600-639	Medicaid Revenue and Collections	\$	51,966,785	\$	56,296,844	17834
5N1 600-677	County Technologies	\$	1,000,000	\$	1,000,000	17835
5P5 600-692	Health Care Services	\$	93,000,000	\$	62,000,000	17836
613 600-645	Training Activities	\$	135,000	\$	135,000	17837
TOTAL GSF	General Services Fund Group					17838
		\$	463,594,635	\$	448,936,964 <u>454,185,381</u>	17839
Federal Special Revenue Fund Group						17840
3AW 600-675	Faith Based Initiatives	\$	1,000,000	\$	1,000,000	17841

3A2	600-641	Emergency Food Distribution	\$ 2,900,000	\$ 3,500,000	17842
3D3	600-648	Children's Trust Fund Federal	\$ 2,040,524	\$ 2,040,524	17843
3F0	600-623	Health Care Federal	\$1,209,188,383	\$ 1,211,196,561	17844
3F0	600-650	Hospital Care Assurance Match	\$ 343,239,047	\$ 343,239,047	17845
3G5	600-655	Interagency Reimbursement	\$1,469,763,073	\$ 1,513,855,965	17846
3H7	600-617	Child Care Federal	\$ 207,269,463	\$ 200,167,593	17847
3N0	600-628	IV-E Foster Care Maintenance	\$ 153,963,142	\$ 153,963,142	17848
3S5	600-622	Child Support Projects	\$ 534,050	\$ 534,050	17849
3V0	600-688	Workforce Investment Act	\$ 232,568,453	\$ 233,082,144	17850
3V4	600-678	Federal Unemployment Programs	\$ 147,411,858	\$ 152,843,414	17851
3V4	600-679	Unemployment Compensation Review Commission - Federal	\$ 3,092,890	\$ 3,191,862	17852
3V6	600-689	TANF Block Grant	\$1,037,739,200	\$ 1,085,861,099	17853
3W3	600-659	TANF/Title XX Transfer	\$ 10,081,377	\$ 6,672,366	17854
327	600-606	Child Welfare	\$ 48,514,502	\$ 47,947,309	17855
331	600-686	Federal Operating	\$ 53,963,318	\$ 56,263,225	17856
384	600-610	Food Stamps and State Administration	\$ 160,237,060	\$ 153,147,118	17857
385	600-614	Refugee Services	\$ 10,196,547	\$ 11,057,826	17858
395	600-616	Special Activities/Child and Family Services	\$ 5,723,131	\$ 5,717,151	17859
396	600-620	Social Services Block	\$ 114,479,464	\$ 114,474,085	17860

		Grant				
396	600-651	Second Harvest Food	\$	5,500,000	\$	5,500,000 17861
		Banks				
397	600-626	Child Support	\$	303,661,307	\$	303,538,962 17862
398	600-627	Adoption Maintenance/ Administration	\$	318,172,168	\$	317,483,676 17863
TOTAL FED		Federal Special Revenue				17864
Fund Group				\$5,841,238,957	\$ 5,926,277,119	17865
State Special Revenue Fund Group						17866
198	600-647	Children's Trust Fund	\$	6,788,522	\$	6,788,522 17867
4A9	600-607	Unemployment Compensation Administration Fund	\$	12,273,062	\$	12,188,996 17868
4A9	600-694	Unemployment Compensation Review Commission	\$	1,726,938	\$	1,811,004 17869
4E3	600-605	Nursing Home Assessments	\$	4,759,914	\$	4,759,914 17870
4E7	600-604	Child and Family Services Collections	\$	300,000	\$	300,000 17871
4J5	600-613	Nursing Facility Bed Assessments	\$	34,613,984	\$	34,613,984 17872
4J5	600-618	Residential State Supplement Payments	\$	15,700,000	\$	15,700,000 17873
4K1	600-621	ICF/MR Bed Assessments	\$	19,332,437	\$	19,332,437 17874
4R3	600-687	Banking Fees	\$	800,000	\$	800,000 17875
4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$	10,000,000 17876
<u>5AJ0</u>	<u>600-631</u>	<u>Money Follows the Person</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>4,400,000</u> 17877
5DB	600-637	Military Injury Grants	\$	2,000,000	\$	2,000,000 17878
5ES	600-630	Food Assistance	\$	500,000	\$	500,000 17879

5F2	600-667	Building Consolidation	\$	250,000	\$	250,000	17880
5F3	600-668	Building Consolidation	\$	1,000,000	\$	1,000,000	17881
5Q9	600-619	Supplemental Inpatient Hospital Payments	\$	56,125,998	\$	56,125,998	17882
5R2	600-608	Medicaid-Nursing Facilities	\$	175,000,000	\$	175,000,000	17883
5S3	600-629	MR/DD Medicaid Administration and Oversight	\$	1,620,960	\$	1,620,960	17884
5U3	600-654	Health Care Services Administration	\$	9,867,284	\$	12,000,349	17885
5U6	600-663	Children and Family Support	\$	4,928,718	\$	4,928,718	17886
5Z9	600-672	TANF Quality Control Reinvestments	\$	520,971	\$	546,254	17887
651	600-649	Hospital Care Assurance Program Fund	\$	231,893,404	\$	231,893,404	17888
TOTAL SSR State Special Revenue							17889
Fund Group			\$	590,002,192	\$	592,160,540 <u>596,560,540</u>	17890
Agency Fund Group							17891
192	600-646	Support Intercept - Federal	\$	110,000,000	\$	110,000,000	17892
5B6	600-601	Food Stamp Intercept	\$	2,000,000	\$	2,000,000	17893
583	600-642	Support Intercept - State	\$	16,000,000	\$	16,000,000	17894
TOTAL AGY Agency Fund Group							17895
Holding Account Redistribution Fund Group							17896

R12	600-643 Refunds and Audit	\$	3,600,000	\$	3,600,000	17897
	Settlements					
R13	600-644 Forgery Collections	\$	10,000	\$	10,000	17898
TOTAL	090 Holding Account	\$	3,610,000	\$	3,610,000	17899
	Redistribution Fund Group					
TOTAL ALL BUDGET FUND GROUPS		\$16,794,069,229		\$17,695,854,179		17900
				<u>17,705,502,596</u>		

Sec. 309.30.13. CHILDREN'S HOSPITALS 17902

(A) As used in this section: 17903

"Children's hospital" means a hospital that primarily serves 17904
 patients eighteen years of age and younger and is excluded from 17905
 Medicare prospective payment in accordance with 42 C.F.R. 17906
 412.23(d). 17907

"Medicaid inpatient cost-to-charge ratio" means the historic 17908
 Medicaid inpatient cost-to-charge ratio applicable to a hospital 17909
 as described in rules adopted by the Director of Job and Family 17910
 Services in paragraph (B)(2) of rule 5101:3-2-22 of the 17911
 Administrative Code. 17912

(B) Notwithstanding paragraph (C)(5) of rule 5101:3-2-07.9 of 17913
 the Administrative Code and except as provided in division (C) of 17914
 this section, the Director of Job and Family Services shall pay a 17915
 children's hospital that meets the criteria in paragraphs (E)(1) 17916
 and (2) of rule 5101:3-2-07.9 of the Administrative Code, for each 17917
 cost outlier claim made in fiscal years 2008 and 2009, an amount 17918
 that is the product of the hospital's allowable charges and the 17919
 hospital's Medicaid inpatient cost-to-charge ratio. 17920

(C) The Director of Job and Family Services shall cease 17921
 paying a children's hospital for a cost outlier claim under the 17922
 methodology in division (B) of this section and revert to paying 17923
 the hospital for such a claim according to methodology in 17924
 paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of the 17925

Administrative Code, as applicable, when the difference between 17926
the total amount the Director has paid according to the 17927
methodology in division (B) of this section for such claims and 17928
the total amount the Director would have paid according to the 17929
methodology in paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of 17930
the Administrative Code, as the applicable paragraph existed on 17931
June 30, 2007, for such claims, exceeds the sum of the state funds 17932
and corresponding federal match earmarked in division (F) of this 17933
section and reappropriated in division (G) of this section for the 17934
applicable fiscal year. 17935

(D) The Director of Job and Family Services shall make 17936
supplemental Medicaid payments to hospitals for inpatient services 17937
under a program modeled after the program the Department of Job 17938
and Family Services was required to create for fiscal years 2006 17939
and 2007 in Section 206.66.79 of Am. Sub. H.B. 66 of the 126th 17940
General Assembly if the difference between the total amount the 17941
Director has paid according to the methodology in division (B) of 17942
this section for cost outlier claims and the total amount the 17943
Director would have paid according to the methodology in paragraph 17944
(A)(6) or (C)(5) of rule 5101:3-2-07.9 of the Administrative Code 17945
for such claims, as the applicable paragraph existed on June 30, 17946
2007, does not require the expenditure of all state and federal 17947
funds earmarked in division (F) of this section for the applicable 17948
fiscal year. 17949

(E) The Director of Job and Family Services shall not adopt, 17950
amend, or rescind any rules that would result in decreasing the 17951
amount paid to children's hospitals under division (B) of this 17952
section for cost outlier claims. 17953

(F) Of the foregoing appropriation item, 600-525, Health 17954
Care/Medicaid, up to \$6 million (state share) in each fiscal year 17955
plus the corresponding federal match, if available, shall be used 17956
by the Department to pay the amounts described in division (B) of 17957

this section. 17958

(G) The unencumbered balance of the \$6 million in division 17959
(F) of this section at the end of fiscal year 2008 is hereby 17960
reappropriated to appropriation item 600-525, Health 17961
Care/Medicaid, for fiscal year 2009 to be used by the Department 17962
to pay the amounts described in division (B) of this section. The 17963
Director of Budget and Management shall increase the state share 17964
of appropriations in appropriation item 600-525, Health 17965
Care/Medicaid, by the amount of the unencumbered balance of the \$6 17966
million, with a corresponding increase in the federal share. The 17967
Department shall expend, not later than June 30, 2009, the entire 17968
amount of the unencumbered balance of the \$6 million 17969
reappropriated to appropriation item 600-525, Health 17970
Care/Medicaid, for fiscal year 2009 by this division, by the 17971
corresponding increase in the federal share, and the \$6 million 17972
plus the corresponding federal match earmarked for fiscal year 17973
2009 by division (F) of this section to pay the amounts described 17974
in division (B) of this section. 17975

Sec. 309.30.30. FISCAL YEAR 2009 MEDICAID REIMBURSEMENT 17976
SYSTEM FOR NURSING FACILITIES 17977

(A) As used in this section: 17978

(1) "Capital costs," "cost of ownership," and "renovation" 17979
have the same meanings as in section 5111.20 of the Revised Code 17980
as that section existed on June 30, 2005. 17981

(2) "Fiscal year 2008 rate" means the rate a provider of a 17982
nursing facility is paid for nursing facility services the nursing 17983
facility provides on June 30, 2008. 17984

(3) "Franchise permit fee," "inpatient days," "Medicaid 17985
days," "nursing facility," and "provider" have the same meanings 17986
as in section 5111.20 of the Revised Code. 17987

<u>(4) "Nursing facility services" means nursing facility</u>	17988
<u>services covered by the Medicaid program that a nursing facility</u>	17989
<u>provides to a resident of the nursing facility who is a Medicaid</u>	17990
<u>recipient eligible for Medicaid-covered nursing facility services.</u>	17991
	17992
<u>(5) "Reviewable activity" has the same meaning as in section</u>	17993
<u>3702.51 of the Revised Code.</u>	17994
<u>(6) "Type A nursing facility" means a nursing facility that</u>	17995
<u>qualifies for a per diem under Section 309.30.42 of Am. Sub. H.B.</u>	17996
<u>119 of the 127th General Assembly, as amended by this act.</u>	17997
<u>(7) "Type B nursing facility" means a nursing facility to</u>	17998
<u>which both of the following apply:</u>	17999
<u>(a) Both of the following occurred during the last quarter of</u>	18000
<u>fiscal year 2008:</u>	18001
<u>(i) The facility obtained certification as a nursing facility</u>	18002
<u>from the Director of Health.</u>	18003
<u>(ii) The facility began participating in the Medicaid</u>	18004
<u>program.</u>	18005
<u>(b) An application for a certificate of need for the nursing</u>	18006
<u>facility was filed with the Director of Health before June 15,</u>	18007
<u>2005.</u>	18008
<u>(8) "Type C nursing facility" means a nursing facility to</u>	18009
<u>which all of the following apply:</u>	18010
<u>(a) The nursing facility is not a type B nursing facility.</u>	18011
<u>(b) The nursing facility, during the last quarter of fiscal</u>	18012
<u>year 2008, completed a capital project for which a certificate of</u>	18013
<u>need was filed with the Director of Health before June 15, 2005,</u>	18014
<u>and for which at least one of the following occurred before July</u>	18015
<u>1, 2005, or, if the capital project is undertaken to comply with</u>	18016
<u>rules adopted by the Public Health Council regarding resident room</u>	18017

<u>size or occupancy, before June 30, 2007:</u>	18018
<u>(i) Any materials or equipment for the capital project were delivered;</u>	18019 18020
<u>(ii) Preparations for the physical site of the capital project, including, if applicable, excavation, began;</u>	18021 18022
<u>(iii) Actual work on the capital project began.</u>	18023
<u>(c) The provider of the nursing facility files a three-month projected capital cost report for the nursing facility with the Director of Job and Family Services not later than ninety days after the date the capital project is completed.</u>	18024 18025 18026 18027
<u>(9) "Type D nursing facility" means a nursing facility that, during the last quarter of fiscal year 2008, completed an activity to which all of the following apply:</u>	18028 18029 18030
<u>(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.</u>	18031 18032 18033 18034
<u>(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:</u>	18035 18036 18037 18038
<u>(i) Any materials or equipment for the activity were delivered.</u>	18039 18040
<u>(ii) Preparations for the physical site of the activity, including, if applicable, excavation, began.</u>	18041 18042
<u>(iii) Actual work on the activity began.</u>	18043
<u>(c) The provider of the nursing facility files a three-month projected capital cost report for the nursing facility with the Director of Job and Family Services not later than ninety days after the date the activity is completed.</u>	18044 18045 18046 18047

(10) "Type E nursing facility" means a nursing facility that, 18048
during the last quarter of fiscal year 2008, completed a 18049
renovation to which all of the following apply: 18050

(a) The Director of Job and Family Services approved the 18051
renovation before July 1, 2005. 18052

(b) At least one of the following occurred before July 1, 18053
2005, or, if the nursing facility undertakes the renovation to 18054
comply with rules adopted by the Public Health Council regarding 18055
resident room size or occupancy, before June 30, 2007: 18056

(i) Any materials or equipment for the renovation were 18057
delivered. 18058

(ii) Preparations for the physical site of the renovation, 18059
including, if applicable, excavation, began. 18060

(iii) Actual work on the renovation began. 18061

(c) The provider of the nursing facility files a three-month 18062
projected capital cost report for the nursing facility with the 18063
Director of Job and Family Services not later than ninety days 18064
after the date the renovation is completed. 18065

(11) "Type F nursing facility" means a nursing facility to 18066
which all of the following apply: 18067

(a) The nursing facility, during either the first or second 18068
quarter of fiscal year 2009, completed a capital project for which 18069
the Director of Health approved a certificate of need on December 18070
22, 2003. 18071

(b) The nursing facility has one hundred ninety-two beds. 18072

(c) The provider of the nursing facility files a three-month 18073
projected capital cost report for the nursing facility with the 18074
Director of Job and Family Services not later than ninety days 18075
after the date the capital project is completed. 18076

(B) Except as otherwise provided by this section, the 18077

provider of a nursing facility that has a valid Medicaid provider 18078
agreement on June 30, 2008, and a valid Medicaid provider 18079
agreement during fiscal year 2009 shall be paid, for nursing 18080
facility services the nursing facility provides during fiscal year 18081
2009, the rate calculated for the nursing facility under sections 18082
5111.20 to 5111.33 of the Revised Code with the following 18083
adjustments: 18084

(1) The cost per case mix-unit calculated under section 18085
5111.231 of the Revised Code, the rate for ancillary and support 18086
costs calculated under section 5111.24 of the Revised Code, the 18087
rate for capital costs calculated under section 5111.25 of the 18088
Revised Code, and the rate for tax costs calculated under section 18089
5111.242 of the Revised Code shall each be adjusted as follows: 18090

(a) Increase the cost and rates so calculated by two per 18091
cent; 18092

(b) Increase the cost and rates determined under division 18093
(B)(1)(a) of this section by two per cent; 18094

(c) Increase the cost and rates determined under division 18095
(B)(1)(b) of this section by one per cent. 18096

(2) The mean payment used in the calculation of the quality 18097
incentive payment made under section 5111.244 of the Revised Code 18098
shall be, weighted by Medicaid days, three dollars and three cents 18099
per Medicaid day. 18100

(C) If the rate determined for a nursing facility under 18101
division (B) of this section for nursing facility services 18102
provided during fiscal year 2009 is more than one hundred two and 18103
seventy-five hundredths per cent of the sum of the nursing 18104
facility's fiscal year 2008 rate the provider is paid for nursing 18105
facility services the nursing facility provides on June 30, 2008 18106
and the amount specified in division (D) of this section, the 18107
Department of Job and Family Services shall reduce the nursing 18108

facility's fiscal year 2009 rate so that the rate is not more than 18109
one hundred two and seventy-five hundredths per cent of ~~the~~ 18110
~~nursing facility's rate for June 30, 2008~~ that sum. If the rate 18111
determined for a nursing facility under division (B) of this 18112
section for nursing facility services provided during fiscal year 18113
2009 is less than the sum of the nursing facility's fiscal year 18114
2008 rate the provider is paid for nursing facility services the 18115
nursing facility provides on June 30, 2008 and the amount 18116
specified in division (D) of this section, the Department shall 18117
increase the nursing facility's fiscal year 2009 rate so that the 18118
rate is not less than ~~the nursing facility's rate for June 30,~~ 18119
~~2008~~ that sum. 18120

(D) Subject to division (E) of this section, the following 18121
amount shall be added to a nursing facility's fiscal year 2008 18122
rate for the purpose of determining the ceiling and floor under 18123
division (C) of this section: 18124

(1) If the nursing facility is a type A nursing facility, the 18125
amount of the per diem for which the nursing facility qualifies 18126
under Section 309.30.42 of Am. Sub. H.B. 119 of the 127th General 18127
Assembly, as amended by this act; 18128

(2) If the nursing facility is a type B nursing facility, the 18129
amount that is the difference between the capital costs portion of 18130
the nursing facility's initial rate established under section 18131
5111.254 of the Revised Code and the lesser of the following: 18132

(a) Eighty-eight and sixty-five hundredths per cent of the 18133
nursing facility's cost of ownership as reported on its 18134
three-month projected capital cost report divided by the greater 18135
of the number of inpatient days the nursing facility is expected 18136
to have during the period covered by the projected capital cost 18137
report or the number of inpatient days the nursing facility would 18138
have during that period if the nursing facility's occupancy rate 18139
was eighty per cent; 18140

(b) The maximum capital per diem rate in effect for fiscal year 2005 for nursing facilities. 18141
18142

(3) If the nursing facility is a type C nursing facility, type D nursing facility, or type F nursing facility, the amount that is the difference between the capital costs portion of the nursing facility's fiscal year 2008 rate and the lesser of the following: 18143
18144
18145
18146
18147

(a) Eighty-eight and sixty-five hundredths per cent of the nursing facility's cost of ownership as reported on its 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; 18148
18149
18150
18151
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18155

(b) The maximum capital per diem rate in effect for fiscal year 2005 for nursing facilities. 18156
18157

(4) If the nursing facility is a type E nursing facility, the amount that is equal to eighty-five per cent of the nursing facility's capital costs for the renovation as reported on its 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; 18158
18159
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18166

(5) If the nursing facility is not a type A nursing facility, type B nursing facility, type C nursing facility, type D nursing facility, type E nursing facility, or type F nursing facility, zero. 18167
18168
18169
18170

(E) The amount to be added to the fiscal year 2008 rate of a 18171

type A nursing facility, type B nursing facility, type C nursing facility, type D nursing facility, type E nursing facility, or type F nursing facility for the purpose of determining the ceiling and floor under division (C) of this section shall be zero until the later of the following:

(1) July 1, 2008;

(2) The first day of the month following the month in which the provider files the three-month projected capital cost report for the nursing facility with the Director of Job and Family Services.

(F) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department of Job and Family Services shall reduce the amount it pays providers of nursing facility services under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

~~(E)~~(G) The Department of Job and Family Services shall follow this section in determining the rate to be paid to the provider of a nursing facility that has a valid Medicaid provider agreement on June 30, 2008, and a valid Medicaid provider agreement during fiscal year 2009 notwithstanding anything to the contrary in sections 5111.20 to 5111.33 of the Revised Code.

(H) Not later than sixty days after the effective date of the amendments to this section, the Director of Job and Family Services shall submit an amendment to the state Medicaid plan to the United States Secretary of Health and Human Services as necessary to implement the amendments to this section. On receipt of the United States Secretary's approval of the amendment to the state Medicaid plan, the Director shall implement the amendments to this section retroactive to the effective date of the state

<u>Medicaid plan amendment.</u>	18203
Sec. 309.30.41. ADDITIONAL COMPENSATION FOR NURSING FACILITY	18204
CAPITAL COSTS	18205
The foregoing appropriation item 600-529, Capital	18206
Compensation Program, shall be used to make payments to nursing	18207
facilities under the section of this act entitled "FISCAL YEARS	18208
2008 AND 2009 PAYMENTS TO CERTAIN NURSING FACILITIES <u>Section</u>	18209
<u>309.30.42 of Am. Sub. H.B. 119 of the 127th General Assembly."</u>	18210
The unencumbered balance of appropriation item 600-529,	18211
Capital Compensation Program, at the end of fiscal year 2008 is	18212
hereby appropriated to <u>appropriation item 600-525, Health</u>	18213
<u>Care/Medicaid, for</u> fiscal year 2009 for use under the same	18214
appropriation item. <u>The Director of Budget and Management shall</u>	18215
<u>increase the state share of appropriations in appropriation item</u>	18216
<u>600-525, Health Care/Medicaid, by the amount of the unencumbered</u>	18217
<u>balance of appropriation item 600-529, Capital Compensation</u>	18218
<u>Program, with a corresponding increase in the federal share.</u>	18219
Sec. 309.30.42. FISCAL YEARS <u>YEAR</u> 2008 AND 2009 PAYMENTS TO	18220
CERTAIN NURSING FACILITIES	18221
(A) As used in this section:	18222
"Capital costs," "cost of ownership," and "renovation" have	18223
the same meanings as in section 5111.20 of the Revised Code as	18224
that section existed on June 30, 2005.	18225
"Change of operator" has the same meaning as in section	18226
5111.65 of the Revised Code.	18227
"Inpatient days," "Medicaid days," and "nursing facility"	18228
have the same meanings as in section 5111.20 of the Revised Code.	18229
"Reviewable activity" has the same meaning as in section	18230
3702.51 of the Revised Code.	18231

(B) The following qualify for per diem payments under this section:	18232 18233
(1) A nursing facility to which both of the following apply:	18234
(a) Both of the following occurred during fiscal year 2006 7 or 2007 7 or <u>the first three quarters of fiscal year 2008</u> :	18235 18236
(i) The facility obtained certification as a nursing facility from the Director of Health.	18237 18238
(ii) The facility began participating in the Medicaid program.	18239 18240
(b) An application for a certificate of need for the nursing facility was filed with the Director of Health before June 15, 2005.	18241 18242 18243
(2) A nursing facility to which all of the following apply:	18244
(a) The nursing facility does not qualify for a payment pursuant to division (B)(1) of this section.	18245 18246
(b) The nursing facility, before June 30 <u>March 31</u> , 2008, completed a capital project for which a certificate of need was filed with the Director of Health before June 15, 2005, and for which at least one of the following occurred before July 1, 2005, or, if the capital project is undertaken to comply with rules adopted by the Public Health Council regarding resident room size or occupancy, before June 30, 2007:	18247 18248 18249 18250 18251 18252 18253
(i) Any materials or equipment for the capital project were delivered;	18254 18255
(ii) Preparations for the physical site of the capital project, including, if applicable, excavation, began;	18256 18257
(iii) Actual work on the capital project began.	18258
(c) The costs of the capital project are not fully reflected in the capital costs portion of the nursing facility's Medicaid	18259 18260

reimbursement per diem rate on June 30, 2005. 18261

(d) The nursing facility files a three-month projected 18262
capital cost report with the Director of Job and Family Services 18263
not later than ninety days after the later of March 30, 2006, or 18264
the date the capital project is completed. 18265

(3) A nursing facility that, before ~~June 30~~ March 31, 2008, 18266
completed an activity to which all of the following apply: 18267

(a) A request was filed with the Director of Health before 18268
July 1, 2005, for a determination of whether the activity is a 18269
reviewable activity and the Director determined that the activity 18270
is not a reviewable activity. 18271

(b) At least one of the following occurred before July 1, 18272
2005, or, if the nursing facility undertakes the activity to 18273
comply with rules adopted by the Public Health Council regarding 18274
resident room size or occupancy, before June 30, 2007: 18275

(i) Any materials or equipment for the activity were 18276
delivered. 18277

(ii) Preparations for the physical site of the activity, 18278
including, if applicable, excavation, began. 18279

(iii) Actual work on the activity began. 18280

(c) The costs of the activity are not fully reflected in the 18281
capital costs portion of the nursing facility's Medicaid 18282
reimbursement per diem rate on June 30, 2005. 18283

(d) The nursing facility files a three-month projected 18284
capital cost report with the Director of Job and Family Services 18285
not later than ninety days after the later of March 30, 2006, or 18286
the date the activity is completed. 18287

(4) A nursing facility that, before ~~June 30~~ March 31, 2008, 18288
completed a renovation to which all of the following apply: 18289

(a) The Director of Job and Family Services approved the 18290

renovation before July 1, 2005. 18291

(b) At least one of the following occurred before July 1, 18292
2005, or, if the nursing facility undertakes the renovation to 18293
comply with rules adopted by the Public Health Council regarding 18294
resident room size or occupancy, before June 30, 2007: 18295

(i) Any materials or equipment for the renovation were 18296
delivered. 18297

(ii) Preparations for the physical site of the renovation, 18298
including, if applicable, excavation, began. 18299

(iii) Actual work on the renovation began. 18300

(c) The costs of the renovation are not fully reflected in 18301
the capital costs portion of the nursing facility's Medicaid 18302
reimbursement per diem rate on June 30, 2005. 18303

(d) The nursing facility files a three-month projected 18304
capital cost report with the Director of Job and Family Services 18305
not later than ninety days after the later of March 30, 2006, or 18306
the date the renovation is completed. 18307

(C) If a nursing facility qualifies for per diem payments 18308
pursuant to division (B)(1) of this section ~~for fiscal year 2008~~, 18309
the nursing facility's per diem payments under this section ~~for~~ 18310
~~fiscal year 2008~~ shall equal the difference between the capital 18311
costs portion of the nursing facility's Medicaid reimbursement per 18312
diem rate determined under Section 309.30.20 of ~~this act~~ Am. Sub. 18313
H.B. 119 of the 127th General Assembly or, if that section does 18314
not apply to the nursing facility, the capital costs portion of 18315
the nursing facility's initial rate established under section 18316
5111.254 of the Revised Code and the lesser of the following: 18317

(1) Eighty-eight and sixty-five hundredths per cent of the 18318
nursing facility's cost of ownership as reported on a three-month 18319
projected capital cost report divided by the greater of the number 18320

of inpatient days the nursing facility is expected to have during 18321
the period covered by the projected capital cost report or the 18322
number of inpatient days the nursing facility would have during 18323
that period if the nursing facility's occupancy rate was eighty 18324
per cent. 18325

(2) The maximum capital per diem rate in effect for fiscal 18326
year 2005 for nursing facilities. 18327

~~(D) If a nursing facility qualifies for per diem payments 18328
pursuant to division (B)(1) of this section for fiscal year 2009, 18329
the nursing facility's per diem payments under this section for 18330
fiscal year 2009 shall equal the difference between the capital 18331
costs portion of the nursing facility's Medicaid reimbursement per 18332
diem rate determined under Section 309.30.30 of this act and the 18333
lesser of the following: 18334~~

~~(1) Eighty eight and sixty five hundredths per cent of the 18335
nursing facility's cost of ownership as reported on a three month 18336
projected capital cost report divided by the greater of the number 18337
of inpatient days the nursing facility is expected to have during 18338
the period covered by the projected capital cost report or the 18339
number of inpatient days the nursing facility would have during 18340
that period if the nursing facility's occupancy rate was eighty 18341
per cent. 18342~~

~~(2) The maximum capital per diem rate in effect for fiscal 18343
year 2005 for nursing facilities. 18344~~

~~(E) The per diem payments paid for fiscal year 2008 to a 18345
nursing facility that qualifies for the payments pursuant to 18346
division (B)(2) or (3) of this section shall equal the difference 18347
between the capital costs portion of the nursing facility's 18348
Medicaid reimbursement per diem rate determined under Section 18349
309.30.20 of this act Am. Sub. H.B. 119 of the 127th General 18350
Assembly and the lesser of the following: 18351~~

(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.~~

~~(G)(E)~~ The per diem payments paid to a nursing facility that qualifies for the payments pursuant to division (B)(4) of this section shall equal eighty-five per cent of the nursing facility's capital costs for the renovation 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 18383
the period covered by the projected capital cost report or the 18384
number of inpatient days the nursing facility would have during 18385
that period if the nursing facility's occupancy rate was 18386
ninety-five per cent. 18387

~~(H)(F)~~ All of the following apply to the per diem payments 18388
made under this section: 18389

~~(1) All nursing facilities' eligibility for the payments 18390
shall cease at the earlier of the following: 18391~~

~~(a) July 1, 2009; 18392~~

~~(b) The date that the total amount of the payments equals 18393
seven million dollars. 18394~~

~~(2) The payments made for the last quarter that the payments 18395
are made may be reduced proportionately as necessary to avoid 18396
spending more than seven million dollars under this section. 18397~~

~~(3) The Subject to the following, the per diem payments shall 18398
be made for quarterly periods only the first three quarters of 18399
fiscal year 2008 by multiplying the per diem determined for a 18400
nursing facility by the number of Medicaid days the nursing 18401
facility has for the ~~quarter~~ quarters for which the payment is 18402
made: 18403~~

~~(a) Not more than a total of four million two hundred 18404
thousand dollars may be spent on the payments. 18405~~

~~(b) The payments may be reduced proportionately as necessary 18406
to avoid spending more than four million two hundred thousand 18407
dollars under this section. 18408~~

~~(4)(2) Any per diem payments to be made to a nursing facility 18409
for a ~~quarter ending before July 2008~~ under this section shall be 18410
made not later than ~~September~~ June 30, 2008. 18411~~

~~(5) Any per diem payments to be made to a nursing facility 18412~~

~~for a quarter beginning after June 2008 shall be made not later than three months after the last day of the quarter for which the payments are made.~~ 18413
18414
18415

~~(6)~~(3) A change of operator shall not cause the payments to a nursing facility to ~~cease~~ not be made. 18416
18417

~~(7)~~(4) The payments shall only be made to a nursing facility for the first three quarters ~~during of~~ fiscal ~~years~~ year 2008 ~~and 2009~~ for which the nursing facility has a valid Medicaid provider agreement. 18418
18419
18420
18421

~~(8)~~(5) The payments shall be in addition to a nursing facility's Medicaid reimbursement per diem rate calculated under Section 309.30.20 ~~or 309.30.30~~ of ~~this act~~ Am. Sub. H.B. 119 of the 127th General Assembly. 18422
18423
18424
18425

~~(I)~~(G) The Director of Job and Family Services shall monitor, ~~on a quarterly basis,~~ the per diem payments made to nursing facilities under this section to ensure that not more than a total of ~~seven~~ four million two hundred thousand dollars is spent under this section. 18426
18427
18428
18429
18430

~~(J)~~(H) The determinations that the Director of Job and Family Services makes under this section are not subject to appeal under Chapter 119. of the Revised Code. 18431
18432
18433

~~(K)~~(I) The Director of Job and Family Services may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section. The Director's failure to adopt the rules does not affect the requirement that the per diem payments be made under this section. 18434
18435
18436
18437
18438

Sec. 309.40.33. CHILD SUPPORT COLLECTIONS/TANF MOE 18439

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 18440
18441
18442

U.S.C. 609(a)(7). When the state is assured that it will meet the 18443
maintenance of effort requirement, the Department of Job and 18444
Family Services may use funds from appropriation item 600-658, 18445
Child Support Collections, to support ~~child support~~ public 18446
assistance activities. 18447

Sec. 337.30.43. TAX EQUITY 18448

Notwithstanding section 5126.18 of the Revised Code, ~~if a~~ 18449
~~county board of mental retardation and developmental disabilities~~ 18450
~~received a tax equity payment in fiscal year 2007, but would not~~ 18451
~~receive such a payment in fiscal years 2008 and 2009, the~~ 18452
~~Department of Mental Retardation and Developmental Disabilities~~ 18453
~~shall use the foregoing appropriation item 322-503, Tax Equity, to~~ 18454
~~pay each such board in each fiscal year of the biennium an amount~~ 18455
~~that is equal to the tax equity payment the board received in~~ 18456
~~fiscal year 2007 or \$25,000, whichever is less. The Department~~ 18457
~~shall use the remainder of the appropriation item to make tax~~ 18458
~~equity payments in accordance with section 5126.18 of the Revised~~ 18459
~~Code for fiscal year 2009, if the Department of Mental Retardation~~ 18460
~~and Developmental Disabilities determines that sufficient funds~~ 18461
~~are available, the Department shall use the foregoing~~ 18462
~~appropriation item 322-503, Tax Equity, to pay each county board~~ 18463
~~of mental retardation and developmental disabilities an amount~~ 18464
~~that is equal to the amount the board received for fiscal year~~ 18465
~~2008. If the Department determines that there are not sufficient~~ 18466
~~funds available in the appropriation item for this purpose, the~~ 18467
~~Department shall pay to each county board an amount that is~~ 18468
~~proportionate to the amount the board received for fiscal year~~ 18469
~~2008. Proportionality shall be determined by dividing the total~~ 18470
~~tax equity payments distributed to county boards for fiscal year~~ 18471
~~2008 by the tax equity payment a county board received for fiscal~~ 18472
~~year 2008.~~ 18473

Sec. 337.40.15. GALLIPOLIS DEVELOPMENTAL CENTER PILOT PROGRAM 18474

18475

The Director of Mental Retardation and Developmental 18476
Disabilities shall establish, ~~as part of the Individual Options~~ 18477
~~Medicaid Waiver program,~~ a pilot program to be operated during 18478
calendar year 2009 under which the Gallipolis Developmental Center 18479
~~provides home and community based services under the Individual~~ 18480
~~Options Medicaid waiver program to not more than ten individuals~~ 18481
at one time operates an intermediate care facility for the 18482
mentally retarded with eight beds at a site separate from the 18483
grounds of the developmental center. The Gallipolis Developmental 18484
Center may operate the intermediate care facility for the mentally 18485
retarded notwithstanding section 5123.196 of the Revised Code. 18486
Money shall be expended on the pilot program beginning in the 18487
first half of calendar year 2009. 18488

~~The pilot program shall be operated in a manner consistent~~ 18489
~~with the terms of the consent order filed March 5, 2007, in Martin~~ 18490
~~v. Strickland, Case No. 89 CV 00362, in the United States District~~ 18491
~~Court for the Southern District of Ohio, Eastern Division. The~~ 18492
~~pilot program also shall be operated in accordance with the~~ 18493
~~federal Medicaid waiver authorizing the Individual Options~~ 18494
~~Medicaid waiver program. Only individuals eligible for the~~ 18495
~~Individual Options Medicaid waiver program who volunteer to~~ 18496
~~receive home and community based services under the Individual~~ 18497
~~Options Medicaid waiver program from the Gallipolis Developmental~~ 18498
~~Center may participate in the pilot program. The Director of~~ 18499
Mental Retardation and Developmental Disabilities and the Director 18500
of Job and Family Services shall provide the Gallipolis 18501
Developmental Center technical assistance ~~the Center needs~~ 18502
regarding the pilot program. 18503

~~All expenses the Gallipolis Developmental Center incurs in~~ 18504

~~participating in the pilot program shall be paid from the Medicaid 18505
payments the Center receives for providing home and 18506
community based services under the program. 18507~~

The Director of Mental Retardation and Developmental 18508
Disabilities shall conduct an evaluation of the pilot program, 18509
including an evaluation of the quality and effectiveness of the 18510
~~home and community based services the Gallipolis Developmental 18511
Center provides under the pilot program. The Director shall submit 18512
a report of the evaluation to the Governor and the General 18513
Assembly not later than April 1, 2010. The Director shall include 18514
in the report recommendations ~~for or against permitting the 18515
Gallipolis Developmental Center to continue to provide home and 18516
community based services under the Individual Options Medicaid 18517
waiver program and permitting other developmental centers to begin 18518
to provide these services regarding the continuation of the pilot 18519
program and whether other developmental centers should be 18520
permitted to establish and operate intermediate care facilities 18521
for the mentally retarded at sites separate from the grounds of 18522
the developmental centers. 18523~~~~

Sec. 369.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO 18524

General Services Fund Group 18525

5F6 870-622 Utility and Railroad \$ 32,820,027 \$ 33,804,627 18526
Regulation

5F6 870-624 NARUC/NRRI Subsidy \$ 158,000 \$ 158,000 18527

5F6 870-625 Motor Transportation \$ 4,635,413 \$ 4,772,765 18528
Regulation

TOTAL GSF General Services 18529

Fund Group \$ 37,613,440 \$ 38,735,392 18530

Federal Special Revenue Fund Group 18531

3V3 870-604 Commercial Vehicle \$ 300,000 \$ 300,000 18532
Information

		Systems/Networks					
333	870-601	Gas Pipeline Safety	\$	597,957	\$	597,959	18533
350	870-608	Motor Carrier Safety	\$	7,137,534	\$	7,351,660	18534
TOTAL FED		Federal Special Revenue					18535
Fund Group			\$	8,035,491	\$	8,249,619	18536
State Special Revenue Fund Group							18537
4A3	870-614	Grade Crossing	\$	1,349,757	\$	1,349,757	18538
		Protection					
		Devices-State					
4L8	870-617	Pipeline Safety-State	\$	187,621	\$	187,621	18539
4S6	870-618	Hazardous Material	\$	464,325	\$	464,325	18540
		Registration					
4S6	870-621	Hazardous Materials	\$	373,346	\$	373,346	18541
		Base State					
		Registration					
4U8	870-620	Civil Forfeitures	\$	284,986	\$	284,986	18542
5BP	870-623	Wireless 9-1-1	\$	26,875,000	\$	13,375,000	18543
		Administration					
<u>5Q5</u>	<u>870-626</u>	<u>Telecommunication</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>5,000,000</u>	18544
		<u>Relay Service</u>					
559	870-605	Public Utilities	\$	4,000	\$	4,000	18545
		Territorial					
		Administration					
560	870-607	Public Utilities	\$	100,000	\$	100,000	18546
		Investigations					
561	870-606	Power Siting Board	\$	404,651	\$	404,652	18547
638	870-611	Biomass Energy Program	\$	40,000	\$	40,000	18548
661	870-612	Hazardous Materials	\$	900,000	\$	900,000	18549
		Transportation					
TOTAL SSR		State Special Revenue					18550
Fund Group			\$	30,983,686	\$	17,483,687	18551
						<u>22,483,687</u>	18552
Agency Fund Group							18553

4G4	870-616	Base State	\$	2,000,000	\$	0	18554
		Registration Program					
TOTAL AGY	Agency Fund Group		\$	2,000,000	\$	0	18555
TOTAL ALL BUDGET FUND GROUPS			\$	78,632,617	\$	64,468,698	18556
						<u>69,468,698</u>	18557
		COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS PROJECT					18558
		The fund created by section 4923.26 of the Revised Code is					18559
		the same fund, with a new name, as the Commercial Vehicle					18560
		Information Systems and Networks Fund (Fund 3V3).					18561
		ENHANCED AND WIRELESS ENHANCED 9-1-1					18562
		The foregoing appropriation item 870-623, Wireless 9-1-1					18563
		Administration, shall be used pursuant to section 4931.63 of the					18564
		Revised Code.					18565
		TELECOMMUNICATIONS RELAY SERVICE FUNDING					18566
		The Telecommunications Relay Service Fund is hereby created					18567
		in the state treasury. The vendor selected to provide					18568
		telecommunications relay service in Ohio, as required by 47 C.F.R.					18569
		64.601, shall submit an invoice to the Public Utilities Commission					18570
		by January 31, 2009, for costs it has incurred in providing the					18571
		service during calendar year 2008. The Public Utilities Commission					18572
		shall notify the Director of Budget and Management of the amount					18573
		invoiced, and the Director of Budget and Management shall transfer					18574
		that amount from the Public Utilities Fund (Fund 5F6) to the					18575
		Telecommunications Relay Service Fund on or before February 28,					18576
		2009. The amount transferred shall be used to pay the					18577
		telecommunications relay service vendor the amount invoiced. This					18578
		amount is hereby appropriated.					18579
		Sec. 375.10. BOR BOARD OF REGENTS					18580
		General Revenue Fund					18581
GRF 235-321	Operating Expenses		\$	3,141,351	\$	3,141,351	18582

GRF 235-401	Lease Rental Payments	\$ 203,177,900	\$ 136,017,500	18583
GRF 235-402	Sea Grants	\$ 300,000	\$ 300,000	18584
GRF 235-406	Articulation and Transfer	\$ 2,900,000	\$ 2,900,000	18585
GRF 235-408	Midwest Higher Education Compact	\$ 95,000	\$ 95,000	18586
GRF 235-409	Information System	\$ 1,175,172	\$ 1,175,172	18587
GRF 235-414	State Grants and Scholarship Administration	\$ 1,707,881	\$ 1,707,881	18588
GRF 235-415	Jobs Challenge	\$ 9,348,300	\$ 9,348,300	18589
GRF 235-417	Ohio Learning Network	\$ 3,119,496	\$ 3,119,496	18590
GRF 235-418	Access Challenge	\$ 66,585,769	\$ 66,585,769	18591
GRF 235-420	Success Challenge	\$ 53,653,973	\$ 53,653,973	18592
GRF 235-428	Appalachian New Economy Partnership	\$ 1,176,068	\$ 1,176,068	18593
GRF 235-433	Economic Growth Challenge	\$ 17,186,194	\$ 17,186,194	18594
GRF 235-434	College Readiness and Access	\$ 12,655,425	\$ 12,655,425	18595
GRF 235-435	Teacher Improvement Initiatives	\$ 4,797,506	\$ 11,297,506	18596
GRF 235-436	AccelerateOhio	\$ 1,250,000	\$ 2,500,000	18597
GRF 235-438	Choose Ohio First Scholarship	\$ 50,000,000	\$ 50,000,000	18598
GRF 235-439	Ohio Research Scholars	\$ 30,000,000	\$ 0	18599
GRF 235-451	Eminent Scholars	\$ 0	\$ 1,000,000	18600
GRF 235-455	EnterpriseOhio Network	\$ 1,373,941	\$ 1,373,941	18601
GRF 235-474	Area Health Education Centers Program Support	\$ 1,571,756	\$ 1,571,756	18602
GRF 235-501	State Share of Instruction	\$ 1,678,877,952	\$ 1,842,965,747	18603

GRF 235-502	Student Support Services	\$	795,790	\$	795,790	18604
GRF 235-503	Ohio Instructional Grants	\$	42,533,966	\$	18,315,568	18605
GRF 235-504	War Orphans Scholarships	\$	4,812,321	\$	4,812,321	18606
GRF 235-507	OhioLINK	\$	7,387,824	\$	7,387,824	18607
GRF 235-508	Air Force Institute of Technology	\$	2,050,345	\$	2,050,345	18608
GRF 235-510	Ohio Supercomputer Center	\$	4,271,195	\$	4,271,195	18609
GRF 235-511	Cooperative Extension Service	\$	26,273,260	\$	26,273,260	18610
GRF 235-513	Ohio University Voinovich Center	\$	669,082	\$	669,082	18611
GRF 235-514	Central State Supplement	\$	11,756,414	\$	12,109,106	18612
GRF 235-515	Case Western Reserve University School of Medicine	\$	3,011,271	\$	3,011,271	18613
GRF 235-518	Capitol Scholarship Program	\$	125,000	\$	125,000	18614
GRF 235-519	Family Practice	\$	4,548,470	\$	4,548,470	18615
GRF 235-520	Shawnee State Supplement	\$	2,502,323	\$	2,577,393	18616
GRF 235-521	The Ohio State University John Glenn School of Public Affairs	\$	619,082	\$	619,082	18617
GRF 235-524	Police and Fire Protection	\$	171,959	\$	171,959	18618
GRF 235-525	Geriatric Medicine	\$	750,110	\$	750,110	18619
GRF 235-526	Primary Care	\$	2,245,688	\$	2,245,688	18620

	Residencies				
GRF 235-527	Ohio Aerospace Institute	\$	1,764,957	\$	1,764,957 18621
GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000 18622
GRF 235-531	Student Choice Grants	\$	38,485,376	\$	38,485,376 18623
GRF 235-535	Ohio Agricultural Research and Development Center	\$	37,174,292	\$	37,174,292 18624
GRF 235-536	The Ohio State University Clinical Teaching	\$	13,565,885	\$	13,565,885 18625
GRF 235-537	University of Cincinnati Clinical Teaching	\$	11,157,756	\$	11,157,756 18626
GRF 235-538	University of Toledo Clinical Teaching	\$	8,696,866	\$	8,696,866 18627
GRF 235-539	Wright State University Clinical Teaching	\$	4,225,107	\$	4,225,107 18628
GRF 235-540	Ohio University Clinical Teaching	\$	4,084,540	\$	4,084,540 18629
GRF 235-541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	4,200,945	\$	4,200,945 18630
GRF 235-543	Ohio College of Podiatric Medicine Clinic Subsidy	\$	100,000	\$	100,000 18631
GRF 235-547	School of International Business	\$	450,000	\$	650,000 18632
GRF 235-552	Capital Component	\$	19,306,442 <u>19,789,868</u>	\$	19,306,442 <u>19,789,868</u> 18633
GRF 235-553	Dayton Area Graduate	\$	2,931,599	\$	2,931,599 18634

	Studies Institute				
GRF 235-554	Priorities in Collaborative Graduate Education	\$	2,355,548	\$	2,355,548 18635
GRF 235-555	Library Depositories	\$	1,696,458	\$	1,696,458 18636
GRF 235-556	Ohio Academic Resources Network	\$	3,727,223	\$	3,727,223 18637
GRF 235-558	Long-term Care Research	\$	461,047	\$	461,047 18638
GRF 235-561	Bowling Green State University Canadian Studies Center	\$	100,015	\$	100,015 18639
GRF 235-563	Ohio College Opportunity Grant	\$	139,974,954	\$	151,113,781 18640
GRF 235-567	Central State University Speed to Scale	\$	4,400,000	\$	3,800,000 18641
GRF 235-571	James A. Rhodes Scholarship	\$	10,000,000	\$	0 18642
GRF 235-572	The Ohio State University Clinic Support	\$	1,277,019	\$	1,277,019 18643
GRF 235-573	Ohio Humanities Council	\$	25,000	\$	25,000 18644
GRF 235-583	Urban University Program	\$	5,825,937	\$	5,825,937 18645
GRF 235-587	Rural University Projects	\$	1,159,889	\$	1,159,889 18646
GRF 235-596	Hazardous Materials Program	\$	360,435	\$	360,435 18647
GRF 235-599	National Guard Scholarship Program	\$	16,611,063	\$	16,611,063 18648
GRF 235-909	Higher Education	\$	172,722,400	\$	208,747,200 18649

General Obligation					
Debt Service					
TOTAL GRF General Revenue Fund	\$	2,773,258,537	\$	2,861,908,923	18650
		<u>2,773,741,963</u>		<u>2,862,392,349</u>	
General Services Fund Group				18651	
220 235-614 Program Approval and	\$	800,000	\$	800,000	18652
Reauthorization					
456 235-603 Sales and Services	\$	700,000	\$	700,000	18653
TOTAL GSF General Services					18654
Fund Group	\$	1,500,000	\$	1,500,000	18655
Federal Special Revenue Fund Group				18656	
3BG 235-626 Star Schools	\$	2,980,865	\$	2,990,746	18657
3H2 235-608 Human Services Project	\$	3,000,000	\$	3,000,000	18658
3H2 235-622 Medical Collaboration	\$	3,346,144	\$	3,346,144	18659
Network					
3N6 235-605 State Student	\$	2,196,680	\$	2,196,680	18660
Incentive Grants					
3T0 235-610 National Health	\$	250,000	\$	250,000	18661
Service Corps - Ohio					
Loan Repayment					
312 235-609 Tech Prep	\$	183,850	\$	183,850	18662
312 235-611 Gear-up Grant	\$	3,300,000	\$	3,300,000	18663
312 235-612 Carl D. Perkins	\$	112,960	\$	112,960	18664
Grant/Plan					
Administration					
312 235-617 Improving Teacher	\$	3,200,000	\$	3,200,000	18665
Quality Grant					
312 235-621 Science Education	\$	1,686,970	\$	1,686,970	18666
Network					
TOTAL FED Federal Special Revenue					18667
Fund Group	\$	20,257,469	\$	20,267,350	18668
State Special Revenue Fund Group				18669	

4E8	235-602	Higher Educational Facility Commission Administration	\$	50,000	\$	45,000	18670
4P4	235-604	Physician Loan Repayment	\$	476,870	\$	476,870 0	18671
649	235-607	The Ohio State University Highway/Transportation Research	\$	760,000	\$	760,000	18672
682	235-606	Nursing Loan Program	\$	893,000	\$	893,000	18673
5DT	235-627	American Diploma Project	\$	250,000	\$	0	18674
TOTAL SSR State Special Revenue							18675
Fund Group			\$	2,429,870	\$	2,174,870 <u>1,698,000</u>	18676
TOTAL ALL BUDGET FUND GROUPS			\$	2,797,445,876 <u>2,797,929,302</u>	\$	2,885,851,143 <u>2,885,857,699</u>	18677
Sec. 405.10. TAX DEPARTMENT OF TAXATION							18679
General Revenue Fund							18680
GRF	110-321	Operating Expenses	\$	92,040,062	\$	92,440,062	18681
GRF	110-404	Tobacco Settlement Enforcement	\$	0	\$	328,034	18682
GRF	110-412	Child Support Administration	\$	71,680	\$	71,680	18683
GRF	110-901	Property Tax Allocation - Taxation	\$	446,953,165	\$	478,613,618	18684
GRF	110-906	Tangible Tax Exemption - Taxation	\$	9,177,962	\$	4,588,981	18685
TOTAL GRF General Revenue Fund							18686
General Services Fund Group							18687
433	110-602	Tape File Account	\$	125,000	\$	140,000	18688

5BQ	110-629	Commercial Activity Tax Administration	\$	6,000,000	\$	6,000,000	18689
5W4	110-625	Centralized Tax Filing and Payment	\$	400,000	\$	200,000	18690
5W7	110-627	Exempt Facility Administration	\$	100,000	\$	150,000	18691
5CZ	110-631	Vendor's License Application	\$	1,000,000	\$	1,000,000	18692
TOTAL GSF General Services							18693
Fund Group			\$	7,625,000	\$	7,490,000	18694
State Special Revenue Fund Group							18695
4C6	110-616	International Registration Plan	\$	706,855	\$	706,855	18696
4R6	110-610	Tire Tax Administration	\$	125,000	\$	150,000	18697
435	110-607	Local Tax Administration	\$	17,250,000	\$	17,250,000	18698
436	110-608	Motor Vehicle Audit	\$	1,200,000	\$	1,200,000	18699
437	110-606	Litter Tax and Natural Resource Tax Administration	\$	675,000	\$	800,000	18700
438	110-609	School District Income Tax	\$	3,600,000	\$	3,600,000	18701
<u>5AP0</u>	<u>110632</u>	<u>Discovery Project</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>2,000,000</u>	18702
5N5	110-605	Municipal Income Tax Administration	\$	500,000	\$	500,000	18703
5N6	110-618	Kilowatt Hour Tax Administration	\$	125,000	\$	175,000	18704
5V7	110-622	Motor Fuel Tax Administration	\$	4,700,000	\$	5,000,000	18705
5V8	110-623	Property Tax Administration	\$	13,500,000	\$	13,500,000	18706
639	110-614	Cigarette Tax	\$	100,000	\$	100,000	18707

	Enforcement			
642	110-613	Ohio Political Party	\$ 600,000	\$ 600,000 18708
	Distributions			
688	110-615	Local Excise Tax	\$ 210,000	\$ 180,000 18709
	Administration			
TOTAL SSR State Special Revenue				18710
Fund Group			\$ 43,291,855	\$ 43,761,855 18711
				<u>45,761,855</u> 18712
Agency Fund Group				18713
095	110-995	Municipal Income Tax	\$ 21,000,000	\$ 21,000,000 18714
425	110-635	Tax Refunds	\$ 1,565,900,000	\$ 1,546,800,000 18715
TOTAL AGY Agency Fund Group				\$ 1,586,900,000 \$ 1,567,800,000 18716
Holding Account Redistribution Fund Group				18717
R10	110-611	Tax Distributions	\$ 50,000	\$ 50,000 18718
R11	110-612	Miscellaneous Income	\$ 50,000	\$ 50,000 18719
	Tax Receipts			
TOTAL 090 Holding Account				18720
Redistribution Fund Group			\$ 100,000	\$ 100,000 18721
TOTAL ALL BUDGET FUND GROUPS				\$ 2,186,159,724 \$ 2,195,194,230 18722
				<u>2,197,194,230</u> 18723
HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX				18724
EXEMPTION				18725
The foregoing appropriation item 110-901, Property Tax				18726
Allocation - Taxation, is hereby appropriated to pay for the				18727
state's costs incurred because of the Homestead Exemption, the				18728
Manufactured Home Property Tax Rollback, and the Property Tax				18729
Rollback. The Tax Commissioner shall distribute these funds				18730
directly to the appropriate local taxing districts, except for				18731
school districts, notwithstanding the provisions in sections				18732
321.24 and 323.156 of the Revised Code, which provide for payment				18733
of the Homestead Exemption, the Manufactured Home Property Tax				18734
Rollback, and Property Tax Rollback by the Tax Commissioner to the				18735

appropriate county treasurer and the subsequent redistribution of 18736
these funds to the appropriate local taxing districts by the 18737
county auditor. 18738

The foregoing appropriation item 110-906, Tangible Tax 18739
Exemption - Taxation, is hereby appropriated to pay for the 18740
state's costs incurred because of the tangible personal property 18741
tax exemption required by division (C)(3) of section 5709.01 of 18742
the Revised Code. The Tax Commissioner shall distribute to each 18743
county treasurer the total amount appearing in the notification 18744
from the county treasurer under division (G) of section 321.24 of 18745
the Revised Code for all local taxing districts located in the 18746
county except for school districts, notwithstanding the provision 18747
in section 321.24 of the Revised Code which provides for payment 18748
of the \$10,000 tangible personal property tax exemption by the Tax 18749
Commissioner to the appropriate county treasurer for all local 18750
taxing districts located in the county including school districts. 18751
The county auditor shall distribute the amount paid by the Tax 18752
Commissioner among the appropriate local taxing districts except 18753
for school districts under division (G) of section 321.24 of the 18754
Revised Code. 18755

Upon receipt of these amounts, each local taxing district 18756
shall distribute the amount among the proper funds as if it had 18757
been paid as real or tangible personal property taxes. Payments 18758
for the costs of administration shall continue to be paid to the 18759
county treasurer and county auditor as provided for in sections 18760
319.54, 321.26, and 323.156 of the Revised Code. 18761

Any sums, in addition to the amounts specifically 18762
appropriated in appropriation items 110-901, Property Tax 18763
Allocation - Taxation, for the Homestead Exemption, the 18764
Manufactured Home Property Tax Rollback, and the Property Tax 18765
Rollback payments, and 110-906, Tangible Tax Exemption - Taxation, 18766
for the \$10,000 tangible personal property tax exemption payments, 18767

which are determined to be necessary for these purposes, are 18768
hereby appropriated. 18769

TAX DEPARTMENT DISCOVERY PROJECT 18770

On July 1, 2008, or as soon thereafter as possible, the 18771
Director of Budget and Management shall transfer \$2,000,000 in 18772
cash from the General Revenue Fund to appropriation item 110632, 18773
Discovery Project (Fund 5APO), to acquire the necessary hardware, 18774
software, and services to establish and implement a tax discovery 18775
data system and for expenses incurred by the Department of 18776
Taxation to administer the system. The amount transferred is 18777
hereby appropriated in appropriation item 110632, Discovery 18778
Project, for fiscal year 2009. 18779

If, at any time during fiscal year 2009, the Tax Commissioner 18780
determines that additional cash transfers are necessary in 18781
appropriation item 110632, Discovery Project, to pay the actual 18782
costs of the tax discovery data system and other expenses the 18783
Department incurs attributable to the system in fiscal year 2009, 18784
the Tax Commissioner may request that the Director of Budget and 18785
Management increase such amounts. Such amounts are hereby 18786
appropriated, with the approval of the Director of Budget and 18787
Management. 18788

MUNICIPAL INCOME TAX 18789

The foregoing appropriation item 110-995, Municipal Income 18790
Tax, shall be used to make payments to municipal corporations 18791
under section 5745.05 of the Revised Code. If it is determined 18792
that additional appropriations are necessary to make these 18793
payments, such amounts are hereby appropriated. 18794

TAX REFUNDS 18795

The foregoing appropriation item 110-635, Tax Refunds, shall 18796
be used to pay refunds under section 5703.052 of the Revised Code. 18797
If it is determined that additional appropriations are necessary 18798

for this purpose, such amounts are hereby appropriated.	18799
INTERNATIONAL REGISTRATION PLAN AUDIT	18800
The foregoing appropriation item 110-616, International	18801
Registration Plan, shall be used under section 5703.12 of the	18802
Revised Code for audits of persons with vehicles registered under	18803
the International Registration Plan.	18804
TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	18805
Of the foregoing appropriation item 110-607, Local Tax	18806
Administration, the Tax Commissioner may disburse funds, if	18807
available, for the purposes of paying travel expenses incurred by	18808
members of Ohio's delegation to the Streamlined Sales Tax Project,	18809
as appointed under section 5740.02 of the Revised Code. Any travel	18810
expense reimbursement paid for by the Department of Taxation shall	18811
be done in accordance with applicable state laws and guidelines.	18812
LITTER CONTROL TAX ADMINISTRATION FUND	18813
Notwithstanding section 5733.12 of the Revised Code, during	18814
the period from July 1, 2007, to June 30, 2008, the amount of	18815
\$675,000, and during the period from July 1, 2008, to June 30,	18816
2009, the amount of \$800,000, received by the Tax Commissioner	18817
under Chapter 5733. of the Revised Code, shall be credited to the	18818
Litter Control Tax Administration Fund (Fund 437).	18819
CENTRALIZED TAX FILING AND PAYMENT FUND	18820
The Director of Budget and Management, under a plan submitted	18821
by the Tax Commissioner, or as otherwise determined by the	18822
Director of Budget and Management, shall set a schedule to	18823
transfer cash from the General Revenue Fund to the credit of the	18824
Centralized Tax Filing and Payment Fund (Fund 5W4). The transfers	18825
of cash shall not exceed \$600,000 in the biennium.	18826
COMMERCIAL ACTIVITY TAX ADMINISTRATION FUND	18827
The foregoing appropriation item 110-629, Commercial Activity	18828

Tax Administration Fund (Fund 5BQ), shall be used to pay expenses 18829
incurred by the Department of Taxation to implement and administer 18830
the Commercial Activity Tax under Chapter 5751. of the Revised 18831
Code. 18832

Notwithstanding section 3734.9010, division (B)(2)(c) of 18833
section 4505.09, division (B) of section 5703.12, section 5703.80, 18834
division (C)(6) of section 5727.81, sections 5733.122 and 18835
5735.053, division (C) of section 5739.21, section 5745.03, 18836
section 5743.024, section 5743.15, division (C) of section 18837
5747.03, and section 5747.113 of the Revised Code or any other 18838
provisions to the contrary, any residual cash balances determined 18839
and certified by the Tax Commissioner to the Director of Budget 18840
and Management shall be transferred on July 1, 2007, or as soon as 18841
possible thereafter, to the Commercial Activities Tax 18842
Administration Fund (Fund 5BQ). 18843

TOBACCO SETTLEMENT ENFORCEMENT 18844

The foregoing appropriation item 110-404, Tobacco Settlement 18845
Enforcement, shall be used by the Tax Commissioner to pay costs 18846
incurred in the enforcement of divisions (F) and (G) of section 18847
5743.03 of the Revised Code. 18848

Sec. 407.10. DOT DEPARTMENT OF TRANSPORTATION 18849

Transportation Modes 18850

General Revenue Fund 18851

GRF 775-451 Public Transportation \$ 16,700,000 \$ 17,000,000 18852
- State

GRF 776-465 Ohio Rail Development \$ 3,700,000 \$ 3,700,000 18853
Commission

GRF 776-466 Railroad \$ 789,600 \$ 789,600 18854
Crossing/Grade
Separation

GRF 777-471 Airport Improvements	\$	3,293,985	\$	1,794,003	18855
- State					
TOTAL GRF General Revenue Fund	\$	24,483,585	\$	23,283,603	18856
TOTAL ALL BUDGET FUND GROUPS	\$	24,483,585	\$	23,283,603	18857

~~PUBLIC TRANSPORTATION STATE~~ 18858

~~Of the foregoing GRF appropriation item 775-451, Public Transportation State, \$200,000 in fiscal year 2008 shall be used for the Cleveland Metropolitan Park District West Creek Project.~~ 18859
18860
18861

TRANSPORTATION STUDY 18862

Of the foregoing appropriation item 775-451, Public Transportation-State, \$50,000 in fiscal year 2008 shall be used for a Franklin County school transportation study to determine the feasibility of a countywide pupil transportation system. 18863
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~~AIRPORT IMPROVEMENTS~~ 18867

~~Of the foregoing appropriation item 777-471, Airport Improvements State, \$1,500,000 in fiscal year 2008 shall be used for air travel and support and economic development of statewide airports. The Directors of Development and Transportation may enter into one or more interagency agreements between their two departments as necessary to implement a statewide strategy to enhance Ohio's airports as centers of regional economic development.~~ 18868
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Sec. 512.03. TRANSFERS TO THE GENERAL REVENUE FUND FROM NON-GRF FUNDS 18876
18877

Notwithstanding any other provision of law to the contrary, during fiscal years 2008 and 2009, the Director of Budget and Management is hereby authorized to transfer cash from non-General Revenue Fund funds that are not constitutionally restricted to the General Revenue Fund. The total amount of cash transfers made pursuant to this section to the General Revenue Fund during fiscal 18878
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18880
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18883

years 2008 and 2009 shall not exceed ~~\$70,000,000~~ \$120,000,000. 18884

Sec. 512.35. DIESEL EMISSIONS REDUCTION AND TRANSIT CAPITAL 18885
GRANT PROGRAMS 18886

~~On the first day of July of each fiscal year or as soon as 18887~~
~~possible thereafter, the Director of Budget and Management shall 18888~~
~~(1) transfer \$9,817,105 in cash in fiscal year 2008 and 18889~~
~~\$10,057,814 in cash in fiscal year 2009 from the Highway Operating 18890~~
~~Fund (Fund 002) to the Diesel Emissions Grant Fund established in 18891~~
~~section 122.861 of the Revised Code and (2) transfer \$5,000,000 in 18892~~
~~each fiscal year from the Highway Operating Fund to the Transit 18893~~
~~Capital Fund (Fund 5E7). The amounts transferred are hereby 18894~~
~~appropriated. 18895~~

~~The transfer to the Diesel Emissions Grant Fund shall be used 18896~~
~~for the administration and oversight of the Diesel Emissions 18897~~
~~Reduction Grant Program within the Department of Development. In 18898~~
~~There is hereby established in the Highway Operating Fund (Fund 18899~~
~~7002) in the Department of Transportation a Diesel Emissions 18900~~
~~Reduction Grant Program. The Department of Development shall 18901~~
~~administer the program and shall solicit, evaluate, score, and 18902~~
~~select projects submitted by public and private entities that are 18903~~
~~eligible for the federal Congestion Mitigation and Air Quality 18904~~
~~(CMAQ) Program. The Department of Transportation shall process 18905~~
~~Federal Highway Administration-approved projects as recommended by 18906~~
~~the Department of Development. 18907~~

In addition to the allowable expenditures set forth in 18908
section 122.861 of the Revised Code, Diesel Emissions Reduction 18909
Grant Program funds also may be used to fund projects involving 18910
the purchase or use of hybrid and alternative fuel vehicles that 18911
are allowed under guidance developed by the Federal Highway 18912
Administration for the ~~Congestion Mitigation and Air Quality~~ 18913
~~(CMAQ)~~ CMAQ Program. The Director of Development, in consultation 18914

with the Director of Environmental Protection, shall develop 18915
guidance for distribution of the funds from the Diesel Emissions 18916
Grant Fund. The guidance shall include a method for prioritization 18917
of projects, acceptable technologies, and procedures for awarding 18918
grants and loans. 18919

~~The transfer to the Transit Capital Fund (Fund 5E7) shall be 18920
used to supplement the capital portion of the Ohio Public 18921
Transportation Grant Program within the Department of 18922
Transportation. 18923~~

These Public entities eligible to receive funds under section 18924
122.861 of the Revised Code and CMAQ shall be reimbursed from the 18925
Department of Transportation's Diesel Emissions Reduction Grant 18926
Program. 18927

Private entities eligible to receive funds under section 18928
122.861 of the Revised Code and CMAQ shall be reimbursed through 18929
transfers of cash from the Department of Transportation's Diesel 18930
Emissions Reduction Grant Program to the Department of 18931
Development's Diesel Emissions Reduction Grant Fund (Fund 3BD0) 18932
established in section 122.861 of the Revised Code. 18933

Appropriation item 195-697, Diesel Emissions Reduction 18934
Grants, is hereby established with an appropriation of \$9,817,105 18935
in fiscal year 2008 and \$10,057,814 in fiscal year 2009. Total 18936
expenditures between both the Departments of Development and 18937
Transportation shall not exceed the appropriated amounts stated in 18938
this section. 18939

On or before June 30, 2008, any unencumbered balance of the 18940
foregoing appropriation item 195-697, Diesel Emissions Reduction 18941
Grants, for fiscal year 2008, less amounts encumbered by the 18942
Department of Transportation for reimbursement of public entities 18943
for fiscal year 2008, is hereby appropriated for the same purposes 18944
for fiscal year 2009. 18945

Up to \$5,000,000 in the Highway Operating Fund (Fund 7002) 18946
shall be used each fiscal year for the Transit Capital Program in 18947
conjunction with funding provided in the Department of 18948
Transportation's budget under the Ohio Public Transportation Grant 18949
Program. 18950

On or before June 30, 2008, any unencumbered balance of the 18951
Transit Capital Program in fiscal year 2008 is hereby appropriated 18952
for the same purposes in fiscal year 2009. 18953

Any cash transfers or allocations under this section 18954
represent CMAQ program moneys within the Department of 18955
Transportation for use by the Diesel Emissions Reduction Grant 18956
Program by the Department of Development and for use by the Ohio 18957
Public Transportation Grant Program by the Ohio Department of 18958
Transportation. These allocations shall not reduce the amount of 18959
such moneys designated for metropolitan planning organizations. 18960

The Director of Development, in consultation with the 18961
Directors of Environmental Protection and Transportation, shall 18962
develop guidance for the administration of the Diesel Emissions 18963
Reduction Grant Program. The guidance shall include a method for 18964
prioritization of projects, acceptable technologies, and 18965
procedures for awarding grants. 18966

Sec. 518.03. BUDGET ADJUSTMENTS TO REFLECT TOBACCO 18967
SECURITIZATION 18968

(A) Notwithstanding any other provision of law to the 18969
contrary, the Director of Budget and Management, periodically on 18970
any date following the issuance of the tobacco obligations 18971
authorized in section 183.51 of the Revised Code and through June 18972
30, 2009, shall: 18973

(1) Determine the amount of appropriation items 235-909, 18974
Higher Education General Obligation Debt Service, and 230-908, 18975

Common Schools General Obligation Debt Service, that are in excess 18976
of the amounts needed to pay all debt service and financing costs 18977
on those obligations payable from each of those items and transfer 18978
all or any portion of that excess appropriation to appropriation 18979
item 200-901, Property Tax Allocation-Education, or 110-901, 18980
Property Tax Allocation-Taxation, or both together as needed for 18981
the purposes of making the state's property tax relief payments to 18982
school districts and counties. 18983

(2) Determine the amount by which interest earnings credited 18984
to Fund 034, Higher Education Improvement Fund, and Fund 032, 18985
School Building Program Assistance Fund, from the investment of 18986
the net proceeds of those tobacco obligations exceed the amount 18987
needed to satisfy appropriations from those funds, transfer all or 18988
part of that excess cash balance to the General Revenue Fund, and 18989
increase appropriation item 200-901, Property Tax 18990
Allocation-Education, or 110-901, Property Tax 18991
Allocation-Taxation, or both together, by up to the amount of cash 18992
so transferred to the General Revenue Fund. 18993

(3) Determine the amount of capital appropriations in 18994
CAP-770, School Building Assistance Program, and transfers of cash 18995
to Fund 5E3, School Facilities Commission, that are necessary to 18996
fully expend the amount of net proceeds deposited into Fund 032, 18997
School Building Program Assistance Fund, from the issuance of 18998
those tobacco obligations, and increase the appropriations for 18999
CAP-770 and appropriation item 230-644, Operating Expenses-School 19000
Facilities Commission, by the necessary amounts. 19001

(4) Determine the amount of additional capital 19002
appropriations, if any necessary to fully expend the amount of net 19003
proceeds deposited from the issuance of those tobacco obligations 19004
into Fund 034, Higher Education Improvement Fund. 19005

(5) Reduce by up to \$800,000,000 the amount of authorization 19006
to issue and sell general obligations to pay the costs of capital 19007

facilities for a system of common schools throughout the state 19008
granted to the Ohio Public Facilities Commission by prior acts of 19009
the General Assembly. This reduction reflects the utilization of 19010
the net proceeds of those tobacco obligations in place of general 19011
obligation bond proceeds to support capital appropriations payable 19012
from Fund 032, School Building Assistance Fund. 19013

(6) Reduce by up to \$950,000,000 the amount of authorization 19014
to issue and sell general obligations to pay the costs of capital 19015
facilities for state-supported and state-assisted institutions of 19016
higher education granted to the Ohio Public Facilities Commission 19017
by prior acts of the General Assembly. This reduction reflects the 19018
utilization of the net proceeds of those tobacco obligations in 19019
place of general obligation bond proceeds to support capital 19020
appropriations payable from Fund 034, Higher Education Improvement 19021
Fund. 19022

(B) Before Except for transfers to the General Revenue Fund 19023
in accordance with division (A)(2) of this section, before the 19024
Office of Budget and Management transfers or increases or 19025
decreases any appropriations or authorizations described in 19026
division (A) of this section, the Office of Budget and Management 19027
shall seek Controlling Board approval. 19028

Section 610.41. That existing Sections 207.20.50, 207.20.70, 19029
207.30.10, 207.30.20, 207.30.30, 235.10, 261.10, 263.30.10, 19030
269.30.70, 269.40.50, 269.50.30, 275.10, 293.10, 299.10, 309.10, 19031
309.30.13, 309.30.30, 309.30.41, 309.30.42, 309.40.33, 337.30.43, 19032
337.40.15, 369.10, 375.10, 405.10, 407.10, 512.03, 512.35, and 19033
518.03 of Am. Sub. H.B. 119 of the 127th General Assembly are 19034
hereby repealed. 19035

Section 610.50. That Sections 101.10, 201.50, 301.20.20, 19036
301.20.80, 401.11, and 401.71 of H.B. 496 of the 127th General 19037

Assembly be amended to read as follows: 19038

Sec. 101.10. All items set forth in this section are hereby 19039
appropriated out of any moneys in the General Revenue Fund (GRF) 19040
that are not otherwise appropriated: 19041

Reappropriations

DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 19042

C10002	Rural Areas Community Improvements	\$	20,000	19043
C10008	Urban Areas Community Improvements	\$	868,900	19044
	Total Department of Administrative Services	\$	888,900	19045
	TOTAL GRF General Revenue Fund	\$	888,900	19046

RURAL AREAS COMMUNITY IMPROVEMENTS 19047

The foregoing appropriation item C10002, Rural Areas 19048
Community Improvements, shall be granted for the Red Mill Creek 19049
Water Retention Basin. 19050

URBAN AREAS COMMUNITY IMPROVEMENTS 19051

From the foregoing appropriation item C10008, Urban Areas 19052
Community Improvements, grants shall be made for the following 19053
projects: \$50,000 for the Brown Senior Center Renovations; 19054
\$100,000 for Project AHEAD Facility Improvements; \$75,000 for the 19055
J. Frank-Troy Senior Citizens Center; \$23,900 for the Canton 19056
Jewish Women's Center; ~~\$450,000 for the Gateway Social Services~~ 19057
~~Building;~~ \$200,000 for Pro Football Hall of Fame festival facility 19058
improvements; \$100,000 for the Children's Network of Stark County; 19059
\$75,000 for the Community Treatment and Correction Center, Inc.; 19060
\$75,000 for Trillium Family Solutions; \$50,000 for the Loew Field 19061
Improvements; \$20,000 for the Harvard Community Services Center 19062
Renovation & Expansion; \$20,000 for the Collinwood Community 19063
Service Center Repair & Renovation; and \$80,000 for Bowman Park - 19064
City of Toledo. 19065

Sec. 201.50. All items set forth in this section are hereby 19066
appropriated out of any moneys in the state treasury to the credit 19067
of the School Building Program Assistance Fund (Fund 7032) that 19068
are not otherwise appropriated: 19069

Reappropriations

SFC SCHOOL FACILITIES COMMISSION 19070

C23002	School Building Program Assistance	\$ 3,572,253,121	19071
C23005	Exceptional Needs	\$ 28,504,951	19072
C23010	Vocation Facilities Assistance Program	\$ 11,115,616	19073
Total School Facilities Commission		\$ 3,611,873,688	19074
TOTAL School Building Program Assistance Fund		\$ 3,611,873,688	19075

CONSTRUCTION OF NEW BLIND AND DEAF SCHOOLS 19076

Of the foregoing appropriation item C23002, School Building 19077
Program Assistance, \$37,080,000 shall be used for constructing new 19078
facilities, or renovating existing facilities, or both, on the 19079
current campuses of the Ohio State School for the Blind and the 19080
Ohio School for the Deaf. Notwithstanding sections 123.01 and 19081
123.15 of the Revised Code and in addition to its powers under 19082
Chapter 3318. of the Revised Code, the Ohio School Facilities 19083
Commission shall administer the project pursuant to the memorandum 19084
of understanding that the Ohio State School for the Blind, the 19085
Ohio School for the Deaf, and the Ohio School Facilities 19086
Commission signed on October 31, 2007. The project shall comply to 19087
the fullest extent possible with the specifications and policies 19088
set forth in the Ohio School Facilities Design Manual and shall 19089
not be considered a part of any program created under Chapter 19090
3318. of the Revised Code. As agreed to by the parties in the 19091
memorandum of understanding, \$37,080,000 is sufficient to complete 19092
the construction or renovation of the facilities needed for the 19093
education of both the deaf and blind student communities and 19094
additional appropriations will not be required. Upon issuance by 19095
the Commission of a certificate of completion of the project, the 19096

Commission's participation in the project shall end. 19097

The Executive Director of the Ohio School Facilities 19098
Commission shall comply with the procedures and guidelines 19099
established in Chapter 153. of the Revised Code. Upon the release 19100
of funds for the project by the Controlling Board or the Director 19101
of Budget and Management, the Commission may administer the 19102
project without the supervision, control, or approval of the 19103
Director of Administrative Services. Any references to the 19104
Director of Administrative Services in the Revised Code, with 19105
respect to the administration of the project, shall be read as if 19106
they referred to the Director of the Ohio School Facilities 19107
Commission. 19108

Reappropriations

Sec. 301.20.20. BGU BOWLING GREEN STATE UNIVERSITY 19109

C24000	Basic Renovations	\$	10,751,883	19110
C24001	Basic Renovations - Firelands	\$	811,360	19111
C24002	Instructional and Data Processing	\$	1,200,186	19112
	Equipment			
C24004	ADA Modifications	\$	19,544	19113
C24005	Child Care Facility	\$	49,406	19114
C24007	Materials Network	\$	90,981	19115
C24008	Video Link	\$	10,644	19116
C24013	Hannah Hall Rehabilitation	\$	2,005,522	19117
C24014	Biology Lab Renovation	\$	12,533,708	19118
C24015	Campus-Wide Paving/Sidewalk Upgrade	\$	4,899	19119
C24016	Student Learning	\$	13,149	19120
C24017	Video Teaching Network	\$	5,436	19121
C24019	Kinetic Spectrometry Consortium	\$	77,671	19122
C24020	Admissions Visitor Center	\$	3,000,000	19123
C24021	Theatre/Performing Arts Complex	\$	8,750,000	19124
C24022	University Hall Rehabilitation	\$	1,174,981	19125

C24025	Administration Building Fire Alarm System	\$	83,986	19126
C24026	Campus-Wide Carpet Upgrade	\$	329,700	19127
C24027	Reroof East, West, and North Buildings	\$	173,999	19128
C24028	Instructional Laboratory - Phase 1	\$	960,000	19129
C24031	Health Center Addition	\$	9,750,000	19130
C24032	Student Services Building Replacement	\$	8,100,000	19131
C24033	BGU Aviation Improvements	\$	500,000	19132
C24034	Tunnel Upgrade-Phase II	\$	98,820	19133
C24035	Library Depository Northwest	\$	56,000	19134
<u>C24036</u>	<u>Wood County Environmental Health Project</u>	<u>\$</u>	<u>700,000</u>	19135
Total Bowling Green State University		\$	60,551,875	19136
			<u>61,251,875</u>	

Reappropriations

Sec. 301.20.80.	OSU OHIO STATE UNIVERSITY			19138
C31500	Basic Renovations	\$	34,349,496	19139
C31501	Basic Renovations - Regional Campuses	\$	6,506,516	19140
C31502	Brown Hall Annex Replacement	\$	6,213	19141
C31505	Basic Renovations - ATI	\$	129,714	19142
C31506	Supplemental Renovations - OARDC	\$	3,319,202	19143
C31507	Supplemental Renovations - Regional	\$	191,955	19144
C31508	Dreese Lab Addition	\$	5,953	19145
C31510	Bioscience/Parks Hall Addition	\$	12,584	19146
C31512	Greenhouse Modernization	\$	40,982	19147
C31515	Life Sciences Research Building	\$	218,170	19148
C31520	Food Science & Technology Building	\$	92,786	19149
C31522	Heart & Lung Institute	\$	32,437	19150
C31523	Superconducting Radiation	\$	65,094	19151
C31524	Brain Tumor Research Center	\$	6,001	19152
C31525	Engineering Center Net Shape Manufacturing	\$	20,730	19153
C31526	Membrane Protein Typology	\$	8,835	19154

C31527	Instructional and Data Processing Equipment	\$	6,014,848	19155
C31528	Fine Particle Technologies	\$	116,770	19156
C31529	Advanced Plasma Engineering	\$	22,690	19157
C31530	Plasma Ramparts	\$	1,150	19158
C31531	IN-SITU AL-BE Composites	\$	1,733	19159
C31532	Jay Cooke Residence - Roof and Windows	\$	86,668	19160
C31535	Asbestos Abatement	\$	5,325	19161
C31536	Materials Network	\$	91,983	19162
C31537	Bio-Technology Consortium	\$	42,378	19163
C31538	Analytical Electron Microscope	\$	375,000	19164
C31539	High Temp Alloys & Alluminoids	\$	220,000	19165
C31541	Supplemental Renovations - ATI	\$	33,969	19166
C31542	Maintenance, Receiving, and Storage Facility - Marion	\$	58,646	19167
C31543	McPherson Lab Rehabilitation	\$	37,243	19168
C31544	Heart and Lung Institute	\$	101,808	19169
C31546	ADA Modifications - ATI	\$	41,936	19170
C31547	ADA Modifications - Lima	\$	358	19171
C31548	ADA Modifications - Mansfield	\$	15,253	19172
C31550	Titanium Alloys	\$	54,912	19173
C31552	Advanced Manufacturing	\$	38,579	19174
C31553	Manufacturing Processes/Materials	\$	62,574	19175
C31554	Terhertz Studies	\$	35,294	19176
C31556	Marion Park/Road/Sidewalk/Lights	\$	2,750	19177
C31557	Pomerene Lighting/Wiring	\$	249,584	19178
C31558	NMR Consortium	\$	75,116	19179
C31559	Versatile Film Facility	\$	62,872	19180
C31560	OCARNET	\$	5,916	19181
C31561	Bioprocessing Research	\$	1,905	19182
C31562	Localized Corrosion Research	\$	6,128	19183
C31563	ATM Testbed	\$	3,633	19184
C31564	Physical Sciences Building	\$	79,383	19185

C31565	Morrill Hall Remodeling - Vacated Library Space - Marion	\$	923	19186
C31568	Sisson Hall Replacement	\$	5,537	19187
C31570	Machinery Acoustics	\$	3,804	19188
C31571	Sensors and Measurements	\$	15,115	19189
C31572	Polymer Magnets	\$	1,099	19190
C31574	Al Alloy Corrosion	\$	14,292	19191
C31578	Page Hall Planning	\$	7,210	19192
C31579	Botany & Zoology Building Planning	\$	209,467	19193
C31581	Robinson Laboratory Planning	\$	36,765	19194
C31582	Don Scott Field Replacement Barns	\$	1,495,619	19195
C31583	Galvin Hall 3rd Floor Renovation - Lima	\$	22,135	19196
C31584	Horticultural Operations Center - ATI	\$	1,475,400	19197
C31585	OARDC Feed Mill	\$	5,050,968	19198
C31587	Biological Sciences Cooling Tower	\$	6,930	19199
C31589	Mount Hall HVAC Modifications	\$	40,982	19200
C31591	Ohio Biomedical Consortium on Medical Therapeutic Micro Devices	\$	49,275	19201
C31592	Plant and Microbe Functional Genomics Facilities	\$	16,259	19202
C31593	Consortium for Novem Microfabrications Methods of Medical Devices in Non-Silicon Materials	\$	149,066	19203
C31594	Bone & Mineral Metabolism Research Lab	\$	5,845	19204
C31597	Animal & Plant Biology Level 3	\$	8,133,780	19205
C31598	Main Library Rehabilitation	\$	56,456,214	19206
C31599	Psychology Building	\$	57,722	19207
C315A0	Thorne Hall and Gowley Hall Renovations - Phase 3	\$	598,043	19208
C315A2	Nanosecond Infrared Measurement	\$	2,588	19209
C315A4	Millimeter/Submillimeter Instrument	\$	5,919	19210
C315A5	X-Ray Powder Diffractometer	\$	558	19211
C315A6	Deconvolution Microscope	\$	1,101	19212

C315B2	Denney Hall Renovation - Phase I	\$	18,495	19213
C315B3	Ion Mass Spectrometry	\$	6,594	19214
C315B5	Role of Molecular Interfaces	\$	17,773	19215
C315B8	New Millimeter Spectrometer	\$	24,996	19216
C315C2	1224 Kinnear Road - Bale	\$	11,105	19217
C315C3	Non-Silicon Micromachining	\$	73,991	19218
C315C4	High Performance Computing	\$	2,910	19219
C315C5	Veterinary Hospital Auditorium Renovation	\$	7,736	19220
C315D0	OARDC Boiler Replacement	\$	656,442	19221
C315D2	Supercomputer Center Expansion	\$	1,600,414	19222
C315D5	Information Literacy	\$	24,824	19223
C315D6	Online Business Major	\$	6,618	19224
C315D8	Renovation of Graves Hall	\$	68,196	19225
C315E0	OARDC Wooster Phone System Replacement	\$	467,398	19226
C315E1	Utility - North Tunnel Steamline Upgrade	\$	114,298	19227
C315E2	Dual Beam Characterization	\$	150,000	19228
C315E6	Environmental Technology Consortium	\$	11,297	19229
C315E7	Campbell, University, and Evans Hall	\$	45,877	19230
C315E8	Laboratory Animal Facility	\$	83,481	19231
C315F1	Western Branch Headquarters & Machinery Building	\$	662,850	19232
C315F2	Muck Crops Branch/Shop Building Replacement	\$	782,173	19233
C315F3	Hazardous Waste Handling/Storage Building	\$	1,103,062	19234
C315F4	Agriculture/Engineering Building Renovation & Addition	\$	200,000	19235
C315F5	Wood County Center for Agriculture OSU <u>Extension Office/Agriculture Business Enhancement Center</u>	\$	1,000,000 300,000	19236
C315F6	Community Heritage Art Gallery - Lima	\$	100,000	19237
C315F8	Nanotechnology Molecular Assembly	\$	437,296	19238

C315F9	Networking and Communication	\$	478,761	19239
C315G0	Planetary Gear	\$	125,000	19240
C315G1	X-Ray Fluorescence Spectrometer	\$	2,283	19241
C315G2	Precision Navigation	\$	85,000	19242
C315G3	Welding & Metal Working	\$	200,000	19243
C315G5	Inductively Coupled Plasma Etching	\$	126,492	19244
C315G6	Accelerated Metals	\$	1,020,331	19245
C315G7	Mathematical Biosciences Institute	\$	9,819	19246
C315G9	Mershon Auditorium HVAC System Improvements	\$	3,379	19247
C315H0	Molecular Microdevices	\$	2,066	19248
C315H1	Research Center HVAC System Improvements	\$	38,052	19249
C315H2	Infrared Absorption Measurements	\$	3,423	19250
C315H3	Dark Fiber	\$	2,532,628	19251
C315H4	Shared Data Backup System	\$	96,876	19252
C315H6	Third Frontier Network Testbed	\$	202,763	19253
C315H7	Distributed Learning Workshop	\$	2,500	19254
C315H8	Accelerated Maturation of Materials	\$	42,279	19255
C315H9	Nanoscale Polymers Manufacturing	\$	358,802	19256
C315J0	Hydrogen Production and Storage	\$	217	19257
C315J1	Ohio Organic Semiconductor	\$	226,422	19258
C315J4	Comprehensive Cancer - Chiller Replacement	\$	19,187	19259
C315J5	Kottman Hall - 103 Central Classroom	\$	20,893	19260
C315J7	Low Cost Nanocomposite Foams	\$	101,705	19261
C315J8	West Campus Chilled Water & Scott Hall	\$	20,093	19262
C315J9	McCracken Power Plant Spill Control	\$	120,251	19263
C315K0	Glacial Assessment	\$	22,764	19264
C315K2	Center for Advanced Propulsion and Power	\$	1,313,076	19265
C315K3	Parks Hall Chiller Replacement	\$	134,678	19266
C315K4	Hybrid Electric Vehicle Modeling	\$	363,452	19267
C315K5	Computational Nanotechnology	\$	500,000	19268
C315K6	Townshend Hall - Roof Replacement	\$	328,772	19269

C315K8	Veterinary Hospital Roof Replacement Phase II	\$	174,815	19270
C315K9	Hopkins Hall Phase II Priorities I, II	\$	41,756	19271
C315L0	Bioscience 6th Floor Renovation - Priority	\$	140,937	19272
C315L1	Ohio Commons For Digital Education	\$	14,594	19273
C315L2	Postle Hall Fire Alarm Replacement	\$	116,441	19274
C315L3	NonCredit Job Education & Training	\$	14,201	19275
C315L4	Campus South Dorms Renovation/Improvements	\$	3,767	19276
C315L5	Bricker Hall Roof Replacement	\$	23,608	19277
C315L8	Cooperative Control Testbed	\$	3,000	19278
C315M0	Neuroscience Center Core	\$	576	19279
C315M2	Campus Grounds-Exterior Lighting - Phase VIII	\$	31,523	19280
C315M3	930 Kinnear Road Renovations	\$	181,402	19281
C315M4	Waterman Lab & Don Scott Field	\$	23,528	19282
C315M5	Lincoln Tower Renovations - Phase I	\$	254,767	19283
C315M6	Coe Corrosion Coop	\$	56,781	19284
C315M7	OSU Cancer Program Expansion	\$	2,000,000	19285
C315M8	Smith Laboratory Rehabilitation	\$	2,799,448	19286
C315M9	Warner Library and Student Center	\$	1,618,275	19287
C315N0	Hopewell Hall Science Suite	\$	508,408	19288
C315N1	Atomic Force Microscopy	\$	180,000	19289
C315N2	Interactive Applications	\$	344,865	19290
C315N3	Platform Lab	\$	76,685	19291
C315N4	Integrated Biomass to Electricity	\$	392,680	19292
C315N8	Center for Polymer Nanomaterials	\$	9,801,899	19293
C315N9	Ohio Bioproducts Innovation Center	\$	7,765,250	19294
C315P1	Specialized Planetary Gears	\$	40,920	19295
C315P2	OSU Agricultural Building	\$	295,409	19296
C315P3	Automated AFM System	\$	618	19297
C315P4	Integrated Wireless Communication	\$	3,454	19298

C315P5	Newton Hall-Roof Replacement	\$	140,646	19299
C315P6	Chirped-Pulse Amplifier	\$	258,732	19300
C315P7	Central Classroom Building Renovation	\$	55,686	19301
C315P9	Airport Hangers 1 2 & 3 Roof Replacement	\$	485,250	19302
C315Q0	Veterinary Hospital Holding Replacement	\$	1,902,970	19303
C315Q1	Aeronautical and Astronautical Research Lab-Roof Replacement	\$	676,482	19304
C315Q2	Superconductivity Technology Center	\$	324,136	19305
C315Q3	Periodic Materials Assemblies	\$	60,239	19306
C315Q4	Biological Sciences Building Supply Fan Replacement	\$	628,573	19307
C315Q5	Biological Sciences Building-Fume Hood Repairs	\$	968,531	19308
C315Q6	Kottman Hall Fume Hood Repairs	\$	1,476,940	19309
C315Q7	Photonic Force Microscope	\$	4,887	19310
C315Q9	Brown Hall Renovation/Replacement	\$	3,500,000	19311
C315R0	Hughes Hall Renovation	\$	1,500,000	19312
C315R1	COMPH Academic Center	\$	5,000,000	19313
C315R2	Murray Hall Renovation	\$	1,000,000	19314
C315R3	New Student Life Building	\$	1,000,000	19315
C315R4	Founders/Hopewell Hall Renovation	\$	1,960,080	19316
C315R5	Agricultural and Biological Engineering Building Renovation	\$	4,000,000	19317
C315R6	Selby Hall Phytotron Facility Renovation	\$	2,000,000	19318
C315R7	Stone Laboratory Resource Facility Improvements	\$	500,000	19319
C315R8	OSU Extension Safety Improvements in Madison County	\$	94,000	19320
C315R9	Camp Clifton Improvements	\$	90,000	19321
C315S0	Delaware Speech & Hearing with OSU Medical College	\$	75,000	19322
C315S1	Kottman Hall-Windows/Masonry Renovation	\$	1,065,280	19323
C315S2	Postle Hall Partial Window Replacement	\$	630,000	19324

C315S3	Celeste Lab Fume Hood Repairs	\$	1,000,300	19325
C315S4	Utility Upgrade/East Campus Area	\$	45,969	19326
Total Ohio State University		\$	200,348,786	19327
			<u>199,648,786</u>	

~~WOOD COUNTY CENTER FOR AGRICULTURE~~ OSU EXTENSION 19328

OFFICE/AGRICULTURE BUSINESS ENHANCEMENT CENTER 19329

~~Of the~~ The foregoing appropriation item C315F5, ~~Wood County~~ 19330
~~Center for Agriculture~~ OSU Extension Office/Agriculture Business 19331
Enhancement Center, ~~up to \$300,000~~ shall be used for building 19332
renovations to the ~~OSU Extension Office/Ag Business Enhancement~~ 19333
Center. 19334

Sec. 401.11. RIVERFRONT IMPROVEMENTS 19335

Of the foregoing reappropriation item C725D0, Riverfront 19336
Improvements, \$1,000,000 shall be used for the Riverfront West 19337
Park Development - Cincinnati Park Board, Hamilton County. 19338

LOCAL PARKS PROJECTS 19339

Of the foregoing appropriation item C725E2, Local Parks 19340
Projects, \$2,000,000 shall be used for the Center City Park in 19341
Springfield; \$1,200,000 shall be used for the Cincinnati Zoo; 19342
\$1,000,000 shall be used for the East Bank/Flats Project; 19343
\$1,000,000 shall be used by the Warren County Park District for 19344
Land Acquisition or Improvements; \$540,000 shall be used for Tar 19345
Hollow State Park Improvements; \$300,000 shall be used by the City 19346
of Mason for Handicap Accessible Park Improvements; \$250,000 shall 19347
be used for Van Buren State Park ~~Land Acquisitions~~ Camp Ground 19348
Electrification and Restroom Facilities Improvements; \$200,000 19349
shall be used for Harrison Village Historical Society-Phoenix Park 19350
Museum; \$200,000 shall be used for Indian Lake State Park Dredging 19351
Improvements; \$191,000 shall be used for Deerfield Township 19352
Simpson Creek Erosion Mitigation and Bank Control; \$185,000 shall 19353
be used for the City of Wilmington Park Upgrades/Tennis Courts; 19354

\$175,700 shall be used for the Georgetown Community Tennis Park; 19355
\$150,000 shall be used for Kelleys Island Park Improvements; 19356
\$150,000 shall be used for Perry Township Camp Improvements; 19357
\$100,000 shall be used for Mountain Bike Park/Midtown Cleveland; 19358
\$100,000 shall be used for the Chester Township Park; \$69,000 19359
shall be used for Miami Erie Canal Repairs in Spencerville; 19360
\$60,000 shall be used for Marseilles Reservoir Bulk Head Project; 19361
\$50,000 shall be used for Beavercreek/John Aekeney Soccer Field 19362
and Park; \$50,000 shall be used for the Beavercreek Community 19363
Athletic Association Facility and Park Upgrade; \$50,000 shall be 19364
used for the Columbus Zoo Education Center; \$50,000 shall be used 19365
for Dillon State Park Upgrades; \$50,000 shall be used for Indian 19366
Lake State Park Shoreline Improvements; \$25,000 shall be used for 19367
the Cleveland Police and Firefighters Memorial Park; \$25,000 shall 19368
be used for Grand Lake St. Mary's Improvements; \$25,000 shall be 19369
used for Geauga Veterans Monument Park Improvements; \$19,000 shall 19370
be used for East Fork State Park-Harsha Lake Dock Improvements; 19371
\$10,000 shall be used for the Marine Corps League Park/Monument; 19372
\$10,000 shall be used for Huntington Township Park Improvements; 19373
and \$5,000 shall be used for Morrow County Bicentennial Park. 19374

19375

STATEWIDE TRAILS PROGRAM

19376

Of the foregoing reappropriation item C725L8, Statewide 19377
Trails Program, \$2,000,000 shall be used for the Ohio to Erie 19378
Trail by Franklin County Metro Parks; \$1,900,000 shall be used for 19379
the Cuyahoga Towpath Trail; and \$210,000 shall be used for the 19380
Trumbull Bike Trail. 19381

FEDERAL REIMBURSEMENT

19382

All reimbursements received from the federal government for 19383
any expenditures made pursuant to Sections 401.10 and 401.11 of 19384
this act shall be deposited in the state treasury to the credit of 19385
the Parks and Recreation Improvement Fund. 19386

Sec. 401.71. The Ohio Public Facilities Commission is hereby 19387
authorized to issue and sell, in accordance with Section ~~2m~~ 2p of 19388
Article VIII, Ohio Constitution, and pursuant to sections 151.01 19389
and 151.08 of the Revised Code, original obligations of the state, 19390
in an aggregate principal amount not to exceed \$120,000,000, in 19391
addition to the original obligations heretofore authorized by 19392
prior acts of the General Assembly. These authorized obligations 19393
shall be issued and sold from time to time, subject to applicable 19394
constitutional and statutory limitations, as needed to ensure 19395
sufficient moneys to the credit of the State Capital Improvements 19396
Fund (Fund 7038) to pay costs of the state in financing or 19397
assisting in the financing of local subdivision capital 19398
improvement projects. 19399

Section 610.51. That existing Sections 101.10, 201.50, 19400
301.20.20, 301.20.80, 401.11, and 401.71 of H.B. 496 of the 127th 19401
General Assembly are hereby repealed. 19402

Section 620.10. That Section 375.80.10 of Am. Sub. H.B. 119 19403
of the 127th General Assembly is hereby repealed. 19404

Section 620.20. That Section 5 of Am. Sub. H.B. 24 of the 19405
127th General Assembly is hereby repealed. 19406

Section 705.10. Notwithstanding section 5709.73 of the 19407
Revised Code, a board of township trustees of a township with a 19408
population exceeding fifty-five thousand according to the most 19409
recent federal decennial census may adopt a resolution under 19410
division (B) of that section on or before December 31, 2008, by 19411
majority vote. Such a board may adopt a resolution under division 19412
(C) of that section on or before December 31, 2008, by majority 19413
vote, if the other requirements of that division are satisfied. 19414

Section 711.10. (A) As used in this section, "Community development bank" has the meaning as set forth in the "Federal Deposit Insurance Corporation Improvement Act of 1991," 105 Stat. 2317, 12 U.S.C. 1834b(e)(1). 19415
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(B) Notwithstanding any contrary provision of section 135.33 of the Revised Code, a community development bank, pursuant to that section, may apply to, and be designated by, a county as a depository of active moneys during the county's period of designation in effect on the effective date of this section if all of the following apply: 19419
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(1) The bank is located in a county with a population of over one million three hundred thousand people based on the most recent decennial census figures from the United States Department of Commerce, Division of Census; 19425
19426
19427
19428

(2) The bank has previously served the county described in division (B)(1) of this section as a depository; 19429
19430

(3) The bank applies to the county described in division (B)(1) of this section to be a depository; and 19431
19432

(4) The bank is an eligible institution under section 135.32 of the Revised Code. 19433
19434

Section 715.10. The Department of Natural Resources and the Department of Public Safety shall seek all available federal money to assist the City of Findlay in rebuilding infrastructure or building preventative infrastructure with respect to flood mitigation and preparation. 19435
19436
19437
19438
19439

Section 733.10. (A) As used in this section: 19440

(1) "Eligible school district" means a city, exempted village, or local school district for which the certification of taxable values made under division (A) of section 3317.021 of the 19441
19442
19443

Revised Code for fiscal year 2007 and for fiscal year 2008 19444
erroneously included at least ten million dollars in assessed 19445
value of tax-exempt public utility property. 19446

(2) "Tax-exempt public utility property" means real or 19447
tangible personal property used in the provision of a public 19448
utility service that was exempted from taxation for tax years 2005 19449
and 2006 under section 5709.62 or 5709.63 of the Revised Code. 19450

(3) "State education aid" has the same meaning as in section 19451
5751.20 of the Revised Code, except that for fiscal year 2007, 19452
state education aid includes both of the following: 19453

(a) The transportation payment calculated under Section 19454
206.09.21 of Am. Sub. H.B. 66 of the 126th General Assembly, as 19455
amended, instead of division (D) of section 3317.022 of the 19456
Revised Code; 19457

(b) Transitional aid calculated under Section 206.09.39 of 19458
that act, as amended. 19459

(4) "2005 valuation adjustment" means the assessed value of 19460
tax-exempt public utility property that was included in the 19461
certification made under division (A) of section 3317.021 of the 19462
Revised Code for fiscal year 2007. 19463

(5) "2006 valuation adjustment" means the assessed value of 19464
tax-exempt public utility property that was included in the 19465
certification made under division (A) of section 3317.021 of the 19466
Revised Code for fiscal year 2008. 19467

(B)(1) The Department of Education shall recompute an 19468
eligible school district's state education aid for fiscal year 19469
2007 by reducing the total taxable value certified for the 19470
district under division (A) of section 3317.021 of the Revised 19471
Code for that fiscal year by an amount equal to the 2005 valuation 19472
adjustment, and pay the district the increase in state education 19473
aid resulting from the recomputation. Each component of state 19474

education aid affected by the valuation adjustment shall be 19475
recomputed. Within forty-five days after the effective date of 19476
this section, the payment shall be made from money appropriated 19477
for fiscal year 2008 under the appropriation line items 19478
corresponding with the components of state education aid required 19479
to be recomputed under this division. 19480

(2) The Department of Education shall recompute an eligible 19481
school district's state education aid for fiscal year 2008 by 19482
reducing the total taxable value certified for the district under 19483
division (A) of section 3317.021 of the Revised Code for that 19484
fiscal year by an amount equal to the 2006 valuation adjustment, 19485
and pay the district the increase in state education aid resulting 19486
from the recomputation. Each component of state education aid 19487
affected by the valuation adjustment shall be recomputed. The 19488
payment shall be made from money appropriated for fiscal year 2008 19489
under the appropriation line items corresponding with the 19490
components of state education aid required to be recomputed under 19491
this division. The amount of the payment shall be divided in equal 19492
amounts among the remaining payments of state education aid 19493
required to be made during fiscal year 2008 that have not been 19494
paid before the effective date of this section, and paid at the 19495
same time as those payments. 19496

(3) The recomputed total taxable value and state education 19497
aid recomputed under divisions (B)(1) and (2) of this section 19498
shall be regarded as the district's total taxable value and state 19499
education aid for fiscal year 2007 and 2008, respectively, for all 19500
purposes of Chapter 3317. of the Revised Code; Am. Sub. H.B. 66 of 19501
the 126th General Assembly, including the computation of 19502
transitional aid under Section 206.09.39 of that act, as amended; 19503
and Am. Sub. H.B. 119 of the 127th General Assembly, including 19504
under Section 269.30.80 of that act. 19505

(4) Any amounts payable under division (B)(1) or (2) of this 19506

section shall be reduced by any amount paid under section 3317.026 19507
of the Revised Code if the amount paid under that section was paid 19508
on account of refunded taxes charged against tax-exempt public 19509
utility property for tax year 2005 or 2006 and for which 19510
recomputation is made under division (B) of this section. 19511

(C) The Department of Education shall recompute an eligible 19512
school district's adjusted valuation per pupil and average taxable 19513
value for the purposes of ranking the district under section 19514
3318.011 of the Revised Code, and determining the district's 19515
portion of the basic project cost under section 3318.032 of the 19516
Revised Code, for any such computation that includes the taxable 19517
values certified for the district for tax year 2005 or 2006 under 19518
division (A) of section 3317.021 of the Revised Code. For 19519
computations of valuation per pupil or average taxable value that 19520
include the taxable value certified for tax year 2005, the 19521
recomputation shall incorporate the taxable values so certified 19522
reduced by the 2005 valuation adjustment. For computations of 19523
valuation per pupil or average taxable value that include the 19524
taxable value certified for tax year 2006, the recomputation shall 19525
incorporate the taxable values so certified reduced by the 2006 19526
valuation adjustment. Within forty-five days after the effective 19527
date of this act, the Department shall adjust the percentile 19528
ranking of the district and perform the Department's other duties 19529
under section 3318.011 of the Revised Code to reflect the 19530
recomputations, and shall certify the recomputations and other 19531
information required by that section to the Ohio School Facilities 19532
Commission. The Commission shall adjust the portion of basic 19533
project cost to be supplied by the district on the basis of the 19534
department's certification. 19535

Section 733.20. Notwithstanding any provision to the contrary 19536
in Chapter 3314. of the Revised Code, with respect to the 19537
calculation of full-time equivalency under division (L)(3) of 19538

section 3314.08 of the Revised Code, the Superintendent of Public 19539
Instruction shall waive the number of hours or days of learning 19540
opportunities not offered to a student because a community school 19541
was closed during the 2007-2008 school year due to disease 19542
epidemic, hazardous weather conditions, inoperability of school 19543
buses or other equipment necessary to the school's operation, 19544
damage to a school building, or other temporary circumstances due 19545
to utility failure rendering the school building unfit for school 19546
use, so long as the school was actually open for instruction with 19547
pupils in attendance during that school year for not less than 19548
nine hundred twenty hours. For purposes of determining funding for 19549
the community school under Chapter 3314. of the Revised Code for 19550
the 2007-2008 school year, the Department of Education shall treat 19551
the school as if it were open for instruction with pupils in 19552
attendance during the hours or days waived under this section. 19553

Section 733.21. (A) Notwithstanding sections 3313.48, 19554
3313.481, and 3317.01 of the Revised Code, no school district to 19555
which the following conditions apply shall be required to make up 19556
any days or hours a school was closed during the 2007-2008 school 19557
year due to flooding from a burst water pipe: 19558

(1) The flooding caused the school to be closed for only one 19559
day in excess of the number permitted by sections 3313.48, 19560
3313.481, and 3317.01 of the Revised Code and the other schools of 19561
the district were not closed for any days in excess of the number 19562
permitted by those sections. 19563

(2) The length of the school day for the school closed due to 19564
flooding exceeds the minimum number of hours required by the State 19565
Board of Education under section 3313.48 of the Revised Code by at 19566
least one-half hour. 19567

(B) A school district described in division (A) of this 19568

section shall not be considered to have failed to comply with 19569
division (B) of section 3317.01 of the Revised Code during the 19570
2007-2008 school year for purposes of receiving state payments 19571
under Chapter 3317. of the Revised Code in fiscal year 2009. 19572

Section 737.10. HOME MEDICAL EQUIPMENT SERVICE PROVIDERS 19573

If a provider of home medical equipment services holds a 19574
license or certificate of registration scheduled to expire in an 19575
odd-numbered year pursuant to sections 4752.05 and 4752.12 of the 19576
Revised Code, as those sections existed prior to being amended by 19577
this act, the next renewal of the license or certificate that 19578
occurs after the effective date of this section shall be processed 19579
by the Ohio Respiratory Care Board in accordance with the 19580
even-numbered year licensing and registration periods specified in 19581
sections 4752.05 and 4752.12 of the Revised Code, as amended by 19582
this act. The Board shall provide for a proportionate reduction in 19583
the renewal fee that otherwise would apply for renewing the 19584
license or certificate. 19585

Section 751.10. ICF/MR CONVERSION 19586

(A) As used in this section, "home and community-based 19587
services" has the same meaning as in section 5123.01 of the 19588
Revised Code. 19589

(B) For each quarter of fiscal year 2009, the Director of 19590
Mental Retardation and Developmental Disabilities shall certify to 19591
the Director of Budget and Management the estimated amount to be 19592
transferred from the Department of Job and Family Services to the 19593
Department of Mental Retardation and Developmental Disabilities 19594
for the provision of home and community-based services made 19595
available by the slots sought under section 5111.877 of the 19596
Revised Code. On receipt of the certification from the Director of 19597
Mental Retardation and Developmental Disabilities, the Director of 19598

Budget and Management may do one or more of the following: 19599

19600

(1) Reduce GRF appropriation item 600-525, Health 19601

Care/Medicaid, in the Department of Job and Family Services, by 19602

the estimated amount for providing the home and community-based 19603

services and increase GRF appropriation item 322-416, Medicaid 19604

Waiver - State Match, in the Department of Mental Retardation and 19605

Developmental Disabilities, by the state share of the estimated 19606

amount for the provision of the home and community-based services; 19607

19608

(2) Increase appropriation item 322-639, Medicaid Waiver - 19609

Federal, in the Department of Mental Retardation and Developmental 19610

Disabilities, by the federal share amount of the estimated amount 19611

for the provision of the home and community-based services; 19612

(3) Increase appropriation item 600-655, Interagency 19613

Reimbursement, in the Department of Job and Family Services, by 19614

the federal share of the estimated amount for the provision of the 19615

home and community-based services. 19616

Section 751.20. MONEY FOLLOWS THE PERSON ENHANCED 19617

REIMBURSEMENT FUND 19618

The Money Follows the Person Enhanced Reimbursement Fund is 19619

hereby created in the state treasury. The federal payments made to 19620

the state under subsection (e) of section 6071 of the "Deficit 19621

Reduction Act of 2005," Pub. L. No. 109-171, shall be deposited 19622

into the Fund. The Department of Job and Family Services shall use 19623

money deposited into the Fund for system reform activities related 19624

to the Money Follows the Person demonstration project. 19625

Section 757.10. The purpose of the amendment by this act of 19626

section 5709.121 of the Revised Code is to clarify the intent of 19627

the General Assembly that institutions of the kind described in 19628

the amendment are charitable institutions for the purposes of that 19629
section as it existed before the effective date of the amendment. 19630
Therefore, the amendment applies to any application for exemption, 19631
or the property that is the subject of such application, pending 19632
before the Tax Commissioner on the effective date of this act or 19633
filed thereafter. 19634

Section 803.10. That the amendment of section 5747.01 of the 19635
Revised Code by this act applies to taxable years beginning on or 19636
after January 1, 2008. 19637

Section 803.20. The amendment by this act to section 6117.012 19638
of the Revised Code applies to any proceedings, covenant, 19639
stipulation, obligation, resolution, trust agreement, indenture, 19640
loan agreement, lease agreement, agreement, act, or action, or 19641
part of it, pending on the effective date of this act. 19642

Section 806.10. The items of law contained in this act, and 19643
their applications, are severable. If any item of law contained in 19644
this act, or if any application of any item of law contained in 19645
this act, is held invalid, the invalidity does not affect other 19646
items of law contained in this act and their applications that can 19647
be given effect without the invalid item or application. 19648

Section 812.10. Except as otherwise provided in this act, the 19649
amendment, enactment, or repeal by this act of a section is 19650
subject to the referendum under Ohio Constitution, Article II, 19651
Section 1c and section 1.471 of the Revised Code. Such an 19652
amendment, enactment, or repeal takes effect on the date specified 19653
below for the amendment, enactment or repeal or, if a date is not 19654
specified below for the amendment, enactment or repeal, on the 19655
ninety-first day after this act is filed with the Secretary of 19656
State. 19657

Sections 9.835, 113.061, 124.821, 125.021, 125.18, 125.25, 19658
133.08, 133.52, 135.101, 135.102, 135.103, 135.104, 135.105, 19659
135.106, 135.61, 135.63, 135.65, 135.66, 156.02, 165.01, 165.03, 19660
303.12, 303.211, 307.697, 321.261, 351.26, 519.12, 519.211, 19661
2743.49, 3119.023, 3301.0714, 3310.42, 3311.24, 3313.842, 19662
3313.978, 3314.05, 3317.20, 3333.122, 3353.02, 3354.16, 3355.12, 19663
3357.16, 3365.15, 3703.01, 3734.821, 3735.67, 3905.40, 3961.04, 19664
4301.355, 4301.404, 4301.421, 4301.424, 4301.62, 4303.181, 19665
4303.182, 4303.30, 4399.12, 4510.10, 4511.101, 4735.01, 4735.02, 19666
4735.10, 4735.13, 4735.14, 4735.141, 4735.142, 4752.04, 4752.05, 19667
4752.06, 4752.07, 4752.11, 4752.12, 4752.13, 4905.84, 4928.142, 19668
5101.5211, 5101.5212, 5101.5213, 5101.5214, 5101.5215, 5101.80, 19669
5111.032, 5111.941, 5123.0412, 5525.01, 5703.19, 5703.57, 19670
5709.121, 5739.01, 5739.029, 5739.12, 5739.122, 5739.124, 5741.04, 19671
5741.12, 5741.121, 5741.122, 5743.021, 5743.024, 5743.321, 19672
5743.323, 5747.01, 5747.02, 5747.082, 5748.022, 5749.17, 6117.01, 19673
6117.011, 6117.012, 6117.04, 6117.05, 6117.06, 6117.25, 6117.251, 19674
6117.28, 6117.30, 6117.34, 6117.38, 6117.41, 6117.42, 6117.43, 19675
6117.44, 6117.45, 6117.49, 6121.045, and 6123.042 of the Revised 19676
Code. 19677

Section 5 of Am. Sub. H.B. 24 of the 127th General Assembly, 19678
Section 203.10 of Am. Sub. H.B. 67 of the 127th General Assembly, 19679
and Sections 201.50, 301.20.20, 301.20.80, 401.11, and 401.71 of 19680
H.B. 496 of the 127th General Assembly, all as amended by this 19681
act. 19682

All sections of this act prefixed with a section number in 19683
the 200s. 19684

Sections 620.20, 705.10, 711.10, 715.10, 737.10, 757.10, 19685
803.10, 803.20, 812.10, and 815.10 of this act. 19686

Section 812.20. The amendment, enactment, or repeal by this 19687
act of the following sections is exempt from the referendum under 19688

Ohio Constitution, Article II, Section 1d and section 1.471 of the 19689
Revised Code and takes effect on the date specified below for the 19690
amendment, enactment or repeal or, if a date is not specified 19691
below for the amendment, enactment or repeal, immediately when 19692
this act becomes law. 19693

Sections 113.40, 117.13, 117.38, 124.152, 3318.01, 3318.03, 19694
3318.032, 3318.034, 3318.04, 3333.04, 3333.044, 3702.71, 3702.72, 19695
3702.73, 3702.74, 3702.75, 3702.78, 3702.79, 3702.81, 3702.85, 19696
3702.86, 3702.91, 3702.93, 3702.95, 5101.572, 5111.31, 5111.874, 19697
5111.875, 5111.876, 5111.877, 5111.878, 5111.879, 5111.88, 19698
5111.881, 5111.882, 5111.883, 5111.884, 5111.885, 5111.886, 19699
5111.887, 5111.888, 5111.889, 5111.8810, 5111.8811, 5111.8812, 19700
5111.8813, 5111.8814, 5111.8815, 5111.8816, 5111.8817, 5112.31, 19701
5112.311, 5123.196, 5703.82, 5727.85, 5739.21, 5745.05, 5751.20, 19702
and 5751.21 of the Revised Code. 19703

The repeal of section 5739.213 of the Revised Code takes 19704
effect July 1, 2008. 19705

Sections 203.50, 315.10, and 555.19 of Am. Sub. H.B. 67 of 19706
the 127th General Assembly, Section 512.70 of Am. Sub. H.B. 100 of 19707
the 127th General Assembly, Sections 207.20.50, 207.20.70, 19708
207.30.10, 207.30.20, 207.30.30, 235.10, 261.10, 263.30.10, 19709
269.30.70, 269.40.50, 269.50.30, 275.10, 293.10, 299.10, 309.10, 19710
309.30.13, 309.30.30, 309.30.41, 309.30.42, 309.40.33, 337.30.43, 19711
337.40.15, 369.10, 375.10, 375.80.10, 405.10, 407.10, 512.03, 19712
512.35, and 518.03 of Am. Sub. H.B. 119 of the 127th General 19713
Assembly, and Section 101.10 of H.B. 496 of the 127th General 19714
Assembly, all as amended by this act. 19715

Sections 503.10, 503.20, 503.30, 515.10, 515.20, 515.21, 19716
515.30, 620.10, 733.10, 733.20, 733.21, 751.10, 751.20, 812.20, 19717
and 812.40 of this act. 19718

Section 812.30. The amendment, enactment, or repeal by this act of the following sections provides for or is essential to implementation of a tax levy, is exempt from the referendum under Ohio Constitution, Article II, Section 1d, and takes effect on the date specified below for the amendment, enactment, or repeal or, if a date is not specified below for the amendment, enactment, or repeal, immediately when this act becomes law.

Sections 1346.03, 2921.13, 4301.432, 4301.441, 4301.47, 4303.03, 4303.233, 4303.33, 4303.333, and 5739.02 of the Revised Code.

Sections 4303.071 and 4303.232 of the Revised Code take effect July 1, 2008.

Section 812.30 of this act.

Section 812.40. The amendment by this act of the sections of law that are listed in the left-hand column of the following table combine amendments that are and are not exempt from the referendum under Ohio Constitution, Article II, Sections 1c and 1d and section 1.471 of the Revised Code.

The middle column identifies the amendments that are subject to the referendum under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code and take effect on the ninety-first day after this act is filed with the Secretary of State.

The right-hand column identifies the amendments that are exempt from the referendum under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code and take effect immediately when this act becomes law.

Section of law	Amendments subject to referendum	Amendments exempt from referendum	
5703.21	Division (C)(12)	Division (C)(11)	

Section 815.10. Section 4301.421 of the Revised Code is 19748
presented in this act as a composite of the section as amended by 19749
both Sub. H.B. 239 and Am. Sub. S.B. 188 of the 121st General 19750
Assembly. The General Assembly, applying the principle stated in 19751
division (B) of section 1.52 of the Revised Code that amendments 19752
are to be harmonized if reasonably capable of simultaneous 19753
operation, finds that the composite is the resulting version of 19754
the section in effect prior to the effective date of the section 19755
as presented in this act. 19756