

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

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

Sub. H. B. No. 562

Representative Hottinger

**Cosponsors: Representatives Peterson, Skindell, Bacon, Bolon, Boyd,
Brown, Budish, Chandler, Evans, Flowers, Garrison, Hagan, R., Hite, Jones,
McGregor, R., Patton, Redfern, Schlichter, Stewart, D., Stewart, J., Strahorn,
Yates**

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to amend, for the purpose of adopting new section	48
numbers as indicated in parentheses, sections	49
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(3323.35), 3353.20 (3333.81), 3353.21 (3333.82),	51
3353.22 (3333.83), 3353.26 (3333.85), 3353.27	52

(3333.86), 3353.28 (3333.87), and 3353.29	53
(3333.88); to enact new sections 3323.31 and	54
3323.32 and sections 133.52, 135.101, 135.102,	55
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5747.082, 5749.17, 6121.045, and 6123.042; to	65
repeal sections 124.821, 3314.086, 3317.161,	66
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407.10, 512.03, 512.35, and 518.03 of Am. Sub. 86
H.B. 119 of the 127th General Assembly, to amend 87
Sections 101.10, 103.80.50, 201.30, 201.50, 88
301.20.20, 301.20.80, 401.11, and 401.71 of H.B. 89
496 of the 127th General Assembly; to repeal 90
Section 5 of Am. Sub. H.B. 24 of the 127th General 91
Assembly and to repeal Section 375.80.10 of Am. 92
Sub. H.B. 119 of the 127th General Assembly to 93
make capital and other appropriations and to 94
provide authorization and conditions for the 95
operation of state programs. 96
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 101.01. That sections 9.835, 105.41, 109.71, 113.061, 99
113.40, 117.13, 117.38, 120.08, 122.171, 124.152, 125.021, 125.04, 100
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5703.57, 5705.194, 5705.214, 5705.29, 5709.121, 5721.30, 5721.31, 125
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6117.251, 6117.28, 6117.30, 6117.34, 6117.38, 6117.41, 6117.42, 132
6117.43, 6117.44, 6117.45, and 6117.49 be amended; sections 133
3323.31 (3323.33), 3323.32 (3323.34), 3323.33 (3323.35), 3353.20 134
(3333.81), 3353.21 (3333.82), 3353.22 (3333.83), 3353.26 135
(3333.85), 3353.27 (3333.86), 3353.28 (3333.87), and 3353.29 136
(3333.88) be amended for the purposes of adopting new section 137
numbers as indicated in parentheses; and new sections 3323.31 and 138
3323.32 and sections 133.52, 135.101, 135.102, 135.103, 135.104, 139
135.105, 135.106, 353.01, 353.02, 353.03, 353.04, 353.05, 353.06, 140
353.061, 353.062, 353.063, 1561.24, 1561.261, 1567.64, 1567.681, 141
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5721.371, 5721.381, 5747.082, 5749.17, 6121.045, and 6123.042 of 146
the Revised Code be enacted to read as follows: 147

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

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

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

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

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

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(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

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a political subdivision may enter into an energy price risk 178
management contract. Money received pursuant to such a contract 179
entered into by a state official shall be deposited to the credit 180
of the general revenue fund of this state, and, unless otherwise 181
provided by ordinance or resolution enacted or adopted by the 182
legislative authority of the political subdivision authorizing any 183
such contract, money received under the contract shall be 184
deposited to the credit of the general fund of the political 185
subdivision. 186

(C) An energy price risk management contract is not an 187
investment for the purposes of section 135.14 of the Revised Code. 188

Sec. 105.41. (A) There is hereby created the capitol square 189
review and advisory board, consisting of thirteen members as 190
follows: 191

(1) Two members of the senate, appointed by the president of 192
the senate, both of whom shall not be members of the same 193
political party; 194

(2) Two members of the house of representatives, appointed by 195
the speaker of the house of representatives, both of whom shall 196
not be members of the same political party; 197

(3) Five members appointed by the governor, with the advice 198
and consent of the senate, not more than three of whom shall be 199
members of the same political party, one of whom shall represent 200
the office of the state architect and engineer, one of whom shall 201
represent the Ohio arts council, one of whom shall represent the 202
Ohio historical society, one of whom shall represent the Ohio 203
building authority, and one of whom shall represent the public at 204
large; 205

(4) One member, who shall be a former president of the 206
senate, appointed by the current president of the senate. If the 207

current president of the senate, in the current president's 208
discretion, decides for any reason not to make the appointment or 209
if no person is eligible or available to serve, the seat shall 210
remain vacant. 211

(5) One member, who shall be a former speaker of the house of 212
representatives, appointed by the current speaker of the house of 213
representatives. If the current speaker of the house of 214
representatives, in the current speaker's discretion, decides for 215
any reason not to make the appointment or if no person is eligible 216
or available to serve, the seat shall remain vacant. 217

(6) The clerk of the senate and the clerk of the house of 218
representatives. 219

(B) Terms of office of each appointed member of the board 220
shall be for three years, except that members of the general 221
assembly appointed to the board shall be members of the board only 222
so long as they are members of the general assembly. Each member 223
shall hold office from the date of the member's appointment until 224
the end of the term for which the member was appointed. In case of 225
a vacancy occurring on the board, the president of the senate, the 226
speaker of the house of representatives, or the governor, as the 227
case may be, shall in the same manner prescribed for the regular 228
appointment to the commission, fill the vacancy by appointing a 229
member. Any member appointed to fill a vacancy occurring prior to 230
the expiration of the term for which the member's predecessor was 231
appointed shall hold office for the remainder of the term. Any 232
appointed member shall continue in office subsequent to the 233
expiration date of the member's term until the member's successor 234
takes office, or until a period of sixty days has elapsed, 235
whichever occurs first. 236

(C) The board shall hold meetings in a manner and at times 237
prescribed by the rules adopted by the board. A majority of the 238
board constitutes a quorum, and no action shall be taken by the 239

board unless approved by at least six members or by at least seven 240
members if a person is appointed under division (A)(4) or (5) of 241
this section. At its first meeting, the board shall adopt rules 242
for the conduct of its business and the election of its officers, 243
and shall organize by selecting a chairperson and other officers 244
as it considers necessary. Board members shall serve without 245
compensation but shall be reimbursed for actual and necessary 246
expenses incurred in the performance of their duties. 247

(D) The board may do any of the following: 248

(1) Employ or hire on a consulting basis professional, 249
technical, and clerical employees as are necessary for the 250
performance of its duties; 251

(2) Hold public hearings at times and places as determined by 252
the board; 253

(3) Adopt, amend, or rescind rules necessary to accomplish 254
the duties of the board as set forth in this section; 255

(4) Sponsor, conduct, and support such social events as the 256
board may authorize and consider appropriate for the employees of 257
the board, employees and members of the general assembly, 258
employees of persons under contract with the board or otherwise 259
engaged to perform services on the premises of capitol square, or 260
other persons as the board may consider appropriate. Subject to 261
the requirements of Chapter 4303. of the Revised Code, the board 262
may provide beer, wine, and intoxicating liquor, with or without 263
charge, for those events and may use funds only from the sale of 264
goods and services fund to purchase the beer, wine, and 265
intoxicating liquor the board provides. 266

(E) The board shall do all of the following: 267

(1) Have sole authority to coordinate and approve any 268
improvements, additions, and renovations that are made to the 269
capitol square. The improvements shall include, but not be limited 270

to, the placement of monuments and sculpture on the capitol grounds. 271
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(2) Subject to section 3353.07 of the Revised Code, operate 273
the capitol square, and have sole authority to regulate all uses 274
of the capitol square. The uses shall include, but not be limited 275
to, the casual and recreational use of the capitol square. 276

(3) Employ, fix the compensation of, and prescribe the duties 277
of the executive director of the board and other employees the 278
board considers necessary for the performance of its powers and 279
duties; 280

(4) Establish and maintain the capitol collection trust. The 281
capitol collection trust shall consist of furniture, antiques, and 282
other items of personal property that the board shall store in 283
suitable facilities until they are ready to be placed in the 284
capitol square. 285

(5) Perform repair, construction, contracting, purchasing, 286
maintenance, supervisory, and operating activities the board 287
determines are necessary for the operation and maintenance of the 288
capitol square; 289

(6) Maintain and preserve the capitol square, in accordance 290
with guidelines issued by the United States secretary of the 291
interior for application of the secretary's standards for 292
rehabilitation adopted in 36 C.F.R. part 67*i* 293

(7) Plan and develop a center at the capitol building for the 294
purpose of educating visitors about the history of Ohio, including 295
its political, economic, and social development and the design and 296
erection of the capitol building and its grounds. 297

(F)(1) The board shall lease capital facilities improved or 298
financed by the Ohio building authority pursuant to Chapter 152. 299
of the Revised Code for the use of the board, and may enter into 300
any other agreements with the authority ancillary to improvement, 301

financing, or leasing of those capital facilities, including, but 302
not limited to, any agreement required by the applicable bond 303
proceedings authorized by Chapter 152. of the Revised Code. Any 304
lease of capital facilities authorized by this section shall be 305
governed by division (D) of section 152.24 of the Revised Code. 306

(2) Fees, receipts, and revenues received by the board from 307
the state underground parking garage constitute available receipts 308
as defined in section 152.09 of the Revised Code, and may be 309
pledged to the payment of bond service charges on obligations 310
issued by the Ohio building authority pursuant to Chapter 152. of 311
the Revised Code to improve or finance capital facilities useful 312
to the board. The authority may, with the consent of the board, 313
provide in the bond proceedings for a pledge of all or a portion 314
of those fees, receipts, and revenues as the authority determines. 315
The authority may provide in the bond proceedings or by separate 316
agreement with the board for the transfer of those fees, receipts, 317
and revenues to the appropriate bond service fund or bond service 318
reserve fund as required to pay the bond service charges when due, 319
and any such provision for the transfer of those fees, receipts, 320
and revenues shall be controlling notwithstanding any other 321
provision of law pertaining to those fees, receipts, and revenues. 322

(3) All moneys received by the treasurer of state on account 323
of the board and required by the applicable bond proceedings or by 324
separate agreement with the board to be deposited, transferred, or 325
credited to the bond service fund or bond service reserve fund 326
established by the bond proceedings shall be transferred by the 327
treasurer of state to such fund, whether or not it is in the 328
custody of the treasurer of state, without necessity for further 329
appropriation, upon receipt of notice from the Ohio building 330
authority as prescribed in the bond proceedings. 331

(G) All fees, receipts, and revenues received by the board 332
from the state underground parking garage shall be deposited into 333

the state treasury to the credit of the underground parking garage 334
operating fund, which is hereby created, to be used for the 335
purposes specified in division (F) of this section and for the 336
operation and maintenance of the garage. All investment earnings 337
of the fund shall be credited to the fund. 338

(H) All donations received by the board shall be deposited 339
into the state treasury to the credit of the capitol square 340
renovation gift fund, which is hereby created. The fund shall be 341
used by the board as follows: 342

(1) To provide part or all of the funding related to 343
construction, goods, or services for the renovation of the capitol 344
square; 345

(2) To purchase art, antiques, and artifacts for display at 346
the capitol square; 347

(3) To award contracts or make grants to organizations for 348
educating the public regarding the historical background and 349
governmental functions of the capitol square. Chapters 125., 127., 350
and 153. and section 3517.13 of the Revised Code do not apply to 351
purchases made exclusively from the fund, notwithstanding anything 352
to the contrary in those chapters or that section. All investment 353
earnings of the fund shall be credited to the fund. 354

(I) Except as provided in divisions (G), (H), and (J) of this 355
section, all fees, receipts, and revenues received by the board 356
shall be deposited into the state treasury to the credit of the 357
sale of goods and services fund, which is hereby created. Money 358
credited to the fund shall be used solely to pay costs of the 359
board other than those specified in divisions (F) and (G) of this 360
section. All investment earnings of the fund shall be credited to 361
the fund. 362

(J) There is hereby created in the state treasury the capitol 363
square improvement fund, to be used by the board to pay 364

construction, renovation, and other costs related to the capitol 365
square for which money is not otherwise available to the board. 366
Whenever the board determines that there is a need to incur those 367
costs and that the unencumbered, unobligated balance to the credit 368
of the underground parking garage operating fund exceeds the 369
amount needed for the purposes specified in division (F) of this 370
section and for the operation and maintenance of the garage, the 371
board may request the director of budget and management to 372
transfer from the underground parking garage operating fund to the 373
capitol square improvement fund the amount needed to pay such 374
construction, renovation, or other costs. The director then shall 375
transfer the amount needed from the excess balance of the 376
underground parking garage operating fund. 377

(K) As the operation and maintenance of the capitol square 378
constitute essential government functions of a public purpose, the 379
board shall not be required to pay taxes or assessments upon the 380
square, upon any property acquired or used by the board under this 381
section, or upon any income generated by the operation of the 382
square. 383

(L) As used in this section, "capitol square" means the 384
capitol building, senate building, capitol atrium, capitol 385
grounds, and the state underground parking garage. 386

(M) The capitol annex shall be known as the senate building. 387

Sec. 109.71. There is hereby created in the office of the 388
attorney general the Ohio peace officer training commission. The 389
commission shall consist of nine members appointed by the governor 390
with the advice and consent of the senate and selected as follows: 391
one member representing the public; two members who are incumbent 392
sheriffs; two members who are incumbent chiefs of police; one 393
member from the bureau of criminal identification and 394
investigation; one member from the state highway patrol; one 395

member who is the special agent in charge of a field office of the 396
federal bureau of investigation in this state; and one member from 397
the department of education, trade and industrial education 398
services, law enforcement training. 399

This section does not confer any arrest authority or any 400
ability or authority to detain a person, write or issue any 401
citation, or provide any disposition alternative, as granted under 402
Chapter 2935. of the Revised Code. 403

As used in sections 109.71 to 109.801 of the Revised Code: 404

(A) "Peace officer" means: 405

(1) A deputy sheriff, marshal, deputy marshal, member of the 406
organized police department of a township or municipal 407
corporation, member of a township police district or joint 408
township police district police force, member of a police force 409
employed by a metropolitan housing authority under division (D) of 410
section 3735.31 of the Revised Code, or township constable, who is 411
commissioned and employed as a peace officer by a political 412
subdivision of this state or by a metropolitan housing authority, 413
and whose primary duties are to preserve the peace, to protect 414
life and property, and to enforce the laws of this state, 415
ordinances of a municipal corporation, resolutions of a township, 416
or regulations of a board of county commissioners or board of 417
township trustees, or any of those laws, ordinances, resolutions, 418
or regulations; 419

(2) A police officer who is employed by a railroad company 420
and appointed and commissioned by the secretary of state pursuant 421
to sections 4973.17 to 4973.22 of the Revised Code; 422

(3) Employees of the department of taxation engaged in the 423
enforcement of Chapter 5743. of the Revised Code and designated by 424
the tax commissioner for peace officer training for purposes of 425
the delegation of investigation powers under section 5743.45 of 426

the Revised Code;	427
(4) An undercover drug agent;	428
(5) Enforcement agents of the department of public safety	429
whom the director of public safety designates under section	430
5502.14 of the Revised Code;	431
(6) An employee of the department of natural resources who is	432
a natural resources law enforcement staff officer designated	433
pursuant to section 1501.013, a park officer designated pursuant	434
to section 1541.10, a forest officer designated pursuant to	435
section 1503.29, a preserve officer designated pursuant to section	436
1517.10, a wildlife officer designated pursuant to section	437
1531.13, or a state watercraft officer designated pursuant to	438
section 1547.521 of the Revised Code;	439
(7) An employee of a park district who is designated pursuant	440
to section 511.232 or 1545.13 of the Revised Code;	441
(8) An employee of a conservancy district who is designated	442
pursuant to section 6101.75 of the Revised Code;	443
(9) A police officer who is employed by a hospital that	444
employs and maintains its own proprietary police department or	445
security department, and who is appointed and commissioned by the	446
secretary of state pursuant to sections 4973.17 to 4973.22 of the	447
Revised Code;	448
(10) Veterans' homes police officers designated under section	449
5907.02 of the Revised Code;	450
(11) A police officer who is employed by a qualified	451
nonprofit corporation police department pursuant to section	452
1702.80 of the Revised Code;	453
(12) A state university law enforcement officer appointed	454
under section 3345.04 of the Revised Code or a person serving as a	455
state university law enforcement officer on a permanent basis on	456

June 19, 1978, who has been awarded a certificate by the executive 457
director of the Ohio peace officer training commission attesting 458
to the person's satisfactory completion of an approved state, 459
county, municipal, or department of natural resources peace 460
officer basic training program; 461

(13) A special police officer employed by the department of 462
mental health pursuant to section 5119.14 of the Revised Code or 463
the department of mental retardation and developmental 464
disabilities pursuant to section 5123.13 of the Revised Code; 465

(14) A member of a campus police department appointed under 466
section 1713.50 of the Revised Code; 467

(15) A member of a police force employed by a regional 468
transit authority under division (Y) of section 306.35 of the 469
Revised Code; 470

(16) Investigators appointed by the auditor of state pursuant 471
to section 117.091 of the Revised Code and engaged in the 472
enforcement of Chapter 117. of the Revised Code; 473

(17) A special police officer designated by the 474
superintendent of the state highway patrol pursuant to section 475
5503.09 of the Revised Code or a person who was serving as a 476
special police officer pursuant to that section on a permanent 477
basis on October 21, 1997, and who has been awarded a certificate 478
by the executive director of the Ohio peace officer training 479
commission attesting to the person's satisfactory completion of an 480
approved state, county, municipal, or department of natural 481
resources peace officer basic training program; 482

(18) A special police officer employed by a port authority 483
under section 4582.04 or 4582.28 of the Revised Code or a person 484
serving as a special police officer employed by a port authority 485
on a permanent basis on May 17, 2000, who has been awarded a 486
certificate by the executive director of the Ohio peace officer 487

training commission attesting to the person's satisfactory 488
completion of an approved state, county, municipal, or department 489
of natural resources peace officer basic training program; 490

(19) A special police officer employed by a municipal 491
corporation who has been awarded a certificate by the executive 492
director of the Ohio peace officer training commission for 493
satisfactory completion of an approved peace officer basic 494
training program and who is employed on a permanent basis on or 495
after March 19, 2003, at a municipal airport, or other municipal 496
air navigation facility, that has scheduled operations, as defined 497
in section 119.3 of Title 14 of the Code of Federal Regulations, 498
14 C.F.R. 119.3, as amended, and that is required to be under a 499
security program and is governed by aviation security rules of the 500
transportation security administration of the United States 501
department of transportation as provided in Parts 1542. and 1544. 502
of Title 49 of the Code of Federal Regulations, as amended; 503

(20) A police officer who is employed by an owner or operator 504
of an amusement park that has an average yearly attendance in 505
excess of six hundred thousand guests and that employs and 506
maintains its own proprietary police department or security 507
department, and who is appointed and commissioned by a judge of 508
the appropriate municipal court or county court pursuant to 509
section 4973.17 of the Revised Code; 510

(21) A police officer who is employed by a bank, savings and 511
loan association, savings bank, credit union, or association of 512
banks, savings and loan associations, savings banks, or credit 513
unions, who has been appointed and commissioned by the secretary 514
of state pursuant to sections 4973.17 to 4973.22 of the Revised 515
Code, and who has been awarded a certificate by the executive 516
director of the Ohio peace officer training commission attesting 517
to the person's satisfactory completion of a state, county, 518
municipal, or department of natural resources peace officer basic 519

training program; 520

(22) An investigator, as defined in section 109.541 of the 521
Revised Code, of the bureau of criminal identification and 522
investigation who is commissioned by the superintendent of the 523
bureau as a special agent for the purpose of assisting law 524
enforcement officers or providing emergency assistance to peace 525
officers pursuant to authority granted under that section; 526

(23) A state fire marshal law enforcement officer appointed 527
under section 3737.22 of the Revised Code or a person serving as a 528
state fire marshal law enforcement officer on a permanent basis on 529
or after July 1, 1982, who has been awarded a certificate by the 530
executive director of the Ohio peace officer training commission 531
attesting to the person's satisfactory completion of an approved 532
state, county, municipal, or department of natural resources peace 533
officer basic training program. 534

(B) "Undercover drug agent" has the same meaning as in 535
division (B)(2) of section 109.79 of the Revised Code. 536

(C) "Crisis intervention training" means training in the use 537
of interpersonal and communication skills to most effectively and 538
sensitively interview victims of rape. 539

(D) "Missing children" has the same meaning as in section 540
2901.30 of the Revised Code. 541

Sec. 113.061. The treasurer of state shall adopt rules in 542
accordance with Chapter 119. of the Revised Code governing the 543
remittance of taxes by electronic funds transfer as required under 544
sections 5727.311, 5727.83, 5733.022, 5735.062, 5739.032, 545
~~5739.122, 5741.121,~~ 5745.04, and 5747.072 of the Revised Code and 546
any other section of the Revised Code under which a person is 547
required to remit taxes by electronic funds transfer. The rules 548
shall govern the modes of electronic funds transfer acceptable to 549

the treasurer of state and under what circumstances each mode is 550
acceptable, the content and format of electronic funds transfers, 551
the coordination of payment by electronic funds transfer and 552
filing of associated tax reports and returns, the remittance of 553
taxes by means other than electronic funds transfer by persons 554
otherwise required to do so but relieved of the requirement by the 555
treasurer of state, and any other matter that in the opinion of 556
the treasurer of state facilitates payment by electronic funds 557
transfer in a manner consistent with those sections. 558

Upon failure by a person, if so required, to remit taxes by 559
electronic funds transfer in the manner prescribed under section 560
5727.83, 5733.022, 5735.062, 5739.032, ~~5739.122, 5741.121,~~ 561
5745.04, or 5747.072 of the Revised Code and rules adopted under 562
this section, the treasurer of state shall notify the tax 563
commissioner of such failure if the treasurer of state determines 564
that such failure was not due to reasonable cause or was due to 565
willful neglect, and shall provide the tax commissioner with any 566
information used in making that determination. The tax 567
commissioner may assess an additional charge as specified in the 568
respective section of the Revised Code governing the requirement 569
to remit taxes by electronic funds transfer. 570

The treasurer of state may implement means of acknowledging, 571
upon the request of a taxpayer, receipt of tax remittances made by 572
electronic funds transfer, and may adopt rules governing 573
acknowledgments. The cost of acknowledging receipt of electronic 574
remittances shall be paid by the person requesting acknowledgment. 575

The treasurer of state, not the tax commissioner, is 576
responsible for resolving any problems involving electronic funds 577
transfer transmissions. 578

Sec. 113.40. (A) As used in this section: 579

(1) "Financial transaction device" includes a credit card, 580

debit card, charge card, prepaid or stored value card, or 581
automated clearinghouse network credit, debit, or e-check entry 582
that includes, but is not limited to, accounts receivable and 583
internet-initiated, point of purchase, and telephone-initiated 584
applications, or any other device or method for making an 585
electronic payment or transfer of funds. 586

(2) "State expenses" includes fees, costs, taxes, 587
assessments, fines, penalties, payments, or any other expense a 588
person owes to a state office under the authority of a state 589
elected official or to a state entity. 590

(3) "State elected official" means the governor, lieutenant 591
governor, attorney general, secretary of state, treasurer of 592
state, and auditor of state. 593

(4) "State entity" includes any state department, agency, 594
board, or commission that deposits funds into the state treasury. 595

(B) Notwithstanding any other section of the Revised Code and 596
subject to division (D) of this section, the board of deposit may 597
adopt a resolution authorizing the acceptance of payments by 598
financial transaction device to pay for state expenses. The 599
resolution shall include all of the following: 600

(1) A designation of those state elected officials and state 601
entities authorized to accept payments by financial transaction 602
device; 603

(2) A list of state expenses that may be paid by the use of a 604
financial transaction device; 605

(3) Specific identification of financial transaction devices 606
that a state elected official or state entity may authorize as 607
acceptable means of payment for state expenses. Division (B)(3) of 608
this section does not require that the same financial transaction 609
devices be accepted for the payment of different types of state 610
expenses. 611

(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.

(5) A specific requirement, as provided in division (G) of
this section, for the payment of a penalty if a payment made by
means of a financial transaction device is returned or dishonored
for any reason.

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

(C) The administrative agent shall follow the procedures
provided in this division whenever it plans to contract with
financial institutions, issuers of financial transaction devices,
or processors of financial transaction devices for the purposes of
this section. The administrative agent shall request proposals
from at least three financial institutions, issuers of financial
transaction devices, or processors of financial transaction
devices, as appropriate in accordance with the resolution adopted
under division (B) of this section. Prior to sending any financial
institution, issuer, or processor a copy of any such request, the
administrative agent shall advertise its intent to request
proposals in a newspaper of general circulation in the state once

a week for two consecutive weeks. The notice shall state that the administrative agent intends to request proposals; specify the purpose of the request; indicate the date, which shall be at least ten days after the second publication, on which the request for proposals will be mailed to financial institutions, issuers, or processors; and require that any financial institution, issuer, or processor, whichever is appropriate, interested in receiving the request for proposals submit written notice of this interest to the administrative agent not later than noon of the day on which the request for proposals will be mailed.

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

(D) The board of deposit shall send a copy of the resolution adopted under division (B) of this section to each state elected official and state entity authorized to accept payments for state expenses by financial transaction device. After receiving the resolution and before accepting such payments by financial transaction device, such a state elected official or state entity shall provide written notification to the administrative agent of the official's or entity's intent to implement the resolution within the official's or entity's office. Each state office or entity subject to the board's resolution adopted under division (B) of this section shall use only the financial institutions, issuers of financial transaction devices, and processors of financial transaction devices with which the board of deposit

contracts, and each such office or entity is subject to the terms 676
of those contracts. 677

If a state entity under the authority of a state elected 678
official is directly responsible for collecting one or more state 679
expenses and the state elected official determines not to accept 680
payments by financial transaction device for one or more of those 681
expenses, the office is not required to accept payments by 682
financial transaction device for those expenses, notwithstanding 683
the adoption of a resolution by the board of deposit under 684
division (B) of this section. 685

Any state entity that prior to March 18, 1999, accepted 686
financial transaction devices may continue to accept such devices 687
until June 30, 2000, without being subject to any resolution 688
adopted by the board of deposit under division (B) of this 689
section, or any other oversight by the board of the entity's 690
financial transaction device program. Any such entity may use 691
surcharges or convenience fees in any manner the state elected 692
official or other official in charge of the entity determines to 693
be appropriate, and, if the administrative agent consents, may 694
appoint the administrative agent to be the entity's administrative 695
agent for purposes of accepting financial transaction devices. In 696
order to be exempt from the resolution of the board of deposit 697
under division (B) of this section, a state entity shall notify 698
the board in writing within thirty days after March 18, 1999, that 699
it accepted financial transaction devices prior to March 18, 1999. 700
Each such notification shall explain how processing costs 701
associated with financial transaction devices are being paid and 702
shall indicate whether surcharge or convenience fees are being 703
passed on to consumers. 704

(E) The board of deposit may establish a surcharge or 705
convenience fee that may be imposed upon a person making payment 706
by a financial transaction device. The surcharge or convenience 707

fee shall not be imposed unless authorized or otherwise permitted 708
by the rules prescribed under a contract, between the financial 709
institution, issuer, or processor and the administrative agent, 710
governing the use and acceptance of the financial transaction 711
device. 712

The establishment of a surcharge or convenience fee shall 713
follow the guidelines of the financial institution, issuer of 714
financial transaction devices, or processor of financial 715
transaction devices with which the board of deposit contracts. 716

If a surcharge or convenience fee is imposed, every state 717
entity accepting payment by a financial transaction device, 718
regardless of whether that entity is subject to a resolution 719
adopted by the board of deposit, shall clearly post a notice in 720
the entity's office, and shall notify each person making a payment 721
by such a device, about the surcharge or fee. Notice to each 722
person making a payment shall be provided regardless of the medium 723
used to make the payment and in a manner appropriate to that 724
medium. Each notice shall include all of the following: 725

(1) A statement that there is a surcharge or convenience fee 726
for using a financial transaction device; 727

(2) The total amount of the charge or fee expressed in 728
dollars and cents for each transaction, or the rate of the charge 729
or fee expressed as a percentage of the total amount of the 730
transaction, whichever is applicable; 731

(3) A clear statement that the surcharge or convenience fee 732
is nonrefundable. 733

(F) If a person elects to make a payment by a financial 734
transaction device and a surcharge or convenience fee is imposed, 735
the payment of the surcharge or convenience fee is not refundable. 736

(G) If a person makes payment by a financial transaction 737
device and the payment is returned or dishonored for any reason, 738

the person is liable to the state for the state expense and any 739
reimbursable costs for collection, including banking charges, 740
legal fees, or other expenses incurred by the state in collecting 741
the returned or dishonored payment. The remedies and procedures 742
provided in this section are in addition to any other available 743
civil or criminal remedies provided by law. 744

(H) No person making any payment by a financial transaction 745
device to a state office shall be relieved from liability for the 746
underlying obligation, except to the extent that the state 747
realizes final payment of the underlying obligation in cash or its 748
equivalent. If final payment is not made by the financial 749
transaction device issuer or other guarantor of payment in the 750
transaction, the underlying obligation survives and the state 751
shall retain all remedies for enforcement that would have applied 752
if the transaction had not occurred. 753

(I) A state entity or employee who accepts a financial 754
transaction device payment in accordance with this section and any 755
applicable state or local policies or rules is immune from 756
personal liability for the final collection of such payments as 757
specified in section 9.87 of the Revised Code. 758

(J) The administrative agent, in cooperation with the office 759
of budget and management, may adopt, amend, and rescind rules in 760
accordance with section 111.15 of the Revised Code to implement 761
this section. 762

Sec. 117.13. (A) The costs of audits of state agencies shall 763
be recovered by the auditor of state in the following manner: 764

(1) The costs of all audits of state agencies shall be paid 765
to the auditor of state on statements rendered by the auditor of 766
state. Money so received by the auditor of state shall be paid 767
into the state treasury to the credit of the public audit expense 768
fund--intrastate, which is hereby created, and shall be used to 769

pay costs related to such audits. The costs of all annual and 770
special audits of a state agency shall be charged to the state 771
agency being audited. The costs of all biennial audits of a state 772
agency shall be paid from money appropriated to the department of 773
administrative services for that purpose. The costs of any 774
assistant auditor, employee, or expert employed pursuant to 775
section 117.09 of the Revised Code called upon to testify in any 776
legal proceedings in regard to any audit, or called upon to review 777
or discuss any matter related to any audit, may be charged to the 778
state agency to which the audit relates. 779

(2) The auditor of state shall establish by rule rates to be 780
charged to state agencies or to the department of administrative 781
services for recovering the costs of audits of state agencies. 782

(B) As used in this division, "government auditing standards" 783
means the government auditing standards published by the 784
comptroller general of the United States general accounting 785
office. 786

(1) Except as provided in divisions (B)(2) and (3) of this 787
section, any costs of an audit of a private institution, 788
association, board, or corporation receiving public money for its 789
use shall be charged to the public office providing the public 790
money in the same manner as costs of an audit of the public 791
office. 792

(2) If an audit of a private child placing agency or private 793
noncustodial agency receiving public money from a public children 794
services agency for providing child welfare or child protection 795
services sets forth that money has been illegally expended, 796
converted, misappropriated, or is unaccounted for, the costs of 797
the audit shall be charged to the agency being audited in the same 798
manner as costs of an audit of a public office, unless the 799
findings are inconsequential, as defined by government auditing 800
standards. 801

(3) If such an audit does not set forth that money has been 802
illegally expended, converted, misappropriated, or is unaccounted 803
for or sets forth findings that are inconsequential, as defined by 804
government auditing standards, the costs of the audit shall be 805
charged as follows: 806

(a) One-third of the costs to the agency being audited; 807

(b) One-third of the costs to the public children services 808
agency that provided the public money to the agency being audited; 809

(c) One-third of the costs to the department of job and 810
family services. 811

(C) The costs of audits of local public offices shall be 812
recovered by the auditor of state in the following manner: 813

(1) The total amount of compensation paid assistant auditors 814
of state, their expenses, the cost of employees assigned to assist 815
the assistant auditors of state, the cost of experts employed 816
pursuant to section 117.09 of the Revised Code, and the cost of 817
typing, reviewing, and copying reports shall be borne by the 818
public office to which such assistant auditors of state are so 819
assigned, except that annual vacation and sick leave of assistant 820
auditors of state, employees, and typists shall be financed from 821
the general revenue fund. The necessary traveling and hotel 822
expenses of the deputy inspectors and supervisors of public 823
offices shall be paid from the state treasury. Assistant auditors 824
of state shall be compensated by the taxing district or other 825
public office audited for activities undertaken pursuant to 826
division (B) of section 117.18 and section 117.24 of the Revised 827
Code. The costs of any assistant auditor, employee, or expert 828
employed pursuant to section 117.09 of the Revised Code called 829
upon to testify in any legal proceedings in regard to any audit, 830
or called upon to review or discuss any matter related to any 831
audit, may be charged to the public office to which the audit 832

relates. 833

(2) The auditor of state shall certify the amount of such 834
compensation, expenses, cost of experts, reviewing, copying, and 835
typing to the fiscal officer of the local public office audited. 836
The fiscal officer of the local public office shall forthwith draw 837
a warrant upon the general fund or other appropriate funds of the 838
local public office to the order of the auditor of state; 839
provided, that the auditor of state is authorized to negotiate 840
with any local public office and, upon agreement between the 841
auditor of state and the local public office, may adopt a schedule 842
for payment of the amount due under this section. Money so 843
received by the auditor of state shall be paid into the state 844
treasury to the credit of the public audit expense fund--local 845
government, which is hereby created, and shall be used to pay the 846
compensation, expense, cost of experts and employees, reviewing, 847
copying, and typing of reports. 848

(3) At the conclusion of each audit, or analysis and report 849
made pursuant to section 117.24 of the Revised Code, the auditor 850
of state shall furnish the fiscal officer of the local public 851
office audited a statement showing the total cost of the audit, or 852
of the audit and the analysis and report, and the percentage of 853
the total cost chargeable to each fund audited. The fiscal officer 854
may distribute such total cost to each fund audited in accordance 855
with its percentage of the total cost. 856

(4) The auditor of state shall provide each local public 857
office a statement or certification of the amount due from the 858
public office for services performed by the auditor of state under 859
this or any other section of the Revised Code, as well as the date 860
upon which payment is due to the auditor of state. Any local 861
public office that does not pay the amount due to the auditor of 862
state by that date may be assessed by the auditor of state for 863
interest from the date upon which the payment is due at the rate 864

per annum prescribed by section 5703.47 of the Revised Code. All 865
interest charges assessed by the auditor of state may be collected 866
in the same manner as audit costs pursuant to division (D) of this 867
section. 868

(D) If the auditor of state fails to receive payment for any 869
amount due, including, but not limited to, fines, fees, and costs, 870
from a public office for services performed under this or any 871
other section of the Revised Code, the auditor of state may seek 872
payment through the office of budget and management. (Amounts due 873
include any amount due to an independent public accountant with 874
whom the auditor has contracted to perform services, all costs and 875
fees associated with participation in the uniform accounting 876
network, and all costs associated with the auditor's provision of 877
local government services.) Upon certification by the auditor of 878
state to the director of budget and management of any such amount 879
due, the director shall withhold from the public office any amount 880
available, up to and including the amount certified as due, from 881
any funds under the director's control that belong to or are 882
lawfully payable or due to the public office. The director shall 883
promptly pay the amount withheld to the auditor of state. If the 884
director determines that no funds due and payable to the public 885
office are available or that insufficient amounts of such funds 886
are available to cover the amount due, the director shall withhold 887
and pay to the auditor of state the amounts available and, in the 888
case of a local public office, certify the remaining amount to the 889
county auditor of the county in which the local public office is 890
located. The county auditor shall withhold from the local public 891
office any amount available, up to and including the amount 892
certified as due, from any funds under the county auditor's 893
control and belonging to or lawfully payable or due to the local 894
public office. The county auditor shall promptly pay any such 895
amount withheld to the auditor of state. 896

Sec. 117.38. Each public office, other than a state agency, 897
shall file a financial report for each fiscal year. The auditor of 898
state may prescribe forms by rule or may issue guidelines, or 899
both, for such reports. If the auditor of state has not prescribed 900
a rule regarding the form for the report, the public office shall 901
submit its report on the form utilized by the public office. 902

The report shall be certified by the proper officer or board 903
and filed with the auditor of state within sixty days after the 904
close of the fiscal year, except that public offices reporting 905
pursuant to generally accepted accounting principles shall file 906
their reports within one hundred fifty days after the close of the 907
fiscal year. The auditor of state may extend the deadline for 908
filing a financial report and establish terms and conditions for 909
any such extension. At the time the report is filed with the 910
auditor of state, the chief fiscal officer, except as otherwise 911
provided in section 319.11 of the Revised Code, shall publish 912
notice in a newspaper published in the political subdivision or 913
taxing district, and if there is no such newspaper, then in a 914
newspaper of general circulation in the political subdivision or 915
taxing district. The notice shall state that the financial report 916
has been completed by the public office and is available for 917
public inspection at the office of the chief fiscal officer. 918

The report shall contain the following: 919

(A) Amount of collections and receipts, and accounts due from 920
each source; 921

(B) Amount of expenditures for each purpose; 922

(C) Income of each public service industry owned or operated 923
by a municipal corporation, and the cost of such ownership or 924
operation; 925

(D) Amount of public debt of each taxing district, the 926

purpose for which each item of such debt was created, and the 927
provision made for the payment thereof. The substance of the 928
report shall be published at the expense of the state in an annual 929
volume of statistics, which shall be submitted to the governor. 930
The auditor of state shall transmit the report to the general 931
assembly at its next session. 932

Any public office, other than a state agency, that does not 933
file its financial report at the time required by this section 934
shall pay to the auditor of state twenty-five dollars for each day 935
the report remains unfiled after the filing date; provided, that 936
the penalty payments shall not exceed the sum of seven hundred 937
fifty dollars. The auditor of state may waive all or any part of 938
the penalty assessed under this section upon the filing of the 939
past due financial report. All sums collected from such penalties 940
shall be placed in the public audit expense fund--local 941
government. ~~The~~ If the auditor of state ~~may deduct~~ fails to 942
receive payment for penalties not paid within one year from the 943
required filing date ~~from any funds under the auditor of state's~~ 944
~~control belonging to the public office. If funds are withheld from~~ 945
~~a county because of the failure of a taxing district located in~~ 946
~~whole or in part within the county to file, the county may deduct~~ 947
~~the amount of penalty from any revenues due the delinquent~~ 948
~~district, the auditor may recover the penalties through the~~ 949
process in division (D) of section 117.13 of the Revised Code. 950

Every county agency, board, or commission shall provide to 951
the county auditor, not later than the first day of March each 952
year unless a later date is authorized by the county auditor, all 953
information determined by the county auditor to be necessary for 954
the preparation of the report required by this section. 955

Sec. 122.171. (A) As used in this section: 956

(1) "Capital investment project" means a plan of investment 957

at a project site for the acquisition, construction, renovation, 958
or repair of buildings, machinery, or equipment, or for 959
capitalized costs of basic research and new product development 960
determined in accordance with generally accepted accounting 961
principles, but does not include any of the following: 962

(a) Payments made for the acquisition of personal property 963
through operating leases; 964

(b) Project costs paid before January 1, 2002; 965

(c) Payments made to a related member as defined in section 966
5733.042 of the Revised Code or to an elected consolidated 967
taxpayer or a combined taxpayer as defined in section 5751.01 of 968
the Revised Code. 969

(2) "Eligible business" means a business with Ohio operations 970
satisfying all of the following: 971

(a) Employed an average of at least one thousand employees in 972
full-time employment positions at a project site during each of 973
the twelve months preceding the application for a tax credit under 974
this section; and 975

(b) On or after January 1, 2002, has made or has caused to be 976
made payments for the capital investment project, including 977
payments made by an unrelated third party entity as a result of a 978
lease of not less than twenty years in term, of either of the 979
following: 980

(i) At least two hundred million dollars in the aggregate at 981
the project site during a period of three consecutive calendar 982
years, including the calendar year that includes a day of the 983
taxpayer's taxable year or tax period with respect to which the 984
credit is granted; 985

(ii) If the average wage of all full-time employment 986
positions at the project site is greater than four hundred per 987

cent of the federal minimum wage, at least one hundred million 988
dollars in the aggregate at the project site during a period of 989
three consecutive calendar years including the calendar year that 990
includes a day of the taxpayer's taxable year or tax period with 991
respect to which the credit is granted. 992

(c) Is engaged at the project site primarily as a 993
manufacturer or is providing significant corporate administrative 994
functions. If the investment under division (A)(2)(b) of this 995
section was made by a third party entity as a result of a lease of 996
not less than twenty years in term, the project must include 997
headquarters operations that are part of a mixed use development 998
that includes at least two of the following: office, hotel, 999
research and development, or retail facilities. 1000

(d) Has had a capital investment project reviewed and 1001
approved by the tax credit authority as provided in divisions (C), 1002
(D), and (E) of this section. 1003

(3) "Full-time employment position" means a position of 1004
employment for consideration for at least an average of 1005
thirty-five hours a week that has been filled for at least one 1006
hundred eighty days immediately preceding the filing of an 1007
application under this section and for at least one hundred eighty 1008
days during each taxable year or each calendar year that includes 1009
a tax period with respect to which the credit is granted, or is 1010
employed in such position for consideration for such time, but is 1011
on active duty reserve or Ohio national guard service. 1012

(4) "Manufacturer" has the same meaning as in section 1013
5739.011 of the Revised Code. 1014

(5) "Project site" means an integrated complex of facilities 1015
in this state, as specified by the tax credit authority under this 1016
section, within a fifteen-mile radius where a taxpayer is 1017
primarily operating as an eligible business. 1018

(6) "Applicable corporation" means a corporation satisfying	1019
all of the following:	1020
(a)(i) For the entire taxable year immediately preceding the	1021
tax year, the corporation develops software applications primarily	1022
to provide telecommunication billing and information services	1023
through outsourcing or licensing to domestic or international	1024
customers.	1025
(ii) Sales and licensing of software generated at least six	1026
hundred million dollars in revenue during the taxable year	1027
immediately preceding the tax year the corporation is first	1028
entitled to claim the credit provided under division (B) of this	1029
section.	1030
(b) For the entire taxable year immediately preceding the tax	1031
year, the corporation or one or more of its related members	1032
provides customer or employee care and technical support for	1033
clients through one or more contact centers within this state, and	1034
the corporation and its related members together have a daily	1035
average, based on a three-hundred-sixty-five-day year, of at least	1036
five hundred thousand successful customer contacts through one or	1037
more of their contact centers, wherever located.	1038
(c) The corporation is eligible for the credit under division	1039
(B) of this section for the tax year.	1040
(7) "Related member" has the same meaning as in section	1041
5733.042 of the Revised Code as that section existed on the	1042
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd	1043
general assembly, September 29, 1997.	1044
(8) "Successful customer contact" means a contact with an end	1045
user via telephone, including interactive voice recognition or	1046
similar means, where the contact culminates in a conversation or	1047
connection other than a busy signal or equipment busy.	1048
(9) "Telecommunications" means all forms of	1049

telecommunications service as defined in section 5739.01 of the Revised Code, and includes services in wireless, wireline, cable, broadband, internet protocol, and satellite.

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

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

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

(B) The tax credit authority created under section 122.17 of the Revised Code may grant tax credits under this section for the purpose of fostering job retention in this state. Upon application by an eligible business and upon consideration of the recommendation of the director of budget and management, tax commissioner, and director of development under division (C) of this section, the tax credit authority may grant to an eligible business a nonrefundable credit against the tax imposed by section 5733.06 or 5747.02 of the Revised Code for a period up to fifteen taxable years and against the tax levied by Chapter 5751. of the Revised Code for a period of up to fifteen calendar years provided, however, that if the project site is leased, the term of the tax credit cannot exceed the lesser of fifteen years or

one-half the term of the lease, including any permitted renewal 1082
periods. The credit shall be in an amount not exceeding 1083
seventy-five per cent of the Ohio income tax withheld from the 1084
employees of the eligible business occupying full-time employment 1085
positions at the project site during the calendar year that 1086
includes the last day of such business' taxable year or tax period 1087
with respect to which the credit is granted. The amount of the 1088
credit shall not be based on the Ohio income tax withheld from 1089
full-time employees for a calendar year prior to the calendar year 1090
in which the minimum investment requirement referred to in 1091
division (A)(2)(b) of this section is completed. The credit shall 1092
be claimed only for the taxable years or tax periods specified in 1093
the eligible business' agreement with the tax credit authority 1094
under division (E) of this section, but in no event shall the 1095
credit be claimed for a taxable year or tax period terminating 1096
before the date specified in the agreement. Any credit granted 1097
under this section against the tax imposed by section 5733.06 or 1098
5747.02 of the Revised Code, to the extent not fully utilized 1099
against such tax for taxable years ending prior to 2008, shall 1100
automatically be converted without any action taken by the tax 1101
credit authority to a credit against the tax levied under Chapter 1102
5751. of the Revised Code for tax periods beginning on or after 1103
July 1, 2008, provided that the person to whom the credit was 1104
granted is subject to such tax. The converted credit shall apply 1105
to those calendar years in which the remaining taxable years 1106
specified in the agreement end. 1107

The credit computed under this division is in addition to any 1108
credit allowed under division (M) of this section, which the tax 1109
credit authority may also include in the agreement. 1110

Any unused portion of a tax credit may be carried forward for 1111
not more than three additional years after the year for which the 1112
credit is granted. 1113

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

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

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

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

(3) The taxpayer intends to and has the ability to maintain operations at the project site for at least ~~twice~~ the greater of (a) the term of the credit plus three years, or (b) seven years.

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

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

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

(1) A detailed description of the project that is the subject 1144
of the agreement, including the amount of the investment, the 1145
period over which the investment has been or is being made, and 1146
the number of full-time employment positions at the project site. 1147

(2) The method of calculating the number of full-time 1148
employment positions as specified in division (A)(3) of this 1149
section. 1150

(3) The term and percentage of the tax credit, and the first 1151
year for which the credit may be claimed. 1152

(4) A requirement that the taxpayer maintain operations at 1153
the project site for at least ~~twice the number of years as~~ greater 1154
of (a) the term of the credit plus three years, or (b) seven 1155
years. 1156

(5) A requirement that the taxpayer retain a specified number 1157
of full-time employment positions at the project site and within 1158
this state for the term of the credit, including a requirement 1159
that the taxpayer continue to employ at least one thousand 1160
employees in full-time employment positions at the project site 1161
during the entire term of any agreement, subject to division 1162
(E)(7) of this section. 1163

(6) A requirement that the taxpayer annually report to the 1164
director of development the number of full-time employment 1165
positions subject to the credit, the amount of tax withheld from 1166
employees in those positions, the amount of the payments made for 1167
the capital investment project, and any other information the 1168
director needs to perform the director's duties under this 1169
section. 1170

(7) A requirement that the director of development annually 1171
review the annual reports of the taxpayer to verify the 1172
information reported under division (E)(6) of this section and 1173
compliance with the agreement. Upon verification, the director 1174

shall issue a certificate to the taxpayer stating that the 1175
information has been verified and identifying the amount of the 1176
credit for the taxable year. Unless otherwise specified by the tax 1177
credit authority in a resolution and included as part of the 1178
agreement, the director shall not issue a certificate for any year 1179
in which the total number of filled full-time employment positions 1180
for each day of the calendar year divided by three hundred 1181
sixty-five is less than ninety per cent of the full-time 1182
employment positions specified in division (E)(5) of this section. 1183
In determining the number of full-time employment positions, no 1184
position shall be counted that is filled by an employee who is 1185
included in the calculation of a tax credit under section 122.17 1186
of the Revised Code. 1187

(8)(a) A provision requiring that the taxpayer, except as 1188
otherwise provided in division (E)(8)(b) of this section, shall 1189
not relocate employment positions from elsewhere in this state to 1190
the project site that is the subject of the agreement for the 1191
lesser of five years from the date the agreement is entered into 1192
or the number of years the taxpayer is entitled to claim the 1193
credit. 1194

(b) The taxpayer may relocate employment positions from 1195
elsewhere in this state to the project site that is the subject of 1196
the agreement if the director of development determines both of 1197
the following: 1198

(i) That the site from which the employment positions would 1199
be relocated is inadequate to meet market and industry conditions, 1200
expansion plans, consolidation plans, or other business 1201
considerations affecting the taxpayer; 1202

(ii) That the legislative authority of the county, township, 1203
or municipal corporation from which the employment positions would 1204
be relocated has been notified of the relocation. 1205

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

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

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

taxable year in which the relocation occurs and any subsequent 1238
taxable years, and shall not claim the tax credit under division 1239
(A) of section 5751.50 of the Revised Code for the tax period in 1240
which the relocation occurs and any subsequent tax periods. 1241

1242

(G) Financial statements and other information submitted to 1243
the department of development or the tax credit authority by an 1244
applicant for or recipient of a tax credit under this section, and 1245
any information taken for any purpose from such statements or 1246
information, are not public records subject to section 149.43 of 1247
the Revised Code. However, the chairperson of the authority may 1248
make use of the statements and other information for purposes of 1249
issuing public reports or in connection with court proceedings 1250
concerning tax credit agreements under this section. Upon the 1251
request of the tax commissioner, the chairperson of the authority 1252
shall provide to the commissioner any statement or other 1253
information submitted by an applicant for or recipient of a tax 1254
credit in connection with the credit. The commissioner shall 1255
preserve the confidentiality of the statement or other 1256
information. 1257

(H) A taxpayer claiming a tax credit under this section shall 1258
submit to the tax commissioner a copy of the director of 1259
development's certificate of verification under division (E)(7) of 1260
this section with the taxpayer's tax report or return for the 1261
taxable year or for the calendar year that includes the tax 1262
period. Failure to submit a copy of the certificate with the 1263
report or return does not invalidate a claim for a credit if the 1264
taxpayer submits a copy of the certificate to the commissioner 1265
within sixty days after the commissioner requests it. 1266

(I) For the purposes of this section, a taxpayer may include 1267
a partnership, a corporation that has made an election under 1268
subchapter S of chapter one of subtitle A of the Internal Revenue 1269

Code, or any other business entity through which income flows as a 1270
distributive share to its owners. A partnership, S-corporation, or 1271
other such business entity may elect to pass the credit received 1272
under this section through to the persons to whom the income or 1273
profit of the partnership, S-corporation, or other entity is 1274
distributed. The election shall be made on the annual report 1275
required under division (E)(6) of this section. The election 1276
applies to and is irrevocable for the credit for which the report 1277
is submitted. If the election is made, the credit shall be 1278
apportioned among those persons in the same proportions as those 1279
in which the income or profit is distributed. 1280

(J) If the director of development determines that a taxpayer 1281
that received a tax credit under this section is not complying 1282
with the requirement under division (E)(4) of this section, the 1283
director shall notify the tax credit authority of the 1284
noncompliance. After receiving such a notice, and after giving the 1285
taxpayer an opportunity to explain the noncompliance, the 1286
authority may terminate the agreement and require the taxpayer to 1287
refund to the state all or a portion of the credit claimed in 1288
previous years, as follows: 1289

(1) If the taxpayer maintained operations at the project site 1290
for less than the term of the credit, the amount required to be 1291
refunded shall not exceed the amount of any tax credits previously 1292
allowed and received under this section. 1293

(2) If the taxpayer maintained operations at the project site 1294
longer than the term of the credit, but less than ~~one and one-half~~ 1295
~~times~~ the greater of (a) the term of the credit plus three years, 1296
or (b) seven years, the amount required to be refunded shall not 1297
exceed fifty per cent of the sum of any tax credits previously 1298
allowed and received under this section. 1299

~~(3) If the taxpayer maintained operations at the project site 1300
for at least one and one-half times the term of the credit but 1301~~

~~less than twice the term of the credit, the amount required to be 1302
refunded shall not exceed twenty five per cent of the sum of any 1303
tax credits previously allowed and received under this section. 1304~~

In determining the portion of the credit to be refunded to 1305
this state, the authority shall consider the effect of market 1306
conditions on the taxpayer's project and whether the taxpayer 1307
continues to maintain other operations in this state. After making 1308
the determination, the authority shall certify the amount to be 1309
refunded to the tax commissioner. The commissioner shall make an 1310
assessment for that amount against the taxpayer under Chapter 1311
5733., 5747., or 5751. of the Revised Code. The time limitations 1312
on assessments under those chapters do not apply to an assessment 1313
under this division, but the commissioner shall make the 1314
assessment within one year after the date the authority certifies 1315
to the commissioner the amount to be refunded. 1316

If the director of development determines that a taxpayer 1317
that received a tax credit under this section has reduced the 1318
number of employees agreed to under division (E)(5) of this 1319
section by more than ten per cent, the director shall notify the 1320
tax credit authority of the noncompliance. After receiving such 1321
notice, and after providing the taxpayer an opportunity to explain 1322
the noncompliance, the authority may amend the agreement to reduce 1323
the percentage or term of the tax credit. The reduction in the 1324
percentage or term shall take effect in the taxable year, or in 1325
the calendar year that includes the tax period, in which the 1326
authority amends the agreement. 1327

(K) The director of development, after consultation with the 1328
tax commissioner and in accordance with Chapter 119. of the 1329
Revised Code, shall adopt rules necessary to implement this 1330
section. The rules may provide for recipients of tax credits under 1331
this section to be charged fees to cover administrative costs of 1332
the tax credit program. The fees collected shall be credited to 1333

the tax incentive programs operating fund created in section 1334
122.174 of the Revised Code. At the time the director gives public 1335
notice under division (A) of section 119.03 of the Revised Code of 1336
the adoption of the rules, the director shall submit copies of the 1337
proposed rules to the chairpersons of the standing committees on 1338
economic development in the senate and the house of 1339
representatives. 1340

(L) On or before the thirty-first day of March of each year, 1341
the director of development shall submit a report to the governor, 1342
the president of the senate, and the speaker of the house of 1343
representatives on the tax credit program under this section. The 1344
report shall include information on the number of agreements that 1345
were entered into under this section during the preceding calendar 1346
year, a description of the project that is the subject of each 1347
such agreement, and an update on the status of projects under 1348
agreements entered into before the preceding calendar year. 1349

(M)(1) A nonrefundable credit shall be allowed to an 1350
applicable corporation and its related members in an amount equal 1351
to the applicable difference. The credit is in addition to the 1352
credit granted to the corporation or related members under 1353
division (B) of this section. The credit is subject to divisions 1354
(B) to (E) and division (J) of this section. 1355

(2) A person qualifying as an applicable corporation under 1356
this section for a tax year does not necessarily qualify as an 1357
applicable corporation for any other tax year. No person is 1358
entitled to the credit allowed under division (M) of this section 1359
for the tax year immediately following the taxable year during 1360
which the person fails to meet the requirements in divisions 1361
(A)(6)(a)(i) and (A)(6)(b) of this section. No person is entitled 1362
to the credit allowed under division (M) of this section for any 1363
tax year for which the person is not eligible for the credit 1364
provided under division (B) of this section. 1365

Sec. 124.152. (A)(1) Except as provided in divisions (A)(2) 1366
and (3) of this section, each exempt employee shall be paid a 1367
salary or wage in accordance with schedule E-1 or schedule E-2 of 1368
division (B), (C), or (D) of this section, as applicable. 1369

(2) Each exempt employee who holds a position in the 1370
unclassified civil service pursuant to division (A)(26) or (30) of 1371
section 124.11 of the Revised Code may be paid a salary or wage in 1372
accordance with schedule E-1, schedule E-1 for step seven only, or 1373
schedule E-2 of division (B), (C), (D), (E), (F), or (G) of this 1374
section, as applicable. 1375

(3)(a) Except as provided in division (A)(3)(b) of this 1376
section, each exempt employee who was paid a salary or wage at 1377
step 7 in the employee's pay range on June 28, 2003, in accordance 1378
with the applicable schedule E-1 of former section 124.152 of the 1379
Revised Code and who continued to be so paid on June 29, 2003, 1380
shall be paid a salary or wage in the corresponding pay range in 1381
schedule E-1 for step seven only of division (E), (F), or (G) of 1382
this section, as applicable, for as long as the employee remains 1383
in the position the employee held as of July 1, 2003. 1384

(b) Except as provided in division (A)(3)(c) of this section, 1385
if an exempt employee who is being paid a salary or wage in 1386
accordance with schedule E-1 for step seven only of division (E), 1387
(F), or (G) of this section, as applicable, moves to another 1388
position, the employee shall not receive a salary or wage for that 1389
position or any other position in the future in accordance with 1390
that schedule. 1391

(c) If an exempt employee who is being paid a salary or wage 1392
in accordance with schedule E-1 for step seven only of division 1393
(E), (F), or (G) of this section, as applicable, moves to another 1394
position assigned to pay range 12 or above, the appointing 1395
authority may assign the employee to be paid a salary or wage in 1396

the appropriate pay range for that position in accordance with the applicable schedule E-1 for step seven only, provided that the appointing authority so notifies the director of administrative services in writing at the time the employee is appointed to that position.

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

Schedule E-1

		Pay Ranges and Step Values						
		Step	Step	Step	Step	Step	Step	
Range		1	2	3	4	5	6	
1	Hourly	9.40	9.82	10.24	10.68			1411
	Annually	19552	20426	21299	22214			1412
2	Hourly	11.40	11.88	12.40	12.94			1413
	Annually	23712	24710	25792	26915			1414
3	Hourly	11.94	12.48	13.03	13.60			1415
	Annually	24835	25958	27102	28288			1416
4	Hourly	12.54	13.10	13.72	14.34			1417
	Annually	26083	27248	28538	29827			1418
5	Hourly	13.15	13.75	14.34	14.97			1419
	Annually	27352	28600	29827	31138			1420
6	Hourly	13.86	14.43	15.07	15.69			1421
	Annually	28829	30014	31346	32635			1422
7	Hourly	14.72	15.27	15.88	16.44	17.08		1423
	Annually	30618	31762	33030	34195	35526		1424
8	Hourly	15.56	16.24	16.95	17.71	18.46		1425
	Annually	32365	33779	35256	36837	38397		1426
9	Hourly	16.60	17.46	18.32	19.23	20.21		1427
	Annually	34528	36317	38106	39998	42037		1428

10	Hourly	17.91	18.89	19.90	21.05	22.18		1429
	Annually	37253	39291	41392	43784	46134		1430
11	Hourly	19.50	20.64	21.84	23.06	24.38		1431
	Annually	40560	42931	45427	47965	50710		1432
12	Hourly	21.51	22.72	23.94	25.27	26.68	28.13	1433
	Annually	44741	47258	49795	52562	55494	58510	1434
13	Hourly	23.71	25.01	26.39	27.80	29.36	30.96	1435
	Annually	49317	52021	54891	57824	61069	64397	1436
14	Hourly	26.08	27.55	29.03	30.62	32.35	34.15	1437
	Annually	54246	57304	60382	63690	67288	71032	1438
15	Hourly	28.64	30.25	31.96	33.72	35.59	37.55	1439
	Annually	59571	62920	66477	70138	74027	78104	1440
16	Hourly	31.58	33.33	35.17	37.14	39.19	41.43	1441
	Annually	65686	69326	73154	77251	81515	86174	1442
17	Hourly	34.80	36.72	38.78	40.92	43.20	45.61	1443
	Annually	72384	76378	80662	85114	89856	94869	1444
18	Hourly	38.35	40.47	42.75	45.10	47.60	50.26	1445
	Annually	79768	84178	88920	93808	99008	104541	1446
	Schedule E-2							1447
	Range			Minimum			Maximum	1448
41	Hourly			16.23			34.77	1449
	Annually			33758			72322	1450
42	Hourly			17.89			38.41	1451
	Annually			37211			79893	1452
43	Hourly			19.70			42.30	1453
	Annually			40976			87984	1454
44	Hourly			21.73			46.21	1455
	Annually			45198			96117	1456
45	Hourly			24.01			50.44	1457
	Annually			49941			104915	1458
46	Hourly			26.43			55.13	1459
	Annually			54974			114670	1460
47	Hourly			29.14			60.16	1461

	Annually	60611	125133	1462
48	Hourly	32.14	65.65	1463
	Annually	66851	136552	1464
49	Hourly	35.44	70.89	1465
	Annually	73715	147451	1466

(C) Beginning on the first day of the pay period that 1467
includes July 1, 2007, each exempt employee who must be paid in 1468
accordance with schedule E-1 or schedule E-2 of this section shall 1469
be paid a salary or wage in accordance with the following schedule 1470
of rates: 1471

Schedule E-1 1472

Pay Ranges and Step Values 1473

		Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	
1	Hourly	9.73	10.16	10.60	11.05			1474
	Annually	20238	21133	22048	22984			1475
2	Hourly	11.80	12.30	12.83	13.39			1476
	Annually	24544	25584	26686	27851			1477
3	Hourly	12.36	12.92	13.49	14.08			1478
	Annually	25709	26874	28059	29286			1479
4	Hourly	12.98	13.56	14.20	14.84			1480
	Annually	26998	28205	29536	30867			1481
5	Hourly	13.61	14.23	14.84	15.49			1482
	Annually	28309	29598	30867	32219			1483
6	Hourly	14.35	14.94	15.60	16.24			1484
	Annually	29848	31075	32448	33779			1485
7	Hourly	15.24	15.80	16.44	17.02	17.68		1486
	Annually	31699	32864	34195	35402	36774		1487
8	Hourly	16.10	16.81	17.54	18.33	19.11		1488
	Annually	33488	34965	36483	38126	39749		1489
9	Hourly	17.18	18.07	18.96	19.90	20.92		1490
	Annually	35734	37586	39437	41392	43514		1491

10	Hourly	18.54	19.55	20.60	21.79	22.96		1494
	Annually	38563	40664	42848	45323	47757		1495
11	Hourly	20.18	21.36	22.60	23.87	25.23		1496
	Annually	41974	44429	47008	49650	52478		1497
12	Hourly	22.26	23.52	24.78	26.15	27.61	29.11	1498
	Annually	46301	48922	51542	54392	57429	60549	1499
13	Hourly	24.54	25.89	27.31	28.77	30.39	32.04	1500
	Annually	51043	53851	56805	59842	63211	66643	1501
14	Hourly	26.99	28.51	30.05	31.69	33.48	35.35	1502
	Annually	56139	59301	62504	65915	69638	73528	1503
15	Hourly	29.64	31.31	33.08	34.90	36.84	38.86	1504
	Annually	61651	65125	68806	72592	76627	80829	1505
16	Hourly	32.69	34.50	36.40	38.44	40.56	42.88	1506
	Annually	67995	71760	75712	79955	84365	89190	1507
17	Hourly	36.02	38.01	40.14	42.35	44.71	47.21	1508
	Annually	74922	79061	83491	88088	92997	98197	1509
18	Hourly	39.69	41.89	44.25	46.68	49.27	52.02	1510
	Annually	82555	87131	92040	97094	102482	108202	1511
	Schedule E-2							1512
	Range			Minimum			Maximum	1513
41	Hourly			16.23			35.99	1514
	Annually			33758			74859	1515
42	Hourly			17.89			39.75	1516
	Annually			37211			82680	1517
43	Hourly			19.70			43.78	1518
	Annually			40976			91062	1519
44	Hourly			21.73			47.83	1520
	Annually			45198			99486	1521
45	Hourly			24.01			52.21	1522
	Annually			49941			108597	1523
46	Hourly			26.43			57.06	1524
	Annually			54974			118685	1525
47	Hourly			29.14			62.27	1526

	Annually	60611	129522	1527
48	Hourly	32.14	67.95	1528
	Annually	66851	141336	1529
49	Hourly	35.44	73.37	1530
	Annually	73715	152610	1531

(D) ~~Beginning~~ Except as otherwise provided in division (I) of 1532
this section, beginning on the first day of the pay period that 1533
includes July 1, 2008, each exempt employee who must be paid in 1534
accordance with schedule E-1 or schedule E-2 of this section shall 1535
be paid a salary or wage in accordance with the following schedule 1536
of rates: 1537

Schedule E-1 1538

		Pay Ranges and Step Values						1539
		Step	Step	Step	Step	Step	Step	1540
Range		1	2	3	4	5	6	1541
1	Hourly	10.07	10.52	10.97	11.44			1542
	Annually	20946	21882	22818	23795			1543
2	Hourly	12.21	12.73	13.28	13.86			1544
	Annually	25397	26478	27622	28829			1545
3	Hourly	12.79	13.37	13.96	14.57			1546
	Annually	26603	27810	29037	30306			1547
4	Hourly	13.43	14.03	14.70	15.36			1548
	Annually	27934	29182	30576	31949			1549
5	Hourly	14.09	14.73	15.36	16.03			1550
	Annually	29307	30638	31949	33342			1551
6	Hourly	14.85	15.46	16.15	16.81			1552
	Annually	30888	32157	33592	34965			1553
7	Hourly	15.77	16.35	17.02	17.62	18.30		1554
	Annually	32802	34008	35402	36650	38064		1555
8	Hourly	16.66	17.40	18.15	18.97	19.78		1556
	Annually	34653	36192	37752	39458	41142		1557
9	Hourly	17.78	18.70	19.62	20.60	21.65		1558

	Annually	36982	38896	40810	42848	45032		1559
10	Hourly	19.19	20.23	21.32	22.55	23.76		1560
	Annually	39915	42078	44346	46904	49421		1561
11	Hourly	20.89	22.11	23.39	24.71	26.11		1562
	Annually	43451	45989	48651	51397	54309		1563
12	Hourly	23.04	24.34	25.65	27.07	28.58	30.13	1564
	Annually	47923	50627	53352	56306	59446	62670	1565
13	Hourly	25.40	26.80	28.27	29.78	31.45	33.16	1566
	Annually	52832	55744	58802	61942	65416	68973	1567
14	Hourly	27.93	29.51	31.10	32.80	34.65	36.59	1568
	Annually	58094	61381	64688	68224	72072	76107	1569
15	Hourly	30.68	32.41	34.24	36.12	38.13	40.22	1570
	Annually	63814	67413	71219	75130	79310	83658	1571
16	Hourly	33.83	35.71	37.67	39.79	41.98	44.38	1572
	Annually	70366	74277	78354	82763	87318	92310	1573
17	Hourly	37.28	39.34	41.54	43.83	46.27	48.86	1574
	Annually	77542	81827	86403	91166	96242	101629	1575
18	Hourly	41.08	43.36	45.80	48.31	50.99	53.84	1576
	Annually	85446	90189	95264	100485	106059	111987	1577
Schedule E-2								1578
	Range			Minimum			Maximum	1579
41	Hourly			16.23			37.25	1580
	Annually			33758			77480	1581
42	Hourly			17.89			41.14	1582
	Annually			37211			85571	1583
43	Hourly			19.70			45.31	1584
	Annually			40976			94245	1585
44	Hourly			21.73			49.50	1586
	Annually			45198			102960	1587
45	Hourly			24.01			54.04	1588
	Annually			49941			112403	1589
46	Hourly			26.43			59.06	1590
	Annually			54974			122845	1591

47	Hourly	29.14	64.45	1592
	Annually	60611	134056	1593
48	Hourly	32.14	70.33	1594
	Annually	66851	146286	1595
49	Hourly	35.44	75.94	1596
	Annually	73715	157955	1597

(E) Beginning on the first day of the pay period that 1598
includes July 1, 2006, each exempt employee who must be paid in 1599
accordance with schedule E-1 for step seven only shall be paid a 1600
salary or wage in accordance with the following schedule of rates: 1601

Schedule E-1 for Step Seven Only 1602

Pay Ranges and Step Seven Values 1603

Range 1604

12	Hourly	29.68		1605
	Annually	61734		1606
13	Hourly	32.66		1607
	Annually	67933		1608
14	Hourly	36.01		1609
	Annually	74901		1610
15	Hourly	39.61		1611
	Annually	82389		1612
16	Hourly	43.70		1613
	Annually	90896		1614
17	Hourly	48.13		1615
	Annually	100110		1616
18	Hourly	53.02		1617
	Annually	110282		1618

(F) Beginning on the first day of the pay period that 1619
includes July 1, 2007, each exempt employee who must be paid in 1620
accordance with schedule E-1 for step seven only shall be paid a 1621
salary or wage in accordance with the following schedule of rates: 1622

Schedule E-1 for Step Seven Only 1623

		Pay Ranges and Step Values	1624
	Range		1625
12	Hourly	30.72	1626
	Annually	63898	1627
13	Hourly	33.80	1628
	Annually	70304	1629
14	Hourly	37.27	1630
	Annually	77522	1631
15	Hourly	41.00	1632
	Annually	85280	1633
16	Hourly	45.23	1634
	Annually	94078	1635
17	Hourly	49.81	1636
	Annually	103605	1637
18	Hourly	54.88	1638
	Annually	114150	1639

(G) ~~Beginning~~ Except as otherwise provided in division (I) of 1640
this section, beginning on the first day of the pay period that 1641
includes July 1, 2008, each exempt employee who must be paid in 1642
accordance with salary schedule E-1 for step seven only shall be 1643
paid a salary or wage in accordance with the following schedule of 1644
rates: 1645

Schedule E-1 for Step Seven Only 1646

		Pay Ranges and Step Values	1647
	Range		1648
12	Hourly	31.80	1649
	Annually	66144	1650
13	Hourly	34.98	1651
	Annually	72758	1652
14	Hourly	38.57	1653
	Annually	80226	1654
15	Hourly	42.44	1655

	Annually	88275	1656
16	Hourly	46.81	1657
	Annually	97365	1658
17	Hourly	51.55	1659
	Annually	107224	1660
18	Hourly	56.80	1661
	Annually	118144	1662

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

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

Sec. 120.08. There is hereby created in the state treasury the indigent defense support fund, consisting of money paid into the fund pursuant to section 4511.19 of the Revised Code and pursuant to section 2949.094 of the Revised Code out of the

additional court costs imposed under that section. The state 1688
public defender shall use the money in the fund for the purpose of 1689
reimbursing county governments for expenses incurred pursuant to 1690
sections 120.18, 120.28, and 120.33 of the Revised Code. 1691
Disbursements from the fund to county governments shall be made in 1692
each state fiscal year and shall be allocated proportionately so 1693
that each county receives an equal percentage of its total cost 1694
for operating its county public defender system, its joint county 1695
public defender system, or its county appointed counsel system. 1696
1697

Sec. 125.021. (A) Except as to the military department, the 1698
general assembly, the bureau of workers' compensation, the 1699
industrial commission, and institutions administered by boards of 1700
trustees, the ~~office of information technology~~ department of 1701
administrative services may contract for, ~~operate, and superintend~~ 1702
telephone, other telecommunication, and computer services for 1703
state agencies. Nothing in this division precludes the bureau or 1704
the commission from contracting with the ~~office~~ department to 1705
authorize the ~~office~~ department to contract for, ~~operate, or~~ 1706
~~superintend~~ those services for the bureau or the commission. 1707

(B)(1) As used in this division: 1708

(a) "Active duty" means active duty pursuant to an executive 1709
order of the president of the United States, an act of the 1710
congress of the United States, or section 5919.29 or 5923.21 of 1711
the Revised Code. 1712

(b) "Immediate family" means a person's spouse residing in 1713
the person's household, brothers and sisters of the whole or of 1714
the half blood, children, including adopted children and 1715
stepchildren, parents, and grandparents. 1716

(2) The ~~office of information technology~~ department of 1717

administrative services may enter into a contract to purchase bulk 1718
long distance telephone services and make them available at cost, 1719
or may make bulk long distance telephone services available at 1720
cost under any existing contract the office department has entered 1721
into, to members of the immediate family of persons deployed on 1722
active duty so that those family members can communicate with the 1723
persons so deployed. If the office department enters into 1724
contracts under division (B)(2) of this section, it shall do so in 1725
accordance with sections 125.01 to 125.11 of the Revised Code and 1726
in a nondiscriminatory manner that does not place any potential 1727
vendor at a competitive disadvantage. 1728

(3) If the office department decides to exercise either 1729
option under division (B)(2) of this section, it shall adopt, and 1730
may amend, rules under Chapter 119. of the Revised Code to 1731
implement that division. 1732

Sec. 125.04. (A) Except as provided in division (D) of this 1733
section, the department of administrative services shall determine 1734
what supplies and services are purchased by or for state agencies. 1735
Whenever the department of administrative services makes any 1736
change or addition to the lists of supplies and services that it 1737
determines to purchase for state agencies, it shall provide a list 1738
to the agencies of the changes or additions and indicate when the 1739
department will be prepared to furnish each item listed. Except 1740
for the requirements of division (B) of section 125.11 of the 1741
Revised Code, sections 125.04 to 125.08 and 125.09 to 125.15 of 1742
the Revised Code do not apply to or affect the educational 1743
institutions of the state. The department shall not include the 1744
bureau of workers' compensation in the lists of supplies, 1745
equipment, and services purchased and furnished by the department. 1746

Nothing in this division precludes the bureau from entering 1747
1748

into a contract with the department for the department to perform 1749
services relative to supplies, equipment, and services contained 1750
in this division for the bureau. 1751

(B)(1) As used in this division: 1752

(a) "Chartered nonpublic school" has the same meaning as in 1753
section 3310.01 of the Revised Code. 1754

(b) "Emergency medical service organization" has the same 1755
meaning as in section 4765.01 of the Revised Code. 1756

~~(b)~~(c) "Political subdivision" means any county, township, 1757
municipal corporation, school district, conservancy district, 1758
township park district, park district created under Chapter 1545. 1759
of the Revised Code, regional transit authority, regional airport 1760
authority, regional water and sewer district, or port authority. 1761
"Political subdivision" also includes any other political 1762
subdivision described in the Revised Code that has been approved 1763
by the department to participate in the department's contracts 1764
under this division. 1765

~~(c)~~(d) "Private fire company" has the same meaning as in 1766
section 9.60 of the Revised Code. 1767

(2) Subject to division (C) of this section, the department 1768
of administrative services may permit a political subdivision, 1769
county board of elections, private fire company, ~~or~~ private, 1770
nonprofit emergency medical service organization, or chartered 1771
nonpublic school to participate in contracts into which the 1772
department has entered for the purchase of supplies and services. 1773
The department may charge the entity a reasonable fee to cover the 1774
administrative costs the department incurs as a result of 1775
participation by the entity in such a purchase contract. 1776

A political subdivision desiring to participate in such 1778
purchase contracts shall file with the department a certified copy 1779

of an ordinance or resolution of the legislative authority or 1780
governing board of the political subdivision. The resolution or 1781
ordinance shall request that the political subdivision be 1782
authorized to participate in such contracts and shall agree that 1783
the political subdivision will be bound by such terms and 1784
conditions as the department prescribes and that it will directly 1785
pay the vendor under each purchase contract. A board of elections 1786
desiring to participate in such purchase contracts shall file with 1787
the purchasing authority a written request for inclusion in the 1788
program. A private fire company ~~or~~, private, nonprofit emergency 1789
medical service organization, or chartered nonpublic school 1790
desiring to participate in such purchase contracts shall file with 1791
the department a written request for inclusion in the program 1792
signed by the chief officer of the company ~~or~~, organization, or 1793
chartered nonpublic school. A request for inclusion shall include 1794
an agreement to be bound by such terms and conditions as the 1795
department prescribes and to make direct payments to the vendor 1796
under each purchase contract. 1797

The department shall include in its annual report an estimate 1798
of the cost it incurs by permitting political subdivisions, county 1799
boards of elections, private fire companies, ~~and~~ private, 1800
nonprofit emergency medical service organizations, and chartered 1801
nonpublic schools to participate in contracts pursuant to this 1802
division. The department may require such entities to file a 1803
report with the department, as often as it finds necessary, 1804
stating how many such contracts the entities participated in 1805
within a specified period of time, and any other information the 1806
department requires. 1807

(3) Purchases made by a political subdivision or a county 1808
board of elections under this division are exempt from any 1809
competitive selection procedures otherwise required by law. No 1810
political subdivision shall make any purchase under this division 1811

when bids have been received for such purchase by the subdivision, 1812
unless such purchase can be made upon the same terms, conditions, 1813
and specifications at a lower price under this division. 1814

(C) A political subdivision as defined in division (B) of 1815
this section or a county board of elections may purchase supplies 1816
or services from another party, including a political subdivision, 1817
instead of through participation in contracts described in 1818
division (B) of this section if the political subdivision or 1819
county board of elections can purchase those supplies or services 1820
from the other party upon equivalent terms, conditions, and 1821
specifications but at a lower price than it can through those 1822
contracts. Purchases that a political subdivision or county board 1823
of elections makes under this division are exempt from any 1824
competitive selection procedures otherwise required by law. A 1825
political subdivision or county board of elections that makes any 1826
purchase under this division shall maintain sufficient information 1827
regarding the purchase to verify that the political subdivision or 1828
county board of elections satisfied the conditions for making a 1829
purchase under this division. Nothing in this division restricts 1830
any action taken by a county or township as authorized by division 1831
(A)(1) of section 9.48 of the Revised Code. 1832

(D) This section does not apply to supplies or services 1833
required by the legislative or judicial branches, the capitol 1834
square review and advisory board, the adjutant general, to 1835
supplies or services purchased by a state agency directly as 1836
provided in division (A) or (E) of section 125.05 of the Revised 1837
Code, to purchases of supplies or services for the emergency 1838
management agency as provided in section 125.023 of the Revised 1839
Code, or to purchases of supplies or services for the department 1840
of rehabilitation and correction in its operation of the program 1841
for the employment of prisoners established under section 5145.16 1842
of the Revised Code that shall be made pursuant to rules adopted 1843

by the director of administrative services and the director of 1844
rehabilitation and correction in accordance with Chapter 119. of 1845
the Revised Code. The rules may provide for the exemption of the 1846
program for the employment of prisoners from the requirements of 1847
division (A) of this section. 1848

Sec. 125.09. (A) Pursuant to section 125.07 of the Revised 1849
Code, the department of administrative services may prescribe such 1850
conditions under which competitive sealed bids will be received 1851
and terms of the proposed purchase as it considers necessary; 1852
provided, that all such conditions and terms shall be reasonable 1853
and shall not unreasonably restrict competition, and bidders may 1854
bid upon all or any item of the supplies or services listed in 1855
such notice. The conditions and terms for a term contract shall 1856
require that a bidder have made at least twenty thousand dollars 1857
in total sales to one or more state agencies or one or more 1858
political subdivisions during the one-year period immediately 1859
preceding the date of submission of the bidder's bid. Those 1860
bidders claiming the preference for United States and Ohio 1861
products outlined in this chapter shall designate in their bids 1862
either that the product to be supplied is an Ohio product or that 1863
under the rules established by the director of administrative 1864
services they qualify as having a significant Ohio economic 1865
presence. 1866

(B) The department may require that each bidder provide 1867
sufficient information about the energy efficiency or energy usage 1868
of the bidder's product or service. 1869

(C) The director of administrative services shall, by rule 1870
adopted pursuant to Chapter 119. of the Revised Code, prescribe 1871
criteria and procedures for use by all state agencies in giving 1872
preference to United States and Ohio products as required by 1873
division (B) of section 125.11 of the Revised Code. The rules 1874

shall extend to:	1875
(1) Criteria for determining that a product is produced or mined in the United States rather than in another country or territory;	1876 1877 1878
(2) Criteria for determining that a product is produced or mined in Ohio;	1879 1880
(3) Information to be submitted by bidders as to the nature of a product and the location where it is produced or mined;	1881 1882
(4) Criteria and procedures to be used by the director to qualify bidders located in states bordering Ohio who might otherwise be excluded from being awarded a contract by operation of this section and section 125.11 of the Revised Code. The criteria and procedures shall recognize the level and regularity of interstate commerce between Ohio and the border states and provide that the non-Ohio businesses may qualify for award of a contract as long as they are located in a state that imposes no greater restrictions than are contained in this section and section 125.11 of the Revised Code upon persons located in Ohio selling products or services to agencies of that state. The criteria and procedures shall also provide that a non-Ohio business shall not bid on a contract for state printing in this state if the business is located in a state that excludes Ohio businesses from bidding on state printing contracts in that state.	1883 1884 1885 1886 1887 1888 1889 1890 1891 1892 1893 1894 1895 1896 1897
(5) Criteria and procedures to be used to qualify bidders whose manufactured products, except for mined products, are produced in other states or in North America, but the bidders have a significant Ohio economic presence in terms of the number of employees or capital investment a bidder has in this state. Bidders with a significant Ohio economic presence shall qualify for award of a contract on the same basis as if their products were produced in this state.	1898 1899 1900 1901 1902 1903 1904 1905

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

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

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

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

(B) ~~The director of the office of information technology shall advise the governor regarding the superintendence and implementation of statewide information technology policy.~~

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

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

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

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

(4) Establish policies and procedures for the security of personal information that is maintained and destroyed by state agencies;

(5) Employ a chief information security officer who is responsible for the implementation of the policies and procedures described in division ~~(C)~~(B)(4) of this section and for coordinating the implementation of those policies and procedures in all of the state agencies;

(6) Employ a chief privacy officer who is responsible for advising ~~the office of information technology~~ and state agencies when establishing policies and procedures for the security of

personal information and developing education and training 1968
programs regarding the state's security procedures. 1969

~~(D)~~(C)(1) The chief information security officer shall assist 1970
each state agency with the development of an information 1971
technology security strategic plan and review that plan, and each 1972
state agency shall submit that plan to the ~~office of information~~ 1973
~~technology~~ state chief information officer. The chief information 1974
security officer may require that each state agency update its 1975
information technology security strategic plan annually as 1976
determined by the state chief information officer. 1977

(2) Prior to the implementation of any information technology 1978
data system, a state agency shall prepare or have prepared a 1979
privacy impact statement for that system. 1980

~~(E)~~ The ~~office of information technology~~ shall have the same 1981
authority given to the department of administrative services under 1982
sections 125.01, 125.02, 125.023, 125.04, 125.05, 125.06, 125.07, 1983
125.071, 125.072, 125.081, 125.09, 125.10, 125.11, and 125.25 of 1984
the Revised Code for the purchase of information technology 1985
supplies and services for state agencies. 1986

~~(F)~~(D) When a state agency requests a purchase of information 1987
technology supplies or services under Chapter 125. of the Revised 1988
Code, the state chief information officer may review and reject 1989
the requested purchase for noncompliance with information 1990
technology direction, plans, policies, standards, or 1991
project-alignment criteria. 1992

~~(E)~~ The office of information technology may ~~make contracts~~ 1993
~~for, operate, and superintend~~ technology ~~supplies and services~~ for 1994
state agencies in accordance with this chapter. 1995

~~(G)~~ ~~The~~ (F) With the approval of the director of 1996
administrative services, the office of information technology may 1997
establish cooperative agreements with federal and local government 1998

agencies and state agencies that are not under the authority of 1999
the governor for the provision of technology services and the 2000
development of technology projects. 2001

~~(H)~~(G) As used in this section: 2002

(1) "Personal information" has the same meaning as in section 2003
149.45 of the Revised Code. 2004

(2) "State agency" means every organized body, office, or 2005
agency established by the laws of the state for the exercise of 2006
any function of state government, other than any state-supported 2007
institution of higher education, the office of the auditor of 2008
state, treasurer of state, secretary of state, or attorney 2009
general, the adjutant general's department, the bureau of workers' 2010
compensation, the industrial commission, the public employees 2011
retirement system, the Ohio police and fire pension fund, the 2012
state teachers retirement system, the school employees retirement 2013
system, the state highway patrol retirement system, the general 2014
assembly or any legislative agency, or the courts or any judicial 2015
agency. 2016

Sec. 125.25. (A) The director of administrative services may 2017
debar a vendor from consideration for contract awards upon a 2018
finding based upon a reasonable belief that the vendor has done 2019
any of the following: 2020

(1) Abused the selection process by repeatedly withdrawing 2021
bids or proposals before purchase orders or contracts are issued 2022
or failing to accept orders based upon firm bids; 2023

(2) Failed to substantially perform a contract according to 2024
its terms, conditions, and specifications within specified time 2025
limits; 2026

(3) Failed to cooperate in monitoring contract performance by 2027
refusing to provide information or documents required in a 2028

contract, failed to respond to complaints to the vendor, or	2029
accumulated repeated justified complaints regarding performance of	2030
a contract;	2031
(4) Attempted to influence a public employee to breach	2032
ethical conduct standards or to influence a contract award;	2033
(5) Colluded to restrain competition by any means;	2034
(6) Been convicted of a criminal offense related to the	2035
application for or performance of any public or private contract,	2036
including, but not limited to, embezzlement, theft, forgery,	2037
bribery, falsification or destruction of records, receiving stolen	2038
property, and any other offense that directly reflects on the	2039
vendor's business integrity;	2040
(7) Been convicted under state or federal antitrust laws;	2041
(8) Deliberately or willfully submitted false or misleading	2042
information in connection with the application for or performance	2043
of a public contract;	2044
(9) Violated any other responsible business practice or	2045
performed in an unsatisfactory manner as determined by the	2046
director;	2047
(10) Through the default of a contract or through other means	2048
had a determination of unresolved finding for recovery by the	2049
auditor of state under section 9.24 of the Revised Code;	2050
(11) Acted in such a manner as to be debarred from	2051
participating in a contract with any governmental agency.	2052
(B) When the director reasonably believes that grounds for	2053
debarment exist, the director shall send the vendor a notice of	2054
proposed debarment indicating the grounds for the proposed	2055
debarment and the procedure for requesting a hearing on the	2056
proposed debarment. The hearing shall be conducted in accordance	2057
with Chapter 119. of the Revised Code. If the vendor does not	2058

respond with a request for a hearing in the manner specified in 2059
Chapter 119. of the Revised Code, the director shall issue the 2060
debarment decision without a hearing and shall notify the vendor 2061
of the decision by certified mail, return receipt requested. 2062

(C) The director shall determine the length of the debarment 2063
period and may rescind the debarment at any time upon notification 2064
to the vendor. During the period of debarment, the vendor is not 2065
eligible to participate in any state contract. After the debarment 2066
period expires, the vendor shall be eligible to be awarded 2067
contracts by state agencies. 2068

(D) The director, through ~~the office of information~~ 2069
~~technology~~ and the office of procurement services, shall maintain 2070
a list of all vendors currently debarred under this section. 2071

Sec. 133.08. (A) In addition to any power to issue securities 2072
under other provisions of the Revised Code for the purposes, a 2073
county may issue revenue securities as authorized in this section. 2074
2075

(B) A county may issue revenue securities to fund or refund 2076
revenue securities previously issued, or for any purposes for 2077
which it could issue self-supporting securities and, without 2078
limitation, any of the following general purposes: 2079

(1) For one or more established sewer districts, any of the 2080
purposes provided in divisions (C)(2)(a) and (b) of section 133.07 2081
of the Revised Code~~+~~, including sanitary facilities, drainage 2082
facilities, and prevention or replacement facilities as defined in 2083
section 6117.01 of the Revised Code. For purposes of this chapter, 2084
those sanitary facilities, drainage facilities, and prevention or 2085
replacement facilities are hereby determined to qualify as 2086
facilities described in Section 13 of Article VIII, Ohio 2087
Constitution. 2088

(2) Hospital facilities as defined in division (E) of section 140.01 of the Revised Code;	2089 2090
(3) Facilities described in division (C)(10) of section 133.07 of the Revised Code;	2091 2092
(4) Off-street parking facilities pursuant to section 307.02 of the Revised Code;	2093 2094
(5) An arena, a convention center, or a combination of an arena and convention center under section 307.695 of the Revised Code.	2095 2096 2097
(C) The county shall establish rates or charges for the use, availability, or rental of the facilities to which the financing relates, being the improvement, enterprise, system, project, or categories of improvements or the operation or function that the facilities serve, which rates or charges shall be designed to provide revenues to the county sufficient to pay the costs of all current expenses of the facilities payable by the county and to pay the debt charges on the securities and to establish and maintain any contractually required special funds relating to the securities or the facilities.	2098 2099 2100 2101 2102 2103 2104 2105 2106 2107
(D) Revenue securities issued under this section shall not be general obligations of the county. Revenue securities issued under this section shall be secured only by a pledge of and lien upon the revenues of the county, derived from its ownership or operation of the facilities, including those rates or charges or rents and any interest subsidies or debt charges, grants, or other payments by federal or state agencies available therefor, and the covenants of the county to maintain sufficient rentals, rates, and charges to produce revenues sufficient to pay all current expenses of the facilities payable by the county and to pay the debt charges on the securities and to establish and maintain any contractually required special funds relating to the securities or	2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119

the facilities, and, if the securities are anticipatory 2120
securities, to issue the revenue securities in anticipation of the 2121
issuance of which the revenue securities are issued. Revenue 2122
securities may also be secured by a pledge of and lien on the 2123
proceeds of any securities issued to fund or refund those revenue 2124
securities. 2125

(E) The county officers authorized by the county taxing 2126
authority shall execute the necessary documents, including but not 2127
limited to trust agreements and leases, to provide for the pledge, 2128
protection, and disposition of the pledged revenues from which 2129
debt charges and any special fund deposits are to be paid. 2130

(F) As long as any of these revenue securities, in either 2131
original or refunded form, remain outstanding, except as otherwise 2132
provided in those documents, all parts of the facilities the 2133
revenues from which are pledged, shall remain under the control of 2134
the county taxing authority, whether any parts of the facilities 2135
are leased to or operated by others or are in or thereafter come 2136
within the boundaries of any municipal corporation, and the 2137
facilities shall remain subject to the power and duty of the 2138
taxing authority to fix and collect rates or charges or rents for 2139
the use of facilities. 2140

(G) The authority to issue securities of the county under 2141
this section for permanent improvements described in division 2142
(B)(2) of this section or division (C)(2)(d) of section 133.07 of 2143
the Revised Code may separately and independently be exercised by 2144
a board of county hospital trustees established under section 2145
339.02 of the Revised Code for those permanent improvements and 2146
related operations under the control of that board. 2147

(H) Sections 9.98 to 9.983 of the Revised Code apply to 2148
securities issued under this section, notwithstanding any other 2149
provision in this chapter. 2150

Sec. 133.52. A county, municipal corporation, or township may 2151
issue or incur public obligations, including general obligations, 2152
to provide, or assist in providing, grants, loans, loan 2153
guarantees, or contributions for conservation and revitalization 2154
purposes pursuant to Section 2o of Article VIII, Ohio 2155
Constitution. 2156

Sec. 135.101. As used in sections 135.101 to 135.106 of the 2157
Revised Code: 2158

(A) "Eligible resident" means an individual who is a resident 2159
of Ohio and who completes the SaveNOW education program prescribed 2160
by section 135.104 of the Revised Code. 2161

(B) "Eligible savings institution" means a financial 2162
institution that offers savings accounts available to residents of 2163
Ohio, that is a public depository of public money of the state 2164
under section 135.03 of the Revised Code, and that agrees to 2165
participate in the SaveNOW program under sections 135.101 to 2166
135.106 of the Revised Code. 2167

(C) "SaveNOW linked deposit" means a deposit placed by the 2168
treasurer of state with an eligible savings institution at a rate 2169
determined and calculated by the treasurer of state. 2170

(D) "SaveNOW savings account" means an interest-bearing 2171
account that is opened by an eligible resident at an eligible 2172
savings institution and that complies with the requirements of 2173
section 135.104 of the Revised Code. 2174

(E) "Premium savings rate" means the highest savings rate 2175
that is offered by an eligible savings institution for large 2176
deposits, as approved by and negotiated with the treasurer of 2177
state. 2178

(F) "Program period" means the length of time, not to exceed 2179
two years, established by the treasurer of state that a SaveNOW 2180

savings account is eligible to receive the SaveNOW interest 2181
incentive. 2182

Sec. 135.102. The general assembly finds that the personal 2183
savings rate among Ohioans has declined in recent years, that 2184
personal savings are important to the future prosperity of Ohio, 2185
and that personal savings must be encouraged and assisted. The 2186
SaveNOW program provided for in sections 135.101 to 135.106 of the 2187
Revised Code is intended to promote increased personal savings, 2188
which will materially contribute to the economic growth of Ohio 2189
and the financial security of its residents. Accordingly, it is 2190
declared to be the public policy of the state through the SaveNOW 2191
program to create an availability of higher-rate savings accounts 2192
for the purpose of increasing personal savings and promoting 2193
financial education among the residents of Ohio. 2194

Sec. 135.103. The treasurer of state may invest in SaveNOW 2195
linked deposits under sections 135.101 to 135.106 of the Revised 2196
Code, provided that at the time of placing any SaveNOW linked 2197
deposits the combined amount of investments of public money of the 2198
state in linked deposits of any kind is not more than twelve per 2199
cent of the state's total average investment portfolio as 2200
determined by the treasurer of state. When deciding whether to 2201
invest in SaveNOW linked deposits, the treasurer of state shall 2202
give priority to the investment, liquidity, and cash flow needs of 2203
the state. 2204

Sec. 135.104. (A) A resident of Ohio may participate in the 2205
SaveNOW program by agreeing to maintain a SaveNOW savings account 2206
at an eligible savings institution for the program period and by 2207
completing the SaveNOW education program. The SaveNOW education 2208
program shall include a financial literacy assessment and a 2209
financial literacy program established and administered by the 2210

treasurer of state. 2211

(B) An eligible savings institution shall accept applications 2212
for a SaveNOW savings account from eligible residents on a 2213
first-come, first-served basis on forms prescribed by the 2214
treasurer of state. The eligible savings institution shall offer 2215
to eligible residents a SaveNOW savings account that satisfies all 2216
of the following: 2217

(1) Opening and maintaining the account requires no minimum 2218
deposit; 2219

(2) No fees are charged for opening or using the account; and 2220

(3) All deposits in the account earn at least the premium 2221
savings rate. 2222

(C) To provide an additional incentive for saving, a SaveNOW 2223
incentive rate of interest shall accrue to the average daily 2224
balance of deposits, up to five thousand dollars, in a SaveNOW 2225
savings account during the program period at a rate equal to up to 2226
three percentage points above the premium savings rate. The 2227
interest earnings arising from the SaveNOW incentive rate of 2228
interest shall be credited to the account in a lump sum at the 2229
conclusion of the program period. 2230

(D) The interest earnings arising from the SaveNOW incentive 2231
rate of interest under division (C) of this section shall be 2232
deducted from the interest earned on the state's SaveNOW linked 2233
deposit at the end of the eligible program period. 2234

(E) Not more than one SaveNOW savings account shall be held 2235
by an eligible resident during a program period. An individual 2236
holding a SaveNOW savings account jointly with another individual 2237
shall be considered to be holding such an account for the purposes 2238
of this division, unless the joint ownership is of an account 2239
opened by a parent, grandparent, or guardian for a minor or for a 2240
dependent adult. 2241

Sec. 135.105. (A) Upon the placement of a SaveNOW linked 2242
deposit with an eligible savings institution, the institution 2243
shall offer SaveNOW savings accounts to eligible residents under 2244
section 135.104 of the Revised Code. A certification of compliance 2245
with this section in the form and manner prescribed by the 2246
treasurer of state shall be required of the eligible savings 2247
institution. 2248

(B) The treasurer of state shall take any and all steps 2249
necessary to implement the SaveNOW program and to monitor the 2250
compliance of eligible savings institutions, including the 2251
development of guidelines as necessary. 2252

(C) Annually, by the first day of February, the treasurer of 2253
state shall report on the SaveNOW program for the preceding 2254
calendar year to the governor, the speaker of the house of 2255
representatives, and the president of the senate. The speaker 2256
shall transmit copies of the report to the chairpersons of the 2257
standing committees of the house of representatives that 2258
customarily consider legislation regarding finance, and the 2259
president of the senate shall transmit copies of the report to the 2260
chairpersons of the standing committees of the senate that 2261
customarily consider legislation regarding finance. The report 2262
shall set forth the SaveNOW linked deposits made by the treasurer 2263
of state under the program during the year and shall include a 2264
list of eligible savings institutions and the number of SaveNOW 2265
savings accounts at each of those institutions during the 2266
preceding year. 2267

Sec. 135.106. The state and the treasurer of state are not 2268
liable to any eligible savings institution or any eligible 2269
resident in any manner for the terms associated with SaveNOW 2270
savings accounts. Any misuse or misconduct on the part of an 2271
eligible savings institution or eligible resident does not in any 2272

manner affect the deposit agreement between the eligible savings 2273
institution and the treasurer of state. 2274

Sec. 135.61. As used in sections 135.61 to 135.67 of the 2275
Revised Code: 2276

(A) "Eligible small business" means any person, including, 2277
but not limited to a person engaged in agriculture, that has all 2278
of the following characteristics: 2279

(1) Is headquartered in this state; 2280

(2) Maintains offices and operating facilities exclusively in 2281
this state and transacts business in this state; 2282

(3) Employs fewer than one hundred fifty employees, the 2283
majority of whom are residents of this state; 2284

(4) Is organized for profit. 2285

(B) "Eligible lending institution" means a financial 2286
institution that is eligible to make commercial loans, is a public 2287
depository of state funds under section 135.03 of the Revised 2288
Code, and agrees to participate in the linked deposit program. 2289

(C) "Linked deposit" means a certificate of deposit placed by 2290
the treasurer of state with an eligible lending institution at ~~up~~ 2291
~~to three per cent~~ a rate below current market rates, as determined 2292
and calculated by the treasurer of state, provided the institution 2293
agrees to lend the value of such deposit, according to the deposit 2294
agreement provided in division (C) of section 135.65 of the 2295
Revised Code, to eligible small businesses at ~~three per cent~~ a 2296
rate that reflects an equal percentage rate reduction below the 2297
present borrowing rate applicable to each specific business at the 2298
time of the deposit of state funds in the institution. 2299

Sec. 135.63. The treasurer of state may invest in linked 2300
deposits under sections 135.61 to 135.67, agricultural linked 2301

deposits under sections 135.71 to 135.76, housing linked deposits 2302
under sections 135.81 to 135.87, ~~and~~ assistive technology device 2303
linked deposits under sections 135.91 to 135.97, and SaveNOW 2304
linked deposits under sections 135.101 to 135.106 of the Revised 2305
Code, provided that at the time of placement of any such linked 2306
deposit ~~under sections 135.61 to 135.67 of the Revised Code,~~ 2307
~~agricultural linked deposit, housing linked deposit, or assistive~~ 2308
~~technology device linked deposit,~~ the combined amount of 2309
investments in ~~the linked deposits, agricultural linked deposits,~~ 2310
~~housing linked deposits, and assistive technology device~~ all such 2311
linked deposits is not more than twelve per cent of the state's 2312
total average investment portfolio as determined by the treasurer 2313
of state. When deciding whether to invest in ~~the linked deposits,~~ 2314
~~agricultural linked deposits, housing linked deposits, or~~ 2315
~~assistive technology device~~ any such linked deposits, the 2316
treasurer of state shall give priority to the investment, 2317
liquidity, and cash flow needs of the state. 2318

Sec. 135.65. (A) The treasurer of state may accept or reject 2319
a linked deposit loan package or any portion thereof, based on the 2320
treasurer's evaluation of the eligible small businesses included 2321
in the package and the amount of state funds to be deposited. When 2322
evaluating the eligible small businesses, the treasurer shall give 2323
priority to the economic needs of the area where the business is 2324
located and the ratio of state funds to be deposited to jobs 2325
sustained or created and shall also consider any reports, 2326
statements, or plans applicable to the business, the overall 2327
financial need of the business, and such other factors as the 2328
treasurer considers appropriate. 2329

(B) Upon acceptance of the linked deposit loan package or any 2330
portion thereof, the treasurer of state may place certificates of 2331
deposit with the eligible lending institution at ~~three per cent~~ a 2332
rate below current market rates, as determined and calculated by 2333

the treasurer of state. When necessary, the treasurer may place 2334
certificates of deposit prior to acceptance of a linked deposit 2335
loan package. 2336

(C) The eligible lending institution shall enter into a 2337
deposit agreement with the treasurer of state, which shall include 2338
requirements necessary to carry out the purposes of sections 2339
135.61 to 135.67 of the Revised Code. Such requirements shall 2340
reflect the market conditions prevailing in the eligible lending 2341
institution's lending area. The agreement may include a 2342
specification of the period of time in which the lending 2343
institution is to lend funds upon the placement of a linked 2344
deposit, and shall include provisions for the certificates of 2345
deposit to be placed for any maturity considered appropriate by 2346
the treasurer of state not to exceed two years, and may be renewed 2347
for up to an additional two years at the option of the treasurer. 2348
Interest shall be paid at the times determined by the treasurer of 2349
state. 2350

(D) Eligible lending institutions shall comply fully with 2351
Chapter 135. of the Revised Code. 2352

Sec. 135.66. (A) Upon the placement of a linked deposit with 2353
an eligible lending institution, such institution is required to 2354
lend such funds to each approved eligible small business listed in 2355
the linked deposit loan package required by division (D) of 2356
section 135.64 of the Revised Code and in accordance with the 2357
deposit agreement required by division (C) of section 135.65 of 2358
the Revised Code. The loan shall be at ~~three per cent~~ a rate that 2359
reflects a percentage rate reduction below the present borrowing 2360
rate applicable to each business that is equal to the percentage 2361
rate reduction below market rates at which the certificate of 2362
deposits that constitute the linked deposit were placed. A 2363
certification of compliance with this section in the form and 2364

manner as prescribed by the treasurer of state shall be required 2365
of the eligible lending institution. 2366

(B) The treasurer of state shall take any and all steps 2367
necessary to implement the linked deposit program and monitor 2368
compliance of eligible lending institutions and eligible small 2369
businesses, including the development of guidelines as necessary. 2370
The treasurer of state and the department of development shall 2371
notify each other at least quarterly of the names of the 2372
businesses receiving financial assistance from their respective 2373
programs. 2374

Annually, by the first day of February, the treasurer of 2375
state shall report on the linked deposits program for the 2376
preceding calendar year to the governor, the speaker of the house 2377
of representatives, and the president of the senate. The speaker 2378
of the house shall transmit copies of this report to the ~~chairmen~~ 2379
chairpersons of the standing committees in the house which 2380
customarily consider legislation regarding agriculture and small 2381
business, and the president of the senate shall transmit copies of 2382
this report to the ~~chairmen~~ chairpersons of the standing 2383
committees in the senate which customarily consider legislation 2384
regarding agriculture and small business. The report shall set 2385
forth the linked deposits made by the treasurer of state under the 2386
program during the year and shall include information regarding 2387
the nature, terms, and amounts of the loans upon which the linked 2388
deposits were based and the eligible small businesses to which the 2389
loans were made. 2390

Sec. 145.47. (A) Each public employee who is a contributor to 2391
the public employees retirement system shall contribute eight per 2392
cent of the contributor's earnable salary to the employees' 2393
savings fund, except that the public employees retirement board 2394
may raise the contribution rate to a rate not greater than ten per 2395

cent of the employee's earnable salary. 2396

(B) The head of each state department, institution, board, 2397
and commission, and the fiscal officer of each local authority 2398
subject to this chapter, shall deduct from the earnable salary of 2399
each contributor on every payroll of such contributor for each 2400
payroll period subsequent to the date of coverage, an amount equal 2401
to the applicable per cent of the contributor's earnable salary. 2402
The head of each state department and the fiscal officer of each 2403
local authority subject to this chapter shall transmit promptly to 2404
the system a report of contributions at such intervals and in such 2405
form as the system shall require, showing thereon all deductions 2406
for the system made from the earnable salary of each contributor 2407
employed, together with warrants ~~or~~, checks, or electronic 2408
payments covering the total of such deductions. A penalty ~~of five~~ 2409
~~per cent of the total amount due for the particular reporting~~ 2410
~~period~~ shall be added when such report, together with warrants ~~or~~, 2411
checks, or electronic payments to cover the total amount due from 2412
the earnable salary of all amenable employees of such employer, is 2413
filed thirty or more days after the last day of such reporting 2414
period. ~~Such~~ The system, after making a record of all receipts 2415
under this division, shall deposit the receipts with the treasurer 2416
of state for use as provided by this chapter. 2417

(C) Unless the board adopts a rule under division (D) of this 2418
section, the penalty described in division (B) of this section for 2419
failing to timely transmit a report, pay the total amount due, or 2420
both is as follows: 2421

(1) At least one but not more than ten days past due, an 2422
amount equal to one per cent of the total amount due; 2423

(2) At least eleven but not more than thirty days past due, 2424
an amount equal to two and one-half per cent of the total amount 2425
due; 2426

(3) Thirty-one or more days past due, an amount equal to five 2427
per cent of the total amount due. 2428

The penalty described in this division shall be added to and 2429
collected on the next succeeding regular employer billing. 2430
Interest at a rate set by the retirement board shall be charged on 2431
the amount of the penalty in case such penalty is not paid within 2432
~~three months~~ thirty days after it is added to the regular employer 2433
billing. ~~The system, after making a record of all such receipts,~~ 2434
~~shall deposit them with the treasurer of state for use as provided~~ 2435
~~by this chapter. In~~ 2436

(D) The board may adopt rules to establish penalties in 2437
amounts that do not exceed the amounts specified in divisions 2438
(C)(1) to (3) of this section. 2439

(E) In addition to the periodical reports of deduction 2440
required by this section, the fiscal officer of each local 2441
authority subject to this chapter shall submit to the system at 2442
least once each year a complete listing of all noncontributing 2443
appointive employees. Where an employer fails to transmit 2444
contributions to the system, the system may make a determination 2445
of the employees' liability for contributions and certify to the 2446
employer the amounts due for collection in the same manner as 2447
payments due the employers' accumulation fund. Any amounts so 2448
collected shall be held in trust pending receipt of a report of 2449
contributions for such public employees for the period involved as 2450
provided by law and, thereafter, the amount in trust shall be 2451
transferred to the employees' savings fund to the credit of the 2452
employees. Any amount remaining after the transfer to the 2453
employees' savings fund shall be transferred to the employers' 2454
accumulation fund as a credit of such employer. ~~The~~ 2455

(F) The fiscal officer of each local authority subject to 2456
this chapter shall require each new contributor to submit to the 2457
system a detailed report of all the contributor's previous service 2458

as a public employee along with such other facts as the board 2459
requires for the proper operation of the system. 2460

(G) Any member who, because of the member's own illness, 2461
injury, or other reason which may be approved by the member's 2462
employer is prevented from making the member's contribution to the 2463
system for any payroll period, may pay such deductions as a back 2464
payment within one year. 2465

Sec. 149.30. The Ohio historical society, chartered by this 2466
state as a corporation not for profit to promote a knowledge of 2467
history and archaeology, especially of Ohio, and operated 2468
continuously in the public interest since 1885, may perform public 2469
functions as prescribed by law. 2470

The general assembly may appropriate money to the Ohio 2471
historical society each biennium to carry out the public functions 2472
of the society as enumerated in this section. An appropriation by 2473
the general assembly to the society constitutes an offer to 2474
contract with the society to carry out those public functions for 2475
which appropriations are made. An acceptance by the society of the 2476
appropriated funds constitutes an acceptance by the society of the 2477
offer and is considered an agreement by the society to perform 2478
those functions in accordance with the terms of the appropriation 2479
and the law and to expend the funds only for the purposes for 2480
which appropriated. The governor may request on behalf of the 2481
society, and the controlling board may release, additional funds 2482
to the society for survey, salvage, repair, or rehabilitation of 2483
an emergency nature for which funds have not been appropriated, 2484
and acceptance by the society of those funds constitutes an 2485
agreement on the part of the society to expend those funds only 2486
for the purpose for which released by the controlling board. 2487

The society shall faithfully expend and apply all moneys 2488
received from the state to the uses and purposes directed by law 2489

and for necessary administrative expenses. If the general assembly
appropriates money to the society for grants or subsidies to other
entities for their site-related programs, the society, except for
good cause, shall distribute the money within ninety days of
accepting a grant or subsidy application for the money.

The society shall perform the public function of sending
notice by certified mail to the owner of any property at the time
it is listed on the national register of historic places. The
society shall accurately record all expenditures of such funds in
conformity with generally accepted accounting principles.

The auditor of state shall audit all funds and fiscal records
of the society.

The public functions to be performed by the Ohio historical
society shall include all of the following:

(A) Creating, supervising, operating, protecting,
maintaining, and promoting for public use a system of state
memorials, titles to which may reside wholly or in part with this
state or wholly or in part with the society as provided in and in
conformity to appropriate acts and resolves of the general
assembly, and leasing for renewable periods of two years or less,
with the advice and consent of the attorney general and the
director of administrative services, lands and buildings owned by
the state which are in the care, custody, and control of the
society, all of which shall be maintained and kept for public use
at reasonable hours;

(B) Making alterations and improvements, marking, and
constructing, reconstructing, protecting, or restoring structures,
earthworks, and monuments in its care, and equipping such
facilities with appropriate educational maintenance facilities;

(C) Serving as the archives administration for the state and
its political subdivisions as provided in sections 149.31 to

149.42 of the Revised Code;	2521
(D) Administering a state historical museum, to be the	2522
headquarters of the society and its principal museum and library,	2523
which shall be maintained and kept for public use at reasonable	2524
hours;	2525
(E) Establishing a marking system to identify all designated	2526
historic and archaeological sites within the state and marking or	2527
causing to be marked historic sites and communities considered by	2528
the society to be historically or archaeologically significant;	2529
(F) Publishing books, pamphlets, periodicals, and other	2530
publications about history, archaeology, and natural science and	2531
offering one copy of each regular periodical issue to all public	2532
libraries in this state at a reasonable price, which shall not	2533
exceed one hundred ten per cent more than the total cost of	2534
publication;	2535
(G) Engaging in research in history, archaeology, and natural	2536
science and providing historical information upon request to all	2537
state agencies;	2538
(H) Collecting, preserving, and making available by all	2539
appropriate means and under approved safeguards all manuscript,	2540
print, or near-print library collections and all historical	2541
objects, specimens, and artifacts which pertain to the history of	2542
Ohio and its people, including the following original documents:	2543
Ohio Constitution of 1802; Ohio Constitution of 1851; proposed	2544
Ohio Constitution of 1875; design and the letters of patent and	2545
assignment of patent for the state flag; S.J.R. 13 (1873); S.J.R.	2546
53 (1875); S.J.R. 72 (1875); S.J.R. 50 (1883); H.J.R. 73 (1883);	2547
S.J.R. 28 (1885); H.J.R. 67 (1885); S.J.R. 17 (1902); S.J.R. 28	2548
(1902); H.J.R. 39 (1902); S.J.R. 23 (1903); H.J.R. 19 (1904);	2549
S.J.R. 16 (1905); H.J.R. 41 (1913); H.J.R. 34 (1917); petition	2550
form (2) (1918); S.J.R. 6 (1921); H.J.R. 5 (1923); H.J.R. 40	2551

(1923); H.J.R. 8 (1929); H.J.R. 20 (1929); S.J.R. 4 (1933);	2552
petition form (2) (1933); S.J.R. 57 (1936); petition form (1936);	2553
H.J.R. 14 (1942); H.J.R. 15 (1944); H.J.R. 8 (1944); S.J.R. 6	2554
(1947); petition form (1947); H.J.R. 24 (1947); and H.J.R. 48	2555
(1947);	2556
(I) Encouraging and promoting the organization and	2557
development of county and local historical societies;	2558
(J) Providing to Ohio schools such materials as the society	2559
may prepare to facilitate the instruction of Ohio history at a	2560
reasonable price, which shall not exceed one hundred ten per cent	2561
more than the total cost of preparation and delivery;	2562
(K) Providing advisory and technical assistance to local	2563
societies for the preservation and restoration of historic and	2564
archaeological sites;	2565
(L) Devising uniform criteria for the designation of historic	2566
and archaeological sites throughout the state and advising local	2567
historical societies of the criteria and their application;	2568
(M) Taking inventory, in cooperation with the Ohio arts	2569
council, the Ohio archaeological council, and the archaeological	2570
society of Ohio, of significant designated and undesignated state	2571
and local sites and keeping an active registry of all designated	2572
sites within the state;	2573
(N) Contracting with the owners or persons having an interest	2574
in designated historic or archaeological sites or property	2575
adjacent or contiguous to those sites, or acquiring, by purchase,	2576
gift, or devise, easements in those sites or in property adjacent	2577
or contiguous to those sites, in order to control or restrict the	2578
use of those historic or archaeological sites or adjacent or	2579
contiguous property for the purpose of restoring or preserving the	2580
historical or archaeological significance or educational value of	2581
those sites;	2582

(O) Constructing a monument honoring Governor James A. 2583
Rhodes, which shall stand on the northeast quadrant of the grounds 2584
surrounding the capitol building. The monument shall be 2585
constructed with private funds donated to the Ohio historical 2586
society and designated for this purpose. No public funds shall be 2587
expended to construct this monument. The department of 2588
administrative services shall cooperate with the Ohio historical 2589
society in carrying out this function and shall maintain the 2590
monument in a manner compatible with the grounds of the capitol 2591
building. 2592

(P) Commissioning a portrait of each departing governor, 2593
which shall be displayed in the capitol building. The Ohio 2594
historical society may accept private contributions designated for 2595
this purpose and, at the discretion of its board of trustees, also 2596
may apply for the same purpose funds appropriated by the general 2597
assembly to the society pursuant to this section. 2598

~~(Q) Planning and developing a center at the capitol building 2599
for the purpose of educating visitors about the history of Ohio, 2600
including its political, economic, and social development and the 2601
design and erection of the capitol building and its grounds. The 2602
Ohio historical society may accept contributions of private moneys 2603
and in kind services designated for this purpose and may, at the 2604
discretion of its board of trustees, also apply, for the same 2605
purpose, personnel and other resources paid in whole or in part by 2606
its state subsidy. 2607~~

~~(R) Submitting an annual report of its activities, programs, 2608
and operations to the governor within two months after the close 2609
of each fiscal year of the state. 2610~~

The society shall not sell, mortgage, transfer, or dispose of 2611
historical or archaeological sites to which it has title and in 2612
which the state has monetary interest except by action of the 2613
general assembly. 2614

In consideration of the public functions performed by the 2615
Ohio historical society for the state, employees of the society 2616
shall be considered public employees within the meaning of section 2617
145.01 of the Revised Code. 2618

Sec. 156.02. The director of administrative services may 2619
contract with ~~the office of energy efficiency in the department of~~ 2620
~~development~~ an energy services company, contractor, architect, 2621
professional engineer, or other person experienced in the design 2622
and implementation of energy conservation measures for a report 2623
containing an analysis and recommendations pertaining to the 2624
implementation of energy conservation measures that would 2625
significantly reduce energy consumption and operating costs in any 2626
buildings owned by the state and, upon request of its board of 2627
trustees or managing authority, any building owned by an 2628
institution of higher education as defined in section 3345.12 of 2629
the Revised Code. The report shall include estimates of all costs 2630
of such measures, including the costs of design, engineering, 2631
installation, maintenance, repairs, and debt service, and 2632
estimates of the amounts by which energy consumption and operating 2633
costs would be reduced. 2634

Sec. 165.01. As used in this chapter: 2635

(A) "Agency" means a community improvement corporation 2636
organized under Chapter 1724. of the Revised Code and designated, 2637
pursuant to section 1724.10 of the Revised Code, as the agency of 2638
a municipal corporation or county. 2639

(B) "Bonds" means bonds, notes, or other forms of evidences 2640
of obligation issued in temporary or definitive form, including 2641
notes issued in anticipation of the issuance of bonds and renewal 2642
notes. The funding of bond anticipation notes with bonds or 2643
renewal notes and the exchange of definitive bonds for temporary 2644

bonds are not subject to section 165.07 of the Revised Code. 2645

(C) "Bond proceedings" means the resolution or ordinance or 2646
the trust agreement or indenture of mortgage, or combination 2647
thereof, authorizing or providing for the terms and conditions 2648
applicable to bonds issued under authority of this chapter. 2649

(D) "Issuer" means the state, or a county or municipal 2650
corporation of this state which county or municipal corporation 2651
has, pursuant to section 1724.10 of the Revised Code, designated a 2652
community improvement corporation as its agency for industrial, 2653
commercial, distribution, and research development and for which a 2654
plan has been prepared by such community improvement corporation 2655
and confirmed by its issuing authority. 2656

(E) "Issuing authority" means in the case of the state, the 2657
director of development; in the case of a municipal corporation, 2658
the legislative authority thereof; and in the case of a county, 2659
the board of county commissioners or whatever officers, board, 2660
commission, council, or other body might succeed to the 2661
legislative powers of the commissioners. 2662

(F) "Plan" means a plan prepared by the agency pursuant to 2663
section 1724.10 of the Revised Code, and confirmed by the issuing 2664
authority of a municipal corporation or county. 2665

(G) "Pledged facilities" means the project or projects 2666
mortgaged or the rentals, revenues, and other income, charges, and 2667
moneys from which are pledged, or both, for the payment of the 2668
principal of and interest on the bonds issued under authority of 2669
section 165.03 of the Revised Code, and includes a project for 2670
which a loan has been made under authority of this chapter, in 2671
which case, references in this chapter to revenues of such pledged 2672
facilities or from the disposition thereof includes payments made 2673
or to be made to or for the account of the issuer pursuant to such 2674
loan. 2675

(H) "Project" means real or personal property, or both, 2676
including undivided and other interests therein, acquired by gift 2677
or purchase, constructed, reconstructed, enlarged, improved, 2678
furnished, or equipped, or any combination thereof, by an issuer, 2679
or by others in whole or in part from the proceeds of a loan made 2680
by an issuer, for industry, commerce, distribution, or research 2681
and located within the boundaries of the issuer. "Project" 2682
includes sanitary facilities, drainage facilities, and prevention 2683
or replacement facilities as defined in section 6117.01 of the 2684
Revised Code. A project as defined in this division is hereby 2685
determined to qualify as facilities described in Section 13 of 2686
Article VIII, Ohio Constitution. 2687

(I) "Revenues" means the rentals, revenues, payments, 2688
repayments, income, charges, and moneys derived or to be derived 2689
from the use, lease, sublease, rental, sale, including installment 2690
sale or conditional sale, or other disposition of pledged 2691
facilities, or derived or to be derived pursuant to a loan made 2692
for a project, bond proceeds to the extent provided in the bond 2693
proceedings for the payment of principal of, or premium, if any, 2694
or interest on the bonds, proceeds from any insurance, 2695
condemnation or guaranty pertaining to pledged facilities or the 2696
financing thereof, and income and profit from the investment of 2697
the proceeds of bonds or of any revenues. 2698

(J) "Security interest" means a mortgage, lien, or other 2699
encumbrance on, or pledge or assignment of, or other security 2700
interest with respect to all or any part of pledged facilities, 2701
revenues, reserve funds, or other funds established under the bond 2702
proceedings, or on, of, or with respect to, a lease, sublease, 2703
sale, conditional sale or installment sale agreement, loan 2704
agreement, or any other agreement pertaining to the lease, 2705
sublease, sale, or other disposition of a project or pertaining to 2706
a loan made for a project, or any guaranty or insurance agreement 2707

made with respect thereto, or any interest of the issuer therein, 2708
or any other interest granted, assigned, or released to secure 2709
payments of the principal of, premium, if any, or interest on any 2710
bonds or to secure any other payments to be made by an issuer 2711
under the bond proceedings. Any security interest under this 2712
chapter may be prior or subordinate to or on a parity with any 2713
other mortgage, lien, encumbrance, pledge, assignment, or other 2714
security interest. 2715

Sec. 165.03. (A) An issuer may issue bonds for the purpose of 2716
providing moneys to acquire by purchase, construct, reconstruct, 2717
enlarge, improve, furnish, or equip one or more projects or parts 2718
thereof, or for any combination of such purposes, including 2719
providing moneys to make loans to others for such purposes. The 2720
issuing authority shall provide by resolution or ordinance for the 2721
issuance of such bonds. The bond proceedings may contain 2722
determinations by the issuing authority that the project to be 2723
financed thereunder is a project as defined in this chapter and is 2724
consistent with the purposes of Section 13 of Article VIII, Ohio 2725
Constitution, and such determinations shall be conclusive as to 2726
the validity and enforceability of the bonds issued under such 2727
bond proceedings and of such bond proceedings and security 2728
interests given and leases, subleases, sale agreements, loan 2729
agreements, and other agreements made in connection therewith, all 2730
in accordance with their terms. 2731

The principal of and interest on the bonds and all other 2732
payments required to be made by the bond proceedings shall be 2733
payable solely from the revenues and secured by security interests 2734
as provided in such bond proceedings. Bond anticipation notes may 2735
be secured, solely or additionally, by a covenant of the issuer 2736
that it will do all things necessary for the issuance of the bonds 2737
anticipated or renewal notes in appropriate amount and either 2738
exchange such bonds or renewal notes for such notes or apply the 2739

proceeds therefrom to the extent necessary to make full payment of 2740
the principal of and interest on such notes. The bond proceedings 2741
shall not obligate or pledge moneys raised by taxation. 2742

Bonds may be issued at one time or from time to time, shall 2743
be dated, shall mature at such time or times not exceeding thirty 2744
years from date of issue, and may be redeemable before maturity at 2745
such price or prices and under such terms and conditions, all as 2746
provided in the bond proceedings. The bonds shall bear interest at 2747
such rate or rates, or at a variable rate or rates changing from 2748
time to time in accordance with a base or formula, as provided in 2749
or authorized by the bond proceedings. The issuing authority shall 2750
determine the form of the bonds, fix their denominations and 2751
method of execution, and establish within or without the state a 2752
place or places for the payment of principal or interest. 2753

(B) The issuing authority may provide for sales of bonds at 2754
public or private sale as it deems most advantageous and for such 2755
prices, whether above or below the par value thereof, as it 2756
determines or within such limit or limits as it determines. 2757

(C) If the issuer is a county or municipal corporation, then, 2758
prior to the delivery of bonds issued under authority of this 2759
section, the issuing authority shall first have received from its 2760
agency a certification that a project to be financed by the 2761
issuance of such bonds is in accordance with the plan, except that 2762
no such certification is necessary if the project is a sanitary 2763
facility, drainage facility, or prevention or replacement facility 2764
as defined in section 6117.01 of the Revised Code. If the state is 2765
the issuer, then prior to the authorization of the bonds, the 2766
issuing authority of the state shall have received a written 2767
request for the issuance of the bonds from either the board of 2768
directors of a port authority created pursuant to the authority of 2769
section 4582.02 of the Revised Code if the project is within the 2770
jurisdiction of the port authority or from the issuing authority 2771

of the municipal corporation, if the project is within the 2772
boundaries of a municipal corporation, or of the county, if the 2773
project is within the unincorporated portion of the county, and if 2774
the project is to be located within a municipal corporation with a 2775
plan or in an unincorporated portion of the county with a plan, 2776
then prior to the delivery of bonds issued under this section, the 2777
issuing authority shall first have received from the agency of the 2778
municipal corporation if within its limits, or from the agency of 2779
the county if in unincorporated territory, a certification that 2780
such project is in accordance with its plan, except that no such 2781
certification is necessary if the request for issuance of the 2782
bonds is made by the port authority. 2783

(D) If the issuer is a county or municipal corporation, then, 2784
prior to the delivery of bonds issued under authority of this 2785
section, the issuing authority shall have caused a written notice 2786
to have been mailed by certified mail to the director of the 2787
department of development of the state advising such director of 2788
the proposed delivery of the bonds, the amount thereof, the 2789
proposed lessee, and a general description of the project or 2790
projects to be financed. 2791

(E) In case any officer who has signed any bonds or coupons 2792
pertaining thereto, or caused ~~his~~ the officer's facsimile 2793
signature to be affixed thereto, ceases to be such officer before 2794
such bonds or coupons have been delivered, such bonds or coupons 2795
may, nevertheless, be issued and delivered as though the person 2796
who had signed the bonds or coupons or caused ~~his~~ the person's 2797
facsimile signature to be affixed thereto had not ceased to be 2798
such officer. Any bonds or coupons may be executed on behalf of 2799
the issuer by an officer who, on the date of execution, is the 2800
proper officer although on the date of such bonds or coupons such 2801
person was not the proper officer. 2802

(F) All bonds issued under authority of this chapter, 2803

regardless of form or terms and regardless of any other law to the 2804
contrary, shall have all qualities and incidents of negotiable 2805
instruments, subject to provisions for registration, and may be 2806
issued in coupon, fully registered, or other form, or any 2807
combination thereof, as the issuing authority determines. 2808
Provision may be made for the registration of any coupon bonds as 2809
to principal alone or as to both principal and interest, and for 2810
the conversion into coupon bonds of any fully registered bonds or 2811
bonds registered as to both principal and interest. 2812

Sec. 303.12. (A)(1) Amendments to the zoning resolution may 2813
be initiated by motion of the county rural zoning commission, by 2814
the passage of a resolution by the board of county commissioners, 2815
or by the filing of an application by one or more of the owners or 2816
lessees of property within the area proposed to be changed or 2817
affected by the proposed amendment with the county rural zoning 2818
commission. The board of county commissioners may require that the 2819
owner or lessee of property filing an application to amend the 2820
zoning resolution pay a fee to defray the cost of advertising, 2821
mailing, filing with the county recorder, and other expenses. If 2822
the board of county commissioners requires such a fee, it shall be 2823
required generally, for each application. The board of county 2824
commissioners, upon the passage of such a resolution, shall 2825
certify it to the county rural zoning commission. 2826

(2) Upon the adoption of a motion by the county rural zoning 2827
commission, the certification of a resolution by the board of 2828
county commissioners to the commission, or the filing of an 2829
application by property owners or lessees as described in division 2830
(A)(1) of this section with the commission, the commission shall 2831
set a date for a public hearing, which date shall not be less than 2832
twenty nor more than forty days from the date of adoption of such 2833
a motion, the date of the certification of such a resolution, or 2834
the date of the filing of such an application. Notice of the 2835

hearing shall be given by the commission by one publication in one 2836
or more newspapers of general circulation in each township 2837
affected by the proposed amendment at least ten days before the 2838
date of the hearing. 2839

(B) If the proposed amendment intends to rezone or redistrict 2840
ten or fewer parcels of land, as listed on the county auditor's 2841
current tax list, written notice of the hearing shall be mailed by 2842
the county rural zoning commission, by first class mail, at least 2843
ten days before the date of the public hearing to all owners of 2844
property within and contiguous to and directly across the street 2845
from the area proposed to be rezoned or redistricted to the 2846
addresses of those owners appearing on the county auditor's 2847
current tax list. The failure of delivery of that notice shall not 2848
invalidate any such amendment. 2849

(C) If the proposed amendment intends to rezone or redistrict 2850
ten or fewer parcels of land as listed on the county auditor's 2851
current tax list, the published and mailed notices shall set forth 2852
the time, date, and place of the public hearing and include all of 2853
the following: 2854

(1) The name of the county rural zoning commission that will 2855
be conducting the hearing; 2856

(2) A statement indicating that the motion, resolution, or 2857
application is an amendment to the zoning resolution; 2858

(3) A list of the addresses of all properties to be rezoned 2859
or redistricted by the proposed amendment and of the names of 2860
owners of these properties, as they appear on the county auditor's 2861
current tax list; 2862

(4) The present zoning classification of property named in 2863
the proposed amendment and the proposed zoning classification of 2864
that property; 2865

(5) The time and place where the motion, resolution, or 2866

application proposing to amend the zoning resolution will be 2867
available for examination for a period of at least ten days prior 2868
to the hearing; 2869

(6) The name of the person responsible for giving notice of 2870
the public hearing by publication, by mail, or by both publication 2871
and mail; 2872

(7) A statement that, after the conclusion of the hearing, 2873
the matter will be submitted to the board of county commissioners 2874
for its action; 2875

(8) Any other information requested by the commission. 2876

(D) If the proposed amendment alters the text of the zoning 2877
resolution, or rezones or redistricts more than ten parcels of 2878
land as listed on the county auditor's current tax list, the 2879
published notice shall set forth the time, date, and place of the 2880
public hearing and include all of the following: 2881

(1) The name of the county rural zoning commission that will 2882
be conducting the hearing on the proposed amendment; 2883

(2) A statement indicating that the motion, application, or 2884
resolution is an amendment to the zoning resolution; 2885

(3) The time and place where the text and maps of the 2886
proposed amendment will be available for examination for a period 2887
of at least ten days prior to the hearing; 2888

(4) The name of the person responsible for giving notice of 2889
the hearing by publication; 2890

(5) A statement that, after the conclusion of the hearing, 2891
the matter will be submitted to the board of county commissioners 2892
for its action; 2893

(6) Any other information requested by the commission. 2894

Hearings shall be held in the county court house or in a 2895
public place designated by the commission. 2896

(E) Within five days after the adoption of the motion 2897
described in division (A) of this section, the certification of 2898
the resolution described in division (A) of this section, or the 2899
filing of the application described in division (A) of this 2900
section, the county rural zoning commission shall transmit a copy 2901
of it together with text and map pertaining to it to the county or 2902
regional planning commission, if there is such a commission. 2903

The county or regional planning commission shall recommend 2904
the approval or denial of the proposed amendment or the approval 2905
of some modification of it and shall submit its recommendation to 2906
the county rural zoning commission. The recommendation shall be 2907
considered at the public hearing held by the county rural zoning 2908
commission on the proposed amendment. 2909

The county rural zoning commission, within thirty days after 2910
the hearing, shall recommend the approval or denial of the 2911
proposed amendment, or the approval of some modification of it, 2912
and shall submit that recommendation together with the motion, 2913
application, or resolution involved, the text and map pertaining 2914
to the proposed amendment, and the recommendation of the county or 2915
regional planning commission on it to the board of county 2916
commissioners. 2917

The board of county commissioners, upon receipt of that 2918
recommendation, shall set a time for a public hearing on the 2919
proposed amendment, which date shall be not more than thirty days 2920
from the date of the receipt of that recommendation. Notice of the 2921
hearing shall be given by the board by one publication in one or 2922
more newspapers of general circulation in the county, at least ten 2923
days before the date of the hearing. 2924

(F) If the proposed amendment intends to rezone or redistrict 2925
ten or fewer parcels of land as listed on the county auditor's 2926
current tax list, the published notice shall set forth the time, 2927
date, and place of the public hearing and include all of the 2928

following:	2929
(1) The name of the board of county commissioners that will be conducting the hearing;	2930 2931
(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;	2932 2933
(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;	2934 2935 2936 2937
(4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;	2938 2939 2940
(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;	2941 2942 2943 2944
(6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;	2945 2946 2947
(7) Any other information requested by the board.	2948
(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:	2949 2950 2951 2952 2953
(1) The name of the board of county commissioners that will be conducting the hearing on the proposed amendment;	2954 2955
(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;	2956 2957
(3) The time and place where the text and maps of the	2958

proposed amendment will be available for examination for a period 2959
of at least ten days prior to the hearing; 2960

(4) The name of the person responsible for giving notice of 2961
the hearing by publication; 2962

(5) Any other information requested by the board. 2963

(H) Within twenty days after its public hearing, the board of 2964
county commissioners shall either adopt or deny the recommendation 2965
of the county rural zoning commission or adopt some modification 2966
of it. If the board denies or modifies the commission's 2967
recommendation, ~~the unanimous~~ a majority vote of the board shall 2968
be required. 2969

The proposed amendment, if adopted by the board, shall become 2970
effective in thirty days after the date of its adoption, unless, 2971
within thirty days after the adoption, there is presented to the 2972
board of county commissioners a petition, signed by a number of 2973
qualified voters residing in the unincorporated area of the 2974
township or part of that unincorporated area included in the 2975
zoning plan equal to not less than eight per cent of the total 2976
vote cast for all candidates for governor in that area at the most 2977
recent general election at which a governor was elected, 2978
requesting the board to submit the amendment to the electors of 2979
that area for approval or rejection at a special election to be 2980
held on the day of the next primary or general election. Each part 2981
of this petition shall contain the number and the full and correct 2982
title, if any, of the zoning amendment resolution, motion, or 2983
application, furnishing the name by which the amendment is known 2984
and a brief summary of its contents. In addition to meeting the 2985
requirements of this section, each petition shall be governed by 2986
the rules specified in section 3501.38 of the Revised Code. 2987

The form of a petition calling for a zoning referendum and 2988
the statement of the circulator shall be substantially as follows: 2989

"PETITION FOR ZONING REFERENDUM	2990	
(if the proposal is identified by a particular name or number, or both, these should be inserted here)	2991 2992	
A proposal to amend the zoning map of the unincorporated area of Township, County, Ohio, adopted (date) (followed by brief summary of the proposal).	2993 2994 2995 2996	
To the Board of County Commissioners of County, Ohio:	2997 2998	
We, the undersigned, being electors residing in the unincorporated area of Township, included within the County Zoning Plan, equal to not less than eight per cent of the total vote cast for all candidates for governor in the area at the preceding general election at which a governor was elected, request the Board of County Commissioners to submit this amendment of the zoning resolution to the electors of Township residing within the unincorporated area of the township included in the County Zoning Resolution, for approval or rejection at a special election to be held on the day of the next primary or general election to be held on .....(date)....., pursuant to section 303.12 of the Revised Code.	2999 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011	
Street Address	Date of	3012
Signature or R.F.D. Township Precinct County	Signing	3013
.....		3014
.....		3015
STATEMENT OF CIRCULATOR		3016
I, .....(name of circulator)....., declare under penalty of election falsification that I am an elector of the state of Ohio and reside at the address appearing below my signature; that I am the circulator of the foregoing part		3017 3018 3019 3020

petition containing(number)..... signatures; that I have 3021
witnessed the affixing of every signature; that all signers were 3022
to the best of my knowledge and belief qualified to sign; and that 3023
every signature is to the best of my knowledge and belief the 3024
signature of the person whose signature it purports to be or of an 3025
attorney in fact acting pursuant to section 3501.382 of the 3026
Revised Code. 3027

..... 3028
(Signature of circulator) 3029
..... 3030
(Address of circulator's permanent 3031
residence in this state) 3032
..... 3033
(City, village, or township, 3034
and zip code) 3035

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 3036
OF THE FIFTH DEGREE." 3037

No amendment for which such a referendum vote has been 3038
requested shall be put into effect unless a majority of the vote 3039
cast on the issue is in favor of the amendment. Upon certification 3040
by the board of elections that the amendment has been approved by 3041
the voters, it shall take immediate effect. 3042

Within five working days after an amendment's effective date, 3043
the board of county commissioners shall file the text and maps of 3044
the amendment in the office of the county recorder and with the 3045
regional or county planning commission, if one exists. 3046

The failure to file any amendment, or any text and maps, or 3047
duplicates of any of these documents, with the office of the 3048
county recorder or the county or regional planning commission as 3049
required by this section does not invalidate the amendment and is 3050
not grounds for an appeal of any decision of the board of zoning 3051
appeals. 3052

Sec. 303.211. (A) Except as otherwise provided in division 3053
(B) or (C) of this section, sections 303.01 to 303.25 of the 3054
Revised Code do not confer any power on any board of county 3055
commissioners or board of zoning appeals in respect to the 3056
location, erection, construction, reconstruction, change, 3057
alteration, maintenance, removal, use, or enlargement of any 3058
buildings or structures of any public utility or railroad, whether 3059
publicly or privately owned, or the use of land by any public 3060
utility or railroad for the operation of its business. As used in 3061
this division, "public utility" does not include a person that 3062
owns or operates a solid waste facility or a solid waste transfer 3063
facility that has been issued a permit under Chapter 3734. of the 3064
Revised Code or a construction and demolition debris facility that 3065
has been issued a permit under Chapter 3714. of the Revised Code. 3066

(B)(1) As used in this division, "telecommunications tower" 3067
means any free-standing structure, or any structure to be attached 3068
to a building or other structure, that meets all of the following 3069
criteria: 3070

(a) The free-standing or attached structure is proposed to be 3071
constructed on or after October 31, 1996. 3072

(b) The free-standing or attached structure is proposed to be 3073
owned or principally used by a public utility engaged in the 3074
provision of telecommunications services. 3075

(c) The free-standing or attached structure is proposed to be 3076
located in an unincorporated area of a township, in an area zoned 3077
for residential use. 3078

(d)(i) The free-standing structure is proposed to top at a 3079
height that is greater than either the maximum allowable height of 3080
residential structures within the zoned area as set forth in the 3081
applicable zoning regulations, or the maximum allowable height of 3082
such a free-standing structure as set forth in any applicable 3083

zoning regulations in effect immediately prior to October 31, 3084
1996, or as those regulations subsequently are amended. 3085

(ii) The attached structure is proposed to top at a height 3086
that is greater than either the height of the building or other 3087
structure to which it is to be attached, or the maximum allowable 3088
height of such an attached structure as set forth in any 3089
applicable zoning regulations in effect immediately prior to 3090
October 31, 1996, or as those regulations subsequently are 3091
amended. 3092

(e) The free-standing or attached structure is proposed to 3093
have attached to it radio frequency transmission or reception 3094
equipment. 3095

(2) Sections 303.01 to 303.25 of the Revised Code confer 3096
power on a board of county commissioners or board of zoning 3097
appeals with respect to the location, erection, construction, 3098
reconstruction, change, alteration, removal, or enlargement of a 3099
telecommunications tower, but not with respect to the maintenance 3100
or use of such a tower or any change or alteration that would not 3101
substantially increase the tower's height. However, the power so 3102
conferred shall apply to a particular telecommunications tower 3103
only upon the provision of a notice, in accordance with division 3104
(B)(4)(a) of this section, to the person proposing to construct 3105
the tower. 3106

(3) Any person who plans to construct a telecommunications 3107
tower in an area subject to county zoning regulations shall 3108
provide both of the following by certified mail: 3109

(a) Written notice to the board of township trustees of the 3110
township in which the tower is proposed to be constructed and to 3111
each owner of property, as shown on the county auditor's current 3112
tax list, whose land is contiguous to or directly across a street 3113
or roadway from the property on which the tower is proposed to be 3114

constructed, stating all of the following in clear and concise language: 3115
3116

(i) The person's intent to construct the tower; 3117

(ii) A description of the property sufficient to identify the proposed location; 3118
3119

(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. 3120
3121
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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. 3126
3127
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3129

(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. 3130
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(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 section, the board of county commissioners shall send the person proposing to construct the tower written notice that the tower is subject to the power conferred by and in accordance with division (B)(2) of this section. The notice shall be sent no later than 3135
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five days after the earlier of the date the board first receives 3146
such a notice from the board of township trustees or a property 3147
owner or the date upon which a member of the board of county 3148
commissioners makes an objection. Upon the date of mailing of the 3149
notice to the person, sections 303.01 to 303.25 of the Revised 3150
Code shall apply to the tower. 3151

(b) If the board of county commissioners receives no notice 3152
under division (B)(3)(a)(iii) of this section within the time 3153
prescribed by that division or no board member has an objection as 3154
provided under division (B)(4)(a) of this section within the time 3155
prescribed by that division, division (A) of this section shall 3156
apply to the tower without exception. 3157

(C) Sections 303.01 to 303.25 of the Revised Code confer 3158
power on a board of county commissioners or board of zoning 3159
appeals with respect to the location, erection, construction, 3160
reconstruction, change, alteration, maintenance, removal, use, or 3161
enlargement of any buildings or structures of a public utility 3162
engaged in the business of transporting persons or property, or 3163
both, or providing or furnishing such transportation service, over 3164
any public street, road, or highway in this state, and with 3165
respect to the use of land by any such public utility for the 3166
operation of its business, to the extent that any exercise of such 3167
power is reasonable and not inconsistent with Chapters 4901., 3168
4903., 4905., 4909., 4921., and 4923. of the Revised Code. 3169
However, this division confers no power on a board of county 3170
commissioners or board of zoning appeals with respect to a 3171
building or structure of, or the use of land by, a person engaged 3172
in the transportation of farm supplies to the farm or farm 3173
products from farm to market or to food fabricating plants. 3174

(D) Sections 303.01 to 303.25 of the Revised Code confer no 3175
power on any county rural zoning commission, board of county 3176
commissioners, or board of zoning appeals to prohibit the sale or 3177

use of alcoholic beverages in areas where the establishment and 3178
operation of any retail business, hotel, lunchroom, or restaurant 3179
is permitted. 3180

(E)(1) Any person who plans to construct a telecommunications 3181
tower within one hundred feet of a residential dwelling shall 3182
provide a written notice to the owner of the residential dwelling 3183
and to the person occupying the residence, if that person is not 3184
the owner of the residence, stating in clear and concise language 3185
the person's intent to construct the tower and a description of 3186
the property sufficient to identify the proposed location. The 3187
notice shall be sent by certified mail. If the notice is returned 3188
unclaimed or refused, the person shall mail the notice by regular 3189
mail. The failure of delivery does not invalidate the notice. 3190

(2) As used in division (E) of this section: 3191

(a) "Residential dwelling" means a building used or intended 3192
to be used as a personal residence by the owner, part-time owner, 3193
or lessee of the building, or any person authorized by such a 3194
person to use the building as a personal residence. 3195

(b) "Telecommunications tower" has the same meaning as in 3196
division (B)(1) of this section, except that the proposed location 3197
of the free-standing or attached structure may be an area other 3198
than an unincorporated area of a township, in an area zoned for 3199
residential use. 3200

Sec. 307.697. (A) For the purpose of section 307.696 of the 3201
Revised Code and to pay any or all of the charge the board of 3202
elections makes against the county to hold the election on the 3203
question of levying the tax, or for those purposes and to provide 3204
revenues to the county for permanent improvements, the board of 3205
county commissioners of a county may levy a tax not to exceed 3206
three dollars on each gallon of spirituous liquor sold to or 3207
purchased by liquor permit holders for resale, and sold at retail 3208

by the division of liquor control, in the county. The tax shall be 3209
levied on the number of gallons so sold. The tax may be levied for 3210
any number of years not exceeding twenty. 3211

The tax shall be levied pursuant to a resolution of the board 3212
of county commissioners approved by a majority of the electors in 3213
the county voting on the question of levying the tax, which 3214
resolution shall specify the rate of the tax, the number of years 3215
the tax will be levied, and the purposes for which the tax is 3216
levied. The election may be held on the date of a general or 3217
special election held not sooner than seventy-five days after the 3218
date the board certifies its resolution to the board of elections. 3219
If approved by the electors, the tax takes effect on the first day 3220
of the month specified in the resolution but not sooner than the 3221
first day of the month that is at least sixty days after the 3222
certification of the election results by the board of elections. A 3223
copy of the resolution levying the tax shall be certified to the 3224
division of liquor control at least sixty days prior to the date 3225
on which the tax is to become effective. 3226

(B) A resolution under this section may be joined on the 3227
ballot as a single question with a resolution adopted under 3228
section 4301.421 or 5743.024 of the Revised Code to levy a tax for 3229
the same purposes, and for the purpose of paying the expenses of 3230
administering that tax. 3231

(C) The form of the ballot in an election held pursuant to 3232
this section or section 4301.421 or 5743.024 of the Revised Code 3233
shall be as follows or in any other form acceptable to the 3234
secretary of state: 3235

"For the purpose of paying not more than one-half of the 3236
costs of providing a public sports facility together with related 3237
redevelopment and economic development projects, shall (an) excise 3238
tax(es) be levied by county at the rate of 3239
(dollars on each gallon of spirituous liquor sold in the county by 3240

the Ohio division of liquor control, cents per gallon on the sale 3241
of beer at wholesale in the county, cents per gallon on the sale 3242
of wine and mixed beverages at wholesale in the county, cents per 3243
gallon on the sale of cider at wholesale in the county, or mills 3244
per cigarette on the sale of cigarettes at wholesale in the 3245
county), for years? 3246

	Yes	
	No	"

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3250

For an election in which questions under this section or 3251
section 4301.421 or 5743.024 of the Revised Code are joined as a 3252
single question, the form of the ballot shall be as above, except 3253
each of the proposed taxes shall be listed. 3254

(D) The board of county commissioners of a county in which a 3255
tax is imposed under this section on July 19, 1995, may levy a tax 3256
for the purpose of section 307.673 of the Revised Code regardless 3257
of whether or not the cooperative agreement authorized under that 3258
section has been entered into prior to the day the resolution 3259
adopted under division (D)(1) or (2) of this section is adopted, 3260
and for the purpose of reimbursing a county for costs incurred in 3261
the construction of a sports facility pursuant to an agreement 3262
entered into by the county under section 307.696 of the Revised 3263
Code. The tax shall be levied and approved in one of the manners 3264
prescribed by division (D)(1) or (2) of this section. 3265

(1) The tax may be levied pursuant to a resolution adopted by 3266
a majority of the members of the board of county commissioners not 3267
later than forty-five days after July 19, 1995. A board of county 3268
commissioners approving a tax under division (D)(1) of this 3269
section may approve a tax under division (B)(1) of section 3270
4301.421 or division (C)(1) of section 5743.024 of the Revised 3271

Code at the same time. Subject to the resolution being submitted 3272
to a referendum under sections 305.31 to 305.41 of the Revised 3273
Code, the resolution shall take effect immediately, but the tax 3274
levied pursuant to the resolution shall not be levied prior to the 3275
day following the last day the tax levied pursuant to divisions 3276
(A), (B), and (C) of this section may be levied. 3277

(2) The tax may be levied pursuant to a resolution adopted by 3278
a majority of the members of the board of county commissioners not 3279
later than forty-five days after July 19, 1995, and approved by a 3280
majority of the electors of the county voting on the question of 3281
levying the tax at the next succeeding general election following 3282
July 19, 1995. The board of county commissioners shall certify a 3283
copy of the resolution to the board of elections immediately upon 3284
adopting a resolution under division (D)(2) of this section, and 3285
the board of elections shall place the question of levying the tax 3286
on the ballot at that election. The form of the ballot shall be as 3287
prescribed by division (C) of this section, except that the phrase 3288
"paying not more than one-half of the costs of providing a sports 3289
facility together with related redevelopment and economic 3290
development projects" shall be replaced by the phrase "paying the 3291
costs of constructing or renovating a sports facility and 3292
reimbursing a county for costs incurred by the county in the 3293
construction of a sports facility," and the phrase ", beginning 3294
..... (here insert the earliest date the tax would take 3295
effect)" shall be appended after "years." A board of county 3296
commissioners submitting the question of a tax under division 3297
(D)(2) of this section may submit the question of a tax under 3298
division (B)(2) of section 4301.421 or division (C)(2) of section 3299
5743.024 of the Revised Code as a single question, and the form of 3300
the ballot shall include each of the proposed taxes. 3301

If approved by a majority of electors voting on the question, 3302
the tax shall take effect on the day specified on the ballot, 3303

which shall not be earlier than the day following the last day the 3304
tax levied pursuant to divisions (A), (B), and (C) of this section 3305
may be levied. 3306

The rate of a tax levied pursuant to division (D)(1) or (2) 3307
of this section shall not exceed the rate specified in division 3308
(A) of this section. A tax levied pursuant to division (D)(1) or 3309
(2) of this section may be levied for any number of years not 3310
exceeding twenty. 3311

A board of county commissioners adopting a resolution under 3312
division (D)(1) or (2) of this section shall certify a copy of the 3313
resolution to the division of liquor control immediately upon 3314
adoption of the resolution. 3315

(E) No tax shall be levied under this section on or after the 3316
effective date of the amendment of this section by the capital 3317
appropriations act of the 127th general assembly. This division 3318
does not prevent the collection of any tax levied under this 3319
section before that date so long as that tax remains effective. 3320

Sec. 319.301. (A) This section does not apply to any of the 3321
following: 3322

(1) Taxes levied at whatever rate is required to produce a 3323
specified amount of tax money, including a tax levied under 3324
section 5705.199 or 5705.211 of the Revised Code, or an amount to 3325
pay debt charges; 3326

(2) Taxes levied within the one per cent limitation imposed 3327
by Section 2 of Article XII, Ohio Constitution; 3328

(3) Taxes provided for by the charter of a municipal 3329
corporation. 3330

(B) As used in this section: 3331

(1) "Real property" includes real property owned by a 3332
railroad. 3333

(2) "Carryover property" means all real property on the	3334
current year's tax list except:	3335
(a) Land and improvements that were not taxed by the district	3336
in both the preceding year and the current year;	3337
(b) Land and improvements that were not in the same class in	3338
both the preceding year and the current year.	3339
(3) "Effective tax rate" means with respect to each class of	3340
property:	3341
(a) The sum of the total taxes that would have been charged	3342
and payable for current expenses against real property in that	3343
class if each of the district's taxes were reduced for the current	3344
year under division (D)(1) of this section without regard to the	3345
application of division (E)(3) of this section divided by	3346
(b) The taxable value of all real property in that class.	3347
(4) "Taxes charged and payable" means the taxes charged and	3348
payable prior to any reduction required by section 319.302 of the	3349
Revised Code.	3350
(C) The tax commissioner shall make the determinations	3351
required by this section each year, without regard to whether a	3352
taxing district has territory in a county to which section 5715.24	3353
of the Revised Code applies for that year. Separate determinations	3354
shall be made for each of the two classes established pursuant to	3355
section 5713.041 of the Revised Code.	3356
(D) With respect to each tax authorized to be levied by each	3357
taxing district, the tax commissioner, annually, shall do both of	3358
the following:	3359
(1) Determine by what percentage, if any, the sums levied by	3360
such tax against the carryover property in each class would have	3361
to be reduced for the tax to levy the same number of dollars	3362
against such property in that class in the current year as were	3363

charged against such property by such tax in the preceding year 3364
subsequent to the reduction made under this section but before the 3365
reduction made under section 319.302 of the Revised Code. In the 3366
case of a tax levied for the first time that is not a renewal of 3367
an existing tax, the commissioner shall determine by what 3368
percentage the sums that would otherwise be levied by such tax 3369
against carryover property in each class would have to be reduced 3370
to equal the amount that would have been levied if the full rate 3371
thereof had been imposed against the total taxable value of such 3372
property in the preceding tax year. A tax or portion of a tax that 3373
is designated a replacement levy under section 5705.192 of the 3374
Revised Code is not a renewal of an existing tax for purposes of 3375
this division. 3376

(2) Certify each percentage determined in division (D)(1) of 3377
this section, as adjusted under division (E) of this section, and 3378
the class of property to which that percentage applies to the 3379
auditor of each county in which the district has territory. The 3380
auditor, after complying with section 319.30 of the Revised Code, 3381
shall reduce the sum to be levied by such tax against each parcel 3382
of real property in the district by the percentage so certified 3383
for its class. Certification shall be made by the first day of 3384
September except in the case of a tax levied for the first time, 3385
in which case certification shall be made within fifteen days of 3386
the date the county auditor submits the information necessary to 3387
make the required determination. 3388

(E)(1) As used in division (E)(2) of this section, "pre-1982 3389
joint vocational taxes" means, with respect to a class of 3390
property, the difference between the following amounts: 3391

(a) The taxes charged and payable in tax year 1981 against 3392
the property in that class for the current expenses of the joint 3393
vocational school district of which the school district is a part 3394
after making all reductions under this section; 3395

(b) The following percentage of the taxable value of all real property in that class:	3396 3397
(i) In 1987, five one-hundredths of one per cent;	3398
(ii) In 1988, one-tenth of one per cent;	3399
(iii) In 1989, fifteen one-hundredths of one per cent;	3400
(iv) In 1990 and each subsequent year, two-tenths of one per cent.	3401 3402
If the amount in division (E)(1)(b) of this section exceeds the amount in division (E)(1)(a) of this section, the pre-1982 joint vocational taxes shall be zero.	3403 3404 3405
As used in divisions (E)(2) and (3) of this section, "taxes charged and payable" has the same meaning as in division (B)(4) of this section and excludes any tax charged and payable in 1985 or thereafter under sections 5705.194 to 5705.197 or section <u>5705.199</u> or 5705.213 of the Revised Code.	3406 3407 3408 3409 3410
(2) If in the case of a school district other than a joint vocational or cooperative education school district any percentage required to be used in division (D)(2) of this section for either class of property could cause the total taxes charged and payable for current expenses to be less than two per cent of the taxable value of all real property in that class that is subject to taxation by the district, the commissioner shall determine what percentages would cause the district's total taxes charged and payable for current expenses against that class, after all reductions that would otherwise be made under this section, to equal, when combined with the pre-1982 joint vocational taxes against that class, the lesser of the following:	3411 3412 3413 3414 3415 3416 3417 3418 3419 3420 3421 3422
(a) The sum of the rates at which those taxes are authorized to be levied;	3423 3424
(b) Two per cent of the taxable value of the property in that	3425

class. The auditor shall use such percentages in making the 3426
reduction required by this section for that class. 3427

(3)(a) If in the case of a joint vocational school district 3428
any percentage required to be used in division (D)(2) of this 3429
section for either class of property could cause the total taxes 3430
charged and payable for current expenses for that class to be less 3431
than the designated amount, the commissioner shall determine what 3432
percentages would cause the district's total taxes charged and 3433
payable for current expenses for that class, after all reductions 3434
that would otherwise be made under this section, to equal the 3435
designated amount. The auditor shall use such percentages in 3436
making the reductions required by this section for that class. 3437

(b) As used in division (E)(3)(a) of this section, the 3438
designated amount shall equal the taxable value of all real 3439
property in the class that is subject to taxation by the district 3440
times the lesser of the following: 3441

(i) Two-tenths of one per cent; 3442

(ii) The district's effective rate plus the following 3443
percentage for the year indicated: 3444

WHEN COMPUTING THE 3445

TAXES CHARGED FOR ADD THE FOLLOWING PERCENTAGE: 3446

1987 0.025% 3447

1988 0.05% 3448

1989 0.075% 3449

1990 0.1% 3450

1991 0.125% 3451

1992 0.15% 3452

1993 0.175% 3453

1994 and thereafter 0.2% 3454

(F) No reduction shall be made under this section in the rate 3455
at which any tax is levied. 3456

(G) The commissioner may order a county auditor to furnish 3457
any information the commissioner needs to make the determinations 3458
required under division (D) or (E) of this section, and the 3459
auditor shall supply the information in the form and by the date 3460
specified in the order. If the auditor fails to comply with an 3461
order issued under this division, except for good cause as 3462
determined by the commissioner, the commissioner shall withhold 3463
from such county or taxing district therein fifty per cent of 3464
state revenues to local governments pursuant to section 5747.50 of 3465
the Revised Code or shall direct the department of education to 3466
withhold therefrom fifty per cent of state revenues to school 3467
districts pursuant to Chapter 3317. of the Revised Code. The 3468
commissioner shall withhold the distribution of such revenues 3469
until the county auditor has complied with this division, and the 3470
department shall withhold the distribution of such revenues until 3471
the commissioner has notified the department that the county 3472
auditor has complied with this division. 3473

(H) If the commissioner is unable to certify a tax reduction 3474
factor for either class of property in a taxing district located 3475
in more than one county by the last day of November because 3476
information required under division (G) of this section is 3477
unavailable, the commissioner may compute and certify an estimated 3478
tax reduction factor for that district for that class. The 3479
estimated factor shall be based upon an estimate of the 3480
unavailable information. Upon receipt of the actual information 3481
for a taxing district that received an estimated tax reduction 3482
factor, the commissioner shall compute the actual tax reduction 3483
factor and use that factor to compute the taxes that should have 3484
been charged and payable against each parcel of property for the 3485
year for which the estimated reduction factor was used. The amount 3486
by which the estimated factor resulted in an overpayment or 3487
underpayment in taxes on any parcel shall be added to or 3488
subtracted from the amount due on that parcel in the ensuing tax 3489

year. 3490

A percentage or a tax reduction factor determined or computed 3491
by the commissioner under this section shall be used solely for 3492
the purpose of reducing the sums to be levied by the tax to which 3493
it applies for the year for which it was determined or computed. 3494
It shall not be used in making any tax computations for any 3495
ensuing tax year. 3496

(I) In making the determinations under division (D)(1) of 3497
this section, the tax commissioner shall take account of changes 3498
in the taxable value of carryover property resulting from 3499
complaints filed under section 5715.19 of the Revised Code for 3500
determinations made for the tax year in which such changes are 3501
reported to the commissioner. Such changes shall be reported to 3502
the commissioner on the first abstract of real property filed with 3503
the commissioner under section 5715.23 of the Revised Code 3504
following the date on which the complaint is finally determined by 3505
the board of revision or by a court or other authority with 3506
jurisdiction on appeal. The tax commissioner shall account for 3507
such changes in making the determinations only for the tax year in 3508
which the change in valuation is reported. Such a valuation change 3509
shall not be used to recompute the percentages determined under 3510
division (D)(1) of this section for any prior tax year. 3511

Sec. 321.261. (A) Five per cent of all delinquent real 3512
property, personal property, and manufactured and mobile home 3513
taxes and assessments collected by the county treasurer shall be 3514
deposited in the delinquent tax and assessment collection fund, 3515
which shall be created in the county treasury. The Except as 3516
provided in division (B) of this section, the moneys in the fund, 3517
one-half of which shall be appropriated by the board of county 3518
commissioners to the treasurer and one-half of which shall be 3519
appropriated to the county prosecuting attorney, shall be used 3520

solely in connection with the collection of delinquent real 3521
property, personal property, and manufactured and mobile home 3522
taxes and assessments. 3523

Annually by the first day of December, the treasurer and the 3524
prosecuting attorney each shall submit a report to the board 3525
regarding the use of the moneys appropriated to their respective 3526
offices from the delinquent tax and assessment collection fund. 3527
Each report shall specify the amount appropriated to the office 3528
during the current calendar year, an estimate of the amount so 3529
appropriated that will be expended by the end of the year, a 3530
summary of how the amount appropriated has been expended in 3531
connection with delinquent tax collection activities, and an 3532
estimate of the amount that will be credited to the fund during 3533
the ensuing calendar year. 3534

(B) A board of county commissioners of a county with a 3535
population exceeding one hundred twenty-five thousand may, by 3536
resolution, authorize the use of up to three million dollars each 3537
year in the county's delinquent tax and assessment collection fund 3538
to prevent residential mortgage foreclosures in the county and to 3539
assist municipal corporations located in the county in the 3540
nuisance abatement of deteriorated residential buildings in 3541
foreclosure. The funds shall be used to provide financial 3542
assistance in the form of loans to borrowers in default on their 3543
home mortgages, including for the payment of late fees, to clear 3544
arrearage balances, and to augment moneys used in the county's 3545
foreclosure prevention program. Upon application by a municipal 3546
corporation located in the county, the funds also shall be used to 3547
pay the cost of securing deteriorated residential buildings in 3548
foreclosure, including paying the costs of securing such 3549
buildings, lot maintenance, and demolition. 3550

Sec. 340.02. As used in this section, "mental health 3551

professional" means a person who is qualified to work with 3552
mentally ill persons, pursuant to standards established by the 3553
director of mental health under section 5119.611 of the Revised 3554
Code. 3555

For each alcohol, drug addiction, and mental health service 3556
district, there shall be appointed a board of alcohol, drug 3557
addiction, and mental health services of eighteen members. ~~Members~~ 3558
~~shall be residents of the district and~~ Nine members shall be 3559
interested in mental health programs and facilities ~~or~~ and nine 3560
other members shall be interested in alcohol or drug addiction 3561
programs. All members shall be residents of the service district. 3562
The membership shall, as nearly as possible, reflect the 3563
composition of the population of the service district as to race 3564
and sex. 3565

The director of mental health shall appoint four members of 3566
the board, the director of alcohol and drug addiction services 3567
shall appoint four members, and the board of county commissioners 3568
shall appoint ten members. In a joint-county district, the county 3569
commissioners of each participating county shall appoint members 3570
in as nearly as possible the same proportion as that county's 3571
population bears to the total population of the district, except 3572
that at least one member shall be appointed from each 3573
participating county. 3574

The director of mental health shall ensure that at least one 3575
member of the board is a psychiatrist and one member of the board 3576
is a mental health professional. If the appointment of a 3577
psychiatrist is not possible, as determined under rules adopted by 3578
the director, a licensed physician may be appointed in place of 3579
the psychiatrist. If the appointment of a licensed physician is 3580
not possible, the director of mental health may waive the 3581
requirement that the psychiatrist or licensed physician be a 3582
resident of the service district and appoint a psychiatrist or 3583

licensed physician from a contiguous county. ~~The membership of the~~ 3584
~~board shall, as nearly as possible, reflect the composition of the~~ 3585
~~population of the service district as to race and sex.~~ The 3586
director of mental health shall ensure that at least one member of 3587
the board is a person who has received or is receiving mental 3588
health services paid for by public funds and at least one member 3589
is a parent or other relative of such a person. 3590

The director of alcohol and drug addiction services shall 3591
ensure that at least one member of the board is a professional in 3592
the field of alcohol or drug addiction services and one member of 3593
the board is an advocate for persons receiving treatment for 3594
alcohol or drug addiction. Of the members appointed by the 3595
director of alcohol and drug addiction services, at least one 3596
shall be a person who has received or is receiving services for 3597
alcohol or drug addiction, and at least one shall be a parent or 3598
other relative of such a person. 3599

No member or employee of a board of alcohol, drug addiction, 3600
and mental health services shall serve as a member of the board of 3601
any agency with which the board of alcohol, drug addiction, and 3602
mental health services has entered into a contract for the 3603
provision of services or facilities. No member of a board of 3604
alcohol, drug addiction, and mental health services shall be an 3605
employee of any agency with which the board has entered into a 3606
contract for the provision of services or facilities. No person 3607
shall be an employee of a board and such an agency unless the 3608
board and agency both agree in writing. 3609

No person shall serve as a member of the board of alcohol, 3610
drug addiction, and mental health services whose spouse, child, 3611
parent, brother, sister, grandchild, stepparent, stepchild, 3612
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 3613
daughter-in-law, brother-in-law, or sister-in-law serves as a 3614
member of the board of any agency with which the board of alcohol, 3615

drug addiction, and mental health services has entered into a 3616
contract for the provision of services or facilities. No person 3617
shall serve as a member or employee of the board whose spouse, 3618
child, parent, brother, sister, stepparent, stepchild, 3619
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 3620
daughter-in-law, brother-in-law, or sister-in-law serves as a 3621
county commissioner of a county or counties in the alcohol, drug 3622
addiction, and mental health service district. 3623

Each year each board member shall attend at least one 3624
in-service training session provided or approved by the department 3625
of mental health or the department of alcohol and drug addiction 3626
services. Such training sessions shall not be considered to be 3627
regularly scheduled meetings of the board. 3628

Each member shall be appointed for a term of four years, 3629
commencing the first day of July, except that one-third of initial 3630
appointments to a newly established board, and to the extent 3631
possible to expanded boards, shall be for terms of two years, 3632
one-third of initial appointments shall be for terms of three 3633
years, and one-third of initial appointments shall be for terms of 3634
four years. No member shall serve more than two consecutive 3635
four-year terms. A member may serve for three consecutive terms 3636
only if one of the terms is for less than two years. A member who 3637
has served two consecutive four-year terms or three consecutive 3638
terms totaling less than ten years is eligible for reappointment 3639
one year following the end of the second or third term, 3640
respectively. 3641

When a vacancy occurs, appointment for the expired or 3642
unexpired term shall be made in the same manner as an original 3643
appointment. The appointing authority shall be notified by 3644
certified mail of any vacancy and shall fill the vacancy within 3645
sixty days following that notice. 3646

Any member of the board may be removed from office by the 3647

appointing authority for neglect of duty, misconduct, or 3648
malfeasance in office, and shall be removed by the appointing 3649
authority if the member's spouse, child, parent, brother, sister, 3650
stepparent, stepchild, stepbrother, stepsister, father-in-law, 3651
mother-in-law, son-in-law, daughter-in-law, brother-in-law, or 3652
sister-in-law serves as a county commissioner of a county or 3653
counties in the service district or serves as a member or employee 3654
of the board of an agency with which the board of alcohol, drug 3655
addiction, and mental health services has entered a contract for 3656
the provision of services or facilities. The member shall be 3657
informed in writing of the charges and afforded an opportunity for 3658
a hearing. Upon the absence of a member within one year from 3659
either four board meetings or from two board meetings without 3660
prior notice, the board shall notify the appointing authority, 3661
which may vacate the appointment and appoint another person to 3662
complete the member's term. 3663

Members of the board shall serve without compensation, but 3664
shall be reimbursed for actual and necessary expenses incurred in 3665
the performance of their official duties, as defined by rules of 3666
the departments of mental health and alcohol and drug addiction 3667
services. 3668

Sec. 340.021. (A) In an alcohol, drug addiction, and mental 3669
health service district comprised of a county with a population of 3670
two hundred fifty thousand or more on October 10, 1989, the board 3671
of county commissioners shall, within thirty days of October 10, 3672
1989, establish an alcohol and drug addiction services board as 3673
the entity responsible for providing alcohol and drug addiction 3674
services in the county, unless, prior to that date, the board 3675
adopts a resolution providing that the entity responsible for 3676
providing the services is a board of alcohol, drug addiction, and 3677
mental health services. If the board of county commissioners 3678
establishes an alcohol and drug addiction services board, the 3679

community mental health board established under former section 3680
340.02 of the Revised Code shall serve as the entity responsible 3681
for providing mental health services in the county. A community 3682
mental health board has all the powers, duties, and obligations of 3683
a board of alcohol, drug addiction, and mental health services 3684
with regard to mental health services. An alcohol and drug 3685
addiction services board has all the powers, duties, and 3686
obligations of a board of alcohol, drug addiction, and mental 3687
health services with regard to alcohol and drug addiction 3688
services. Any provision of the Revised Code that refers to a board 3689
of alcohol, drug addiction, and mental health services with regard 3690
to mental health services also refers to a community mental health 3691
board and any provision that refers to a board of alcohol, drug 3692
addiction, and mental health services with regard to alcohol and 3693
drug addiction services also refers to an alcohol and drug 3694
addiction services board. 3695

An alcohol and drug addiction services board shall consist of 3696
eighteen members, six of whom shall be appointed by the director 3697
of alcohol and drug addiction services and twelve of whom shall be 3698
appointed by the board of county commissioners. Of the members 3699
appointed by the director, one shall be a person who has received 3700
or is receiving services for alcohol or drug addiction, one shall 3701
be a parent or relative of such a person, one shall be a 3702
professional in the field of alcohol or drug addiction services, 3703
and one shall be an advocate for persons receiving treatment for 3704
alcohol or drug addiction. The membership of the board shall, as 3705
nearly as possible, reflect the composition of the population of 3706
the service district as to race and sex. Members shall be 3707
residents of the service district and shall be interested in 3708
alcohol and drug addiction services. Requirements for membership, 3709
including prohibitions against certain family and business 3710
relationships, and terms of office shall be the same as those for 3711
members of boards of alcohol, drug addiction, and mental health 3712

services. 3713

A community mental health board shall consist of eighteen 3714
members, six of whom shall be appointed by the director of mental 3715
health and twelve of whom shall be appointed by the board of 3716
county commissioners. Of the members appointed by the director, 3717
one shall be a person who has received or is receiving mental 3718
health services, one shall be a parent or relative of such a 3719
person, one shall be a psychiatrist or a physician, and one shall 3720
be a mental health professional. The membership of the board as 3721
nearly as possible shall reflect the composition of the population 3722
of the service district as to race and sex. Members shall be 3723
residents of the service district and shall be interested in 3724
mental health services. Requirements for membership, including 3725
prohibitions against certain family and business relationships, 3726
and terms of office shall be the same as those for members of 3727
boards of alcohol, drug addiction, and mental health services. 3728

(B) If a board of county commissioners subject to division 3729
(A) of this section did not adopt a resolution providing for a 3730
board of alcohol, drug addiction, and mental health services, the 3731
board of county commissioners may establish such a board in 3732
accordance with the following procedures: 3733

(1) Not later than January 1, 2007, the board of county 3734
commissioners shall adopt a resolution expressing its intent to 3735
establish a board of alcohol, drug addiction, and mental health 3736
services. 3737

(2) After adopting a resolution under division (B)(1) of this 3738
section, the board of county commissioners shall instruct the 3739
county's community mental health board and alcohol and drug 3740
addiction services board to prepare a report on the feasibility, 3741
process, and proposed plan to establish a board of alcohol, drug 3742
addiction, and mental health services. The board of county 3743
commissioners shall specify the date by which the report must be 3744

submitted to the board for its review. 3745

(3) After reviewing the report prepared under division (B)(2) 3746
of this section, the board may adopt a final resolution 3747
establishing a board of alcohol, drug addiction, and mental health 3748
services. A final resolution establishing such a board shall be 3749
adopted not later than July 1, 2007. 3750

(C)(1) If a board of county commissioners subject to division 3751
(A) of this section did not adopt a resolution providing for a 3752
board of alcohol, drug addiction, and mental health services and 3753
did not establish such a board under division (B) of this section, 3754
the board of county commissioners may establish a board of 3755
alcohol, drug addiction, and mental health services on or after 3756
the effective date of this amendment. To establish the board, the 3757
board of county commissioners shall adopt a resolution providing 3758
for the board's establishment. The composition of the board, the 3759
procedures for appointing members, and all other matters related 3760
to the board and its members are subject to section 340.02 of the 3761
Revised Code, with the following exceptions: 3762

(a) For initial appointments to the board, the county's 3763
community mental health board and alcohol and drug addiction 3764
services board shall jointly recommend members of those boards for 3765
reappointment and shall submit the recommendations to the board of 3766
county commissioners, director of mental health, and director of 3767
alcohol and drug addiction services. 3768

(b) To the greatest extent possible, the appointing 3769
authorities shall appoint the initial members from among the 3770
members jointly recommended under division (C)(1)(a) of this 3771
section. 3772

(2) If a board of alcohol, drug addiction, and mental health 3773
services is established pursuant to division (C)(1) of this 3774
section, the board has the same rights, privileges, immunities, 3775

powers, and duties that were possessed by the county's community 3776
mental health board and alcohol and drug addiction services board. 3777
When the board is established, all property and obligations of the 3778
community mental health board and alcohol and drug addiction 3779
services board shall be transferred to the board of alcohol, drug 3780
addiction, and mental health services. 3781

Sec. 351.26. (A) The board of directors of a convention 3782
facilities authority may adopt a resolution requesting the board 3783
of county commissioners of the county in which the convention 3784
facilities authority has its territory to propose the question of 3785
a tax to be levied pursuant to this section and section 4301.424 3786
or sections 5743.026 and 5743.324 of the Revised Code for the 3787
purpose of construction or renovation of a sports facility. The 3788
board of directors shall certify a copy of the resolution to the 3789
board of county commissioners not later than ninety days prior to 3790
the day of the election at which the board of directors requests 3791
the board of county commissioners to submit the question of the 3792
tax. The resolution shall state the rate at which the tax would be 3793
levied, the purpose for which the tax would be levied, the number 3794
of years the tax would be levied, the section of the Revised Code 3795
under which the tax would be levied, and the date of the election 3796
at which the board of directors requests the board of county 3797
commissioners to submit the question of the tax, all of which are 3798
subject to the limitations of this section and section 4301.424 or 3799
sections 5743.026 and 5743.324 of the Revised Code. 3800

Upon receiving a copy of such a resolution from the board of 3801
directors, the board of county commissioners shall adopt a 3802
resolution either approving or rejecting the proposal, and certify 3803
a copy of its resolution to the board of directors. If the board 3804
of county commissioners approves the proposal, the board of county 3805
commissioners shall propose the question of levying a tax pursuant 3806
to section 4301.424 of the Revised Code or pursuant to sections 3807

5743.026 and 5743.324 of the Revised Code, as specified in the 3808
 board of directors' resolution, for the purpose of construction or 3809
 renovation of a sports facility. 3810

(B) The form of the ballot in an election held on the 3811
 question of levying a tax proposed pursuant to section 4301.424 or 3812
 5743.026 of the Revised Code shall be as follows or in any other 3813
 form acceptable to the secretary of state: 3814

"For the purpose of paying the costs of 3815
 (constructing or renovating) a sports facility, shall (an) excise 3816
 tax(es) be levied by the county for the convention 3817
 facilities authority of county at the rate of 3818
 (dollars on each gallon of spirituous liquor sold in the county by 3819
 the Ohio division of liquor control, cents per gallon on the sale 3820
 of beer at wholesale in the county, cents per gallon on the sale 3821
 of wine and mixed beverages at wholesale in the county, or mills 3822
 per cigarette on the sale of cigarettes at wholesale in the 3823
 county), for years? 3824

	Yes	"
	No	

3825
 3826
 3827
 3828
 For an election in which questions under section 4301.424 or 3829
 5743.026 of the Revised Code are joined as a single question, the 3830
 form of the ballot shall be as above, except each of the proposed 3831
 taxes shall be listed. 3832

(C) No tax shall be levied under this section on or after the 3833
effective date of the amendment of this section by the capital 3834
appropriations act of the 127th general assembly. This division 3835
does not prevent the collection of any tax levied under this 3836
section before that date so long as that tax remains effective. 3837

Sec. 353.01. The board of county commissioners of any county with a population of 1.2 million or more according to the 2000 federal decennial census may, by a two-thirds vote of the board, adopt a resolution, to cause the board of elections in the county to submit to the electors of the county the question of adopting a restructured form of county government as authorized by section 353.02 of the Revised Code. The question shall be voted upon at the next general election occurring not less than seventy-five days after the certification of the resolution to the board of elections.

A resolution is not in order under this section if the question of choosing a commission to frame a county charter or of adopting a county charter is then pending before the board of county commissioners, has been submitted to the electors, or has been approved by the electors.

Sec. 353.02. A restructured form of county government shall have the following characteristics:

(A) The board of county commissioners is retained, and continues to be elected, as provided by law.

(B) The formerly elected offices of county auditor, county recorder, county treasurer, county coroner, county engineer, and county sheriff are eliminated and replaced by the following officers, each of whom is appointed by the board of county commissioners by unanimous vote:

(1) The offices of county auditor, county recorder, and county treasurer are combined into a new position of county fiscal officer. The county fiscal officer shall hold office for a term of five years, and shall fulfill all the duties vested by law in county auditors, county recorders, and county treasurers.

(2) The office of county coroner is replaced by a department

of medical examiner, which shall be administered by a director. 3868
The director shall have the same qualifications (except election) 3869
prescribed by law for, and shall fulfill all the duties vested by 3870
law in, county coroners. 3871

(3) The office of county engineer is replaced by a department 3872
of public works, which shall be administered by a director. The 3873
director shall have the same qualifications (except election) 3874
prescribed by law for, and shall fulfill all the duties vested by 3875
law in, county engineers. 3876

(4) The office of county sheriff is replaced by a department 3877
of corrections, which shall be administered by a director. The 3878
director shall have the same qualifications (except election) 3879
prescribed by law for, and shall fulfill all the duties vested by 3880
law in, county sheriffs. 3881

(C) Any officer or director appointed by a board of county 3882
commissioners under division (B) of this section may be removed at 3883
any time by a majority vote of the board following a hearing if 3884
the officer or director requests a hearing on the issue. In the 3885
event of a vacancy in any office appointed by a board of county 3886
commissioners under this section, the board may appoint an interim 3887
appointee by majority vote for a period of not more than sixty 3888
days. A replacement shall be chosen in the same manner as the 3889
original appointment within sixty days after the creation of the 3890
vacancy. The person appointed to serve as a replacement for any 3891
such office shall serve for the unexpired portion of the term. 3892

(D) The clerk of courts is not elected, but rather is 3893
appointed by and serves at the pleasure of the chief 3894
administrative judge of the court of common pleas in the county. 3895
The clerk shall have the same qualifications (except election) 3896
prescribed by law for, and shall fulfill all the duties vested by 3897
law or rule of court in, clerks of court. The clerk may be removed 3898
or replaced by the chief administrative judge at any time, with or 3899

without cause. 3900

Sec. 353.03. In submitting to the electors of the county the 3901
question of adopting a restructured form of county government, the 3902
board of elections shall submit the question in language 3903
substantially as follows: 3904

"Shall the county of adopt the 3905
restructured form of county government proposed under sections 3906
353.01 and 353.02 of the Revised Code? 3907

() For adoption of the restructured form of county 3908
government. 3909

() Against adoption of the restructured form of county 3910
government." 3911

At least forty-five days before the election, the board of 3912
county commissioners shall cause a copy of the restructured form 3913
of county government to be distributed to each elector of the 3914
county so far as may be reasonably possible. 3915

If a majority of the votes cast on the proposition of 3916
adopting a restructured form of county government is in the 3917
affirmative, then that form becomes the form of government of the 3918
county. 3919

Immediately following the election the board of elections 3920
shall file a certificate of the results with the secretary of 3921
state. 3922

The board of county commissioners and the chief 3923
administrative judge of the court of common pleas shall make the 3924
appointments required by the restructured form of county 3925
government not sooner than sixty nor later than ninety days after 3926
the date of the election. The officers serving on the date of the 3927
election continue to hold office until their successors are 3928
appointed and qualified. 3929

Sec. 353.04. A proposition to discontinue a restructured form of county government may be submitted to the electors of the county at any general election in the manner provided for the submission of a restructured form of county government under sections 353.01 and 353.03 of the Revised Code.

Sec. 353.05. The adoption or discontinuance of a restructured form of county government in a county does not affect an act done, ratified, or affirmed, or a contract or other right or obligation other than contracts for personal services, accrued or established, or an action, prosecution, or proceeding, civil or criminal, pending at the time the change in form of government takes effect; nor shall the adoption or discontinuance of a restructured form of county government affect causes of action, prosecutions, or proceedings existing at the time it takes effect; but rights shall attach to, and actions, prosecutions, or proceedings may be prosecuted and continued, or instituted and prosecuted against, by, or before the department having jurisdiction or power of the subject matter to which the action, prosecution, or proceedings pertains. All rules, regulations, and orders lawfully promulgated before adoption or discontinuance of a restructured form of county government continue in force and effect until amended or rescinded as authorized by law.

On the effective date of the adoption or discontinuance of a restructured form of county government causing a transfer of rights, duties, and powers from one department or office to another, all books, records, papers, documents, property, real and personal, funds, appropriations and balances of appropriations, and pending business in any way pertaining to the rights, powers, and duties shall be similarly transferred.

Sec. 353.06. The board of county commissioners of a county

that has adopted a restructured form of county government as 3960
provided in sections 353.01 and 353.02 of the Revised Code may 3961
enter into an agreement with the legislative authority of any 3962
municipal corporation, township, port authority, water or sewer 3963
district, school district, library district, health district, park 3964
district, soil and water conservation district, water conservancy 3965
district, or other taxing district, or with the board of county 3966
commissioners of any other county, and these legislative 3967
authorities may enter into agreements with the board, whereby the 3968
board undertakes, and is authorized by the contracting 3969
subdivision, to exercise any power, perform any function, or 3970
render any service, on behalf of the contracting subdivision or 3971
its legislative authority, which the subdivision or legislative 3972
authority may exercise, perform, or render. 3973

Upon the execution of such an agreement and within the 3974
limitations prescribed by the agreement, the board may exercise 3975
the same powers that the contracting subdivision possesses with 3976
respect to the performance of any function or the rendering of any 3977
service, which, by the agreement, it undertakes to perform or 3978
render, and all powers necessary or incidental thereto, as amply 3979
as the powers are possessed and exercised by the contracting 3980
subdivision directly. In the absence in the agreement of 3981
provisions determining by what officer, office, department, 3982
agency, or authority the powers and duties of the board shall be 3983
exercised or performed, the board shall, within the limits of this 3984
section, determine and assign such powers and duties to any 3985
officer or officers of county government, including the county 3986
fiscal officer, director of public works, medical examiner, 3987
director of corrections, and prosecuting attorney. An agreement 3988
authorized by this section shall not suspend the possession by a 3989
contracting subdivision of any power or function exercised or 3990
performed by the board under the agreement. Nor shall the board, 3991
by virtue of any agreement entered into under this section, 3992

acquire any power to levy taxes within and on behalf of a 3993
contracting subdivision unless approved by a majority of the 3994
electors of the contracting subdivision. 3995

The board of county commissioners of a county that has 3996
adopted a restructured form of county government together with the 3997
board of county commissioners of another county that has adopted a 3998
restructured form of county government or with a county that has 3999
adopted a charter may enter into a contract to create any joint 4000
agency to exercise any power, perform any function, or render any 4001
service that any board of county commissioners may exercise, 4002
perform, or render. 4003

Sec. 353.061. An agreement entered into under section 353.06 4004
of the Revised Code shall provide, either in specific terms or by 4005
prescribing a method for determining the amounts, for any payments 4006
to be made by the contracting subdivision into the county 4007
treasury, in consideration of the performance of the agreement. In 4008
cases where it is considered practicable, the agreement may 4009
provide that payment shall be made by the retention in the 4010
treasury of the amounts due from taxes collected for the 4011
contracting subdivision and the county fiscal officer shall be 4012
governed by any such provision in settling the accounts for such 4013
taxes. 4014

An agreement entered into by and between two or more boards 4015
of county commissioners shall specify the method of payment for 4016
the joint exercise of any power, the joint performing of any 4017
function, or the joint rendering of any service, which method of 4018
payment shall be authorized and binding on the counties so long as 4019
the agreement is in effect. 4020

Sec. 353.062. In the absence from an agreement entered into 4021
under section 353.06 of the Revised Code of a specification of its 4022

own duration, the agreement shall continue in effect until it is 4023
rescinded. Such an agreement, whether for a definite term or of 4024
indefinite duration, may provide for its own rescission. In the 4025
absence of any such provision, such an agreement may, at any time, 4026
be rescinded by the agreement of both parties, and may at any time 4027
be rescinded by resolution of either party to the agreement, 4028
effective at the end of the fiscal year. 4029

Sec. 353.063. An agreement entered into under section 353.06 4030
of the Revised Code may provide for the transfer to the board of 4031
county commissioners of any property, real or personal, used or 4032
useful, in the performance of functions or the rendering of 4033
services under such agreement. The transfer may include the 4034
proceeds of bonds issued or to be issued by the contracting 4035
subdivision, appropriate to the powers, functions, or services 4036
under the agreement, the proceeds to be expended by the board 4037
subject to the same conditions as would govern the contracting 4038
subdivision. The transfer may convey the absolute title to the 4039
property, subject, in the case of the disposal or encumbrance of 4040
real property by the board, to the consent of the legislative 4041
authority of the contracting subdivision; or may convey its use 4042
only, or any estate or title less than absolute; may limit the 4043
power of the board to dispose of the property; and may provide for 4044
its return, disposition, division, or distribution, in the event 4045
of the rescission or expiration of the agreement. 4046

Sec. 519.12. (A)(1) Amendments to the zoning resolution may 4047
be initiated by motion of the township zoning commission, by the 4048
passage of a resolution by the board of township trustees, or by 4049
the filing of an application by one or more of the owners or 4050
lessees of property within the area proposed to be changed or 4051
affected by the proposed amendment with the township zoning 4052
commission. The board of township trustees may require that the 4053

owner or lessee of property filing an application to amend the zoning resolution pay a fee to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the board of township trustees requires such a fee, it shall be required generally, for each application. The board of township trustees, upon the passage of such a resolution, shall certify it to the township zoning commission.

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

(B) 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, written notice of the hearing shall be mailed by the township zoning commission, by first class mail, at least ten days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from the area proposed to be rezoned or redistricted to the addresses of those owners appearing on the county auditor's current tax list. The failure of delivery of that notice shall not invalidate any such amendment.

(C) 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 and mailed notices shall set forth

the time, date, and place of the public hearing and include all of 4086
the following: 4087

(1) The name of the township zoning commission that will be 4088
conducting the hearing; 4089

(2) A statement indicating that the motion, resolution, or 4090
application is an amendment to the zoning resolution; 4091

(3) A list of the addresses of all properties to be rezoned 4092
or redistricted by the proposed amendment and of the names of 4093
owners of those properties, as they appear on the county auditor's 4094
current tax list; 4095

(4) The present zoning classification of property named in 4096
the proposed amendment and the proposed zoning classification of 4097
that property; 4098

(5) The time and place where the motion, resolution, or 4099
application proposing to amend the zoning resolution will be 4100
available for examination for a period of at least ten days prior 4101
to the hearing; 4102

(6) The name of the person responsible for giving notice of 4103
the hearing by publication, by mail, or by both publication and 4104
mail; 4105

(7) A statement that, after the conclusion of the hearing, 4106
the matter will be submitted to the board of township trustees for 4107
its action; 4108

(8) Any other information requested by the commission. 4109

(D) If the proposed amendment alters the text of the zoning 4110
resolution, or rezones or redistricts more than ten parcels of 4111
land as listed on the county auditor's current tax list, the 4112
published notice shall set forth the time, date, and place of the 4113
public hearing and include all of the following: 4114

(1) The name of the township zoning commission that will be 4115

conducting the hearing on the proposed amendment; 4116

(2) A statement indicating that the motion, application, or 4117
resolution is an amendment to the zoning resolution; 4118

(3) The time and place where the text and maps of the 4119
proposed amendment will be available for examination for a period 4120
of at least ten days prior to the hearing; 4121

(4) The name of the person responsible for giving notice of 4122
the hearing by publication; 4123

(5) A statement that, after the conclusion of the hearing, 4124
the matter will be submitted to the board of township trustees for 4125
its action; 4126

(6) Any other information requested by the commission. 4127

(E) Within five days after the adoption of the motion 4128
described in division (A) of this section, the certification of 4129
the resolution described in division (A) of this section, or the 4130
filing of the application described in division (A) of this 4131
section, the township zoning commission shall transmit a copy of 4132
it together with text and map pertaining to it to the county or 4133
regional planning commission, if there is such a commission. 4134

The county or regional planning commission shall recommend 4135
the approval or denial of the proposed amendment or the approval 4136
of some modification of it and shall submit its recommendation to 4137
the township zoning commission. The recommendation shall be 4138
considered at the public hearing held by the township zoning 4139
commission on the proposed amendment. 4140

The township zoning commission, within thirty days after the 4141
hearing, shall recommend the approval or denial of the proposed 4142
amendment, or the approval of some modification of it, and submit 4143
that recommendation together with the motion, application, or 4144
resolution involved, the text and map pertaining to the proposed 4145

amendment, and the recommendation of the county or regional 4146
planning commission on it to the board of township trustees. 4147

The board of township trustees, upon receipt of that 4148
recommendation, shall set a time for a public hearing on the 4149
proposed amendment, which date shall not be more than thirty days 4150
from the date of the receipt of that recommendation. Notice of the 4151
hearing shall be given by the board by one publication in one or 4152
more newspapers of general circulation in the township, at least 4153
ten days before the date of the hearing. 4154

(F) If the proposed amendment intends to rezone or redistrict 4155
ten or fewer parcels of land as listed on the county auditor's 4156
current tax list, the published notice shall set forth the time, 4157
date, and place of the public hearing and include all of the 4158
following: 4159

(1) The name of the board of township trustees that will be 4160
conducting the hearing; 4161

(2) A statement indicating that the motion, application, or 4162
resolution is an amendment to the zoning resolution; 4163

(3) A list of the addresses of all properties to be rezoned 4164
or redistricted by the proposed amendment and of the names of 4165
owners of those properties, as they appear on the county auditor's 4166
current tax list; 4167

(4) The present zoning classification of property named in 4168
the proposed amendment and the proposed zoning classification of 4169
that property; 4170

(5) The time and place where the motion, application, or 4171
resolution proposing to amend the zoning resolution will be 4172
available for examination for a period of at least ten days prior 4173
to the hearing; 4174

(6) The name of the person responsible for giving notice of 4175

the hearing by publication, by mail, or by both publication and 4176
mail; 4177

(7) Any other information requested by the board. 4178

(G) If the proposed amendment alters the text of the zoning 4179
resolution, or rezones or redistricts more than ten parcels of 4180
land as listed on the county auditor's current tax list, the 4181
published notice shall set forth the time, date, and place of the 4182
public hearing and include all of the following: 4183

(1) The name of the board of township trustees that will be 4184
conducting the hearing on the proposed amendment; 4185

(2) A statement indicating that the motion, application, or 4186
resolution is an amendment to the zoning resolution; 4187

(3) The time and place where the text and maps of the 4188
proposed amendment will be available for examination for a period 4189
of at least ten days prior to the hearing; 4190

(4) The name of the person responsible for giving notice of 4191
the hearing by publication; 4192

(5) Any other information requested by the board. 4193

(H) Within twenty days after its public hearing, the board of 4194
township trustees shall either adopt or deny the recommendations 4195
of the township zoning commission or adopt some modification of 4196
them. If the board denies or modifies the commission's 4197
recommendations, ~~the unanimous~~ a majority vote of the board shall 4198
be required. 4199

The proposed amendment, if adopted by the board, shall become 4200
effective in thirty days after the date of its adoption, unless, 4201
within thirty days after the adoption, there is presented to the 4202
board of township trustees a petition, signed by a number of 4203
registered electors residing in the unincorporated area of the 4204
township or part of that unincorporated area included in the 4205

zoning plan equal to not less than eight per cent of the total 4206
vote cast for all candidates for governor in that area at the most 4207
recent general election at which a governor was elected, 4208
requesting the board of township trustees to submit the amendment 4209
to the electors of that area for approval or rejection at a 4210
special election to be held on the day of the next primary or 4211
general election that occurs at least seventy-five days after the 4212
petition is filed. Each part of this petition shall contain the 4213
number and the full and correct title, if any, of the zoning 4214
amendment resolution, motion, or application, furnishing the name 4215
by which the amendment is known and a brief summary of its 4216
contents. In addition to meeting the requirements of this section, 4217
each petition shall be governed by the rules specified in section 4218
3501.38 of the Revised Code. 4219

The form of a petition calling for a zoning referendum and 4220
the statement of the circulator shall be substantially as follows: 4221

"PETITION FOR ZONING REFERENDUM 4222

(if the proposal is identified by a particular name or number, or 4223
both, these should be inserted here) 4224

A proposal to amend the zoning map of the unincorporated area 4225
of Township, County, Ohio, adopted 4226
.....(date)..... (followed by brief summary of the proposal). 4227

To the Board of Township Trustees of 4228
Township, County, Ohio: 4229

~~..... County, Ohio:~~ 4230

We, the undersigned, being electors residing in the 4231
unincorporated area of Township, included 4232
within the Township Zoning Plan, equal to not less 4233
than eight per cent of the total vote cast for all candidates for 4234
governor in the area at the preceding general election at which a 4235
governor was elected, request the Board of Township Trustees to 4236

submit this amendment of the zoning resolution to the electors of 4237
..... Township residing within the 4238
unincorporated area of the township included in the 4239
..... Township Zoning Resolution, for approval or 4240
rejection at a special election to be held on the day of the 4241
primary or general election to be held on(date)....., 4242
pursuant to section 519.12 of the Revised Code. 4243

Street Address Date of 4244
Signature or R.F.D. Township Precinct County Signing 4245
..... 4246
..... 4247

STATEMENT OF CIRCULATOR 4248

I,(name of circulator)....., declare under 4249
penalty of election falsification that I am an elector of the 4250
state of Ohio and reside at the address appearing below my 4251
signature; that I am the circulator of the foregoing part petition 4252
containing(number)..... signatures; that I have 4253
witnessed the affixing of every signature; that all signers were 4254
to the best of my knowledge and belief qualified to sign; and that 4255
every signature is to the best of my knowledge and belief the 4256
signature of the person whose signature it purports to be or of an 4257
attorney in fact acting pursuant to section 3501.382 of the 4258
Revised Code. 4259

..... 4260
(Signature of circulator) 4261
..... 4262
(Address of circulator's permanent 4263
residence in this state) 4264
..... 4265
(City, village, or township, 4266
and zip code) 4267

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 4268

OF THE FIFTH DEGREE." 4269

The petition shall be filed with the board of township 4270
trustees and shall be accompanied by an appropriate map of the 4271
area affected by the zoning proposal. Within two weeks after 4272
receiving a petition filed under this section, the board of 4273
township trustees shall certify the petition to the board of 4274
elections. A petition filed under this section shall be certified 4275
to the board of elections not less than seventy-five days prior to 4276
the election at which the question is to be voted upon. 4277

The board of elections shall determine the sufficiency and 4278
validity of each petition certified to it by a board of township 4279
trustees under this section. If the board of elections determines 4280
that a petition is sufficient and valid, the question shall be 4281
voted upon at a special election to be held on the day of the next 4282
primary or general election that occurs at least seventy-five days 4283
after the date the petition is filed with the board of township 4284
trustees, regardless of whether any election will be held to 4285
nominate or elect candidates on that day. 4286

No amendment for which such a referendum vote has been 4287
requested shall be put into effect unless a majority of the vote 4288
cast on the issue is in favor of the amendment. Upon certification 4289
by the board of elections that the amendment has been approved by 4290
the voters, it shall take immediate effect. 4291

Within five working days after an amendment's effective date, 4292
the board of township trustees shall file the text and maps of the 4293
amendment in the office of the county recorder and with the county 4294
or regional planning commission, if one exists. 4295

The failure to file any amendment, or any text and maps, or 4296
duplicates of any of these documents, with the office of the 4297
county recorder or the county or regional planning commission as 4298
required by this section does not invalidate the amendment and is 4299

not grounds for an appeal of any decision of the board of zoning appeals. 4300
4301

Sec. 519.211. (A) Except as otherwise provided in division 4302
(B) or (C) of this section, sections 519.02 to 519.25 of the 4303
Revised Code confer no power on any board of township trustees or 4304
board of zoning appeals in respect to the location, erection, 4305
construction, reconstruction, change, alteration, maintenance, 4306
removal, use, or enlargement of any buildings or structures of any 4307
public utility or railroad, whether publicly or privately owned, 4308
or the use of land by any public utility or railroad, for the 4309
operation of its business. As used in this division, "public 4310
utility" does not include a person that owns or operates a solid 4311
waste facility or a solid waste transfer facility that has been 4312
issued a permit under Chapter 3734. of the Revised Code or a 4313
construction and demolition debris facility that has been issued a 4314
permit under Chapter 3714. of the Revised Code. 4315

(B)(1) As used in this division, "telecommunications tower" 4316
means any free-standing structure, or any structure to be attached 4317
to a building or other structure, that meets all of the following 4318
criteria: 4319

(a) The free-standing or attached structure is proposed to be 4320
constructed on or after October 31, 1996. 4321

(b) The free-standing or attached structure is proposed to be 4322
owned or principally used by a public utility engaged in the 4323
provision of telecommunications services. 4324

(c) The free-standing or attached structure is proposed to be 4325
located in an unincorporated area of a township, in an area zoned 4326
for residential use. 4327

(d)(i) The free-standing structure is proposed to top at a 4328
height that is greater than either the maximum allowable height of 4329

residential structures within the zoned area as set forth in the 4330
applicable zoning regulations, or the maximum allowable height of 4331
such a free-standing structure as set forth in any applicable 4332
zoning regulations in effect immediately prior to October 31, 4333
1996, or as those regulations subsequently are amended. 4334

(ii) The attached structure is proposed to top at a height 4335
that is greater than either the height of the building or other 4336
structure to which it is to be attached, or the maximum allowable 4337
height of such an attached structure as set forth in any 4338
applicable zoning regulations in effect immediately prior to 4339
October 31, 1996, or as those regulations subsequently are 4340
amended. 4341

(e) The free-standing or attached structure is proposed to 4342
have attached to it radio frequency transmission or reception 4343
equipment. 4344

(2) Sections 519.02 to 519.25 of the Revised Code confer 4345
power on a board of township trustees or board of zoning appeals 4346
with respect to the location, erection, construction, 4347
reconstruction, change, alteration, removal, or enlargement of a 4348
telecommunications tower, but not with respect to the maintenance 4349
or use of such a tower or any change or alteration that would not 4350
substantially increase the tower's height. However, the power so 4351
conferred shall apply to a particular telecommunications tower 4352
only upon the provision of a notice, in accordance with division 4353
(B)(4)(a) of this section, to the person proposing to construct 4354
the tower. 4355

(3) Any person who plans to construct a telecommunications 4356
tower in an area subject to township zoning regulations shall 4357
provide both of the following by certified mail: 4358

(a) Written notice to each owner of property, as shown on the 4359
county auditor's current tax list, whose land is contiguous to or 4360

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, any such property owner may give written notice to the board of township trustees requesting that sections 519.02 to 519.25 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 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 township trustees 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 township trustees receives notice from a property owner under division (B)(3)(a)(iii) of this section within the time specified in that division or if a board member 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 section, the board shall request that the fiscal officer of the township send the person proposing to construct the tower written notice that the tower is subject to the power conferred by and in accordance with division (B)(2) of this section. The notice shall be sent no later than five days after the earlier of the date the

board first receives such a notice from a property owner or the 4392
date upon which a board member makes an objection. Upon the date 4393
of mailing of the notice to the person, sections 519.02 to 519.25 4394
of the Revised Code shall apply to the tower. 4395

(b) If the board of township trustees receives no notice 4396
under division (B)(3)(a)(iii) of this section within the time 4397
prescribed by that division or no board member has an objection as 4398
provided under division (B)(4)(a) of this section within the time 4399
prescribed by that division, division (A) of this section shall 4400
apply to the tower without exception. 4401

(C) Sections 519.02 to 519.25 of the Revised Code confer 4402
power on a board of township trustees or board of zoning appeals 4403
with respect to the location, erection, construction, 4404
reconstruction, change, alteration, maintenance, removal, use, or 4405
enlargement of any buildings or structures of a public utility 4406
engaged in the business of transporting persons or property, or 4407
both, or providing or furnishing such transportation service, over 4408
any public street, road, or highway in this state, and with 4409
respect to the use of land by any such public utility for the 4410
operation of its business, to the extent that any exercise of such 4411
power is reasonable and not inconsistent with Chapters 4901., 4412
4903., 4905., 4909., 4921., and 4923. of the Revised Code. 4413
However, this division confers no power on a board of township 4414
trustees or board of zoning appeals with respect to a building or 4415
structure of, or the use of land by, a person engaged in the 4416
transportation of farm supplies to the farm or farm products from 4417
farm to market or to food fabricating plants. 4418

(D) Sections 519.02 to 519.25 of the Revised Code confer no 4419
power on any township zoning commission, board of township 4420
trustees, or board of zoning appeals to prohibit the sale or use 4421
of alcoholic beverages in areas where the establishment and 4422
operation of any retail business, hotel, lunchroom, or restaurant 4423

is permitted. 4424

(E)(1) Any person who plans to construct a telecommunications 4425
tower within one hundred feet of a residential dwelling shall 4426
provide a written notice to the owner of the residential dwelling 4427
and to the person occupying the residence, if that person is not 4428
the owner of the residence stating in clear and concise language 4429
the person's intent to construct the tower and a description of 4430
the property sufficient to identify the proposed location. The 4431
notice shall be sent by certified mail. If the notice is returned 4432
unclaimed or refused, the person shall mail the notice by regular 4433
mail. The failure of delivery does not invalidate the notice. 4434

(2) As used in division (E) of this section: 4435

(a) "Residential dwelling" means a building used or intended 4436
to be used as a personal residence by the owner, part-time owner, 4437
or lessee of the building, or any person authorized by such a 4438
person to use the building as a personal residence. 4439

(b) "Telecommunications tower" has the same meaning as in 4440
division (B)(1) of this section, except that the proposed location 4441
of the free-standing or attached structure may be an area other 4442
than an unincorporated area of a township, in an area zoned for 4443
residential use. 4444

Sec. 715.73. The area or areas to be included in a joint 4445
economic development district shall meet all of the following 4446
criteria: 4447

(A) The area or areas shall be located within the territory 4448
of one or more of the contracting parties and may consist of all 4449
of that territory. 4450

(B) No electors shall reside within the area or areas ~~and no~~ 4451
~~part of the area or areas shall be zoned for residential use on~~ 4452
the effective date of the contract creating the joint economic 4453

development district, as determined under section 715.77 of the 4454
Revised Code. 4455

(C) The area or areas shall not include any parcel of land 4456
owned in fee by or leased to a municipal corporation or township, 4457
unless the municipal corporation or township is a contracting 4458
party or has given its consent to have the parcel of land included 4459
in the district by the adoption of an ordinance or resolution. 4460

Sec. 715.74. (A) The contract creating a joint economic 4461
development district shall provide for the amount or nature of the 4462
contribution of each contracting party to the development and 4463
operation of the district and may provide for the sharing of the 4464
costs of the operation of and improvements for the district. The 4465
contributions may be in any form to which the contracting parties 4466
agree and may include, but are not limited to, the provision of 4467
services, money, real or personal property, facilities, or 4468
equipment. The contract may provide for the contracting parties to 4469
share revenue from taxes levied on property by one or more of the 4470
contracting parties, if those revenues may lawfully be applied to 4471
that purpose under the legislation by which those taxes are 4472
levied. The contract shall specify and provide for new, expanded, 4473
or additional services, facilities, or improvements. The contract 4474
may provide for expanded or additional capacity for or other 4475
enhancement of existing services, facilities, or improvements. 4476

(B) The contract shall enumerate the specific powers, duties, 4477
and functions of the board of directors of the district described 4478
under section 715.78 of the Revised Code and shall provide for the 4479
determination of procedures that are to govern the board. 4480

(C)(1) The contract may grant to the board the power to adopt 4481
a resolution to levy an income tax within the district and the 4482
contract may ~~designate~~ designate certain portions of the district 4483
where such an income tax may be levied. The income tax shall be 4484

used for the purposes of the district or any portion of the 4485
district in which the contract authorizes an income tax and for 4486
the purposes of the contracting parties pursuant to the contract. 4487
The income tax may be levied in the district based on income 4488
earned by persons working within the district and based on the net 4489
profits of businesses located in the district, but the income of 4490
an individual who resides in the district shall not be subject to 4491
such income tax unless the income is received for personal 4492
services performed in the district. The income tax of the district 4493
shall follow the provisions of Chapter 718. of the Revised Code, 4494
except that no vote shall be required. The rate of the income tax 4495
shall be no higher than the highest rate being levied by a 4496
municipal corporation that is a contracting party. 4497

(2) If the board adopts a resolution to levy an income tax, 4498
it shall enter into an agreement with a municipal corporation that 4499
is a contracting party to administer, collect, and enforce the 4500
income tax on behalf of the district. 4501

(3) A resolution levying an income tax under this section 4502
shall require the contracting parties to annually set aside a 4503
percentage, to be stated in the resolution, of the amount of the 4504
income tax collected for the long-term maintenance of the 4505
district. 4506

(4) An income tax levied under this section shall apply in 4507
the district or any portion of the district in which the contract 4508
authorizes an income tax throughout the term of the contract 4509
creating the district, notwithstanding that all or a portion of 4510
the district becomes subject to annexation, merger, or 4511
consolidation. 4512

(D) The contract creating a joint economic development 4513
district shall continue in existence throughout its term and shall 4514
be binding on the contracting parties and on any parties 4515
succeeding to the contracting parties, whether by annexation, 4516

merger, or consolidation. Except as provided in division (E) of 4517
this section, the contract may be amended, renewed, or terminated 4518
with the approval of the contracting parties or any parties 4519
succeeding to the contracting parties. If the contract is amended 4520
to add area to an existing district, the amendment shall be 4521
adopted in the manner prescribed under section 715.761 of the 4522
Revised Code. 4523

(E) If two or more contracting parties previously have 4524
entered into a separate contract for utility services, then 4525
amendment, renewal, or termination of the separate contract for 4526
utility services shall not constitute any part of the 4527
consideration for the contract creating a joint economic 4528
development district. A contract creating a joint economic 4529
development district shall be rebuttably presumed to violate this 4530
division if it is entered into within two years prior or five 4531
years subsequent to the amendment, renewal, or termination of a 4532
separate contract for utility services that two or more 4533
contracting parties previously have entered into. The presumption 4534
stated in this division may be rebutted by clear and convincing 4535
evidence of both of the following: 4536

(1) That other substantial consideration existed to support 4537
the contract creating a joint economic development district; 4538

(2) That the contracting parties entered into the contract 4539
creating a joint economic development district freely and without 4540
duress or coercion related to the amendment, renewal, or 4541
termination of the separate contract for utility services. 4542

(F) A contract creating a joint economic development district 4543
that violates division (E) of this section is void and 4544
unenforceable. 4545

Sec. 901.42. (A) The director of agriculture may provide 4546
financial assistance to a statewide, multi-state, or national 4547

nonprofit livestock association to defray not more than fifty per 4548
cent of the rental costs of the Ohio expositions center for 4549
purposes of conducting a livestock species exhibition at the 4550
center. In order to obtain financial assistance under this 4551
division, a nonprofit livestock association shall apply to the 4552
director on a form prescribed by the director and in the manner 4553
prescribed in rules adopted under division ~~(D)~~(C) of this section. 4554

Rental cost assistance authorized by this division shall be 4555
provided subject to both of the following conditions: 4556

(1) No nonprofit livestock association shall receive in any 4557
fiscal year rental cost assistance exceeding ~~thirty-four~~ fifty per 4558
cent of the funds available to the director in that fiscal year 4559
for the purposes of this section and designated for the purpose of 4560
defraying rental costs for livestock species exhibitions. 4561

(2) The rental cost assistance shall be paid by the director 4562
to the Ohio expositions commission on behalf of the nonprofit 4563
livestock association by means of intrastate transfer voucher. 4564

If the director receives more than one application for 4565
financial assistance for rental costs, the director shall consider 4566
the cost of and local economic benefit generated by each 4567
applicant's exhibition when allocating financial assistance. 4568

~~(B) The director may allocate not more than fifty thousand 4569
dollars of the moneys available for the purposes of this section 4570
in a fiscal year to provide financial assistance to a nonprofit 4571
livestock association to defray the costs of premium awards for a 4572
national multispecies exhibition held at the Ohio expositions 4573
center. In order to obtain financial assistance under this 4574
division, a nonprofit livestock association shall apply to the 4575
director on a form prescribed by the director and in the manner 4576
prescribed in rules adopted under division (D) of this section.~~ 4577

~~(C)~~ The director may expend not more than ~~four~~ two per cent 4578

of the moneys available for the purposes of this section in a 4579
fiscal year to defray the costs to the department of agriculture 4580
for administering this section or to assist in recruiting 4581
livestock exhibitions to be held at the Ohio expositions center. 4582

~~(D)~~(C) The director, in accordance with Chapter 119. of the 4583
Revised Code, shall adopt rules to carry out this section, 4584
including, without limitation, rules establishing procedures for 4585
the allocation and distribution of moneys available for the 4586
purposes of this section. 4587

Sec. 1332.04. (A) No political subdivision of this state 4588
shall provide cable service over a cable system, whether bundled 4589
with other services or unbundled, except in accordance with 4590
sections 1332.01 to 1332.10 of the Revised Code. 4591

(B)(1) No political subdivision of this state that is a 4592
public cable service provider or contracts with a public cable 4593
service provider for cable service over a cable system shall, by 4594
any means, do any of the following: 4595

(a) Prefer or advantage any public cable service provider or 4596
discriminate against any private cable service provider in any 4597
material matter affecting the provision, within the jurisdiction 4598
of the political subdivision, of cable service over a cable 4599
system; 4600

(b) Fail to apply any private cable service regulation 4601
without discrimination to a public cable service provider within 4602
the jurisdiction of the political subdivision; 4603

(c) Fail to pay all applicable fees, including, but not 4604
limited to, franchise fees, permit fees, pole attachment fees, or 4605
the equivalent of any such fees; 4606

(d) Require from a person providing video service within the 4607
jurisdiction of the political subdivision any direct or in-kind 4608

charge or a payment of any kind in exchange for PEG channel 4609
programming or other content produced by the political subdivision 4610
or by an entity created by or partially supported by the political 4611
subdivision. As used in division (B)(1)(d) of this section, "PEG 4612
channel" and "video service" have the same meanings as in section 4613
1332.21 of the Revised Code. 4614

(2) Nothing in division (B)(1) of this section requires the 4615
application of a private cable service regulation to a public 4616
cable service provider if that application would be without legal 4617
or practical consequence, such as the application of a private 4618
cable service regulation requiring provision of an insurance bond, 4619
which application to a public cable service provider would require 4620
it to insure its performance to itself. 4621

(C) No political subdivision of this state that is a public 4622
cable service provider shall have extraterritorial public cable 4623
service recipients in excess of fifty per cent of the number of 4624
public cable service recipients that reside within the 4625
geographical limits of the political subdivision. Nothing in this 4626
division prohibits public cable service providers from jointly 4627
owning and operating head-end equipment. Each such public cable 4628
service provider shall pay that proportion of the full costs of 4629
owning and operating such head-end equipment, including, but not 4630
limited to, the costs of construction, acquisition, installation, 4631
improvement, enhancement, modification, financing, maintenance, 4632
repair, and operation, equal to the total population of the 4633
political subdivision that is such public cable service provider 4634
divided by the total population of all political subdivisions that 4635
are public cable service providers jointly owning and operating 4636
such head-end equipment, determined annually or with such 4637
frequency as such public cable service providers otherwise agree. 4638

(D) No political subdivision of this state that is a 4639
franchising authority shall unreasonably withhold a request by a 4640

cable service provider to transfer, modify, or renew, in 4641
accordance with the terms of the franchise and in accordance with 4642
the provisions of the "Telecommunications Act of 1996," Pub. L. 4643
No. 104-104, Title III, Section 301(i), 110 Stat. 117, 47 U.S.C.A. 4644
537, the "Cable Communications Policy Act of 1984," Pub. L. No. 4645
98-549, Section 2, 98 Stat. 2790, 47 U.S.C.A. 545, or the "Cable 4646
Television Consumer Protection and Competition Act of 1992," Pub. 4647
L. No. 102-385, Section 18, 106 Stat. 1493, 47 U.S.C.A. 546, its 4648
existing franchise to provide cable service over a cable system. 4649

Sec. 1346.03. Any information provided to the attorney 4650
general by the department of taxation in accordance with division 4651
(G)(C)(5) of section 5703.21 of the Revised Code shall not be 4652
disclosed publicly by the attorney general except when it is 4653
necessary to facilitate compliance with and enforcement of section 4654
1346.01 or 1346.02 of the Revised Code. 4655

Sec. 1561.011. ~~Nothing~~ Except as provided in section 1561.24 4656
of the Revised Code, nothing in this chapter applies to activities 4657
that are permitted and regulated under Chapter 1514. of the 4658
Revised Code. 4659

Sec. 1561.16. (A) As used in this section and sections 4660
1561.17 to 1561.21 of the Revised Code, "actual practical 4661
experience" means previous employment that involved a person's 4662
regular presence in the type of mining operation in which the 4663
experience is required to exist; participation in functions 4664
relating to the hazards involved in and the utilization of 4665
equipment, tools, and work crews and individuals for that type of 4666
mining; and regular exposure to the methods, procedures, and 4667
safety laws applicable to that type of mining. Credit of up to one 4668
year for a portion of the required experience time may be given 4669
upon documentation to the chief of the division of mineral 4670

resources management of an educational degree in a field related 4671
to mining. Credit of up to two years of the required experience 4672
time may be given upon presentation to the chief of proof of 4673
graduation from an accredited school of mines or mining after a 4674
four-year course of study with employment in the mining industry 4675
during interim breaks during the school years. 4676

(B) A person who applies for a certificate as a mine 4677
foreperson of gaseous mines shall be able to read and write the 4678
English language; shall have had at least five years' actual 4679
practical experience in the underground workings of a gaseous mine 4680
or the equivalent thereof in the judgment of the chief; and shall 4681
have had practical experience obtained by actual contact with gas 4682
in mines and have knowledge of the dangers and nature of noxious 4683
and explosive gases and ventilation of gaseous mines. An applicant 4684
for a certificate as a foreperson of gaseous mines shall meet the 4685
same requirements, except that the applicant shall have had at 4686
least three years' actual practical experience in the underground 4687
workings of a gaseous mine or the equivalent thereof in the 4688
judgment of the chief. Each applicant for examination shall pay a 4689
fee ~~of ten dollars~~ established in rules adopted under this section 4690
to the chief on the first day of such examination. ~~Any~~ 4691

(C) A person who has been issued a certificate as a mine 4692
foreperson or a foreperson of a gaseous mine and who has not 4693
worked in an underground coal mine for a period of more than two 4694
calendar years shall apply for and obtain recertification from the 4695
chief in accordance with rules adopted under this section before 4696
performing the duties of a mine foreperson or a foreperson of a 4697
gaseous mine. An applicant for recertification shall pay a fee 4698
established in rules adopted under this section at the time of 4699
application for recertification. 4700

(D) A person who has been issued a certificate as a mine 4701
foreperson or a foreperson of a gaseous mine and who has not 4702

worked in an underground coal mine for a period of one or more 4703
calendar years shall successfully complete a retraining course in 4704
accordance with rules adopted under this section before performing 4705
the duties of a mine foreperson or a foreperson of a gaseous mine. 4706

(E) The chief, in consultation with a statewide association 4707
representing the coal mining industry and a statewide association 4708
representing employees of coal mines, shall adopt rules in 4709
accordance with Chapter 119. of the Revised Code that do all of 4710
the following: 4711

(1) Prescribe requirements, criteria, and procedures for the 4712
recertification of a mine foreperson or a foreperson of a gaseous 4713
mine who has not worked in an underground coal mine for a period 4714
of more than two calendar years; 4715

(2) Prescribe requirements, criteria, and procedures for the 4716
retraining of a mine foreperson or a foreperson of a gaseous mine 4717
who has not worked in an underground coal mine for a period of one 4718
or more calendar years; 4719

(3) Establish fees for the examination and recertification of 4720
mine forepersons or forepersons of gaseous mines under this 4721
section; 4722

(4) Prescribe any other requirements, criteria, and 4723
procedures that the chief determines are necessary to administer 4724
this section. 4725

(F) Any moneys collected under this section shall be paid 4726
into the state treasury to the credit of the mining regulation 4727
fund created in section 1561.48 of the Revised Code. 4728

Sec. 1561.17. (A) A person who applies for a certificate as 4729
mine foreperson or foreperson of nongaseous mines shall be able to 4730
read and write the English language; shall have had at least three 4731
years' actual practical experience in mines, or the equivalent 4732

thereof in the judgment of the chief of the division of mineral 4733
resources management; and shall have knowledge of the dangers and 4734
nature of noxious gases. Each applicant for examination shall pay 4735
a fee ~~of ten dollars~~ established in rules adopted under this 4736
section to the chief on the first day of the examination. ~~Any~~ 4737

(B) A person who has been issued a certificate as a mine 4738
foreperson or a foreperson of a nongaseous coal mine and who has 4739
not worked in an underground coal mine for a period of more than 4740
two calendar years shall apply for and obtain recertification from 4741
the chief in accordance with rules adopted under this section 4742
before performing the duties of a mine foreperson or a foreperson 4743
of a nongaseous coal mine. An applicant for recertification shall 4744
pay a fee established in rules adopted under this section at the 4745
time of application for recertification. 4746

(C) A person who has been issued a certificate as a mine 4748
foreperson or a foreperson of a nongaseous coal mine and who has 4749
not worked in an underground coal mine for a period of one or more 4750
calendar years shall successfully complete a retraining course in 4751
accordance with rules adopted under this section before performing 4752
the duties of a mine foreperson or a foreperson of a nongaseous 4753
coal mine. 4754

(D) The chief, in consultation with a statewide association 4755
representing the coal mining industry and a statewide association 4756
representing employees of coal mines, shall adopt rules in 4757
accordance with Chapter 119. of the Revised Code that do all of 4758
the following: 4759

(1) Prescribe requirements, criteria, and procedures for the 4760
recertification of a mine foreperson or a foreperson of a 4761
nongaseous coal mine who has not worked in an underground coal 4762
mine for a period of more than two calendar years; 4763

(2) Prescribe requirements, criteria, and procedures for the retraining of a mine foreperson or a foreperson of a nongaseous coal mine who has not worked in an underground coal mine for a period of one or more calendar years; 4764
4765
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(3) Establish fees for the examination and recertification of mine forepersons or forepersons of nongaseous coal mines under this section; 4768
4769
4770

(4) Prescribe any other requirements, criteria, and procedures that the chief determines are necessary to administer this section. 4771
4772
4773

(E) Any moneys collected under this section shall be paid into the state treasury to the credit of the mining regulation fund created in section 1561.48 of the Revised Code. 4774
4775
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Sec. 1561.23. The chief of the division of mineral resources management shall issue the following certificates to those applicants who pass their examination: 4777
4778
4779

(A) Certificates for mine forepersons of gaseous mines; 4780

(B) Certificates for mine forepersons of nongaseous mines; 4781

(C) Certificates for forepersons of gaseous mines; 4782

(D) Certificates for forepersons of nongaseous mines; 4783

(E) Certificates for forepersons of surface maintenance facilities of underground or surface mines; 4784
4785

(F) Certificates for mine forepersons of surface mines; 4786

(G) Certificates for forepersons of surface mines; 4787

(H) Certificates for fire bosses; 4788

(I) Certificates for mine electricians; 4789

(J) Certificates for surface mine blasters; 4790

(K) Certificates for shot firers. 4791

Applicants for certificates shall make application to the 4792
chief, on a form provided by the chief, for examination. All 4793
applicants shall be able to read and write the English language 4794
intelligently, and shall furnish the chief with a certificate as 4795
to their character, length and description of their practical 4796
experience, and satisfactory evidence of their ability to perform 4797
the duties of the position for which they make application for 4798
examination. 4799

Any Except as provided in sections 1561.16 and 1561.17 of the 4800
Revised Code, any certificate issued by the former mine examining 4801
board prior to October 29, 1995, shall remain in effect 4802
notwithstanding the new classifications of certificates 4803
established by this section. 4804

Sec. 1561.24. For purposes of this chapter, Chapters 1563., 4805
1565., and 1567., and sections 1514.40 to 1514.50 of the Revised 4806
Code, there is hereby created in the state treasury the mine 4807
safety fund. The fund shall consist of money transferred to it by 4808
the administrator of workers' compensation from the coal-workers 4809
pneumoconiosis fund established in section 4131.03 of the Revised 4810
Code. All investment earnings of the mine safety fund shall be 4811
credited to the fund. The chief of the division of mineral 4812
resources management shall use money in the fund for all of the 4813
following purposes: 4814

(A) Mine safety and health inspections and audits; 4815

(B) The purchase and maintenance of mine rescue and 4816
inspection equipment; 4817

(C) The purchase or lease of facilities for use as mine 4818
rescue stations and for mine rescue and safety training; 4819

(D) Mine rescue and safety and health training of miners; 4820

(E) Certification and recertification of mine officials. 4821

Sec. 1561.25. The division of ~~mines and reclamation~~ mineral 4822
resources management shall establish and maintain four rescue 4823
stations. Three of such stations shall be centrally located at 4824
such places, conveniently accessible to the mines and mining areas 4825
of the state so as to cover the largest number of mines in the 4826
shortest period of time, as the chief of the division of ~~mines and~~ 4827
~~reclamation~~ mineral resources management determines; and one such 4828
station may be maintained at the mine laboratory provided for in 4829
section 1561.27 of the Revised Code. In establishing such stations 4830
the chief may use quarters owned by or in the possession and 4831
control of the state, if available, or may lease other quarters 4832
therefor. Each station shall be equipped with rescue and first aid 4833
apparatus and other equipment as follows: 4834

(A) One motor truck of sufficient capacity to carry the 4835
equipment prescribed by this section; 4836

(B) Not less than six approved breathing apparatus, complete 4837
and in good working order; 4838

(C) One recharging or refilling motor-driven pump for 4839
recharging oxygen cylinders; 4840

(D) Not less than ten oxygen storage cylinders; 4841

(E) One resuscitating outfit; 4842

(F) Not less than five approved flame safety lamps and one 4843
lamp testing cabinet; 4844

(G) Not less than two carbon monoxide detectors; 4845

(H) One approved methane indicating detector; 4846

(I) Not less than ten approved electric mine safety cap lamps 4847
complete; 4848

(J) Charging equipment for cap lamps; 4849

(K) Not less than five hundred feet of two-inch hose of 4850

standard connections and nozzles complete; 4851

(L) All the equipment necessary to provide emergency medical 4852
services, including that necessary for the services of a paramedic 4853
as defined in section 4765.01 of the Revised Code, and to 4854
establish and maintain an intravenous lifeline; 4855

(M) Sufficient parts, supplies, and other necessary equipment 4856
for maintenance and operation of the equipment prescribed in this 4857
section. 4858

All equipment shall be inspected and tested weekly for 4859
efficiency and operation, and be maintained in an effective 4860
operating condition. Reports of the condition shall be sent in 4861
writing to the division of ~~mines and reclamation~~ mineral resources
management. 4862
4863

Each of ~~such~~ the stations shall at all times be in charge of 4864
an assistant superintendent of rescue stations. Each assistant 4865
superintendent shall, under the supervision of the superintendent 4866
of rescue stations, conduct classes in first aid, mine safety, 4867
rescue work, and other safety educational work for the benefit of 4868
people desiring to take the same. They shall keep the equipment 4869
prescribed in this section in good condition, and see that this 4870
equipment reaches any mine whenever it is needed as expeditiously 4871
as possible. They shall help to perform whatever duties are 4872
necessary. 4873

All such stations shall be under the direction of the 4874
superintendent. 4875

Sec. 1561.26. (A) As used in this section: 4876

(1) "EMT-basic," "EMT-I," and "paramedic" have the same 4877
meanings as in section 4765.01 of the Revised Code. 4878

(2) "Mine medical responder" has the same meaning as in
section 1565.15 of the Revised Code. 4879
4880

(B) The superintendent of rescue stations, with the approval 4881
of the chief of the division of mineral resources management, 4882
shall, at each rescue station provided for in section 1561.25 of 4883
the Revised Code, train and employ rescue crews of six members 4884
each, one of whom shall hold a mine foreperson or fire boss 4885
certificate and be designated captain, and train and employ any 4886
number of such rescue crews as the superintendent believes 4887
necessary. One member of a rescue crew shall be certified as an 4888
EMT-basic, EMT-I, mine medical responder, or paramedic. Each 4889
member of a rescue crew shall devote the time specified by the 4890
chief each month for training purposes and shall be available at 4891
all times to assist in rescue work at explosions, mine fires, and 4892
other emergencies. 4893

A captain of mine rescue crews shall receive for service as 4894
captain the sum of twenty-four dollars per month, and each member 4895
shall receive the sum of twenty dollars per month, all payable on 4896
requisition approved by the chief. When engaged in rescue work at 4897
explosions, mine fires, or other emergencies away from their 4898
station, the members of the rescue crews and captains of the same 4899
shall be paid the sum of six dollars per hour for work on the 4900
surface, which includes the time consumed by those members in 4901
traveling to and from the scene of the emergency when the scene is 4902
away from the station of the members, and the sum of seven dollars 4903
per hour for all work underground at the emergency, and in 4904
addition thereto, the necessary living expenses of the members 4905
when the emergency is away from their home station, all payable on 4906
requisition approved by the chief. 4907

Each member of a mine rescue crew shall undergo an annual 4908
medical examination. The chief may designate to perform an 4909
examination any individual authorized by the Revised Code to do 4910
so, including a physician assistant, a clinical nurse specialist, 4911
a certified nurse practitioner, or a certified nurse-midwife. In 4912

designating the individual to perform a medical examination, the 4913
chief shall choose one near the station of the member of the 4914
rescue crews. The examiner shall report the examination results to 4915
the chief and if, in the opinion of the chief, the report 4916
indicates that the member is physically unfit for further 4917
services, the chief shall relieve the member from further duty. 4918
The fee charged by the examiner for the examination shall be paid 4919
in the same manner as fees are paid to doctors employed by the 4920
industrial commission for special medical examinations. 4921

The chief may remove any member of a rescue crew for any 4922
reason. Such crews shall be subject to the orders of the chief, 4923
the superintendent, and the deputy mine inspectors when engaged in 4924
actual mine rescue work. Mine rescue crews shall, in case of death 4925
or injury when engaged in rescue work, wherever the same may 4926
occur, be paid compensation, or their dependents shall be paid 4927
death benefits, from the workers' compensation fund, in the same 4928
manner as other employees of the state. 4929

(C) In addition to the training of rescue crews, each 4930
assistant superintendent of rescue stations, with the approval of 4931
the superintendent, shall provide for and conduct safety, first 4932
aid, and rescue classes at any mine or for any group of miners who 4933
make application for the conducting of such classes. The chief may 4934
assess a fee for safety and first aid classes for the purpose of 4935
covering the costs associated with providing those classes. The 4936
chief shall establish a fee schedule for safety and first aid 4937
classes by rule adopted in accordance with Chapter 119. of the 4938
Revised Code. Fees collected under this section shall be deposited 4939
in the surface mining fund created in section 1514.06 of the 4940
Revised Code. 4941

The superintendent shall prescribe and provide for a uniform 4942
schedule of conducting such safety and rescue classes as will 4943
provide a competent knowledge of modern safety and rescue methods 4944

in, at, and about mines. 4945

(D) No member of a mine rescue crew who performs mine rescue 4946
at an underground coal mine and no operator of a mine whose 4947
employee participates as a member of such a mine rescue crew is 4948
liable in any civil action that arises under the laws of this 4949
state for damage or injury caused in the performance of rescue 4950
work at an underground coal mine. However, a member of such a mine 4951
rescue crew may be liable if the member acted with malicious 4952
purpose, in bad faith, or in a wanton or reckless manner. 4953

This division does not eliminate, limit, or reduce any 4954
immunity from civil liability that is conferred on a member of 4955
such a mine rescue crew or an operator by any other provision of 4956
the Revised Code or by case law. 4957

Sec. 1561.261. Except for civil actions in which the state is 4958
the plaintiff, no employee of the division of mineral resources 4959
management who performs rescue work at an underground coal mine is 4960
liable in any civil action that arises under the laws of this 4961
state for damage or injury caused in the performance of rescue 4962
work at an underground coal mine unless the employee acted with 4963
malicious purpose, in bad faith, or in a wanton or reckless 4964
manner. 4965

This section does not eliminate, limit, or reduce any 4966
immunity from civil liability that is conferred on an employee of 4967
the division by any other provision of the Revised Code or by case 4968
law. 4969

Sec. 1565.15. (A) As used in this section: 4970

(1) "EMT-basic," "EMT-I," "paramedic," and "emergency medical 4971
service organization" have the same meanings as in section 4765.01 4972
of the Revised Code. 4973

(2) "First aid provider" includes a mine medical responder, 4974

an EMT-basic, an EMT-I, a paramedic, or an employee at a surface 4975
coal mine who has satisfied the training requirements established 4976
in division (D)(1) of this section. 4977

(3) "Mine medical responder" means a person who has satisfied 4978
the requirements established in rules adopted under division (E) 4979
of this section. 4980

(B) The operator of an underground coal mine where twenty or 4981
more persons are employed on a shift, including all persons 4982
working at different locations at the mine within a ten-mile 4983
radius, shall provide at least one mine medical responder, 4984
EMT-basic, or EMT-I on duty at the underground coal mine whenever 4985
employees at the mine are actively engaged in the extraction, 4986
production, or preparation of coal. The operator shall provide 4987
mine medical responders, EMTs-basic, or EMTs-I on duty at the 4988
underground coal mine at times and in numbers sufficient to ensure 4989
that no miner works in a mine location that cannot be reached 4990
within a reasonable time by a mine medical responder, an 4991
EMT-basic, or an EMT-I. Mine medical responders, EMTs-basic, and 4992
EMTs-I shall be employed on their regular coal mining duties at 4993
locations convenient for quick response to emergencies in order to 4994
provide emergency medical services inside the underground coal 4995
mine and transportation of injured or sick employees to the 4996
entrance of the mine. The operator shall provide for the services 4997
of at least one emergency medical service organization to be 4998
available on call to reach the entrance of the underground coal 4999
mine within thirty minutes at any time that employees are engaged 5000
in the extraction, production, or preparation of coal in order to 5001
provide emergency medical services and transportation to a 5002
hospital. 5003

The operator shall make available to mine medical responders, 5004
EMTs-basic, and EMTs-I all of the equipment for first aid and 5005
emergency medical services that is necessary for those personnel 5006

to function and to comply with the regulations pertaining to first 5007
aid and emergency medical services that are adopted under the 5008
"Federal Mine Safety and Health Act of 1977," 91 Stat. 1290, 30 5009
U.S.C.A. 801, and amendments to it. The operator of the 5010
underground coal mine shall install telephone service or 5011
equivalent facilities that enable two-way voice communication 5012
between the mine medical responders, EMTs-basic, or EMTs-I in the 5013
mine and the emergency medical service organization outside the 5014
mine that provides emergency medical services on a regular basis. 5015

(C) The operator of a surface coal mine shall provide at 5016
least one first aid provider on duty at the mine whenever 5017
employees at the mine are actively engaged in the extraction, 5018
production, or preparation of coal. The operator shall provide 5019
first aid providers on duty at the surface coal mine at times and 5020
in numbers sufficient to ensure that no miner works in a mine 5021
location that cannot be reached within a reasonable time by a 5022
first aid provider. First aid providers shall be employed on their 5023
regular coal mining duties at locations convenient for quick 5024
response to emergencies in order to provide emergency medical 5025
services and transportation of injured or sick employees to the 5026
entrance of the surface coal mine. The operator shall provide for 5027
the services of at least one emergency medical service 5028
organization to be available on call to reach the entrance of the 5029
surface coal mine within thirty minutes at any time that employees 5030
are engaged in the extraction, production, or preparation of coal 5031
in order to provide emergency medical services and transportation 5032
to a hospital. 5033

The operator shall provide at the mine site all of the 5034
equipment for first aid and emergency medical services that is 5035
necessary for those personnel to function and to comply with the 5036
regulations pertaining to first aid and emergency medical services 5037
that are adopted under the "Federal Mine Safety and Health Act of 5038

1977," 91 Stat. 1290, 30 U.S.C.A. 801, and amendments to it. 5039

(D)(1) An employee at a surface coal mine shall be considered 5040
to be a first aid provider for the purposes of this section if the 5041
employee has received from an instructor approved by the chief of 5042
the division of mineral resources management ten hours of initial 5043
first aid training as a selected supervisory employee under 30 5044
C.F.R. 77.1703 and receives five hours of refresher first aid 5045
training as a selected supervisory employee under 30 C.F.R. 5046
77.1705 in each subsequent calendar year. 5047

(2) Each miner employed at a surface coal mine who is not a 5048
first aid provider shall receive from an instructor approved by 5049
the chief three hours of initial first aid training and two hours 5050
of refresher first aid training in each subsequent calendar year. 5051

(3) The training received in accordance with division (D) of 5052
this section shall consist of a course of instruction established 5053
in the manual issued by the mine safety and health administration 5054
in the United States department of labor entitled "first aid, a 5055
bureau of mines instruction manual" or its successor or any other 5056
curriculum approved by the chief. The training shall be included 5057
in the hours of instruction provided to miners in accordance with 5058
training requirements established under 30 C.F.R. part 48, subpart 5059
(B), as amended, and 30 C.F.R. part 77, as amended. 5060

(E) The chief, in consultation with persons certified under 5061
Chapter 4765. of the Revised Code to teach in an emergency medical 5062
services training program, shall adopt rules in accordance with 5063
Chapter 119. of the Revised Code that do all of the following: 5064

(1) Prescribe training requirements for a mine medical 5065
responder that specifically focus on treating injuries and 5066
illnesses associated with underground coal mining; 5067

(2) Prescribe an examination for a mine medical responder; 5068

(3) Prescribe continuing training requirements for a mine 5069

medical responder; 5070

(4) Establish the fee for examination for a mine medical responder; 5071
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(5) Prescribe any other requirements, criteria, and procedures that the chief determines are necessary regarding the training, examination, and continuing training of mine medical responders. 5073
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If a person qualifies as a mine medical responder or similar classification in another state, the person may provide emergency medical services as a mine medical responder in this state without completing the training or passing the examination that is required in rules adopted under this division, provided that the chief determines that the person's qualifications from the other state satisfy all of the applicable requirements that are established in rules adopted under this division. 5077
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(F) Each operator of a surface coal mine shall establish, keep current, and make available for inspection an emergency medical plan that includes the telephone numbers of the division of mineral resources management and of an emergency medical services organization the services of which are required to be retained under division (C) of this section. The chief shall adopt rules in accordance with Chapter 119. of the Revised Code that establish any additional information required to be included in an emergency medical plan. 5085
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~~(F)~~(G) Each operator of an underground coal mine or surface coal mine shall provide or contract to obtain emergency medical services training or first aid training, as applicable, at the operator's expense, that is sufficient to train and maintain the certification of the number of employees necessary to comply with division (B) of this section and that is sufficient to train employees as required under division (D) of this section and to 5094
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comply with division (C) of this section. 5101

~~(G)~~(H) The division may provide emergency medical services 5102
training for coal mine employees by operating an emergency medical 5103
services training program accredited under section 4765.17 of the 5104
Revised Code or by contracting with the operator of an emergency 5105
medical services training program accredited under that section to 5106
provide that training. The division may charge coal mine operators 5107
a uniform part of the unit cost per trainee. 5108

~~(H)~~(I) No coal mine operator shall violate or fail to comply 5109
with this section. 5110

Sec. 1567.64. (A) As used in this section, "tag lines" and 5111
"tie-off lines" have the same meanings as in rules adopted under 5112
this section. 5113

(B) The operator of an underground coal mine shall provide 5114
tag lines or tie-off lines for each miner at the mine. The 5115
operator shall provide and employees of the mine shall use tag 5116
lines or tie-off lines in accordance with requirements and 5117
procedures established in rules adopted under this section. 5118

(C) The chief of the division of mineral resources 5119
management, in consultation with a statewide association 5120
representing the coal mining industry and a statewide association 5121
representing employees of coal mines, shall adopt rules in 5122
accordance with Chapter 119. of the Revised Code concerning the 5123
use of tag lines or tie-off lines in an underground coal mine. The 5124
rules shall include all of the following: 5125

(1) A definition of "tag line" and of "tie-off line"; 5126

(2) A description or list of acceptable tag lines and tie-off 5127
lines; 5128

(3) Procedures and requirements for the use of tag lines and 5129
tie-off lines; 5130

(4) Procedures for the approval and inspection of the use of tag lines and tie-off lines in a mine; 5131
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(5) Any other requirements concerning tag lines or tie-off lines that the chief determines are necessary. 5133
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(D) No operator of a mine shall refuse or neglect to comply with this section or rules adopted under it. 5135
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Sec. 1567.681. (A) The operator of an underground coal mine that uses conveyor belts in the operation of the mine shall install fire detection devices on each conveyor belt that is used in the mine. The fire detection devices shall be of a design and type established in rules adopted under this section. The chief of the division of mineral resources management shall inspect the fire detection devices after the operator of the mine has installed the devices on the conveyor belts that are used in the operation of the mine. The chief shall approve or disapprove the installation of the fire detection devices and shall notify the operator of the chief's decision. 5137
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(B) The chief, in consultation with a statewide association representing the coal mining industry and a statewide association representing employees of coal mines, shall adopt rules in accordance with Chapter 119. of the Revised Code concerning the installation and use of fire detection devices on conveyor belts that are used in an underground coal mine. The rules shall include all of the following: 5148
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(1) The design and types of fire detection devices that must be used on a conveyor belt in order to provide for the earliest possible detection of a fire; 5155
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(2) The number of fire detection devices that are required on a conveyor belt; 5158
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(3) A procedure for the notification of the chief after the 5160

operator of a mine has installed the fire detection devices; 5161

(4) A procedure for the inspection of fire detection devices 5162
installed on a conveyor belt; 5163

(5) Any other requirements that the chief determines are 5164
necessary. 5165

(C) No operator of a mine shall refuse or neglect to comply 5166
with this section or rules adopted under it. 5167

Sec. 2743.49. (A)(1) In January of each odd-numbered year, 5168
the auditor of state, in accordance with this division and 5169
division (A)(2) of this section, shall adjust the actual dollar 5170
figure specified in division (E)(2)(b) of section 2743.48 of the 5171
Revised Code or the actual dollar amount determined pursuant to 5172
this section. The adjustment shall be based on the yearly average 5173
of the previous two years of the consumer price index for all 5174
urban consumers or its successive equivalent, as determined by the 5175
United States department of labor, bureau of labor statistics, or 5176
its successor in responsibility, for all items, Series A. The 5177
auditor of state shall calculate the adjustment in the following 5178
manner: 5179

~~(a) First, using the yearly average for the immediately~~ 5180
~~preceding odd numbered year as the base year, the auditor of state~~ 5181
~~shall compare the most current average consumer price index with~~ 5182
~~that determined in the even numbered year immediately preceding~~ 5183
~~that odd numbered year and shall determine the percentage increase~~ 5184
~~or decrease. The auditor of state shall multiply the percentage~~ 5185
~~increase or decrease by the actual dollar figure specified in~~ 5186
~~division (E)(2)(b) of section 2743.48 of the Revised Code or the~~ 5187
~~actual dollar figure determined for the previous odd numbered year~~ 5188
~~under this section and shall add the product to or subtract the~~ 5189
~~product from its corresponding actual dollar figure, as~~ 5190
~~applicable, for the previous odd numbered year.~~ 5191

~~(b) Second, using~~ Using the yearly average for the 5192
immediately preceding even-numbered year as the base year, the 5193
auditor of state shall compare the most current average consumer 5194
price index with that determined in the preceding odd-numbered 5195
year ~~immediately preceding that even-numbered year~~ and shall 5196
determine the percentage increase or decrease. The auditor of 5197
state shall multiply the percentage increase or decrease by the 5198
actual dollar figure specified in division (E)(2)(b) of section 5199
2743.48 of the Revised Code or the actual dollar figure determined 5200
under ~~division (A)(1)(a) of~~ this section for the previous 5201
~~even-numbered~~ odd-numbered year and shall add the product to or 5202
subtract the product from its corresponding actual dollar figure, 5203
as applicable, for the previous odd-numbered year. ~~The resulting~~ 5204
~~figure is the adjusted dollar amount determined under this section~~ 5205
~~for purposes of this section and section 2743.48 of the Revised~~ 5206
~~Code.~~ 5207

(2) The auditor of state shall calculate the adjustment under 5208
division (A)(1) of this section on or before the thirty-first day 5209
of January of each odd-numbered year. The auditor of state shall 5210
base the adjustment on the most current consumer price index that 5211
is described in division (A)(1) of this section and that is in 5212
effect as of the first day of January of each odd-numbered year. 5213

(B)(1) The auditor of state shall certify the calculations 5214
made under division (A) of this section on or before the 5215
thirty-first day of January of each odd-numbered year. 5216

(2) On or before the fifteenth day of February of each 5217
odd-numbered year, the auditor of state shall prepare a report 5218
setting forth the amount that a wrongfully imprisoned individual 5219
is entitled to for each full year of imprisonment in the state 5220
correctional institution for the offense of which the wrongfully 5221
imprisoned individual was found guilty as provided in division 5222
(E)(2)(b) of section ~~2743.49~~ 2743.48 of the Revised Code and as 5223

calculated in accordance with this section. The report and all 5224
documents relating to the calculations contained in the report are 5225
public records. The report shall contain an indication of the 5226
period in which the calculated amount applies, a summary of how 5227
the amount was calculated, and a statement that the report and all 5228
related documents are available for inspection and copying at the 5229
office of the auditor of state. 5230

(3) On or before the fifteenth day of February of each 5231
odd-numbered year, the auditor of state shall transmit the report 5232
to the general assembly and to the court of claims. 5233

Sec. 2921.13. (A) No person shall knowingly make a false 5234
statement, or knowingly swear or affirm the truth of a false 5235
statement previously made, when any of the following applies: 5236

(1) The statement is made in any official proceeding. 5237

(2) The statement is made with purpose to incriminate 5238
another. 5239

(3) The statement is made with purpose to mislead a public 5240
official in performing the public official's official function. 5241

(4) The statement is made with purpose to secure the payment 5242
of unemployment compensation; Ohio works first; prevention, 5243
retention, and contingency benefits and services; disability 5244
financial assistance; retirement benefits; economic development 5245
assistance, as defined in section 9.66 of the Revised Code; or 5246
other benefits administered by a governmental agency or paid out 5247
of a public treasury. 5248

(5) The statement is made with purpose to secure the issuance 5249
by a governmental agency of a license, permit, authorization, 5250
certificate, registration, release, or provider agreement. 5251

(6) The statement is sworn or affirmed before a notary public 5252
or another person empowered to administer oaths. 5253

(7) The statement is in writing on or in connection with a 5254
report or return that is required or authorized by law. 5255

(8) The statement is in writing and is made with purpose to 5256
induce another to extend credit to or employ the offender, to 5257
confer any degree, diploma, certificate of attainment, award of 5258
excellence, or honor on the offender, or to extend to or bestow 5259
upon the offender any other valuable benefit or distinction, when 5260
the person to whom the statement is directed relies upon it to 5261
that person's detriment. 5262

(9) The statement is made with purpose to commit or 5263
facilitate the commission of a theft offense. 5264

(10) The statement is knowingly made to a probate court in 5265
connection with any action, proceeding, or other matter within its 5266
jurisdiction, either orally or in a written document, including, 5267
but not limited to, an application, petition, complaint, or other 5268
pleading, or an inventory, account, or report. 5269

(11) The statement is made on an account, form, record, 5270
stamp, label, or other writing that is required by law. 5271

(12) The statement is made in connection with the purchase of 5272
a firearm, as defined in section 2923.11 of the Revised Code, and 5273
in conjunction with the furnishing to the seller of the firearm of 5274
a fictitious or altered driver's or commercial driver's license or 5275
permit, a fictitious or altered identification card, or any other 5276
document that contains false information about the purchaser's 5277
identity. 5278

(13) The statement is made in a document or instrument of 5279
writing that purports to be a judgment, lien, or claim of 5280
indebtedness and is filed or recorded with the secretary of state, 5281
a county recorder, or the clerk of a court of record. 5282

(14) The statement is made with purpose to obtain an Ohio's 5283
best Rx program enrollment card under section 173.773 of the 5284

Revised Code or a payment under section 173.801 of the Revised Code. 5285
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(15) The statement is made in an application filed with a county sheriff pursuant to section 2923.125 of the Revised Code in order to obtain or renew a license to carry a concealed handgun or is made in an affidavit submitted to a county sheriff to obtain a temporary emergency license to carry a concealed handgun under section 2923.1213 of the Revised Code. 5287
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(16) The statement is required under section ~~5743.72~~ 5743.71 of the Revised Code in connection with the person's purchase of cigarettes or tobacco products in a delivery sale. 5293
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(B) No person, in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, shall knowingly furnish to the seller of the firearm a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity. 5296
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(C) No person, in an attempt to obtain a license to carry a concealed handgun under section 2923.125 of the Revised Code, shall knowingly present to a sheriff a fictitious or altered document that purports to be certification of the person's competence in handling a handgun as described in division (B)(3) of section 2923.125 of the Revised Code. 5302
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(D) It is no defense to a charge under division (A)(6) of this section that the oath or affirmation was administered or taken in an irregular manner. 5308
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(E) If contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the prosecution to prove which statement was false but only that one or the other was false. 5311
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(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 5316
(6), (7), (8), (10), (11), (13), (14), or (16) of this section is 5317
guilty of falsification, a misdemeanor of the first degree. 5318

(2) Whoever violates division (A)(9) of this section is 5319
guilty of falsification in a theft offense. Except as otherwise 5320
provided in this division, falsification in a theft offense is a 5321
misdemeanor of the first degree. If the value of the property or 5322
services stolen is five hundred dollars or more and is less than 5323
five thousand dollars, falsification in a theft offense is a 5324
felony of the fifth degree. If the value of the property or 5325
services stolen is five thousand dollars or more and is less than 5326
one hundred thousand dollars, falsification in a theft offense is 5327
a felony of the fourth degree. If the value of the property or 5328
services stolen is one hundred thousand dollars or more, 5329
falsification in a theft offense is a felony of the third degree. 5330

(3) Whoever violates division (A)(12) or (B) of this section 5331
is guilty of falsification to purchase a firearm, a felony of the 5332
fifth degree. 5333

(4) Whoever violates division (A)(15) or (C) of this section 5334
is guilty of falsification to obtain a concealed handgun license, 5335
a felony of the fourth degree. 5336

(G) A person who violates this section is liable in a civil 5337
action to any person harmed by the violation for injury, death, or 5338
loss to person or property incurred as a result of the commission 5339
of the offense and for reasonable attorney's fees, court costs, 5340
and other expenses incurred as a result of prosecuting the civil 5341
action commenced under this division. A civil action under this 5342
division is not the exclusive remedy of a person who incurs 5343
injury, death, or loss to person or property as a result of a 5344
violation of this section. 5345

Sec. 2935.01. As used in this chapter: 5346

(A) "Magistrate" has the same meaning as in section 2931.01 5347
of the Revised Code. 5348

(B) "Peace officer" includes, except as provided in section 5349
2935.081 of the Revised Code, a sheriff; deputy sheriff; marshal; 5350
deputy marshal; member of the organized police department of any 5351
municipal corporation, including a member of the organized police 5352
department of a municipal corporation in an adjoining state 5353
serving in Ohio under a contract pursuant to section 737.04 of the 5354
Revised Code; member of a police force employed by a metropolitan 5355
housing authority under division (D) of section 3735.31 of the 5356
Revised Code; member of a police force employed by a regional 5357
transit authority under division (Y) of section 306.05 of the 5358
Revised Code; state university law enforcement officer appointed 5359
under section 3345.04 of the Revised Code; enforcement agent of 5360
the department of public safety designated under section 5502.14 5361
of the Revised Code; employee of the department of taxation to 5362
whom investigation powers have been delegated under section 5363
5743.45 of the Revised Code; employee of the department of natural 5364
resources who is a natural resources law enforcement staff officer 5365
designated pursuant to section 1501.013 of the Revised Code, a 5366
forest officer designated pursuant to section 1503.29 of the 5367
Revised Code, a preserve officer designated pursuant to section 5368
1517.10 of the Revised Code, a wildlife officer designated 5369
pursuant to section 1531.13 of the Revised Code, a park officer 5370
designated pursuant to section 1541.10 of the Revised Code, or a 5371
state watercraft officer designated pursuant to section 1547.521 5372
of the Revised Code; individual designated to perform law 5373
enforcement duties under section 511.232, 1545.13, or 6101.75 of 5374
the Revised Code; veterans' home police officer appointed under 5375
section 5907.02 of the Revised Code; special police officer 5376
employed by a port authority under section 4582.04 or 4582.28 of 5377
the Revised Code; police constable of any township; police officer 5378
of a township or joint township police district; a special police 5379

officer employed by a municipal corporation at a municipal 5380
airport, or other municipal air navigation facility, that has 5381
scheduled operations, as defined in section 119.3 of Title 14 of 5382
the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and 5383
that is required to be under a security program and is governed by 5384
aviation security rules of the transportation security 5385
administration of the United States department of transportation 5386
as provided in Parts 1542. and 1544. of Title 49 of the Code of 5387
Federal Regulations, as amended; the house of representatives 5388
sergeant at arms if the house of representatives sergeant at arms 5389
has arrest authority pursuant to division (E)(1) of section 5390
101.311 of the Revised Code; and an assistant house of 5391
representatives sergeant at arms; officer or employee of the 5392
bureau of criminal identification and investigation established 5393
pursuant to section 109.51 of the Revised Code who has been 5394
awarded a certificate by the executive director of the Ohio peace 5395
officer training commission attesting to the officer's or 5396
employee's satisfactory completion of an approved state, county, 5397
municipal, or department of natural resources peace officer basic 5398
training program and who is providing assistance upon request to a 5399
law enforcement officer or emergency assistance to a peace officer 5400
pursuant to section 109.54 or 109.541 of the Revised Code; a state 5401
fire marshal law enforcement officer described in division (A)(23) 5402
of section 109.71 of the Revised Code; and, for the purpose of 5403
arrests within those areas, for the purposes of Chapter 5503. of 5404
the Revised Code, and the filing of and service of process 5405
relating to those offenses witnessed or investigated by them, the 5406
superintendent and troopers of the state highway patrol. 5407

(C) "Prosecutor" includes the county prosecuting attorney and 5408
any assistant prosecutor designated to assist the county 5409
prosecuting attorney, and, in the case of courts inferior to 5410
courts of common pleas, includes the village solicitor, city 5411
director of law, or similar chief legal officer of a municipal 5412

corporation, any such officer's assistants, or any attorney 5413
designated by the prosecuting attorney of the county to appear for 5414
the prosecution of a given case. 5415

(D) "Offense," except where the context specifically 5416
indicates otherwise, includes felonies, misdemeanors, and 5417
violations of ordinances of municipal corporations and other 5418
public bodies authorized by law to adopt penal regulations. 5419

Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal, 5420
deputy marshal, municipal police officer, township constable, 5421
police officer of a township or joint township police district, 5422
member of a police force employed by a metropolitan housing 5423
authority under division (D) of section 3735.31 of the Revised 5424
Code, member of a police force employed by a regional transit 5425
authority under division (Y) of section 306.35 of the Revised 5426
Code, state university law enforcement officer appointed under 5427
section 3345.04 of the Revised Code, veterans' home police officer 5428
appointed under section 5907.02 of the Revised Code, special 5429
police officer employed by a port authority under section 4582.04 5430
or 4582.28 of the Revised Code, or a special police officer 5431
employed by a municipal corporation at a municipal airport, or 5432
other municipal air navigation facility, that has scheduled 5433
operations, as defined in section 119.3 of Title 14 of the Code of 5434
Federal Regulations, 14 C.F.R. 119.3, as amended, and that is 5435
required to be under a security program and is governed by 5436
aviation security rules of the transportation security 5437
administration of the United States department of transportation 5438
as provided in Parts 1542. and 1544. of Title 49 of the Code of 5439
Federal Regulations, as amended, shall arrest and detain, until a 5440
warrant can be obtained, a person found violating, within the 5441
limits of the political subdivision, metropolitan housing 5442
authority housing project, regional transit authority facilities 5443
or areas of a municipal corporation that have been agreed to by a 5444

regional transit authority and a municipal corporation located 5445
within its territorial jurisdiction, college, university, 5446
veterans' home operated under Chapter 5907. of the Revised Code, 5447
port authority, or municipal airport or other municipal air 5448
navigation facility, in which the peace officer is appointed, 5449
employed, or elected, a law of this state, an ordinance of a 5450
municipal corporation, or a resolution of a township. 5451

(2) A peace officer of the department of natural resources, a 5452
state fire marshal law enforcement officer described in division 5453
(A)(23) of section 109.71 of the Revised Code, or an individual 5454
designated to perform law enforcement duties under section 5455
511.232, 1545.13, or 6101.75 of the Revised Code shall arrest and 5456
detain, until a warrant can be obtained, a person found violating, 5457
within the limits of the peace officer's, state fire marshal law 5458
enforcement officer's, or individual's territorial jurisdiction, a 5459
law of this state. 5460

(3) The house sergeant at arms if the house sergeant at arms 5461
has arrest authority pursuant to division (E)(1) of section 5462
101.311 of the Revised Code and an assistant house sergeant at 5463
arms shall arrest and detain, until a warrant can be obtained, a 5464
person found violating, within the limits of the sergeant at 5465
arms's or assistant sergeant at arms's territorial jurisdiction 5466
specified in division (D)(1)(a) of section 101.311 of the Revised 5467
Code or while providing security pursuant to division (D)(1)(f) of 5468
section 101.311 of the Revised Code, a law of this state, an 5469
ordinance of a municipal corporation, or a resolution of a 5470
township. 5471

(B)(1) When there is reasonable ground to believe that an 5472
offense of violence, the offense of criminal child enticement as 5473
defined in section 2905.05 of the Revised Code, the offense of 5474
public indecency as defined in section 2907.09 of the Revised 5475
Code, the offense of domestic violence as defined in section 5476

2919.25 of the Revised Code, the offense of violating a protection 5477
order as defined in section 2919.27 of the Revised Code, the 5478
offense of menacing by stalking as defined in section 2903.211 of 5479
the Revised Code, the offense of aggravated trespass as defined in 5480
section 2911.211 of the Revised Code, a theft offense as defined 5481
in section 2913.01 of the Revised Code, or a felony drug abuse 5482
offense as defined in section 2925.01 of the Revised Code, has 5483
been committed within the limits of the political subdivision, 5484
metropolitan housing authority housing project, regional transit 5485
authority facilities or those areas of a municipal corporation 5486
that have been agreed to by a regional transit authority and a 5487
municipal corporation located within its territorial jurisdiction, 5488
college, university, veterans' home operated under Chapter 5907. 5489
of the Revised Code, port authority, or municipal airport or other 5490
municipal air navigation facility, in which the peace officer is 5491
appointed, employed, or elected or within the limits of the 5492
territorial jurisdiction of the peace officer, a peace officer 5493
described in division (A) of this section may arrest and detain 5494
until a warrant can be obtained any person who the peace officer 5495
has reasonable cause to believe is guilty of the violation. 5496

(2) For purposes of division (B)(1) of this section, the 5497
execution of any of the following constitutes reasonable ground to 5498
believe that the offense alleged in the statement was committed 5499
and reasonable cause to believe that the person alleged in the 5500
statement to have committed the offense is guilty of the 5501
violation: 5502

(a) A written statement by a person alleging that an alleged 5503
offender has committed the offense of menacing by stalking or 5504
aggravated trespass; 5505

(b) A written statement by the administrator of the 5506
interstate compact on mental health appointed under section 5507
5119.51 of the Revised Code alleging that a person who had been 5508

hospitalized, institutionalized, or confined in any facility under 5509
an order made pursuant to or under authority of section 2945.37, 5510
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 5511
Revised Code has escaped from the facility, from confinement in a 5512
vehicle for transportation to or from the facility, or from 5513
supervision by an employee of the facility that is incidental to 5514
hospitalization, institutionalization, or confinement in the 5515
facility and that occurs outside of the facility, in violation of 5516
section 2921.34 of the Revised Code; 5517

(c) A written statement by the administrator of any facility 5518
in which a person has been hospitalized, institutionalized, or 5519
confined under an order made pursuant to or under authority of 5520
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 5521
2945.402 of the Revised Code alleging that the person has escaped 5522
from the facility, from confinement in a vehicle for 5523
transportation to or from the facility, or from supervision by an 5524
employee of the facility that is incidental to hospitalization, 5525
institutionalization, or confinement in the facility and that 5526
occurs outside of the facility, in violation of section 2921.34 of 5527
the Revised Code. 5528

(3)(a) For purposes of division (B)(1) of this section, a 5529
peace officer described in division (A) of this section has 5530
reasonable grounds to believe that the offense of domestic 5531
violence or the offense of violating a protection order has been 5532
committed and reasonable cause to believe that a particular person 5533
is guilty of committing the offense if any of the following 5534
occurs: 5535

(i) A person executes a written statement alleging that the 5536
person in question has committed the offense of domestic violence 5537
or the offense of violating a protection order against the person 5538
who executes the statement or against a child of the person who 5539
executes the statement. 5540

(ii) No written statement of the type described in division 5541
(B)(3)(a)(i) of this section is executed, but the peace officer, 5542
based upon the peace officer's own knowledge and observation of 5543
the facts and circumstances of the alleged incident of the offense 5544
of domestic violence or the alleged incident of the offense of 5545
violating a protection order or based upon any other information, 5546
including, but not limited to, any reasonably trustworthy 5547
information given to the peace officer by the alleged victim of 5548
the alleged incident of the offense or any witness of the alleged 5549
incident of the offense, concludes that there are reasonable 5550
grounds to believe that the offense of domestic violence or the 5551
offense of violating a protection order has been committed and 5552
reasonable cause to believe that the person in question is guilty 5553
of committing the offense. 5554

(iii) No written statement of the type described in division 5555
(B)(3)(a)(i) of this section is executed, but the peace officer 5556
witnessed the person in question commit the offense of domestic 5557
violence or the offense of violating a protection order. 5558

(b) If pursuant to division (B)(3)(a) of this section a peace 5559
officer has reasonable grounds to believe that the offense of 5560
domestic violence or the offense of violating a protection order 5561
has been committed and reasonable cause to believe that a 5562
particular person is guilty of committing the offense, it is the 5563
preferred course of action in this state that the officer arrest 5564
and detain that person pursuant to division (B)(1) of this section 5565
until a warrant can be obtained. 5566

If pursuant to division (B)(3)(a) of this section a peace 5567
officer has reasonable grounds to believe that the offense of 5568
domestic violence or the offense of violating a protection order 5569
has been committed and reasonable cause to believe that family or 5570
household members have committed the offense against each other, 5571
it is the preferred course of action in this state that the 5572

officer, pursuant to division (B)(1) of this section, arrest and 5573
detain until a warrant can be obtained the family or household 5574
member who committed the offense and whom the officer has 5575
reasonable cause to believe is the primary physical aggressor. 5576
There is no preferred course of action in this state regarding any 5577
other family or household member who committed the offense and 5578
whom the officer does not have reasonable cause to believe is the 5579
primary physical aggressor, but, pursuant to division (B)(1) of 5580
this section, the peace officer may arrest and detain until a 5581
warrant can be obtained any other family or household member who 5582
committed the offense and whom the officer does not have 5583
reasonable cause to believe is the primary physical aggressor. 5584

(c) If a peace officer described in division (A) of this 5585
section does not arrest and detain a person whom the officer has 5586
reasonable cause to believe committed the offense of domestic 5587
violence or the offense of violating a protection order when it is 5588
the preferred course of action in this state pursuant to division 5589
(B)(3)(b) of this section that the officer arrest that person, the 5590
officer shall articulate in the written report of the incident 5591
required by section 2935.032 of the Revised Code a clear statement 5592
of the officer's reasons for not arresting and detaining that 5593
person until a warrant can be obtained. 5594

(d) In determining for purposes of division (B)(3)(b) of this 5595
section which family or household member is the primary physical 5596
aggressor in a situation in which family or household members have 5597
committed the offense of domestic violence or the offense of 5598
violating a protection order against each other, a peace officer 5599
described in division (A) of this section, in addition to any 5600
other relevant circumstances, should consider all of the 5601
following: 5602

(i) Any history of domestic violence or of any other violent 5603
acts by either person involved in the alleged offense that the 5604

officer reasonably can ascertain; 5605

(ii) If violence is alleged, whether the alleged violence was 5606
caused by a person acting in self-defense; 5607

(iii) Each person's fear of physical harm, if any, resulting 5608
from the other person's threatened use of force against any person 5609
or resulting from the other person's use or history of the use of 5610
force against any person, and the reasonableness of that fear; 5611

(iv) The comparative severity of any injuries suffered by the 5612
persons involved in the alleged offense. 5613

(e)(i) A peace officer described in division (A) of this 5614
section shall not require, as a prerequisite to arresting or 5615
charging a person who has committed the offense of domestic 5616
violence or the offense of violating a protection order, that the 5617
victim of the offense specifically consent to the filing of 5618
charges against the person who has committed the offense or sign a 5619
complaint against the person who has committed the offense. 5620

(ii) If a person is arrested for or charged with committing 5621
the offense of domestic violence or the offense of violating a 5622
protection order and if the victim of the offense does not 5623
cooperate with the involved law enforcement or prosecuting 5624
authorities in the prosecution of the offense or, subsequent to 5625
the arrest or the filing of the charges, informs the involved law 5626
enforcement or prosecuting authorities that the victim does not 5627
wish the prosecution of the offense to continue or wishes to drop 5628
charges against the alleged offender relative to the offense, the 5629
involved prosecuting authorities, in determining whether to 5630
continue with the prosecution of the offense or whether to dismiss 5631
charges against the alleged offender relative to the offense and 5632
notwithstanding the victim's failure to cooperate or the victim's 5633
wishes, shall consider all facts and circumstances that are 5634
relevant to the offense, including, but not limited to, the 5635

statements and observations of the peace officers who responded to 5636
the incident that resulted in the arrest or filing of the charges 5637
and of all witnesses to that incident. 5638

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 5639
this section whether to arrest a person pursuant to division 5640
(B)(1) of this section, a peace officer described in division (A) 5641
of this section shall not consider as a factor any possible 5642
shortage of cell space at the detention facility to which the 5643
person will be taken subsequent to the person's arrest or any 5644
possibility that the person's arrest might cause, contribute to, 5645
or exacerbate overcrowding at that detention facility or at any 5646
other detention facility. 5647

(g) If a peace officer described in division (A) of this 5648
section intends pursuant to divisions (B)(3)(a) to (g) of this 5649
section to arrest a person pursuant to division (B)(1) of this 5650
section and if the officer is unable to do so because the person 5651
is not present, the officer promptly shall seek a warrant for the 5652
arrest of the person. 5653

(h) If a peace officer described in division (A) of this 5654
section responds to a report of an alleged incident of the offense 5655
of domestic violence or an alleged incident of the offense of 5656
violating a protection order and if the circumstances of the 5657
incident involved the use or threatened use of a deadly weapon or 5658
any person involved in the incident brandished a deadly weapon 5659
during or in relation to the incident, the deadly weapon that was 5660
used, threatened to be used, or brandished constitutes contraband, 5661
and, to the extent possible, the officer shall seize the deadly 5662
weapon as contraband pursuant to Chapter 2981. of the Revised 5663
Code. Upon the seizure of a deadly weapon pursuant to division 5664
(B)(3)(h) of this section, section 2981.12 of the Revised Code 5665
shall apply regarding the treatment and disposition of the deadly 5666
weapon. For purposes of that section, the "underlying criminal 5667

offense" that was the basis of the seizure of a deadly weapon 5668
under division (B)(3)(h) of this section and to which the deadly 5669
weapon had a relationship is any of the following that is 5670
applicable: 5671

(i) The alleged incident of the offense of domestic violence 5672
or the alleged incident of the offense of violating a protection 5673
order to which the officer who seized the deadly weapon responded; 5674

(ii) Any offense that arose out of the same facts and 5675
circumstances as the report of the alleged incident of the offense 5676
of domestic violence or the alleged incident of the offense of 5677
violating a protection order to which the officer who seized the 5678
deadly weapon responded. 5679

(4) If, in the circumstances described in divisions (B)(3)(a) 5680
to (g) of this section, a peace officer described in division (A) 5681
of this section arrests and detains a person pursuant to division 5682
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 5683
this section, a peace officer described in division (A) of this 5684
section seizes a deadly weapon, the officer, to the extent 5685
described in and in accordance with section 9.86 or 2744.03 of the 5686
Revised Code, is immune in any civil action for damages for 5687
injury, death, or loss to person or property that arises from or 5688
is related to the arrest and detention or the seizure. 5689

(C) When there is reasonable ground to believe that a 5690
violation of division (A)(1), (2), (3), (4), or (5) of section 5691
4506.15 or a violation of section 4511.19 of the Revised Code has 5692
been committed by a person operating a motor vehicle subject to 5693
regulation by the public utilities commission of Ohio under Title 5694
XLIX of the Revised Code, a peace officer with authority to 5695
enforce that provision of law may stop or detain the person whom 5696
the officer has reasonable cause to believe was operating the 5697
motor vehicle in violation of the division or section and, after 5698
investigating the circumstances surrounding the operation of the 5699

vehicle, may arrest and detain the person. 5700

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 5701
municipal police officer, member of a police force employed by a 5702
metropolitan housing authority under division (D) of section 5703
3735.31 of the Revised Code, member of a police force employed by 5704
a regional transit authority under division (Y) of section 306.35 5705
of the Revised Code, special police officer employed by a port 5706
authority under section 4582.04 or 4582.28 of the Revised Code, 5707
special police officer employed by a municipal corporation at a 5708
municipal airport or other municipal air navigation facility 5709
described in division (A) of this section, township constable, 5710
police officer of a township or joint township police district, 5711
state university law enforcement officer appointed under section 5712
3345.04 of the Revised Code, peace officer of the department of 5713
natural resources, individual designated to perform law 5714
enforcement duties under section 511.232, 1545.13, or 6101.75 of 5715
the Revised Code, the house sergeant at arms if the house sergeant 5716
at arms has arrest authority pursuant to division (E)(1) of 5717
section 101.311 of the Revised Code, or an assistant house 5718
sergeant at arms is authorized by division (A) or (B) of this 5719
section to arrest and detain, within the limits of the political 5720
subdivision, metropolitan housing authority housing project, 5721
regional transit authority facilities or those areas of a 5722
municipal corporation that have been agreed to by a regional 5723
transit authority and a municipal corporation located within its 5724
territorial jurisdiction, port authority, municipal airport or 5725
other municipal air navigation facility, college, or university in 5726
which the officer is appointed, employed, or elected or within the 5727
limits of the territorial jurisdiction of the peace officer, a 5728
person until a warrant can be obtained, the peace officer, outside 5729
the limits of that territory, may pursue, arrest, and detain that 5730
person until a warrant can be obtained if all of the following 5731
apply: 5732

(1) The pursuit takes place without unreasonable delay after 5733
the offense is committed; 5734

(2) The pursuit is initiated within the limits of the 5735
political subdivision, metropolitan housing authority housing 5736
project, regional transit authority facilities or those areas of a 5737
municipal corporation that have been agreed to by a regional 5738
transit authority and a municipal corporation located within its 5739
territorial jurisdiction, port authority, municipal airport or 5740
other municipal air navigation facility, college, or university in 5741
which the peace officer is appointed, employed, or elected or 5742
within the limits of the territorial jurisdiction of the peace 5743
officer; 5744

(3) The offense involved is a felony, a misdemeanor of the 5745
first degree or a substantially equivalent municipal ordinance, a 5746
misdemeanor of the second degree or a substantially equivalent 5747
municipal ordinance, or any offense for which points are 5748
chargeable pursuant to section 4510.036 of the Revised Code. 5749

(E) In addition to the authority granted under division (A) 5750
or (B) of this section: 5751

(1) A sheriff or deputy sheriff may arrest and detain, until 5752
a warrant can be obtained, any person found violating section 5753
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 5754
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 5755
portion of any street or highway that is located immediately 5756
adjacent to the boundaries of the county in which the sheriff or 5757
deputy sheriff is elected or appointed. 5758

(2) A member of the police force of a township police 5759
district created under section 505.48 of the Revised Code, a 5760
member of the police force of a joint township police district 5761
created under section 505.481 of the Revised Code, or a township 5762
constable appointed in accordance with section 509.01 of the 5763

Revised Code, who has received a certificate from the Ohio peace officer training commission under section 109.75 of the Revised Code, may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section, other than sections 4513.33 and 4513.34 of the Revised Code, on the portion of any street or highway that is located immediately adjacent to the boundaries of the township police district or joint township police district, in the case of a member of a township police district or joint township police district police force, or the unincorporated territory of the township, in the case of a township constable. However, if the population of the township that created the township police district served by the member's police force, or the townships that created the joint township police district served by the member's police force, or the township that is served by the township constable, is sixty thousand or less, the member of the township police district or joint police district police force or the township constable may not make an arrest under division (E)(2) of this section on a state highway that is included as part of the interstate system.

(3) A police officer or village marshal appointed, elected, or employed by a municipal corporation may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section on the portion of any street or highway that is located immediately adjacent to the boundaries of the municipal corporation in which the police officer or village marshal is appointed, elected, or employed.

(4) A peace officer of the department of natural resources, a state fire marshal law enforcement officer described in division (A)(23) of section 109.71 of the Revised Code, or an individual designated to perform law enforcement duties under section

511.232, 1545.13, or 6101.75 of the Revised Code may arrest and 5796
detain, until a warrant can be obtained, any person found 5797
violating any section or chapter of the Revised Code listed in 5798
division (E)(1) of this section, other than sections 4513.33 and 5799
4513.34 of the Revised Code, on the portion of any street or 5800
highway that is located immediately adjacent to the boundaries of 5801
the lands and waters that constitute the territorial jurisdiction 5802
of the peace officer or state fire marshal law enforcement 5803
officer. 5804

(F)(1) A department of mental health special police officer 5805
or a department of mental retardation and developmental 5806
disabilities special police officer may arrest without a warrant 5807
and detain until a warrant can be obtained any person found 5808
committing on the premises of any institution under the 5809
jurisdiction of the particular department a misdemeanor under a 5810
law of the state. 5811

A department of mental health special police officer or a 5812
department of mental retardation and developmental disabilities 5813
special police officer may arrest without a warrant and detain 5814
until a warrant can be obtained any person who has been 5815
hospitalized, institutionalized, or confined in an institution 5816
under the jurisdiction of the particular department pursuant to or 5817
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 5818
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 5819
found committing on the premises of any institution under the 5820
jurisdiction of the particular department a violation of section 5821
2921.34 of the Revised Code that involves an escape from the 5822
premises of the institution. 5823

(2)(a) If a department of mental health special police 5824
officer or a department of mental retardation and developmental 5825
disabilities special police officer finds any person who has been 5826
hospitalized, institutionalized, or confined in an institution 5827

under the jurisdiction of the particular department pursuant to or 5828
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 5829
2945.40, 2945.401, or 2945.402 of the Revised Code committing a 5830
violation of section 2921.34 of the Revised Code that involves an 5831
escape from the premises of the institution, or if there is 5832
reasonable ground to believe that a violation of section 2921.34 5833
of the Revised Code has been committed that involves an escape 5834
from the premises of an institution under the jurisdiction of the 5835
department of mental health or the department of mental 5836
retardation and developmental disabilities and if a department of 5837
mental health special police officer or a department of mental 5838
retardation and developmental disabilities special police officer 5839
has reasonable cause to believe that a particular person who has 5840
been hospitalized, institutionalized, or confined in the 5841
institution pursuant to or under authority of section 2945.37, 5842
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 5843
Revised Code is guilty of the violation, the special police 5844
officer, outside of the premises of the institution, may pursue, 5845
arrest, and detain that person for that violation of section 5846
2921.34 of the Revised Code, until a warrant can be obtained, if 5847
both of the following apply: 5848

(i) The pursuit takes place without unreasonable delay after 5849
the offense is committed; 5850

(ii) The pursuit is initiated within the premises of the 5851
institution from which the violation of section 2921.34 of the 5852
Revised Code occurred. 5853

(b) For purposes of division (F)(2)(a) of this section, the 5854
execution of a written statement by the administrator of the 5855
institution in which a person had been hospitalized, 5856
institutionalized, or confined pursuant to or under authority of 5857
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 5858
2945.402 of the Revised Code alleging that the person has escaped 5859

from the premises of the institution in violation of section 5860
2921.34 of the Revised Code constitutes reasonable ground to 5861
believe that the violation was committed and reasonable cause to 5862
believe that the person alleged in the statement to have committed 5863
the offense is guilty of the violation. 5864

(G) As used in this section: 5865

(1) A "department of mental health special police officer" 5866
means a special police officer of the department of mental health 5867
designated under section 5119.14 of the Revised Code who is 5868
certified by the Ohio peace officer training commission under 5869
section 109.77 of the Revised Code as having successfully 5870
completed an approved peace officer basic training program. 5871

(2) A "department of mental retardation and developmental 5872
disabilities special police officer" means a special police 5873
officer of the department of mental retardation and developmental 5874
disabilities designated under section 5123.13 of the Revised Code 5875
who is certified by the Ohio peace officer training council under 5876
section 109.77 of the Revised Code as having successfully 5877
completed an approved peace officer basic training program. 5878

(3) "Deadly weapon" has the same meaning as in section 5879
2923.11 of the Revised Code. 5880

(4) "Family or household member" has the same meaning as in 5881
section 2919.25 of the Revised Code. 5882

(5) "Street" or "highway" has the same meaning as in section 5883
4511.01 of the Revised Code. 5884

(6) "Interstate system" has the same meaning as in section 5885
5516.01 of the Revised Code. 5886

(7) "Peace officer of the department of natural resources" 5887
means an employee of the department of natural resources who is a 5888
natural resources law enforcement staff officer designated 5889

pursuant to section 1501.013 of the Revised Code, a forest officer 5890
designated pursuant to section 1503.29 of the Revised Code, a 5891
preserve officer designated pursuant to section 1517.10 of the 5892
Revised Code, a wildlife officer designated pursuant to section 5893
1531.13 of the Revised Code, a park officer designated pursuant to 5894
section 1541.10 of the Revised Code, or a state watercraft officer 5895
designated pursuant to section 1547.521 of the Revised Code. 5896

(8) "Portion of any street or highway" means all lanes of the 5897
street or highway irrespective of direction of travel, including 5898
designated turn lanes, and any berm, median, or shoulder. 5899

Sec. 2949.092. If a person is convicted of or pleads guilty 5900
to an offense and the court specifically is required, pursuant to 5901
section 2743.70, 2949.091, ~~or~~ 2949.093, or 2949.094 of the Revised 5902
Code or pursuant to any other section of the Revised Code to 5903
impose a specified sum of money as costs in the case in addition 5904
to any other costs that the court is required or permitted by law 5905
to impose in the case, the court shall not waive the payment of 5906
the specified additional court costs that the section of the 5907
Revised Code specifically requires the court to impose unless the 5908
court determines that the offender is indigent and the court 5909
waives the payment of all court costs imposed upon the offender. 5910

Sec. 2949.094. (A) The court in which any person is convicted 5911
of or pleads guilty to any moving violation shall impose an 5912
additional court cost of ten dollars upon the offender. The court 5913
shall not waive the payment of the ten dollars unless the court 5914
determines that the offender is indigent and waives the payment of 5915
all court costs imposed upon the indigent offender. 5916

The clerk of the court shall transmit thirty per cent of all 5917
additional court costs collected pursuant to this division during 5918
a month on the first business day of the following month to the 5919

division of criminal justice services, and the division of 5920
criminal justice services shall deposit the money so transmitted 5921
into the drug law enforcement fund created under section 5502.68 5922
of the Revised Code. The clerk shall transmit twenty per cent of 5923
all additional court costs so collected during a month on the 5924
first business day of the following month to the state treasury to 5925
be credited to the indigent drivers alcohol treatment fund created 5926
under section 4511.191 of the Revised Code and to be distributed 5927
by the department of alcohol and drug addiction services as 5928
provided in division (H) of that section. The clerk shall transmit 5929
fifty per cent of all additional court costs so collected during a 5930
month on the first business day of the following month to the 5931
state treasury to be credited to the indigent defense support fund 5932
created pursuant to section 120.08 of the Revised Code. 5933

(B) The juvenile court in which a child is found to be a 5934
juvenile traffic offender for an act that is a moving violation 5935
shall impose an additional court cost of ten dollars upon the 5936
juvenile traffic offender. The juvenile court shall not waive the 5937
payment of the ten dollars unless the court determines that the 5938
juvenile is indigent and waives the payment of all court costs 5939
imposed upon the indigent offender. 5940

The clerk of the court shall transmit thirty per cent of all 5941
additional court costs collected pursuant to this division during 5942
a month on the first business day of the following month to the 5943
division of criminal justice services, and the division of 5944
criminal justice services shall deposit the money so transmitted 5945
into the drug law enforcement fund created under section 5502.68 5946
of the Revised Code. The clerk shall transmit twenty per cent of 5947
all additional court costs so collected during a month on the 5948
first business day of the following month to the state treasury to 5949
be credited to the indigent drivers alcohol treatment fund created 5950
under that section 4511.191 of the Revised Code and to be 5951

distributed by the department of alcohol and drug addiction 5952
services as provided in division (H) of that section. The clerk 5953
shall transmit fifty per cent of all additional court costs so 5954
collected during a month on the first business day of the 5955
following month to the state treasury to be credited to the 5956
indigent defense support fund created pursuant to section 120.08 5957
of the Revised Code. 5958

(C) Whenever a person is charged with any offense that is a 5959
moving violation and posts bail, the court shall add to the amount 5960
of the bail the ten dollars required to be paid by division (A) of 5961
this section. The clerk of the court shall retain the ten dollars 5962
until the person is convicted, pleads guilty, forfeits bail, is 5963
found not guilty, or has the charges dismissed. If the person is 5964
convicted, pleads guilty, or forfeits bail, the clerk shall 5965
transmit three dollars out of the ten dollars to the division of 5966
criminal justice services, and the division of criminal justice 5967
services shall deposit the money so transmitted into the drug law 5968
enforcement fund created under section 5502.68 of the Revised 5969
Code, the clerk shall transmit two dollars out of the ten dollars 5970
to the state treasury to be credited to the indigent drivers 5971
alcohol treatment fund created under section 4511.191 of the 5972
Revised Code and to be distributed by the department of alcohol 5973
and drug addiction services as provided in division (H) of that 5974
section, and the clerk shall transmit five dollars out of the ten 5975
dollars to the state treasury to be credited to the indigent 5976
defense support fund created under section 120.08 of the Revised 5977
Code. If the person is found not guilty or the charges are 5978
dismissed, the clerk shall return the ten dollars to the person. 5979

(D) No person shall be placed or held in a detention facility 5981
for failing to pay the court cost or bail that is required to be 5982
paid by this section. 5983

<u>(E) As used in this section:</u>	5984
<u>(1) "Bail" and "moving violation" have the same meanings as in section 2949.093 of the Revised Code.</u>	5985 5986
<u>(2) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code.</u>	5987 5988
<u>(3) "Division of criminal justice services" means the division of criminal justice services of the department of public safety, created by section 5502.62 of the Revised Code.</u>	5989 5990 5991
Sec. 3119.023. When a court or child support enforcement agency calculates the amount of child support to be paid pursuant to a court child support order in a proceeding in which the parents have split parental rights and responsibilities with respect to the children who are the subject of the child support order, the court or child support enforcement agency shall use a worksheet that is identical in content and form to the following:	5992 5993 5994 5995 5996 5997 5998
CHILD SUPPORT COMPUTATION WORKSHEET	5999
SPLIT PARENTAL RIGHTS AND RESPONSIBILITIES	6000
Name of parties	6001
Case No.	6002
Number of minor children	6003
Number of minor children with mother father	6004
Column I Column II Column III	6005
Father Mother Combined	6006
INCOME:	6007
1.a. Annual gross income from employment or, when determined appropriate by the court or agency, average annual gross income from employment	6008

	over a reasonable period		
	of years. (Exclude		
	overtime, bonuses,		
	self-employment income,		
	or commissions)		
	\$.....	\$.....
			6009
b.	Amount of overtime,		6010
	bonuses, and commissions		
	(year 1 representing the		
	most recent year)		
	Father	Mother	6011
	Yr. 3 \$.....	Yr. 3 \$.....	6012
	(Three years ago)	(Three years ago)	6013
	Yr. 2 \$.....	Yr. 2 \$.....	6014
	(Two years ago)	(Two years ago)	6015
	Yr. 1 \$.....	Yr. 1 \$.....	6016
	(Last calendar year)	(Last calendar year)	6017
	Average \$.....	\$.....	6018
	(Include in Col. I and/or		6019
	Col. II the average of		
	the three years or the		
	year 1 amount, whichever		
	is less, if there exists		
	a reasonable expectation		
	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)

	.....	\$.....	\$.....	6020
2.	For self-employment income			6021
a.	Gross receipts from business			6022
	.....	\$.....	\$.....	6023
b.	Ordinary and necessary business expenses			6024
	.....	\$.....	\$.....	6025
c.	5.6% of adjusted gross income or the actual marginal difference between the actual rate paid by the self-employed individual and the F.I.C.A. rate			6026
	.....	\$.....	\$.....	6027
d.	Adjusted gross income from self-employment (subtract the sum of 2b and 2c from 2a)			6028

	.....	\$.....	\$.....	6029
3.	Annual income from interest and dividends (whether or not taxable)			6030
	.....	\$.....	\$.....	6031
4.	Annual income from unemployment compensation			6032
	.....	\$.....	\$.....	6033
5.	Annual income from workers' compensation, disability insurance benefits or social security disability retirement benefits			6034
	.....	\$.....	\$.....	6035
6.	Other annual income (identify)			6036
	.....	\$.....	\$.....	6037
7.a.	Total annual gross income (add lines 1a, 1b, 2d, and 3-6)			6038
	.....	\$.....	\$.....	6039
b.	Health insurance maximum (multiply line 7a by 5%)			6040
		\$.....	\$.....	6041
	ADJUSTMENTS TO INCOME:			6042
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			6043

	(number of children times federal income tax exemption less child support received, not to exceed the federal tax exemption)	.....	\$.....	\$.....	6044
9.	Annual court-ordered support paid for other children	.....	\$.....	\$.....	6045
10.	Annual court-ordered spousal support paid to any spouse or former spouse	.....	\$.....	\$.....	6047
11.	Amount of local income taxes actually paid or estimated to be paid	.....	\$.....	\$.....	6048
12.	Mandatory work-related deductions such as union dues, uniform fees, etc. (not including taxes, social security, or retirement)	.....	\$.....	\$.....	6049
13.	Total gross income adjustments (add lines 8 through 12)	.....	\$.....	\$.....	6050
14.a.	Adjusted annual gross income (subtract line 13	.....	\$.....	\$.....	6051
		.....	\$.....	\$.....	6052
		.....	\$.....	\$.....	6053
		.....	\$.....	\$.....	6054
		.....	\$.....	\$.....	6055

	from 7a)			
	.....	\$.....	\$.....	6056
b.	Cash medical support			6057
	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			
	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.)			
	.....	\$.....	\$.....	6058
15.	Combined annual income			6059

	that is basis for child support order (add line 14a, Col. I and Col. II)				
	.....			\$.....	6060
16.	Percentage of parent's income to total income				6061
a.	Father (divide line 14a, Col. I, by line 15, Col. III)%				6062
b.	Mother (divide line 14a, Col. II, by line 15, Col. III)%				6063
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 may calculate the difference)	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		6064
	.....	\$.....	\$.....		6065
18.	Annual support obligation per parent				6066
a.	Of father for children for whom mother is the residential parent and legal custodian (multiply line 17, Col. I, by line				6067

	16a)			
	.....	\$.....		6068
b.	Of mother for children for whom the father is the residential parent and legal custodian (multiply line 17, Col. II, by line 16b)			6069
			\$.....	6070
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	6071
		\$.....	\$.....	6072
20.a.	Marginal, out-of-pocket costs, necessary to provide for health insurance for the 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	Paid by father	Paid by mother	6073

	dependents covered by the plan, including the children subject of the support order, times the number of children subject of the support order)	..... \$..... \$.....	6074
b.	Cash medical support 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)	..... \$..... \$.....	6075
21.	ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS PROVIDED:		6077
	Father	Mother	6078
a.	Additions: line 16a	b. Additions: line 16b	6079
	times sum of amounts	times sum of amounts	6080
	shown on line 19, Col. II	shown on line 19, Col. I	6081
	and line 20a, Col. II	and line 20a, Col. I	6082
	\$.....	\$.....	6083
c.	Subtractions: line 16b	d. Subtractions: line 16a	6084
	times sum of amounts	times sum of amounts	6085
	shown on line 19, Col. I	shown on line 19, Col. II	6086
	and line 20a, Col. I	and line 20a, Col. II	6087
	\$.....	\$.....	6088

22.	ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS PROVIDED:	6089
a.	Father: line 18a plus	6090
	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)	
	..... \$.....	6091
b.	Any non-means-tested	6092
	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	
	..... \$.....	6093
c.	Actual annual obligation	6094
	of father (subtract line	
	22b from line 22a)	
	..... \$.....	6095
d.	Mother: line 18b plus	6096
	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)		
	.....	\$.....	6097
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		6098
	.....	\$.....	6099
f.	Actual annual obligation of mother (subtract line 22e from line 22d)		6100
	.....	\$.....	6101
g.	Actual annual obligation payable (subtract lesser actual annual obligation from greater actual annual obligation using amounts in lines 22c and 22f to determine net child support payable)		6102
	.....	\$.....	6103
23.	ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT PROVIDED:		6104

	Father	Mother	6105
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 \$.....	6106 6107
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 \$.....	6108 6109
24.	ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS NOT PROVIDED:		6110
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)	\$.....	6111
b.	Any non-means-tested benefits, including 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	\$.....	6112

	of the father		
c.	Actual annual obligation	\$.....	6113
	of the father (subtract line 24b from line 24a)		
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)		6114
	.....	\$.....	6115
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		6116
	.....	\$.....	6117
f.	Actual annual obligation of the mother (subtract line 24e from line 24d)	\$.....	6118
g.	Actual annual obligation payable (subtract lesser actual annual obligation from greater annual obligation of parents		6119

	using amounts in lines		
	24c and 24f to determine		
	net child support		
	payable)		
	\$.....	\$.....
			6120
h.	Add line 20b, Col. I, to		6121
	line 24g, Col. I, when		
	father is the obligor or		
	line 20b, Col. II, to		
	line 24g, Col. II, when		
	mother is obligor		
	\$.....	\$.....
			6122
25.	Deviation from split residential parent guideline amount		6123
	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.)		
	.....		6124
	.....		6125
	.....		6126
	.....		6127
			6128
		WHEN	WHEN
			6129
		HEALTH	HEALTH
			6130
		INSURANCE	INSURANCE
			6131
		IS	IS NOT
			6132
		PROVIDED	PROVIDED
			6133
26.	FINAL CHILD SUPPORT		6134
	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~~
 24g plus or minus any
 amounts indicated on line
 25.)

	..... \$.....	\$.....	Father/Mother, OBLIGOR	6135
27.	FOR DECREE: Child support per month (divide obligor's annual share, line 26, by 12) plus any processing charge			6136
	..... \$.....	\$.....		6137
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)			6138
	.....	\$.....		6139
29.	FOR DECREE: Cash medical support per month (divide line 28 by 12)			6140
	.....	\$.....		6141
Prepared by:				6142
Counsel:	.....	Pro se:	.....	6143
	(For mother/father)			6144
CSEA:	.....	Other:	.....	6145
	Worksheet Has Been Reviewed and Agreed To:			6146

.....	.....	6147
Mother	Date	6148
.....	.....	6149
Father	Date	6150

Sec. 3301.0714. (A) The state board of education shall adopt 6151
rules for a statewide education management information system. The 6152
rules shall require the state board to establish guidelines for 6153
the establishment and maintenance of the system in accordance with 6154
this section and the rules adopted under this section. The 6155
guidelines shall include: 6156

(1) Standards identifying and defining the types of data in 6157
the system in accordance with divisions (B) and (C) of this 6158
section; 6159

(2) Procedures for annually collecting and reporting the data 6160
to the state board in accordance with division (D) of this 6161
section; 6162

(3) Procedures for annually compiling the data in accordance 6163
with division (G) of this section; 6164

(4) Procedures for annually reporting the data to the public 6165
in accordance with division (H) of this section. 6166

(B) The guidelines adopted under this section shall require 6167
the data maintained in the education management information system 6168
to include at least the following: 6169

(1) Student participation and performance data, for each 6170
grade in each school district as a whole and for each grade in 6171
each school building in each school district, that includes: 6172

(a) The numbers of students receiving each category of 6173
instructional service offered by the school district, such as 6174
regular education instruction, vocational education instruction, 6175
specialized instruction programs or enrichment instruction that is 6176

part of the educational curriculum, instruction for gifted 6177
students, instruction for students with disabilities, and remedial 6178
instruction. The guidelines shall require instructional services 6179
under this division to be divided into discrete categories if an 6180
instructional service is limited to a specific subject, a specific 6181
type of student, or both, such as regular instructional services 6182
in mathematics, remedial reading instructional services, 6183
instructional services specifically for students gifted in 6184
mathematics or some other subject area, or instructional services 6185
for students with a specific type of disability. The categories of 6186
instructional services required by the guidelines under this 6187
division shall be the same as the categories of instructional 6188
services used in determining cost units pursuant to division 6189
(C)(3) of this section. 6190

(b) The numbers of students receiving support or 6191
extracurricular services for each of the support services or 6192
extracurricular programs offered by the school district, such as 6193
counseling services, health services, and extracurricular sports 6194
and fine arts programs. The categories of services required by the 6195
guidelines under this division shall be the same as the categories 6196
of services used in determining cost units pursuant to division 6197
(C)(4)(a) of this section. 6198

(c) Average student grades in each subject in grades nine 6199
through twelve; 6200

(d) Academic achievement levels as assessed by the testing of 6201
student achievement under sections 3301.0710 and 3301.0711 of the 6202
Revised Code; 6203

(e) The number of students designated as having a disabling 6204
condition pursuant to division (C)(1) of section 3301.0711 of the 6205
Revised Code; 6206

(f) The numbers of students reported to the state board 6207

pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	6208 6209
(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.	6210 6211 6212 6213
(h) Expulsion rates;	6214
(i) Suspension rates;	6215
(j) The percentage of students receiving corporal punishment;	6216
(k) Dropout rates;	6217
(l) Rates of retention in grade;	6218
(m) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	6219 6220 6221
(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;	6222 6223 6224 6225 6226
(o) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student if the parent of that student requests the district not to report those results.	6227 6228 6229 6230 6231 6232 6233
(2) Personnel and classroom enrollment data for each school district, including:	6234 6235
(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed	6236 6237

employees and nonlicensed employees providing each category of 6238
instructional service, instructional support service, and 6239
administrative support service used pursuant to division (C)(3) of 6240
this section. The guidelines adopted under this section shall 6241
require these categories of data to be maintained for the school 6242
district as a whole and, wherever applicable, for each grade in 6243
the school district as a whole, for each school building as a 6244
whole, and for each grade in each school building. 6245

(b) The total number of employees and the number of full-time 6246
equivalent employees providing each category of service used 6247
pursuant to divisions (C)(4)(a) and (b) of this section, and the 6248
total numbers of licensed employees and nonlicensed employees and 6249
the numbers of full-time equivalent licensed employees and 6250
nonlicensed employees providing each category used pursuant to 6251
division (C)(4)(c) of this section. The guidelines adopted under 6252
this section shall require these categories of data to be 6253
maintained for the school district as a whole and, wherever 6254
applicable, for each grade in the school district as a whole, for 6255
each school building as a whole, and for each grade in each school 6256
building. 6257

(c) The total number of regular classroom teachers teaching 6258
classes of regular education and the average number of pupils 6259
enrolled in each such class, in each of grades kindergarten 6260
through five in the district as a whole and in each school 6261
building in the school district. 6262

(d) The number of master teachers employed by each school 6263
district and each school building, once a definition of master 6264
teacher has been developed by the educator standards board 6265
pursuant to section 3319.61 of the Revised Code. 6266

(3)(a) Student demographic data for each school district, 6267
including information regarding the gender ratio of the school 6268
district's pupils, the racial make-up of the school district's 6269

pupils, the number of limited English proficient students in the 6270
district, and an appropriate measure of the number of the school 6271
district's pupils who reside in economically disadvantaged 6272
households. The demographic data shall be collected in a manner to 6273
allow correlation with data collected under division (B)(1) of 6274
this section. Categories for data collected pursuant to division 6275
(B)(3) of this section shall conform, where appropriate, to 6276
standard practices of agencies of the federal government. 6277

(b) With respect to each student entering kindergarten, 6278
whether the student previously participated in a public preschool 6279
program, a private preschool program, or a head start program, and 6280
the number of years the student participated in each of these 6281
programs. 6282

(4) Any data required to be collected pursuant to federal 6283
law. 6284

(C) The education management information system shall include 6285
cost accounting data for each district as a whole and for each 6286
school building in each school district. The guidelines adopted 6287
under this section shall require the cost data for each school 6288
district to be maintained in a system of mutually exclusive cost 6289
units and shall require all of the costs of each school district 6290
to be divided among the cost units. The guidelines shall require 6291
the system of mutually exclusive cost units to include at least 6292
the following: 6293

(1) Administrative costs for the school district as a whole. 6294
The guidelines shall require the cost units under this division 6295
(C)(1) to be designed so that each of them may be compiled and 6296
reported in terms of average expenditure per pupil in formula ADM 6297
in the school district, as determined pursuant to section 3317.03 6298
of the Revised Code. 6299

(2) Administrative costs for each school building in the 6300

school district. The guidelines shall require the cost units under 6301
this division (C)(2) to be designed so that each of them may be 6302
compiled and reported in terms of average expenditure per 6303
full-time equivalent pupil receiving instructional or support 6304
services in each building. 6305

(3) Instructional services costs for each category of 6306
instructional service provided directly to students and required 6307
by guidelines adopted pursuant to division (B)(1)(a) of this 6308
section. The guidelines shall require the cost units under 6309
division (C)(3) of this section to be designed so that each of 6310
them may be compiled and reported in terms of average expenditure 6311
per pupil receiving the service in the school district as a whole 6312
and average expenditure per pupil receiving the service in each 6313
building in the school district and in terms of a total cost for 6314
each category of service and, as a breakdown of the total cost, a 6315
cost for each of the following components: 6316

(a) The cost of each instructional services category required 6317
by guidelines adopted under division (B)(1)(a) of this section 6318
that is provided directly to students by a classroom teacher; 6319

(b) The cost of the instructional support services, such as 6320
services provided by a speech-language pathologist, classroom 6321
aide, multimedia aide, or librarian, provided directly to students 6322
in conjunction with each instructional services category; 6323

(c) The cost of the administrative support services related 6324
to each instructional services category, such as the cost of 6325
personnel that develop the curriculum for the instructional 6326
services category and the cost of personnel supervising or 6327
coordinating the delivery of the instructional services category. 6328

(4) Support or extracurricular services costs for each 6329
category of service directly provided to students and required by 6330
guidelines adopted pursuant to division (B)(1)(b) of this section. 6331

The guidelines shall require the cost units under division (C)(4) 6332
of this section to be designed so that each of them may be 6333
compiled and reported in terms of average expenditure per pupil 6334
receiving the service in the school district as a whole and 6335
average expenditure per pupil receiving the service in each 6336
building in the school district and in terms of a total cost for 6337
each category of service and, as a breakdown of the total cost, a 6338
cost for each of the following components: 6339

(a) The cost of each support or extracurricular services 6340
category required by guidelines adopted under division (B)(1)(b) 6341
of this section that is provided directly to students by a 6342
licensed employee, such as services provided by a guidance 6343
counselor or any services provided by a licensed employee under a 6344
supplemental contract; 6345

(b) The cost of each such services category provided directly 6346
to students by a nonlicensed employee, such as janitorial 6347
services, cafeteria services, or services of a sports trainer; 6348

(c) The cost of the administrative services related to each 6349
services category in division (C)(4)(a) or (b) of this section, 6350
such as the cost of any licensed or nonlicensed employees that 6351
develop, supervise, coordinate, or otherwise are involved in 6352
administering or aiding the delivery of each services category. 6353

(D)(1) The guidelines adopted under this section shall 6354
require school districts to collect information about individual 6355
students, staff members, or both in connection with any data 6356
required by division (B) or (C) of this section or other reporting 6357
requirements established in the Revised Code. The guidelines may 6358
also require school districts to report information about 6359
individual staff members in connection with any data required by 6360
division (B) or (C) of this section or other reporting 6361
requirements established in the Revised Code. The guidelines shall 6362
not authorize school districts to request social security numbers 6363

of individual students. The guidelines shall prohibit the reporting under this section of a student's name, address, and social security number to the state board of education or the department of education. The guidelines shall also prohibit the reporting under this section of any personally identifiable information about any student, except for the purpose of assigning the data verification code required by division (D)(2) of this section, to any other person unless such person is employed by the school district or the information technology center operated under section 3301.075 of the Revised Code and is authorized by the district or technology center to have access to such information or is employed by an entity with which the department contracts for the scoring of tests administered under section 3301.0711 or 3301.0712 of the Revised Code. The guidelines may require school districts to provide the social security numbers of individual staff members.

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

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

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

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

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

(F) Beginning with the school year that begins July 1, 1991, the board of education of each school district shall annually collect and report to the state board, in accordance with the guidelines established by the board, the data required pursuant to this section. A school district may collect and report these data notwithstanding section 2151.357 or 3319.321 of the Revised Code.

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

shall: 6428

(1) Include all of the data gathered under this section in a 6429
manner that facilitates comparison among school districts and 6430
among school buildings within each school district; 6431

(2) Present the data on academic achievement levels as 6432
assessed by the testing of student achievement maintained pursuant 6433
to division (B)(1)(d) of this section. 6434

(H)(1) The state board shall, in accordance with the 6435
procedures it adopts, annually prepare a statewide report for all 6436
school districts and the general public that includes the profile 6437
of each of the school districts developed pursuant to division (G) 6438
of this section. Copies of the report shall be sent to each school 6439
district. 6440

(2) The state board shall, in accordance with the procedures 6441
it adopts, annually prepare an individual report for each school 6442
district and the general public that includes the profiles of each 6443
of the school buildings in that school district developed pursuant 6444
to division (G) of this section. Copies of the report shall be 6445
sent to the superintendent of the district and to each member of 6446
the district board of education. 6447

(3) Copies of the reports received from the state board under 6448
divisions (H)(1) and (2) of this section shall be made available 6449
to the general public at each school district's offices. Each 6450
district board of education shall make copies of each report 6451
available to any person upon request and payment of a reasonable 6452
fee for the cost of reproducing the report. The board shall 6453
annually publish in a newspaper of general circulation in the 6454
school district, at least twice during the two weeks prior to the 6455
week in which the reports will first be available, a notice 6456
containing the address where the reports are available and the 6457
date on which the reports will be available. 6458

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

(J) As used in this section:

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

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

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

(L)(1) In accordance with division (L)(2) of this section and the rules adopted under division (L)(10) of this section, the department of education may sanction any school district that reports incomplete or inaccurate data, reports data that does not conform to data requirements and descriptions published by the department, fails to report data in a timely manner, or otherwise does not make a good faith effort to report data as required by this section.

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

sequential actions: 6490

(a) Notify the district in writing that the department has 6491
determined that data has not been reported as required under this 6492
section and require the district to review its data submission and 6493
submit corrected data by a deadline established by the department. 6494
The department also may require the district to develop a 6495
corrective action plan, which shall include provisions for the 6496
district to provide mandatory staff training on data reporting 6497
procedures. 6498

(b) Withhold up to ten per cent of the total amount of state 6499
funds due to the district for the current fiscal year and, if not 6500
previously required under division (L)(2)(a) of this section, 6501
require the district to develop a corrective action plan in 6502
accordance with that division; 6503

(c) Withhold an additional amount of up to twenty per cent of 6504
the total amount of state funds due to the district for the 6505
current fiscal year; 6506

(d) Direct department staff or an outside entity to 6507
investigate the district's data reporting practices and make 6508
recommendations for subsequent actions. The recommendations may 6509
include one or more of the following actions: 6510

(i) Arrange for an audit of the district's data reporting 6511
practices by department staff or an outside entity; 6512

(ii) Conduct a site visit and evaluation of the district; 6513

(iii) Withhold an additional amount of up to thirty per cent 6514
of the total amount of state funds due to the district for the 6515
current fiscal year; 6516

(iv) Continue monitoring the district's data reporting; 6517

(v) Assign department staff to supervise the district's data 6518
management system; 6519

(vi) Conduct an investigation to determine whether to suspend 6520
or revoke the license of any district employee in accordance with 6521
division (N) of this section; 6522

(vii) If the district is issued a report card under section 6523
3302.03 of the Revised Code, indicate on the report card that the 6524
district has been sanctioned for failing to report data as 6525
required by this section; 6526

(viii) If the district is issued a report card under section 6527
3302.03 of the Revised Code and incomplete or inaccurate data 6528
submitted by the district likely caused the district to receive a 6529
higher performance rating than it deserved under that section, 6530
issue a revised report card for the district; 6531

(ix) Any other action designed to correct the district's data 6532
reporting problems. 6533

(3) Any time the department takes an action against a school 6534
district under division (L)(2) of this section, the department 6535
shall make a report of the circumstances that prompted the action. 6536
The department shall send a copy of the report to the district 6537
superintendent or chief administrator and maintain a copy of the 6538
report in its files. 6539

(4) If any action taken under division (L)(2) of this section 6540
resolves a school district's data reporting problems to the 6541
department's satisfaction, the department shall not take any 6542
further actions described by that division. If the department 6543
withheld funds from the district under that division, the 6544
department may release those funds to the district, except that if 6545
the department withheld funding under division (L)(2)(c) of this 6546
section, the department shall not release the funds withheld under 6547
division (L)(2)(b) of this section and, if the department withheld 6548
funding under division (L)(2)(d) of this section, the department 6549
shall not release the funds withheld under division (L)(2)(b) or 6550

(c) of this section. 6551

(5) Notwithstanding anything in this section to the contrary, 6552
the department may use its own staff or an outside entity to 6553
conduct an audit of a school district's data reporting practices 6554
any time the department has reason to believe the district has not 6555
made a good faith effort to report data as required by this 6556
section. If any audit conducted by an outside entity under 6557
division (L)(2)(d)(i) or (5) of this section confirms that a 6558
district has not made a good faith effort to report data as 6559
required by this section, the district shall reimburse the 6560
department for the full cost of the audit. The department may 6561
withhold state funds due to the district for this purpose. 6562

(6) Prior to issuing a revised report card for a school 6563
district under division (L)(2)(d)(viii) of this section, the 6564
department may hold a hearing to provide the district with an 6565
opportunity to demonstrate that it made a good faith effort to 6566
report data as required by this section. The hearing shall be 6567
conducted by a referee appointed by the department. Based on the 6568
information provided in the hearing, the referee shall recommend 6569
whether the department should issue a revised report card for the 6570
district. If the referee affirms the department's contention that 6571
the district did not make a good faith effort to report data as 6572
required by this section, the district shall bear the full cost of 6573
conducting the hearing and of issuing any revised report card. 6574

(7) If the department determines that any inaccurate data 6575
reported under this section caused a school district to receive 6576
excess state funds in any fiscal year, the district shall 6577
reimburse the department an amount equal to the excess funds, in 6578
accordance with a payment schedule determined by the department. 6579
The department may withhold state funds due to the district for 6580
this purpose. 6581

(8) Any school district that has funds withheld under 6582

division (L)(2) of this section may appeal the withholding in 6583
accordance with Chapter 119. of the Revised Code. 6584

(9) In all cases of a disagreement between the department and 6585
a school district regarding the appropriateness of an action taken 6586
under division (L)(2) of this section, the burden of proof shall 6587
be on the district to demonstrate that it made a good faith effort 6588
to report data as required by this section. 6589

(10) The state board of education shall adopt rules under 6590
Chapter 119. of the Revised Code to implement division (L) of this 6591
section. 6592

(M) No information technology center or school district shall 6593
acquire, change, or update its student administration software 6594
package to manage and report data required to be reported to the 6595
department unless it converts to a student software package that 6596
is certified by the department. 6597

(N) The state board of education, in accordance with sections 6598
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 6599
license as defined under division (A) of section 3319.31 of the 6600
Revised Code that has been issued to any school district employee 6601
found to have willfully reported erroneous, inaccurate, or 6602
incomplete data to the education management information system. 6603

(O) No person shall release or maintain any information about 6604
any student in violation of this section. Whoever violates this 6605
division is guilty of a misdemeanor of the fourth degree. 6606

(P) The department shall disaggregate the data collected 6607
under division (B)(1)(o) of this section according to the race and 6608
socioeconomic status of the students assessed. No data collected 6609
under that division shall be included on the report cards required 6610
by section 3302.03 of the Revised Code. 6611

(Q) If the department cannot compile any of the information 6612
required by division (C)(5) of section 3302.03 of the Revised Code 6613

based upon the data collected under this section, the department 6614
shall develop a plan and a reasonable timeline for the collection 6615
of any data necessary to comply with that division. 6616

Sec. 3310.42. (A) Only for the purpose of administering the 6617
autism scholarship program, the department of education may 6618
request from any of the following entities the data verification 6619
code assigned under division (D)(2) of section 3301.0714 of the 6620
Revised Code to any child who is seeking a scholarship under the 6621
program: 6622

(1) The school district in which the child is entitled to 6623
attend school; 6624

(2) If applicable, the community school in which the child is 6625
enrolled; 6626

(3) The independent contractor engaged to create and maintain 6627
data verification codes. 6628

(B) Upon a request by the department under division (A) of 6629
this section for the data verification code of a child seeking a 6630
scholarship or a request by the child's parent for that code, the 6631
school district or community school shall submit that code to the 6632
department or parent in the manner specified by the department. If 6633
the child has not been assigned a code, because the child will be 6634
entering preschool or kindergarten during the school year for 6635
which the scholarship is sought, the district shall assign a code 6636
to that child and submit the code to the department or parent by a 6637
date specified by the department. If the district does not assign 6638
a code to the child by the specified date, the department shall 6639
assign a code to the child. 6640

The department annually shall submit to each school district 6641
the name and data verification code of each child residing in the 6642
district who is entering preschool or kindergarten, who has been 6643

awarded a scholarship under the program, and for whom the 6644
department has assigned a code under this division. 6645

(C) The department shall not release any data verification 6646
code that it receives under this section to any person except as 6647
provided by law. 6648

(D) Any document relative to the autism scholarship program 6649
that the department holds in its files that contains both a 6650
child's name or other personally identifiable information and the 6651
child's data verification code shall not be a public record under 6652
section 149.43 of the Revised Code. 6653

Sec. 3311.21. (A) In addition to the resolutions authorized 6654
by sections 5705.194, 5705.199, 5705.21, 5705.212, and 5705.213 of 6655
the Revised Code, the board of education of a joint vocational or 6656
cooperative education school district by a vote of two-thirds of 6657
its full membership may at any time adopt a resolution declaring 6658
the necessity to levy a tax in excess of the ten-mill limitation 6659
for a period not to exceed ten years to provide funds for any one 6660
or more of the following purposes, which may be stated in the 6661
following manner in such resolution, the ballot, and the notice of 6662
election: purchasing a site or enlargement thereof and for the 6663
erection and equipment of buildings; for the purpose of enlarging, 6664
improving, or rebuilding thereof; for the purpose of providing for 6665
the current expenses of the joint vocational or cooperative school 6666
district; or for a continuing period for the purpose of providing 6667
for the current expenses of the joint vocational or cooperative 6668
education school district. The resolution shall specify the amount 6669
of the proposed rate and, if a renewal, whether the levy is to 6670
renew all, or a portion of, the existing levy, and shall specify 6671
the first year in which the levy will be imposed. If the levy 6672
provides for but is not limited to current expenses, the 6673
resolution shall apportion the annual rate of the levy between 6674

current expenses and the other purpose or purposes. Such 6675
apportionment may but need not be the same for each year of the 6676
levy, but the respective portions of the rate actually levied each 6677
year for current expenses and the other purpose or purposes shall 6678
be limited by such apportionment. The portion of any such rate 6679
actually levied for current expenses of a joint vocational or 6680
cooperative education school district shall be used in applying 6681
division (A) of section 3317.01 of the Revised Code. The portion 6682
of any such rate not apportioned to the current expenses of a 6683
joint vocational or cooperative education school district shall be 6684
used in applying division (B) of this section. On the adoption of 6685
such resolution, the joint vocational or cooperative education 6686
school district board of education shall certify the resolution to 6687
the board of elections of the county containing the most populous 6688
portion of the district, which board shall receive resolutions for 6689
filing and send them to the boards of elections of each county in 6690
which territory of the district is located, furnish all ballots 6691
for the election as provided in section 3505.071 of the Revised 6692
Code, and prepare the election notice; and the board of elections 6693
of each county in which the territory of such district is located 6694
shall make the other necessary arrangements for the submission of 6695
the question to the electors of the joint vocational or 6696
cooperative education school district at the next primary or 6697
general election occurring not less than seventy-five days after 6698
the resolution was received from the joint vocational or 6699
cooperative education school district board of education, or at a 6700
special election to be held at a time designated by the district 6701
board of education consistent with the requirements of section 6702
3501.01 of the Revised Code, which date shall not be earlier than 6703
seventy-five days after the adoption and certification of the 6704
resolution. 6705

The board of elections of the county or counties in which 6706
territory of the joint vocational or cooperative education school 6707

district is located shall cause to be published in one or more 6708
newspapers of general circulation in that district an 6709
advertisement of the proposed tax levy question together with a 6710
statement of the amount of the proposed levy once a week for two 6711
consecutive weeks, prior to the election at which the question is 6712
to appear on the ballot, and, if the board of elections operates 6713
and maintains a web site, the board also shall post a similar 6714
advertisement on its web site for thirty days prior to that 6715
election. 6716

If a majority of the electors voting on the question of 6717
levying such tax vote in favor of the levy, the joint vocational 6718
or cooperative education school district board of education shall 6719
annually make the levy within the district at the rate specified 6720
in the resolution and ballot or at any lesser rate, and the county 6721
auditor of each affected county shall annually place the levy on 6722
the tax list and duplicate of each school district in the county 6723
having territory in the joint vocational or cooperative education 6724
school district. The taxes realized from the levy shall be 6725
collected at the same time and in the same manner as other taxes 6726
on the duplicate, and the taxes, when collected, shall be paid to 6727
the treasurer of the joint vocational or cooperative education 6728
school district and deposited to a special fund, which shall be 6729
established by the joint vocational or cooperative education 6730
school district board of education for all revenue derived from 6731
any tax levied pursuant to this section and for the proceeds of 6732
anticipation notes which shall be deposited in such fund. After 6733
the approval of the levy, the joint vocational or cooperative 6734
education school district board of education may anticipate a 6735
fraction of the proceeds of the levy and from time to time, during 6736
the life of the levy, but in any year prior to the time when the 6737
tax collection from the levy so anticipated can be made for that 6738
year, issue anticipation notes in an amount not exceeding fifty 6739
per cent of the estimated proceeds of the levy to be collected in 6740

each year up to a period of five years after the date of the 6741
issuance of the notes, less an amount equal to the proceeds of the 6742
levy obligated for each year by the issuance of anticipation 6743
notes, provided that the total amount maturing in any one year 6744
shall not exceed fifty per cent of the anticipated proceeds of the 6745
levy for that year. Each issue of notes shall be sold as provided 6746
in Chapter 133. of the Revised Code, and shall, except for such 6747
limitation that the total amount of such notes maturing in any one 6748
year shall not exceed fifty per cent of the anticipated proceeds 6749
of the levy for that year, mature serially in substantially equal 6750
installments, during each year over a period not to exceed five 6751
years after their issuance. 6752

(B) Prior to the application of section 319.301 of the 6753
Revised Code, the rate of a levy that is limited to, or to the 6754
extent that it is apportioned to, purposes other than current 6755
expenses shall be reduced in the same proportion in which the 6756
district's total valuation increases during the life of the levy 6757
because of additions to such valuation that have resulted from 6758
improvements added to the tax list and duplicate. 6759

(C) The form of ballot cast at an election under division (A) 6760
of this section shall be as prescribed by section 5705.25 of the 6761
Revised Code. 6762

Sec. 3311.24. (A)(1) Except as provided in division (B) of 6763
this section, the board of education of a city, exempted village, 6764
or local school district shall file with the state board of 6765
education a proposal to transfer territory from such district to 6766
an adjoining city, exempted village, or local school district in 6767
any of the following circumstances: 6768

(a) The district board deems the transfer advisable and, if 6769
the portion of the district proposed to be transferred is five 6770
acres or more, the board has obtained written consent to the 6771

transfer from seventy-five per cent of the owners of parcels of 6772
real property on the tax duplicate within that portion of the 6773
district; 6774

(b) A petition, signed by seventy-five per cent of the 6775
qualified electors residing within that portion of a city, 6776
exempted village, or local school district proposed to be 6777
transferred voting at the last general election, requests such a 6778
transfer; 6779

(c) If no qualified electors reside in that portion of the 6780
district proposed to be transferred, a petition, signed by 6781
seventy-five per cent of the owners of parcels of real property on 6782
the tax duplicate within that portion of the district, requests 6783
such a transfer. 6784

(2) The board of education of the district in which such 6785
proposal originates shall file such proposal, together with a map 6786
showing the boundaries of the territory proposed to be 6787
transferred, with the state board of education prior to the first 6788
day of April in any even-numbered year. The state board of 6789
education may, if it is advisable, provide for a hearing in any 6790
suitable place in any of the school districts affected by such 6791
proposed transfer of territory. The state board of education or 6792
its representatives shall preside at any such hearing. 6793

(3) A board of education of a city, exempted village, or 6794
local school district that receives a petition of transfer signed 6795
by electors of the district under division (A)(1)(b) of this 6796
section shall cause the board of elections to check the 6797
sufficiency of signatures on the petition. A board of education of 6798
a city, exempted village, or local school district that receives 6799
written consent or a petition of transfer signed by owners of 6800
parcels of real property under division (A)(1)(a) or (c) of this 6801
section shall cause the county auditor to check the sufficiency of 6802
signatures on the consent or petition. 6803

(4) Not later than the first day of September the state board of education shall either approve or disapprove a proposed transfer of territory filed with it as provided by this section and shall notify, in writing, the boards of education of the districts affected by such proposed transfer of territory of its decision.

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

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

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

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

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

(B) Whenever the transfer of territory pursuant to this section is initiated by a board of education, the board shall,

before filing a proposal for transfer with the state board of 6835
education under this section, make a good faith effort to 6836
negotiate the terms of transfer with any other school district 6837
whose territory would be affected by the transfer. Before the 6838
state board may hold a hearing on the transfer, or approve or 6839
disapprove any such transfer, it must receive the following: 6840

(1) A resolution requesting approval of the transfer, passed 6841
by the school district submitting the proposal and, if applicable, 6842
evidence of the consent of affected property owners to the 6843
transfer; 6844

(2) Evidence determined to be sufficient by the state board 6845
to show that good faith negotiations have taken place or that the 6846
district requesting the transfer has made a good faith effort to 6847
hold such negotiations; 6848

(3) If any negotiations took place, a statement signed by all 6849
boards that participated in the negotiations, listing the terms 6850
agreed on and the points on which no agreement could be reached. 6851

Negotiations held pursuant to this section shall be governed 6852
by the rules adopted by the state board under division (D) of 6853
section 3311.06 of the Revised Code. Districts involved in a 6854
transfer under division (B) of this section may agree to share 6855
revenues from the property included in the territory to be 6856
transferred, establish cooperative programs between the 6857
participating districts, and establish mechanisms for the 6858
settlement of any future boundary disputes. 6859

Sec. 3313.842. (A) The boards of education of any two or more 6860
school districts may enter into an agreement for joint or 6861
cooperative establishment and operation of any educational program 6862
including any class, course, or program that may be included in a 6863
school district's graded course of study and staff development 6864
programs for teaching and nonteaching school employees. Each 6865

school district that is party to such an agreement may contribute 6866
funds of the district in support of the agreement and for the 6867
establishment and operation of any educational program established 6868
under the agreement. The agreement shall designate one of the 6869
districts as the district responsible for receiving and disbursing 6870
the funds contributed by the districts that are parties to the 6871
agreement. 6872

(B) Notwithstanding sections 3313.48 and 3313.64 of the 6873
Revised Code, any district that is party to an agreement for joint 6874
or cooperative establishment and operation of an educational 6875
program may charge fees or tuition for students who participate in 6876
the program and are entitled to attend school in the district 6877
under section 3313.64 or 3313.65 of the Revised Code. 6878

Sec. 3313.978. (A) Annually by the first day of November, the 6879
superintendent of public instruction shall notify the pilot 6880
project school district of the number of initial scholarships that 6881
the state superintendent will be awarding in each of grades 6882
kindergarten through eight. 6883

The state superintendent shall provide information about the 6884
scholarship program to all students residing in the district, 6885
shall accept applications from any such students until such date 6886
as shall be established by the state superintendent as a deadline 6887
for applications, and shall establish criteria for the selection 6888
of students to receive scholarships from among all those applying 6889
prior to the deadline, which criteria shall give preference to 6890
students from low-income families. For each student selected, the 6891
state superintendent shall also determine whether the student 6892
qualifies for seventy-five or ninety per cent of the scholarship 6893
amount. Students whose family income is at or above two hundred 6894
per cent of the maximum income level established by the state 6895
superintendent for low-income families shall qualify for 6896

seventy-five per cent of the scholarship amount and students whose
family income is below two hundred per cent of that maximum income
level shall qualify for ninety per cent of the scholarship amount.
The state superintendent shall notify students of their selection
prior to the fifteenth day of January and whether they qualify for
seventy-five or ninety per cent of the scholarship amount.

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

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

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

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

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

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

(c) The student actually enrolls in the registered private
school to which the student was first admitted or in another

registered private school in the district or in a public school in 6928
an adjacent school district. 6929

(B) The state superintendent shall also award in any school 6930
year tutorial assistance grants to a number of students equal to 6931
the number of students who receive scholarships under division (A) 6932
of this section. Tutorial assistance grants shall be awarded 6933
solely to students who are enrolled in the public schools of the 6934
district in a grade level covered by the pilot project. Tutorial 6935
assistance grants may be used solely to obtain tutorial assistance 6936
from a provider approved pursuant to division (D) of section 6937
3313.976 of the Revised Code. 6938

All students wishing to obtain tutorial assistance grants 6939
shall make application to the state superintendent by the first 6940
day of the school year in which the assistance will be used. The 6941
state superintendent shall award assistance grants in accordance 6942
with criteria the superintendent shall establish. For each student 6943
awarded a grant, the state superintendent shall also determine 6944
whether the student qualifies for seventy-five or ninety per cent 6945
of the grant amount and so notify the student. Students whose 6946
family income is at or above two hundred per cent of the maximum 6947
income level established by the state superintendent for 6948
low-income families shall qualify for seventy-five per cent of the 6949
grant amount and students whose family income is below two hundred 6950
per cent of that maximum income level shall qualify for ninety per 6951
cent of the grant amount. 6952

(C)(1) In the case of basic scholarships for students in 6953
grades kindergarten through eight, the scholarship amount shall 6954
not exceed the lesser of the tuition charges of the alternative 6955
school the scholarship recipient attends or three thousand dollars 6956
before fiscal year 2007 and three thousand four hundred fifty 6957
dollars in fiscal year 2007 and thereafter. 6958

In the case of basic scholarships for students in grades nine 6959

through twelve, the scholarship amount shall not exceed the lesser 6960
of the tuition charges of the alternative school the scholarship 6961
recipient attends or two thousand seven hundred dollars before 6962
fiscal year 2007 and three thousand four hundred fifty dollars in 6963
fiscal year 2007 and thereafter. 6964

(2) The state superintendent shall provide for an increase in 6965
the basic scholarship amount in the case of any student who is a 6966
mainstreamed student with a disability and shall further increase 6967
such amount in the case of any separately educated student with a 6968
disability. Such increases shall take into account the 6969
instruction, related services, and transportation costs of 6970
educating such students. 6971

(3) In the case of tutorial assistance grants, the grant 6972
amount shall not exceed the lesser of the provider's actual 6973
charges for such assistance or: 6974

(a) Before fiscal year 2007, a percentage established by the 6975
state superintendent, not to exceed twenty per cent, of the amount 6976
of the pilot project school district's average basic scholarship 6977
amount; 6978

(b) In fiscal year 2007 and thereafter, four hundred dollars. 6979

(4) No scholarship or tutorial assistance grant shall be 6980
awarded unless the state superintendent determines that 6981
twenty-five or ten per cent, as applicable, of the amount 6982
specified for such scholarship or grant pursuant to division 6983
(C)(1), (2), or (3) of this section will be furnished by a 6984
political subdivision, a private nonprofit or for profit entity, 6985
or another person. Only seventy-five or ninety per cent of such 6986
amounts, as applicable, shall be paid from state funds pursuant to 6987
section 3313.979 of the Revised Code. 6988

(D)(1) Annually by the first day of November, the state 6989
superintendent shall estimate the maximum per-pupil scholarship 6990

amounts for the ensuing school year. The state superintendent 6991
shall make this estimate available to the general public at the 6992
offices of the district board of education together with the forms 6993
required by division (D)(2) of this section. 6994

(2) Annually by the fifteenth day of January, the chief 6995
administrator of each registered private school located in the 6996
pilot project district and the principal of each public school in 6997
such district shall complete a parental information form and 6998
forward it to the president of the board of education. The 6999
parental information form shall be prescribed by the department of 7000
education and shall provide information about the grade levels 7001
offered, the numbers of students, tuition amounts, achievement 7002
test results, and any sectarian or other organizational 7003
affiliations. 7004

(E)(1) Only for the purpose of administering the pilot 7005
project scholarship program, the department may request from any 7006
of the following entities the data verification code assigned 7007
under division (D)(2) of section 3301.0714 of the Revised Code to 7008
any student who is seeking a scholarship under the program: 7009

(a) The school district in which the student is entitled to 7010
attend school under section 3313.64 or 3313.65 of the Revised 7011
Code; 7012

(b) If applicable, the community school in which the student 7013
is enrolled; 7014

(c) The independent contractor engaged to create and maintain 7015
data verification codes. 7016

(2) Upon a request by the department under division (E)(1) of 7017
this section for the data verification code of a student seeking a 7018
scholarship or a request by the student's parent for that code, 7019
the school district or community school shall submit that code to 7020
the department or parent in the manner specified by the 7021

department. If the student has not been assigned a code, because 7022
the student will be entering kindergarten during the school year 7023
for which the scholarship is sought, the district shall assign a 7024
code to that student and submit the code to the department or 7025
parent by a date specified by the department. If the district does 7026
not assign a code to the student by the specified date, the 7027
department shall assign a code to the student. 7028

The department annually shall submit to each school district 7029
the name and data verification code of each student residing in 7030
the district who is entering kindergarten, who has been awarded a 7031
scholarship under the program, and for whom the department has 7032
assigned a code under this division. 7033

(3) The department shall not release any data verification 7034
code that it receives under division (E) of this section to any 7035
person except as provided by law. 7036

(F) Any document relative to the pilot project scholarship 7037
program that the department holds in its files that contains both 7038
a student's name or other personally identifiable information and 7039
the student's data verification code shall not be a public record 7040
under section 149.43 of the Revised Code. 7041

Sec. 3314.016. (A) After June 30, 2007, a new start-up school 7042
may be established under this chapter only if the school's 7043
governing authority enters into a contract with an operator that 7044
manages other schools in the United States that perform at a level 7045
higher than academic watch. The governing authority of the 7046
community school may sign a contract with an operator only if the 7047
operator has fewer contracts with the governing authorities of new 7048
start-up schools established under this chapter after June 30, 7049
2007, than the number of schools managed by the operator in the 7050
United States that perform at a level higher than academic watch, 7051
as determined by the department of education. 7052

(B) Notwithstanding division (A) of this section, the governing authority of a start-up school sponsored by an entity described in divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code may establish one additional school serving the same grade levels and providing the same educational program as the current start-up school and may open that additional school in the 2007-2008 school year, if both of the following conditions are met:

(1) The governing authority entered into another contract with the same sponsor or a different sponsor described in divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code and filed a copy of that contract with the superintendent of public instruction prior to March 15, 2006.

(2) The governing authority's current school satisfies all of the following conditions:

(a) The school currently is rated as excellent or effective pursuant to section 3302.03 of the Revised Code.

(b) The school made adequate yearly progress, as defined in section 3302.01 of the Revised Code, for the previous school year.

(c) The school has been in operation for at least four school years.

(d) The school is not managed by an operator.

(C) Notwithstanding division (A) of this section, the governing authority of a start-up school sponsored by the big eight school district in which the school is located may establish one additional start-up school that is located in the same school district and that provides a general educational program to students in any or all of grades kindergarten through five to facilitate their transition to the current start-up school, and may open the additional start-up school in the 2009-2010 school year, if both of the following conditions are met:

(1) The governing authority enters into another contract with the same sponsor and files a copy of the contract with the superintendent of public instruction prior to March 15, 2009.

(2) The governing authority's current school satisfies all of the following conditions:

(a) The school provided instruction to students for eleven months in the previous school year.

(b) The school has been in operation for at least two school years.

(c) The school qualified to be rated in need of continuous improvement or higher pursuant to section 3302.03 of the Revised Code for its first school year of operation, even though the department of education did not issue a report card for the school for that school year.

Sec. 3314.02. (A) As used in this chapter: 7098

(1) "Sponsor" means an entity listed in division (C)(1) of this section, which has been approved by the department of education to sponsor community schools and with which the governing authority of the proposed community school enters into a contract pursuant to this section. 7099
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(2) "Pilot project area" means the school districts included in the territory of the former community school pilot project established by former Section 50.52 of Am. Sub. H.B. No. 215 of the 122nd general assembly. 7104
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(3) "Challenged school district" means any of the following: 7108

(a) A school district that is part of the pilot project area; 7109

(b) A school district that is either in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code; 7110
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- (c) A big eight school district. 7113
- (4) "Big eight school district" means a school district that 7114
for fiscal year 1997 had both of the following: 7115
- (a) A percentage of children residing in the district and 7116
participating in the predecessor of Ohio works first greater than 7117
thirty per cent, as reported pursuant to section 3317.10 of the 7118
Revised Code; 7119
- (b) An average daily membership greater than twelve thousand, 7120
as reported pursuant to former division (A) of section 3317.03 of 7121
the Revised Code. 7122
- (5) "New start-up school" means a community school other than 7123
one created by converting all or part of an existing public school 7124
or educational service center building, as designated in the 7125
school's contract pursuant to division (A)(17) of section 3314.03 7126
of the Revised Code. 7127
- (6) "Urban school district" means one of the state's 7128
twenty-one urban school districts as defined in division (O) of 7129
section 3317.02 of the Revised Code as that section existed prior 7130
to July 1, 1998. 7131
- (7) "Internet- or computer-based community school" means a 7132
community school established under this chapter in which the 7133
enrolled students work primarily from their residences on 7134
assignments in nonclassroom-based learning opportunities provided 7135
via an internet- or other computer-based instructional method that 7136
does not rely on regular classroom instruction or via 7137
comprehensive instructional methods that include internet-based, 7138
other computer-based, and noncomputer-based learning 7139
opportunities. 7140
- (B) Any person or group of individuals may initially propose 7141
under this division the conversion of all or a portion of a public 7142
school or a building operated by an educational service center to 7143

a community school. The proposal shall be made to the board of 7144
education of the city, local, or exempted village school district 7145
in which the public school is proposed to be converted or, in the 7146
case of the conversion of a building operated by an educational 7147
service center, to the governing board of the service center. Upon 7148
receipt of a proposal, a board may enter into a preliminary 7149
agreement with the person or group proposing the conversion of the 7150
public school or service center building, indicating the intention 7151
of the board ~~of education~~ to support the conversion to a community 7152
school. A proposing person or group that has a preliminary 7153
agreement under this division may proceed to finalize plans for 7154
the school, establish a governing authority for the school, and 7155
negotiate a contract with the board ~~of education~~. Provided the 7156
proposing person or group adheres to the preliminary agreement and 7157
all provisions of this chapter, the board ~~of education~~ shall 7158
negotiate in good faith to enter into a contract in accordance 7159
with section 3314.03 of the Revised Code and division (C) of this 7160
section. 7161

(C)(1) Any person or group of individuals may propose under 7162
this division the establishment of a new start-up school to be 7163
located in a challenged school district. The proposal may be made 7164
to any of the following entities: 7165

(a) The board of education of the district in which the 7166
school is proposed to be located; 7167

(b) The board of education of any joint vocational school 7168
district with territory in the county in which is located the 7169
majority of the territory of the district in which the school is 7170
proposed to be located; 7171

(c) The board of education of any other city, local, or 7172
exempted village school district having territory in the same 7173
county where the district in which the school is proposed to be 7174
located has the major portion of its territory; 7175

(d) The governing board of any educational service center, as 7176
long as the proposed school will be located in a county within the 7177
territory of the service center or in a county contiguous to such 7178
county; 7179

(e) A sponsoring authority designated by the board of 7180
trustees of any of the thirteen state universities listed in 7181
section 3345.011 of the Revised Code or the board of trustees 7182
itself as long as a mission of the proposed school to be specified 7183
in the contract under division (A)(2) of section 3314.03 of the 7184
Revised Code and as approved by the department of education under 7185
division (B)(2) of section 3314.015 of the Revised Code will be 7186
the practical demonstration of teaching methods, educational 7187
technology, or other teaching practices that are included in the 7188
curriculum of the university's teacher preparation program 7189
approved by the state board of education; 7190

(f) Any qualified tax-exempt entity under section 501(c)(3) 7191
of the Internal Revenue Code as long as all of the following 7192
conditions are satisfied: 7193

(i) The entity has been in operation for at least five years 7194
prior to applying to be a community school sponsor. 7195

(ii) The entity has assets of at least five hundred thousand 7196
dollars and a demonstrated record of financial responsibility. 7197

(iii) The department of education has determined that the 7198
entity is an education-oriented entity under division (B)(3) of 7199
section 3314.015 of the Revised Code and the entity has a 7200
demonstrated record of successful implementation of educational 7201
programs. 7202

(iv) The entity is not a community school. 7203

Any entity described in division (C)(1) of this section may 7204
enter into a preliminary agreement pursuant to division (C)(2) of 7205
this section with the proposing person or group. 7206

(2) A preliminary agreement indicates the intention of an 7207
entity described in division (C)(1) of this section to sponsor the 7208
community school. A proposing person or group that has such a 7209
preliminary agreement may proceed to finalize plans for the 7210
school, establish a governing authority as described in division 7211
(E) of this section for the school, and negotiate a contract with 7212
the entity. Provided the proposing person or group adheres to the 7213
preliminary agreement and all provisions of this chapter, the 7214
entity shall negotiate in good faith to enter into a contract in 7215
accordance with section 3314.03 of the Revised Code. 7216

(3) A new start-up school that is established in a school 7217
district while that district is either in a state of academic 7218
emergency or in a state of academic watch under section 3302.03 of 7219
the Revised Code may continue in existence once the school 7220
district is no longer in a state of academic emergency or academic 7221
watch, provided there is a valid contract between the school and a 7222
sponsor. 7223

(4) A copy of every preliminary agreement entered into under 7224
this division shall be filed with the superintendent of public 7225
instruction. 7226

(D) A majority vote of the board of a sponsoring entity and a 7227
majority vote of the members of the governing authority of a 7228
community school shall be required to adopt a contract and convert 7229
the public school or educational service center building to a 7230
community school or establish the new start-up school. Beginning 7231
September 29, 2005, adoption of the contract shall occur not later 7232
than the fifteenth day of March, and signing of the contract shall 7233
occur not later than the fifteenth day of May, prior to the school 7234
year in which the school will open. The governing authority shall 7235
notify the department of education when the contract has been 7236
signed. Subject to sections 3314.013, 3314.014, 3314.016, and 7237
3314.017 of the Revised Code, an unlimited number of community 7238

schools may be established in any school district provided that a 7239
contract is entered into for each community school pursuant to 7240
this chapter. 7241

(E)(1) As used in this division, "immediate relatives" are 7242
limited to spouses, children, parents, grandparents, siblings, and 7243
in-laws. 7244

Each new start-up community school established under this 7245
chapter shall be under the direction of a governing authority 7246
which shall consist of a board of not less than five individuals. 7247

No person shall serve on the governing authority or operate 7248
the community school under contract with the governing authority 7249
so long as the person owes the state any money or is in a dispute 7250
over whether the person owes the state any money concerning the 7251
operation of a community school that has closed. 7252

(2) No person shall serve on the governing authorities of 7253
more than two start-up community schools at the same time. 7254

(3) No present or former member, or immediate relative of a 7255
present or former member, of the governing authority of any 7256
community school established under this chapter shall be an owner, 7257
employee, or consultant of any nonprofit or for-profit operator of 7258
a community school, unless at least one year has elapsed since the 7259
conclusion of the person's membership. 7260

~~(F) Nothing in this chapter shall be construed to permit the 7261
establishment of a community school in more than one school 7262
district under the same contract. 7263~~

~~(G)~~(1) A new start-up school that is established prior to 7264
August 15, 2003, in an urban school district that is not also a 7265
big-eight school district may continue to operate after that date 7266
and the contract between the school's governing authority and the 7267
school's sponsor may be renewed, as provided under this chapter, 7268
after that date, but no additional new start-up schools may be 7269

established in such a district unless the district is a challenged 7270
school district as defined in this section as it exists on and 7271
after that date. 7272

(2) A community school that was established prior to June 29, 7273
1999, and is located in a county contiguous to the pilot project 7274
area and in a school district that is not a challenged school 7275
district may continue to operate after that date, provided the 7276
school complies with all provisions of this chapter. The contract 7277
between the school's governing authority and the school's sponsor 7278
may be renewed, but no additional start-up community school may be 7279
established in that district unless the district is a challenged 7280
school district. 7281

(3) Any educational service center that, on ~~the effective~~ 7282
~~date of this amendment~~ June 30, 2007, sponsors a community school 7283
that is not located in a county within the territory of the 7284
service center or in a county contiguous to such county may 7285
continue to sponsor that community school on and after ~~the~~ 7286
~~effective date of this amendment~~ June 30, 2007, and may renew its 7287
contract with the school. However, the educational service center 7288
shall not enter into a contract with any additional community 7289
school unless the school is located in a county within the 7290
territory of the service center or in a county contiguous to such 7291
county. 7292

Sec. 3314.03. A copy of every contract entered into under 7293
this section shall be filed with the superintendent of public 7294
instruction. 7295

(A) Each contract entered into between a sponsor and the 7296
governing authority of a community school shall specify the 7297
following: 7298

(1) That the school shall be established as either of the 7299
following: 7300

(a) A nonprofit corporation established under Chapter 1702.	7301
of the Revised Code, if established prior to April 8, 2003;	7302
(b) A public benefit corporation established under Chapter	7303
1702. of the Revised Code, if established after April 8, 2003;	7304
(2) The education program of the school, including the	7305
school's mission, the characteristics of the students the school	7306
is expected to attract, the ages and grades of students, and the	7307
focus of the curriculum;	7308
(3) The academic goals to be achieved and the method of	7309
measurement that will be used to determine progress toward those	7310
goals, which shall include the statewide achievement tests;	7311
(4) Performance standards by which the success of the school	7312
will be evaluated by the sponsor;	7313
(5) The admission standards of section 3314.06 of the Revised	7314
Code and, if applicable, section 3314.061 of the Revised Code;	7315
(6)(a) Dismissal procedures;	7316
(b) A requirement that the governing authority adopt an	7317
attendance policy that includes a procedure for automatically	7318
withdrawing a student from the school if the student without a	7319
legitimate excuse fails to participate in one hundred five	7320
consecutive hours of the learning opportunities offered to the	7321
student.	7322
(7) The ways by which the school will achieve racial and	7323
ethnic balance reflective of the community it serves;	7324
(8) Requirements for financial audits by the auditor of	7325
state. The contract shall require financial records of the school	7326
to be maintained in the same manner as are financial records of	7327
school districts, pursuant to rules of the auditor of state, and	7328
the audits shall be conducted in accordance with section 117.10 of	7329
the Revised Code.	7330

(9) The facilities to be used and their locations;	7331
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;	7332 7333 7334 7335 7336 7337
(11) That the school will comply with the following requirements:	7338 7339
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year;	7340 7341 7342
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school;	7343 7344 7345
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution;	7346 7347 7348 7349
(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.80, 3313.96, 3319.073, 3319.313, 3319.314, 3319.315, 3319.321, 3319.39, 3319.391, 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the	7350 7351 7352 7353 7354 7355 7356 7357 7358 7359 7360 7361

manner specified in section 3314.17 of the Revised Code; 7362

(e) The school shall comply with Chapter 102. and section 7363
2921.42 of the Revised Code; 7364

(f) The school will comply with sections 3313.61, 3313.611, 7365
and 3313.614 of the Revised Code, except that for students who 7366
enter ninth grade for the first time before July 1, 2010, the 7367
requirement in sections 3313.61 and 3313.611 of the Revised Code 7368
that a person must successfully complete the curriculum in any 7369
high school prior to receiving a high school diploma may be met by 7370
completing the curriculum adopted by the governing authority of 7371
the community school rather than the curriculum specified in Title 7372
XXXIII of the Revised Code or any rules of the state board of 7373
education. Beginning with students who enter ninth grade for the 7374
first time on or after July 1, 2010, the requirement in sections 7375
3313.61 and 3313.611 of the Revised Code that a person must 7376
successfully complete the curriculum of a high school prior to 7377
receiving a high school diploma shall be met by completing the 7378
Ohio core curriculum prescribed in division (C) of section 7379
3313.603 of the Revised Code, unless the person qualifies under 7380
division (D) or (F) of that section. Each school shall comply with 7381
the plan for awarding high school credit based on demonstration of 7382
subject area competency, adopted by the state board of education 7383
under division (J) of section 3313.603 of the Revised Code. 7384

(g) The school governing authority will submit within four 7385
months after the end of each school year a report of its 7386
activities and progress in meeting the goals and standards of 7387
divisions (A)(3) and (4) of this section and its financial status 7388
to the sponsor and the parents of all students enrolled in the 7389
school. 7390

(h) The school, unless it is an internet- or computer-based 7391
community school, will comply with section 3313.801 of the Revised 7392
Code as if it were a school district. 7393

(12) Arrangements for providing health and other benefits to employees; 7394
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(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section. 7396
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(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract; 7400
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(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year. The plan shall specify for each year the base formula amount that will be used for purposes of funding calculations under section 3314.08 of the Revised Code. This base formula amount for any year shall not exceed the formula amount defined under section 3317.02 of the Revised Code. The plan may also specify for any year a percentage figure to be used for reducing the per pupil amount of the subsidy calculated pursuant to section 3317.029 of the Revised Code the school is to receive that year under section 3314.08 of the Revised Code. 7402
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(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code; 7414
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(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing ~~board~~ authority of the community school with respect to 7417
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all or any specified group of employees provided the delegation is 7425
not prohibited by a collective bargaining agreement applicable to 7426
such employees; 7427

(18) Provisions establishing procedures for resolving 7428
disputes or differences of opinion between the sponsor and the 7429
governing authority of the community school; 7430

(19) A provision requiring the governing authority to adopt a 7431
policy regarding the admission of students who reside outside the 7432
district in which the school is located. That policy shall comply 7433
with the admissions procedures specified in sections 3314.06 and 7434
3314.061 of the Revised Code and, at the sole discretion of the 7435
authority, shall do one of the following: 7436

(a) Prohibit the enrollment of students who reside outside 7437
the district in which the school is located; 7438

(b) Permit the enrollment of students who reside in districts 7439
adjacent to the district in which the school is located; 7440

(c) Permit the enrollment of students who reside in any other 7441
district in the state. 7442

(20) A provision recognizing the authority of the department 7443
of education to take over the sponsorship of the school in 7444
accordance with the provisions of division (C) of section 3314.015 7445
of the Revised Code; 7446

(21) A provision recognizing the sponsor's authority to 7447
assume the operation of a school under the conditions specified in 7448
division (B) of section 3314.073 of the Revised Code; 7449

(22) A provision recognizing both of the following: 7450

(a) The authority of public health and safety officials to 7451
inspect the facilities of the school and to order the facilities 7452
closed if those officials find that the facilities are not in 7453
compliance with health and safety laws and regulations; 7454

(b) The authority of the department of education as the 7455
community school oversight body to suspend the operation of the 7456
school under section 3314.072 of the Revised Code if the 7457
department has evidence of conditions or violations of law at the 7458
school that pose an imminent danger to the health and safety of 7459
the school's students and employees and the sponsor refuses to 7460
take such action; 7461

(23) A description of the learning opportunities that will be 7462
offered to students including both classroom-based and 7463
non-classroom-based learning opportunities that is in compliance 7464
with criteria for student participation established by the 7465
department under division (L)(2) of section 3314.08 of the Revised 7466
Code; 7467

(24) The school will comply with section 3302.04 of the 7468
Revised Code, including division (E) of that section to the extent 7469
possible, except that any action required to be taken by a school 7470
district pursuant to that section shall be taken by the sponsor of 7471
the school. However, the sponsor shall not be required to take any 7472
action described in division (F) of that section. 7473

(25) Beginning in the 2006-2007 school year, the school will 7474
open for operation not later than the thirtieth day of September 7475
each school year, unless the mission of the school as specified 7476
under division (A)(2) of this section is solely to serve dropouts. 7477
In its initial year of operation, if the school fails to open by 7478
the thirtieth day of September, or within one year after the 7479
adoption of the contract pursuant to division (D) of section 7480
3314.02 of the Revised Code if the mission of the school is solely 7481
to serve dropouts, the contract shall be void. 7482

(B) The community school shall also submit to the sponsor a 7483
comprehensive plan for the school. The plan shall specify the 7484
following: 7485

(1) The process by which the governing authority of the school will be selected in the future;	7486 7487
(2) The management and administration of the school;	7488
(3) If the community school is a currently existing public school <u>or educational service center building</u> , alternative arrangements for current public school students who choose not to attend the <u>converted</u> school and <u>for</u> teachers who choose not to teach in the school <u>or building</u> after conversion;	7489 7490 7491 7492 7493
(4) The instructional program and educational philosophy of the school;	7494 7495
(5) Internal financial controls.	7496
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.	7497 7498 7499 7500 7501 7502 7503 7504 7505
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:	7506 7507 7508 7509 7510
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	7511 7512
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	7513 7514 7515

(3) Report on an annual basis the results of the evaluation 7516
conducted under division (D)(2) of this section to the department 7517
of education and to the parents of students enrolled in the 7518
community school; 7519

(4) Provide technical assistance to the community school in 7520
complying with laws applicable to the school and terms of the 7521
contract; 7522

(5) Take steps to intervene in the school's operation to 7523
correct problems in the school's overall performance, declare the 7524
school to be on probationary status pursuant to section 3314.073 7525
of the Revised Code, suspend the operation of the school pursuant 7526
to section 3314.072 of the Revised Code, or terminate the contract 7527
of the school pursuant to section 3314.07 of the Revised Code as 7528
determined necessary by the sponsor; 7529

(6) Have in place a plan of action to be undertaken in the 7530
event the community school experiences financial difficulties or 7531
closes prior to the end of a school year. 7532

(E) Upon the expiration of a contract entered into under this 7533
section, the sponsor of a community school may, with the approval 7534
of the governing authority of the school, renew that contract for 7535
a period of time determined by the sponsor, but not ending earlier 7536
than the end of any school year, if the sponsor finds that the 7537
school's compliance with applicable laws and terms of the contract 7538
and the school's progress in meeting the academic goals prescribed 7539
in the contract have been satisfactory. Any contract that is 7540
renewed under this division remains subject to the provisions of 7541
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 7542

(F) If a community school fails to open for operation within 7543
one year after the contract entered into under this section is 7544
adopted pursuant to division (D) of section 3314.02 of the Revised 7545
Code or permanently closes prior to the expiration of the 7546

contract, the contract shall be void and the school shall not 7547
enter into a contract with any other sponsor. A school shall not 7548
be considered permanently closed because the operations of the 7549
school have been suspended pursuant to section 3314.072 of the 7550
Revised Code. Any contract that becomes void under this division 7551
shall not count toward any statewide limit on the number of such 7552
contracts prescribed by section 3314.013 of the Revised Code. 7553

~~Sec. 3314.05. Division (A) of this section shall not apply to 7554
internet or computer based community schools. 7555~~

(A) The contract between the community school and the sponsor 7556
shall specify the facilities to be used for the community school 7557
and the method of acquisition. Except as provided in division 7558
(B)(3) of this section, no community school shall be established 7559
in more than one school district under the same contract. 7560

~~(A) A (B) Division (B) of this section shall not apply to 7561
internet- or computer-based community schools. 7562~~

(1) A community school may be located in multiple facilities 7563
under the same contract only if the limitations on availability of 7564
space prohibit serving all the grade levels specified in the 7565
contract in a single facility or division (B)(2) or (3) of this 7566
section applies to the school. The school shall not offer the same 7567
grade level classrooms in more than one facility. 7568

(2) A community school may be located in multiple facilities 7569
under the same contract and, notwithstanding division (B)(1) of 7570
this section, may assign students in the same grade level to 7571
multiple facilities, as long as all of the following apply: 7572

(a) The governing authority of the community school filed a 7573
copy of its contract with the school's sponsor under section 7574
3314.03 of the Revised Code with the superintendent of public 7575
instruction on or before May 15, 2008. 7576

(b) The school was not open for operation prior to July 1, 2008. 7577
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(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. 7579
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(d) The contract with that operator qualified the school to be established pursuant to division (A) of section 3314.016 of the Revised Code. 7582
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(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. 7585
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(3) A new start-up community school may be established in two school districts under the same contract if all of the following apply: 7588
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(a) At least one of the school districts in which the school is established is a challenged school district; 7591
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(b) The school operates not more than one facility in each school district and, in accordance with division (B)(1) of this section, the school does not offer the same grade level classrooms in both facilities; and 7593
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(c) Transportation between the two facilities does not require more than thirty minutes of direct travel time as measured by school bus. 7597
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In the case of a community school to which division (B)(3) of this section applies, if only one of the school districts in which the school is established is a challenged school district, that district shall be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of 7600
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this chapter. If both of the school districts in which the school is established are challenged school districts, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of those divisions and all other purposes of this chapter and shall notify the department of education of that designation.

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

~~(B)~~(C) 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 and the school.

Sec. 3314.37. (A) A five-year demonstration project is hereby established at the community schools known as the ISUS institutes. The project is a research and development initiative to collect and analyze data with which to improve dropout prevention and recovery programs, to evaluate various methodologies employed in those programs, to develop tools and criteria for evaluating community schools that operate dropout prevention and recovery programs, to institute stringent accountability measures for such community schools, and to direct curricular and programming decisions for such community schools. The program shall begin with the 2008-2009 school year and shall operate through the 2012-2013 school year.

(B) Under the demonstration project, the ISUS institutes

shall select and pay the costs of an independent evaluator to 7638
create a study plan and collect and analyze data from the 7639
institutes. The ISUS institutes' selection of the independent 7640
evaluator is subject to the approval of the department of 7641
education. The data collected by the evaluator shall include, but 7642
need not be limited to, the following: 7643

(1) Baseline measures of student status at enrollment, 7644
including academic level; history of court involvement, drug use, 7645
and other behavioral problems; and the circumstances of the 7646
students' parenting and living arrangements; 7647

(2) Student academic progress, measured at multiple and 7648
regular intervals each school year; 7649

(3) Value-added elements of the institutes' dropout 7650
prevention and recovery programs, including industry 7651
certifications, college coursework, community service and service 7652
learning, apprenticeships, and internships; 7653

(4) Outcomes in addition to high school graduation, including 7654
students' contributions to community service and students' 7655
transitions to employment, post-secondary training, college, or 7656
the military. 7657

(C) Not later than the thirtieth day of September following 7658
each school year in which the demonstration project is operating, 7659
the independent evaluator shall do both of the following: 7660

(1) Submit to the ISUS institutes and the department all data 7661
collected and a report of its data analysis; 7662

(2) Submit a report of its data analysis to the speaker and 7663
minority leader of the house of representatives, the president and 7664
minority leader of the senate, and the chairpersons and ranking 7665
minority members of the standing committees of the house of 7666
representatives and the senate that consider education 7667
legislation. 7668

(D) For each school year in which the demonstration project 7669
is operating: 7670

(1) The ISUS institutes shall continue to report data through 7671
the education management information system under section 3314.17 7672
of the Revised Code. 7673

(2) The department shall continue to issue annual report 7674
cards for the ISUS institutes under section 3314.012 of the 7675
Revised Code and shall continue to assign them performance ratings 7676
under division (B) of section 3302.03 of the Revised Code. 7677

(E) Nothing in this section prevents the application to the 7678
ISUS institutes, during the demonstration project, of any 7679
provision of the Revised Code or rule or policy of the department 7680
or the state board of education requiring closure, or otherwise 7681
restricting the operation, of a community school based on measures 7682
of academic performance for any school year before or during the 7683
demonstration project. Nothing in this section prevents a sponsor 7684
of an ISUS institute from terminating or not renewing its contract 7685
with the school, from suspending the operations of the school, or 7686
from placing the school on probationary status, in accordance with 7687
this chapter, during the demonstration project. Nothing in this 7688
section prevents the auditor of state from taking action against 7689
an ISUS institute under Chapter 117. of the Revised Code or other 7690
applicable law during the demonstration project. 7691

(F) The department may conduct its own analysis of data 7693
submitted under the demonstration project. 7694

(G) Not later than December 31, 2013, the independent 7695
evaluator shall issue a final report of its findings and analysis 7696
and its recommendations for appropriate academic accountability 7697
measures for community schools that operate dropout prevention and 7698
recovery programs. The independent evaluator shall submit the 7699

report to the department, the speaker and minority leader of the 7700
house of representatives, the president and minority leader of the 7701
senate, and the chairpersons and ranking minority members of the 7702
standing committees of the house of representatives and the senate 7703
that consider education legislation. 7704

Sec. 3314.40. The governing authorities of two or more 7705
community schools may enter into a pooling agreement under which 7706
the schools may act jointly to do any of the following: 7707

(A) Purchase health insurance for the schools' employees; 7708

(B) Secure liability insurance for the schools; 7709

(C) Purchase other goods or services necessary for the 7710
operation of the schools; 7711

(D) Provide transportation to students enrolled in the 7712
schools. 7713

Sec. 3316.03. (A) The existence of a fiscal watch shall be 7714
declared by the auditor of state. The auditor of state may make a 7715
determination on the auditor of state's initiative, or upon 7716
receipt of a written request for such a determination, which may 7717
be filed by the governor, the superintendent of public 7718
instruction, or a majority of the members of the board of 7719
education of the school district. 7720

(1) The auditor of state shall declare a school district to 7721
be in a state of fiscal watch if the auditor of state determines 7722
that both of the following conditions are satisfied with respect 7723
to the school district: 7724

(a) An operating deficit has been certified for the current 7725
fiscal year by the auditor of state, and the certified operating 7726
deficit exceeds eight per cent of the school district's general 7727
fund revenue for the preceding fiscal year; 7728

(b) A majority of the voting electors have not voted in favor of levying a tax under section 5705.194, 5705.199, or 5705.21 or Chapter 5748. of the Revised Code that the auditor of state expects will raise enough additional revenue in the next succeeding fiscal year that division (A)(1)(a) of this section will not apply to the district in such next succeeding fiscal year.

(2) The auditor of state shall declare a school district to be in a state of fiscal watch if the auditor of state determines that the school district has outstanding securities issued under division (A)(4) of section 3316.06 of the Revised Code, and its financial planning and supervision commission has been terminated under section 3316.16 of the Revised Code.

(3) The auditor of state shall declare a school district to be in a state of fiscal watch if both of the following conditions are satisfied:

(a) The superintendent of public instruction has reported to the auditor of state that the superintendent has declared the district under section 3316.031 of the Revised Code to be under a fiscal caution, has found that the district has not acted reasonably to eliminate or correct practices or conditions that prompted the declaration, and has determined the declaration of a state of fiscal watch necessary to prevent further fiscal decline;

(b) The auditor of state determines that the decision of the superintendent is reasonable.

If the auditor of state determines that the decision of the superintendent is not reasonable, the auditor of state shall provide the superintendent with a written explanation of that determination.

(4) The auditor of state may declare a school district to be in a state of fiscal watch if all of the following conditions are

satisfied: 7760

(a) An operating deficit has been certified for the current 7761
fiscal year by the auditor of state, and the certified operating 7762
deficit exceeds two per cent, but does not exceed eight per cent, 7763
of the school district's general fund revenue for the preceding 7764
fiscal year; 7765

(b) A majority of the voting electors have not voted in favor 7766
of levying a tax under section 5705.194, 5705.199, or 5705.21 or 7767
Chapter 5748. of the Revised Code that the auditor of state 7768
expects will raise enough additional revenue in the next 7769
succeeding fiscal year that division (A)(4)(a) of this section 7770
will not apply to the district in the next succeeding fiscal year; 7771

(c) The auditor of state determines that there is no 7772
reasonable cause for the deficit or that the declaration of fiscal 7773
watch is necessary to prevent further fiscal decline in the 7774
district. 7775

(B)(1) The auditor of state shall issue an order declaring a 7776
school district to be in a state of fiscal emergency if the 7777
auditor of state determines that both of the following conditions 7778
are satisfied with respect to the school district: 7779

(a) An operating deficit has been certified for the current 7780
fiscal year by the auditor of state, and the certified operating 7781
deficit exceeds fifteen per cent of the school district's general 7782
fund revenue for the preceding fiscal year. In determining the 7783
amount of an operating deficit under division (B)(1)(a) of this 7784
section, the auditor of state shall credit toward the amount of 7785
that deficit only the amount that may be borrowed from the 7786
spending reserve balance as determined under section 133.301 and 7787
division (F) of section 5705.29 of the Revised Code. 7788

(b) A majority of the voting electors have not voted in favor 7789
of levying a tax under section 5705.194, 5705.199, or 5705.21 or 7790

Chapter 5748. of the Revised Code that the auditor of state 7791
expects will raise enough additional revenue in the next 7792
succeeding fiscal year that division (B)(1)(a) of this section 7793
will not apply to the district in such next succeeding fiscal 7794
year. 7795

(2) The auditor of state shall issue an order declaring a 7796
school district to be in a state of fiscal emergency if the school 7797
district board fails, pursuant to section 3316.04 of the Revised 7798
Code, to submit a plan acceptable to the state superintendent of 7799
public instruction within one hundred twenty days of the auditor 7800
of state's declaration under division (A) of this section or an 7801
updated plan when one is required by division (C) of section 7802
3316.04 of the Revised Code; 7803

(3) The auditor of state shall issue an order declaring a 7804
school district to be in a state of fiscal emergency if both of 7805
the following conditions are satisfied: 7806

(a) The superintendent of public instruction has reported to 7807
the auditor of state that the district is not materially complying 7808
with the provisions of an original or updated plan as approved by 7809
the state superintendent under section 3316.04 of the Revised 7810
Code, and that the state superintendent has determined the 7811
declaration of a state of fiscal emergency necessary to prevent 7812
further fiscal decline; 7813

(b) The auditor of state finds that the determination of the 7814
superintendent is reasonable. 7815

If the auditor of state determines that the decision of the 7816
superintendent is not reasonable, the auditor of state shall 7817
provide the superintendent a written explanation of that 7818
determination. 7819

(4) The auditor of state shall issue an order declaring a 7820
school district to be in a state of fiscal emergency if a 7821

declaration of fiscal emergency is required by division (D) of 7822
section 3316.04 of the Revised Code. 7823

(5) The auditor of state may issue an order declaring a 7824
school district to be in a state of fiscal emergency if all of the 7825
following conditions are satisfied: 7826

(a) An operating deficit has been certified for the current 7827
fiscal year by the auditor of state, and the certified operating 7828
deficit exceeds ten per cent, but does not exceed fifteen per 7829
cent, of the school district's general fund revenue for the 7830
preceding fiscal year; 7831

(b) A majority of the voting electors have not voted in favor 7832
of levying a tax under section 5705.194, 5705.199, or 5705.21 or 7833
Chapter 5748. of the Revised Code that the auditor of state 7834
expects will raise enough additional revenue in the next 7835
succeeding fiscal year that division (B)(5)(a) of this section 7836
will not apply to the district in the next succeeding fiscal year; 7837

(c) The auditor of state determines that a declaration of 7838
fiscal emergency is necessary to correct the district's fiscal 7839
problems and to prevent further fiscal decline. 7840

(C) In making the determinations under this section, the 7841
auditor of state may use financial reports required under section 7842
117.43 of the Revised Code; tax budgets, certificates of estimated 7843
resources and amendments thereof, annual appropriating measures 7844
and spending plans, and any other documents or information 7845
prepared pursuant to Chapter 5705. of the Revised Code; and any 7846
other documents, records, or information available to the auditor 7847
of state that indicate the conditions described in divisions (A) 7848
and (B) of this section. 7849

(D) The auditor of state shall certify the action taken under 7850
division (A) or (B) of this section to the board of education of 7851
the school district, the director of budget and management, the 7852

mayor or county auditor who could be required to act pursuant to 7853
division (B)(1) of section 3316.05 of the Revised Code, and to the 7854
superintendent of public instruction. 7855

(E) A determination by the auditor of state under this 7856
section that a fiscal emergency condition does not exist is final 7857
and conclusive and not appealable. A determination by the auditor 7858
of state under this section that a fiscal emergency exists is 7859
final, except that the board of education of the school district 7860
affected by such a determination may appeal the determination of 7861
the existence of a fiscal emergency condition to the court of 7862
appeals having territorial jurisdiction over the school district. 7863
The appeal shall be heard expeditiously by the court of appeals 7864
and for good cause shown shall take precedence over all other 7865
civil matters except earlier matters of the same character. Notice 7866
of such appeal must be filed with the auditor of state and such 7867
court within thirty days after certification by the auditor of 7868
state to the board of education of the school district provided 7869
for in division (D) of this section. In such appeal, 7870
determinations of the auditor of state shall be presumed to be 7871
valid and the board of education shall have the burden of proving, 7872
by clear and convincing evidence, that each of the determinations 7873
made by the auditor of state as to the existence of a fiscal 7874
emergency condition under this section was in error. If the board 7875
of education fails, upon presentation of its case, to prove by 7876
clear and convincing evidence that each such determination by the 7877
auditor of state was in error, the court shall dismiss the appeal. 7878
The board of education and the auditor of state may introduce any 7879
evidence relevant to the existence or nonexistence of such fiscal 7880
emergency conditions. The pendency of any such appeal shall not 7881
affect or impede the operations of this chapter; no restraining 7882
order, temporary injunction, or other similar restraint upon 7883
actions consistent with this chapter shall be imposed by the court 7884
or any court pending determination of such appeal; and all things 7885

may be done under this chapter that may be done regardless of the 7886
pendency of any such appeal. Any action taken or contract executed 7887
pursuant to this chapter during the pendency of such appeal is 7888
valid and enforceable among all parties, notwithstanding the 7889
decision in such appeal. If the court of appeals reverses the 7890
determination of the existence of a fiscal emergency condition by 7891
the auditor of state, the determination no longer has any effect, 7892
and any procedures undertaken as a result of the determination 7893
shall be terminated. 7894

Sec. 3316.041. (A) Notwithstanding any provision of Chapter 7895
133. or sections 3313.483 to 3313.4811 of the Revised Code, and 7896
subject to the approval of the superintendent of public 7897
instruction, a school district that is in a state of fiscal watch 7898
declared under section 3316.03 of the Revised Code may restructure 7899
or refinance loans obtained or in the process of being obtained 7900
under section 3313.483 of the Revised Code if all of the following 7901
requirements are met: 7902

(1) The operating deficit certified for the school district 7903
for the current or preceding fiscal year under section 3313.483 of 7904
the Revised Code exceeds fifteen per cent of the district's 7905
general revenue fund for the fiscal year preceding the year for 7906
which the certification of the operating deficit is made. 7907

(2) The school district voters have, during the period of the 7908
fiscal watch, approved the levy of a tax under section 718.09, 7909
718.10, 5705.194, 5705.21, or 5748.02 of the Revised Code that is 7910
not a renewal or replacement levy, or a levy under section 7911
5705.199 of the Revised Code, and that will provide new operating 7912
revenue. 7913

(3) The board of education of the school district has adopted 7914
or amended the financial plan required by section 3316.04 of the 7915
Revised Code to reflect the restructured or refinanced loans, and 7916

sets forth the means by which the district will bring projected 7917
operating revenues and expenditures, and projected debt service 7918
obligations, into balance for the life of any such loan. 7919

(B) Subject to the approval of the superintendent of public 7920
instruction, the school district may issue securities to evidence 7921
the restructuring or refinancing authorized by this section. Such 7922
securities may extend the original period for repayment not to 7923
exceed ten years, and may alter the frequency and amount of 7924
repayments, interest or other financing charges, and other terms 7925
or agreements under which the loans were originally contracted, 7926
provided the loans received under sections 3313.483 of the Revised 7927
Code are repaid from funds the district would otherwise receive 7928
under sections 3317.022 to 3317.025 of the Revised Code, as 7929
required under division (E)(3) of section 3313.483 of the Revised 7930
Code. Securities issued for the purpose of restructuring or 7931
refinancing under this section shall be repaid in equal payments 7932
and at equal intervals over the term of the debt and are not 7933
eligible to be included in any subsequent proposal to restructure 7934
or refinance. 7935

(C) Unless the district is declared to be in a state of 7936
fiscal emergency under division (D) of section 3316.04 of the 7937
Revised Code, a school district shall remain in a state of fiscal 7938
watch for the duration of the repayment period of any loan 7939
restructured or refinanced under this section. 7940

Sec. 3316.06. (A) Within one hundred twenty days after the 7941
first meeting of a school district financial planning and 7942
supervision commission, the commission shall adopt a financial 7943
recovery plan regarding the school district for which the 7944
commission was created. During the formulation of the plan, the 7945
commission shall seek appropriate input from the school district 7946
board and from the community. This plan shall contain the 7947

following:	7948
(1) Actions to be taken to:	7949
(a) Eliminate all fiscal emergency conditions declared to exist pursuant to division (B) of section 3316.03 of the Revised Code;	7950 7951 7952
(b) Satisfy any judgments, past-due accounts payable, and all past-due and payable payroll and fringe benefits;	7953 7954
(c) Eliminate the deficits in all deficit funds, except that any prior year deficits in the textbook and instructional materials fund established pursuant to section 3315.17 of the Revised Code and the capital and maintenance fund established pursuant to section 3315.18 of the Revised Code shall be forgiven;	7955 7956 7957 7958 7959
(d) Restore to special funds any moneys from such funds that were used for purposes not within the purposes of such funds, or borrowed from such funds by the purchase of debt obligations of the school district with the moneys of such funds, or missing from the special funds and not accounted for, if any;	7960 7961 7962 7963 7964
(e) Balance the budget, avoid future deficits in any funds, and maintain on a current basis payments of payroll, fringe benefits, and all accounts;	7965 7966 7967
(f) Avoid any fiscal emergency condition in the future;	7968
(g) Restore the ability of the school district to market long-term general obligation bonds under provisions of law applicable to school districts generally.	7969 7970 7971
(2) The management structure that will enable the school district to take the actions enumerated in division (A)(1) of this section. The plan shall specify the level of fiscal and management control that the commission will exercise within the school district during the period of fiscal emergency, and shall enumerate respectively, the powers and duties of the commission	7972 7973 7974 7975 7976 7977

and the powers and duties of the school board during that period. 7978
The commission may elect to assume any of the powers and duties of 7979
the school board it considers necessary, including all powers 7980
related to personnel, curriculum, and legal issues in order to 7981
successfully implement the actions described in division (A)(1) of 7982
this section. 7983

(3) The target dates for the commencement, progress upon, and 7984
completion of the actions enumerated in division (A)(1) of this 7985
section and a reasonable period of time expected to be required to 7986
implement the plan. The commission shall prepare a reasonable time 7987
schedule for progress toward and achievement of the requirements 7988
for the plan, and the plan shall be consistent with that time 7989
schedule. 7990

(4) The amount and purpose of any issue of debt obligations 7991
that will be issued, together with assurances that any such debt 7992
obligations that will be issued will not exceed debt limits 7993
supported by appropriate certifications by the fiscal officer of 7994
the school district and the county auditor. Debt obligations 7995
issued pursuant to section 133.301 of the Revised Code shall 7996
include assurances that such debt shall be in an amount not to 7997
exceed the amount certified under division (B) of such section. If 7998
the commission considers it necessary in order to maintain or 7999
improve educational opportunities of pupils in the school 8000
district, the plan may include a proposal to restructure or 8001
refinance outstanding debt obligations incurred by the board under 8002
section 3313.483 of the Revised Code contingent upon the approval, 8003
during the period of the fiscal emergency, by district voters of a 8004
tax levied under section 718.09, 718.10, 5705.194, 5705.21, 8005
5748.02, or 5748.08 of the Revised Code, that is not a renewal or 8006
replacement levy, or a levy under section 5705.199 of the Revised 8007
Code, and that will provide new operating revenue. Notwithstanding 8008
any provision of Chapter 133. or sections 3313.483 to 3313.4811 of 8009

the Revised Code, following the required approval of the district 8010
voters and with the approval of the commission, the school 8011
district may issue securities to evidence the restructuring or 8012
refinancing. Those securities may extend the original period for 8013
repayment, not to exceed ten years, and may alter the frequency 8014
and amount of repayments, interest or other financing charges, and 8015
other terms of agreements under which the debt originally was 8016
contracted, at the discretion of the commission, provided that any 8017
loans received pursuant to section 3313.483 of the Revised Code 8018
shall be paid from funds the district would otherwise receive 8019
under sections 3317.022 to 3317.025 of the Revised Code, as 8020
required under division (E)(3) of section 3313.483 of the Revised 8021
Code. The securities issued for the purpose of restructuring or 8022
refinancing the debt shall be repaid in equal payments and at 8023
equal intervals over the term of the debt and are not eligible to 8024
be included in any subsequent proposal for the purpose of 8025
restructuring or refinancing debt under this section. 8026

(B) Any financial recovery plan may be amended subsequent to 8027
its adoption. Each financial recovery plan shall be updated 8028
annually. 8029

(C) Each school district financial planning and supervision 8030
commission shall submit the financial recovery plan it adopts or 8031
updates under this section to the state superintendent of public 8032
instruction for approval immediately following its adoption or 8033
updating. The state superintendent shall evaluate the plan and 8034
either approve or disapprove it within thirty calendar days from 8035
the date of its submission. If the plan is disapproved, the state 8036
superintendent shall recommend modifications that will render it 8037
acceptable. No financial planning and supervision commission shall 8038
implement a financial recovery plan that is adopted or updated on 8039
or after April 10, 2001, unless the state superintendent has 8040
approved it. 8041

Sec. 3316.08. During a school district's fiscal emergency 8042
period, the auditor of state shall determine annually, or at any 8043
other time upon request of the financial planning and supervision 8044
commission, whether the school district will incur an operating 8045
deficit. If the auditor of state determines that a school district 8046
will incur an operating deficit, the auditor of state shall 8047
certify that determination to the superintendent of public 8048
instruction, the financial planning and supervision commission, 8049
and the board of education of the school district. Upon receiving 8050
the auditor of state's certification, the commission shall adopt a 8051
resolution requesting that the board of education work with the 8052
county auditor or tax commissioner to estimate the amount and rate 8053
of a tax levy that is needed under section 5705.194, 5709.199, or 8054
5705.21 or Chapter 5748. of the Revised Code to produce a positive 8055
fund balance not later than the fifth year of the five-year 8056
forecast submitted under section 5705.391 of the Revised Code. 8057

The board of education shall recommend to the commission 8058
whether the board supports or opposes a tax levy under section 8059
5705.194, 5709.199, or 5705.21 or Chapter 5748. of the Revised 8060
Code and shall provide supporting documentation to the commission 8061
of its recommendation. 8062

After considering the board of education's recommendation and 8063
supporting documentation, the commission shall adopt a resolution 8064
to either submit a ballot question proposing a tax levy or not to 8065
submit such a question. 8066

Except as otherwise provided in this division, the tax shall 8067
be levied in the manner prescribed for a tax levied under section 8068
5705.194, 5709.199, or 5705.21 or under Chapter 5748. of the 8069
Revised Code. If the commission decides that a tax should be 8070
levied, the tax shall be levied for the purpose of paying current 8071
operating expenses of the school district. The rate of a tax 8072

levied under section 5705.194, 5709.199, or 5705.21 of the Revised Code shall be determined by the county auditor, and the rate of a tax levied under section 5748.02 or 5748.08 of the Revised Code shall be determined by the tax commissioner, upon the request of the commission. The commission, in consultation with the board of education, shall determine the election at which the question of the tax shall appear on the ballot, and the commission shall submit a copy of its resolution to the board of elections not later than seventy-five days prior to the day of that election. The board of elections conducting the election shall certify the results of the election to the board of education and to the financial planning and supervision commission.

Sec. 3317.023. (A) Notwithstanding section 3317.022 of the Revised Code, the amounts required to be paid to a district under this chapter shall be adjusted by the amount of the computations made under divisions (B) to ~~(P)~~(Q) of this section.

As used in this section:

(1) "Classroom teacher" means a licensed employee who provides direct instruction to pupils, excluding teachers funded from money paid to the district from federal sources; educational service personnel; and vocational and special education teachers.

(2) "Educational service personnel" shall not include such specialists funded from money paid to the district from federal sources or assigned full-time to vocational or special education students and classes and may only include those persons employed in the eight specialist areas in a pattern approved by the department of education under guidelines established by the state board of education.

(3) "Annual salary" means the annual base salary stated in the state minimum salary schedule for the performance of the teacher's regular teaching duties that the teacher earns for

services rendered for the first full week of October of the fiscal 8104
year for which the adjustment is made under division (C) of this 8105
section. It shall not include any salary payments for supplemental 8106
teachers contracts. 8107

(4) "Regular student population" means the formula ADM plus 8108
the number of students reported as enrolled in the district 8109
pursuant to division (A)(1) of section 3313.981 of the Revised 8110
Code; minus the number of students reported under division (A)(2) 8111
of section 3317.03 of the Revised Code; minus the FTE of students 8112
reported under division (B)(6), (7), (8), (9), (10), (11), or (12) 8113
of that section who are enrolled in a vocational education class 8114
or receiving special education; and minus twenty per cent of the 8115
students enrolled concurrently in a joint vocational school 8116
district. 8117

(5) "State share percentage" has the same meaning as in 8118
section 3317.022 of the Revised Code. 8119

(6) "VEPD" means a school district or group of school 8120
districts designated by the department of education as being 8121
responsible for the planning for and provision of vocational 8122
education services to students within the district or group. 8123

(7) "Lead district" means a school district, including a 8124
joint vocational school district, designated by the department as 8125
a VEPD, or designated to provide primary vocational education 8126
leadership within a VEPD composed of a group of districts. 8127

(B) If the district employs less than one full-time 8128
equivalent classroom teacher for each twenty-five pupils in the 8129
regular student population in any school district, deduct the sum 8130
of the amounts obtained from the following computations: 8131

(1) Divide the number of the district's full-time equivalent 8132
classroom teachers employed by one twenty-fifth; 8133

(2) Subtract the quotient in (1) from the district's regular 8134

student population; 8135

(3) Multiply the difference in (2) by seven hundred fifty-two 8136
dollars. 8137

(C) If a positive amount, add one-half of the amount obtained 8138
by multiplying the number of full-time equivalent classroom 8139
teachers by: 8140

(1) The mean annual salary of all full-time equivalent 8141
classroom teachers employed by the district at their respective 8142
training and experience levels minus; 8143

(2) The mean annual salary of all such teachers at their 8144
respective levels in all school districts receiving payments under 8145
this section. 8146

The number of full-time equivalent classroom teachers used in 8147
this computation shall not exceed one twenty-fifth of the 8148
district's regular student population. In calculating the 8149
district's mean salary under this division, those full-time 8150
equivalent classroom teachers with the highest training level 8151
shall be counted first, those with the next highest training level 8152
second, and so on, in descending order. Within the respective 8153
training levels, teachers with the highest years of service shall 8154
be counted first, the next highest years of service second, and so 8155
on, in descending order. 8156

(D) This division does not apply to a school district that 8157
has entered into an agreement under division (A) of section 8158
3313.42 of the Revised Code. Deduct the amount obtained from the 8159
following computations if the district employs fewer than five 8160
full-time equivalent educational service personnel, including 8161
elementary school art, music, and physical education teachers, 8162
counselors, librarians, visiting teachers, school social workers, 8163
and school nurses for each one thousand pupils in the regular 8164
student population: 8165

(1) Divide the number of full-time equivalent educational service personnel employed by the district by five one-thousandths;	8166
	8167
	8168
(2) Subtract the quotient in (1) from the district's regular student population;	8169
	8170
(3) Multiply the difference in (2) by ninety-four dollars.	8171
(E) If a local school district, or a city or exempted village school district to which a governing board of an educational service center provides services pursuant to section 3313.843 of the Revised Code, deduct the amount of the payment required for the reimbursement of the governing board under section 3317.11 of the Revised Code.	8172
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	8177
(F)(1) If the district is required to pay to or entitled to receive tuition from another school district under division (C)(2) or (3) of section 3313.64 or section 3313.65 of the Revised Code, or if the superintendent of public instruction is required to determine the correct amount of tuition and make a deduction or credit under section 3317.08 of the Revised Code, deduct and credit such amounts as provided in division (J) of section 3313.64 or section 3317.08 of the Revised Code.	8178
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	8185
(2) For each child for whom the district is responsible for tuition or payment under division (A)(1) of section 3317.082 or section 3323.091 of the Revised Code, deduct the amount of tuition or payment for which the district is responsible.	8186
	8187
	8188
	8189
(G) If the district has been certified by the superintendent of public instruction under section 3313.90 of the Revised Code as not in compliance with the requirements of that section, deduct an amount equal to ten per cent of the amount computed for the district under section 3317.022 of the Revised Code.	8190
	8191
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	8194
(H) If the district has received a loan from a commercial lending institution for which payments are made by the	8195
	8196

superintendent of public instruction pursuant to division (E)(3) 8197
of section 3313.483 of the Revised Code, deduct an amount equal to 8198
such payments. 8199

(I)(1) If the district is a party to an agreement entered 8200
into under division (D), (E), or (F) of section 3311.06 or 8201
division (B) of section 3311.24 of the Revised Code and is 8202
obligated to make payments to another district under such an 8203
agreement, deduct an amount equal to such payments if the district 8204
school board notifies the department in writing that it wishes to 8205
have such payments deducted. 8206

(2) If the district is entitled to receive payments from 8207
another district that has notified the department to deduct such 8208
payments under division (I)(1) of this section, add the amount of 8209
such payments. 8210

(J) If the district is required to pay an amount of funds to 8211
a cooperative education district pursuant to a provision described 8212
by division (B)(4) of section 3311.52 or division (B)(8) of 8213
section 3311.521 of the Revised Code, deduct such amounts as 8214
provided under that provision and credit those amounts to the 8215
cooperative education district for payment to the district under 8216
division (B)(1) of section 3317.19 of the Revised Code. 8217

(K)(1) If a district is educating a student entitled to 8218
attend school in another district pursuant to a shared education 8219
contract, compact, or cooperative education agreement other than 8220
an agreement entered into pursuant to section 3313.842 of the 8221
Revised Code, credit to that educating district on an FTE basis 8222
both of the following: 8223

(a) An amount equal to the sum of the formula amount plus the 8224
per pupil amount of the base funding supplements specified in 8225
divisions (C)(1) to (4) of section 3317.012 of the Revised Code. 8226

(b) An amount equal to the current formula amount times the 8227

state share percentage times any multiple applicable to the 8228
student pursuant to section 3317.013 or 3317.014 of the Revised 8229
Code. 8230

(2) Deduct any amount credited pursuant to division (K)(1) of 8231
this section from amounts paid to the school district in which the 8232
student is entitled to attend school pursuant to section 3313.64 8233
or 3313.65 of the Revised Code. 8234

(3) If the district is required by a shared education 8235
contract, compact, or cooperative education agreement to make 8236
payments to an educational service center, deduct the amounts from 8237
payments to the district and add them to the amounts paid to the 8238
service center pursuant to section 3317.11 of the Revised Code. 8239

(L)(1) If a district, including a joint vocational school 8240
district, is a lead district of a VEPD, credit to that district 8241
the amounts calculated for all the school districts within that 8242
VEPD pursuant to division (E)(2) of section 3317.022 of the 8243
Revised Code. 8244

(2) Deduct from each appropriate district that is not a lead 8245
district, the amount attributable to that district that is 8246
credited to a lead district under division (L)(1) of this section. 8247

(M) If the department pays a joint vocational school district 8248
under division (G)(4) of section 3317.16 of the Revised Code for 8249
excess costs of providing special education and related services 8250
to a student with a disability, as calculated under division 8251
(G)(2) of that section, the department shall deduct the amount of 8252
that payment from the city, local, or exempted village school 8253
district that is responsible as specified in that section for the 8254
excess costs. 8255

(N)(1) If the district reports an amount of excess cost for 8256
special education services for a child under division (C) of 8257
section 3323.14 of the Revised Code, the department shall pay that 8258

amount to the district. 8259

(2) If the district reports an amount of excess cost for 8260
special education services for a child under division (C) of 8261
section 3323.14 of the Revised Code, the department shall deduct 8262
that amount from the district of residence of that child. 8263

(O) If the department of job and family services presents to 8264
the department of education a payment request through an 8265
intrastate transfer voucher for the nonfederal share of 8266
reimbursements made to a school district for medicaid services 8267
provided by the district, the department of education shall pay 8268
the amount of that request to the department of job and family 8269
services and shall deduct the amount of that payment from the 8270
district. 8271

~~(P) If the department is required to pay an amount under 8272
section 3353.25 of the Revised Code to a school district 8273
delivering a course included in the clearinghouse established 8274
under section 3353.21 of the Revised Code for a student enrolled 8275
in a school district, the department shall deduct that amount from 8276
the school district in which the student is enrolled. 8277~~

Sec. 3317.11. (A) As used in this section: 8278

(1) "Client school district" means a city or exempted village 8279
school district that has entered into an agreement under section 8280
3313.843 of the Revised Code to receive any services from an 8281
educational service center. 8282

(2) "Service center ADM" means the sum of the total student 8283
counts of all local school districts within an educational service 8284
center's territory and all of the service center's client school 8285
districts. 8286

(3) "STEM school" means a science, technology, engineering, 8287
and mathematics school established under Chapter 3326. of the 8288

<u>Revised Code.</u>	8289
(4) "Total student count" has the same meaning as in section 3301.011 of the Revised Code.	8290 8291
(B)(1) The governing board of each educational service center shall provide supervisory services to each local school district within the service center's territory. Each city or exempted village school district that enters into an agreement under section 3313.843 of the Revised Code for a governing board to provide any services also is considered to be provided supervisory services by the governing board. Except as provided in division (B)(2) of this section, the supervisory services shall not exceed one supervisory teacher for the first fifty classroom teachers required to be employed in the districts, as calculated under section 3317.023 of the Revised Code, and one for each additional one hundred required classroom teachers, as so calculated.	8292 8293 8294 8295 8296 8297 8298 8299 8300 8301 8302 8303
The supervisory services shall be financed annually through supervisory units. Except as provided in division (B)(2) of this section, the number of supervisory units assigned to each district shall not exceed one unit for the first fifty classroom teachers required to be employed in the district, as calculated under section 3317.023 of the Revised Code, and one for each additional one hundred required classroom teachers, as so calculated. The cost of each supervisory unit shall be the sum of:	8304 8305 8306 8307 8308 8309 8310 8311
(a) The minimum salary prescribed by section 3317.13 of the Revised Code for the licensed supervisory employee of the governing board;	8312 8313 8314
(b) An amount equal to fifteen per cent of the salary prescribed by section 3317.13 of the Revised Code;	8315 8316
(c) An allowance for necessary travel expenses, limited to the lesser of two hundred twenty-three dollars and sixteen cents per month or two thousand six hundred seventy-eight dollars per	8317 8318 8319

year. 8320

(2) If a majority of the boards of education, or 8321
superintendents acting on behalf of the boards, of the local and 8322
client school districts receiving services from the educational 8323
service center agree to receive additional supervisory services 8324
and to pay the cost of a corresponding number of supervisory units 8325
in excess of the services and units specified in division (B)(1) 8326
of this section, the service center shall provide the additional 8327
services as agreed to by the majority of districts to, and the 8328
department of education shall apportion the cost of the 8329
corresponding number of additional supervisory units pursuant to 8330
division (B)(3) of this section among, all of the service center's 8331
local and client school districts. 8332

(3) The department shall apportion the total cost for all 8333
supervisory units among the service center's local and client 8334
school districts based on each district's total student count. The 8335
department shall deduct each district's apportioned share pursuant 8336
to division (E) of section 3317.023 of the Revised Code and pay 8337
the apportioned share to the service center. 8338

(C) The department annually shall deduct from each local and 8339
client school district of each educational service center, 8340
pursuant to division (E) of section 3317.023 of the Revised Code, 8341
and pay to the service center an amount equal to six dollars and 8342
fifty cents times the school district's total student count. The 8343
board of education, or the superintendent acting on behalf of the 8344
board, of any local or client school district may agree to pay an 8345
amount in excess of six dollars and fifty cents per student in 8346
total student count. If a majority of the boards of education, or 8347
superintendents acting on behalf of the boards, of the local 8348
school districts within a service center's territory approve an 8349
amount in excess of six dollars and fifty cents per student in 8350
total student count, the department shall deduct the approved 8351

excess per student amount from all of the local school districts 8352
within the service center's territory and pay the excess amount to 8353
the service center. 8354

(D) The department shall pay each educational service center 8355
the amounts due to it from school districts pursuant to contracts, 8356
compacts, or agreements under which the service center furnishes 8357
services to the districts or their students. In order to receive 8358
payment under this division, an educational service center shall 8359
furnish either a copy of the contract, compact, or agreement 8360
clearly indicating the amounts of the payments, or a written 8361
statement that clearly indicates the payments owed and is signed 8362
by the superintendent or treasurer of the responsible school 8363
district. The amounts paid to service centers under this division 8364
shall be deducted from payments to school districts pursuant to 8365
division (K)(3) of section 3317.023 of the Revised Code. 8366

(E) Each school district's deduction under this section and 8367
divisions (E) and (K)(3) of section 3317.023 of the Revised Code 8368
shall be made from the total payment computed for the district 8369
under this chapter, after making any other adjustments in that 8370
payment required by law. 8371

(F)(1) Except as provided in division (F)(2) of this section, 8372
the department annually shall pay the governing board of each 8373
educational service center state funds equal to thirty-seven 8374
dollars times its service center ADM. 8375

(2) The department annually shall pay state funds equal to 8376
forty dollars and fifty-two cents times the service center ADM to 8377
each educational service center comprising territory that was 8378
included in the territory of at least three former service centers 8379
or county school districts, which former centers or districts 8380
engaged in one or more mergers under section 3311.053 of the 8381
Revised Code to form the present center. 8382

(G) Each city, exempted village, local, joint vocational, or cooperative education school district shall pay to the governing board of an educational service center any amounts agreed to for each child enrolled in the district who receives special education and related services or career-technical education from the educational service center, unless these educational services are provided pursuant to a contract, compact, or agreement for which the department deducts and transfers payments under division (D) of this section and division (K)(3) of section 3317.023 of the Revised Code.

(H) The department annually shall pay the governing board of each educational service center that has entered into a contract with a STEM school for the provision of services described in division (B) of section 3326.45 of the Revised Code state funds equal to the per-pupil amount specified in the contract for the provision of those services times the number of students enrolled in the STEM school.

(I) An educational service center:

(1) May provide special education and career-technical education to students in its local or client school districts;

(2) Is eligible for transportation funding under division (G) of section 3317.024 of the Revised Code and for state subsidies for the purchase of school buses under section 3317.07 of the Revised Code;

(3) May apply for and receive gifted education units and provide gifted education services to students in its local or client school districts;

(4) May conduct driver education for high school students in accordance with Chapter 4508. of the Revised Code.

Sec. 3317.20. This section does not apply to preschool

children with disabilities. 8413

(A) As used in this section: 8414

(1) "Applicable weight" means the multiple specified in 8415
section 3317.013 of the Revised Code for a disability described in 8416
that section. 8417

(2) "Child's school district" means the school district in 8418
which a child is entitled to attend school pursuant to section 8419
3313.64 or 3313.65 of the Revised Code. 8420

(3) "State share percentage" means the state share percentage 8421
of the child's school district as defined in section 3317.022 of 8422
the Revised Code. 8423

(B) Except as provided in division (C) of this section, the 8424
department shall annually pay each county MR/DD board for each 8425
child with a disability, other than a preschool child with a 8426
disability, for whom the county MR/DD board provides special 8427
education and related services an amount equal to the formula 8428
amount + (state share percentage X formula amount X the applicable 8429
weight). 8430

(C) If any school district places with a county MR/DD board 8431
more children with disabilities than it had placed with a county 8432
MR/DD board in fiscal year 1998, the department shall not make a 8433
payment under division (B) of this section for the number of 8434
children exceeding the number placed in fiscal year 1998. The 8435
department instead shall deduct from the district's payments under 8436
this chapter, and pay to the county MR/DD board, an amount 8437
calculated in accordance with the formula prescribed in division 8438
(B) of this section for each child over the number of children 8439
placed in fiscal year 1998. 8440

(D) The department shall calculate for each county MR/DD 8441
board receiving payments under divisions (B) and (C) of this 8442
section the following amounts: 8443

(1) The amount received by the county MR/DD board for 8444
approved special education and related services units, other than 8445
units for preschool children with disabilities, in fiscal year 8446
1998, divided by the total number of children served in the units 8447
that year; 8448

(2) The product of the quotient calculated under division 8449
(D)(1) of this section times the number of children for whom 8450
payments are made under divisions (B) and (C) of this section. 8451

If the amount calculated under division (D)(2) of this 8452
section is greater than the total amount calculated under 8453
divisions (B) and (C) of this section, the department shall pay 8454
the county MR/DD board one hundred per cent of the difference in 8455
addition to the payments under divisions (B) and (C) of this 8456
section. 8457

(E) Each county MR/DD board shall report to the department, 8458
in the manner specified by the department, the name of each child 8459
for whom the county MR/DD board provides special education and 8460
related services and the child's school district. 8461

(F)(1) For the purpose of verifying the accuracy of the 8462
payments under this section, the department may request from 8463
either of the following entities the data verification code 8464
assigned under division (D)(2) of section 3301.0714 of the Revised 8465
Code to any child who is placed with a county MR/DD board: 8466

(a) The child's school district; 8467

(b) The independent contractor engaged to create and maintain 8468
data verification codes. 8469

(2) Upon a request by the department under division (F)(1) of 8470
this section for the data verification code of a child, the 8471
child's school district shall submit that code to the department 8472
in the manner specified by the department. If the child has not 8473
been assigned a code, the district shall assign a code to that 8474

child and submit the code to the department by a date specified by 8475
the department. If the district does not assign a code to the 8476
child by the specified date, the department shall assign a code to 8477
the child. 8478

The department annually shall submit to each school district 8479
the name and data verification code of each child residing in the 8480
district for whom the department has assigned a code under this 8481
division. 8482

(3) The department shall not release any data verification 8483
code that it receives under division (F) of this section to any 8484
person except as provided by law. 8485

(G) Any document relative to special education and related 8486
services provided by a county MR/DD board that the department 8487
holds in its files that contains both a student's name or other 8488
personally identifiable information and the student's data 8489
verification code shall not be a public record under section 8490
149.43 of the Revised Code. 8491

Sec. 3318.01. As used in sections 3318.01 to 3318.20 of the 8492
Revised Code: 8493

(A) "Ohio school facilities commission" means the commission 8494
created pursuant to section 3318.30 of the Revised Code. 8495

(B) "Classroom facilities" means rooms in which pupils 8496
regularly assemble in public school buildings to receive 8497
instruction and education and such facilities and building 8498
improvements for the operation and use of such rooms as may be 8499
needed in order to provide a complete educational program, and may 8500
include space within which a child care facility or a community 8501
resource center is housed. "Classroom facilities" includes any 8502
space necessary for the operation of a vocational education 8503
program for secondary students in any school district that 8504

operates such a program. 8505

(C) "Project" means a project to construct or acquire 8506
classroom facilities, or to reconstruct or make additions to 8507
existing classroom facilities, to be used for housing the 8508
applicable school district and its functions. 8509

For a district that opts to divide its entire classroom 8510
facilities needs into segments to be completed separately, as 8511
authorized by section 3318.034 of the Revised Code, "project" 8512
means a segment. 8513

(D) "School district" means a local, exempted village, or 8514
city school district as such districts are defined in Chapter 8515
3311. of the Revised Code, acting as an agency of state 8516
government, performing essential governmental functions of state 8517
government pursuant to sections 3318.01 to 3318.20 of the Revised 8518
Code. 8519

For purposes of assistance provided under sections 3318.40 to 8520
3318.45 of the Revised Code, the term "school district" as used in 8521
this section and in divisions (A), (C), and (D) of section 3318.03 8522
and in sections 3318.031, 3318.042, 3318.07, 3318.08, 3318.083, 8523
3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 3318.13, 8524
3318.14, 3318.15, 3318.16, 3318.19, and 3318.20 of the Revised 8525
Code means a joint vocational school district established pursuant 8526
to section 3311.18 of the Revised Code. 8527

(E) "School district board" means the board of education of a 8528
school district. 8529

(F) "Net bonded indebtedness" means the difference between 8530
the sum of the par value of all outstanding and unpaid bonds and 8531
notes which a school district board is obligated to pay and any 8532
amounts the school district is obligated to pay under 8533
lease-purchase agreements entered into under section 3313.375 of 8534
the Revised Code, and the amount held in the sinking fund and 8535

other indebtedness retirement funds for their redemption. Notes 8536
issued for school buses in accordance with section 3327.08 of the 8537
Revised Code, notes issued in anticipation of the collection of 8538
current revenues, and bonds issued to pay final judgments shall 8539
not be considered in calculating the net bonded indebtedness. 8540

"Net bonded indebtedness" does not include indebtedness 8541
arising from the acquisition of land to provide a site for 8542
classroom facilities constructed, acquired, or added to pursuant 8543
to sections 3318.01 to 3318.20 of the Revised Code or the par 8544
value of bonds that have been authorized by the electors and the 8545
proceeds of which will be used by the district to provide any part 8546
of its portion of the basic project cost. 8547

(G) "Board of elections" means the board of elections of the 8548
county containing the most populous portion of the school 8549
district. 8550

(H) "County auditor" means the auditor of the county in which 8551
the greatest value of taxable property of such school district is 8552
located. 8553

(I) "Tax duplicates" means the general tax lists and 8554
duplicates prescribed by sections 319.28 and 319.29 of the Revised 8555
Code. 8556

(J) "Required level of indebtedness" means: 8557

(1) In the case of school districts in the first percentile, 8558
five per cent of the district's valuation for the year preceding 8559
the year in which the controlling board approved the project under 8560
section 3318.04 of the Revised Code. 8561

(2) In the case of school districts ranked in a subsequent 8562
percentile, five per cent of the district's valuation for the year 8563
preceding the year in which the controlling board approved the 8564
project under section 3318.04 of the Revised Code, plus [two 8565
one-hundredths of one per cent multiplied by (the percentile in 8566

which the district ranks for the fiscal year preceding the fiscal 8567
year in which the controlling board approved the district's 8568
project minus one)]. 8569

(K) "Required percentage of the basic project costs" means 8570
one per cent of the basic project costs times the percentile in 8571
which the school district ranks for the fiscal year preceding the 8572
fiscal year in which the controlling board approved the district's 8573
project. 8574

(L) "Basic project cost" means a cost amount determined in 8575
accordance with rules adopted under section 111.15 of the Revised 8576
Code by the Ohio school facilities commission. The basic project 8577
cost calculation shall take into consideration the square footage 8578
and cost per square foot necessary for the grade levels to be 8579
housed in the classroom facilities, the variation across the state 8580
in construction and related costs, the cost of the installation of 8581
site utilities and site preparation, the cost of demolition of all 8582
or part of any existing classroom facilities that are abandoned 8583
under the project, the cost of insuring the project until it is 8584
completed, any contingency reserve amount prescribed by the 8585
commission under section 3318.086 of the Revised Code, and the 8586
professional planning, administration, and design fees that a 8587
school district may have to pay to undertake a classroom 8588
facilities project. 8589

For a joint vocational school district that receives 8590
assistance under sections 3318.40 to 3318.45 of the Revised Code, 8591
the basic project cost calculation for a project under those 8592
sections shall also take into account the types of laboratory 8593
spaces and program square footages needed for the vocational 8594
education programs for high school students offered by the school 8595
district. 8596

For a district that opts to divide its entire classroom 8597
facilities needs into segments, each segment to be completed as a 8598

separate project, as authorized by section 3318.034 of the Revised 8599
Code, "basic project cost" means the cost determined in accordance 8600
with this division of a segment. 8601

(M)(1) Except for a joint vocational school district that 8602
receives assistance under sections 3318.40 to 3318.45 of the 8603
Revised Code, a "school district's portion of the basic project 8604
cost" means the amount determined under section 3318.032 of the 8605
Revised Code. 8606

(2) For a joint vocational school district that receives 8607
assistance under sections 3318.40 to 3318.45 of the Revised Code, 8608
a "school district's portion of the basic project cost" means the 8609
amount determined under division (C) of section 3318.42 of the 8610
Revised Code. 8611

(N) "Child care facility" means space within a classroom 8612
facility in which the needs of infants, toddlers, preschool 8613
children, and school children are provided for by persons other 8614
than the parent or guardian of such children for any part of the 8615
day, including persons not employed by the school district 8616
operating such classroom facility. 8617

(O) "Community resource center" means space within a 8618
classroom facility in which comprehensive services that support 8619
the needs of families and children are provided by community-based 8620
social service providers. 8621

(P) "Valuation" means the total value of all property in the 8622
school district as listed and assessed for taxation on the tax 8623
duplicates. 8624

(Q) "Percentile" means the percentile in which the school 8625
district is ranked pursuant to section 3318.011 of the Revised 8626
Code. 8627

(R) "Installation of site utilities" means the installation 8628
of a site domestic water system, site fire protection system, site 8629

gas distribution system, site sanitary system, site storm drainage 8630
system, and site telephone and data system. 8631

(S) "Site preparation" means the earthwork necessary for 8632
preparation of the building foundation system, the paved 8633
pedestrian and vehicular circulation system, playgrounds on the 8634
project site, and lawn and planting on the project site. 8635

Sec. 3318.03. (A) Before conducting an on-site evaluation of 8636
a school district under section 3318.02 of the Revised Code, at 8637
the request of the district board of education, the Ohio school 8638
facilities commission shall examine any classroom facilities needs 8639
assessment that has been conducted by the district and any master 8640
plan developed for meeting the facility needs of the district. 8641

(B) Upon conducting the on-site evaluation under section 8642
3318.02 of the Revised Code, the Ohio school facilities commission 8643
shall make a determination of all of the following: 8644

(1) The needs of the school district for additional classroom 8645
facilities; 8646

(2) The number of classroom facilities to be included in a 8647
project and the basic project cost of constructing, acquiring, 8648
reconstructing, or making additions to each such facility; 8649

(3) The amount of such cost that the school district can 8650
supply from available funds, by the issuance of bonds previously 8651
authorized by the electors of the school district the proceeds of 8652
which can lawfully be used for the project and by the issuance of 8653
bonds under section 3318.05 of the Revised Code; 8654

(4) The remaining amount of such cost that shall be supplied 8655
by the state; 8656

(5) The amount of the state's portion to be encumbered in 8657
accordance with section 3318.11 of the Revised Code in the current 8658
and subsequent fiscal years from funds appropriated for purposes 8659

of sections 3318.01 to 3318.20 of the Revised Code. 8660

For a district that opts to divide its entire classroom 8661
facilities needs into segments to be completed separately, as 8662
authorized by section 3318.034 of the Revised Code, the 8663
determinations made under divisions (B)(1) to (5) of this section 8664
apply only to the segment that currently is proceeding as a 8665
separate project in accordance with section 3318.034 of the 8666
Revised Code. 8667

(C) The commission shall make a determination in favor of 8668
constructing, acquiring, reconstructing, or making additions to a 8669
classroom facility only upon evidence that the proposed project 8670
conforms to sound educational practice, that it is in keeping with 8671
the orderly process of school district reorganization and 8672
consolidation, and that the actual or projected enrollment in each 8673
classroom facility proposed to be included in the project is at 8674
least three hundred fifty pupils. Exceptions shall be authorized 8675
only in those districts where topography, sparsity of population, 8676
and other factors make larger schools impracticable. 8677

If the school district board determines that an existing 8678
facility has historical value or for other good cause determines 8679
that an existing facility should be renovated in lieu of acquiring 8680
a comparable facility by new construction, the commission may 8681
approve the expenditure of project funds for the renovation of 8682
that facility up to but not exceeding one hundred per cent of the 8683
estimated cost of acquiring a comparable facility by new 8684
construction, as long as the commission determines that the 8685
facility when renovated can be operationally efficient, will be 8686
adequate for the future needs of the district, and will comply 8687
with the other provisions of this division. 8688

(D) Sections 125.81 and 153.04 of the Revised Code shall not 8689
apply to classroom facilities constructed under either sections 8690
3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised 8691

Code. 8692

Sec. 3318.032. (A) The Except as otherwise provided in 8693
divisions (C) and (D) of this section, the portion of the basic 8694
project cost supplied by the school district shall be the greater 8695
of: 8696

(1) The required percentage of the basic project costs; 8697

(2) ~~An~~ (a) For all districts except a district that opts to 8698
divide its entire classroom facilities needs into segments to be 8699
completed separately as authorized by section 3318.034 of the 8700
Revised Code, an amount necessary to raise the school district's 8701
net bonded indebtedness, as of the date the controlling board 8702
approved the project, to within five thousand dollars of the 8703
required level of indebtedness-; 8704

(b) For a district that opts to divide its entire classroom 8705
facilities needs into segments to be completed separately as 8706
authorized by section 3318.034 of the Revised Code, an amount 8707
necessary to raise the school district's net bonded indebtedness, 8708
as of the date the controlling board approved the segment as a 8709
separate project, to within five thousand dollars of the 8710
following: 8711

The required level of indebtedness X (the basic 8712
project cost of the segment as approved as a separate 8713
project by the controlling board / the estimated basic 8714
project cost of the district's entire classroom facilities 8715
needs as determined jointly by the staff of the Ohio school 8716
facilities commission and the district) 8717

(B) The amount of the district's share determined under this 8718
section shall be calculated only as of the date the controlling 8719
board approved the project, and that amount applies throughout the 8720
one-year period permitted under section 3318.05 of the Revised 8721
Code for the district's electors to approve the propositions 8722

described in that section. If the amount reserved and encumbered 8723
for a project is released because the electors do not approve 8724
those propositions within that year, and the school district later 8725
receives the controlling board's approval for the project, the 8726
district's portion shall be recalculated in accordance with this 8727
section as of the date of the controlling board's subsequent 8728
approval. 8729

~~(C) Notwithstanding anything to the contrary in division (A)~~ 8730
~~or (B) of this section, at~~ At no time shall a school district's 8731
portion of the basic project cost be greater than ninety-five per 8732
cent of the total basic project cost. 8733

(D) If the controlling board approves a project under 8734
sections 3318.01 to 3318.20 of the Revised Code for a school 8735
district that previously received assistance under those sections 8736
or section 3318.37 of the Revised Code within the twenty-year 8737
period prior to the date on which the controlling board approves 8738
the new project, the district's portion of the basic project cost 8739
for the new project shall be the lesser of the following: 8740

(1) The portion calculated under division (A) of this 8741
section; 8742

(2) The greater of the following: 8743

(a) The required percentage of the basic project costs for 8744
the new project; 8745

(b) The percentage of the basic project cost paid by the 8746
district for the previous project. 8747

Sec. 3318.033. (A) As used in this section: 8748

(1) "Formula ADM" has the same meaning as in section 3317.02 8749
of the Revised Code. 8750

(2) "Open enrollment net gain" has the same meaning as in 8751
section 3318.011 of the Revised Code. 8752

(B) This section applies to each school district that meets 8753
the following criteria: 8754

(1) The Ohio school facilities commission certified its 8755
conditional approval of the district's project under sections 8756
3318.01 to 3318.20 of the Revised Code after July 1, 2006, and 8757
prior to September 29, 2007, and the project had not been 8758
completed as of September 29, 2007. 8759

(2) Within one year after the date of the commission's 8760
certification of its conditional approval, the district's electors 8761
approved a bond issue to pay the district's portion of the basic 8762
project cost or the district board of education complied with 8763
section 3318.052 of the Revised Code. 8764

(3) In the fiscal year prior to the fiscal year in which the 8765
district's project was conditionally approved, the district had an 8766
open enrollment net gain that was ten per cent or more of its 8767
formula ADM. 8768

(C) For each school district to which this section applies, 8769
the department of education shall recalculate the district's 8770
percentile ranking under section 3318.011 of the Revised Code for 8771
the fiscal year prior to the fiscal year in which the district's 8772
project was conditionally approved and shall report the 8773
recalculated percentile ranking to the commission. For this 8774
purpose, the department shall recalculate every school district's 8775
percentile ranking for that fiscal year using the district's 8776
"valuation per pupil" as that term is defined in section 3318.011 8777
of the Revised Code on and after September 29, 2007. 8778

(D) For each school district to which this section applies, 8779
the commission shall use the recalculated percentile ranking 8780
reported under division (C) of this section to determine the 8781
district's portion of the basic project cost under section 8782
3318.032 of the Revised Code. The commission shall not use the 8783

recalculated percentile ranking for any other purpose, and the 8784
recalculated ranking shall not affect any other district's portion 8785
of the basic project cost under section 3318.032 of the Revised 8786
Code or any district's eligibility for assistance under sections 8787
3318.01 to 3318.20 of the Revised Code. The commission shall 8788
revise the agreement entered into under section 3318.08 of the 8789
Revised Code to reflect the district's new portion of the basic 8790
project cost as determined under this division. 8791

Sec. 3318.034. (A) This section applies to any school 8792
district that is offered assistance under sections 3318.01 to 8793
3318.20 of the Revised Code on or after the effective date of this 8794
section. 8795

Notwithstanding any provision of this chapter to the 8796
contrary, with the approval of the Ohio school facilities 8797
commission, any school district to which this section applies may 8798
opt to divide the district's entire classroom facilities needs, as 8799
those needs are jointly determined by the staff of the commission 8800
and the school district, into discrete segments and may proceed 8801
with each segment sequentially as a separate project under those 8802
sections. That project shall comply with all of the provisions of 8803
those sections unless otherwise provided in this section. 8804

(B) Each segment shall comply with all of the following: 8805

(1) The segment shall consist of the new construction of one 8806
or more entire buildings or the complete renovation of one or more 8807
entire existing buildings, with any necessary additions to that 8808
building. 8809

(2) The segment shall not include any construction of or 8810
renovation or repair to any building that does not complete the 8811
needs of the district with respect to that particular building at 8812
the time the segment is completed. 8813

(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.

(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 basic project cost or the district board otherwise raises sufficient funds, as authorized by this chapter, to pay the district's portion of the basic project cost, the commission shall enter into an agreement with the district board under section 3318.08 of the Revised Code for the segment as a separate project. That agreement shall include an acknowledgment that the project covered by the agreement is only one segment of the district's entire classroom facilities needs, as determined jointly by the staff of the commission and the district, and that the district

may proceed with future segments under this section at a later 8847
time, as prescribed in division (D) of this section. The 8848
commission and the district board shall enter into a separate 8849
agreement under section 3318.08 of the Revised Code for each 8850
segment. 8851

(D) A school district that undertakes a segment of its entire 8852
classroom facilities needs, as determined jointly by the staff of 8853
the commission and the district, as a separate project may 8854
undertake a subsequent segment as another separate project at any 8855
time, as long as the current percentile of the district is 8856
eligible for assistance under section 3318.02 of the Revised Code. 8857

(E) The school district portion of the basic project cost of 8858
each segment undertaken as a separate project under this section 8859
shall be determined under section 3318.032 of the Revised Code 8860
using the district's current percentile. 8861

(F) The school district's maintenance levy requirement, as 8862
defined in section 3318.18 of the Revised Code, shall run for 8863
twenty-three years from the date the first segment is undertaken. 8864

Sec. 3318.04. (A) If the Ohio school facilities commission 8865
makes a determination under section 3318.03 of the Revised Code in 8866
favor of constructing, acquiring, reconstructing, or making 8867
additions to a classroom facility, the project shall be 8868
conditionally approved. Such conditional approval shall be 8869
submitted to the controlling board for approval thereof. The 8870
controlling board shall forthwith approve or reject the 8871
commission's determination, conditional approval, the amount of 8872
the state's portion of the basic project cost, and, the amount of 8873
the state's portion to be encumbered in the current fiscal year. 8874
In the event of approval thereof by the controlling board, the 8875
commission shall certify such conditional approval to the school 8876
district board and shall encumber from the total funds 8877

appropriated for the purpose of sections 3318.01 to 3318.20 of the Revised Code the amount approved under this section to be encumbered in the current fiscal year.

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

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

(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. 8910

The commission may provide assistance under sections 3318.01 8911
to 3318.20 of the Revised Code pursuant to this division to no 8912
more than five school districts per fiscal year until all eligible 8913
school districts have received the additional assistance 8914
authorized under this division. The commission shall establish 8915
application procedures, deadlines, and priorities for funding 8916
projects under this division. 8917

The commission at its discretion may waive current design 8918
specifications it has adopted for projects under sections 3318.01 8919
to 3318.20 of the Revised Code when assessing an application for 8920
additional assistance under this division for the renovation of 8921
classroom facilities constructed or renovated under a school 8922
district's previous project. If the commission finds that a school 8923
district's existing classroom facilities are adequate to meet all 8924
of the school district's needs, the commission may determine that 8925
no additional state assistance be awarded to a school district 8926
under this division. 8927

In order for a school district to be eligible to receive any 8928
additional assistance under this division, the school district 8929
electors shall extend the school district's existing levy 8930
dedicated for maintenance of classroom facilities under Chapter 8931
3318. of the Revised Code, pursuant to section 3318.061 of the 8932
Revised Code or shall provide equivalent alternative maintenance 8933
funds as specified in division (A)(2) of section 3318.06 of the 8934
Revised Code. 8935

(3) Notwithstanding division (B)(1) of this section, any 8936
school district that has received assistance under sections 8937
3318.01 to 3318.20 of the Revised Code after May 20, 1997, may 8938
receive additional assistance if the commission decides in favor 8939
of providing such assistance pursuant to section 3318.042 of the 8940
Revised Code. 8941

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

~~Sec. 3323.30. The Ohio center for autism and low incidence is hereby established within the department of education's office for exceptional children, or any successor of that office. The center shall administer programs and coordinate services for infants, preschool and school age children, and adults with autism and low incidence disabilities. The center's principal focus shall be programs and services for persons with autism. The center shall be under the direction of an executive director, appointed by the superintendent of public instruction in consultation with the advisory board established under section 3323.31 of the Revised Code. The department shall use state and federal funds appropriated to the department for operation of the center.~~

As used in ~~this section and in sections 3323.31 to 3323.33~~ 3323.35 of the Revised Code, "autism and low incidence disabilities" includes any of the following:

- (A) Autism;
- (B) Hearing impairment;
- (C) Multiple disabilities;

- (D) Orthopedic disability; 8973
- (E) Other health impairment; 8974
- (F) Traumatic brain injury; 8975
- (G) Visual impairment. 8976

Sec. 3323.31. The Franklin county educational service center shall establish the Ohio Center for Autism and Low Incidence. The Center shall administer programs and coordinate services for infants, preschool and school-age children, and adults with autism and low incidence disabilities. The Center's principal focus shall be programs and services for persons with autism. The Center shall be under the direction of an executive director, appointed by the superintendent of the service center in consultation with the advisory board established under section 3323.33 of the Revised Code. 8977-8986

In addition to its other duties, the Ohio Center for Autism and Low Incidence shall participate as a member of an interagency workgroup on autism, as it is established by the department of mental retardation and developmental disabilities and shall provide technical assistance and support to the department in the department's leadership role to develop and implement the initiatives identified by the workgroup. 8987-8993

Sec. 3323.32. (A) The department of education shall contract with an entity to administer programs and coordinate services for infants, preschool and school-age children, and adults with autism and low incidence disabilities. The entity shall be selected by the superintendent of public instruction in consultation with the advisory board established under section 3323.33 of the Revised Code. 8994-9000

The contract with the entity selected shall include, but not be limited to, the following provisions: 9001-9002

(1) A description of the programs to be administered and services to be provided or coordinated by the entity, which shall include at least the duties prescribed by sections 3323.34 and 3323.35 of the Revised Code; 9003
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(2) A description of the expected outcomes from the programs administered and services provided or coordinated by the entity; 9007
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(3) A stipulation that the entity's performance is subject to evaluation by the department and renewal of the entity's contract is subject to the department's satisfaction with the entity's performance; 9009
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(4) A description of the measures and milestones the department will use to determine whether the performance of the entity is satisfactory; 9013
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(5) Any other provision the department determines is necessary to ensure the quality of services to individuals with autism and low incidence disabilities. 9016
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(B) In selecting the entity under division (A) of this section, the superintendent and the advisory board shall give primary consideration to the Ohio Center for Autism and Low Incidence, established under section 3323.31 of the Revised Code, as long as the principal goals and mission of the Center, as determined by the superintendent and the advisory board, are consistent with the requirements of divisions (A)(1) to (5) of this section. 9019
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Sec. ~~3323.31~~ 3323.33. The superintendent of public instruction shall establish an advisory board to assist and advise the ~~department of education~~ Franklin county educational service center in the operation of the Ohio ~~center for autism and low incidence~~ Center for Autism and Low Incidence and the superintendent of public instruction in selecting an entity to 9027
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administer programs and coordinate services for individuals with 9033
autism and low incidence disabilities as required by section 9034
3323.32 of the Revised Code and to provide technical assistance in 9035
the provision of such services. As determined by the 9036
superintendent, the advisory board shall consist of individuals 9037
who are stakeholders in the service to persons with autism and low 9038
incidence disabilities, including, but not limited to, the 9039
following: 9040

- (A) Persons with autism and low incidence disabilities; 9041
- (B) Parents and family members; 9042
- (C) Educators and other professionals; 9043
- (D) Higher education instructors; 9044
- (E) Representatives of state agencies. 9045

The advisory board shall be organized as determined by the 9046
superintendent. 9047

Members of the advisory board shall receive no compensation 9048
for their services. 9049

Sec. ~~3323.32~~ 3323.34. The ~~Ohio center for autism and low~~ 9050
~~incidence~~ entity selected under section 3323.32 of the Revised 9051
Code shall do all of the following: 9052

(A) Collaborate and consult with state agencies that serve 9053
persons with autism and low incidence disabilities; 9054

(B) Collaborate and consult with institutions of higher 9055
education in development and implementation of courses for 9056
educators and other professionals serving persons with autism and 9057
low incidence disabilities; 9058

(C) Collaborate with parent and professional organizations; 9059

(D) Create and implement programs for professional 9060
development, technical assistance, intervention services, and 9061

research in the treatment of persons with autism and low incidence disabilities; 9062
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(E) Create a regional network for communication and dissemination of information among educators and professionals serving persons with autism and low incidence disabilities. The regional network shall address educational services, evaluation, diagnosis, assistive technology, family support, leisure and recreational activities, transition, employment and adult services, and medical care for persons with autism and low incidence disabilities. 9064
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(F) Develop a statewide clearinghouse for information about autism spectrum disorders and low incidence disabilities, as described in section ~~3323.33~~ 3323.35 of the Revised Code. 9072
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Sec. ~~3323.33~~ 3323.35. In developing a clearinghouse for information about autism spectrum disorders and low incidence disabilities, as required under section ~~3323.32~~ 3323.34 of the Revised Code, the ~~Ohio center for autism and low incidence~~ entity selected under section 3323.32 of the Revised Code shall do all of the following: 9075
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(A) Maintain a collection of resources for public distribution; 9081
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(B) Monitor information on resources, trends, policies, services, and current educational interventions; 9083
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(C) Respond to requests for information from parents and educators of children with autism and low incidence disabilities. 9085
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Sec. 3323.36. (A) As used in this section, "preschool children" means children who are at least three years of age but are not of compulsory school age, as defined in section 3321.01 of the Revised Code, and are not currently enrolled in kindergarten. 9087
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(B) The executive director of the Ohio center for autism and low incidence, working in consultation with the director of mental retardation and developmental disabilities, shall establish the autism preschool program under which grants are to be provided to one or more entities for the purpose of assisting the entities operate programs to improve the lives of preschool children who have a primary diagnosis of autism by doing all of the following:

(1) Establishing a preschool model that incorporates elements common to effective intervention programs and evidence-based practices in autism and that may be used by other entities;

(2) Designing a template for individualized education plans that provides for consistent intervention programs and evidence-based practices for the care and treatment of children with autism;

(3) Creating best practices guidelines to be disseminated to the families of preschool children with a primary diagnosis of autism and professionals who work in the field of autism;

(4) Developing a transition planning model for effectively mainstreaming children with a primary diagnosis of autism to their public school district after the children attain five years of age in a manner that reduces the amount of services the children need to be mainstreamed;

(5) Contributing to the field of early intervention programs for autism through scholarly research and publication of clinical findings.

(C) An entity must meet all of the following requirements to be eligible for a grant under the autism preschool program:

(1) Be a nonprofit organization that is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3);

(2) Have experience providing services to children and adults

with mental retardation or a developmental disability, including 9121
autism; 9122

(3) Work in collaboration with universities and healthcare 9123
organizations that have expertise in autism and related 9124
disabilities to design and implement services for preschool 9125
children with a primary diagnosis of autism; 9126

(4) Provide at least the following services as ancillary 9127
services to preschool children with a primary diagnosis of autism: 9128

(a) Physical therapy; 9129

(b) Occupational therapy; 9130

(c) Speech and language therapy; 9131

(d) Assistive technology. 9132

Sec. 3326.45. (A) The governing body of a science, 9133
technology, engineering, and mathematics school may contract with 9134
the governing board of an educational service center or the board 9135
of education of a joint vocational school district for the 9136
provision of services to the STEM school or to any student 9137
enrolled in the school. Services provided under the contract and 9138
the amount to be paid for those services shall be mutually agreed 9139
to by the parties to the contract, and shall be specified in the 9140
contract. 9141

(B) A contract entered into under this section may require an 9142
educational service center to provide any one or a combination of 9143
the following services to a STEM school: 9144

(1) Supervisory teachers; 9145

(2) In-service and continuing education programs for 9146
personnel of the STEM school; 9147

(3) Curriculum services as provided to the local school 9148
districts under the supervision of the service center; 9149

<u>(4) Research and development programs;</u>	9150
<u>(5) Academic instruction for which the service center governing board employs teachers;</u>	9151
	9152
<u>(6) Assistance in the provision of special accommodations and classes for students with disabilities.</u>	9153
	9154
<u>Services described in division (B) of this section shall be provided to the STEM school in the same manner they are provided to local school districts under the service center's supervision, unless otherwise specified in the contract. The contract shall specify whether the service center will receive a per-pupil payment from the department of education for the provision of these services and, if so, the amount of the per-pupil payment, which shall not exceed the per-pupil amount paid to the service center under division (F) of section 3317.11 of the Revised Code for each student in the service center ADM.</u>	9155
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<u>(C) For each contract entered into under this section, the department shall deduct the amount owed by the STEM school from the state funds due to the STEM school under this chapter and shall pay that amount to the educational service center or joint vocational school district that is party to the contract. In the case of a contract with an educational service center that specifies per-pupil payments for the provision of services described in division (B) of this section, the department also shall pay the service center the amount calculated under division (H) of section 3317.11 of the Revised Code.</u>	9165
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<u>(D) No contract entered into under this section shall be valid unless a copy is filed with the department by the first day of the school year for which the contract is in effect.</u>	9175
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Sec. 3333.04. The chancellor of the Ohio board of regents shall:	9178
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(A) Make studies of state policy in the field of higher education and formulate a master plan for higher education for the state, considering the needs of the people, the needs of the state, and the role of individual public and private institutions within the state in fulfilling these needs;

(B)(1) Report annually to the governor and the general assembly on the findings from the chancellor's studies and the master plan for higher education for the state;

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

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

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

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

(F) Recommend to the state colleges, universities, and other state-assisted institutions of higher education graduate or professional programs, including, but not limited to, doctor of philosophy, doctor of education, and juris doctor programs, that could be eliminated because they constitute unnecessary duplication, as shall be determined using the process developed pursuant to this division, or for other good and sufficient cause. Prior to recommending a program for elimination, the chancellor shall request the board of regents to hold at least one public

hearing on the matter and advise the chancellor on whether the 9211
program should be recommended for elimination. The board shall 9212
provide notice of each hearing within a reasonable amount of time 9213
prior to its scheduled date. Following the hearing, the board 9214
shall issue a recommendation to the chancellor. The chancellor 9215
shall consider the board's recommendation but shall not be 9216
required to accept it. 9217

For purposes of determining the amounts of any state 9218
instructional subsidies paid to state colleges, universities, and 9219
other state-assisted institutions of higher education, the 9220
chancellor may exclude students enrolled in any program that the 9221
chancellor has recommended for elimination pursuant to this 9222
division except that the chancellor shall not exclude any such 9223
student who enrolled in the program prior to the date on which the 9224
chancellor initially commences to exclude students under this 9225
division. 9226

The chancellor and state colleges, universities, and other 9227
state-assisted institutions of higher education shall jointly 9228
develop a process for determining which existing graduate or 9229
professional programs constitute unnecessary duplication. 9230

(G) Recommend to the state colleges, universities, and other 9231
state-assisted institutions of higher education programs which 9232
should be added to their present programs; 9233

(H) Conduct studies for the state colleges, universities, and 9234
other state-assisted institutions of higher education to assist 9235
them in making the best and most efficient use of their existing 9236
facilities and personnel; 9237

(I) Make recommendations to the governor and general assembly 9238
concerning the development of state-financed capital plans for 9239
higher education; the establishment of new state colleges, 9240
universities, and other state-assisted institutions of higher 9241

education; and the establishment of new programs at the existing 9242
state colleges, universities, and other institutions of higher 9243
education; 9244

(J) Review the appropriation requests of the public community 9245
colleges and the state colleges and universities and submit to the 9246
office of budget and management and to the chairpersons of the 9247
finance committees of the house of representatives and of the 9248
senate the chancellor's recommendations in regard to the biennial 9249
higher education appropriation for the state, including 9250
appropriations for the individual state colleges and universities 9251
and public community colleges. For the purpose of determining the 9252
amounts of instructional subsidies to be paid to state-assisted 9253
colleges and universities, the chancellor shall define "full-time 9254
equivalent student" by program per academic year. The definition 9255
may take into account the establishment of minimum enrollment 9256
levels in technical education programs below which support 9257
allowances will not be paid. Except as otherwise provided in this 9258
section, the chancellor shall make no change in the definition of 9259
"full-time equivalent student" in effect on November 15, 1981, 9260
which would increase or decrease the number of subsidy-eligible 9261
full-time equivalent students, without first submitting a fiscal 9262
impact statement to the president of the senate, the speaker of 9263
the house of representatives, the legislative service commission, 9264
and the director of budget and management. The chancellor shall 9265
work in close cooperation with the director of budget and 9266
management in this respect and in all other matters concerning the 9267
expenditures of appropriated funds by state colleges, 9268
universities, and other institutions of higher education. 9269

(K) Seek the cooperation and advice of the officers and 9270
trustees of both public and private colleges, universities, and 9271
other institutions of higher education in the state in performing 9272
the chancellor's duties and making the chancellor's plans, 9273

studies, and recommendations;	9274
(L) Appoint advisory committees consisting of persons	9275
associated with public or private secondary schools, members of	9276
the state board of education, or personnel of the state department	9277
of education;	9278
(M) Appoint advisory committees consisting of college and	9279
university personnel, or other persons knowledgeable in the field	9280
of higher education, or both, in order to obtain their advice and	9281
assistance in defining and suggesting solutions for the problems	9282
and needs of higher education in this state;	9283
(N) Approve or disapprove all new degrees and new degree	9284
programs at all state colleges, universities, and other	9285
state-assisted institutions of higher education;	9286
(O) Adopt such rules as are necessary to carry out the	9287
chancellor's duties and responsibilities. The rules shall	9288
prescribe procedures for the chancellor to follow when taking	9289
actions associated with the chancellor's duties and	9290
responsibilities and shall indicate which types of actions are	9291
subject to those procedures. The procedures adopted under this	9292
division shall be in addition to any other procedures prescribed	9293
by law for such actions. However, if any other provision of the	9294
Revised Code or rule adopted by the chancellor prescribes	9295
different procedures for such an action, the procedures adopted	9296
under this division shall not apply to that action to the extent	9297
they conflict with the procedures otherwise prescribed by law. The	9298
procedures adopted under this division shall include at least the	9299
following:	9300
(1) Provision for public notice of the proposed action;	9301
(2) An opportunity for public comment on the proposed action,	9302
which may include a public hearing on the action by the board of	9303
regents;	9304

(3) Methods for parties that may be affected by the proposed action to submit comments during the public comment period;	9305 9306
(4) Submission of recommendations from the board of regents regarding the proposed action, at the request of the chancellor;	9307 9308
(5) Written publication of the final action taken by the chancellor and the chancellor's rationale for the action;	9309 9310
(6) A timeline for the process described in divisions (O)(1) to (5) of this section.	9311 9312
(P) Establish and submit to the governor and the general assembly a clear and measurable set of goals and timetables for their achievement for each program under the chancellor's supervision that is designed to accomplish any of the following:	9313 9314 9315 9316
(1) Increased access to higher education;	9317
(2) Job training;	9318
(3) Adult literacy;	9319
(4) Research;	9320
(5) Excellence in higher education;	9321
(6) Reduction in the number of graduate programs within the same subject area.	9322 9323
In July of each odd-numbered year, the chancellor shall submit to the governor and the general assembly a report on progress made toward these goals.	9324 9325 9326
(Q) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections 3333.12, 3333.122, 3333.21 to 3333.27, and 5910.02 of the Revised Code;	9327 9328 9329 9330
(R) Participate in education-related state or federal programs on behalf of the state and assume responsibility for the administration of such programs in accordance with applicable	9331 9332 9333

state or federal law; 9334

(S) Adopt rules for student financial aid programs as 9335
required by sections 3333.12, 3333.122, 3333.21 to 3333.27, 9336
3333.28, and 5910.02 of the Revised Code, and perform any other 9337
administrative functions assigned to the chancellor by those 9338
sections; 9339

~~(T) Administer contracts under sections 3702.74 and 3702.75 9340
of the Revised Code in accordance with rules adopted by the 9341
director of health under section 3702.79 of the Revised Code; 9342~~

~~(U)~~ Conduct enrollment audits of state-supported institutions 9343
of higher education; 9344

~~(V)~~(U) Appoint ~~consortiums~~ consortia of college and 9345
university personnel to advise or participate in the development 9346
and operation of statewide collaborative efforts, including the 9347
Ohio supercomputer center, the Ohio academic resources network, 9348
OhioLink, and the Ohio learning network. For each consortium, the 9349
chancellor shall designate a college or university to serve as 9350
that consortium's fiscal agent, financial officer, and employer. 9351
Any funds appropriated for the ~~consortiums~~ consortia shall be 9352
distributed to the fiscal agents for the operation of the 9353
~~consortiums~~ consortia. A consortium shall follow the rules of the 9354
college or university that serves as its fiscal agent. The 9355
chancellor may restructure existing consortia, appointed under 9356
this division, in accordance with procedures adopted under 9357
divisions (D)(1) to (6) of this section. 9358

~~(W)~~(V) Adopt rules establishing advisory duties and 9359
responsibilities of the board of regents not otherwise prescribed 9360
by law; 9361

~~(X)~~(W) Respond to requests for information about higher 9362
education from members of the general assembly and direct staff to 9363
conduct research or analysis as needed for this purpose. 9364

Sec. 3333.044. (A) The chancellor of the Ohio board of 9365
regents may contract with any consultants that are necessary for 9366
the discharge of the chancellor's duties under this chapter. 9367

(B) The chancellor may purchase, upon the terms that the 9368
chancellor determines to be advisable, one or more policies of 9369
insurance from insurers authorized to do business in this state 9370
that insure consultants who have contracted with the chancellor 9371
under division (A) of this section or members of an advisory 9372
committee appointed under section 3333.04 of the Revised Code, 9373
with respect to the activities of the consultants or advisory 9374
committee members in the course of the performance of their 9375
responsibilities as consultants or advisory committee members. 9376

(C) Subject to the approval of the controlling board, the 9377
chancellor may contract with any entities for the discharge of the 9378
chancellor's duties and responsibilities under any of the programs 9379
established pursuant to sections 3333.12, 3333.122, 3333.21 to 9380
3333.28, ~~3702.71 to 3702.81~~, and 5120.55, and Chapter 5910. of the 9381
Revised Code. The chancellor shall not enter into a contract under 9382
this division unless the proposed contractor demonstrates that its 9383
primary purpose is to promote access to higher education by 9384
providing student financial assistance through loans, grants, or 9385
scholarships, and by providing high quality support services and 9386
information to students and their families with regard to such 9387
financial assistance. 9388

Chapter 125. of the Revised Code does not apply to contracts 9389
entered into pursuant to this section. In awarding contracts under 9390
this division, the chancellor shall consider factors such as the 9391
cost of the administration of the contract, the experience of the 9392
contractor, and the contractor's ability to properly execute the 9393
contract. 9394

Sec. 3333.122. (A) As used in this section:	9395
(1) "Eligible student" means a student who is:	9396
(a) An Ohio resident who first enrolls in an undergraduate program in the 2006-2007 academic year or thereafter;	9397 9398
(b) If the student first enrolled in an undergraduate program in the 2006-2007 or , <u>2007-2008, or 2008-2009</u> academic year, the student is enrolled in either <u>one</u> of the following:	9399 9400 9401
(i) An accredited institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and is state-assisted, is nonprofit and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code, has a certificate of registration from the state board of career colleges and schools and program authorization to award an associate or bachelor's degree, or is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code. Students who attend an institution that holds a certificate of registration shall be enrolled in a program leading to an associate or bachelor's degree for which associate or bachelor's degree program the institution has program authorization issued under section 3332.05 of the Revised Code.	9402 9403 9404 9405 9406 9407 9408 9409 9410 9411 9412 9413 9414 9415
(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;	9416 9417 9418 9419
<u>(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.</u>	9420 9421 9422 9423
(c) If the student first enrolled in an undergraduate program	9424

after the ~~2007-2008~~ 2008-2009 academic year, the student is 9425
enrolled in ~~either~~ one of the following: 9426

(i) An accredited institution of higher education in this 9427
state that meets the requirements of Title VI of the Civil Rights 9428
Act of 1964 and is state-assisted, is nonprofit and has a 9429
certificate of authorization pursuant to Chapter 1713. of the 9430
Revised Code, or is a private institution exempt from regulation 9431
under Chapter 3332. of the Revised Code as prescribed in section 9432
3333.046 of the Revised Code; 9433

(ii) An education program of at least two years duration 9434
sponsored by a private institution of higher education in this 9435
state that meets the requirements of Title VI of the Civil Rights 9436
Act of 1964 and has a certificate of authorization pursuant to 9437
Chapter 1713. of the Revised Code; 9438

(iii) A nursing diploma program approved by the board of 9439
nursing under division (A)(5) of section 4723.06 of the Revised 9440
Code and that meets the requirements of Title VI of the Civil 9441
Rights Act of 1964. 9442

(2) A student who participated in either the early college 9443
high school program administered by the department of education or 9444
in the post-secondary enrollment options program pursuant to 9445
Chapter 3365. of the Revised Code before the 2006-2007 academic 9446
year shall not be excluded from eligibility for a needs-based 9447
financial aid grant under this section. 9448

(3) "Resident," "expected family contribution" or "EFC," 9449
"full-time student," "three-quarters-time student," "half-time 9450
student," "one-quarter-time student," and "accredited" shall be 9451
defined by rules adopted by the chancellor of the Ohio board of 9452
regents. 9453

(B) The chancellor shall establish and administer a 9454
needs-based financial aid program based on the United States 9455

department of education's method of determining financial need and 9456
may adopt rules to carry out this section. The program shall be 9457
known as the Ohio college opportunity grant program. The general 9458
assembly shall support the needs-based financial aid program by 9459
such sums and in such manner as it may provide, but the chancellor 9460
may also receive funds from other sources to support the program. 9461
If the amounts available for support of the program are inadequate 9462
to provide grants to all eligible students, preference in the 9463
payment of grants shall be given in terms of expected family 9464
contribution, beginning with the lowest expected family 9465
contribution category and proceeding upward by category to the 9466
highest expected family contribution category. 9467

A needs-based financial aid grant shall be paid to an 9468
eligible student through the institution in which the student is 9469
enrolled, except that no needs-based financial aid grant shall be 9470
paid to any person serving a term of imprisonment. Applications 9471
for such grants shall be made as prescribed by the chancellor, and 9472
such applications may be made in conjunction with and upon the 9473
basis of information provided in conjunction with student 9474
assistance programs funded by agencies of the United States 9475
government or from financial resources of the institution of 9476
higher education. The institution shall certify that the student 9477
applicant meets the requirements set forth in divisions (A)(1)(a) 9478
and (b) of this section. Needs-based financial aid grants shall be 9479
provided to an eligible student only as long as the student is 9480
making appropriate progress toward a nursing diploma or an 9481
associate or bachelor's degree. No student shall be eligible to 9482
receive a grant for more than ten semesters, fifteen quarters, or 9483
the equivalent of five academic years. A grant made to an eligible 9484
student on the basis of less than full-time enrollment shall be 9485
based on the number of credit hours for which the student is 9486
enrolled and shall be computed in accordance with a formula 9487
adopted by the chancellor. No student shall receive more than one 9488

grant on the basis of less than full-time enrollment. 9489

A needs-based financial aid grant shall not exceed the total 9490
 instructional and general charges of the institution. 9491

(C) The tables in this division prescribe the maximum grant 9492
 amounts covering two semesters, three quarters, or a comparable 9493
 portion of one academic year. Grant amounts for additional terms 9494
 in the same academic year shall be determined under division (D) 9495
 of this section. 9496

As used in the tables in division (C) of this section: 9497

(1) "Private institution" means an institution that is 9498
 nonprofit and has a certificate of authorization pursuant to 9499
 Chapter 1713. of the Revised Code. 9500

(2) "Career college" means either an institution that holds a 9501
 certificate of registration from the state board of career 9502
 colleges and schools or a private institution exempt from 9503
 regulation under Chapter 3332. of the Revised Code as prescribed 9504
 in section 3333.046 of the Revised Code. 9505

Full-time students shall be eligible to receive awards 9506
 according to the following table: 9507

Full-Time Enrollment 9508

If the EFC is equal to or greater than:	And if the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	
\$2,101	\$2,190	\$300	\$600	\$480	9510
2,001	2,100	402	798	642	9511
1,901	2,000	498	1,002	798	9512

1,801	1,900	600	1,200	960	9513
1,701	1,800	702	1,398	1,122	9514
1,601	1,700	798	1,602	1,278	9515
1,501	1,600	900	1,800	1,440	9516
1,401	1,500	1,002	1,998	1,602	9517
1,301	1,400	1,098	2,202	1,758	9518
1,201	1,300	1,200	2,400	1,920	9519
1,101	1,200	1,302	2,598	2,082	9520
1,001	1,100	1,398	2,802	2,238	9521
901	1,000	1,500	3,000	2,400	9522
801	900	1,602	3,198	2,562	9523
701	800	1,698	3,402	2,718	9524
601	700	1,800	3,600	2,280	9525
501	600	1,902	3,798	3,042	9526
401	500	1,998	4,002	3,198	9527
301	400	2,100	4,200	3,360	9528
201	300	2,202	4,398	3,522	9529
101	200	2,298	4,602	3,678	9530
1	100	2,400	4,800	3,840	9531
0	0	2,496	4,992	3,996	9532

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

Three-Quarters-Time Enrollment

If the EFC is equal to or greater than:	And the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	
\$2,101	\$2,190	\$228	\$450	\$360	9537
2,001	2,100	300	600	480	9538

1,901	2,000	372	750	600	9539
1,801	1,900	450	900	720	9540
1,701	1,800	528	1,050	840	9541
1,601	1,700	600	1,200	960	9542
1,501	1,600	678	1,350	1,080	9543
1,401	1,500	750	1,500	1,200	9544
1,301	1,400	822	1,650	1,320	9545
1,201	1,300	900	1,800	1,440	9546
1,101	1,200	978	1,950	1,560	9547
1,001	1,100	1,050	2,100	1,680	9548
901	1,000	1,128	2,250	1,800	9549
801	900	1,200	2,400	1,920	9550
701	800	1,272	2,550	2,040	9551
601	700	1,350	2,700	2,160	9552
501	600	1,428	2,850	2,280	9553
401	500	1,500	3,000	2,400	9554
301	400	1,578	3,150	2,520	9555
201	300	1,650	3,300	2,640	9556
101	200	1,722	3,450	2,760	9557
1	100	1,800	3,600	2,880	9558
0	0	1,872	3,744	3,000	9559

Half-time students shall be eligible to receive awards 9560
according to the following table: 9561

Half-Time Enrollment 9562

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:	9563
\$2,101	\$2,190	\$150	\$300	\$240	9564

2,001	2,100	204	402	324	9565
1,901	2,000	252	504	402	9566
1,801	1,900	300	600	480	9567
1,701	1,800	354	702	564	9568
1,601	1,700	402	804	642	9569
1,501	1,600	450	900	720	9570
1,401	1,500	504	1,002	804	9571
1,301	1,400	552	1,104	882	9572
1,201	1,300	600	1,200	960	9573
1,101	1,200	654	1,302	1,044	9574
1,001	1,100	702	1,404	1,122	9575
901	1,000	750	1,500	1,200	9576
801	900	804	1,602	1,284	9577
701	800	852	1,704	1,362	9578
601	700	900	1,800	1,440	9579
501	600	954	1,902	1,524	9580
401	500	1,002	2,004	1,602	9581
301	400	1,050	2,100	1,680	9582
201	300	1,104	2,202	1,764	9583
101	200	1,152	2,304	1,842	9584
1	100	1,200	2,400	1,920	9585
0	0	1,248	2,496	1,998	9586

One-quarter-time students shall be eligible to receive awards 9587
according to the following table: 9588

One-Quarter-Time Enrollment 9589

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:	9590
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\$2,101	\$2,190	\$78	\$150	\$120	9591
2,001	2,100	102	198	162	9592
1,901	2,000	126	252	198	9593
1,801	1,900	150	300	240	9594
1,701	1,800	174	348	282	9595
1,601	1,700	198	402	318	9596
1,501	1,600	228	450	360	9597
1,401	1,500	252	498	402	9598
1,301	1,400	276	552	438	9599
1,201	1,300	300	600	480	9600
1,101	1,200	324	648	522	9601
1,001	1,100	348	702	558	9602
901	1,000	378	750	600	9603
801	900	402	798	642	9604
701	800	426	852	678	9605
601	700	450	900	720	9606
501	600	474	948	762	9607
401	500	498	1,002	798	9608
301	400	528	1,050	840	9609
201	300	552	1,098	882	9610
101	200	576	1,152	918	9611
1	100	600	1,200	960	9612
0	0	624	1,248	1,002	9613

(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 9624
religious profession unless such course of study leads to an 9625
accredited bachelor of arts, bachelor of science, associate of 9626
arts, or associate of science degree. 9627

(F)(1) Except as provided in division (F)(2) of this section, 9628
no grant shall be made to any student for enrollment during a 9629
fiscal year in an institution with a cohort default rate 9630
determined by the United States secretary of education pursuant to 9631
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 9632
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 9633
preceding the fiscal year, equal to or greater than thirty per 9634
cent for each of the preceding two fiscal years. 9635

(2) Division (F)(1) of this section does not apply to the 9636
following: 9637

(a) Any student enrolled in an institution that under the 9638
federal law appeals its loss of eligibility for federal financial 9639
aid and the United States secretary of education determines its 9640
cohort default rate after recalculation is lower than the rate 9641
specified in division (F)(1) of this section or the secretary 9642
determines due to mitigating circumstances the institution may 9643
continue to participate in federal financial aid programs. The 9644
chancellor shall adopt rules requiring institutions to provide 9645
information regarding an appeal to the chancellor. 9646

(b) Any student who has previously received a grant under 9647
this section who meets all other requirements of this section. 9648

(3) The chancellor shall adopt rules for the notification of 9649
all institutions whose students will be ineligible to participate 9650
in the grant program pursuant to division (F)(1) of this section. 9651

(4) A student's attendance at an institution whose students 9652
lose eligibility for grants under division (F)(1) of this section 9653
shall not affect that student's eligibility to receive a grant 9654

when enrolled in another institution. 9655

(G) Institutions of higher education that enroll students 9656
receiving needs-based financial aid grants under this section 9657
shall report to the chancellor all students who have received 9658
needs-based financial aid grants but are no longer eligible for 9659
all or part of such grants and shall refund any moneys due the 9660
state within thirty days after the beginning of the quarter or 9661
term immediately following the quarter or term in which the 9662
student was no longer eligible to receive all or part of the 9663
student's grant. There shall be an interest charge of one per cent 9664
per month on all moneys due and payable after such thirty-day 9665
period. The chancellor shall immediately notify the office of 9666
budget and management and the legislative service commission of 9667
all refunds so received. 9668

~~Sec. 3353.20~~ 3333.81. As used in sections ~~3353.20~~ 3333.81 to 9669
~~3353.30~~ 3333.88 of the Revised Code: 9670

(A) "Clearinghouse" means the clearinghouse established under 9671
section ~~3353.21~~ 3333.82 of the Revised Code. 9672

~~(B) "Data verification code" means the code assigned to a 9673
student under division (D)(2) of section 3301.0714 of the Revised 9674
Code. 9675~~

~~(C) "One half unit" of instruction has the same meaning as in 9676
section 3313.603 of the Revised Code. 9677~~

~~(D) "Community school" means a community school established 9678
under Chapter 3314. of the Revised Code. 9679~~

(C) "Common statewide platform" means a software program that 9680
facilitates the delivery of courses via computers from multiple 9681
course providers to multiple end users, tracks the progress of the 9682
end user, and includes an integrated searchable database of 9683
standards-based course content. 9684

(D) "Course provider" means a school district, community school, STEM school, state institution of higher education, private college or university, or nonprofit or for-profit private entity that creates or is an agent of the creator of original course content for a course offered through the clearinghouse. 9685
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(E) "Instructor" means an individual who holds a license issued by the state board of education, as defined in section 3319.31 of the Revised Code, or an individual employed as an instructor or professor by a state institution of higher education or a private college or university. 9690
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(F) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 9695
9696

(G) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code. 9697
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(H) A "student's community school" means the community school established under Chapter 3314. of the Revised Code in which the student is enrolled instead of being enrolled in a school operated by a school district. 9700
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~~(E)~~(I) A "student's school district" means the school district operating the school in which the student is lawfully enrolled. 9704
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(J) "A student's STEM school" means the STEM school in which the student is enrolled instead of being enrolled in a school operated by a school district. 9707
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Sec. ~~3353.21~~ 3333.82. (A) The eTech Ohio commission chancellor of the Ohio board of regents shall establish a clearinghouse of interactive distance learning courses and other distance learning courses delivered via a computer-based method offered by school districts, community schools, STEM schools, 9710
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state institutions of higher education, private colleges and 9715
universities, and other nonprofit and for-profit course providers 9716
for sharing with other school districts and, community schools, 9717
STEM schools, state institutions of higher education, private 9718
colleges and universities, and individuals for the fee set 9719
pursuant to section ~~3353.24~~ 3333.84 of the Revised Code. The 9720
~~commission~~ chancellor shall not be responsible for the content of 9721
courses offered through the clearinghouse; however, all such 9722
courses shall be delivered only in accordance with technical 9723
specifications approved by the ~~commission~~ chancellor and on a 9724
common statewide platform administered by the chancellor. 9725

(B) To offer a course through the clearinghouse, a ~~school~~ 9726
~~district~~ course provider shall apply to the ~~commission~~ chancellor 9727
in a form and manner prescribed by the ~~commission~~ chancellor. The 9728
application for each course shall describe the course of study in 9729
as much detail as required by the ~~commission~~ chancellor, whether 9730
an instructor is provided, the qualification and credentials of 9731
the ~~teacher~~ instructor, the number of hours of instruction, ~~the~~ 9732
~~technology required to deliver and receive the course, the~~ 9733
~~technical capacity of the school district to deliver the course,~~ 9734
~~the times that the school district plans to deliver the course,~~ 9735
and any other information required by the ~~commission~~ chancellor. 9736
The ~~commission~~ chancellor may require ~~school districts~~ course 9737
providers to include in their applications information recommended 9738
by the state board of education under former section 3353.30 of 9739
the Revised Code. 9740

(C) The ~~commission~~ chancellor shall review the technical 9741
specifications of each application submitted under division (B) of 9742
this section and ~~shall approve a course offered if the commission~~ 9743
~~determines that the school district can satisfactorily deliver the~~ 9744
~~course through the technology necessary for that delivery. In~~ 9745
reviewing applications, the ~~commission~~ chancellor may consult with 9746

the department of education; however, the responsibility to either 9747
approve or not approve a course for the clearinghouse belongs to 9748
the ~~commission~~ chancellor. The ~~commission~~ chancellor may request 9749
additional information from a ~~school district~~ course provider that 9750
submits an application under division (B) of this section, if the 9751
~~commission~~ chancellor determines that such information is 9752
necessary. The ~~commission~~ chancellor may negotiate changes in the 9753
proposal to offer a course, if the ~~commission~~ chancellor 9754
determines that changes are necessary in order to approve the 9755
course. 9756

(D) The ~~commission~~ chancellor shall catalog each course 9757
approved for the clearinghouse, through a print or electronic 9758
medium, displaying the following: 9759

(1) Information necessary for a student and the student's 9760
parent, guardian, or custodian and the student's school district 9761
~~or~~, community school, STEM school, college, or university to 9762
decide whether to enroll in or subscribe to the course; 9763

(2) Instructions for enrolling in that course, including 9764
deadlines for enrollment. 9765

(E) Any expenses related to the installation of a course into 9766
the common statewide platform shall be borne by the course 9767
provider. 9768

(F) The chancellor may contract with an entity to perform any 9769
or all of the chancellor's duties under sections 3333.81 to 9770
3333.88 of the Revised Code. 9771

Sec. ~~3353.22~~ 3333.83. (A) A student who is enrolled in a 9772
school operated by a school district or in a community school or 9773
STEM school may enroll in a course ~~included in~~ through the 9774
clearinghouse only if both of the following conditions are 9775
satisfied: 9776

(1) The student's enrollment in the course is approved by the student's school district ~~or the student's~~, community school, or STEM school. 9777
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(2) The student's school district ~~or the student's~~, community school, or STEM school agrees to accept for credit the grade assigned by the ~~district that is delivering the~~ course provider, if that provider is another school district, community school, or STEM school. 9780
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(B) For each student enrolled in a school operated by a school district or in a community school or STEM school who is enrolling in a course provided through the clearinghouse by another school district, community school, or STEM school, the student's school district ~~or the student's~~, community school, or STEM school shall transmit ~~the student's data verification code and~~ the student's name to the ~~school district delivering the~~ course provider. 9785
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The ~~district delivering the~~ course provider may request from the student's school district ~~or the student's~~, community school, or STEM school other information from the student's school record. The ~~student's school~~ district or ~~the student's~~ community school shall provide the requested information only in accordance with section 3319.321 of the Revised Code. 9793
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(C) The student's school district ~~or the student's~~, community school, or STEM school shall determine the manner in which and facilities at which the student shall participate in the course consistent with specifications for technology and connectivity adopted by the ~~commission~~ chancellor of the Ohio board of regents. 9799
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(D) A student may withdraw from a course prior to the end of the course only by a date and in a manner prescribed by the student's school district ~~or~~, community school, or STEM school. 9804
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(E) A student who is enrolled in a school operated by a school district or in a community school or STEM school and who takes a course ~~included in~~ through the clearinghouse shall be counted in the formula ADM of a school district under section 3317.03 of the Revised Code as if the student were taking the course from the student's school district ~~or the student's,~~ community school, or STEM school.

Sec. 3333.84. (A) The fee charged for any course offered through the clearinghouse shall be set by the course provider.

(B) The chancellor of the Ohio board of regents shall prescribe the manner in which the fee for a course shall be collected or deducted from the school district, school, college or university, or individual subscribing to the course and in which manner the fee shall be paid to the course provider.

(C) The chancellor may retain a percentage of the fee charged for a course to offset the cost of maintaining and operating the clearinghouse, including the payment of compensation for an entity or a private entity that is under contract with the chancellor under division (F) of section 3333.82 of the Revised Code. The percentage retained shall be determined by the chancellor.

Sec. 3353.26 3333.85. The grade for a student who enrolls in enrolled in a school operated by a school district or in a community school or STEM school for a course included in provided through the clearinghouse by another school district, community school, or STEM school shall be assigned by the school district that delivers the course provider and shall be transmitted by that district to the student's school district ~~or the student's,~~ community school, or STEM school.

Sec. 3353.27 3333.86. The eTech Ohio commission chancellor of

the Ohio board of regents may determine the manner in which a 9838
course included in the clearinghouse may be offered as a dual 9839
enrollment program as defined in section 3313.6013 of the Revised 9840
Code, may be offered to students who are enrolled in nonpublic 9841
schools or are instructed at home pursuant to section 3321.04 of 9842
the Revised Code, or may be offered at times outside the normal 9843
school day or school week, including any necessary additional fees 9844
and methods of payment for a course so offered. 9845

Sec. ~~3353.28~~ 3333.87. The ~~eTech Ohio commission~~ chancellor of 9846
the Ohio board of regents shall adopt rules in accordance with 9847
Chapter 119. of the Revised Code prescribing procedures for the 9848
implementation of sections ~~3353.20 to 3353.27~~ 3333.81 to 3333.86 9849
of the Revised Code. 9850

Sec. ~~3353.29~~ 3333.88. Nothing in sections ~~3353.20 to 3353.28~~ 9851
~~3333.81 to 3333.87~~ of the Revised Code, or in rules implementing 9852
those sections, shall prohibit a school district, community 9853
school, STEM school, or college or university from offering an 9854
interactive distance learning course or other distance learning 9855
course using a computer-based method through any means other than 9856
the clearinghouse established and maintained under those sections. 9857
9858

Sec. 3335.05. Before entering upon the duties of ~~his~~ office 9859
the treasurer of the Ohio state university shall give evidence of 9860
bond to the state or insurance in such sum as the board of 9861
trustees determines, ~~but not a less sum than the probable amount~~ 9862
~~that will be under his control in any one year, conditioned for~~ 9863
the faithful discharge of ~~his~~ official duties and the payment of 9864
all moneys coming into ~~his~~ the treasurer's hands, ~~the bond to be~~ 9865
~~approved by the attorney general.~~ Such evidence of bond or 9866
insurance shall be deposited with the secretary of state and kept 9867

in ~~his~~ the secretary of state's office. 9868

Sec. 3341.03. The board of trustees of Bowling Green state 9869
university and Kent state university, respectively, shall annually 9870
elect from their members, a president and a vice-president; and 9871
they may also appoint a secretary of the board, a treasurer, and 9872
such other officers of the university as the interests of the 9873
respective universities require, who may be members of the board. 9874
The treasurers, before entering upon the discharge of their 9875
duties, shall give bonds to the state or be insured for the 9876
faithful performance of their duties and the proper accounting for 9877
all moneys coming into their care. The amount of said bonds or 9878
insurance shall be determined by the boards, but shall not be for 9879
a less sum than the estimated amount which may come into their 9880
control at any time, less any reasonable deductible. ~~Said bonds~~ 9881
~~shall be approved by the attorney general.~~ 9882

Sec. 3343.08. The treasurer of the central state university, 9883
before entering upon the discharge of the treasurer's duties, 9884
shall give a bond to the state or be insured for the faithful 9885
performance of the treasurer's duties and the proper accounting 9886
for all moneys coming into the treasurer's care. The amount of the 9887
bond or insurance shall be determined by the board of trustees of 9888
central state university, but shall not be for a sum less than the 9889
amount that the board estimates may come into the treasurer's 9890
control at any time, less any reasonable deductible. ~~The bond~~ 9891
~~shall be approved by the attorney general.~~ 9892

Sec. 3344.02. The board of trustees of Cleveland state 9893
university shall annually elect from their members a ~~chairman~~ 9894
chairperson and a ~~vice-chairman~~ vice-chairperson; and they may 9895
also appoint a secretary of the board, a treasurer, and such other 9896
officers of the university as the interest of the university 9897

requires, who may be members of the board. The treasurer, before 9898
entering upon the discharge of ~~his~~ official duties, shall give 9899
bond to the state or be insured for the faithful performance of 9900
~~his~~ the treasurer's duties and the proper accounting for all 9901
moneys coming into ~~his~~ the treasurer's care. The amount of said 9902
bond or insurance shall be determined by the board, but shall not 9903
be for a sum less than the estimated amount which may come into 9904
~~his~~ the treasurer's control at any time, less any reasonable 9905
deductible. ~~Said bond shall be approved by the attorney general.~~ 9906

Sec. 3352.02. The board of trustees of Wright state 9907
university shall annually elect from their members a ~~chairman~~ 9908
chairperson and ~~vice-chairman~~ vice-chairperson; and they may also 9909
appoint a secretary of the board, a treasurer, and such other 9910
officers of the university as the interest of the university 9911
requires, who may be members of the board. The treasurer, before 9912
entering upon the discharge of ~~his~~ official duties, shall give 9913
bond to the state or be insured for the faithful performance of 9914
~~his~~ the treasurer's duties and the proper accounting for all 9915
moneys coming into ~~his~~ the treasurer's care. The amount of said 9916
bond or insurance shall be determined by the board, but shall not 9917
be for a sum less than the estimated amount which may come into 9918
~~his~~ the treasurer's control at any time, less any reasonable 9919
deductible. ~~Said bond shall be approved by the attorney general.~~ 9920

Sec. 3353.02. (A) There is hereby created the eTech Ohio 9921
commission as an independent agency to advance education and 9922
accelerate the learning of the citizens of this state through 9923
technology. The commission shall provide leadership and support in 9924
extending the knowledge of the citizens of this state by promoting 9925
access to and use of all forms of educational technology, 9926
including educational television and radio, radio reading 9927
services, broadband networks, videotapes, compact discs, digital 9928

video on demand (DVD), and the internet. The commission also shall 9929
administer programs to provide financial and other assistance to 9930
school districts and other educational institutions for the 9931
acquisition and utilization of educational technology. 9932

The commission is a body corporate and politic, an agency of 9933
the state performing essential governmental functions of the 9934
state. 9935

(B) The commission shall consist of thirteen members, nine of 9936
whom shall be voting members. Six of the voting members shall be 9937
representatives of the public. Of the representatives of the 9938
public, four shall be appointed by the governor with the advice 9939
and consent of the senate, one shall be appointed by the speaker 9940
of the house of representatives, and one shall be appointed by the 9941
president of the senate. The superintendent of public instruction 9942
or a designee of the superintendent, the chancellor of the Ohio 9943
board of regents or a designee of the chancellor, and the ~~director~~ 9944
~~of the office of information technology~~ state chief information 9945
officer or a designee of the ~~director~~ officer shall be ex officio 9946
voting members. Of the nonvoting members, two shall be members of 9947
the house of representatives appointed by the speaker of the house 9948
of representatives and two shall be members of the senate 9949
appointed by the president of the senate. The members appointed 9950
from each chamber shall not be members of the same political 9951
party. 9952

(C) Initial terms of office for members appointed by the 9953
governor shall be one year for one member, two years for one 9954
member, three years for one member, and four years for one member. 9955
At the first meeting of the commission, members appointed by the 9956
governor shall draw lots to determine the length of the term each 9957
member will serve. Thereafter, terms of office for members 9958
appointed by the governor shall be for four years. Terms of office 9959

for voting members appointed by the speaker of the house of 9960
representatives and the president of the senate shall be for four 9961
years. Any member who is a representative of the public may be 9962
reappointed by the member's respective appointing authority, but 9963
no such member may serve more than two consecutive four-year 9964
terms. Such a member may be removed by the member's respective 9965
appointing authority for cause. 9966

Any legislative member appointed by the speaker of the house 9967
of representatives or the president of the senate who ceases to be 9968
a member of the legislative chamber from which the member was 9969
appointed shall cease to be a member of the commission. The 9970
speaker of the house of representatives and the president of the 9971
senate may remove their respective appointments to the commission 9972
at any time. 9973

(D) Vacancies among appointed members shall be filled in the 9974
manner provided for original appointments. Any member appointed to 9975
fill a vacancy occurring prior to the expiration of the term for 9976
which the member's predecessor was appointed shall hold office for 9977
the remainder of that term. Any appointed member shall continue in 9978
office subsequent to the expiration of that member's term until 9979
the member's successor takes office or until a period of sixty 9980
days has elapsed, whichever occurs first. 9981

(E) Members of the commission shall serve without 9982
compensation. The members who are representatives of the public 9983
shall be reimbursed, pursuant to office of budget and management 9984
guidelines, for actual and necessary expenses incurred in the 9985
performance of official duties. 9986

(F) The governor shall appoint the chairperson of the 9987
commission from among the commission's voting members. The 9988
chairperson shall serve a term of two years and may be 9989
reappointed. The commission shall elect other officers as 9990
necessary from among its voting members and shall prescribe its 9991

rules of procedure. 9992

(G) The commission shall establish advisory groups as needed 9993
to address topics of interest and to provide guidance to the 9994
commission regarding educational technology issues and the 9995
technology needs of educators, learners, and the public. Members 9996
of each advisory group shall be appointed by the commission and 9997
shall include representatives of individuals or organizations with 9998
an interest in the topic addressed by the advisory group. 9999

Sec. 3354.16. (A) When the board of trustees of a community 10000
college district has by resolution determined to let by contract 10001
the work of improvements pursuant to the official plan of such 10002
district, contracts in amounts exceeding a dollar amount set by 10003
the board, which dollar amount shall not exceed fifty thousand 10004
dollars, shall be advertised after notices calling for bids have 10005
been published once a week for three consecutive weeks, in at 10006
least one newspaper of general circulation within the community 10007
college district wherein the work is to be done. Subject to 10008
section 3354.10 of the Revised Code, the board of trustees of the 10009
district may let such contract to the lowest responsive and 10010
responsible bidder, in accordance with section 9.312 of the 10011
Revised Code, who meets the requirements of section 153.54 of the 10012
Revised Code. Such contract shall be in writing and shall be 10013
accompanied by or shall refer to plans and specifications for the 10014
work to be done. Such contract shall be approved by the board of 10015
trustees and signed by the president of the board and by the 10016
contractor. 10017

(B) On the first day of January of every even-numbered year, 10018
the chancellor of the board of regents shall adjust the fifty 10019
thousand dollar contract limit set forth in division (A) of this 10020
section, as adjusted in any previous year pursuant to this 10021
division. The chancellor shall adjust the limit according to the 10022

average increase or decrease for each of the two years immediately 10023
preceding the adjustment as set forth in the United States 10024
department of commerce, bureau of ~~the census~~ economic analysis 10025
implicit price deflator for ~~construction~~ gross domestic product, 10026
nonresidential structures, or an alternative if the federal 10027
government ceases to publish this metric, provided that no 10028
increase or decrease for any year shall exceed three per cent of 10029
the contract limit in existence at the time of the adjustment. 10030
Notwithstanding division (A) of this section, the limit adjusted 10031
under this division shall be used thereafter in lieu of the limit 10032
in division (A) of this section. 10033

(C) Before entering into an improvement pursuant to division 10034
(A) of this section, the board of trustees of a community college 10035
district shall require separate and distinct proposals to be made 10036
for furnishing materials or doing work on the improvement, or 10037
both, in the board's discretion, for each separate and distinct 10038
branch or class of work entering into the improvement. The board 10039
of trustees also may require a single, combined proposal for the 10040
entire project for materials or doing work, or both, in the 10041
board's discretion, that includes each separate and distinct 10042
branch or class of work entering into the improvement. The board 10043
of trustees need not solicit separate proposals for a branch or 10044
class of work for an improvement if the estimate cost for that 10045
branch or class of work is less than five thousand dollars. 10046

(D) When more than one branch or class of work is required, 10047
no contract for the entire job, or for a greater portion thereof 10048
than is embraced in one such branch or class of work shall be 10049
awarded, unless the separate bids do not cover all the work and 10050
materials required or the bids for the whole or for two or more 10051
kinds of work or materials are lower than the separate bids in the 10052
aggregate. The board of trustees need not award separate contracts 10053
for a branch or class of work entering into an improvement if the 10054

estimated cost for that branch or class of work is less than five 10055
thousand dollars. 10056

Sec. 3355.12. (A) When the managing authority of the 10057
university branch district has determined to let by contract the 10058
work of improvements, contracts in amounts exceeding a dollar 10059
amount set by the managing authority, which dollar amount shall 10060
not exceed fifty thousand dollars, shall be advertised after 10061
notices calling for bids have been published once a week for three 10062
consecutive weeks, in at least one newspaper of general 10063
circulation within the university branch district wherein the work 10064
is to be done. Such managing authority may let such contract to 10065
the lowest responsive and responsible bidder, in accordance with 10066
section 9.312 of the Revised Code, who meets the requirements of 10067
section 153.54 of the Revised Code. Such contract shall be in 10068
writing and shall be accompanied by or shall refer to plans and 10069
specifications for the work to be done. Such contract shall be 10070
approved by the managing authority of the university branch 10071
district and signed by the chairperson or vice-chairperson of the 10072
managing authority and by the contractor. 10073

(B) On the first day of January of every even-numbered year, 10074
the chancellor of the board of regents shall adjust the fifty 10075
thousand dollar contract limit set forth in division (A) of this 10076
section, as adjusted in any previous year pursuant to this 10077
division. The chancellor shall adjust the limit according to the 10078
average increase or decrease for each of the two years immediately 10079
preceding the adjustment as set forth in the United States 10080
department of commerce, bureau of ~~the census~~ economic analysis 10081
implicit price deflator for construction gross domestic product, 10082
nonresidential structures, or an alternative if the federal 10083
government ceases to publish this metric, provided that no 10084
increase or decrease for any year shall exceed three per cent of 10085
the contract limit in existence at the time of the adjustment. 10086

Notwithstanding division (A) of this section, the limit adjusted 10087
under this division shall be used thereafter in lieu of the limit 10088
in division (A) of this section. 10089

(C) Before entering into an improvement pursuant to division 10090
(A) of this section, the managing authority of the university 10091
branch district shall require separate and distinct proposals to 10092
be made for furnishing materials or doing work on the improvement, 10093
or both, in the board's discretion, for each separate and distinct 10094
branch or class of work entering into the improvement. The 10095
managing authority also may require a single, combined proposal 10096
for the entire project for materials or doing work, or both, in 10097
the board's discretion, that includes each separate and distinct 10098
branch or class of work entering into the improvement. The 10099
managing authority need not solicit separate proposals for a 10100
branch or class of work for an improvement if the estimate cost 10101
for that branch or class of work is less than five thousand 10102
dollars. 10103

(D) When more than one branch or class of work is required, 10104
no contract for the entire job, or for a greater portion thereof 10105
than is embraced in one such branch or class of work shall be 10106
awarded, unless the separate bids do not cover all the work and 10107
materials required or the bids for the whole or for two or more 10108
kinds of work or materials are lower than the separate bids in the 10109
aggregate. The managing authority need not award separate 10110
contracts for a branch or class of work entering into an 10111
improvement if the estimated cost for that branch or class of work 10112
is less than five thousand dollars. 10113

Sec. 3356.02. The board of trustees of Youngstown state 10114
university shall annually elect from their members a ~~chairman~~ 10115
chairperson and a ~~vice-chairman~~ vice-chairperson; and they may 10116
also appoint a secretary of the board, a treasurer, and such other 10117

officers of the university as the interest of the university 10118
requires, who may be members of the board. The treasurer, before 10119
entering upon the discharge of ~~his~~ official duties, shall give 10120
bond to the state or be insured for faithful performance of ~~his~~ 10121
the treasurer's duties and the proper accounting for all moneys 10122
coming into ~~his~~ the treasurer's care. The amount of said bond or 10123
insurance shall be determined by the board, but shall not be for a 10124
sum less than the estimated amount which may come into ~~his~~ the 10125
treasurer's control at any time, less any reasonable deductible. 10126
~~Said bond shall be approved by the attorney general.~~ 10127

Sec. 3357.16. (A) When the board of trustees of a technical 10128
college district has by resolution determined to let by contract 10129
the work of improvements pursuant to the official plan of such 10130
district, contracts in amounts exceeding a dollar amount set by 10131
the board, which dollar amount shall not exceed fifty thousand 10132
dollars, shall be advertised after notice calling for bids has 10133
been published once a week for three consecutive weeks, in at 10134
least one newspaper of general circulation within the technical 10135
college district where the work is to be done. The board of 10136
trustees of the technical college district may let such contract 10137
to the lowest responsive and responsible bidder, in accordance 10138
with section 9.312 of the Revised Code, who meets the requirements 10139
of section 153.54 of the Revised Code. Such contract shall be in 10140
writing and shall be accompanied by or shall refer to plans and 10141
specifications for the work to be done. Such contract shall be 10142
approved by the board of trustees and signed by the president of 10143
the board and by the contractor. 10144

(B) On the first day of January of every even-numbered year, 10145
the chancellor of the board of regents shall adjust the fifty 10146
thousand dollar contract limit set forth in division (A) of this 10147
section, as adjusted in any previous year pursuant to this 10148
division. The chancellor shall adjust the limit according to the 10149

average increase or decrease for each of the two years immediately 10150
preceding the adjustment as set forth in the United States 10151
department of commerce, bureau of ~~the census~~ economic analysis 10152
implicit price deflator for ~~construction~~ gross domestic product, 10153
nonresidential structures, or an alternative if the federal 10154
government ceases to publish this metric, provided that no 10155
increase or decrease for any year shall exceed three per cent of 10156
the contract limit in existence at the time of the adjustment. 10157
Notwithstanding division (A) of this section, the limit adjusted 10158
under this division shall be used thereafter in lieu of the limit 10159
in division (A) of this section. 10160

(C) Before entering into an improvement pursuant to division 10161
(A) of this section, the board of trustees of a technical college 10162
district shall require separate and distinct proposals to be made 10163
for furnishing materials or doing work on the improvement, or 10164
both, in the board's discretion, for each separate and distinct 10165
branch or class of work entering into the improvement. The board 10166
of trustees also may require a single, combined proposal for the 10167
entire project for materials or doing work, or both, in the 10168
board's discretion, that includes each separate and distinct 10169
branch or class of work entering into the improvement. The board 10170
of trustees need not solicit separate proposals for a branch or 10171
class of work for an improvement if the estimate cost for that 10172
branch or class of work is less than five thousand dollars. 10173

(D) When more than one branch or class of work is required, 10174
no contract for the entire job, or for a greater portion thereof 10175
than is embraced in one such branch or class of work shall be 10176
awarded, unless the separate bids do not cover all the work and 10177
materials required or the bids for the whole or for two or more 10178
kinds of work or materials are lower than the separate bids in the 10179
aggregate. The board of trustees need not award separate contracts 10180
for a branch or class of work entering into an improvement if the 10181

estimated cost for that branch or class of work is less than five 10182
thousand dollars. 10183

Sec. 3359.02. The board of trustees of the university of 10184
Akron shall annually elect from their members a ~~chairman~~ 10185
chairperson and a ~~vice-chairman~~ vice-chairperson; and they may 10186
also appoint a secretary of the board, a treasurer, and such other 10187
officers of the university as the interest of the university 10188
requires, who may be members of the board. The treasurer, before 10189
entering upon the discharge of ~~his~~ official duties, shall give 10190
bond to the state or be insured for the faithful performance of 10191
~~his~~ the treasurer's duties and the proper accounting for all 10192
moneys coming into ~~his~~ the treasurer's care. The amount of said 10193
bonds or insurance shall be determined by the board, but shall not 10194
be for a sum less than the estimated amount which may come into 10195
~~his~~ the treasurer's control at any time, less any reasonable 10196
deductible. ~~Said bond shall be approved by the attorney general.~~ 10197

Sec. 3361.02. The board of trustees of the university of 10198
Cincinnati shall annually elect from their members a ~~chairman~~ 10199
chairperson and a ~~vice-chairman~~ vice-chairperson, and they may 10200
also appoint a secretary of the board, a treasurer, and such other 10201
officers of the university as the interests of the university 10202
require, who may be members of the board. The treasurer, before 10203
entering upon the discharge of ~~his~~ official duties, shall give 10204
bond to the state or be insured for the faithful performance of 10205
~~his~~ the treasurer's duties and the proper accounting for all 10206
moneys coming into ~~his~~ the treasurer's care. The amount of said 10207
bond or insurance shall be determined by the board, but shall not 10208
be for a sum less than the estimated amount which may come into 10209
~~his~~ the treasurer's control at any time, less any reasonable 10210
deductible. ~~Said bond shall be approved by the attorney general.~~ 10211

Sec. 3364.02. The board of trustees of the university of 10212
Toledo annually shall elect from among its members a chairperson 10213
and a vice-chairperson, and also may appoint a secretary of the 10214
board, a treasurer, and such other officers of the university as 10215
the interest of the university requires, who may be members of the 10216
board. The treasurer, before entering upon the discharge of 10217
official duties, shall give bond to the state or be insured for 10218
the faithful performance of the treasurer's duties and the proper 10219
accounting for all moneys coming into the treasurer's care. The 10220
amount of that bond or insurance shall be determined by the board, 10221
but shall not be for a sum less than the estimated amount which 10222
may come into the treasurer's control at any time, less any 10223
reasonable deductible. 10224

Sec. 3365.15. The program known as "seniors to sophomores," 10225
or any successor name, shall permit nonpublic school students to 10226
participate. 10227

Sec. 3702.71. As used in sections 3702.71 to 3702.81 of the 10228
Revised Code: 10229

(A) "Primary care physician" means an individual who is 10230
authorized under Chapter 4731. of the Revised Code to practice 10231
medicine and surgery or osteopathic medicine and surgery and is 10232
board certified or board eligible in a primary care specialty. 10233

(B) "Primary care service" means professional comprehensive 10234
personal health services, which may include health education and 10235
disease prevention, treatment of uncomplicated health problems, 10236
diagnosis of chronic health problems, overall management of health 10237
care services for an individual or a family, and the services of a 10238
psychiatrist. "Primary care service" also includes providing the 10239
initial contact for health care services and making referrals for 10240
secondary and tertiary care and for continuity of health care 10241

services. 10242

(C) "Primary care specialty" means general internal medicine, 10243
pediatrics, adolescent medicine, obstetrics and gynecology, 10244
psychiatry, child and adolescent psychiatry, geriatric psychiatry, 10245
combined internal medicine and pediatrics, geriatrics, or family 10246
practice. 10247

Sec. 3702.72. (A) A primary care physician who will not have 10248
an outstanding obligation for medical service to the federal 10249
government, a state, or other entity at the time of participation 10250
in the physician loan repayment program and meets one of the 10251
following requirements may apply for participation in the 10252
physician loan repayment program: 10253

(1) The primary care physician is enrolled in the final year 10254
of an accredited program required for board certification in a 10255
primary care specialty. 10256

(2) The primary care physician is enrolled in the final year 10257
of a fellowship program in a primary care specialty. 10258

(3) The primary care physician holds a valid certificate to 10259
practice medicine and surgery or osteopathic medicine and surgery 10260
issued under Chapter 4731. of the Revised Code. 10261

(B) An application for participation in the physician loan 10262
repayment program shall be submitted to the director of health on 10263
a form that the director shall prescribe. The information required 10264
to be submitted with an application includes the following: 10265

(1) The applicant's name, permanent address or address at 10266
which the applicant is currently residing if different from the 10267
permanent address, and telephone number; 10268

(2) The applicant's primary care specialty or specialties; 10269

(3) The medical school or osteopathic medical school the 10270
applicant attended, the dates of attendance, and verification of 10271

attendance;	10272
(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;	10273 10274 10275
(5) <u>If applicable, the facility or institution where the applicant's fellowship was completed or is being performed, and, if completed, the date of completion;</u>	10276 10277 10278
(6) A summary and verification of the educational expenses for which the applicant seeks reimbursement under the program;	10279 10280
(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;	10281 10282 10283
(7) (8) Verification of the applicant's United States citizenship or status as a legal alien.	10284 10285
Sec. 3702.73. If <u>funds are available in the physician loan repayment fund created under section 3702.78 of the Revised Code</u> 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.	10286 10287 10288 10289 10290 10291 10292 10293 10294
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.	10295 10296 10297 10298 10299 10300
If the director and applicant agree on the applicant's	10301

placement at a particular site within a health resource shortage 10302
area, the applicant shall prepare, sign, and deliver to the 10303
director a letter of intent agreeing to that placement. 10304

Sec. 3702.74. (A) A primary care physician who has signed a 10305
letter of intent under section 3702.73 of the Revised Code, and 10306
~~the director of health, and the Ohio board of regents~~ may enter 10307
into a contract for the physician's participation in the physician 10308
loan repayment program. ~~A lending institution~~ The physician's 10309
employer or other funding source may also be a party to the 10310
contract. 10311

(B) The contract shall include all of the following 10312
obligations: 10313

(1) The primary care physician agrees to provide primary care 10314
services in the health resource shortage area identified in the 10315
letter of intent for at least two years ~~or one year per twenty~~ 10316
~~thousand dollars of repayment agreed to under division (B)(3) of~~ 10317
~~this section, whichever is greater;~~ 10318

(2) When providing primary care services in the health 10319
resource shortage area, the primary care physician agrees to do 10320
all of the following: 10321

(a) Provide primary care services for a minimum of forty 10322
hours per week, of which at least twenty-one hours will be spent 10323
providing patient care in an outpatient or ambulatory setting; 10324

(b) Provide primary care services without regard to a 10325
patient's ability to pay; 10326

(c) Meet the conditions prescribed by the "Social Security 10327
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and the 10328
department of job and family services for participation in the 10329
~~medical assistance~~ medicaid program established under Chapter 10330
5111. of the Revised Code and enter into a contract with the 10331

department to provide primary care services to recipients of the 10332
medical assistance program; 10333

(d) Meet the conditions established by the department of job 10334
and family services for participation in the disability medical 10335
assistance program established under Chapter 5115. of the Revised 10336
Code and enter into a contract with the department to provide 10337
primary care services to recipients of disability medical 10338
assistance. 10339

(3) ~~The Ohio board of regents~~ department of health agrees, as 10340
provided in section 3702.75 of the Revised Code, to repay, so long 10341
as the primary care physician performs the service obligation 10342
agreed to under division (B)(1) of this section, all or part of 10343
the principal and interest of a government or other educational 10344
loan taken by the primary care physician for expenses described in 10345
section 3702.75 of the Revised Code; 10346

(4) The primary care physician agrees to pay the ~~board the~~ 10347
~~following as damages~~ department of health an amount established by 10348
rules adopted under section 3702.79 of the Revised Code if the 10349
physician fails to complete the service obligation agreed to under 10350
division (B)(1) of this section+ 10351

~~(a) If the failure occurs during the first two years of the~~ 10352
~~service obligation, three times the total amount the board has~~ 10353
~~agreed to repay under division (B)(3) of this section;~~ 10354

~~(b) If the failure occurs after the first two years of the~~ 10355
~~service obligation, three times the amount the board is still~~ 10356
~~obligated to repay under division (B)(3) of this section.~~ 10357

(C) The contract may include any other terms agreed upon by 10358
the parties, ~~including an assignment to the Ohio board of regents~~ 10359
~~of the physician's duty to pay the principal and interest of a~~ 10360
~~government or other educational loan taken by the physician for~~ 10361
~~expenses described in section 3702.75 of the Revised Code. If the~~ 10362

~~board assumes the physician's duty to pay a loan, the contract shall set forth the total amount of principal and interest to be paid, an amortization schedule, and the amount of each payment to be made under the schedule.~~

Sec. 3702.75. There is hereby created the physician loan repayment program. Under the program, the ~~Ohio board of regents~~ department of health, by means of a contract provision under division (B)(3) of section 3702.74 of the Revised Code, may agree to repay all or part of the principal and interest of a government or other educational loan taken by a primary care physician for the following expenses, so long as the expenses were incurred while the physician was enrolled in, for up to a maximum of four years, a medical school or osteopathic medical school in the United States that was, during the time enrolled, accredited by the liaison committee on medical education or the American osteopathic association, or a medical school or osteopathic medical school located outside the United States that was, during the time enrolled, acknowledged by the world health organization and verified by a member state of that organization as operating within the state's jurisdiction:

(A) Tuition;

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

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

~~No~~ In the first and second years, no repayment shall exceed ~~twenty~~ twenty-five thousand dollars in ~~any~~ each year. In the third and fourth years, no repayment shall exceed thirty-five thousand dollars in each year. If, however, a repayment results in an increase in the primary care physician's federal, state, or local

income tax liability, ~~the Ohio board of regents,~~ at the 10394
physician's request ~~and with the approval of the director of~~ 10395
~~health,~~ the department may reimburse the physician for the 10396
increased tax liability, regardless of the amount of the repayment 10397
made to the physician in that year. 10398

Not later than the thirty-first day of January each year, the 10399
~~Ohio board of regents~~ department shall mail to each physician to 10400
whom or on whose behalf repayment is made under this section a 10401
statement showing the amount ~~of principal and interest~~ repaid by 10402
the ~~board~~ department pursuant to the contract in the preceding 10403
year. The statement shall be sent by ordinary mail with address 10404
correction and forwarding requested in the manner prescribed by 10405
the United States postal service. 10406

Sec. 3702.78. The director of health may accept gifts of 10407
money from any source for the implementation and administration of 10408
sections 3702.72 to 3702.77 of the Revised Code. ~~The Ohio board of~~ 10409
~~regents may accept gifts of money from any source for~~ 10410
~~implementation and administration of the physician loan repayment~~ 10411
~~program under sections 3702.74 and 3702.75 of the Revised Code.~~ 10412

The director shall pay all gifts accepted under this section 10413
into the state treasury, to the credit of the health resource 10414
shortage area fund, which is hereby created. ~~The board shall pay,~~ 10415
and ~~all gifts accepted under this section,~~ and damages collected 10416
under division (B)(4) of section 3702.74 of the Revised Code, into 10417
the state treasury, to the credit of the physician loan repayment 10418
fund, which is hereby created. 10419

The director shall use the health resource shortage area ~~fund~~ 10420
and the physician loan repayment funds for the implementation and 10421
administration of sections 3702.72 to 3702.77 of the Revised Code. 10422
~~The board shall use the physician loan repayment fund for the~~ 10423
~~implementation and administration of the physician loan repayment~~ 10424

~~program under sections 3702.74 and 3702.75 of the Revised Code.~~ 10425

Sec. 3702.79. The director of health, in accordance with 10426
Chapter 119. of the Revised Code, shall adopt rules as necessary 10427
to implement and administer sections 3702.71 to 3702.78 of the 10428
Revised Code. In preparing rules, the director shall consult with 10429
~~the Ohio board of regents and~~ the physician loan repayment 10430
advisory board. 10431

Sec. 3702.81. There is hereby created the physician loan 10432
repayment advisory board. The board shall consist of ~~eleven~~ ten 10433
members as follows: 10434

(A) The following ~~six~~ five members appointed by the governor: 10435
a representative of ~~the department of health, a representative of~~ 10436
the Ohio academy of family practice, a representative of the board 10437
of regents, a representative of the Ohio association of community 10438
health centers, a representative of the Ohio state medical 10439
association, and a representative of the Ohio osteopathic 10440
association; 10441

(B) Two members of the house of representatives, one from 10442
each political party, appointed by the speaker of the house of 10443
representatives; 10444

(C) Two members of the senate, one from each political party, 10445
appointed by the president of the senate. 10446

(D) The director of health or an employee of the department 10447
of health designated by the director. 10448

Of the initial appointments made by the governor, three shall 10449
be for terms ending June 30, 1994, and four shall be for terms 10450
ending June 30, 1995. Of the initial appointments made by the 10451
speaker of the house of representatives, one shall be for a term 10452
ending June 30, 1994, and one shall be for a term ending June 30, 10453
1995. Of the initial appointments made by the president of the 10454

senate, one shall be for a term ending June 30, 1994, and one 10455
shall be for a term ending June 30, 1995. Thereafter, terms of 10456
office shall be two years, commencing on the first day of July and 10457
ending on the thirtieth day of June. Each member shall hold office 10458
from the date of appointment until the end of the term for which 10459
the member was appointed, except that a legislative member ceases 10460
to be a member of the board upon ceasing to be a member of the 10461
general assembly. 10462

Vacancies shall be filled in the manner prescribed for the 10463
original appointment. A member appointed to fill a vacancy 10464
occurring prior to the expiration of the term for which the 10465
member's predecessor was appointed shall hold office for the 10466
remainder of that term. A member shall continue in office 10467
subsequent to the expiration of the member's term until a 10468
successor takes office or until sixty days have elapsed, whichever 10469
occurs first. No person shall be appointed to the board for more 10470
than two consecutive terms. 10471

The governor, speaker, ~~or~~ president, or director may remove a 10472
member for whom the governor, speaker, ~~or~~ president, or director 10473
was the appointing authority, for misfeasance, malfeasance, or 10474
willful neglect of duty. 10475

The ~~governor board~~ shall designate a member ~~of the board~~ to 10476
serve as chairperson of the board. 10477

The board shall meet at least once annually. The chairperson 10478
shall call special meetings as needed or upon the request of six 10479
members. 10480

Six members of the board constitute a quorum to transact and 10481
vote on all business coming before the board. 10482

Members of the board shall serve without compensation. 10483

The department of health shall provide the board with staff 10484
assistance as requested by the board. 10485

Sec. 3702.85. There is hereby created the dentist loan 10486
repayment program, which shall be administered by the department 10487
of health in cooperation with ~~the board of regents and~~ the dentist 10488
loan repayment advisory board. The program shall provide loan 10489
repayment on behalf of individuals who agree to provide dental 10490
services in areas designated as dental health resource shortage 10491
areas by the director of health pursuant to section 3702.87 of the 10492
Revised Code. 10493

Under the program, the ~~Ohio board~~ department of ~~regents~~ 10494
health, by means of a contract entered into under section 3702.91 10495
of the Revised Code, may agree to repay all or part of the 10496
principal and interest of a government or other educational loan 10497
taken by an individual for the following expenses incurred while 10498
the individual was enrolled in an accredited dental college or a 10499
dental college located outside of the United States that meets the 10500
standards of section 4715.11 of the Revised Code: 10501

(A) Tuition; 10502

(B) Other educational expenses, such as fees, books, and 10503
laboratory expenses that are for purposes and in amounts 10504
determined reasonable by the director of health; 10505

(C) Room and board, in an amount determined reasonable by the 10506
director of health. 10507

Sec. 3702.86. The director of health, in accordance with 10508
Chapter 119. of the Revised Code, shall adopt rules as necessary 10509
to implement and administer sections 3702.85 to 3702.95 of the 10510
Revised Code. In preparing rules, the director shall consult with 10511
~~the Ohio board of regents and~~ the dentist loan repayment advisory 10512
board. 10513

Sec. 3702.91. (A) An individual who has signed a letter of 10514

intent under section 3702.90 of the Revised Code may enter into a 10515
contract with the director of health ~~and the Ohio board of regents~~ 10516
for participation in the dentist loan repayment program. A lending 10517
institution may also be a party to the contract. 10518

(B) The contract shall include all of the following 10519
obligations: 10520

(1) The individual agrees to provide dental services in the 10521
dental health resource shortage area identified in the letter of 10522
intent for at least one year. 10523

(2) When providing dental services in the dental health 10524
resource shortage area, the individual agrees to do all of the 10525
following: 10526

(a) Provide dental services for a minimum of forty hours per 10527
week; 10528

(b) Provide dental services without regard to a patient's 10529
ability to pay; 10530

(c) Meet the conditions prescribed by the "Social Security 10531
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and the 10532
department of job and family services for participation in the 10533
medicaid program established under Chapter 5111. of the Revised 10534
Code and enter into a contract with the department to provide 10535
dental services to medicaid recipients. 10536

(3) The ~~Ohio board of regents~~ department of health agrees, as 10537
provided in section 3702.85 of the Revised Code, to repay, so long 10538
as the individual performs the service obligation agreed to under 10539
division (B)(1) of this section, all or part of the principal and 10540
interest of a government or other educational loan taken by the 10541
individual for expenses described in section 3702.85 of the 10542
Revised Code up to but not exceeding twenty thousand dollars per 10543
year of service. 10544

(4) The individual agrees to pay the ~~board~~ department of health the following as damages if the individual fails to complete the service obligation agreed to under division (B)(1) of this section:

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

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

(C) The contract may include any other terms agreed upon by the parties, including an assignment to the ~~Ohio board of regents~~ department of health of the individual's duty to pay 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. If the ~~board~~ department assumes the individual's duty to pay a loan, the contract shall set forth the total amount of principal and interest to be paid, an amortization schedule, and the amount of each payment to be made under the schedule.

(D) Not later than the thirty-first day of January of each year, the ~~Ohio board of regents~~ department of health shall mail to each individual to whom or on whose behalf repayment is made under the dentist loan repayment program a statement showing the amount of principal and interest repaid by the ~~board~~ department pursuant to the contract in the preceding year. The statement shall be sent by ordinary mail with address correction and forwarding requested in the manner prescribed by the United States postal service.

Sec. 3702.93. The dentist loan repayment advisory board shall determine the amounts that will be paid as loan repayments on behalf of participants in the dentist loan repayment program. No

repayment shall exceed twenty thousand dollars in any year, except 10576
that if a repayment results in an increase in the participant's 10577
federal, state, or local income tax liability, the ~~Ohio board of~~ 10578
~~regents~~ department of health, at the participant's request and 10579
with the approval of the director of health, may reimburse the 10580
participant for the increased tax liability, regardless of the 10581
amount of the repayment in that year. Total repayment on behalf of 10582
a participant shall not exceed eighty thousand dollars over the 10583
time of participation in the program. 10584

Sec. 3702.95. The director of health may accept gifts of 10585
money from any source for the implementation and administration of 10586
sections 3702.85 to 3702.93 of the Revised Code. ~~The Ohio board of~~ 10587
~~regents may accept gifts of money from any source for~~ 10588
~~implementation and administration of the dentist loan repayment~~ 10589
~~program under sections 3702.85 and 3702.91 of the Revised Code.~~ 10590

The director shall pay all gifts accepted under this section 10591
into the state treasury, to the credit of the dental health 10592
resource shortage area fund, which is hereby created. ~~The board~~ 10593
~~shall pay, and all gifts accepted under this section, and damages~~ 10594
collected under division (B)(4) of section 3702.91 of the Revised 10595
Code, into the state treasury, to the credit of the dentist loan 10596
repayment fund, which is hereby created. 10597

The director shall use the dental health resource shortage 10598
area ~~fund~~ and dentist loan repayment funds for the implementation 10599
and administration of sections 3702.85 ~~and 3702.87 to 3702.93 to~~ 10600
3702.95 of the Revised Code. ~~The board shall use the dentist loan~~ 10601
~~repayment fund for the implementation and administration of the~~ 10602
~~dentist loan repayment program under sections 3702.85 and 3702.91~~ 10603
~~of the Revised Code.~~ 10604

Sec. 3703.01. (A) Except as otherwise provided in this 10605

section, the division of industrial compliance in the department 10606
of commerce shall do all of the following: 10607

(1) Inspect all nonresidential buildings within the meaning 10608
of section 3781.06 of the Revised Code; 10609

(2) Condemn all unsanitary or defective plumbing that is 10610
found in connection with those places; 10611

(3) Order changes in plumbing necessary to insure the safety 10612
of the public health. 10613

(B)(1)(a) The division of industrial compliance, boards of 10614
health of city and general health districts, and county building 10615
departments shall not inspect plumbing or collect fees for 10616
inspecting plumbing in particular types of buildings in any 10617
municipal corporation that is certified by the board of building 10618
standards under section 3781.10 of the Revised Code to exercise 10619
enforcement authority for plumbing in those types of buildings. 10620

(b) The division shall not inspect plumbing or collect fees 10621
for inspecting plumbing in particular types of buildings in any 10622
health district that employs one or more plumbing inspectors 10623
certified pursuant to division (D) of this section to enforce 10624
Chapters 3781. and 3791. of the Revised Code and the rules adopted 10625
pursuant to those chapters relating to plumbing in those types of 10626
buildings. 10627

(c) The division shall not inspect plumbing or collect fees 10628
for inspecting plumbing in particular types of buildings in any 10629
health district where the county building department is authorized 10630
to inspect those types of buildings pursuant to a contract 10631
described in division (C)(1) of this section. 10632

(d) The division shall not inspect plumbing or collect fees 10633
for inspecting plumbing in particular types of buildings in any 10634
health district where the board of health has entered into a 10635
contract with the board of health of another district to conduct 10636

inspections pursuant to division (C)(2) of this section. 10637

(2) No county building department shall inspect plumbing or 10638
collect fees for inspecting plumbing in any type of building in a 10639
health district unless the department is authorized to inspect 10640
that type of building pursuant to a contract described in division 10641
(C)(1) of this section. 10642

(3) No municipal corporation shall inspect plumbing or 10643
collect fees for inspecting plumbing in types of buildings for 10644
which it is not certified by the board of building standards under 10645
section 3781.10 of the Revised Code to exercise enforcement 10646
authority. 10647

(4) No board of health of a health district shall inspect 10648
plumbing or collect fees for inspecting plumbing in types of 10649
buildings for which it does not have a plumbing inspector 10650
certified pursuant to division (D) of this section. 10651

(C)(1) The board of health of a health district may enter 10652
into a contract with a board of county commissioners to authorize 10653
the county building department to inspect plumbing in buildings 10654
within the health district. The contract may designate that the 10655
department inspect either residential or nonresidential buildings, 10656
as those terms are defined in section 3781.06 of the Revised Code, 10657
or both types of buildings, so long as the department employs or 10658
contracts with a plumbing inspector certified pursuant to division 10659
(D) of this section to inspect the types of buildings the contract 10660
designates. The board of health may enter into a contract 10661
regardless of whether the health district employs any certified 10662
plumbing inspectors to enforce Chapters 3781. and 3791. of the 10663
Revised Code. 10664

(2) The board of health of a health district, regardless of 10665
whether it employs any certified plumbing inspectors to enforce 10666
Chapters 3781. and 3791. of the Revised Code, may enter into a 10667

contract with the board of health of another health district to 10668
authorize that board to inspect plumbing in buildings within the 10669
contracting board's district. The contract may designate the 10670
inspection of either residential or nonresidential buildings as 10671
defined in section 3781.06 of the Revised Code, or both types of 10672
buildings, so long as the board that performs the inspections 10673
employs a plumbing inspector certified pursuant to division (D) of 10674
this section to inspect the types of buildings the contract 10675
designates. 10676

(D) The superintendent of industrial compliance shall adopt 10677
rules prescribing minimum qualifications based on education, 10678
training, experience, or demonstrated ability, that the 10679
superintendent shall use in certifying or recertifying plumbing 10680
inspectors to do plumbing inspections for health districts and 10681
county building departments that are authorized to perform 10682
inspections pursuant to a contract under division (C)(1) of this 10683
section, and for continuing education of plumbing inspectors. 10684
Those minimum qualifications shall be related to the types of 10685
buildings for which a person seeks certification. 10686

(E) The superintendent may enter into reciprocal 10687
registration, licensure, or certification agreements with other 10688
states and other agencies of this state relative to plumbing 10689
inspectors if both of the following apply: 10690

(1) The requirements for registration, licensure, or 10691
certification of plumbing inspectors under the laws of the other 10692
state or laws administered by the other agency are substantially 10693
equal to the requirements the superintendent adopts under division 10694
(D) of this section for certifying plumbing inspectors. 10695

(2) The other state or agency extends similar reciprocity to 10696
persons certified under this chapter. 10697

(F) The superintendent may select and contract with one or 10698

more persons to do all of the following regarding examinations for certification of plumbing inspectors: 10699
10700

(1) Prepare, administer, score, and maintain the confidentiality of the examination; 10701
10702

(2) Maintain responsibility for all expenses required to comply with division (F)(1) of this section; 10703
10704

(3) Charge each applicant a fee for administering the examination in an amount the superintendent authorizes; 10705
10706

(4) Design the examination for certification of plumbing inspectors to determine an applicant's competence to inspect plumbing. 10707
10708
10709

(G) Standards and methods prescribed in local plumbing regulations shall not be less than those prescribed in Chapters 3781. and 3791. of the Revised Code and the rules adopted pursuant to those chapters. 10710
10711
10712
10713

(H) Notwithstanding any other provision of this section, the division shall make a plumbing inspection of any building or other place that there is reason to believe is in a condition to be a menace to the public health. 10714
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10716
10717

Sec. 3734.821. ~~Beginning on the effective date of this section~~ Beginning on the effective date of this amendment and ending on June 30, 2011, at least sixty-five per cent of the moneys collected under division (A)(2) of section 3734.901 of the Revised Code and deposited in the state treasury to the credit of the scrap tire management fund created in section 3734.82 of the Revised Code shall be expended for clean-up and removal activities at the ~~Kirby Goss~~ Wyandot Muskingum tire site in Wyandot Muskingum county or other tire sites in the state. 10718
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Sec. 3735.67. (A) The owner of real property located in a 10727

community reinvestment area and eligible for exemption from 10728
taxation under a resolution adopted pursuant to section 3735.66 of 10729
the Revised Code may file an application for an exemption from 10730
real property taxation of a percentage of the assessed valuation 10731
of a new structure or remodeling, completed after the effective 10732
date of the resolution adopted pursuant to section 3735.66 of the 10733
Revised Code, with the housing officer designated pursuant to 10734
section 3735.66 of the Revised Code for the community reinvestment 10735
area in which the property is located. If any part of the new 10736
structure or remodeling that would be exempted is of real property 10737
to be used for commercial or industrial purposes, the legislative 10738
authority and the owner of the property shall enter into a written 10739
agreement pursuant to section 3735.671 of the Revised Code prior 10740
to commencement of construction or remodeling; if such an 10741
agreement is subject to approval by the board of education of the 10742
school district within the territory of which the property is or 10743
will be located, the agreement shall not be formally approved by 10744
the legislative authority until the board of education approves 10745
the agreement in the manner prescribed by that section. 10746

(B) The housing officer shall verify the construction of the 10747
new structure or the cost of the remodeling and the facts asserted 10748
in the application. The housing officer shall determine whether 10749
the construction or the cost of the remodeling meets the 10750
requirements for an exemption under this section. In cases 10751
involving a structure of historical or architectural significance, 10752
the housing officer shall not determine whether the remodeling 10753
meets the requirements for a tax exemption unless the 10754
appropriateness of the remodeling has been certified, in writing, 10755
by the society, association, agency, or legislative authority that 10756
has designated the structure or by any organization or person 10757
authorized, in writing, by such society, association, agency, or 10758
legislative authority to certify the appropriateness of the 10759
remodeling. 10760

(C) If the construction or remodeling meets the requirements 10761
for exemption, the housing officer shall forward the application 10762
to the county auditor with a certification as to the division of 10763
this section under which the exemption is granted, and the period 10764
and percentage of the exemption as determined by the legislative 10765
authority pursuant to that division. If the construction or 10766
remodeling is of commercial or industrial property and the 10767
legislative authority is not required to certify a copy of a 10768
resolution under section 3735.671 of the Revised Code, the housing 10769
officer shall comply with the notice requirements prescribed under 10770
section 5709.83 of the Revised Code, unless the board has adopted 10771
a resolution under that section waiving its right to receive such 10772
a notice. 10773

(D) Except as provided in division (F) of this section, the 10774
tax exemption shall first apply in the year the construction or 10775
remodeling would first be taxable but for this section. In the 10776
case of remodeling that qualifies for exemption, a percentage, not 10777
to exceed one hundred per cent, of the amount by which the 10778
remodeling increased the assessed value of the structure shall be 10779
exempted from real property taxation. In the case of construction 10780
of a structure that qualifies for exemption, a percentage, not to 10781
exceed one hundred per cent, of the assessed value of the 10782
structure shall be exempted from real property taxation. In either 10783
case, the percentage shall be the percentage set forth in the 10784
agreement if the structure or remodeling is to be used for 10785
commercial or industrial purposes, or the percentage set forth in 10786
the resolution describing the community reinvestment area if the 10787
structure or remodeling is to be used for residential purposes. 10788

The construction of new structures and the remodeling of 10789
existing structures are hereby declared to be a public purpose for 10790
which exemptions from real property taxation may be granted for 10791
the following periods: 10792

(1) For every dwelling containing not more than two family units located within the same community reinvestment area and upon which the cost of remodeling is at least two thousand five hundred dollars, a period to be determined by the legislative authority adopting the resolution describing the community reinvestment area where the dwelling is located, but not exceeding ten years unless extended pursuant to division (D)(3) of this section;

(2) For every dwelling containing more than two units and commercial or industrial properties, located within the same community reinvestment area, upon which the cost of remodeling is at least five thousand dollars, a period to be determined by the legislative authority adopting the resolution, but not exceeding twelve years unless extended pursuant to division (D)(3) of this section;

(3) The period of exemption for a dwelling described in division (D)(1) or (2) of this section may be extended by a legislative authority for up to an additional ten years if the dwelling is a structure of historical or architectural significance, is a certified historic structure that has been subject to federal tax treatment under 26 U.S.C. 47 and 170(h), and units within the structure have been leased to individual tenants for five consecutive years;

(4) Except as provided in division (F) of this section, for construction of every dwelling, and commercial or industrial structure located within the same community reinvestment area, a period to be determined by the legislative authority adopting the resolution, but not exceeding fifteen years.

(E) Any person, board, or officer authorized by section 5715.19 of the Revised Code to file complaints with the county board of revision may file a complaint with the housing officer challenging the continued exemption of any property granted an exemption under this section. A complaint against exemption shall

be filed prior to the thirty-first day of December of the tax year 10825
for which taxation of the property is requested. The housing 10826
officer shall determine whether the property continues to meet the 10827
requirements for exemption and shall certify the housing officer's 10828
findings to the complainant. If the housing officer determines 10829
that the property does not meet the requirements for exemption, 10830
the housing officer shall notify the county auditor, who shall 10831
correct the tax list and duplicate accordingly. 10832

(F) The owner of a dwelling constructed in a community 10833
reinvestment area may file an application for an exemption after 10834
the year the construction first became subject to taxation. The 10835
application shall be processed in accordance with the procedures 10836
prescribed under this section and shall be granted if the 10837
construction that is the subject of the application otherwise 10838
meets the requirements for an exemption under this section. If 10839
approved, the exemption sought in the application first applies in 10840
the year the application is filed. An exemption approved pursuant 10841
to this division continues only for those years remaining in the 10842
period described in division (D)~~(3)~~(4) of this section. No 10843
exemption may be claimed for any year in that period that precedes 10844
the year in which the application is filed. 10845

Sec. 3905.40. There shall be paid to the superintendent of 10846
insurance the following fees: 10847

(A) Each insurance company doing business in this state shall 10848
pay: 10849

(1) For filing a copy of its charter or deed of settlement, 10850
two hundred fifty dollars; 10851

(2) For filing each statement, one hundred seventy-five 10852
dollars; 10853

(3) For each certificate of authority or license, one hundred 10854

seventy-five, and for each certified copy thereof, five dollars; 10855

(4) For each copy of a paper filed in the superintendent's 10856
office, twenty cents per page; 10857

(5) For issuing certificates of deposits or certified copies 10858
thereof, five dollars for the first certificate or copy and one 10859
dollar for each additional certificate or copy; 10860

(6) For issuing certificates of compliance or certified 10861
copies thereof, sixty dollars; 10862

(7) For affixing the seal of office and certifying documents, 10863
other than those enumerated herein, two dollars. 10864

(B) Each domestic life insurance company doing business in 10865
this state shall pay for annual valuation of its policies, one 10866
cent on every one thousand dollars of insurance. 10867

(C) Each applicant for licensure as an individual insurance 10868
agent ~~except applicants for licensure as limited lines insurance~~ 10869
~~agents and surplus line brokers~~ shall pay ten dollars ~~before~~ 10870
~~admission to any examination required by the superintendent. Such~~ 10871
~~fee shall not be paid by the appointing insurance company for each~~ 10872
line of authority requested. Fees collected under this division 10873
shall be credited to the department of insurance operating fund 10874
created in section 3901.021 of the Revised Code. 10875

(D) Each domestic mutual life insurance company shall pay for 10876
verifying that any amendment to its articles of incorporation was 10877
regularly adopted, two hundred fifty dollars with each application 10878
for verification. Any such amendment shall be considered to have 10879
been regularly adopted when approved by the affirmative vote of 10880
two-thirds of the policyholders present in person or by proxy at 10881
any annual meeting of policyholders or at a special meeting of 10882
policyholders called for that purpose. 10883

Sec. 3925.101. With the approval of the superintendent of 10884

insurance, sections 3925.06 to 3925.09 and 3925.20 of the Revised 10885
Code shall not apply to a domestic insurance company that 10886
qualifies as a foreign country branch of a United States company 10887
that writes policies exclusively in countries other than the 10888
United States if those other countries have laws pertaining to 10889
insurance company investments and the foreign country branch is 10890
required to comply with those laws. 10891

Sec. 3961.04. (A) A discount medical plan organization or 10892
marketer shall disclose all of the following information in 10893
writing in not less than twelve-point type on the first content 10894
page of any advertisements, marketing materials, or brochures made 10895
available to the public relating to a discount medical plan and 10896
with any enrollment forms: 10897

(1) A statement that the discount medical plan is not 10898
insurance; 10899

(2) A statement that the range of discounts for medical 10900
services offered under the discount medical plan will vary 10901
depending on the type of provider and medical services; 10902

(3) A statement that the discount medical plan is prohibited 10903
from making members' payments to providers for medical services 10904
received under the discount medical plan; 10905

(4) A statement that the member is obligated to pay for all 10906
discounted medical services received under the discount medical 10907
plan; 10908

(5) The discount medical plan organization's toll-free 10909
telephone number and internet web site address that a member or 10910
prospective member may use to obtain additional information about 10911
and assistance with the discount medical plan and up-to-date lists 10912
of providers participating in the discount medical plan. 10913

(B) If a discount medical plan organization's or marketer's 10914

initial contact with a prospective member is by telephone, the 10915
organization or marketer shall disclose all of the information 10916
listed in division (A) of this section orally in addition to 10917
including such disclosures in the initial written materials 10918
provided to the prospective or new member. 10919

(C) In addition to the disclosures required under division 10920
(A) of this section, a discount medical plan organization shall 10921
provide to each prospective member, at the time of enrollment, a 10922
copy of the terms and conditions of the discount medical plan, 10923
including any limitations or restrictions on the refund of any 10924
processing fees or periodic charges associated with the discount 10925
medical plan. A discount medical plan organization also shall 10926
provide each new member a written document containing the terms 10927
and conditions of the discount medical plan and including all of 10928
the following: 10929

(1) Name of the member; 10930

(2) Benefits provided under the discount medical plan; 10931

(3) Any processing fees and periodic charges associated with 10932
the discount medical plan, including, but not limited to, if 10933
applicable, the procedures for changing the mode of payment and 10934
any accompanying additional charges; 10935

(4) Any limitations, exclusions, or exceptions regarding the 10936
receipt of discount medical plan benefits; 10937

(5) Any waiting periods for certain medical services under 10938
the discount medical plan; 10939

(6) Procedures for obtaining discounts under the discount 10940
medical plan, such as requiring members to contact the discount 10941
medical plan organization to request that the organization make an 10942
appointment with a provider on the member's behalf; 10943

(7) Cancellation and refund rights described in section 10944

3961.06 of the Revised Code;	10945
(8) Membership renewal, termination, and cancellation terms	10946
and conditions;	10947
(9) Procedures for adding new family members to the discount	10948
medical plan;	10949
(10) Procedures for filing complaints under the discount	10950
medical plan organization's complaint system and a statement	10951
explaining that, if the member remains dissatisfied after	10952
completing the organization's complaint system, the member may	10953
contact the department of insurance;	10954
(11) Name, mailing address, and toll-free telephone number of	10955
the discount medical plan organization that a member may use to	10956
make inquiries about the discount medical plan, send cancellation	10957
notices, and file complaints.	10958
(D) A discount medical plan organization shall maintain on an	10959
internet web site page an up-to-date list of the names and	10960
addresses of the providers with which the organization has	10961
contracted directly or indirectly through a provider network. The	10962
organization's internet web site address shall be prominently	10963
displayed on all of the organization's advertisements, marketing	10964
materials, brochures, and discount medical plan cards.	10965
(E) When a discount medical plan organization or marketer	10966
sells a discount medical plan together with any other product, the	10967
organization or marketer shall do either of the following:	10968
(1) Provide the charges for each discount medical plan in	10969
writing to the member;	10970
(2) Reimburse the member for all periodic charges for the	10971
discount medical plan and all periodic charges for any other	10972
product if the member cancels his or her membership in accordance	10973
with division (B) of section 3901.06 <u>3961.06</u> of the Revised Code.	10974

Sec. 4117.01. As used in this chapter: 10975

(A) "Person," in addition to those included in division (C) 10976
of section 1.59 of the Revised Code, includes employee 10977
organizations, public employees, and public employers. 10978

(B)(1) "Public employer" means the state or any political 10979
subdivision of the state located entirely within the state, 10980
including, without limitation, any municipal corporation with a 10981
population of at least five thousand ~~according to the most recent~~ 10982
~~federal decennial census~~; county; township with a population of at 10983
least five thousand in the unincorporated area of the township 10984
~~according to the most recent federal decennial census~~; school 10985
district; governing authority of a community school established 10986
under Chapter 3314. of the Revised Code; state institution of 10987
higher learning; public or special district; state agency, 10988
authority, commission, or board; or other branch of public 10989
employment. 10990

(2) In addition, with respect to members of a fire department 10991
of a township with a population of less than five thousand in the 10992
unincorporated area of the township, "public employer" means a 10993
township with a population of at least five thousand in the 10994
incorporated and unincorporated areas of the township that are 10995
served by the township fire department. 10996

(3) For purposes of division (B) of this section, population 10997
shall be determined in accordance with the most recent federal 10998
decennial census. 10999

(C) "Public employee" means any person holding a position by 11000
appointment or employment in the service of a public employer, 11001
including any person working pursuant to a contract between a 11002
public employer and a private employer and over whom the national 11003
labor relations board has declined jurisdiction on the basis that 11004
the involved employees are employees of a public employer, except: 11005

(1) Persons holding elective office;	11006
(2) Employees of the general assembly and employees of any other legislative body of the public employer whose principal duties are directly related to the legislative functions of the body;	11007 11008 11009 11010
(3) Employees on the staff of the governor or the chief executive of the public employer whose principal duties are directly related to the performance of the executive functions of the governor or the chief executive;	11011 11012 11013 11014
(4) Persons who are members of the Ohio organized militia, while training or performing duty under section 5919.29 or 5923.12 of the Revised Code;	11015 11016 11017
(5) Employees of the state employment relations board;	11018
(6) Confidential employees;	11019
(7) Management level employees;	11020
(8) Employees and officers of the courts, assistants to the attorney general, assistant prosecuting attorneys, and employees of the clerks of courts who perform a judicial function;	11021 11022 11023
(9) Employees of a public official who act in a fiduciary capacity, appointed pursuant to section 124.11 of the Revised Code;	11024 11025 11026
(10) Supervisors;	11027
(11) Students whose primary purpose is educational training, including graduate assistants or associates, residents, interns, or other students working as part-time public employees less than fifty per cent of the normal year in the employee's bargaining unit;	11028 11029 11030 11031 11032
(12) Employees of county boards of election;	11033
(13) Seasonal and casual employees as determined by the state	11034

employment relations board;	11035
(14) Part-time faculty members of an institution of higher education;	11036 11037
(15) Employees of the state personnel board of review;	11038
(16) Participants in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code who perform a service for a public employer that the public employer needs but is not performed by an employee of the public employer if the participant is not engaged in paid employment or subsidized employment pursuant to the activity;	11039 11040 11041 11042 11043 11044
(17) Employees included in the career professional service of the department of transportation under section 5501.20 of the Revised Code;	11045 11046 11047
(18) Employees of community-based correctional facilities and district community-based correctional facilities created under sections 2301.51 to 2301.58 of the Revised Code who are not subject to a collective bargaining agreement on June 1, 2005.	11048 11049 11050 11051
(D) "Employee organization" means any labor or bona fide organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with public employers concerning grievances, labor disputes, wages, hours, terms, and other conditions of employment.	11052 11053 11054 11055 11056
(E) "Exclusive representative" means the employee organization certified or recognized as an exclusive representative under section 4117.05 of the Revised Code.	11057 11058 11059
(F) "Supervisor" means any individual who has authority, in the interest of the public employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other public employees; to responsibly direct them; to adjust their grievances; or to effectively recommend such action, if the	11060 11061 11062 11063 11064

exercise of that authority is not of a merely routine or clerical 11065
nature, but requires the use of independent judgment, provided 11066
that: 11067

(1) Employees of school districts who are department 11068
chairpersons or consulting teachers shall not be deemed 11069
supervisors; 11070

(2) With respect to members of a police or fire department, 11071
no person shall be deemed a supervisor except the chief of the 11072
department or those individuals who, in the absence of the chief, 11073
are authorized to exercise the authority and perform the duties of 11074
the chief of the department. Where prior to June 1, 1982, a public 11075
employer pursuant to a judicial decision, rendered in litigation 11076
to which the public employer was a party, has declined to engage 11077
in collective bargaining with members of a police or fire 11078
department on the basis that those members are supervisors, those 11079
members of a police or fire department do not have the rights 11080
specified in this chapter for the purposes of future collective 11081
bargaining. The state employment relations board shall decide all 11082
disputes concerning the application of division (F)(2) of this 11083
section. 11084

(3) With respect to faculty members of a state institution of 11085
higher education, heads of departments or divisions are 11086
supervisors; however, no other faculty member or group of faculty 11087
members is a supervisor solely because the faculty member or group 11088
of faculty members participate in decisions with respect to 11089
courses, curriculum, personnel, or other matters of academic 11090
policy; 11091

(4) No teacher as defined in section 3319.09 of the Revised 11092
Code shall be designated as a supervisor or a management level 11093
employee unless the teacher is employed under a contract governed 11094
by section 3319.01, 3319.011, or 3319.02 of the Revised Code and 11095
is assigned to a position for which a license deemed to be for 11096

administrators under state board rules is required pursuant to 11097
section 3319.22 of the Revised Code. 11098

(G) "To bargain collectively" means to perform the mutual 11099
obligation of the public employer, by its representatives, and the 11100
representatives of its employees to negotiate in good faith at 11101
reasonable times and places with respect to wages, hours, terms, 11102
and other conditions of employment and the continuation, 11103
modification, or deletion of an existing provision of a collective 11104
bargaining agreement, with the intention of reaching an agreement, 11105
or to resolve questions arising under the agreement. "To bargain 11106
collectively" includes executing a written contract incorporating 11107
the terms of any agreement reached. The obligation to bargain 11108
collectively does not mean that either party is compelled to agree 11109
to a proposal nor does it require the making of a concession. 11110

(H) "Strike" means continuous concerted action in failing to 11111
report to duty; willful absence from one's position; or stoppage 11112
of work in whole from the full, faithful, and proper performance 11113
of the duties of employment, for the purpose of inducing, 11114
influencing, or coercing a change in wages, hours, terms, and 11115
other conditions of employment. "Strike" does not include a 11116
stoppage of work by employees in good faith because of dangerous 11117
or unhealthful working conditions at the place of employment that 11118
are abnormal to the place of employment. 11119

(I) "Unauthorized strike" includes, but is not limited to, 11120
concerted action during the term or extended term of a collective 11121
bargaining agreement or during the pendency of the settlement 11122
procedures set forth in section 4117.14 of the Revised Code in 11123
failing to report to duty; willful absence from one's position; 11124
stoppage of work; slowdown, or abstinence in whole or in part from 11125
the full, faithful, and proper performance of the duties of 11126
employment for the purpose of inducing, influencing, or coercing a 11127
change in wages, hours, terms, and other conditions of employment. 11128

"Unauthorized strike" includes any such action, absence, stoppage, 11129
slowdown, or abstinence when done partially or intermittently, 11130
whether during or after the expiration of the term or extended 11131
term of a collective bargaining agreement or during or after the 11132
pendency of the settlement procedures set forth in section 4117.14 11133
of the Revised Code. 11134

(J) "Professional employee" means any employee engaged in 11135
work that is predominantly intellectual, involving the consistent 11136
exercise of discretion and judgment in its performance and 11137
requiring knowledge of an advanced type in a field of science or 11138
learning customarily acquired by a prolonged course in an 11139
institution of higher learning or a hospital, as distinguished 11140
from a general academic education or from an apprenticeship; or an 11141
employee who has completed the courses of specialized intellectual 11142
instruction and is performing related work under the supervision 11143
of a professional person to become qualified as a professional 11144
employee. 11145

(K) "Confidential employee" means any employee who works in 11146
the personnel offices of a public employer and deals with 11147
information to be used by the public employer in collective 11148
bargaining; or any employee who works in a close continuing 11149
relationship with public officers or representatives directly 11150
participating in collective bargaining on behalf of the employer. 11151

(L) "Management level employee" means an individual who 11152
formulates policy on behalf of the public employer, who 11153
responsibly directs the implementation of policy, or who may 11154
reasonably be required on behalf of the public employer to assist 11155
in the preparation for the conduct of collective negotiations, 11156
administer collectively negotiated agreements, or have a major 11157
role in personnel administration. Assistant superintendents, 11158
principals, and assistant principals whose employment is governed 11159
by section 3319.02 of the Revised Code are management level 11160

employees. With respect to members of a faculty of a state 11161
institution of higher education, no person is a management level 11162
employee because of the person's involvement in the formulation or 11163
implementation of academic or institution policy. 11164

(M) "Wages" means hourly rates of pay, salaries, or other 11165
forms of compensation for services rendered. 11166

(N) "Member of a police department" means a person who is in 11167
the employ of a police department of a municipal corporation as a 11168
full-time regular police officer as the result of an appointment 11169
from a duly established civil service eligibility list or under 11170
section 737.15 or 737.16 of the Revised Code, a full-time deputy 11171
sheriff appointed under section 311.04 of the Revised Code, a 11172
township constable appointed under section 509.01 of the Revised 11173
Code, or a member of a township police district police department 11174
appointed under section 505.49 of the Revised Code. 11175

(O) "Members of the state highway patrol" means highway 11176
patrol troopers and radio operators appointed under section 11177
5503.01 of the Revised Code. 11178

(P) "Member of a fire department" means a person who is in 11179
the employ of a fire department of a municipal corporation or a 11180
township as a fire cadet, full-time regular firefighter, or 11181
promoted rank as the result of an appointment from a duly 11182
established civil service eligibility list or under section 11183
505.38, 709.012, or 737.22 of the Revised Code. 11184

(Q) "Day" means calendar day. 11185

Sec. 4117.09. (A) The parties to any collective bargaining 11186
agreement shall reduce the agreement to writing and both execute 11187
it. 11188

(B) The agreement shall contain a provision that: 11189

(1) Provides for a grievance procedure which may culminate 11190

with final and binding arbitration of unresolved grievances, and 11191
disputed interpretations of agreements, and which is valid and 11192
enforceable under its terms when entered into in accordance with 11193
this chapter. No publication thereof is required to make it 11194
effective. A party to the agreement may bring suits for violation 11195
of agreements or the enforcement of an award by an arbitrator in 11196
the court of common pleas of any county wherein a party resides or 11197
transacts business. 11198

(2) Authorizes the public employer to deduct the periodic 11199
dues, initiation fees, and assessments of members of the exclusive 11200
representative upon presentation of a written deduction 11201
authorization by the employee. 11202

(C) The agreement may contain a provision that requires as a 11203
condition of employment, on or after a mutually agreed upon 11204
probationary period or sixty days following the beginning of 11205
employment, whichever is less, or the effective date of a 11206
collective bargaining agreement, whichever is later, that the 11207
employees in the unit who are not members of the employee 11208
organization pay to the employee organization a fair share fee. 11209
The arrangement does not require any employee to become a member 11210
of the employee organization, nor shall fair share fees exceed 11211
dues paid by members of the employee organization who are in the 11212
same bargaining unit. Any public employee organization 11213
representing public employees pursuant to this chapter shall 11214
prescribe an internal procedure to determine a rebate, if any, for 11215
nonmembers which conforms to federal law, provided a nonmember 11216
makes a timely demand on the employee organization. Absent 11217
arbitrary and capricious action, such determination is conclusive 11218
on the parties except that a challenge to the determination may be 11219
filed with the state employment relations board within thirty days 11220
of the determination date specifying the arbitrary or capricious 11221
nature of the determination and the board shall review the rebate 11222

determination and decide whether it was arbitrary or capricious. 11223
The deduction of a fair share fee by the public employer from the 11224
payroll check of the employee and its payment to the employee 11225
organization is automatic and does not require the written 11226
authorization of the employee. 11227

The internal rebate procedure shall provide for a rebate of 11228
expenditures in support of partisan politics or ideological causes 11229
not ~~germaine~~ germane to the work of employee organizations in the 11230
realm of collective bargaining. 11231

Any public employee who is a member of and adheres to 11232
established and traditional tenets or teachings of a bona fide 11233
religion or religious body which has historically held 11234
conscientious objections to joining or financially supporting an 11235
employee organization and which is exempt from taxation under the 11236
provisions of the Internal Revenue Code shall not be required to 11237
join or financially support any employee organization as a 11238
condition of employment. Upon submission of proper proof of 11239
religious conviction to the board, the board shall declare the 11240
employee exempt from becoming a member of or financially 11241
supporting an employee organization. The employee shall be 11242
required, in lieu of the fair share fee, to pay an amount of money 11243
equal to the fair share fee to a nonreligious charitable fund 11244
exempt from taxation under section 501(c)(3) of the Internal 11245
Revenue Code mutually agreed upon by the employee and the 11246
representative of the employee organization to which the employee 11247
would otherwise be required to pay the fair share fee. The 11248
employee shall furnish to the employee organization written 11249
receipts evidencing such payment, and failure to make the payment 11250
or furnish the receipts shall subject the employee to the same 11251
sanctions as would nonpayment of dues under the applicable 11252
collective bargaining agreement. 11253

No public employer shall agree to a provision requiring that 11254

a public employee become a member of an employee organization as a 11255
condition for securing or retaining employment. 11256

(D) As used in this division, "teacher" means any employee of 11257
a school district certified to teach in the public schools of this 11258
state. 11259

The agreement may contain a provision that provides for a 11260
peer review plan under which teachers in a bargaining unit or 11261
representatives of an employee organization representing teachers 11262
may, for other teachers of the same bargaining unit or teachers 11263
whom the employee organization represents, participate in 11264
assisting, instructing, reviewing, evaluating, or appraising and 11265
make recommendations or participate in decisions with respect to 11266
the retention, discharge, renewal, or nonrenewal of, the teachers 11267
covered by a peer review plan. 11268

The participation of teachers or their employee organization 11269
representative in a peer review plan permitted under this division 11270
shall not be construed as an unfair labor practice under this 11271
chapter or as a violation of any other provision of law or rule 11272
adopted pursuant thereto. 11273

(E) No agreement shall contain an expiration date that is 11274
later than three years from the date of execution. The parties may 11275
extend any agreement, but the extensions do not affect the 11276
expiration date of the original agreement. 11277

(F) As used in this division, "township" means a public 11278
employer as defined in division (B)(2) of section 4117.01 of the 11279
Revised Code. 11280

An agreement entered into between a township and an employee 11281
organization representing the members of the township's fire 11282
department shall contain a provision stating that if any 11283
incorporated municipal corporations located within the township 11284
elect to no longer receive fire protection through the township, 11285

and as a result the population served by that township's fire 11286
department becomes less than five thousand according to the most 11287
recent federal decennial census, the township, at the township's 11288
option, may terminate the agreement entered into between the 11289
township and the employee organization. 11290

Sec. 4117.14. (A) The procedures contained in this section 11291
govern the settlement of disputes between an exclusive 11292
representative and a public employer concerning the termination or 11293
modification of an existing collective bargaining agreement or 11294
negotiation of a successor agreement, or the negotiation of an 11295
initial collective bargaining agreement. 11296

(B)(1) In those cases where there exists a collective 11297
bargaining agreement, any public employer or exclusive 11298
representative desiring to terminate, modify, or negotiate a 11299
successor collective bargaining agreement shall: 11300

(a) Serve written notice upon the other party of the proposed 11301
termination, modification, or successor agreement. The party must 11302
serve the notice not less than sixty days prior to the expiration 11303
date of the existing agreement or, in the event the existing 11304
collective bargaining agreement does not contain an expiration 11305
date, not less than sixty days prior to the time it is proposed to 11306
make the termination or modifications or to make effective a 11307
successor agreement. 11308

(b) Offer to bargain collectively with the other party for 11309
the purpose of modifying or terminating any existing agreement or 11310
negotiating a successor agreement; 11311

(c) Notify the state employment relations board of the offer 11312
by serving upon the board a copy of the written notice to the 11313
other party and a copy of the existing collective bargaining 11314
agreement. 11315

(2) In the case of initial negotiations between a public employer and an exclusive representative, where a collective bargaining agreement has not been in effect between the parties, any party may serve notice upon the board and the other party setting forth the names and addresses of the parties and offering to meet, for a period of ninety days, with the other party for the purpose of negotiating a collective bargaining agreement.

If the settlement procedures specified in divisions (B), (C), and (D) of this section govern the parties, where those procedures refer to the expiration of a collective bargaining agreement, it means the expiration of the sixty-day period to negotiate a collective bargaining agreement referred to in this subdivision, or in the case of initial negotiations, it means the ninety day period referred to in this subdivision.

(3) The parties shall continue in full force and effect all the terms and conditions of any existing collective bargaining agreement, without resort to strike or lock-out, for a period of sixty days after the party gives notice or until the expiration date of the collective bargaining agreement, whichever occurs later, or for a period of ninety days where applicable.

(4) Upon receipt of the notice, the parties shall enter into collective bargaining.

(C) In the event the parties are unable to reach an agreement, they may submit, at any time prior to forty-five days before the expiration date of the collective bargaining agreement, the issues in dispute to any mutually agreed upon dispute settlement procedure which supersedes the procedures contained in this section.

(1) The procedures may include:

(a) Conventional arbitration of all unsettled issues;

(b) Arbitration confined to a choice between the last offer

of each party to the agreement as a single package; 11347

(c) Arbitration confined to a choice of the last offer of 11348
each party to the agreement on each issue submitted; 11349

(d) The procedures described in division (C)(1)(a), (b), or 11350
(c) of this section and including among the choices for the 11351
arbitrator, the recommendations of the fact finder, if there are 11352
recommendations, either as a single package or on each issue 11353
submitted; 11354

(e) Settlement by a citizens' conciliation council composed 11355
of three residents within the jurisdiction of the public employer. 11356
The public employer shall select one member and the exclusive 11357
representative shall select one member. The two members selected 11358
shall select the third member who shall chair the council. If the 11359
two members cannot agree upon a third member within five days 11360
after their appointments, the board shall appoint the third 11361
member. Once appointed, the council shall make a final settlement 11362
of the issues submitted to it pursuant to division (G) of this 11363
section. 11364

(f) Any other dispute settlement procedure mutually agreed to 11365
by the parties. 11366

(2) If, fifty days before the expiration date of the 11367
collective bargaining agreement, the parties are unable to reach 11368
an agreement, any party may request the state employment relations 11369
board to intervene. The request shall set forth the names and 11370
addresses of the parties, the issues involved, and, if applicable, 11371
the expiration date of any agreement. 11372

The board shall intervene and investigate the dispute to 11373
determine whether the parties have engaged in collective 11374
bargaining. 11375

If an impasse exists or forty-five days before the expiration 11376
date of the collective bargaining agreement if one exists, the 11377

board shall appoint a mediator to assist the parties in the 11378
collective bargaining process. 11379

(3) Any time after the appointment of a mediator, either 11380
party may request the appointment of a fact-finding panel. Within 11381
fifteen days after receipt of a request for a fact-finding panel, 11382
the board shall appoint a fact-finding panel of not more than 11383
three members who have been selected by the parties in accordance 11384
with rules established by the board, from a list of qualified 11385
persons maintained by the board. 11386

(a) The fact-finding panel shall, in accordance with rules 11387
and procedures established by the board that include the 11388
regulation of costs and expenses of fact-finding, gather facts and 11389
make recommendations for the resolution of the matter. The board 11390
shall by its rules require each party to specify in writing the 11391
unresolved issues and its position on each issue to the 11392
fact-finding panel. The fact-finding panel shall make final 11393
recommendations as to all the unresolved issues. 11394

(b) The board may continue mediation, order the parties to 11395
engage in collective bargaining until the expiration date of the 11396
agreement, or both. 11397

(4) The following guidelines apply to fact-finding: 11398

(a) The fact-finding panel may establish times and place of 11399
hearings which shall be, where feasible, in the jurisdiction of 11400
the state. 11401

(b) The fact-finding panel shall conduct the hearing pursuant 11402
to rules established by the board. 11403

(c) Upon request of the fact-finding panel, the board shall 11404
issue subpoenas for hearings conducted by the panel. 11405

(d) The fact-finding panel may administer oaths. 11406

(e) The board shall prescribe guidelines for the fact-finding 11407

panel to follow in making findings. In making its recommendations, 11408
the fact-finding panel shall take into consideration the factors 11409
listed in divisions (G)(7)(a) to (f) of this section. 11410

(f) The fact-finding panel may attempt mediation at any time 11411
during the fact-finding process. From the time of appointment 11412
until the fact-finding panel makes a final recommendation, it 11413
shall not discuss the recommendations for settlement of the 11414
dispute with parties other than the direct parties to the dispute. 11415

(5) The fact-finding panel, acting by a majority of its 11416
members, shall transmit its findings of fact and recommendations 11417
on the unresolved issues to the public employer and employee 11418
organization involved and to the board no later than fourteen days 11419
after the appointment of the fact-finding panel, unless the 11420
parties mutually agree to an extension. The parties shall share 11421
the cost of the fact-finding panel in a manner agreed to by the 11422
parties. 11423

(6)(a) Not later than seven days after the findings and 11424
recommendations are sent, the legislative body, by a three-fifths 11425
vote of its total membership, and in the case of the public 11426
employee organization, the membership, by a three-fifths vote of 11427
the total membership, may reject the recommendations; if neither 11428
rejects the recommendations, the recommendations shall be deemed 11429
agreed upon as the final resolution of the issues submitted and a 11430
collective bargaining agreement shall be executed between the 11431
parties, including the fact-finding panel's recommendations, 11432
except as otherwise modified by the parties by mutual agreement. 11433
If either the legislative body or the public employee organization 11434
rejects the recommendations, the board shall publicize the 11435
findings of fact and recommendations of the fact-finding panel. 11436
The board shall adopt rules governing the procedures and methods 11437
for public employees to vote on the recommendations of the 11438
fact-finding panel. 11439

(b) As used in division (C)(6)(a) of this section, 11440
"legislative body" means the controlling board when the state or 11441
any of its agencies, authorities, commissions, boards, or other 11442
branch of public employment is party to the fact-finding process. 11443

(D) If the parties are unable to reach agreement within seven 11444
days after the publication of findings and recommendations from 11445
the fact-finding panel or the collective bargaining agreement, if 11446
one exists, has expired, then the: 11447

(1) Public employees, who are members of a police or fire 11448
department, members of the state highway patrol, deputy sheriffs, 11449
dispatchers employed by a police, fire or sheriff's department or 11450
the state highway patrol or civilian dispatchers employed by a 11451
public employer other than a police, fire, or sheriff's department 11452
to dispatch police, fire, sheriff's department, or emergency 11453
medical or rescue personnel and units, an exclusive nurse's unit, 11454
employees of the state school for the deaf or the state school for 11455
the blind, employees of any public employee retirement system, 11456
corrections officers, guards at penal or mental institutions, 11457
special police officers appointed in accordance with sections 11458
5119.14 and 5123.13 of the Revised Code, psychiatric attendants 11459
employed at mental health forensic facilities, ~~or~~ youth leaders 11460
employed at juvenile correctional facilities, or members of a law 11461
enforcement security force that is established and maintained 11462
exclusively by a board of county commissioners and whose members 11463
are employed by that board, shall submit the matter to a final 11464
offer settlement procedure pursuant to a board order issued 11465
forthwith to the parties to settle by a conciliator selected by 11466
the parties. The parties shall request from the board a list of 11467
five qualified conciliators and the parties shall select a single 11468
conciliator from the list by alternate striking of names. If the 11469
parties cannot agree upon a conciliator within five days after the 11470
board order, the board shall on the sixth day after its order 11471

appoint a conciliator from a list of qualified persons maintained 11472
by the board or shall request a list of qualified conciliators 11473
from the American arbitration association and appoint therefrom. 11474

(2) Public employees other than those listed in division 11475
(D)(1) of this section have the right to strike under Chapter 11476
4117. of the Revised Code provided that the employee organization 11477
representing the employees has given a ten-day prior written 11478
notice of an intent to strike to the public employer and to the 11479
board, and further provided that the strike is for full, 11480
consecutive work days and the beginning date of the strike is at 11481
least ten work days after the ending date of the most recent prior 11482
strike involving the same bargaining unit; however, the board, at 11483
its discretion, may attempt mediation at any time. 11484

(E) Nothing in this section shall be construed to prohibit 11485
the parties, at any time, from voluntarily agreeing to submit any 11486
or all of the issues in dispute to any other alternative dispute 11487
settlement procedure. An agreement or statutory requirement to 11488
arbitrate or to settle a dispute pursuant to a final offer 11489
settlement procedure and the award issued in accordance with the 11490
agreement or statutory requirement is enforceable in the same 11491
manner as specified in division (B) of section 4117.09 of the 11492
Revised Code. 11493

(F) Nothing in this section shall be construed to prohibit a 11494
party from seeking enforcement of a collective bargaining 11495
agreement or a conciliator's award as specified in division (B) of 11496
section 4117.09 of the Revised Code. 11497

(G) The following guidelines apply to final offer settlement 11498
proceedings under division (D)(1) of this section: 11499

(1) The parties shall submit to final offer settlement those 11500
issues that are subject to collective bargaining as provided by 11501
section 4117.08 of the Revised Code and upon which the parties 11502

have not reached agreement and other matters mutually agreed to by 11503
the public employer and the exclusive representative; except that 11504
the conciliator may attempt mediation at any time. 11505

(2) The conciliator shall hold a hearing within thirty days 11506
of the board's order to submit to a final offer settlement 11507
procedure, or as soon thereafter as is practicable. 11508

(3) The conciliator shall conduct the hearing pursuant to 11509
rules developed by the board. The conciliator shall establish the 11510
hearing time and place, but it shall be, where feasible, within 11511
the jurisdiction of the state. Not later than five calendar days 11512
before the hearing, each of the parties shall submit to the 11513
conciliator, to the opposing party, and to the board, a written 11514
report summarizing the unresolved issues, the party's final offer 11515
as to the issues, and the rationale for that position. 11516

(4) Upon the request by the conciliator, the board shall 11517
issue subpoenas for the hearing. 11518

(5) The conciliator may administer oaths. 11519

(6) The conciliator shall hear testimony from the parties and 11520
provide for a written record to be made of all statements at the 11521
hearing. The board shall submit for inclusion in the record and 11522
for consideration by the conciliator the written report and 11523
recommendation of the fact-finders. 11524

(7) After hearing, the conciliator shall resolve the dispute 11525
between the parties by selecting, on an issue-by-issue basis, from 11526
between each of the party's final settlement offers, taking into 11527
consideration the following: 11528

(a) Past collectively bargained agreements, if any, between 11529
the parties; 11530

(b) Comparison of the issues submitted to final offer 11531
settlement relative to the employees in the bargaining unit 11532

involved with those issues related to other public and private 11533
employees doing comparable work, giving consideration to factors 11534
peculiar to the area and classification involved; 11535

(c) The interests and welfare of the public, the ability of 11536
the public employer to finance and administer the issues proposed, 11537
and the effect of the adjustments on the normal standard of public 11538
service; 11539

(d) The lawful authority of the public employer; 11540

(e) The stipulations of the parties; 11541

(f) Such other factors, not confined to those listed in this 11542
section, which are normally or traditionally taken into 11543
consideration in the determination of the issues submitted to 11544
final offer settlement through voluntary collective bargaining, 11545
mediation, fact-finding, or other impasse resolution procedures in 11546
the public service or in private employment. 11547

(8) Final offer settlement awards made under Chapter 4117. of 11548
the Revised Code are subject to Chapter 2711. of the Revised Code. 11549

(9) If more than one conciliator is used, the determination 11550
must be by majority vote. 11551

(10) The conciliator shall make written findings of fact and 11552
promulgate a written opinion and order upon the issues presented 11553
to the conciliator, and upon the record made before the 11554
conciliator and shall mail or otherwise deliver a true copy 11555
thereof to the parties and the board. 11556

(11) Increases in rates of compensation and other matters 11557
with cost implications awarded by the conciliator may be effective 11558
only at the start of the fiscal year next commencing after the 11559
date of the final offer settlement award; provided that if a new 11560
fiscal year has commenced since the issuance of the board order to 11561
submit to a final offer settlement procedure, the awarded 11562

increases may be retroactive to the commencement of the new fiscal 11563
year. The parties may, at any time, amend or modify a 11564
conciliator's award or order by mutual agreement. 11565

(12) The parties shall bear equally the cost of the final 11566
offer settlement procedure. 11567

(13) Conciliators appointed pursuant to this section shall be 11568
residents of the state. 11569

(H) All final offer settlement awards and orders of the 11570
conciliator made pursuant to Chapter 4117. of the Revised Code are 11571
subject to review by the court of common pleas having jurisdiction 11572
over the public employer as provided in Chapter 2711. of the 11573
Revised Code. If the public employer is located in more than one 11574
court of common pleas district, the court of common pleas in which 11575
the principal office of the chief executive is located has 11576
jurisdiction. 11577

(I) The issuance of a final offer settlement award 11578
constitutes a binding mandate to the public employer and the 11579
exclusive representative to take whatever actions are necessary to 11580
implement the award. 11581

Sec. 4117.15. (A) Whenever a strike by members of a police or 11582
fire department, members of the state highway patrol, deputy 11583
sheriffs, dispatchers employed by a police, fire or sheriff's 11584
department or the state highway patrol or civilian dispatchers 11585
employed by a public employer other than a police, fire, or 11586
sheriff's department to dispatch police, fire, sheriff's 11587
department, or emergency medical or rescue personnel and units, an 11588
exclusive nurse's unit, employees of the state school for the deaf 11589
or the state school for the blind, employees of any public 11590
employee retirement system, correction officers, guards at penal 11591
or mental institutions, or special ~~policemen or policewomen~~ police 11592
officers appointed in accordance with sections 5119.14 and 5123.13 11593

of the Revised Code, psychiatric attendants employed at mental 11594
health forensic facilities, youth leaders employed at juvenile 11595
correctional facilities, or members of a law enforcement security 11596
force that is established and maintained exclusively by a board of 11597
county commissioners and whose members are employed by that board, 11598
a strike by other public employees during the pendency of the 11599
settlement procedures set forth in section 4117.14 of the Revised 11600
Code, or a strike during the term or extended term of a collective 11601
bargaining agreement occurs, the public employer may seek an 11602
injunction against the strike in the court of common pleas of the 11603
county in which the strike is located. 11604

(B) An unfair labor practice by a public employer is not a 11605
defense to the injunction proceeding noted in division (A) of this 11606
section. Allegations of unfair labor practices during the 11607
settlement procedures set forth in section 4117.14 of the Revised 11608
Code shall receive priority by the state employment relations 11609
board. 11610

(C) No public employee is entitled to pay or compensation 11611
from the public employer for the period engaged in any strike. 11612

Sec. 4123.26. Every employer shall keep records of, and 11613
furnish to the bureau of workers' compensation upon request, all 11614
information required by the administrator of workers' compensation 11615
to carry out this chapter. In January of each year, every employer 11616
of the state employing one or more employees regularly in the same 11617
business, or in or about the same establishment, shall prepare and 11618
mail to the bureau at its main office in Columbus a statement 11619
containing the following information, as applicable: 11620

(A) The number of employees employed during the preceding 11621
year from the first day of January through the thirty-first day of 11622
December; 11623

(B) The number of such employees employed at each kind of 11624

employment and the aggregate amount of wages paid to such employees; 11625
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(C) In accordance with the rules adopted by the administrator pursuant to division (D) of section 4123.32 of the Revised Code, if the employer employs employees who are covered under the federal "Longshore and Harbor Workers' Compensation Act," 98 Stat. 1639, 33 U.S.C. 901 et seq., and under this chapter and Chapter 4121. of the Revised Code, both of the following amounts: 11627
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(1) The amount of wages the employer pays to those employees when the employees perform labor and provide services for which the employees are eligible to receive compensation and benefits under the federal "Longshore and Harbor Workers' Compensation Act;" 11633
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(2) The amount of wages the employer pays to those employees when the employees perform labor and provide services for which the employees are eligible to receive compensation and benefits under this chapter and Chapter 4121. of the Revised Code. 11638
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The information shall be furnished on a blank to be prepared by the bureau. The bureau shall furnish the blanks to employers free of charge upon request therefor. Every employer receiving from the bureau any blank, with directions to fill out the same, shall cause the same to be properly filled out so as to answer fully and correctly all questions therein propounded, and give all the information therein sought, or if unable to do so, ~~he~~ the employer shall give to the bureau in writing good and sufficient reasons for such failure. The bureau may require that the information required to be furnished be verified under oath and returned to the bureau within the period fixed by it or by law. The bureau or any person employed by the bureau for that purpose, may examine, under oath, any employer, or the officer, agent, or employee thereof, for the purpose of ascertaining any information which the employer is required to furnish to the bureau. 11642
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No employer shall fail to furnish to the bureau the annual statement required by this section, nor shall any employer fail to keep records of or furnish such other information as may be required by the bureau under this section.

Whoever violates this section shall forfeit five hundred dollars, to be collected in a civil action brought against the employer in the name of the state, to be paid into the state insurance fund and become a part thereof.

Sec. 4123.32. The administrator of workers' compensation, with the advice and consent of the bureau of workers' compensation board of directors, shall adopt rules with respect to the collection, maintenance, and disbursements of the state insurance fund including all of the following:

(A) A rule providing that the premium security deposit collected from any employer entitles the employer to the benefits of this chapter for the remainder of the six months and also for an additional adjustment period of two months, and, thereafter, if the employer pays the premium due at the close of any six-month period, coverage shall be extended for an additional eight-month period beginning from the end of the six-month period for which the employer pays the premium due;

(B) A rule providing for ascertaining the correctness of any employer's report of estimated or actual expenditure of wages and the determination and adjustment of proper premiums and the payment of those premiums by the employer for or during any period less than eight months and notwithstanding any payment or determination of premium made when exceptional conditions or circumstances in the judgment of the administrator justify the action;

(C) Such special rules as the administrator considers necessary to safeguard the fund and that are just in the

circumstances, covering the rates to be applied where one employer 11688
takes over the occupation or industry of another or where an 11689
employer first makes application for state insurance, and the 11690
administrator may require that if any employer transfers a 11691
business in whole or in part or otherwise reorganizes the 11692
business, the successor in interest shall assume, in proportion to 11693
the extent of the transfer, as determined by the administrator, 11694
the employer's account and shall continue the payment of all 11695
contributions due under this chapter; 11696

(D) A rule providing that an employer who employs an employee 11697
covered under the federal "Longshore and Harbor Workers'
Compensation Act," 98 Stat. 1639, 33 U.S.C. 901 et seq., and this 11698
chapter and Chapter 4121. of the Revised Code shall be assessed a 11699
premium in accordance with the expenditure of wages, payroll, or 11700
both attributable to only labor performed and services provided by 11701
such an employee when the employee performs labor and provides 11702
services for which the employee is not eligible to receive 11703
compensation and benefits under that federal act. 11704
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(E) A rule providing for all of the following: 11706

(1) If, within two months immediately after the expiration of 11707
the six-month period, an employer fails to file a report of the 11708
employer's actual payroll expenditures for the period, the premium 11709
found to be due from the employer for the period shall be 11710
increased in an amount equal to one per cent of the premium, but 11711
the increase shall not be less than three nor more than fifteen 11712
dollars; 11713

(2) The premium determined by the administrator to be due 11714
from an employer shall be payable on or before the end of the 11715
coverage period established by the premium security deposit, or 11716
within the time specified by the administrator if the period for 11717
which the advance premium has been paid is less than eight months. 11718
If an employer fails to pay the premium when due, the 11719

administrator may add a late fee penalty of not more than thirty 11720
dollars to the premium plus an additional penalty amount as 11721
follows: 11722

(a) For a premium from sixty-one to ninety days past due, the 11723
prime interest rate, multiplied by the premium due; 11724

(b) For a premium from ninety-one to one hundred twenty days 11725
past due, the prime interest rate plus two per cent, multiplied by 11726
the premium due; 11727

(c) For a premium from one hundred twenty-one to one hundred 11728
fifty days past due, the prime interest rate plus four per cent, 11729
multiplied by the premium due; 11730

(d) For a premium from one hundred fifty-one to one hundred 11731
eighty days past due, the prime interest rate plus six per cent, 11732
multiplied by the premium due; 11733

(e) For a premium from one hundred eighty-one to two hundred 11734
ten days past due, the prime interest rate plus eight per cent, 11735
multiplied by the premium due; 11736

(f) For each additional thirty-day period or portion thereof 11737
that a premium remains past due after it has remained past due for 11738
more than two hundred ten days, the prime interest rate plus eight 11739
per cent, multiplied by the premium due. 11740

(3) Notwithstanding the interest rates specified in division 11741
~~(D)~~(E)(2) of this section, at no time shall the additional penalty 11742
amount assessed under division ~~(D)~~(E)(2) of this section exceed 11743
fifteen per cent of the premium due. 11744

(4) An employer may appeal a late fee penalty or additional 11745
penalty to an adjudicating committee pursuant to section 4123.291 11746
of the Revised Code. 11747

For purposes of division ~~(D)~~ (E) of this section, "prime 11748
interest rate" means the average bank prime rate, and the 11749

administrator shall determine the prime interest rate in the same 11750
manner as a county auditor determines the average bank prime rate 11751
under section 929.02 of the Revised Code. 11752

(5) If the employer files an appropriate payroll report, 11753
within the time provided by law or within the time specified by 11754
the administrator if the period for which the employer paid an 11755
estimated premium is less than eight months, the employer shall 11756
not be in default and division ~~(D)~~(E)(2) of this section shall not 11757
apply if the employer pays the premiums within fifteen days after 11758
being first notified by the administrator of the amount due. 11759

(6) Any deficiencies in the amounts of the premium security 11760
deposit paid by an employer for any period shall be subject to an 11761
interest charge of six per cent per annum from the date the 11762
premium obligation is incurred. In determining the interest due on 11763
deficiencies in premium security deposit payments, a charge in 11764
each case shall be made against the employer in an amount equal to 11765
interest at the rate of six per cent per annum on the premium 11766
security deposit due but remaining unpaid sixty days after notice 11767
by the administrator. 11768

(7) Any interest charges or penalties provided for in 11769
divisions ~~(D)~~(E)(2) and (6) of this section shall be credited to 11770
the employer's account for rating purposes in the same manner as 11771
premiums. 11772

~~(E)~~(F) A rule providing that each employer, on the occasion 11773
of instituting coverage under this chapter, shall submit a premium 11774
security deposit. The deposit shall be calculated equivalent to 11775
thirty per cent of the semiannual premium obligation of the 11776
employer based upon the employer's estimated expenditure for wages 11777
for the ensuing six-month period plus thirty per cent of an 11778
additional adjustment period of two months but only up to a 11779
maximum of one thousand dollars and not less than ten dollars. The 11780
administrator shall review the security deposit of every employer 11781

who has submitted a deposit which is less than the 11782
one-thousand-dollar maximum. The administrator may require any 11783
such employer to submit additional money up to the maximum of one 11784
thousand dollars that, in the administrator's opinion, reflects 11785
the employer's current payroll expenditure for an eight-month 11786
period. 11787

~~(F)~~(G) A rule providing that each employer, on the occasion 11788
of instituting coverage under this chapter, shall submit an 11789
application for coverage that completely provides all of the 11790
information required for the administrator to establish coverage 11791
for that employer, and that the employer's failure to provide all 11792
of the information completely may be grounds for the administrator 11793
to deny coverage for that employer. 11794

~~(G)~~(H) A rule providing that, in addition to any other 11795
remedies permitted in this chapter, the administrator may 11796
discontinue an employer's coverage if the employer fails to pay 11797
the premium due on or before the premium's due date. 11798

~~(H)~~(I) A rule providing that if after a final adjudication it 11799
is determined that an employer has failed to pay an obligation, 11800
billing, account, or assessment that is greater than one thousand 11801
dollars on or before its due date, the administrator may 11802
discontinue the employer's coverage in addition to any other 11803
remedies permitted in this chapter, and that the administrator 11804
shall not discontinue an employer's coverage pursuant to this 11805
division prior to a final adjudication regarding the employer's 11806
failure to pay such obligation, billing, account, or assessment on 11807
or before its due date. 11808

~~(I)~~(J) As used in divisions ~~(G)~~ and (H) and (I) of this 11809
section: 11810

(1) "Employer" has the same meaning as in division (B) of 11811
section 4123.01 of the Revised Code except that "employer" does 11812

not include the state, a state hospital, or a state university or college. 11813
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(2) "State university or college" has the same meaning as in section 3345.12 of the Revised Code and also includes the Ohio agricultural research and development center and the Ohio state university cooperative extension service. 11815
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(3) "State hospital" means the Ohio state university hospital and its ancillary facilities and the medical university of Ohio at Toledo hospital. 11819
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Sec. 4123.37. In this section "amenable employer" has the same meaning as "employer" as defined in division ~~(O)~~ (J) of section 4123.32 of the Revised Code. 11822
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If the administrator of workers' compensation finds that any person, firm, or private corporation, including any public service corporation, is, or has been at any time after January 1, 1923, an amenable employer and has not complied with section 4123.35 of the Revised Code the administrator shall determine the period during which the person, firm, or corporation was an amenable employer and shall forthwith give notice of the determination to the employer. Within twenty days thereafter the employer shall furnish the bureau with the payroll covering the period included in the determination and, if the employer is an amenable employer at the time of the determination, shall pay a premium security deposit for the eight months next succeeding the date of the determination and shall pay into the state insurance fund the amount of premium applicable to such payroll. 11825
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If the employer does not furnish the payroll and pay the applicable premium and premium security deposit within the twenty days, the administrator shall forthwith make an assessment of the premium due from the employer for the period the administrator determined the employer to be an amenable employer including the 11839
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premium security deposit according to section 4123.32 of the 11844
Revised Code if the employer is an amenable employer at the time 11845
of the determination, basing the assessment upon the information 11846
in the possession of the administrator. 11847

The administrator shall give to the employer assessed written 11848
notice of the assessment. The notice shall be mailed to the 11849
employer at the employer's residence or usual place of business by 11850
certified mail. Unless the employer to whom the notice of 11851
assessment is directed files with the bureau within twenty days 11852
after receipt thereof, a petition in writing, verified under oath 11853
by the employer, or the employer's authorized agent having 11854
knowledge of the facts, setting forth with particularity the items 11855
of the assessment objected to, together with the reason for the 11856
objections, the assessment shall become conclusive and the amount 11857
thereof shall be due and payable from the employer so assessed to 11858
the state insurance fund. When a petition objecting to an 11859
assessment is filed the bureau shall assign a time and place for 11860
the hearing of the same and shall notify the petitioner thereof by 11861
certified mail. When an employer files a petition the assessment 11862
made by the administrator shall become due and payable ten days 11863
after notice of the finding made at the hearing has been sent by 11864
certified mail to the party assessed. An appeal may be taken from 11865
any finding to the court of common pleas of Franklin county upon 11866
the execution by the party assessed of a bond to the state in 11867
double the amount found due and ordered paid by the bureau 11868
conditioned that the party will pay any judgment and costs 11869
rendered against it for the premium. 11870

When no petition objecting to an assessment is filed or when 11871
a finding is made affirming or modifying an assessment after 11872
hearing, a certified copy of the assessment as affirmed or 11873
modified may be filed by the administrator in the office of the 11874
clerk of the court of common pleas in any county in which the 11875

employer has property or in which the employer has a place of 11876
business. The clerk, immediately upon the filing of the 11877
assessment, shall enter a judgment for the state against the 11878
employer in the amount shown on the assessment. The judgment may 11879
be filed by the clerk in a loose leaf book entitled "special 11880
judgments for state insurance fund." The judgment shall bear the 11881
same rate of interest, have the same effect as other judgments, 11882
and be given the same preference allowed by law on other judgments 11883
rendered for claims for taxes. An assessment or judgment under 11884
this section shall not be a bar to the adjustment of the 11885
employer's account upon the employer furnishing the employer's 11886
payroll records to the bureau. 11887

The administrator, for good cause shown, may waive a default 11888
in the payment of premium where the default is of less than sixty 11889
days' duration, and upon payment by the employer of the premium 11890
for the period, the employer and the employer's employees are 11891
entitled to all of the benefits and immunities provided by this 11892
chapter. 11893

Sec. 4123.54. (A) Every Except as otherwise provided in 11894
division (I) of this section, every employee, who is injured or 11895
who contracts an occupational disease, and the dependents of each 11896
employee who is killed, or dies as the result of an occupational 11897
disease contracted in the course of employment, wherever such 11898
injury has occurred or occupational disease has been contracted, 11899
provided the same were not: 11900

(1) Purposely self-inflicted; or 11901

(2) Caused by the employee being intoxicated or under the 11902
influence of a controlled substance not prescribed by a physician 11903
where the intoxication or being under the influence of the 11904
controlled substance not prescribed by a physician was the 11905
proximate cause of the injury, is entitled to receive, either 11906

directly from the employee's self-insuring employer as provided in 11907
section 4123.35 of the Revised Code, or from the state insurance 11908
fund, the compensation for loss sustained on account of the 11909
injury, occupational disease, or death, and the medical, nurse, 11910
and hospital services and medicines, and the amount of funeral 11911
expenses in case of death, as are provided by this chapter. 11912

(B) For the purpose of this section, provided that an 11913
employer has posted written notice to employees that the results 11914
of, or the employee's refusal to submit to, any chemical test 11915
described under this division may affect the employee's 11916
eligibility for compensation and benefits pursuant to this chapter 11917
and Chapter 4121. of the Revised Code, there is a rebuttable 11918
presumption that an employee is intoxicated or under the influence 11919
of a controlled substance not prescribed by the employee's 11920
physician and that being intoxicated or under the influence of a 11921
controlled substance not prescribed by the employee's physician is 11922
the proximate cause of an injury under either of the following 11923
conditions: 11924

(1) When any one or more of the following is true: 11925

(a) The employee, through a qualifying chemical test 11926
administered within eight hours of an injury, is determined to 11927
have an alcohol concentration level equal to or in excess of the 11928
levels established in divisions (A)(1)(b) to (i) of section 11929
4511.19 of the Revised Code; 11930

(b) The employee, through a qualifying chemical test 11931
administered within thirty-two hours of an injury, is determined 11932
to have one of the following controlled substances not prescribed 11933
by the employee's physician in the employee's system that tests 11934
above the following levels in an enzyme multiplied immunoassay 11935
technique screening test and above the levels established in 11936
division (B)(1)(c) of this section in a gas chromatography mass 11937
spectrometry test: 11938

(i) For amphetamines, one thousand nanograms per milliliter of urine;	11939 11940
(ii) For cannabinoids, fifty nanograms per milliliter of urine;	11941 11942
(iii) For cocaine, including crack cocaine, three hundred nanograms per milliliter of urine;	11943 11944
(iv) For opiates, two thousand nanograms per milliliter of urine;	11945 11946
(v) For phencyclidine, twenty-five nanograms per milliliter of urine.	11947 11948
(c) The employee, through a qualifying chemical test administered within thirty-two hours of an injury, is determined to have one of the following controlled substances not prescribed by the employee's physician in the employee's system that tests above the following levels by a gas chromatography mass spectrometry test:	11949 11950 11951 11952 11953 11954
(i) For amphetamines, five hundred nanograms per milliliter of urine;	11955 11956
(ii) For cannabinoids, fifteen nanograms per milliliter of urine;	11957 11958
(iii) For cocaine, including crack cocaine, one hundred fifty nanograms per milliliter of urine;	11959 11960
(iv) For opiates, two thousand nanograms per milliliter of urine;	11961 11962
(v) For phencyclidine, twenty-five nanograms per milliliter of urine.	11963 11964
(d) The employee, through a qualifying chemical test administered within thirty-two hours of an injury, is determined to have barbiturates, benzodiazepines, methadone, or propoxyphene in the employee's system that tests above levels established by	11965 11966 11967 11968

laboratories certified by the United States department of health 11969
and human services. 11970

(2) When the employee refuses to submit to a requested 11971
chemical test, on the condition that that employee is or was given 11972
notice that the refusal to submit to any chemical test described 11973
in division (B)(1) of this section may affect the employee's 11974
eligibility for compensation and benefits under this chapter and 11975
Chapter 4121. of the Revised Code. 11976

(C)(1) For purposes of division (B) of this section, a 11977
chemical test is a qualifying chemical test if it is administered 11978
to an employee after an injury under at least one of the following 11979
conditions: 11980

(a) When the employee's employer had reasonable cause to 11981
suspect that the employee may be intoxicated or under the 11982
influence of a controlled substance not prescribed by the 11983
employee's physician; 11984

(b) At the request of a police officer pursuant to section 11985
4511.191 of the Revised Code, and not at the request of the 11986
employee's employer; 11987

(c) At the request of a licensed physician who is not 11988
employed by the employee's employer, and not at the request of the 11989
employee's employer. 11990

(2) As used in division (C)(1)(a) of this section, 11991
"reasonable cause" means, but is not limited to, evidence that an 11992
employee is or was using alcohol or a controlled substance drawn 11993
from specific, objective facts and reasonable inferences drawn 11994
from these facts in light of experience and training. These facts 11995
and inferences may be based on, but are not limited to, any of the 11996
following: 11997

(a) Observable phenomena, such as direct observation of use, 11998
possession, or distribution of alcohol or a controlled substance, 11999

or of the physical symptoms of being under the influence of 12000
alcohol or a controlled substance, such as but not limited to 12001
slurred speech, dilated pupils, odor of alcohol or a controlled 12002
substance, changes in affect, or dynamic mood swings; 12003

(b) A pattern of abnormal conduct, erratic or aberrant 12004
behavior, or deteriorating work performance such as frequent 12005
absenteeism, excessive tardiness, or recurrent accidents, that 12006
appears to be related to the use of alcohol or a controlled 12007
substance, and does not appear to be attributable to other 12008
factors; 12009

(c) The identification of an employee as the focus of a 12010
criminal investigation into unauthorized possession, use, or 12011
trafficking of a controlled substance; 12012

(d) A report of use of alcohol or a controlled substance 12013
provided by a reliable and credible source; 12014

(e) Repeated or flagrant violations of the safety or work 12015
rules of the employee's employer, that are determined by the 12016
employee's supervisor to pose a substantial risk of physical 12017
injury or property damage and that appear to be related to the use 12018
of alcohol or a controlled substance and that do not appear 12019
attributable to other factors. 12020

(D) Nothing in this section shall be construed to affect the 12021
rights of an employer to test employees for alcohol or controlled 12022
substance abuse. 12023

(E) For the purpose of this section, laboratories certified 12024
by the United States department of health and human services or 12025
laboratories that meet or exceed the standards of that department 12026
for laboratory certification shall be used for processing the test 12027
results of a qualifying chemical test. 12028

(F) The written notice required by division (B) of this 12029
section shall be the same size or larger then the certificate of 12030

premium payment notice furnished by the bureau of workers' 12031
compensation and shall be posted by the employer in the same 12032
location as the certificate of premium payment notice or the 12033
certificate of self-insurance. 12034

(G) If a condition that pre-existed an injury is 12035
substantially aggravated by the injury, and that substantial 12036
aggravation is documented by objective diagnostic findings, 12037
objective clinical findings, or objective test results, no 12038
compensation or benefits are payable because of the pre-existing 12039
condition once that condition has returned to a level that would 12040
have existed without the injury. 12041

(H) Whenever, with respect to an employee of an employer who 12042
is subject to and has complied with this chapter, there is 12043
possibility of conflict with respect to the application of 12044
workers' compensation laws because the contract of employment is 12045
entered into and all or some portion of the work is or is to be 12046
performed in a state or states other than Ohio, the employer and 12047
the employee may agree to be bound by the laws of this state or by 12048
the laws of some other state in which all or some portion of the 12049
work of the employee is to be performed. The agreement shall be in 12050
writing and shall be filed with the bureau of workers' 12051
compensation within ten days after it is executed and shall remain 12052
in force until terminated or modified by agreement of the parties 12053
similarly filed. If the agreement is to be bound by the laws of 12054
this state and the employer has complied with this chapter, then 12055
the employee is entitled to compensation and benefits regardless 12056
of where the injury occurs or the disease is contracted and the 12057
rights of the employee and the employee's dependents under the 12058
laws of this state are the exclusive remedy against the employer 12059
on account of injury, disease, or death in the course of and 12060
arising out of the employee's employment. If the agreement is to 12061
be bound by the laws of another state and the employer has 12062

complied with the laws of that state, the rights of the employee 12063
and the employee's dependents under the laws of that state are the 12064
exclusive remedy against the employer on account of injury, 12065
disease, or death in the course of and arising out of the 12066
employee's employment without regard to the place where the injury 12067
was sustained or the disease contracted. 12068

If any employee or the employee's dependents are awarded 12069
workers' compensation benefits or recover damages from the 12070
employer under the laws of another state, the amount awarded or 12071
recovered, whether paid or to be paid in future installments, 12072
shall be credited on the amount of any award of compensation or 12073
benefits made to the employee or the employee's dependents by the 12074
bureau. 12075

If an employee is a resident of a state other than this state 12076
and is insured under the workers' compensation law or similar laws 12077
of a state other than this state, the employee and the employee's 12078
dependents are not entitled to receive compensation or benefits 12079
under this chapter, on account of injury, disease, or death 12080
arising out of or in the course of employment while temporarily 12081
within this state, and the rights of the employee and the 12082
employee's dependents under the laws of the other state are the 12083
exclusive remedy against the employer on account of the injury, 12084
disease, or death. 12085

(I) If an employee who is covered under the federal 12086
"Longshore and Harbor Workers' Compensation Act," 98 Stat. 1639, 12087
33 U.S.C. 901 et seq., is injured or contracts an occupational 12088
disease or dies as a result of an injury or occupational disease, 12089
and if that employee's or that employee's dependents' claim for 12090
compensation or benefits for that injury, occupational disease, or 12091
death is subject to the jurisdiction of that act, the employee or 12092
the employee's dependents are not entitled to apply for and shall 12093
not receive compensation or benefits under this chapter and 12094

Chapter 4121. of the Revised Code. The rights of such an employee 12095
and the employee's dependents under the federal "Longshore and 12096
Harbor Workers' Compensation Act," 98 Stat. 1639, 33 U.S.C. 901 et 12097
seq., are the exclusive remedy against the employer for that 12098
injury, occupational disease, or death. 12099

(J) Compensation or benefits are not payable to a claimant 12100
during the period of confinement of the claimant in any state or 12101
federal correctional institution, or in any county jail in lieu of 12102
incarceration in a state or federal correctional institution, 12103
whether in this or any other state for conviction of violation of 12104
any state or federal criminal law. 12105

Sec. 4131.03. (A) For the relief of persons who are entitled 12106
to receive benefits by virtue of the federal act, there is hereby 12107
established a coal-workers pneumoconiosis fund, which shall be 12108
separate from the funds established and administered pursuant to 12109
Chapter 4123. of the Revised Code. The fund shall consist of 12110
premiums and other payments thereto by subscribers who elect to 12111
subscribe to the fund to insure the payment of benefits required 12112
by the federal act. 12113

(B)(1) The coal-workers pneumoconiosis fund shall be in the 12114
custody of the treasurer of state. The bureau of workers' 12115
compensation shall make disbursements from the fund to those 12116
persons entitled to payment therefrom and in the amounts required 12117
pursuant to sections 4131.01 to 4131.06 of the Revised Code. All 12118
investment earnings of the fund shall be credited to the fund. 12119

(2) The administrator of workers' compensation may transfer a 12120
portion of the investment earnings credited to the coal-workers 12121
pneumoconiosis fund to the mine safety fund created in section 12122
1561.24 of the Revised Code for the purposes specified in that 12123
section. The administrator, with the advice and consent of the 12124
bureau of workers' compensation board of directors, shall adopt 12125

rules governing the transfer in order to ensure the solvency of 12126
the coal-workers pneumoconiosis fund. For that purpose, the rules 12127
may establish tests based on measures of net assets, liabilities, 12128
expenses, interest, dividend income, or other factors that the 12129
administrator determines appropriate that may be applied prior to 12130
a transfer. 12131

(C) The administrator ~~of workers' compensation~~ shall have the 12132
same powers to invest any of the surplus or reserve belonging to 12133
the coal-workers pneumoconiosis fund as are delegated to ~~him~~ the 12134
administrator under section 4123.44 of the Revised Code with 12135
respect to the state insurance fund. 12136

(D) If the administrator determines that reinsurance of the 12137
risks of the coal-workers pneumoconiosis fund is necessary to 12138
assure solvency of the fund, ~~he~~ the administrator may: 12139

(1) Enter into contracts for the purchase of reinsurance 12140
coverage of the risks of the fund with any company or agency 12141
authorized by law to issue contracts of reinsurance; 12142

(2) Pay the cost of reinsurance from the fund; 12143

(3) Include the costs of reinsurance as a liability and 12144
estimated liability of the fund. 12145

Sec. 4301.355. (A) If a petition is filed under section 12146
4301.333 of the Revised Code for the submission of the question or 12147
questions set forth in this section, it shall be held in the 12148
precinct as ordered by the board of elections under that section. 12149
The expense of holding the election shall be charged to the 12150
municipal corporation or township of which the precinct is a part. 12151

(B) At the election, one or more of the following questions, 12152
as designated in a valid petition, shall be submitted to the 12153
electors of the precinct: 12154

(1) "Shall the sale of (insert beer, wine and 12155

mixed beverages, or spirituous liquor) be permitted by 12156
(insert name of applicant, liquor permit holder, or liquor agency 12157
store, including trade or fictitious name under which applicant 12158
for, or holder of, liquor permit or liquor agency store either 12159
intends to do, or does, business at the particular location), an 12160
..... (insert "applicant for" or "holder of" or "operator 12161
of") a (insert class name of liquor permit or permits 12162
followed by the words "liquor permit(s)" or, if appropriate, the 12163
words "liquor agency store for the State of Ohio"), who is engaged 12164
in the business of (insert general nature of the 12165
business in which applicant or liquor permit holder is engaged or 12166
will be engaged in at the particular location, as described in the 12167
petition) at (insert address of the particular location 12168
within the precinct as set forth in the petition) in this 12169
precinct?" 12170

(2) "Shall the sale of (insert beer, wine and 12171
mixed beverages, or spirituous liquor) be permitted for sale on 12172
Sunday between the hours of (insert "ten a.m. and 12173
midnight" or "one p.m. and midnight") by (insert name 12174
of applicant, liquor permit holder, or liquor agency store, 12175
including trade or fictitious name under which applicant for, or 12176
holder of, liquor permit or liquor agency store either intends to 12177
do, or does, business at the particular location), an 12178
(insert "applicant for a D-6 liquor permit," "holder of a D-6 12179
liquor permit," "applicant for or holder of an A-1-A, A-2, C-1, 12180
C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D-5e, D-5f, 12181
D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, or D-7 liquor permit," if only 12182
the approval of beer sales is sought, or "liquor agency store") 12183
who is engaged in the business of (insert general 12184
nature of the business in which applicant or liquor permit holder 12185
is engaged or will be engaged in at the particular location, as 12186
described in the petition) at (insert address of the 12187
particular location within the precinct) in this precinct?" 12188

(C) The board of elections shall furnish printed ballots at 12189
the election as provided under section 3505.06 of the Revised 12190
Code, except that a separate ballot shall be used for the election 12191
under this section. The question set forth in this section shall 12192
be printed on each ballot, and the board shall insert in the 12193
question appropriate words to complete it. Votes shall be cast as 12194
provided under section 3505.06 of the Revised Code. 12195

Sec. 4301.404. (A) As used in this section, "center for the 12196
preservation of wild animals" means a conservation center located 12197
on not less than five thousand acres of land that provides 12198
scientific, educational, and recreational resources to advance the 12199
conservation of animal populations and habitats. 12200

(B) Sections 4301.32 to 4301.391 and 4305.14 of the Revised 12201
Code and the provisions for local option elections and the 12202
election on the repeal of Ohio Constitution, Article XV, Section 9 12203
in section 4303.29 of the Revised Code do not affect or prohibit 12204
the sale of beer or intoxicating liquor at a center for the 12205
preservation of wild animals if any permit holder for the premises 12206
operates pursuant to the authority of a D liquor permit issued 12207
pursuant to Chapter 4303. of the Revised Code. 12208

(C) Permit D-6 shall be issued to the holder of any D permit 12209
that authorizes the sale of intoxicating liquor and that is issued 12210
for a center for the preservation of wild animals to allow the 12211
sale of intoxicating liquor under the permit at the premises 12212
between the hours of one p.m. and midnight on Sunday, whether or 12213
not such sale has been authorized in an election held under 12214
section 4301.351 of the Revised Code. Notwithstanding section 12215
4301.351 of the Revised Code, the holder of a D permit issued for 12216
a center for the preservation of wild animals may sell beer on 12217
Sunday whether or not the sale of intoxicating liquor has been 12218
authorized in an election held under that section. 12219

Sec. 4301.421. (A) For the purposes of section 307.696 of the Revised Code, to pay the expenses of administering the tax, and to pay any or all of the charge the board of elections makes against the county to hold the election on the question of levying the tax, or for those purposes and to provide revenues to the county for permanent improvements, the board of county commissioners may levy a tax on the sale of beer at a rate not to exceed sixteen cents per gallon, on the sale of cider at a rate not to exceed twenty-four cents per gallon, and on the sale of wine and mixed beverages at a rate not to exceed thirty-two cents per gallon. The tax shall be imposed on all beer, cider, wine, and mixed beverages 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 12252
day of the month specified in the resolution but not sooner than 12253
the first day of the month that is at least sixty days after the 12254
certification of the election results by the board of elections. A 12255
copy of the resolution levying the tax and the certification of 12256
the board of elections shall be certified to the tax commissioner 12257
at least sixty days prior to the date on which the tax is to 12258
become effective. 12259

A resolution under this section may be joined on the ballot 12260
as a single question with a resolution adopted under section 12261
307.697 or 5743.024 of the Revised Code to levy a tax for the same 12262
purposes and for the purpose of paying the expenses of 12263
administering the tax. The form of the ballot in an election held 12264
pursuant to this section shall be as prescribed in section 307.697 12265
of the Revised Code. 12266

(B) The board of county commissioners of a county in which a 12267
tax is imposed under this section on ~~the effective date of this~~ 12268
~~amendment July 19, 1995,~~ may levy a tax for the purpose of section 12269
307.673 of the Revised Code regardless of whether or not the 12270
cooperative agreement authorized under that section has been 12271
entered into prior to the day the resolution adopted under 12272
division (B)(1) or (2) of this section is adopted, and for the 12273
purpose of reimbursing a county for costs incurred in the 12274
construction of a sports facility pursuant to an agreement entered 12275
into by the county under section 307.696 of the Revised Code. The 12276
tax shall be levied and approved in one of the manners prescribed 12277
by division (B)(1) or (2) of this section. 12278

(1) The tax may be levied pursuant to a resolution adopted by 12279
a majority of the members of the board of county commissioners not 12280
later than ~~forty five days after the effective date of this~~ 12281
~~amendment September 2, 1995.~~ A board of county commissioners 12282
approving a tax under division (B)(1) of this section may approve 12283

a tax under division (D)(1) of section 307.697 or division (C)(1) 12284
of section 5743.024 of the Revised Code at the same time. Subject 12285
to the resolution being submitted to a referendum under sections 12286
305.31 to 305.41 of the Revised Code, the resolution shall take 12287
effect immediately, but the tax levied pursuant to the resolution 12288
shall not be levied prior to the day following the last day the 12289
tax levied pursuant to division (A) of this section may be levied. 12290

(2) The tax may be levied pursuant to a resolution adopted by 12291
a majority of the members of the board of county commissioners not 12292
later than ~~forty five days after the effective date of this~~ 12293
~~amendment~~ September 2, 1995, and approved by a majority of the 12294
electors of the county voting on the question of levying the tax 12295
at the next succeeding general election following ~~the effective~~ 12296
~~date of this amendment~~ July 19, 1995. The board of county 12297
commissioners shall certify a copy of the resolution to the board 12298
of elections immediately upon adopting a resolution under division 12299
(D)(2) of this section, and the board of elections shall place the 12300
question of levying the tax on the ballot at that election. The 12301
form of the ballot shall be as prescribed by division (C) of 12302
section 307.697 of the Revised Code, except that the phrase 12303
"paying not more than one-half of the costs of providing a sports 12304
facility together with related redevelopment and economic 12305
development projects" shall be replaced by the phrase "paying the 12306
costs of constructing or renovating a sports facility and 12307
reimbursing a county for costs incurred by the county in the 12308
construction of a sports facility," and the phrase ", beginning 12309
..... (here insert the earliest date the tax would take 12310
effect)" shall be appended after "years." A board of county 12311
commissioners submitting the question of a tax under division 12312
(B)(2) of this section may submit the question of a tax under 12313
division (D)(2) of section 307.697 or division (C)(2) of section 12314
5743.024 of the Revised Code as a single question, and the form of 12315
the ballot shall include each of the proposed taxes. 12316

If approved by a majority of electors voting on the question, 12317
the tax shall take effect on the day specified on the ballot, 12318
which shall not be earlier than the day following the last day the 12319
tax levied pursuant to division (A) of this section may be levied. 12320

The rate of a tax levied pursuant to division (B)(1) or (2) 12321
of this section shall not exceed the rate specified in division 12322
(A) of this section. A tax levied pursuant to division (B)(1) or 12323
(2) of this section may be levied for any number of years not 12324
exceeding twenty. 12325

A board of county commissioners adopting a resolution under 12326
division (B)(1) or (2) of this section shall certify a copy of the 12327
resolution to the tax commissioner immediately upon adoption of 12328
the resolution. 12329

(C) No tax shall be levied under this section on or after the 12330
effective date of the amendment of this section by of the 12331
127th general assembly. This division does not prevent the 12332
collection of any tax levied under this section before that date 12333
so long as that tax remains effective. 12334

Sec. 4301.424. (A) For the purpose of section 351.26 of the 12335
Revised Code and to pay any or all of the charge the board of 12336
elections makes against the county to hold the election on the 12337
question of levying the tax, the board of county commissioners, in 12338
the manner prescribed by division (A) of section 351.26 of the 12339
Revised Code, may levy a tax on each gallon of spirituous liquor; 12340
on the sale of beer; and on the sale of wine and mixed beverages. 12341
The tax on spirituous liquor shall be imposed on spirituous liquor 12342
sold to or purchased by liquor permit holders for resale, and sold 12343
at retail by the division of liquor control, in the county at a 12344
rate not greater than three dollars per gallon; the tax on beer, 12345
wine, and mixed beverages shall be imposed on all beer, wine, and 12346
mixed beverages sold for resale at retail in the county, and on 12347

all beer, wine, and mixed beverages sold at retail in the county 12348
by the manufacturer, bottler, importer, or other person and upon 12349
which the tax has not been paid. The rate of the tax on beer shall 12350
not exceed sixteen cents per gallon, and the rate of the tax on 12351
wine and mixed beverages shall not exceed thirty-two cents per 12352
gallon. Only one sale of the same article shall be used in 12353
computing, reporting, and paying the amount of tax due. The tax 12354
may be levied for any number of years not exceeding twenty. 12355

The tax shall be levied pursuant to a resolution of the board 12356
of county commissioners adopted as prescribed by division (A) of 12357
section 351.26 of the Revised Code and approved by a majority of 12358
the electors in the county voting on the question of levying the 12359
tax. The resolution shall specify the rates of the tax, the number 12360
of years the tax will be levied, and the purposes for which the 12361
tax is levied. Such election may be held on the date of a general 12362
or special election held not sooner than seventy-five days after 12363
the date the board certifies its resolution to the board of 12364
elections. If approved by the electors, the tax takes effect on 12365
the first day of the month specified in the resolution but not 12366
sooner than the first day of the month that is at least sixty days 12367
after the certification of the election results by the board of 12368
elections. A copy of the resolution levying the tax shall be 12369
certified to the division of liquor control and the tax 12370
commissioner at least sixty days prior to the date on which the 12371
tax is to become effective. 12372

(B) A resolution under this section may be joined on the 12373
ballot as a single question with a resolution adopted under 12374
section 5743.026 of the Revised Code to levy a tax for the same 12375
purposes, and for the purpose of paying the expenses of 12376
administering that tax. 12377

(C) The form of the ballot in an election held on the 12378
question of levying a tax proposed pursuant to this section shall 12379

be as prescribed by section 351.26 of the Revised Code. 12380

(D) No tax shall be levied under this section on or after the 12381
effective date of the amendment of this section by the capital 12382
appropriations act of the 127th general assembly. This division 12383
does not prevent the collection of any tax levied under this 12384
section before that date so long as that tax remains effective. 12385

Sec. 4301.432. For the purpose of encouraging the grape 12386
industries of the state, a tax is hereby levied on the sale or 12387
distribution of vermouth, sparkling and carbonated wine and 12388
champagne, and other wine, except for known sacramental purposes, 12389
at the rate of two cents per wine gallon, the tax to be paid by 12390
the holders of A-2 and, B-2a, B-5, and S permits or by any other 12391
person selling or distributing wine upon which no such tax has 12392
been paid. The treasurer of state shall credit to the Ohio grape 12393
industries fund created under section 924.54 of the Revised Code 12394
the moneys he the treasurer of state receives from this tax. 12395

Sec. 4301.441. Any information provided to a state agency by 12396
the department of taxation in accordance with division (C)(11) of 12397
section 5703.21 of the Revised Code shall not be disclosed 12398
publicly by that agency, except for purposes of enforcement, to 12399
deny the renewal of a liquor permit, or to report such information 12400
to the alcohol and tobacco tax and trade bureau in the United 12401
States department of the treasury. 12402

Sec. 4301.47. Every class A-1, A-2, and A-4 permit holder and 12403
each class B or S permit holder shall maintain and keep for a 12404
period of three years a record of the beer, wine, and mixed 12405
beverages purchased, distributed, or sold within this state by the 12406
permit holder, together with invoices, records, receipts, bills of 12407
lading, and other pertinent papers required by the tax 12408
commissioner and, upon demand by the tax commissioner, shall 12409

produce these records for a three-year period prior to the demand 12410
unless upon satisfactory proof it is shown that the nonproduction 12411
is due to causes beyond the permit holder's control. 12412

Sec. 4301.62. (A) As used in this section: 12413

(1) "Chauffeured limousine" means a vehicle registered under 12414
section 4503.24 of the Revised Code. 12415

(2) "Street," "highway," and "motor vehicle" have the same 12416
meanings as in section 4511.01 of the Revised Code. 12417

(B) No person shall have in the person's possession an opened 12418
container of beer or intoxicating liquor in any of the following 12419
circumstances: 12420

(1) In a state liquor store; 12421

(2) Except as provided in division (C) of this section, on 12422
the premises of the holder of any permit issued by the division of 12423
liquor control; 12424

(3) In any other public place; 12425

(4) Except as provided in division (D) or (E) of this 12426
section, while operating or being a passenger in or on a motor 12427
vehicle on any street, highway, or other public or private 12428
property open to the public for purposes of vehicular travel or 12429
parking; 12430

(5) Except as provided in division (D) or (E) of this 12431
section, while being in or on a stationary motor vehicle on any 12432
street, highway, or other public or private property open to the 12433
public for purposes of vehicular travel or parking. 12434

(C)(1) A person may have in the person's possession an opened 12435
container of any of the following: 12436

(a) Beer or intoxicating liquor that has been lawfully 12437

purchased for consumption on the premises where bought from the 12438
holder of an A-1-A, A-2, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, 12439
D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 12440
D-5l, D-7, D-8, E, F, F-2, or F-5 permit; 12441

(b) Beer, wine, or mixed beverages served for consumption on 12442
the premises by the holder of an F-3 permit or wine served for 12443
consumption on the premises by the holder of an F-4 or F-6 permit; 12444

(c) Beer or intoxicating liquor consumed on the premises of a 12445
convention facility as provided in section 4303.201 of the Revised 12446
Code; 12447

(d) Beer or intoxicating liquor to be consumed during 12448
tastings and samplings approved by rule of the liquor control 12449
commission. 12450

(2) A person may have in the person's possession on an F 12451
liquor permit premises an opened container of beer or intoxicating 12452
liquor that was not purchased from the holder of the F permit if 12453
the premises for which the F permit is issued is a music festival 12454
and the holder of the F permit grants permission for that 12455
possession on the premises during the period for which the F 12456
permit is issued. As used in this division, "music festival" means 12457
a series of outdoor live musical performances, extending for a 12458
period of at least three consecutive days and located on an area 12459
of land of at least forty acres. 12460

(3)(a) A person may have in the person's possession on a D-2 12461
liquor permit premises an opened or unopened container of wine 12462
that was not purchased from the holder of the D-2 permit if the 12463
premises for which the D-2 permit is issued is an outdoor 12464
performing arts center, the person is attending an orchestral 12465
performance, and the holder of the D-2 permit grants permission 12466
for the possession and consumption of wine in certain 12467
predesignated areas of the premises during the period for which 12468

the D-2 permit is issued. 12469

(b) As used in division (C)(3)(a) of this section: 12470

(i) "Orchestral performance" means a concert comprised of a 12471
group of not fewer than forty musicians playing various musical 12472
instruments. 12473

(ii) "Outdoor performing arts center" means an outdoor 12474
performing arts center that is located on not less than eight 12475
hundred acres of land and that is open for performances from the 12476
first day of April to the last day of October of each year. 12477

(D) This section does not apply to a person who pays all or a 12478
portion of the fee imposed for the use of a chauffeured limousine 12479
pursuant to a prearranged contract, or the guest of the person, 12480
when all of the following apply: 12481

(1) The person or guest is a passenger in the limousine. 12482

(2) The person or guest is located in the limousine, but is 12483
not occupying a seat in the front compartment of the limousine 12484
where the operator of the limousine is located. 12485

(3) The limousine is located on any street, highway, or other 12486
public or private property open to the public for purposes of 12487
vehicular travel or parking. 12488

(E) An opened bottle of wine that was purchased from the 12489
holder of a permit that authorizes the sale of wine for 12490
consumption on the premises where sold is not an opened container 12491
for the purposes of this section if both of the following apply: 12492

(1) The opened bottle of wine is securely resealed by the 12493
permit holder or an employee of the permit holder before the 12494
bottle is removed from the premises. The bottle shall be secured 12495
in such a manner that it is visibly apparent if the bottle has 12496
been subsequently opened or tampered with. 12497

(2) The opened bottle of wine that is resealed in accordance 12498

with division (E)(1) of this section is stored in the trunk of a 12499
motor vehicle or, if the motor vehicle does not have a trunk, 12500
behind the last upright seat or in an area not normally occupied 12501
by the driver or passengers and not easily accessible by the 12502
driver. 12503

Sec. 4303.03. Permit (A) Subject to division (B) of this 12504
section, permit A-2 may be issued to a manufacturer to manufacture 12505
wine from grapes or other fruits; to import and purchase wine in 12506
bond for blending purposes, the total amount of wine so imported 12507
during the year covered by the permit not to exceed forty per cent 12508
of all the wine manufactured and imported; to manufacture, 12509
purchase, and import brandy for fortifying purposes; and to sell 12510
those products either in glass or container for consumption on the 12511
premises where manufactured, in sealed containers for consumption 12512
off the premises where manufactured, and to wholesale permit 12513
holders under the rules adopted by the division of liquor control. 12514
12515

(B)(1) The holder of an A-2 permit shall not sell directly to 12516
a retailer. In order to make sales to a retailer, the manufacturer 12517
shall obtain a B-2a permit or make the sale directly to a B-2 or 12518
B-5 permit holder for subsequent resale to a retailer. 12519

(2) The holder of an A-2 permit shall not sell directly to a 12520
consumer unless the product is sold on the premises in accordance 12521
with division (A) of this section. In order to make sales to a 12522
consumer off the premises where the wine is manufactured, the 12523
manufacturer shall obtain an S permit. 12524

(3) Nothing in this chapter prohibits an A-2 permit holder 12525
also holding a B-2a or S permit. 12526

(C) The fee for this permit is seventy-six dollars for each 12527
plant to which this permit is issued. 12528

Sec. 4303.071. (A)(1) ~~Except as otherwise provided in~~ 12529
~~division (A)(2) of this section, permit~~ Permit B-2a may be issued 12530
to a person that ~~manufactures wine,~~ is the brand owner or United 12531
States importer of wine, ~~or~~ is the designated agent of a brand 12532
owner or importer for all wine sold in this state for that owner 12533
or importer, or manufactures wine if such manufacturer is entitled 12534
to a tax credit under 27 C.F.R. 24.278 and produces less than two 12535
hundred fifty thousand gallons of wine per year. If the person 12536
resides outside this state, the person shall comply with the 12537
requirements governing the issuance of licenses or permits that 12538
authorize the sale of intoxicating liquor by the appropriate 12539
authority of the state in which the person resides or by the 12540
alcohol and tobacco tax and trade bureau in the United States 12541
department of the treasury. 12542

(2) ~~A B-2a permit shall only be issued to a manufacturer of~~ 12543
~~wine that is entitled to a tax credit under 27 C.F.R. 24.278 and~~ 12544
~~that produces less than one hundred fifty thousand gallons of wine~~ 12545
~~per year.~~ 12546

~~(3)~~ The fee for the B-2a permit is twenty-five dollars. 12547

~~(4)~~(3) The holder of a B-2a permit may sell wine to a retail 12548
permit holder, but a B-2a permit holder that is a wine 12549
manufacturer may sell to a retail permit holder only wine that the 12550
B-2a permit holder has manufactured. 12551

~~(5)~~(4) The holder of a B-2a permit shall renew the permit in 12552
accordance with section 4303.271 of the Revised Code, except that 12553
renewal shall not be subject to the notice and hearing 12554
requirements established in division (B) of that section. 12555

(B) The holder of a B-2a permit shall collect and pay ~~all~~ 12556
~~applicable~~ the taxes relating to the delivery of a wine to a 12557
retailer ~~including, but not limited to, taxes that are levied~~ 12558
under sections 4301.421 and ~~4301.43~~ 4301.432 and Chapters 5739. 12559

and 5741. of the Revised Code. 12560

(C) The holder of a B-2a permit shall comply with this 12561
chapter, Chapter 4301. of the Revised Code, and any rules adopted 12562
by the liquor control commission under section 4301.03 of the 12563
Revised Code. 12564

Sec. 4303.181. (A) Permit D-5a may be issued either to the 12565
owner or operator of a hotel or motel that is required to be 12566
licensed under section 3731.03 of the Revised Code, that contains 12567
at least fifty rooms for registered transient guests or is owned 12568
by a state institution of higher education as defined in section 12569
3345.011 of the Revised Code or a private college or university, 12570
and that qualifies under the other requirements of this section, 12571
or to the owner or operator of a restaurant specified under this 12572
section, to sell beer and any intoxicating liquor at retail, only 12573
by the individual drink in glass and from the container, for 12574
consumption on the premises where sold, and to registered guests 12575
in their rooms, which may be sold by means of a controlled access 12576
alcohol and beverage cabinet in accordance with division (B) of 12577
section 4301.21 of the Revised Code; and to sell the same products 12578
in the same manner and amounts not for consumption on the premises 12579
as may be sold by holders of D-1 and D-2 permits. The premises of 12580
the hotel or motel shall include a retail food establishment or a 12581
food service operation licensed pursuant to Chapter 3717. of the 12582
Revised Code that operates as a restaurant for purposes of this 12583
chapter and that is affiliated with the hotel or motel and within 12584
or contiguous to the hotel or motel, and that serves food within 12585
the hotel or motel, but the principal business of the owner or 12586
operator of the hotel or motel shall be the accommodation of 12587
transient guests. In addition to the privileges authorized in this 12588
division, the holder of a D-5a permit may exercise the same 12589
privileges as the holder of a D-5 permit. 12590

The owner or operator of a hotel, motel, or restaurant who 12591
qualified for and held a D-5a permit on August 4, 1976, may, if 12592
the owner or operator held another permit before holding a D-5a 12593
permit, either retain a D-5a permit or apply for the permit 12594
formerly held, and the division of liquor control shall issue the 12595
permit for which the owner or operator applies and formerly held, 12596
notwithstanding any quota. 12597

A D-5a permit shall not be transferred to another location. 12598
No quota restriction shall be placed on the number of D-5a permits 12599
that may be issued. 12600

The fee for this permit is two thousand three hundred 12601
forty-four dollars. 12602

(B) Permit D-5b may be issued to the owner, operator, tenant, 12603
lessee, or occupant of an enclosed shopping center to sell beer 12604
and intoxicating liquor at retail, only by the individual drink in 12605
glass and from the container, for consumption on the premises 12606
where sold; and to sell the same products in the same manner and 12607
amount not for consumption on the premises as may be sold by 12608
holders of D-1 and D-2 permits. In addition to the privileges 12609
authorized in this division, the holder of a D-5b permit may 12610
exercise the same privileges as a holder of a D-5 permit. 12611

A D-5b permit shall not be transferred to another location. 12612

One D-5b permit may be issued at an enclosed shopping center 12613
containing at least two hundred twenty-five thousand, but less 12614
than four hundred thousand, square feet of floor area. 12615

Two D-5b permits may be issued at an enclosed shopping center 12616
containing at least four hundred thousand square feet of floor 12617
area. No more than one D-5b permit may be issued at an enclosed 12618
shopping center for each additional two hundred thousand square 12619
feet of floor area or fraction of that floor area, up to a maximum 12620
of five D-5b permits for each enclosed shopping center. The number 12621

of D-5b permits that may be issued at an enclosed shopping center 12622
shall be determined by subtracting the number of D-3 and D-5 12623
permits issued in the enclosed shopping center from the number of 12624
D-5b permits that otherwise may be issued at the enclosed shopping 12625
center under the formulas provided in this division. Except as 12626
provided in this section, no quota shall be placed on the number 12627
of D-5b permits that may be issued. Notwithstanding any quota 12628
provided in this section, the holder of any D-5b permit first 12629
issued in accordance with this section is entitled to its renewal 12630
in accordance with section 4303.271 of the Revised Code. 12631

The holder of a D-5b permit issued before April 4, 1984, 12632
whose tenancy is terminated for a cause other than nonpayment of 12633
rent, may return the D-5b permit to the division of liquor 12634
control, and the division shall cancel that permit. Upon 12635
cancellation of that permit and upon the permit holder's payment 12636
of taxes, contributions, premiums, assessments, and other debts 12637
owing or accrued upon the date of cancellation to this state and 12638
its political subdivisions and a filing with the division of a 12639
certification of that payment, the division shall issue to that 12640
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 12641
that person requests. The division shall issue the D-5 permit, or 12642
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 12643
D-3, or D-5 permits currently issued in the municipal corporation 12644
or in the unincorporated area of the township where that person's 12645
proposed premises is located equals or exceeds the maximum number 12646
of such permits that can be issued in that municipal corporation 12647
or in the unincorporated area of that township under the 12648
population quota restrictions contained in section 4303.29 of the 12649
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 12650
be transferred to another location. If a D-5b permit is canceled 12651
under the provisions of this paragraph, the number of D-5b permits 12652
that may be issued at the enclosed shopping center for which the 12653
D-5b permit was issued, under the formula provided in this 12654

division, shall be reduced by one if the enclosed shopping center 12655
was entitled to more than one D-5b permit under the formula. 12656

The fee for this permit is two thousand three hundred 12657
forty-four dollars. 12658

(C) Permit D-5c may be issued to the owner or operator of a 12659
retail food establishment or a food service operation licensed 12660
pursuant to Chapter 3717. of the Revised Code that operates as a 12661
restaurant for purposes of this chapter and that qualifies under 12662
the other requirements of this section to sell beer and any 12663
intoxicating liquor at retail, only by the individual drink in 12664
glass and from the container, for consumption on the premises 12665
where sold, and to sell the same products in the same manner and 12666
amounts not for consumption on the premises as may be sold by 12667
holders of D-1 and D-2 permits. In addition to the privileges 12668
authorized in this division, the holder of a D-5c permit may 12669
exercise the same privileges as the holder of a D-5 permit. 12670

To qualify for a D-5c permit, the owner or operator of a 12671
retail food establishment or a food service operation licensed 12672
pursuant to Chapter 3717. of the Revised Code that operates as a 12673
restaurant for purposes of this chapter, shall have operated the 12674
restaurant at the proposed premises for not less than twenty-four 12675
consecutive months immediately preceding the filing of the 12676
application for the permit, have applied for a D-5 permit no later 12677
than December 31, 1988, and appear on the division's quota waiting 12678
list for not less than six months immediately preceding the filing 12679
of the application for the permit. In addition to these 12680
requirements, the proposed D-5c permit premises shall be located 12681
within a municipal corporation and further within an election 12682
precinct that, at the time of the application, has no more than 12683
twenty-five per cent of its total land area zoned for residential 12684
use. 12685

A D-5c permit shall not be transferred to another location. 12686

No quota restriction shall be placed on the number of such permits 12687
that may be issued. 12688

Any person who has held a D-5c permit for at least two years 12689
may apply for a D-5 permit, and the division of liquor control 12690
shall issue the D-5 permit notwithstanding the quota restrictions 12691
contained in section 4303.29 of the Revised Code or in any rule of 12692
the liquor control commission. 12693

The fee for this permit is one thousand five hundred 12694
sixty-three dollars. 12695

(D) Permit D-5d may be issued to the owner or operator of a 12696
retail food establishment or a food service operation licensed 12697
pursuant to Chapter 3717. of the Revised Code that operates as a 12698
restaurant for purposes of this chapter and that is located at an 12699
airport operated by a board of county commissioners pursuant to 12700
section 307.20 of the Revised Code, at an airport operated by a 12701
port authority pursuant to Chapter 4582. of the Revised Code, or 12702
at an airport operated by a regional airport authority pursuant to 12703
Chapter 308. of the Revised Code. The holder of a D-5d permit may 12704
sell beer and any intoxicating liquor at retail, only by the 12705
individual drink in glass and from the container, for consumption 12706
on the premises where sold, and may sell the same products in the 12707
same manner and amounts not for consumption on the premises where 12708
sold as may be sold by the holders of D-1 and D-2 permits. In 12709
addition to the privileges authorized in this division, the holder 12710
of a D-5d permit may exercise the same privileges as the holder of 12711
a D-5 permit. 12712

A D-5d permit shall not be transferred to another location. 12713
No quota restrictions shall be placed on the number of such 12714
permits that may be issued. 12715

The fee for this permit is two thousand three hundred 12716
forty-four dollars. 12717

(E) Permit D-5e may be issued to any nonprofit organization 12718
that is exempt from federal income taxation under the "Internal 12719
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 12720
amended, or that is a charitable organization under any chapter of 12721
the Revised Code, and that owns or operates a riverboat that meets 12722
all of the following: 12723

(1) Is permanently docked at one location; 12724

(2) Is designated as an historical riverboat by the Ohio 12725
historical society; 12726

(3) Contains not less than fifteen hundred square feet of 12727
floor area; 12728

(4) Has a seating capacity of fifty or more persons. 12729

The holder of a D-5e permit may sell beer and intoxicating 12730
liquor at retail, only by the individual drink in glass and from 12731
the container, for consumption on the premises where sold. 12732

A D-5e permit shall not be transferred to another location. 12733
No quota restriction shall be placed on the number of such permits 12734
that may be issued. The population quota restrictions contained in 12735
section 4303.29 of the Revised Code or in any rule of the liquor 12736
control commission shall not apply to this division, and the 12737
division shall issue a D-5e permit to any applicant who meets the 12738
requirements of this division. However, the division shall not 12739
issue a D-5e permit if the permit premises or proposed permit 12740
premises are located within an area in which the sale of 12741
spirituous liquor by the glass is prohibited. 12742

The fee for this permit is one thousand two hundred nineteen 12743
dollars. 12744

(F) Permit D-5f may be issued to the owner or operator of a 12745
retail food establishment or a food service operation licensed 12746
under Chapter 3717. of the Revised Code that operates as a 12747

restaurant for purposes of this chapter and that meets all of the 12748
following: 12749

(1) It contains not less than twenty-five hundred square feet 12750
of floor area. 12751

(2) It is located on or in, or immediately adjacent to, the 12752
shoreline of, a navigable river. 12753

(3) It provides docking space for twenty-five boats. 12754

(4) It provides entertainment and recreation, provided that 12755
not less than fifty per cent of the business on the permit 12756
premises shall be preparing and serving meals for a consideration. 12757

In addition, each application for a D-5f permit shall be 12758
accompanied by a certification from the local legislative 12759
authority that the issuance of the D-5f permit is not inconsistent 12760
with that political subdivision's comprehensive development plan 12761
or other economic development goal as officially established by 12762
the local legislative authority. 12763

The holder of a D-5f permit may sell beer and intoxicating 12764
liquor at retail, only by the individual drink in glass and from 12765
the container, for consumption on the premises where sold. 12766

A D-5f permit shall not be transferred to another location. 12767

The division of liquor control shall not issue a D-5f permit 12768
if the permit premises or proposed permit premises are located 12769
within an area in which the sale of spirituous liquor by the glass 12770
is prohibited. 12771

A fee for this permit is two thousand three hundred 12772
forty-four dollars. 12773

As used in this division, "navigable river" means a river 12774
that is also a "navigable water" as defined in the "Federal Power 12775
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 12776

(G) Permit D-5g may be issued to a nonprofit corporation that 12777

is either the owner or the operator of a national professional 12778
sports museum. The holder of a D-5g permit may sell beer and any 12779
intoxicating liquor at retail, only by the individual drink in 12780
glass and from the container, for consumption on the premises 12781
where sold. The holder of a D-5g permit shall sell no beer or 12782
intoxicating liquor for consumption on the premises where sold 12783
after one a.m. A D-5g permit shall not be transferred to another 12784
location. No quota restrictions shall be placed on the number of 12785
D-5g permits that may be issued. The fee for this permit is one 12786
thousand eight hundred seventy-five dollars. 12787

(H)(1) Permit D-5h may be issued to any nonprofit 12788
organization that is exempt from federal income taxation under the 12789
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 12790
501(c)(3), as amended, that owns or operates any of the following: 12791

(a) A fine arts museum, provided that the nonprofit 12792
organization has no less than one thousand five hundred bona fide 12793
members possessing full membership privileges; 12794

(b) A community arts center. As used in division (H)(1)(b) of 12795
this section, "community arts center" means a facility that 12796
provides arts programming to the community in more than one arts 12797
discipline, including, but not limited to, exhibits of works of 12798
art and performances by both professional and amateur artists. 12799

(c) A community theater, provided that the nonprofit 12800
organization is a member of the Ohio arts council and the American 12801
community theatre association and has been in existence for not 12802
less than ten years. As used in division (H)(1)(c) of this 12803
section, "community theater" means a facility that contains at 12804
least one hundred fifty seats and has a primary function of 12805
presenting live theatrical performances and providing recreational 12806
opportunities to the community. 12807

(2) The holder of a D-5h permit may sell beer and any 12808

intoxicating liquor at retail, only by the individual drink in 12809
glass and from the container, for consumption on the premises 12810
where sold. The holder of a D-5h permit shall sell no beer or 12811
intoxicating liquor for consumption on the premises where sold 12812
after one a.m. A D-5h permit shall not be transferred to another 12813
location. No quota restrictions shall be placed on the number of 12814
D-5h permits that may be issued. 12815

(3) The fee for a D-5h permit is one thousand eight hundred 12816
seventy-five dollars. 12817

(I) Permit D-5i may be issued to the owner or operator of a 12818
retail food establishment or a food service operation licensed 12819
under Chapter 3717. of the Revised Code that operates as a 12820
restaurant for purposes of this chapter and that meets all of the 12821
following requirements: 12822

(1) It is located in a municipal corporation or a township 12823
with a population of one hundred thousand or less. 12824

(2) It has inside seating capacity for at least one hundred 12825
forty persons. 12826

(3) It has at least four thousand square feet of floor area. 12827

(4) It offers full-course meals, appetizers, and sandwiches. 12828

(5) Its receipts from beer and liquor sales, excluding wine 12829
sales, do not exceed twenty-five per cent of its total gross 12830
receipts. 12831

(6) It has at least one of the following characteristics: 12832

(a) The value of its real and personal property exceeds seven 12833
hundred twenty-five thousand dollars. 12834

(b) It is located on property that is owned or leased by the 12835
state or a state agency, and its owner or operator has 12836
authorization from the state or the state agency that owns or 12837
leases the property to obtain a D-5i permit. 12838

The holder of a D-5i permit shall cause an independent audit 12839
to be performed at the end of one full year of operation following 12840
issuance of the permit in order to verify the requirements of 12841
division (I)(5) of this section. The results of the independent 12842
audit shall be transmitted to the division. Upon determining that 12843
the receipts of the holder from beer and liquor sales, excluding 12844
wine sales, exceeded twenty-five per cent of its total gross 12845
receipts, the division shall suspend the permit of the permit 12846
holder under section 4301.25 of the Revised Code and may allow the 12847
permit holder to elect a forfeiture under section 4301.252 of the 12848
Revised Code. 12849

The holder of a D-5i permit may sell beer and any 12850
intoxicating liquor at retail, only by the individual drink in 12851
glass and from the container, for consumption on the premises 12852
where sold, and may sell the same products in the same manner and 12853
amounts not for consumption on the premises where sold as may be 12854
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 12855
permit shall sell no beer or intoxicating liquor for consumption 12856
on the premises where sold after two-thirty a.m. In addition to 12857
the privileges authorized in this division, the holder of a D-5i 12858
permit may exercise the same privileges as the holder of a D-5 12859
permit. 12860

A D-5i permit shall not be transferred to another location. 12861
The division of liquor control shall not renew a D-5i permit 12862
unless the retail food establishment or food service operation for 12863
which it is issued continues to meet the requirements described in 12864
divisions (I)(1) to (6) of this section. No quota restrictions 12865
shall be placed on the number of D-5i permits that may be issued. 12866
The fee for the D-5i permit is two thousand three hundred 12867
forty-four dollars. 12868

(J)(1) Permit D-5j may be issued to the owner or the operator 12869
of a retail food establishment or a food service operation 12870

licensed under Chapter 3717. of the Revised Code to sell beer and 12871
intoxicating liquor at retail, only by the individual drink in 12872
glass and from the container, for consumption on the premises 12873
where sold and to sell beer and intoxicating liquor in the same 12874
manner and amounts not for consumption on the premises where sold 12875
as may be sold by the holders of D-1 and D-2 permits. The holder 12876
of a D-5j permit may exercise the same privileges, and shall 12877
observe the same hours of operation, as the holder of a D-5 12878
permit. 12879

(2) The D-5j permit shall be issued only within a community 12880
entertainment district that is designated under section 4301.80 of 12881
the Revised Code and that meets one of the following 12882
qualifications: 12883

(a) It is located in a municipal corporation with a 12884
population of at least one hundred thousand. 12885

(b) It is located in a municipal corporation with a 12886
population of at least twenty thousand, and either of the 12887
following applies: 12888

(i) It contains an amusement park the rides of which have 12889
been issued a permit by the department of agriculture under 12890
Chapter 1711. of the Revised Code. 12891

(ii) Not less than fifty million dollars will be invested in 12892
development and construction in the community entertainment 12893
district's area located in the municipal corporation. 12894

(c) It is located in a township with a population of at least 12895
forty thousand. 12896

(d) It is located in a municipal corporation with a 12897
population of at least ten thousand, and not less than seventy 12898
million dollars will be invested in development and construction 12899
in the community entertainment district's area located in the 12900
municipal corporation. 12901

(3) The location of a D-5j permit may be transferred only 12902
within the geographic boundaries of the community entertainment 12903
district in which it was issued and shall not be transferred 12904
outside the geographic boundaries of that district. 12905

(4) Not more than one D-5j permit shall be issued within each 12906
community entertainment district for each five acres of land 12907
located within the district. Not more than fifteen D-5j permits 12908
may be issued within a single community entertainment district. 12909
Except as otherwise provided in division (J)(4) of this section, 12910
no quota restrictions shall be placed upon the number of D-5j 12911
permits that may be issued. 12912

(5) The fee for a D-5j permit is two thousand three hundred 12913
forty-four dollars. 12914

(K)(1) Permit D-5k may be issued to any nonprofit 12915
organization that is exempt from federal income taxation under the 12916
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 12917
501(c)(3), as amended, that is the owner or operator of a 12918
botanical garden recognized by the American association of 12919
botanical gardens and arboreta, and that has not less than 12920
twenty-five hundred bona fide members. 12921

(2) The holder of a D-5k permit may sell beer and any 12922
intoxicating liquor at retail, only by the individual drink in 12923
glass and from the container, on the premises where sold. 12924

(3) The holder of a D-5k permit shall sell no beer or 12925
intoxicating liquor for consumption on the premises where sold 12926
after one a.m. 12927

(4) A D-5k permit shall not be transferred to another 12928
location. 12929

(5) No quota restrictions shall be placed on the number of 12930
D-5k permits that may be issued. 12931

(6) The fee for the D-5k permit is one thousand eight hundred
seventy-five dollars. 12932
12933

(L) Permit D-5l may be issued to either the owner or the 12934
operator of a retail food establishment or food service operation 12935
licensed under Chapter 3717. of the Revised Code that operates as 12936
a restaurant for purposes of this chapter and that is located in, 12937
or affiliated with, a center for the preservation of wild animals 12938
as defined in section 4301.404 of the Revised Code, to sell beer 12939
and any intoxicating liquor at retail, only by the glass and from 12940
the container, for consumption on the premises where sold, and to 12941
sell the same products in the same manner and amounts not for 12942
consumption on the premises as may be sold by the holders of D-1 12943
and D-2 permits. In addition to the privileges authorized by this 12944
division, the holder of a D-5l permit may exercise the same 12945
privileges as the holder of a D-5 permit. 12946

A D-5l permit shall not be transferred to another location. 12947
No quota restrictions shall be placed on the number of D-5l 12948
permits that may be issued. The fee for a permit D-5l is two 12949
thousand three hundred forty-four dollars. 12950

Sec. 4303.182. (A) Except as otherwise provided in divisions 12951
(B) to (J) of this section, permit D-6 shall be issued to the 12952
holder of an A-1-A, A-2, C-2, D-2, D-3, D-3a, D-4, D-4a, D-5, 12953
D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 12954
D-5l, or D-7 permit to allow sale under that permit between the 12955
hours of ten a.m. and midnight, or between the hours of one p.m. 12956
and midnight, on Sunday, as applicable, if that sale has been 12957
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 12958
of the Revised Code and under the restrictions of that 12959
authorization. 12960

(B) Permit D-6 shall be issued to the holder of any permit, 12961
including a D-4a and D-5d permit, authorizing the sale of 12962

intoxicating liquor issued for a premises located at any publicly 12963
owned airport, as defined in section 4563.01 of the Revised Code, 12964
at which commercial airline companies operate regularly scheduled 12965
flights on which space is available to the public, to allow sale 12966
under such permit between the hours of ten a.m. and midnight on 12967
Sunday, whether or not that sale has been authorized under section 12968
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 12969

(C) Permit D-6 shall be issued to the holder of a D-5a 12970
permit, and to the holder of a D-3 or D-3a permit who is the owner 12971
or operator of a hotel or motel that is required to be licensed 12972
under section 3731.03 of the Revised Code, that contains at least 12973
fifty rooms for registered transient guests, and that has on its 12974
premises a retail food establishment or a food service operation 12975
licensed pursuant to Chapter 3717. of the Revised Code that 12976
operates as a restaurant for purposes of this chapter and is 12977
affiliated with the hotel or motel and within or contiguous to the 12978
hotel or motel and serving food within the hotel or motel, to 12979
allow sale under such permit between the hours of ten a.m. and 12980
midnight on Sunday, whether or not that sale has been authorized 12981
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 12982
Revised Code. 12983

(D) The holder of a D-6 permit that is issued to a sports 12984
facility may make sales under the permit between the hours of 12985
eleven a.m. and midnight on any Sunday on which a professional 12986
baseball, basketball, football, hockey, or soccer game is being 12987
played at the sports facility. As used in this division, "sports 12988
facility" means a stadium or arena that has a seating capacity of 12989
at least four thousand and that is owned or leased by a 12990
professional baseball, basketball, football, hockey, or soccer 12991
franchise or any combination of those franchises. 12992

(E) Permit D-6 shall be issued to the holder of any permit 12993
that authorizes the sale of beer or intoxicating liquor and that 12994

is issued to a premises located in or at the Ohio historical 12995
society area or the state fairgrounds, as defined in division (B) 12996
of section 4301.40 of the Revised Code, to allow sale under that 12997
permit between the hours of ten a.m. and midnight on Sunday, 12998
whether or not that sale has been authorized under section 12999
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 13000

(F) Permit D-6 shall be issued to the holder of any permit 13001
that authorizes the sale of intoxicating liquor and that is issued 13002
to an outdoor performing arts center to allow sale under that 13003
permit between the hours of one p.m. and midnight on Sunday, 13004
whether or not that sale has been authorized under section 13005
4301.361 of the Revised Code. A D-6 permit issued under this 13006
division is subject to the results of an election, held after the 13007
D-6 permit is issued, on question (B)(4) as set forth in section 13008
4301.351 of the Revised Code. Following the end of the period 13009
during which an election may be held on question (B)(4) as set 13010
forth in that section, sales of intoxicating liquor may continue 13011
at an outdoor performing arts center under a D-6 permit issued 13012
under this division, unless an election on that question is held 13013
during the permitted period and a majority of the voters voting in 13014
the precinct on that question vote "no." 13015

As used in this division, "outdoor performing arts center" 13016
means an outdoor performing arts center that is located on not 13017
less than eight hundred acres of land and that is open for 13018
performances from the first day of April to the last day of 13019
October of each year. 13020

(G) Permit D-6 shall be issued to the holder of any permit 13021
that authorizes the sale of beer or intoxicating liquor and that 13022
is issued to a golf course owned by the state, a conservancy 13023
district, a park district created under Chapter 1545. of the 13024
Revised Code, or another political subdivision to allow sale under 13025
that permit between the hours of ten a.m. and midnight on Sunday, 13026

whether or not that sale has been authorized under section 13027
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 13028

(H) Permit D-6 shall be issued to the holder of a D-5g permit 13029
to allow sale under that permit between the hours of ten a.m. and 13030
midnight on Sunday, whether or not that sale has been authorized 13031
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 13032
Revised Code. 13033

(I) Permit D-6 shall be issued to the holder of any D permit 13034
for a premises that is licensed under Chapter 3717. of the Revised 13035
Code and that is located at a ski area to allow sale under the D-6 13036
permit between the hours of ten a.m. and midnight on Sunday, 13037
whether or not that sale has been authorized under section 13038
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 13039

As used in this division, "ski area" means a ski area as 13040
defined in section 4169.01 of the Revised Code, provided that the 13041
passenger tramway operator at that area is registered under 13042
section 4169.03 of the Revised Code. 13043

(J) Permit D-6 shall be issued to the holder of a D-5j permit 13044
for a permit premises that is located in a community entertainment 13045
district, as defined in section 4301.80 of the Revised Code, that 13046
was approved by the legislative authority of a municipal 13047
corporation under that section between October 1 and October 15, 13048
2005, to allow sale under the permit between the hours of ten a.m. 13049
and midnight on Sunday, whether or not that sale has been 13050
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 13051
of the Revised Code. 13052

(K) If the restriction to licensed premises where the sale of 13053
food and other goods and services exceeds fifty per cent of the 13054
total gross receipts of the permit holder at the premises is 13055
applicable, the division of liquor control may accept an affidavit 13056
from the permit holder to show the proportion of the permit 13057

holder's gross receipts derived from the sale of food and other 13058
goods and services. If the liquor control commission determines 13059
that affidavit to have been false, it shall revoke the permits of 13060
the permit holder at the premises concerned. 13061

(L) The fee for the D-6 permit is five hundred dollars when 13062
it is issued to the holder of an A-1-A, A-2, D-2, D-3, D-3a, D-4, 13063
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 13064
D-5j, D-5k, D-5l, or D-7 permit. The fee for the D-6 permit is 13065
four hundred dollars when it is issued to the holder of a C-2 13066
permit. 13067

Sec. 4303.232. (A)(1) ~~Except as provided in division (A)(2)~~ 13068
~~of this section, permit Permit S may be issued to a person that~~ 13069
~~manufactures wine,~~ is the brand owner or United States importer of 13070
wine, ~~or~~ is the designated agent of a brand owner or importer for 13071
all wine sold in this state for that owner or importer, or 13072
manufactures wine if such manufacturer is entitled to a tax credit 13073
under 27 C.F.R. 24.278 and produces less than two hundred fifty 13074
thousand gallons of wine per year. If the person resides outside 13075
this state, the person shall comply with the requirements 13076
governing the issuance of licenses or permits that authorize the 13077
sale of intoxicating liquor by the appropriate authority of the 13078
state in which the person resides or by the alcohol and tobacco 13079
tax and trade bureau of the United States department of the 13080
treasury. 13081

~~(2) An S permit shall only be issued to a manufacturer of~~ 13082
~~wine that is entitled to a tax credit under 27 C.F.R. 24.278 and~~ 13083
~~that produces less than one hundred fifty thousand gallons of wine~~ 13084
~~per year.~~ 13085

~~(3)~~ The fee for the S permit is twenty-five dollars. 13086

~~(4)~~(3) The holder of an S permit may sell wine to a personal 13087
consumer by receiving and filling orders that the personal 13088

consumer submits to the permit holder. The permit holder shall 13089
sell only wine that the permit holder has manufactured to a 13090
personal consumer. 13091

~~(5)~~(4) The holder of an S permit shall renew the permit in 13092
accordance with section 4303.271 of the Revised Code, except that 13093
the renewal shall not be subject to the notice and hearing 13094
requirements established in division (B) of that section. 13095

~~(6)~~(5) The division of liquor control may refuse to renew an 13096
S permit for any of the reasons specified in section 4303.292 of 13097
the Revised Code or if the holder of the permit fails to do any of 13098
the following: 13099

(a) Collect and pay all applicable taxes specified in 13100
division (B) of this section; 13101

(b) Pay the permit fee; 13102

(c) Comply with this section or any rules adopted by the 13103
liquor control commission under section 4301.03 of the Revised 13104
Code. 13105

(B) The holder of an S permit shall collect and pay ~~all~~ 13106
~~applicable~~ the taxes relating to the delivery of wine to a 13107
personal consumer, ~~including, but not limited to, taxes that are~~ 13108
levied under sections 4301.421 and ~~4301.43~~ 4301.432 and Chapters 13109
5739. and 5741. of the Revised Code. 13110

(C)(1) The holder of an S permit shall send a shipment of 13111
wine that has been paid for by a personal consumer to that 13112
personal consumer via the holder of an H permit. Prior to sending 13113
a shipment of wine to a personal consumer, the holder of an S 13114
permit, or an employee of the permit holder, shall make a bona 13115
fide effort to ensure that the personal consumer is at least 13116
twenty-one years of age. The shipment of wine shall be shipped in 13117
a package that clearly has written on it in bold print the words 13118
"alcohol enclosed." No person shall fail to comply with division 13119

(C)(1) of this section. 13120

(2) Upon delivering a shipment of wine to a personal 13121
consumer, the holder of the H permit, or an employee of the permit 13122
holder, shall verify that the personal consumer is at least 13123
twenty-one years of age by checking the personal consumer's 13124
driver's or commercial driver's license or identification card 13125
issued under sections 4507.50 to 4507.52 of the Revised Code. 13126

(3) The holder of an S permit shall keep a record of each 13127
shipment of wine that the permit holder sends to a personal 13128
consumer. The records shall be used for all of the following: 13129

(a) To provide a copy of each wine shipment invoice to the 13130
tax commissioner in a manner prescribed by the commissioner. The 13131
invoice shall include the name of each personal consumer that 13132
purchased wine from the S permit holder in accordance with this 13133
section and any other information required by the tax 13134
commissioner. 13135

(b) To provide annually in electronic format by electronic 13136
means a report to the division. The report shall include the name 13137
and address of each personal consumer that purchased wine from the 13138
S permit holder in accordance with this section, the quantity of 13139
wine purchased by each personal consumer, and any other 13140
information requested by the division. The division shall 13141
prescribe and provide an electronic form for the report and shall 13142
determine the specific electronic means that the S permit holder 13143
must use to submit the report. 13144

(c) To notify a personal consumer of any health or welfare 13145
recalls of the wine that has been purchased by the personal 13146
consumer. 13147

(D) As used in this section, "personal consumer" means an 13148
individual who is at least twenty-one years of age, is a resident 13149
of this state, does not hold a permit issued under this chapter, 13150

and intends to use wine purchased in accordance with this section 13151
for personal consumption only and not for resale or other 13152
commercial purposes. 13153

(E) The holder of an S permit shall comply with this chapter, 13154
Chapter 4301. of the Revised Code, and any rules adopted by the 13155
liquor control commission under section 4301.03 of the Revised 13156
Code. 13157

Sec. 4303.233. No family household shall purchase more than 13158
twenty-four cases of ~~nine-liter~~ twelve bottles of seven hundred 13159
fifty milliliters of wine in one year. 13160

Sec. 4303.30. The rights granted by any D-2, D-3, D-3a, D-4, 13161
D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 13162
D-5l, or D-6 permit shall be exercised at not more than two fixed 13163
counters, commonly known as bars, in rooms or places on the permit 13164
premises, where beer, mixed beverages, wine, or spirituous liquor 13165
is sold to the public for consumption on the premises. For each 13166
additional fixed counter on the permit premises where those 13167
beverages are sold for consumption on the premises, the permit 13168
holder shall obtain a duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, 13169
D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, or D-6 13170
permit. 13171

The holder of any D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, 13172
D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, or D-6 permit 13173
shall be granted, upon application to the division of liquor 13174
control, a duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, 13175
D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, or D-6 permit for 13176
each additional fixed counter on the permit premises at which 13177
beer, mixed beverages, wine, or spirituous liquor is sold for 13178
consumption on the premises, provided the application is made in 13179
the same manner as an application for an original permit. The 13180

application shall be identified with DUPLICATE printed on the 13181
permit application form furnished by the department, in boldface 13182
type. The application shall identify by name, or otherwise amply 13183
describe, the room or place on the premises where the duplicate 13184
permit is to be operative. Each duplicate permit shall be issued 13185
only to the same individual, firm, or corporation as that of the 13186
original permit and shall be an exact duplicate in size and word 13187
content as the original permit, except that it shall show on it 13188
the name or other ample identification of the room, or place, for 13189
which it is issued and shall have DUPLICATE printed on it in 13190
boldface type. A duplicate permit shall bear the same number as 13191
the original permit. The fee for a duplicate permit is: D-1, one 13192
hundred dollars; D-2, one hundred dollars; D-3, four hundred 13193
dollars; D-3a, four hundred dollars; D-4, two hundred dollars; 13194
D-5, one thousand dollars; D-5a, one thousand dollars; D-5b, one 13195
thousand dollars; D-5c, four hundred dollars; D-5e, six hundred 13196
fifty dollars; D-5f, one thousand dollars; D-6, one hundred 13197
dollars when issued to the holder of a D-4a permit; and in all 13198
other cases one hundred dollars or an amount which is twenty per 13199
cent of the fees payable for the A-1-A, D-2, D-3, D-3a, D-4, D-5, 13200
D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, and 13201
D-6 permits issued to the same premises, whichever is higher. 13202
Application for a duplicate permit may be filed any time during 13203
the life of an original permit. The fee for each duplicate D-2, 13204
D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, 13205
D-5i, D-5j, D-5k, D-5l, or D-6 permit shall be paid in accordance 13206
with section 4303.24 of the Revised Code. 13207

Sec. 4303.33. (A) Every A-1 permit holder in this state, 13208
every bottler, importer, wholesale dealer, broker, producer, or 13209
manufacturer of beer outside this state and within the United 13210
States, and every B-1 permit holder and importer importing beer 13211
from any manufacturer, bottler, person, or group of persons 13212

however organized outside the United States for sale or 13213
distribution for sale in this state, on or before the eighteenth 13214
day of each month, shall make and file with the tax commissioner 13215
upon a form prescribed by the tax commissioner an advance tax 13216
payment in an amount estimated to equal the taxpayer's tax 13217
liability for the month in which the advance tax payment is made. 13218
If the advance tax payment credits claimed on the report are for 13219
advance tax payments received by the tax commissioner on or before 13220
the eighteenth day of the month covered by the report, the 13221
taxpayer is entitled to an additional credit of three per cent of 13222
the advance tax payment and a discount of three per cent shall be 13223
allowed the taxpayer at the time of filing the report if filed as 13224
provided in division (B) of this section on any amount by which 13225
the tax liability reflected in the report exceeds the advance tax 13226
payment estimate by not more than ten per cent. The additional 13227
three per cent credit and three per cent discount shall be in 13228
consideration for advancing the payment of the tax and other 13229
services performed by the permit holder and other taxpayers in the 13230
collection of the tax. 13231

"Advance tax payment credit" means credit for payments made 13232
by an A-1 or B-1 permit holder and any other persons during the 13233
period covered by a report which was made in anticipation of the 13234
tax liability required to be reported on that report. 13235

"Tax liability" as used in division (A) of this section means 13236
the total gross tax liability of an A-1 or B-1 permit holder and 13237
any other persons for the period covered by a report before any 13238
allowance for credits and discount. 13239

(B) Every A-1 permit holder in this state, every bottler, 13240
importer, wholesale dealer, broker, producer, or manufacturer of 13241
beer outside this state and within the United States, and every 13242
B-1 permit holder importing beer from any manufacturer, bottler, 13243
person, or group of persons however organized outside the United 13244

States, on or before the tenth day of each month, shall make and 13245
file a report for the preceding month upon a form prescribed by 13246
the tax commissioner which report shall show the amount of beer 13247
produced, sold, and distributed for sale in this state by the A-1 13248
permit holder, sold and distributed for sale in this state by each 13249
manufacturer, bottler, importer, wholesale dealer, or broker 13250
outside this state and within the United States, and the amount of 13251
beer imported into this state from outside the United States and 13252
sold and distributed for sale in this state by the B-1 permit 13253
holder or importer. 13254

The report shall be filed by mailing it to the tax 13255
commissioner, together with payment of the tax levied by sections 13256
4301.42 and 4305.01 of the Revised Code shown to be due on the 13257
report after deduction of advance payment credits and any 13258
additional credits or discounts provided for under this section. 13259

(C)(1) Every A-2 ~~and~~, A-4, B-2, B-2a, B-3, B-4, ~~and~~ B-5, ~~and~~ 13260
S permit holder in this state, on or before the eighteenth day of 13261
each month, shall make and file a report with the tax commissioner 13262
upon a form prescribed by the tax commissioner which report shall 13263
show, on the report of each A-2 ~~and~~, A-4, B-2a, ~~and~~ S permit 13264
holder the amount of wine, cider, and mixed beverages produced and 13265
sold, or sold in this state by each such A-2 ~~and~~, A-4, B-2a, ~~and~~ S 13266
permit holder for the next preceding calendar month and such other 13267
information as the tax commissioner requires, and on the report of 13268
each such B-2, B-3, B-4, and B-5 permit holder the amount of wine, 13269
cider, and mixed beverages purchased from an importer, broker, 13270
wholesale dealer, producer, or manufacturer located outside this 13271
state and sold and distributed in this state by such B-2, B-3, 13272
B-4, and B-5 permit holder, for the next preceding calendar month 13273
and such other information as the tax commissioner requires. 13274

(2) Every such A-2, A-4, B-2, B-2a, B-3, B-4, ~~and~~ B-5, ~~and~~ S 13275
permit holder in this state shall remit with the report the tax 13276

levied by sections 4301.43 and, if applicable, 4301.432 of the Revised Code less a discount thereon of three per cent of the total tax so levied and paid, provided the return is filed together with remittance of the amount of tax shown to be due thereon, within the time prescribed. Any permit holder or other persons who fail to file a report under this section, for each day the person so fails, may be required to forfeit and pay into the state treasury the sum of one dollar as revenue arising from the tax imposed by sections 4301.42, 4301.43, 4301.432, and 4305.01 of the Revised Code, and that sum may be collected by assessment in the manner provided in section 4305.13 of the Revised Code.

(3) If the tax commissioner determines that the quantity reported by a person does not warrant monthly reporting, the commissioner may authorize the filing of returns and the payment of the tax required by this section for periods longer than one month.

(D) Every B-1 permit holder and importer in this state importing beer from any manufacturer, bottler, person, or group of persons however organized, outside the United States, if required by the tax commissioner shall post a bond payable to the state in such form and amount as the commissioner prescribes with surety to the satisfaction of the tax commissioner, conditioned upon the payment to the tax commissioner of taxes levied by sections 4301.42 and 4305.01 of the Revised Code.

(E) No such wine, beer, cider, or mixed beverages sold or distributed in this state shall be taxed more than once under sections 4301.42, 4301.43, and 4305.01 of the Revised Code.

(F) As used in this section:

(1) "Cider" has the same meaning as in section 4301.01 of the Revised Code.

(2) "Wine" has the same meaning as in section 4301.01 of the

Revised Code, except that "wine" does not include cider. 13308

(G) All money collected by the tax commissioner under this 13309
section shall be paid to the treasurer of state as revenue arising 13310
from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 13311
4305.01 of the Revised Code. 13312

Sec. 4303.333. (A) An A-2 permit holder in this state whose 13313
total production of wine, wherever produced, which but for this 13314
exemption is taxable under section 4301.43 of the Revised Code 13315
does not exceed five hundred thousand gallons in a calendar year, 13316
shall be allowed an exemption from the taxes levied ~~in the~~ 13317
~~following calendar year~~ under section 4301.43 of the Revised Code 13318
on wine produced and sold or distributed in this state. The 13319
exemption may be claimed monthly against current taxes levied 13320
under such section as the reports required by section 4303.33 of 13321
the Revised Code are due. At the time the report for December is 13322
due for a calendar year during which a permit holder ~~is eligible~~ 13323
~~to receive~~ claimed an exemption under this section, if the permit 13324
holder has paid the tax levied under section 4301.43 of the 13325
Revised Code, the permit holder may claim a refund of such tax 13326
paid during the calendar year or shall remit any additional tax 13327
due because it did not qualify for the exemption on the December 13328
report. For the purpose of providing this refund, taxes previously 13329
paid under section 4303.33 of the Revised Code during the calendar 13330
year shall not be considered final until the December report is 13331
filed. ~~The~~ 13332

(B) The tax commissioner shall prescribe forms for and allow 13333
the exemptions and refunds authorized by this section. 13334

Sec. 4399.12. No provision contained in Title XLIII of the 13335
Revised Code that prohibits the sale of intoxicating liquors in 13336
any of the circumstances described in section 4399.11 of the 13337

Revised Code extends to or prevents the holder of an A, B, C-2, 13338
D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, 13339
D-5h, D-5i, D-5j, D-5k, D-5l, G, or I permit issued by the 13340
division of liquor control from distributing or selling 13341
intoxicating liquor at the place of business described in the 13342
permit of the holder. 13343

Sec. 4510.10. (A) As used in this section, "reinstatement 13344
fees" means the fees that are required under section 4507.1612, 13345
4507.45, 4509.101, 4509.81, 4511.191, 4511.951, or any other 13346
provision of the Revised Code, or under a schedule established by 13347
the bureau of motor vehicles, in order to reinstate a driver's or 13348
commercial driver's license or permit or nonresident operating 13349
privilege of an offender under a suspension. 13350

(B) Reinstatement fees are those fees that compensate the 13351
bureau of motor vehicles for suspensions, cancellations, or 13352
disqualifications of a person's driving privileges and to 13353
compensate the bureau and other agencies in their administration 13354
of programs intended to reduce and eliminate threats to public 13355
safety through education, treatment, and other activities. The 13356
registrar of motor vehicles shall not reinstate a driver's or 13357
commercial driver's license or permit or nonresident operating 13358
privilege of a person until the person has paid all reinstatement 13359
fees and has complied with all conditions for each suspension, 13360
cancellation, or disqualification incurred by that person. 13361

(C) Am When a municipal court or county court determines in a 13362
pending case involving an offender that the offender cannot 13363
reasonably pay reinstatement fees due and owing by the offender 13364
relative to one or more suspensions that have been or will be 13365
imposed by the bureau of motor vehicles or by a court of this 13366
state, the court, by order, may undertake an installment payment 13367
plan or a payment extension plan for the payment of reinstatement 13368

fees due and owing to the bureau in that pending case. The court 13369
shall establish an installment payment plan or a payment extension 13370
plan under this division in accordance with the requirements of 13371
divisions (D)(1) and (2) of this section. 13372

(D) Independent of the provisions of division (C) of this 13373
section, an offender who cannot reasonably pay reinstatement fees 13374
due and owing by the offender relative to a suspension that has 13375
been imposed on the offender may file a petition in the municipal 13376
court, county court, or, if the person is under the age of 13377
eighteen, the juvenile division of the court of common pleas in 13378
whose jurisdiction the person resides or, if the person is not a 13379
resident of this state, in the Franklin county municipal court or 13380
juvenile division of the Franklin county court of common pleas for 13381
an order that does either of the following, in order of 13382
preference: 13383

(1) Establishes a reasonable payment plan of not less than 13384
fifty dollars per month, to be paid by the offender to the bureau 13385
of motor vehicles in all succeeding months until all reinstatement 13386
fees required of the offender are paid in full; 13387

(2) If the offender, but for the payment of the reinstatement 13388
fees, otherwise would be entitled to operate a vehicle in this 13389
state or to obtain reinstatement of the offender's operating 13390
privileges, permits the offender to operate a motor vehicle, as 13391
authorized by the court, until a future date upon which date all 13392
reinstatement fees must be paid in full. A payment extension 13393
granted under this division shall not exceed one hundred eighty 13394
days, and any operating privileges granted under this division 13395
shall be solely for the purpose of permitting the offender 13396
occupational or "family necessity" privileges in order to enable 13397
the offender to reasonably acquire the delinquent reinstatement 13398
fees due and owing. 13399

~~(D)~~(E) If a municipal court, county court, or juvenile 13400

division enters an order of the type described in division (C) or 13401
division (D)(1) or (2) of this section, the court, at any time 13402
after the issuance of the order, may determine that a change of 13403
circumstances has occurred and may amend the order as justice 13404
requires, provided that the amended order also shall be an order 13405
that is permitted under division (C) or division (D)(1) or (2) of 13406
this section. 13407

~~(E)~~(F) If a court enters an order of the type described in 13408
division (C), (D)(1), ~~(C)~~(D)(2), or ~~(D)~~(E) of this section, during 13409
the pendency of the order, the offender in relation to whom it 13410
applies is not subject to prosecution for failing to pay the 13411
reinstatement fees covered by the order. 13412

~~(F)~~(G) Reinstatement fees are debts that may be discharged in 13413
bankruptcy. 13414

Sec. 4511.01. As used in this chapter and in Chapter 4513. of 13415
the Revised Code: 13416

(A) "Vehicle" means every device, including a motorized 13417
bicycle, in, upon, or by which any person or property may be 13418
transported or drawn upon a highway, except that "vehicle" does 13419
not include any motorized wheelchair, any electric personal 13420
assistive mobility device, any device that is moved by power 13421
collected from overhead electric trolley wires or that is used 13422
exclusively upon stationary rails or tracks, or any device, other 13423
than a bicycle, that is moved by human power. 13424

(B) "Motor vehicle" means every vehicle propelled or drawn by 13425
power other than muscular power or power collected from overhead 13426
electric trolley wires, except motorized bicycles, road rollers, 13427
traction engines, power shovels, power cranes, and other equipment 13428
used in construction work and not designed for or employed in 13429
general highway transportation, hole-digging machinery, 13430
well-drilling machinery, ditch-digging machinery, farm machinery, 13431

and trailers designed and used exclusively to transport a boat 13432
between a place of storage and a marina, or in and around a 13433
marina, when drawn or towed on a street or highway for a distance 13434
of no more than ten miles and at a speed of twenty-five miles per 13435
hour or less. 13436

(C) "Motorcycle" means every motor vehicle, other than a 13437
tractor, having a seat or saddle for the use of the operator and 13438
designed to travel on not more than three wheels in contact with 13439
the ground, including, but not limited to, motor vehicles known as 13440
"motor-driven cycle," "motor scooter," or "motorcycle" without 13441
regard to weight or brake horsepower. 13442

(D) "Emergency vehicle" means emergency vehicles of 13443
municipal, township, or county departments or public utility 13444
corporations when identified as such as required by law, the 13445
director of public safety, or local authorities, and motor 13446
vehicles when commandeered by a police officer. 13447

(E) "Public safety vehicle" means any of the following: 13448

(1) Ambulances, including private ambulance companies under 13449
contract to a municipal corporation, township, or county, and 13450
private ambulances and nontransport vehicles bearing license 13451
plates issued under section 4503.49 of the Revised Code; 13452

(2) Motor vehicles used by public law enforcement officers or 13453
other persons sworn to enforce the criminal and traffic laws of 13454
the state; 13455

(3) Any motor vehicle when properly identified as required by 13456
the director of public safety, when used in response to fire 13457
emergency calls or to provide emergency medical service to ill or 13458
injured persons, and when operated by a duly qualified person who 13459
is a member of a volunteer rescue service or a volunteer fire 13460
department, and who is on duty pursuant to the rules or directives 13461
of that service. The state fire marshal shall be designated by the 13462

director of public safety as the certifying agency for all public 13463
safety vehicles described in division (E)(3) of this section. 13464

(4) Vehicles used by fire departments, including motor 13465
vehicles when used by volunteer fire fighters responding to 13466
emergency calls in the fire department service when identified as 13467
required by the director of public safety. 13468

Any vehicle used to transport or provide emergency medical 13469
service to an ill or injured person, when certified as a public 13470
safety vehicle, shall be considered a public safety vehicle when 13471
transporting an ill or injured person to a hospital regardless of 13472
whether such vehicle has already passed a hospital. 13473

(5) Vehicles used by the motor carrier enforcement unit for 13474
the enforcement of orders and rules of the public utilities 13475
commission as specified in section 5503.34 of the Revised Code. 13476

(F) "School bus" means every bus designed for carrying more 13477
than nine passengers that is owned by a public, private, or 13478
governmental agency or institution of learning and operated for 13479
the transportation of children to or from a school session or a 13480
school function, or owned by a private person and operated for 13481
compensation for the transportation of children to or from a 13482
school session or a school function, provided "school bus" does 13483
not include a bus operated by a municipally owned transportation 13484
system, a mass transit company operating exclusively within the 13485
territorial limits of a municipal corporation, or within such 13486
limits and the territorial limits of municipal corporations 13487
immediately contiguous to such municipal corporation, nor a common 13488
passenger carrier certified by the public utilities commission 13489
unless such bus is devoted exclusively to the transportation of 13490
children to and from a school session or a school function, and 13491
"school bus" does not include a van or bus used by a licensed 13492
child day-care center or type A family day-care home to transport 13493
children from the child day-care center or type A family day-care 13494

home to a school if the van or bus does not have more than fifteen 13495
children in the van or bus at any time. 13496

(G) "Bicycle" means every device, other than a tricycle 13497
designed solely for use as a play vehicle by a child, propelled 13498
solely by human power upon which any person may ride having either 13499
two tandem wheels, or one wheel in the front and two wheels in the 13500
rear, any of which is more than fourteen inches in diameter. 13501

(H) "Motorized bicycle" means any vehicle having either two 13502
tandem wheels or one wheel in the front and two wheels in the 13503
rear, that is capable of being pedaled and is equipped with a 13504
helper motor of not more than fifty cubic centimeters piston 13505
displacement that produces no more than one brake horsepower and 13506
is capable of propelling the vehicle at a speed of no greater than 13507
twenty miles per hour on a level surface. 13508

(I) "Commercial tractor" means every motor vehicle having 13509
motive power designed or used for drawing other vehicles and not 13510
so constructed as to carry any load thereon, or designed or used 13511
for drawing other vehicles while carrying a portion of such other 13512
vehicles, or load thereon, or both. 13513

(J) "Agricultural tractor" means every self-propelling 13514
vehicle designed or used for drawing other vehicles or wheeled 13515
machinery but having no provision for carrying loads independently 13516
of such other vehicles, and used principally for agricultural 13517
purposes. 13518

(K) "Truck" means every motor vehicle, except trailers and 13519
semitrailers, designed and used to carry property. 13520

(L) "Bus" means every motor vehicle designed for carrying 13521
more than nine passengers and used for the transportation of 13522
persons other than in a ridesharing arrangement, and every motor 13523
vehicle, automobile for hire, or funeral car, other than a taxicab 13524
or motor vehicle used in a ridesharing arrangement, designed and 13525

used for the transportation of persons for compensation. 13526

(M) "Trailer" means every vehicle designed or used for 13527
carrying persons or property wholly on its own structure and for 13528
being drawn by a motor vehicle, including any such vehicle when 13529
formed by or operated as a combination of a "semitrailer" and a 13530
vehicle of the dolly type, such as that commonly known as a 13531
"trailer dolly," a vehicle used to transport agricultural produce 13532
or agricultural production materials between a local place of 13533
storage or supply and the farm when drawn or towed on a street or 13534
highway at a speed greater than twenty-five miles per hour, and a 13535
vehicle designed and used exclusively to transport a boat between 13536
a place of storage and a marina, or in and around a marina, when 13537
drawn or towed on a street or highway for a distance of more than 13538
ten miles or at a speed of more than twenty-five miles per hour. 13539

(N) "Semitrailer" means every vehicle designed or used for 13540
carrying persons or property with another and separate motor 13541
vehicle so that in operation a part of its own weight or that of 13542
its load, or both, rests upon and is carried by another vehicle. 13543

(O) "Pole trailer" means every trailer or semitrailer 13544
attached to the towing vehicle by means of a reach, pole, or by 13545
being boomed or otherwise secured to the towing vehicle, and 13546
ordinarily used for transporting long or irregular shaped loads 13547
such as poles, pipes, or structural members capable, generally, of 13548
sustaining themselves as beams between the supporting connections. 13549

(P) "Railroad" means a carrier of persons or property 13550
operating upon rails placed principally on a private right-of-way. 13551

(Q) "Railroad train" means a steam engine or an electric or 13552
other motor, with or without cars coupled thereto, operated by a 13553
railroad. 13554

(R) "Streetcar" means a car, other than a railroad train, for 13555
transporting persons or property, operated upon rails principally 13556

within a street or highway. 13557

(S) "Trackless trolley" means every car that collects its 13558
power from overhead electric trolley wires and that is not 13559
operated upon rails or tracks. 13560

(T) "Explosives" means any chemical compound or mechanical 13561
mixture that is intended for the purpose of producing an explosion 13562
that contains any oxidizing and combustible units or other 13563
ingredients in such proportions, quantities, or packing that an 13564
ignition by fire, by friction, by concussion, by percussion, or by 13565
a detonator of any part of the compound or mixture may cause such 13566
a sudden generation of highly heated gases that the resultant 13567
gaseous pressures are capable of producing destructive effects on 13568
contiguous objects, or of destroying life or limb. Manufactured 13569
articles shall not be held to be explosives when the individual 13570
units contain explosives in such limited quantities, of such 13571
nature, or in such packing, that it is impossible to procure a 13572
simultaneous or a destructive explosion of such units, to the 13573
injury of life, limb, or property by fire, by friction, by 13574
concussion, by percussion, or by a detonator, such as fixed 13575
ammunition for small arms, firecrackers, or safety fuse matches. 13576

(U) "Flammable liquid" means any liquid that has a flash 13577
point of seventy degrees fahrenheit, or less, as determined by a 13578
tagliabue or equivalent closed cup test device. 13579

(V) "Gross weight" means the weight of a vehicle plus the 13580
weight of any load thereon. 13581

(W) "Person" means every natural person, firm, 13582
co-partnership, association, or corporation. 13583

(X) "Pedestrian" means any natural person afoot. 13584

(Y) "Driver or operator" means every person who drives or is 13585
in actual physical control of a vehicle, trackless trolley, or 13586
streetcar. 13587

(Z) "Police officer" means every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations. 13588
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(AA) "Local authorities" means every county, municipal, and other local board or body having authority to adopt police regulations under the constitution and laws of this state. 13591
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(BB) "Street" or "highway" means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel. 13594
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(CC) "Controlled-access highway" means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway. 13597
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(DD) "Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons. 13603
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(EE) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, except the berm or shoulder. If a highway includes two or more separate roadways the term "roadway" means any such roadway separately but not all such roadways collectively. 13607
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(FF) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians. 13612
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(GG) "Laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic. 13615
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(HH) "Through highway" means every street or highway as provided in section 4511.65 of the Revised Code. 13618
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(II) "State highway" means a highway under the jurisdiction of the department of transportation, outside the limits of municipal corporations, provided that the authority conferred upon the director of transportation in section 5511.01 of the Revised Code to erect state highway route markers and signs directing traffic shall not be modified by sections 4511.01 to 4511.79 and 4511.99 of the Revised Code. 13620
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(JJ) "State route" means every highway that is designated with an official state route number and so marked. 13627
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(KK) "Intersection" means: 13629

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. 13630
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(2) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. If an intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection. 13636
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(3) The junction of an alley with a street or highway, or with another alley, shall not constitute an intersection. 13643
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(LL) "Crosswalk" means: 13645

(1) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property 13646
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lines and curb lines or, in the absence of curbs, the edges of the 13648
traversable roadway; 13649

(2) Any portion of a roadway at an intersection or elsewhere, 13650
distinctly indicated for pedestrian crossing by lines or other 13651
markings on the surface; 13652

(3) Notwithstanding divisions (LL)(1) and (2) of this 13653
section, there shall not be a crosswalk where local authorities 13654
have placed signs indicating no crossing. 13655

(MM) "Safety zone" means the area or space officially set 13656
apart within a roadway for the exclusive use of pedestrians and 13657
protected or marked or indicated by adequate signs as to be 13658
plainly visible at all times. 13659

(NN) "Business district" means the territory fronting upon a 13660
street or highway, including the street or highway, between 13661
successive intersections within municipal corporations where fifty 13662
per cent or more of the frontage between such successive 13663
intersections is occupied by buildings in use for business, or 13664
within or outside municipal corporations where fifty per cent or 13665
more of the frontage for a distance of three hundred feet or more 13666
is occupied by buildings in use for business, and the character of 13667
such territory is indicated by official traffic control devices. 13668

(OO) "Residence district" means the territory, not comprising 13669
a business district, fronting on a street or highway, including 13670
the street or highway, where, for a distance of three hundred feet 13671
or more, the frontage is improved with residences or residences 13672
and buildings in use for business. 13673

(PP) "Urban district" means the territory contiguous to and 13674
including any street or highway which is built up with structures 13675
devoted to business, industry, or dwelling houses situated at 13676
intervals of less than one hundred feet for a distance of a 13677
quarter of a mile or more, and the character of such territory is 13678

indicated by official traffic control devices. 13679

(QQ) "Traffic control devices" means all flaggers, signs, 13680
signals, markings, and devices placed or erected by authority of a 13681
public body or official having jurisdiction, for the purpose of 13682
regulating, warning, or guiding traffic, including signs denoting 13683
names of streets and highways. 13684

(RR) "Traffic control signal" means any device, whether 13685
manually, electrically, or mechanically operated, by which traffic 13686
is alternately directed to stop, to proceed, to change direction, 13687
or not to change direction. 13688

(SS) "Railroad sign or signal" means any sign, signal, or 13689
device erected by authority of a public body or official or by a 13690
railroad and intended to give notice of the presence of railroad 13691
tracks or the approach of a railroad train. 13692

(TT) "Traffic" means pedestrians, ridden or herded animals, 13693
vehicles, streetcars, trackless trolleys, and other devices, 13694
either singly or together, while using any highway for purposes of 13695
travel. 13696

(UU) "Right-of-way" means either of the following, as the 13697
context requires: 13698

(1) The right of a vehicle, streetcar, trackless trolley, or 13699
pedestrian to proceed uninterruptedly in a lawful manner in the 13700
direction in which it or the individual is moving in preference to 13701
another vehicle, streetcar, trackless trolley, or pedestrian 13702
approaching from a different direction into its or the 13703
individual's path; 13704

(2) A general term denoting land, property, or the interest 13705
therein, usually in the configuration of a strip, acquired for or 13706
devoted to transportation purposes. When used in this context, 13707
right-of-way includes the roadway, shoulders or berm, ditch, and 13708
slopes extending to the right-of-way limits under the control of 13709

the state or local authority.	13710
(VV) "Rural mail delivery vehicle" means every vehicle used to deliver United States mail on a rural mail delivery route.	13711 13712
(WW) "Funeral escort vehicle" means any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.	13713 13714 13715
(XX) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an "alley" by the legislative authority of the municipal corporation in which such street or highway is located.	13716 13717 13718 13719 13720 13721
(YY) "Freeway" means a divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access.	13722 13723 13724
(ZZ) "Expressway" means a divided arterial highway for through traffic with full or partial control of access with an excess of fifty per cent of all crossroads separated in grade.	13725 13726 13727
(AAA) "Thruway" means a through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.	13728 13729 13730
(BBB) "Stop intersection" means any intersection at one or more entrances of which stop signs are erected.	13731 13732
(CCC) "Arterial street" means any United States or state numbered route, controlled access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.	13733 13734 13735 13736 13737
(DDD) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where such transportation is incidental	13738 13739

to another purpose of a volunteer driver and includes ridesharing 13740
arrangements known as carpools, vanpools, and buspools. 13741

(EEE) "Motorized wheelchair" means any self-propelled vehicle 13742
designed for, and used by, a handicapped person and that is 13743
incapable of a speed in excess of eight miles per hour. 13744

(FFF) "Child day-care center" and "type A family day-care 13745
home" have the same meanings as in section 5104.01 of the Revised 13746
Code. 13747

(GGG) "Multi-wheel agricultural tractor" means a type of 13748
agricultural tractor that has two or more wheels or tires on each 13749
side of one axle at the rear of the tractor, is designed or used 13750
for drawing other vehicles or wheeled machinery, has no provision 13751
for carrying loads independently of the drawn vehicles or 13752
machinery, and is used principally for agricultural purposes. 13753

(HHH) "Operate" means to cause or have caused movement of a 13754
vehicle, streetcar, or trackless trolley. 13755

(III) "Predicate motor vehicle or traffic offense" means any 13756
of the following: 13757

(1) A violation of section 4511.03, 4511.051, 4511.12, 13758
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 13759
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 13760
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 13761
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 13762
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 13763
4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 13764
4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 13765
4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 13766
4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 13767
4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code; 13768

(2) A violation of division (A)(2) of section 4511.17, 13769
divisions (A) to (D) of section 4511.51, or division (A) of 13770

section 4511.74 of the Revised Code; 13771

(3) A violation of any provision of sections 4511.01 to 13772
4511.76 of the Revised Code for which no penalty otherwise is 13773
provided in the section that contains the provision violated; 13774

(4) A violation of a municipal ordinance that is 13775
substantially similar to any section or provision set forth or 13776
described in division (III)(1), (2), or (3) of this section. 13777

Sec. 4511.181. As used in sections 4511.181 to 4511.197 of 13778
the Revised Code: 13779

(A) "Equivalent offense" means any of the following: 13780

(1) A violation of division (A) or (B) of section 4511.19 of 13781
the Revised Code; 13782

(2) A violation of a municipal OVI ordinance; 13783

(3) A violation of section 2903.04 of the Revised Code in a 13784
case in which the offender was subject to the sanctions described 13785
in division (D) of that section; 13786

(4) A violation of division (A)(1) of section 2903.06 or 13787
2903.08 of the Revised Code or a municipal ordinance that is 13788
substantially equivalent to either of those divisions; 13789

(5) A violation of division (A)(2), (3), or (4) of section 13790
2903.06, division (A)(2) of section 2903.08, or former section 13791
2903.07 of the Revised Code, or a municipal ordinance that is 13792
substantially equivalent to any of those divisions or that former 13793
section, in a case in which a judge or jury as the trier of fact 13794
found that the offender was under the influence of alcohol, a drug 13795
of abuse, or a combination of them; 13796

(6) A violation of an existing or former municipal ordinance, 13797
law of another state, or law of the United States that is 13798
substantially equivalent to division (A) or (B) of section 4511.19 13799

of the Revised Code;	13800
(7) A violation of a former law of this state that was	13801
substantially equivalent to division (A) or (B) of section 4511.19	13802
of the Revised Code.	13803
(B) "Mandatory jail term" means the mandatory term in jail of	13804
three, six, ten, twenty, thirty, or sixty days that must be	13805
imposed under division (G)(1)(a), (b), or (c) of section 4511.19	13806
of the Revised Code upon an offender convicted of a violation of	13807
division (A) of that section and in relation to which all of the	13808
following apply:	13809
(1) Except as specifically authorized under section 4511.19	13810
of the Revised Code, the term must be served in a jail.	13811
(2) Except as specifically authorized under section 4511.19	13812
of the Revised Code, the term cannot be suspended, reduced, or	13813
otherwise modified pursuant to sections 2929.21 to 2929.28 or any	13814
other provision of the Revised Code.	13815
(C) "Municipal OVI ordinance" and "municipal OVI offense"	13816
mean any municipal ordinance prohibiting a person from operating a	13817
vehicle while under the influence of alcohol, a drug of abuse, or	13818
a combination of them or prohibiting a person from operating a	13819
vehicle with a prohibited concentration of alcohol, a controlled	13820
substance, or a metabolite of a controlled substance in the whole	13821
blood, blood serum or plasma, breath, or urine.	13822
(D) "Community residential sanction," " <u>continuous alcohol</u>	13823
<u>monitoring</u> ," "jail," "mandatory prison term," "mandatory term of	13824
local incarceration," "sanction," and "prison term" have the same	13825
meanings as in section 2929.01 of the Revised Code.	13826
(E) "Drug of abuse" has the same meaning as in section	13827
4506.01 of the Revised Code.	13828
Sec. 4511.191. (A)(1) <u>As used in this section:</u>	13829

(a) "Physical control" has the same meaning as in section 13830
4511.194 of the Revised Code. 13831

(b) "Alcohol monitoring device" means any device that 13832
provides for continuous alcohol monitoring, any ignition interlock 13833
device, any immobilizing or disabling device other than an 13834
ignition interlock device that is constantly available to monitor 13835
the concentration of alcohol in a person's system, or any other 13836
device that provides for the automatic testing and periodic 13837
reporting of alcohol consumption by a person and that a court 13838
orders a person to use as a sanction imposed as a result of the 13839
person's conviction of or plea of guilty to an offense. 13840

(2) Any person who operates a vehicle, streetcar, or 13841
trackless trolley upon a highway or any public or private property 13842
used by the public for vehicular travel or parking within this 13843
state or who is in physical control of a vehicle, streetcar, or 13844
trackless trolley shall be deemed to have given consent to a 13845
chemical test or tests of the person's whole blood, blood serum or 13846
plasma, breath, or urine to determine the alcohol, drug of abuse, 13847
controlled substance, metabolite of a controlled substance, or 13848
combination content of the person's whole blood, blood serum or 13849
plasma, breath, or urine if arrested for a violation of division 13850
(A) or (B) of section 4511.19 of the Revised Code, section 13851
4511.194 of the Revised Code or a substantially equivalent 13852
municipal ordinance, or a municipal OVI ordinance. 13853

(3) The chemical test or tests under division (A)(2) of this 13854
section shall be administered at the request of a law enforcement 13855
officer having reasonable grounds to believe the person was 13856
operating or in physical control of a vehicle, streetcar, or 13857
trackless trolley in violation of a division, section, or 13858
ordinance identified in division (A)(2) of this section. The law 13859
enforcement agency by which the officer is employed shall 13860
designate which of the tests shall be administered. 13861

(4) Any person who is dead or unconscious, or who otherwise is in a condition rendering the person incapable of refusal, shall be deemed to have consented as provided in division (A)(2) of this section, and the test or tests may be administered, subject to sections 313.12 to 313.16 of the Revised Code.

(B)(1) Upon receipt of the sworn report of a law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person who refused to take the designated chemical test, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and that section and the period of the suspension, as determined under this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension shall be for whichever of the following periods applies:

(a) Except when division (B)(1)(b), (c), or (d) of this section applies and specifies a different class or length of suspension, the suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code.

(b) If the arrested person, within six years of the date on which the person refused the request to consent to the chemical test, had refused one previous request to consent to a chemical test, the suspension shall be a class B suspension imposed for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code.

(c) If the arrested person, within six years of the date on which the person refused the request to consent to the chemical test, had refused two previous requests to consent to a chemical test, the suspension shall be a class A suspension imposed for the period of time specified in division (B)(1) of section 4510.02 of the Revised Code.

(d) If the arrested person, within six years of the date on which the person refused the request to consent to the chemical test, had refused three or more previous requests to consent to a chemical test, the suspension shall be for five years.

(2) The registrar shall terminate a suspension of the driver's or commercial driver's license or permit of a resident or of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit, imposed pursuant to division (B)(1) of this section upon receipt of notice that the person has entered a plea of guilty to, or that the person has been convicted after entering a plea of no contest to, operating a vehicle in violation of section 4511.19 of the Revised Code or in violation of a municipal OVI ordinance, if the offense for which the conviction is had or the plea is entered arose from the same incident that led to the suspension or denial.

The registrar shall credit against any judicial suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 4511.19 of the Revised Code, or pursuant to section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, any time during which the person serves a related suspension imposed pursuant to division (B)(1) of this section.

(C)(1) Upon receipt of the sworn report of the law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance that was completed and sent to the

registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person whose test results indicate that the person's whole blood, blood serum or plasma, breath, or urine contained at least the concentration of alcohol specified in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised Code or at least the concentration of a listed controlled substance or a listed metabolite of a controlled substance specified in division (A)(1)(j) of section 4511.19 of the Revised Code, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and section 4511.192 of the Revised Code and the period of the suspension, as determined under divisions (F)(1) to (4) of this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

(a) Except when division (C)(1)(b), (c), or (d) of this section applies and specifies a different period, the suspension shall be a class E suspension imposed for the period of time specified in division (B)(5) of section 4510.02 of the Revised Code.

(b) The suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code if the person has been convicted of or pleaded guilty to, within six years of the date the test was conducted, one violation of division (A) or (B) of section 4511.19 of the Revised Code or one other equivalent offense.

(c) If, within six years of the date the test was conducted, 13958
the person has been convicted of or pleaded guilty to two 13959
violations of a statute or ordinance described in division 13960
(C)(1)(b) of this section, the suspension shall be a class B 13961
suspension imposed for the period of time specified in division 13962
(B)(2) of section 4510.02 of the Revised Code. 13963

(d) If, within six years of the date the test was conducted, 13964
the person has been convicted of or pleaded guilty to more than 13965
two violations of a statute or ordinance described in division 13966
(C)(1)(b) of this section, the suspension shall be a class A 13967
suspension imposed for the period of time specified in division 13968
(B)(1) of section 4510.02 of the Revised Code. 13969

(2) The registrar shall terminate a suspension of the 13970
driver's or commercial driver's license or permit of a resident or 13971
of the operating privilege of a nonresident, or a denial of a 13972
driver's or commercial driver's license or permit, imposed 13973
pursuant to division (C)(1) of this section upon receipt of notice 13974
that the person has entered a plea of guilty to, or that the 13975
person has been convicted after entering a plea of no contest to, 13976
operating a vehicle in violation of section 4511.19 of the Revised 13977
Code or in violation of a municipal OVI ordinance, if the offense 13978
for which the conviction is had or the plea is entered arose from 13979
the same incident that led to the suspension or denial. 13980

The registrar shall credit against any judicial suspension of 13981
a person's driver's or commercial driver's license or permit or 13982
nonresident operating privilege imposed pursuant to section 13983
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 13984
Revised Code for a violation of a municipal OVI ordinance, any 13985
time during which the person serves a related suspension imposed 13986
pursuant to division (C)(1) of this section. 13987

(D)(1) A suspension of a person's driver's or commercial 13988
driver's license or permit or nonresident operating privilege 13989

under this section for the time described in division (B) or (C) 13990
of this section is effective immediately from the time at which 13991
the arresting officer serves the notice of suspension upon the 13992
arrested person. Any subsequent finding that the person is not 13993
guilty of the charge that resulted in the person being requested 13994
to take the chemical test or tests under division (A) of this 13995
section does not affect the suspension. 13996

(2) If a person is arrested for operating a vehicle, 13997
streetcar, or trackless trolley in violation of division (A) or 13998
(B) of section 4511.19 of the Revised Code or a municipal OVI 13999
ordinance, or for being in physical control of a vehicle, 14000
streetcar, or trackless trolley in violation of section 4511.194 14001
of the Revised Code or a substantially equivalent municipal 14002
ordinance, regardless of whether the person's driver's or 14003
commercial driver's license or permit or nonresident operating 14004
privilege is or is not suspended under division (B) or (C) of this 14005
section or Chapter 4510. of the Revised Code, the person's initial 14006
appearance on the charge resulting from the arrest shall be held 14007
within five days of the person's arrest or the issuance of the 14008
citation to the person, subject to any continuance granted by the 14009
court pursuant to section 4511.197 of the Revised Code regarding 14010
the issues specified in that division. 14011

(E) When it finally has been determined under the procedures 14012
of this section and sections 4511.192 to 4511.197 of the Revised 14013
Code that a nonresident's privilege to operate a vehicle within 14014
this state has been suspended, the registrar shall give 14015
information in writing of the action taken to the motor vehicle 14016
administrator of the state of the person's residence and of any 14017
state in which the person has a license. 14018

(F) At the end of a suspension period under this section, 14019
under section 4511.194, section 4511.196, or division (G) of 14020
section 4511.19 of the Revised Code, or under section 4510.07 of 14021

the Revised Code for a violation of a municipal OVI ordinance and 14022
upon the request of the person whose driver's or commercial 14023
driver's license or permit was suspended and who is not otherwise 14024
subject to suspension, cancellation, or disqualification, the 14025
registrar shall return the driver's or commercial driver's license 14026
or permit to the person upon the occurrence of all of the 14027
conditions specified in divisions (F)(1) and (2) of this section: 14028

(1) A showing that the person has proof of financial 14029
responsibility, a policy of liability insurance in effect that 14030
meets the minimum standards set forth in section 4509.51 of the 14031
Revised Code, or proof, to the satisfaction of the registrar, that 14032
the person is able to respond in damages in an amount at least 14033
equal to the minimum amounts specified in section 4509.51 of the 14034
Revised Code. 14035

(2) Subject to the limitation contained in division (F)(3) of 14036
this section, payment by the person to the bureau of motor 14037
vehicles of a license reinstatement fee of four hundred 14038
twenty-five dollars, which fee shall be deposited in the state 14039
treasury and credited as follows: 14040

(a) One hundred twelve dollars and fifty cents shall be 14041
credited to the statewide treatment and prevention fund created by 14042
section 4301.30 of the Revised Code. The fund shall be used to pay 14043
the costs of driver treatment and intervention programs operated 14044
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 14045
director of alcohol and drug addiction services shall determine 14046
the share of the fund that is to be allocated to alcohol and drug 14047
addiction programs authorized by section 3793.02 of the Revised 14048
Code, and the share of the fund that is to be allocated to 14049
drivers' intervention programs authorized by section 3793.10 of 14050
the Revised Code. 14051

(b) Seventy-five dollars shall be credited to the reparations 14052
fund created by section 2743.191 of the Revised Code. 14053

(c) Thirty-seven dollars and fifty cents shall be credited to 14054
the indigent drivers alcohol treatment fund, which is hereby 14055
established. Except as otherwise provided in division (F)(2)(c) of 14056
this section, moneys in the fund shall be distributed by the 14057
department of alcohol and drug addiction services to the county 14058
indigent drivers alcohol treatment funds, the county juvenile 14059
indigent drivers alcohol treatment funds, and the municipal 14060
indigent drivers alcohol treatment funds that are required to be 14061
established by counties and municipal corporations pursuant to 14062
this section, and shall be used only to pay the cost of an alcohol 14063
and drug addiction treatment program attended by an offender or 14064
juvenile traffic offender who is ordered to attend an alcohol and 14065
drug addiction treatment program by a county, juvenile, or 14066
municipal court judge and who is determined by the county, 14067
juvenile, or municipal court judge not to have the means to pay 14068
for the person's attendance at the program or to pay the costs 14069
specified in division (H)(4) of this section in accordance with 14070
that division. In addition, a county, juvenile, or municipal court 14071
judge may use moneys in the county indigent drivers alcohol 14072
treatment fund, county juvenile indigent drivers alcohol treatment 14073
fund, or municipal indigent drivers alcohol treatment fund to pay 14074
for the cost of the continued use of an ~~electronic continuous~~ 14075
alcohol monitoring device as described in divisions (H)(3) and (4) 14076
of this section. Moneys in the fund that are not distributed to a 14077
county indigent drivers alcohol treatment fund, a county juvenile 14078
indigent drivers alcohol treatment fund, or a municipal indigent 14079
drivers alcohol treatment fund under division (H) of this section 14080
because the director of alcohol and drug addiction services does 14081
not have the information necessary to identify the county or 14082
municipal corporation where the offender or juvenile offender was 14083
arrested may be transferred by the director of budget and 14084
management to the statewide treatment and prevention fund created 14085
by section 4301.30 of the Revised Code, upon certification of the 14086

amount by the director of alcohol and drug addiction services. 14087

(d) Seventy-five dollars shall be credited to the Ohio 14088
rehabilitation services commission established by section 3304.12 14089
of the Revised Code, to the services for rehabilitation fund, 14090
which is hereby established. The fund shall be used to match 14091
available federal matching funds where appropriate, and for any 14092
other purpose or program of the commission to rehabilitate people 14093
with disabilities to help them become employed and independent. 14094

(e) Seventy-five dollars shall be deposited into the state 14095
treasury and credited to the drug abuse resistance education 14096
programs fund, which is hereby established, to be used by the 14097
attorney general for the purposes specified in division (F)(4) of 14098
this section. 14099

(f) Thirty dollars shall be credited to the state bureau of 14100
motor vehicles fund created by section 4501.25 of the Revised 14101
Code. 14102

(g) Twenty dollars shall be credited to the trauma and 14103
emergency medical services grants fund created by section 4513.263 14104
of the Revised Code. 14105

(3) If a person's driver's or commercial driver's license or 14106
permit is suspended under this section, under section 4511.196 or 14107
division (G) of section 4511.19 of the Revised Code, under section 14108
4510.07 of the Revised Code for a violation of a municipal OVI 14109
ordinance or under any combination of the suspensions described in 14110
division (F)(3) of this section, and if the suspensions arise from 14111
a single incident or a single set of facts and circumstances, the 14112
person is liable for payment of, and shall be required to pay to 14113
the bureau, only one reinstatement fee of four hundred twenty-five 14114
dollars. The reinstatement fee shall be distributed by the bureau 14115
in accordance with division (F)(2) of this section. 14116

(4) The attorney general shall use amounts in the drug abuse 14117

resistance education programs fund to award grants to law 14118
enforcement agencies to establish and implement drug abuse 14119
resistance education programs in public schools. Grants awarded to 14120
a law enforcement agency under this section shall be used by the 14121
agency to pay for not more than fifty per cent of the amount of 14122
the salaries of law enforcement officers who conduct drug abuse 14123
resistance education programs in public schools. The attorney 14124
general shall not use more than six per cent of the amounts the 14125
attorney general's office receives under division (F)(2)(e) of 14126
this section to pay the costs it incurs in administering the grant 14127
program established by division (F)(2)(e) of this section and in 14128
providing training and materials relating to drug abuse resistance 14129
education programs. 14130

The attorney general shall report to the governor and the 14131
general assembly each fiscal year on the progress made in 14132
establishing and implementing drug abuse resistance education 14133
programs. These reports shall include an evaluation of the 14134
effectiveness of these programs. 14135

(G) Suspension of a commercial driver's license under 14136
division (B) or (C) of this section shall be concurrent with any 14137
period of disqualification under section 3123.611 or 4506.16 of 14138
the Revised Code or any period of suspension under section 3123.58 14139
of the Revised Code. No person who is disqualified for life from 14140
holding a commercial driver's license under section 4506.16 of the 14141
Revised Code shall be issued a driver's license under Chapter 14142
4507. of the Revised Code during the period for which the 14143
commercial driver's license was suspended under division (B) or 14144
(C) of this section. No person whose commercial driver's license 14145
is suspended under division (B) or (C) of this section shall be 14146
issued a driver's license under Chapter 4507. of the Revised Code 14147
during the period of the suspension. 14148

(H)(1) Each county shall establish an indigent drivers 14149

alcohol treatment fund, each county shall establish a juvenile 14150
indigent drivers alcohol treatment fund, and each municipal 14151
corporation in which there is a municipal court shall establish an 14152
indigent drivers alcohol treatment fund. All revenue that the 14153
general assembly appropriates to the indigent drivers alcohol 14154
treatment fund for transfer to a county indigent drivers alcohol 14155
treatment fund, a county juvenile indigent drivers alcohol 14156
treatment fund, or a municipal indigent drivers alcohol treatment 14157
fund, all portions of fees that are paid under division (F) of 14158
this section and that are credited under that division to the 14159
indigent drivers alcohol treatment fund in the state treasury for 14160
a county indigent drivers alcohol treatment fund, a county 14161
juvenile indigent drivers alcohol treatment fund, or a municipal 14162
indigent drivers alcohol treatment fund, all portions of 14163
additional costs imposed under section 2949.094 of the Revised 14164
Code that are specified for deposit into a county, county 14165
juvenile, or municipal indigent drivers alcohol treatment fund by 14166
that section, and all portions of fines that are specified for 14167
deposit into a county or municipal indigent drivers alcohol 14168
treatment fund by section 4511.193 of the Revised Code shall be 14169
deposited into that county indigent drivers alcohol treatment 14170
fund, county juvenile indigent drivers alcohol treatment fund, or 14171
municipal indigent drivers alcohol treatment fund in accordance 14172
with division (H)(2) of this section. Additionally, all portions 14173
of fines that are paid for a violation of section 4511.19 of the 14174
Revised Code or of any prohibition contained in Chapter 4510. of 14175
the Revised Code, and that are required under section 4511.19 or 14176
any provision of Chapter 4510. of the Revised Code to be deposited 14177
into a county indigent drivers alcohol treatment fund or municipal 14178
indigent drivers alcohol treatment fund shall be deposited into 14179
the appropriate fund in accordance with the applicable division. 14180

(2) That portion of the license reinstatement fee that is 14181
paid under division (F) of this section and that is credited under 14182

that division to the indigent drivers alcohol treatment fund and 14183
that portion of the additional court cost that is imposed under 14184
section 2949.094 of the Revised Code and that is specified by that 14185
section for deposit into the indigent drivers alcohol treatment 14186
fund shall be deposited into a county indigent drivers alcohol 14187
treatment fund, a county juvenile indigent drivers alcohol 14188
treatment fund, or a municipal indigent drivers alcohol treatment 14189
fund as follows: 14190

(a) ~~If the~~ Regarding a suspension ~~in question was~~ imposed 14191
under this section or additional court costs, that portion of the 14192
fee shall be deposited as follows: 14193

(i) If the fee or court cost is paid by a person who was 14194
charged in a county court with the violation that resulted in the 14195
suspension or in the imposition of the court costs, the portion 14196
shall be deposited into the county indigent drivers alcohol 14197
treatment fund under the control of that court; 14198

(ii) If the fee or court cost is paid by a person who was 14199
charged in a juvenile court with the violation that resulted in 14200
the suspension or in the imposition of the court costs, the 14201
portion shall be deposited into the county juvenile indigent 14202
drivers alcohol treatment fund established in the county served by 14203
the court; 14204

(iii) If the fee or court cost is paid by a person who was 14205
charged in a municipal court with the violation that resulted in 14206
the suspension or in the imposition of the court costs, the 14207
portion shall be deposited into the municipal indigent drivers 14208
alcohol treatment fund under the control of that court. 14209

(b) ~~If the~~ Regarding a suspension ~~in question was~~ imposed 14210
under section 4511.19 of the Revised Code or under section 4510.07 14211
of the Revised Code for a violation of a municipal OVI ordinance, 14212
that portion of the fee shall be deposited as follows: 14213

(i) If the fee is paid by a person whose license or permit 14214
was suspended by a county court, the portion shall be deposited 14215
into the county indigent drivers alcohol treatment fund under the 14216
control of that court; 14217

(ii) If the fee is paid by a person whose license or permit 14218
was suspended by a municipal court, the portion shall be deposited 14219
into the municipal indigent drivers alcohol treatment fund under 14220
the control of that court. 14221

(3) Expenditures from a county indigent drivers alcohol 14222
treatment fund, a county juvenile indigent drivers alcohol 14223
treatment fund, or a municipal indigent drivers alcohol treatment 14224
fund shall be made only upon the order of a county, juvenile, or 14225
municipal court judge and only for payment of the cost of the 14226
attendance at an alcohol and drug addiction treatment program of a 14227
person who is convicted of, or found to be a juvenile traffic 14228
offender by reason of, a violation of division (A) of section 14229
4511.19 of the Revised Code or a substantially similar municipal 14230
ordinance, who is ordered by the court to attend the alcohol and 14231
drug addiction treatment program, and who is determined by the 14232
court to be unable to pay the cost of attendance at the treatment 14233
program or for payment of the costs specified in division (H)(4) 14234
of this section in accordance with that division. The alcohol and 14235
drug addiction services board or the board of alcohol, drug 14236
addiction, and mental health services established pursuant to 14237
section 340.02 or 340.021 of the Revised Code and serving the 14238
alcohol, drug addiction, and mental health service district in 14239
which the court is located shall administer the indigent drivers 14240
alcohol treatment program of the court. When a court orders an 14241
offender or juvenile traffic offender to attend an alcohol and 14242
drug addiction treatment program, the board shall determine which 14243
program is suitable to meet the needs of the offender or juvenile 14244
traffic offender, and when a suitable program is located and space 14245

is available at the program, the offender or juvenile traffic 14246
offender shall attend the program designated by the board. A 14247
reasonable amount not to exceed five per cent of the amounts 14248
credited to and deposited into the county indigent drivers alcohol 14249
treatment fund, the county juvenile indigent drivers alcohol 14250
treatment fund, or the municipal indigent drivers alcohol 14251
treatment fund serving every court whose program is administered 14252
by that board shall be paid to the board to cover the costs it 14253
incurs in administering those indigent drivers alcohol treatment 14254
programs. 14255

In addition, a county, juvenile, or municipal court judge may 14256
use moneys in the county indigent drivers alcohol treatment fund, 14257
county juvenile indigent drivers alcohol treatment fund, or 14258
municipal indigent drivers alcohol treatment fund in the following 14259
manners: 14260

(a) If the source of the moneys was an appropriation of the 14261
general assembly, a portion of a fee that was paid under division 14262
(F) of this section, a portion of a fine that was specified for 14263
deposit into the fund by section 4511.193 of the Revised Code, or 14264
a portion of a fine that was paid for a violation of section 14265
4511.19 of the Revised Code or of a provision contained in Chapter 14266
4510. of the Revised Code that was required to be deposited into 14267
the fund, to pay for the continued use of an ~~electronic continuous~~ 14268
alcohol monitoring device by an offender or juvenile traffic 14269
offender, in conjunction with a treatment program approved by the 14270
department of alcohol and drug addiction services, when such use 14271
is determined clinically necessary by the treatment program and 14272
when the court determines that the offender or juvenile traffic 14273
offender is unable to pay all or part of the daily monitoring or 14274
cost of the device; 14275

(b) If the source of the moneys was a portion of an 14276
additional court cost imposed under section 2949.094 of the 14277

Revised Code, to pay for the continued use of an alcohol 14278
monitoring device by an offender or juvenile traffic offender when 14279
the court determines that the offender or juvenile traffic 14280
offender is unable to pay all or part of the daily monitoring or 14281
cost of the device. The moneys may be used for a device as 14282
described in this division if the use of the device is in 14283
conjunction with a treatment program approved by the department of 14284
alcohol and drug addiction services, when the use of the device is 14285
determined clinically necessary by the treatment program, but the 14286
use of a device is not required to be in conjunction with a 14287
treatment program approved by the department in order for the 14288
moneys to be used for the device as described in this division. 14289

(4) If a county, juvenile, or municipal court determines, in 14290
consultation with the alcohol and drug addiction services board or 14291
the board of alcohol, drug addiction, and mental health services 14292
established pursuant to section 340.02 or 340.021 of the Revised 14293
Code and serving the alcohol, drug addiction, and mental health 14294
district in which the court is located, that the funds in the 14295
county indigent drivers alcohol treatment fund, the county 14296
juvenile indigent drivers alcohol treatment fund, or the municipal 14297
indigent drivers alcohol treatment fund under the control of the 14298
court are more than sufficient to satisfy the purpose for which 14299
the fund was established, as specified in divisions (H)(1) to (3) 14300
of this section, the court may declare a surplus in the fund. If 14301
the court declares a surplus in the fund, the court may expend the 14302
amount of the surplus in the fund for: 14303

(a) Alcohol and drug abuse assessment and treatment of 14304
persons who are charged in the court with committing a criminal 14305
offense or with being a delinquent child or juvenile traffic 14306
offender and in relation to whom both of the following apply: 14307

(i) The court determines that substance abuse was a 14308
contributing factor leading to the criminal or delinquent activity 14309

or the juvenile traffic offense with which the person is charged.	14310
(ii) The court determines that the person is unable to pay	14311
the cost of the alcohol and drug abuse assessment and treatment	14312
for which the surplus money will be used.	14313
(b) All or part of the cost of purchasing electronic	14314
continuous alcohol monitoring devices to be used in conjunction	14315
with division (H)(3) of this section.	14316
Sec. 4735.01. As used in this chapter:	14317
(A) "Real estate broker" includes any person, partnership,	14318
association, limited liability company, limited liability	14319
partnership, or corporation, foreign or domestic, who for another,	14320
whether pursuant to a power of attorney or otherwise, and who for	14321
a fee, commission, or other valuable consideration, or with the	14322
intention, or in the expectation, or upon the promise of receiving	14323
or collecting a fee, commission, or other valuable consideration	14324
does any of the following:	14325
(1) Sells, exchanges, purchases, rents, or leases, or	14326
negotiates the sale, exchange, purchase, rental, or leasing of any	14327
real estate;	14328
(2) Offers, attempts, or agrees to negotiate the sale,	14329
exchange, purchase, rental, or leasing of any real estate;	14330
(3) Lists, or offers, attempts, or agrees to list, or	14331
auctions, or offers, attempts, or agrees to auction, any real	14332
estate;	14333
(4) Buys or offers to buy, sells or offers to sell, or	14334
otherwise deals in options on real estate;	14335
(5) Operates, manages, or rents, or offers or attempts to	14336
operate, manage, or rent, other than as custodian, caretaker, or	14337
janitor, any building or portions of buildings to the public as	14338
tenants;	14339

(6) Advertises or holds self out as engaged in the business 14340
of selling, exchanging, purchasing, renting, or leasing real 14341
estate; 14342

(7) Directs or assists in the procuring of prospects or the 14343
negotiation of any transaction, other than mortgage financing, 14344
which does or is calculated to result in the sale, exchange, 14345
leasing, or renting of any real estate; 14346

(8) Is engaged in the business of charging an advance fee or 14347
contracting for collection of a fee in connection with any 14348
contract whereby the broker undertakes primarily to promote the 14349
sale, exchange, purchase, rental, or leasing of real estate 14350
through its listing in a publication issued primarily for such 14351
purpose, or for referral of information concerning such real 14352
estate to brokers, or both, except that this division does not 14353
apply to a publisher of listings or compilations of sales of real 14354
estate by their owners; 14355

(9) Collects rental information for purposes of referring 14356
prospective tenants to rental units or locations of such units and 14357
charges the prospective tenants a fee. 14358

(B) "Real estate" includes leaseholds as well as any and 14359
every interest or estate in land situated in this state, whether 14360
corporeal or incorporeal, whether freehold or nonfreehold, and the 14361
improvements on the land, but does not include cemetery interment 14362
rights. 14363

(C) "Real estate salesperson" means any person associated 14364
with a licensed real estate broker to do or to deal in any acts or 14365
transactions set out or comprehended by the definition of a real 14366
estate broker, for compensation or otherwise. 14367

(D) "Institution of higher education" means either of the 14368
following: 14369

(1) A nonprofit institution as defined in section 1713.01 of 14370

the Revised Code that actually awards, rather than intends to 14371
award, degrees for fulfilling requirements of academic work beyond 14372
high school; 14373

(2) An institution operated for profit that otherwise 14374
qualifies under the definition of an institution in section 14375
1713.01 of the Revised Code and that actually awards, rather than 14376
intends to award, degrees for fulfilling requirements of academic 14377
work beyond high school. 14378

(E) "Foreign real estate" means real estate not situated in 14379
this state and any interest in real estate not situated in this 14380
state. 14381

(F) "Foreign real estate dealer" includes any person, 14382
partnership, association, limited liability company, limited 14383
liability partnership, or corporation, foreign or domestic, who 14384
for another, whether pursuant to a power of attorney or otherwise, 14385
and who for a fee, commission, or other valuable consideration, or 14386
with the intention, or in the expectation, or upon the promise of 14387
receiving or collecting a fee, commission, or other valuable 14388
consideration, does or deals in any act or transaction specified 14389
or comprehended in division (A) of this section with respect to 14390
foreign real estate. 14391

(G) "Foreign real estate salesperson" means any person 14392
associated with a licensed foreign real estate dealer to do or 14393
deal in any act or transaction specified or comprehended in 14394
division (A) of this section with respect to foreign real estate, 14395
for compensation or otherwise. 14396

(H) Any person, partnership, association, limited liability 14397
company, limited liability partnership, or corporation, who, for 14398
another, in consideration of compensation, by fee, commission, 14399
salary, or otherwise, or with the intention, in the expectation, 14400
or upon the promise of receiving or collecting a fee, does, or 14401

offers, attempts, or agrees to engage in, any single act or 14402
transaction contained in the definition of a real estate broker, 14403
whether an act is an incidental part of a transaction, or the 14404
entire transaction, shall be constituted a real estate broker or 14405
real estate salesperson under this chapter. 14406

(I) The terms "real estate broker," "real estate 14407
salesperson," "foreign real estate dealer," and "foreign real 14408
estate salesperson" do not include a person, partnership, 14409
association, limited liability company, limited liability 14410
partnership, or corporation, or the regular employees thereof, who 14411
perform any of the acts or transactions specified or comprehended 14412
in division (A) of this section, whether or not for, or with the 14413
intention, in expectation, or upon the promise of receiving or 14414
collecting a fee, commission, or other valuable consideration: 14415

(1) With reference to real estate situated in this state or 14416
any interest in it owned by such person, partnership, association, 14417
limited liability company, limited liability partnership, or 14418
corporation, or acquired on its own account in the regular course 14419
of, or as an incident to the management of the property and the 14420
investment in it; 14421

(2) As receiver or trustee in bankruptcy, as guardian, 14422
executor, administrator, trustee, assignee, commissioner, or any 14423
person doing the things mentioned in this section, under authority 14424
or appointment of, or incident to a proceeding in, any court, or 14425
as a public officer, or as executor, trustee, or other bona fide 14426
fiduciary under any trust agreement, deed of trust, will, or other 14427
instrument creating a like bona fide fiduciary obligation; 14428

(3) As a public officer while performing the officer's 14429
official duties; 14430

(4) As an attorney at law in the performance of the 14431
attorney's duties; 14432

(5) As a person who engages in the brokering of the sale of business assets, not including the negotiation of the sale, lease, exchange, or assignment of any interest in real estate; 14433
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(6) As a person who engages in the sale of manufactured homes as defined in division (C)(4) of section 3781.06 of the Revised Code, or of mobile homes as defined in division (O) of section 4501.01 of the Revised Code, provided the sale does not include the negotiation, sale, lease, exchange, or assignment of any interest in real estate; 14436
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(7) As a person who engages in the sale of commercial real estate pursuant to the requirements of section 4735.022 of the Revised Code. 14442
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(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. 14445
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(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." 14450
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(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. 14453
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(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. 14460
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(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 that require a license under this chapter.

(Q) "Revoked" means the license status in which the license is void and not eligible for reactivation.

(R) "Commercial real estate" means any parcel of real estate in this state other than real estate containing one to four residential units. "Commercial real estate" does not include single-family residential units such as condominiums, townhouses, manufactured homes, or homes in a subdivision when sold, leased, or otherwise conveyed on a unit-by-unit basis, even when those units are a part of a larger building or parcel of real estate containing more than four residential units.

(S) "Out-of-state commercial broker" includes any person, partnership, association, limited liability company, limited liability partnership, or corporation that is licensed to do business as a real estate broker in a jurisdiction other than Ohio.

(T) "Out-of-state commercial salesperson" includes any person affiliated with an out-of-state commercial broker who is not licensed as a real estate salesperson in Ohio.

(U) "Exclusive right to sell or lease listing agreement"

means an agency agreement between a seller and broker that meets 14495
the requirements of section 4735.55 of the Revised Code and does 14496
both of the following: 14497

(1) Grants the broker the exclusive right to represent the 14498
seller in the sale or lease of the seller's property; 14499

(2) Provides the broker will be compensated if the broker, 14500
the seller, or any other person or entity produces a purchaser or 14501
tenant in accordance with the terms specified in the listing 14502
agreement or if the property is sold or leased during the term of 14503
the listing agreement to anyone other than to specifically 14504
exempted persons or entities. 14505

(V) "Exclusive agency agreement" means an agency agreement 14506
between a seller and broker that meets the requirements of section 14507
4735.55 of the Revised Code and does both of the following: 14508

(1) Grants the broker the exclusive right to represent the 14509
seller in the sale or lease of the seller's property; 14510

(2) Provides the broker will be compensated if the broker or 14511
any other person or entity produces a purchaser or tenant in 14512
accordance with the terms specified in the listing agreement or if 14513
the property is sold or leased during the term of the listing 14514
agreement, unless the property is sold or leased solely through 14515
the efforts of the seller or to the specifically exempted persons 14516
or entities. 14517

(W) "Exclusive purchaser agency agreement" means an agency 14518
agreement between a purchaser and broker that meets the 14519
requirements of section 4735.55 of the Revised Code and does both 14520
of the following: 14521

(1) Grants the broker the exclusive right to represent the 14522
purchaser in the purchase or lease of property; 14523

(2) Provides the broker will be compensated in accordance 14524

with the terms specified in the exclusive agency agreement or if a 14525
property is purchased or leased by the purchaser during the term 14526
of the agency agreement unless the property is specifically 14527
exempted in the agency agreement. 14528

The agreement may authorize the broker to receive 14529
compensation from the seller or the seller's agent and may provide 14530
that the purchaser is not obligated to compensate the broker if 14531
the property is purchased or leased solely through the efforts of 14532
the purchaser. 14533

(X) "Seller" means a party in a real estate transaction who 14534
is the potential transferor of property. "Seller" includes an 14535
owner of property who is seeking to sell the property and a 14536
landlord who is seeking to rent or lease property to another 14537
person. 14538

(Y) "Voluntary hold" means the license status in which a 14539
license is in the possession of the division of real estate and 14540
professional licensing for a period of not more than twelve months 14541
pursuant to section 4735.142 of the Revised Code, is not renewed 14542
in accordance with the requirements specified in this chapter or 14543
the rules adopted pursuant to it, and is not associated with a 14544
real estate broker. 14545

(Z) "Resigned" means the license status in which a license 14546
has been voluntarily surrendered to or is otherwise in the 14547
possession of the division of real estate and professional 14548
licensing, is not renewed in accordance with the requirements 14549
specified in this chapter or the rules adopted pursuant to it, and 14550
is not associated with a real estate broker. 14551

Sec. 4735.02. Except as provided in section 4735.022 of the 14552
Revised Code, no person, partnership, association, limited 14553
liability company, limited liability partnership, or corporation 14554
shall act as a real estate broker or real estate salesperson, or 14555

advertise or assume to act as such, without first being licensed 14556
as provided in this chapter. No person, partnership, association, 14557
limited liability company, limited liability partnership, or 14558
corporation shall provide services that require a license under 14559
this chapter if the licensee's license is inactive, suspended, 14560
placed on voluntary hold, resigned, or a broker's license on 14561
deposit, or if the license has been revoked. Nothing contained in 14562
this chapter shall be construed as authorizing a real estate 14563
broker or salesperson to perform any service constituting the 14564
practice of law. 14565

No partnership, association, limited liability company, 14566
limited liability partnership, or corporation holding a real 14567
estate license shall employ as an officer, director, manager, or 14568
principal employee any person previously holding a license as a 14569
real estate broker, real estate salesperson, foreign real estate 14570
dealer, or foreign real estate salesperson, whose license has been 14571
placed in inactive, voluntary hold, or resigned status, or is 14572
suspended, or revoked and who has not thereafter reactivated the 14573
license or received a new license. 14574

Sec. 4735.10. (A)(1) The Ohio real estate commission may 14575
adopt reasonable rules in accordance with Chapter 119. of the 14576
Revised Code, necessary for implementing the provisions of this 14577
chapter relating, but not limited to, the following: 14578

(a) The form and manner of filing applications for license; 14579

(b) Times and form of examination for license; 14580

(c) Placing an existing broker's license on deposit or a 14581
salesperson's license on an inactive status for an indefinite 14582
period; 14583

(d) Specifying the process by which a licensee may place the 14584
licensee's license on voluntary hold or resigned status; 14585

<u>(e) Defining any additional license status that the</u>	14586
<u>commission determines is necessary and that is not otherwise</u>	14587
<u>defined in this chapter and establishing the process by which a</u>	14588
<u>licensee places the licensee's license in a status defined by the</u>	14589
<u>commission in the rules the commission adopts.</u>	14590
(2) The commission shall adopt reasonable rules in accordance	14591
with Chapter 119. of the Revised Code, for implementing the	14592
provisions of this chapter relating to the following:	14593
(a) The issuance, renewal, suspension, and revocation of	14594
licenses, other sanctions that may be imposed for violations of	14595
this chapter, the conduct of hearings related to these actions,	14596
and the process of reactivating a license;	14597
(b) By not later than January 1, 2004, a three-year license	14598
and a three-year license renewal system;	14599
(c) Standards for the approval of courses of study required	14600
for licenses, or offered in preparation for license examinations,	14601
or required as continuing education for licenses.	14602
(d) Guidelines to ensure that continuing education classes	14603
are open to all persons licensed under this chapter. The rules	14604
shall specify that an organization that sponsors a continuing	14605
education class may offer its members a reasonable reduction in	14606
the fees charged for the class.	14607
(e) Requirements for trust accounts and property management	14608
accounts. The rules shall specify that:	14609
(i) Brokerages engaged in the management of property for	14610
another may, pursuant to a written contract with the property	14611
owner, exercise signatory authority for withdrawals from property	14612
management accounts maintained in the name of the property owner.	14613
The exercise of authority for withdrawals does not constitute a	14614
violation of any provision of division (A) of section 4735.18 of	14615
the Revised Code.	14616

(ii) The interest earned on property management trust	14617
accounts maintained in the name of the property owner or the	14618
broker shall be payable to the property owner unless otherwise	14619
specified in a written contract.	14620
(f) Notice of renewal forms and filing deadlines;	14621
(g) Special assessments under division (A) of section 4735.12	14622
of the Revised Code.	14623
(B) The commission may adopt rules in accordance with Chapter	14624
119. of the Revised Code establishing standards and guidelines	14625
with which the superintendent of real estate shall comply in the	14626
exercise of the following powers:	14627
(1) Appointment and recommendation of ancillary trustees	14628
under section 4735.05 of the Revised Code;	14629
(2) Rejection of names proposed to be used by partnerships,	14630
associations, limited liability companies, limited liability	14631
partnerships, and corporations, under division (A) of section	14632
4735.06 of the Revised Code;	14633
(3) Acceptance and rejection of applications to take the	14634
broker and salesperson examinations and licensure, with	14635
appropriate waivers pursuant to division (E) of section 4735.07	14636
and section 4735.09 of the Revised Code;	14637
(4) Approval of applications of brokers to place their	14638
licenses on deposit and to become salespersons under section	14639
4735.13 of the Revised Code;	14640
(5) Appointment of hearing examiners under section 119.09 of	14641
the Revised Code;	14642
(6) Acceptance and rejection of applications to take the	14643
foreign real estate dealer and salesperson examinations and	14644
licensure, with waiver of examination, under sections 4735.27 and	14645
4735.28 of the Revised Code;	14646

(7) Qualification of foreign real estate under section 14647
4735.25 of the Revised Code. 14648

If at any time there is no rule in effect establishing a 14649
guideline or standard required by this division, the 14650
superintendent may adopt a rule in accordance with Chapter 119. of 14651
the Revised Code for such purpose. 14652

(C) The commission or superintendent may hear testimony in 14653
matters relating to the duties imposed upon them, and the 14654
president of the commission and superintendent may administer 14655
oaths. The commission or superintendent may require other proof of 14656
the honesty, truthfulness, and good reputation of any person named 14657
in an application for a real estate broker's or real estate 14658
salesperson's license before admitting the applicant to the 14659
examination or issuing a license. 14660

Sec. 4735.13. (A) The license of a real estate broker shall 14661
be prominently displayed in the office or place of business of the 14662
broker, and no license shall authorize the licensee to do business 14663
except from the location specified in it. If the broker maintains 14664
more than one place of business within the state, the broker shall 14665
apply for and procure a duplicate license for each branch office 14666
maintained by the broker. Each branch office shall be in the 14667
charge of a licensed broker or salesperson. The branch office 14668
license shall be prominently displayed at the branch office 14669
location. 14670

(B) The license of each real estate salesperson shall be 14671
mailed to and remain in the possession of the licensed broker with 14672
whom the salesperson is or is to be associated until the licensee 14673
places the license on inactive, voluntary hold, or resigned status 14674
or until the salesperson leaves the brokerage or is terminated. 14675
The broker shall keep each salesperson's license in a way that it 14676
can, and shall on request, be made immediately available for 14677

public inspection at the office or place of business of the 14678
broker. Except as provided in divisions (G) and (H) of this 14679
section, immediately upon the salesperson's leaving the 14680
association or termination of the association of a real estate 14681
salesperson with the broker, the broker shall return the 14682
salesperson's license to the superintendent of real estate. 14683

The failure of a broker to return the license of a real 14684
estate salesperson or broker who leaves or who is terminated, via 14685
certified mail return receipt requested, within three business 14686
days of the receipt of a written request from the superintendent 14687
for the return of the license, is prima-facie evidence of 14688
misconduct under division (A)(6) of section 4735.18 of the Revised 14689
Code. 14690

(C) Any licensee who is convicted of a felony or a crime 14691
involving moral turpitude or of violating any federal, state, or 14692
municipal civil rights law pertaining to discrimination in 14693
housing, or any court that issues a finding of an unlawful 14694
discriminatory practice pertaining to housing accommodations 14695
described in division (H) of section 4112.02 of the Revised Code 14696
or that convicts a licensee of a violation of any municipal civil 14697
rights law pertaining to housing discrimination, shall notify the 14698
superintendent of the conviction or finding within fifteen days. 14699
If a licensee fails to notify the superintendent within the 14700
required time, the superintendent immediately may revoke the 14701
license of the licensee. 14702

Any court that convicts a licensee of a violation of any 14703
municipal civil rights law pertaining to housing discrimination 14704
also shall notify the Ohio civil rights commission within fifteen 14705
days of the conviction. 14706

(D) In case of any change of business location, a broker 14707
shall give notice in writing to the superintendent, whereupon the 14708
superintendent shall issue new licenses for the unexpired period 14709

without charge. If a broker changes a business location without 14710
giving the required notice and without receiving new licenses that 14711
action is prima-facie evidence of misconduct under division (A)(6) 14712
of section 4735.18 of the Revised Code. 14713

(E) If a real estate broker desires to associate with another 14714
real estate broker in the capacity of a real estate salesperson, 14715
the broker shall apply to the superintendent to deposit the 14716
broker's real estate broker's license with the superintendent and 14717
for the issuance of a real estate salesperson's license. The 14718
application shall be made on a form prescribed by the 14719
superintendent and shall be accompanied by the recommendation of 14720
the real estate broker with whom the applicant intends to become 14721
associated and a fee of twenty-five dollars for the real estate 14722
salesperson's license. Four dollars of the fee shall be credited 14723
to the real estate education and research fund. If the 14724
superintendent is satisfied that the applicant is honest, 14725
truthful, and of good reputation, has not been convicted of a 14726
felony or a crime involving moral turpitude, and has not been 14727
finally adjudged by a court to have violated any municipal, state, 14728
or federal civil rights laws relevant to the protection of 14729
purchasers or sellers of real estate, and that the association of 14730
the real estate broker and the applicant will be in the public 14731
interest, the superintendent shall grant the application and issue 14732
a real estate salesperson's license to the applicant. Any license 14733
so deposited with the superintendent shall be subject to this 14734
chapter. A broker who intends to deposit the broker's license with 14735
the superintendent, as provided in this section, shall give 14736
written notice of this fact in a format prescribed by the 14737
superintendent to all salespersons associated with the broker when 14738
applying to place the broker's license on deposit. 14739

(F) If a real estate broker desires to become a member or 14740
officer of a partnership, association, limited liability company, 14741

limited liability partnership, or corporation that is or intends 14742
to become a licensed real estate broker, the broker shall notify 14743
the superintendent of the broker's intentions. The notice of 14744
intention shall be on a form prescribed by the superintendent and 14745
shall be accompanied by a fee of twenty-five dollars. Four dollars 14746
of the fee shall be credited to the real estate education and 14747
research fund. 14748

No real estate broker who is a member or officer of a 14749
partnership, association, limited liability company, limited 14750
liability partnership, or corporation that is a licensed real 14751
estate broker shall perform any acts as a real estate broker other 14752
than as the agent of the partnership, association, limited 14753
liability company, limited liability partnership, or corporation, 14754
and such broker shall not have any real estate salespersons 14755
associated with the broker. 14756

(G) If a real estate broker or salesperson enters the armed 14757
forces, the broker or salesperson may place the broker's or 14758
salesperson's license on deposit with the Ohio real estate 14759
commission. The licensee shall not be required to renew the 14760
license until the renewal date that follows the date of discharge 14761
from the armed forces. Any license deposited with the commission 14762
shall be subject to this chapter. Any licensee whose license is on 14763
deposit under this division and who fails to meet the continuing 14764
education requirements of section 4735.141 of the Revised Code 14765
because the licensee is in the armed forces shall satisfy the 14766
commission that the licensee has complied with the continuing 14767
education requirements within twelve months of the licensee's 14768
discharge. The commission shall notify the licensee of the 14769
licensee's obligations under section 4735.141 of the Revised Code 14770
at the time the licensee applies for reactivation of the 14771
licensee's license. 14772

(H) If a licensed real estate salesperson submits an 14773

application to the superintendent to leave the association of one 14774
broker to associate with a different broker, the broker possessing 14775
the licensee's license need not return the salesperson's license 14776
to the superintendent. The superintendent may process the 14777
application regardless of whether the licensee's license is 14778
returned to the superintendent. 14779

Sec. 4735.14. (A) Each license issued under this chapter, 14780
shall be valid without further recommendation or examination until 14781
it is placed in an inactive, voluntary hold, or resigned status, 14782
is revoked, or suspended, or such license expires by operation of 14783
law. 14784

(B) ~~Each~~ Except for a licensee who has placed the licensee's 14785
license on voluntary hold or resigned status pursuant to section 14786
4735.142 of the Revised Code, each licensed broker, brokerage, or 14787
salesperson shall file, on or before the date the Ohio real estate 14788
commission has adopted by rule for that licensee in accordance 14789
with division (A)(2)(f) of section 4735.10 of the Revised Code, a 14790
notice of renewal on a form prescribed by the superintendent of 14791
real estate. The notice of renewal shall be mailed by the 14792
superintendent to the most current personal residence address of 14793
each broker or salesperson as filed with the superintendent by the 14794
licensee and the place of business address of the brokerage two 14795
months prior to the filing deadline. 14796

(C) ~~The~~ Except as otherwise provided in division (B) of this 14797
section, the license of any real estate broker, brokerage, or 14798
salesperson that fails to file a notice of renewal on or before 14799
the filing deadline of each ensuing year shall be suspended 14800
automatically without the taking of any action by the 14801
superintendent. A suspended license may be reactivated within 14802
twelve months of the date of suspension, provided that the renewal 14803
fee plus a penalty fee of fifty per cent of the renewal fee is 14804

paid to the superintendent. Failure to reactivate the license as 14805
provided in this division shall result in automatic revocation of 14806
the license without the taking of any action by the 14807
superintendent. No person, partnership, association, corporation, 14808
limited liability company, or limited partnership shall engage in 14809
any act or acts for which a real estate license is required while 14810
that entity's license is placed in an inactive, voluntary hold, or 14811
resigned status, or is suspended, or revoked. The commission shall 14812
adopt rules in accordance with Chapter 119. of the Revised Code to 14813
provide to licensees notice of suspension or revocation or both. 14814

(D) Each licensee shall notify the commission of a change in 14815
personal residence address. A licensee's failure to notify the 14816
commission of a change in personal residence address does not 14817
negate the requirement to file the license renewal by the required 14818
deadline established by the commission by rule under division 14819
(A)(2)(f) of section 4735.10 of the Revised Code. 14820

(E) The superintendent shall not renew a license if the 14821
licensee is not in compliance with this chapter. 14822

Sec. 4735.141. (A) Except as otherwise provided in this 14823
division and except for a licensee who has placed the licensee's 14824
license on voluntary hold or resigned status pursuant to section 14825
4735.142 of the Revised Code, each person licensed under section 14826
4735.07 or 4735.09 of the Revised Code shall submit proof 14827
satisfactory to the superintendent of real estate that the 14828
licensee has satisfactorily completed thirty hours of continuing 14829
education, as prescribed by the Ohio real estate commission 14830
pursuant to section 4735.10 of the Revised Code, on or before the 14831
licensee's birthday occurring three years after the licensee's 14832
date of initial licensure, and on or before the licensee's 14833
birthday every three years thereafter. 14834

Persons licensed as real estate salespersons who subsequently 14835

become licensed real estate brokers shall continue to submit proof 14836
of continuing education in accordance with the time period 14837
established in this section. 14838

The requirements of this section shall not apply to any 14839
physically handicapped licensee as provided in division (E) of 14840
this section. 14841

Each licensee who is seventy years of age or older, within a 14842
continuing education reporting period, shall submit proof 14843
satisfactory to the superintendent of real estate that the 14844
licensee has satisfactorily completed a total of nine classroom 14845
hours of continuing education, including instruction in Ohio real 14846
estate law; recently enacted state and federal laws affecting the 14847
real estate industry; municipal, state, and federal civil rights 14848
law; and canons of ethics for the real estate industry as adopted 14849
by the commission. The required proof of completion shall be 14850
submitted on or before the licensee's birthday that falls in the 14851
third year of that continuing education reporting period. A 14852
licensee who is seventy years of age or older whose license is in 14853
an inactive status is exempt from the continuing education 14854
requirements specified in this section. The commission shall adopt 14855
reasonable rules in accordance with Chapter 119. of the Revised 14856
Code to carry out the purposes of this paragraph. 14857

(B) The continuing education requirements of this section 14858
shall be completed in schools, seminars, and educational 14859
institutions approved by the commission. Such approval shall be 14860
given according to rules established by the commission under the 14861
procedures of Chapter 119. of the Revised Code, and shall not be 14862
limited to institutions providing two-year or four-year degrees. 14863
Each school, seminar, or educational institution approved under 14864
this division shall be open to all licensees on an equal basis. 14865

(C) If the requirements of this section are not met by a 14866
licensee within the period specified, the licensee's license shall 14867

be suspended automatically without the taking of any action by the 14868
superintendent. The superintendent shall notify the licensee of 14869
the license suspension. Any license so suspended shall remain 14870
suspended until it is reactivated by the superintendent. No such 14871
license shall be reactivated until it is established, to the 14872
satisfaction of the superintendent, that the requirements of this 14873
section have been met. If the requirements of this section are not 14874
met within twelve months from the date the license was suspended, 14875
the license shall be revoked automatically without the taking of 14876
any action by the superintendent. 14877

(D) If the license of a real estate broker is suspended 14878
pursuant to division (C) of this section, the license of a real 14879
estate salesperson associated with that broker correspondingly is 14880
suspended pursuant to division (H) of section 4735.20 of the 14881
Revised Code. However, the suspended license of the associated 14882
real estate salesperson shall be reactivated and no fee shall be 14883
charged or collected for that reactivation if all of the following 14884
occur: 14885

(1) That broker subsequently submits proof to the 14886
superintendent that the broker has complied with the requirements 14887
of this section and requests that the broker's license as a real 14888
estate broker be reactivated. 14889

(2) The superintendent then reactivates the broker's license 14890
as a real estate broker. 14891

(3) The associated real estate salesperson intends to 14892
continue to be associated with that broker, has complied with the 14893
requirements of this section, and otherwise is in compliance with 14894
this chapter. 14895

Any person whose license is reactivated pursuant to this 14896
division shall submit proof satisfactory to the superintendent 14897
that the person has completed thirty hours of continuing 14898

education, as prescribed by the Ohio real estate commission, on or 14899
before the third year following the licensee's birthday occurring 14900
immediately after reactivation. 14901

(E) Any licensee who is a physically handicapped licensee at 14902
any time during the last three months of the third year of the 14903
licensee's continuing education reporting period may receive an 14904
extension of time to submit proof to the superintendent that the 14905
licensee has satisfactorily completed the required thirty hours of 14906
continuing education. To receive an extension of time, the 14907
licensee shall submit a request to the division of real estate for 14908
the extension and proof satisfactory to the commission that the 14909
licensee was a physically handicapped licensee at some time during 14910
the last three months of the three-year reporting period. The 14911
proof shall include, but is not limited to, a signed statement by 14912
the licensee's attending physician describing the physical 14913
disability, certifying that the licensee's disability is of such a 14914
nature as to prevent the licensee from attending any instruction 14915
lasting at least three hours in duration, and stating the expected 14916
duration of the physical disability. The licensee shall request 14917
the extension and provide the physician's statement to the 14918
division no later than one month prior to the end of the 14919
licensee's three-year continuing education reporting period, 14920
unless the physical disability did not arise until the last month 14921
of the three-year reporting period, in which event the licensee 14922
shall request the extension and provide the physician's statement 14923
as soon as practical after the occurrence of the physical 14924
disability. A licensee granted an extension pursuant to this 14925
division who is no longer a physically handicapped licensee and 14926
who submits proof of completion of the continuing education during 14927
the extension period, shall submit, for future continuing 14928
education reporting periods, proof of completion of the continuing 14929
education requirements according to the schedule established in 14930
division (A) of this section. 14931

Sec. 4735.142. (A) Any person licensed under section 4735.07 14932
or 4735.09 of the Revised Code, at any time prior to the date the 14933
licensee is required to file a notice of renewal pursuant to 14934
division (B) of section 4735.14 of the Revised Code may apply to 14935
the superintendent of real estate and professional licensing to 14936
place the licensee's license on voluntary hold or a resigned 14937
status. 14938

(B) If the superintendent has placed a license on voluntary 14939
hold pursuant to a request made under division (A) of this 14940
section, the licensee who requested that the licensee's license be 14941
placed on voluntary hold may apply to the superintendent to 14942
reactivate that license within twelve months after the date the 14943
license is placed on voluntary hold. The superintendent shall 14944
reactivate that license if the licensee complies with the 14945
requirements for such reactivation that are specified in rules 14946
adopted by the Ohio real estate commission pursuant to division 14947
(A) of section 4735.10 of the Revised Code and satisfies all of 14948
the following requirements: 14949

(1) The licensee complies with the postlicensure education 14950
requirements specified in section 4735.07 or 4735.09 of the 14951
Revised Code, as applicable; 14952

(2) The licensee complies with the continuing education 14953
requirements specified in section 4735.141 of the Revised Code; 14954

(3) The licensee renews the licensee's license in accordance 14955
with section 4735.14 of the Revised Code and, if applicable, pays 14956
the annual brokerage assessment fee in accordance with the 14957
requirements specified in rules adopted by the commission. 14958

(C) If a licensee does not apply to reactivate a license on 14959
voluntary hold pursuant to division (B) of this section during the 14960
twelve-month time period specified in that division or does not 14961
satisfy the requirements specified in that division during that 14962

twelve-month period, the superintendent shall consider that 14963
license to be in a resigned status. The superintendent shall not 14964
reactivate a resigned license. The resignation of a license is 14965
considered to be final without the taking of any action by the 14966
superintendent. If a person whose license is in a resigned status 14967
pursuant to this division wishes to obtain an active license, the 14968
person shall apply for an active license in accordance with the 14969
requirements specified in section 4735.07 or 4735.09 of the 14970
Revised Code, as applicable. 14971

(D) A licensee, at any time during which a license has been 14972
suspended pursuant to division (G) of section 4735.07, division 14973
(G) of section 4735.09, division (E) of section 4735.12, division 14974
(C) of section 4735.14, division (C) of section 4735.141, or 14975
section 4735.182 of the Revised Code, may apply to the 14976
superintendent on a form prescribed by the superintendent to 14977
voluntarily resign the licensee's license. The resignation of a 14978
license is considered to be final without the taking of any action 14979
by the superintendent. If a person whose license is in a resigned 14980
status pursuant to a request made under this division wishes to 14981
obtain an active or inactive license, the person shall apply for 14982
such a license in accordance with the requirements specified in 14983
section 4735.07 or 4735.09 of the Revised Code, as applicable, or 14984
in the rules adopted by the commission pursuant to division (A) of 14985
section 4735.10 of the Revised Code. 14986

(E) If placing a broker's license on voluntary hold or a 14987
resigned status will result in the closure of the broker's 14988
brokerage, the broker, within three days after applying to the 14989
superintendent to place the license on voluntary hold or a 14990
resigned status, shall provide to each salesperson associated with 14991
that broker a written notice stating that fact. 14992

(F) This section does not apply to any licensee whose license 14993
has been suspended pursuant to division (F) of section 4735.181 of 14994

the Revised Code or due to disciplinary action ordered by the 14995
commission pursuant to section 4735.051 of the Revised Code. 14996

Sec. 4752.04. A person seeking a license to provide home 14997
medical equipment services shall apply to the Ohio respiratory 14998
care board on a form the board shall prescribe and provide. The 14999
application must be accompanied by the license application fee 15000
established in rules adopted under section 4752.17 of the Revised 15001
Code ~~and~~, except that the board may waive all or part of the fee 15002
if the board determines that an applicant's license will be issued 15003
in the last six months of the biennial licensing period 15004
established under section 4752.05 of the Revised Code. 15005

In the application, the applicant shall specify the name and 15006
location of the facility from which services will be provided. 15007

Sec. 4752.05. (A) The Ohio respiratory care board shall issue 15008
a license to provide home medical equipment services to each 15009
applicant under section 4752.04 of the Revised Code that meets 15010
either of the following requirements: 15011

(1) Meets the standards established by the board in rules 15012
adopted under section 4752.17 of the Revised Code; 15013

(2) Is a pharmacy licensed under Chapter 4729. of the Revised 15014
Code that receives total payments of ten thousand dollars or more 15015
per year from selling or renting home medical equipment. 15016

(B) During the period ending one year after ~~the effective~~ 15017
~~date of this section~~ September 16, 2004, an applicant that does 15018
not meet either of the requirements of division (A) of this 15019
section shall be granted a provisional license if for at least 15020
twelve months prior to ~~the effective date of this section~~ 15021
September 16, 2004 the applicant was engaged in the business of 15022
providing home medical equipment services. The provisional license 15023
expires one year following the date on which it is issued and is 15024

not subject to renewal under section 4752.06 of the Revised Code. 15025

(C) The board may conduct a personal interview of an 15026
applicant, or an applicant's representative, to determine the 15027
applicant's qualifications for licensure. 15028

(D) A license issued under division (A) of this section ~~is~~ 15029
~~valid from the day it is issued until the thirtieth day of June~~ 15030
~~that immediately follows the date of issue. Thereafter a license~~ 15031
~~is valid only if it is~~ expires at the end of the licensing period 15032
for which it is issued and may be renewed in accordance with 15033
section 4752.06 of the Revised Code ~~biennially on or before the~~ 15034
~~thirtieth day of June. For purposes of issuing and renewing~~ 15035
licenses, the board shall use a biennial licensing period that 15036
begins on the first day of July of each even-numbered year and 15037
ends on the thirtieth day of June of the next succeeding 15038
even-numbered year. 15039

(E) Any license issued under this section is valid only for 15040
the facility named in the application. 15041

Sec. 4752.06. Except for a provisional license issued under 15042
section 4752.05 of the Revised Code, a license issued under this 15043
chapter shall be renewed by the Ohio respiratory care board if the 15044
license holder is in compliance with the applicable requirements 15045
of this chapter. 15046

An application for license renewal shall be accompanied by 15047
the renewal fee established in rules adopted under section 4752.17 15048
of the Revised Code and, except as provided in division (B) of 15049
section 4752.07 of the Revised Code, by documentation satisfactory 15050
to the board that the continuing education requirements of section 15051
4752.07 of the Revised Code have been met. Renewals shall be made 15052
in accordance with the standard renewal procedure established 15053
under Chapter 4745. of the Revised Code and the renewal procedures 15054
established in rules adopted under section 4752.17 of the Revised 15055

<u>Code.</u>	15056
Sec. 4752.07. (A) The holder of a license issued under this chapter shall do all of the following:	15057 15058
(A) <u>(1)</u> Maintain a physical facility and a medical equipment inventory;	15059 15060
(B) <u>(2)</u> Establish equipment management and personnel policies;	15061
(C) <u>(3)</u> Provide life-sustaining home medical equipment, as described in division (B)(1) of section 4752.01 of the Revised Code, and related home medical equipment services twenty-four hours per day, seven days per week;	15062 15063 15064 15065
(D) <u>Require (4) Except as provided in division (B) of this section, require</u> persons in its employ or under its control who provide home medical equipment services to successfully complete continuing education programs in home medical equipment services that meet the standards established by rule adopted under section 4752.17 of the Revised Code and maintain records on participation in those programs;	15066 15067 15068 15069 15070 15071 15072
(E) <u>(5)</u> Maintain records on all individuals to whom it provides home medical equipment and services;	15073 15074
(F) <u>(6)</u> Maintain liability insurance, including coverage for professional and products liability;	15075 15076
(G) <u>(7)</u> Comply with all other requirements established by rule adopted under section 4752.17 of the Revised Code that apply to persons licensed under this chapter.	15077 15078 15079
<u>(B) For the first renewal of a license that was issued in the last six months of the biennial licensing period established under section 4752.05 of the Revised Code, the board may waive all or part of the continuing education requirements that otherwise would have to be met to renew the license under section 4752.06 of the Revised Code.</u>	15080 15081 15082 15083 15084 15085

Sec. 4752.11. (A) A person seeking a certificate of 15086
registration to provide home medical equipment services shall 15087
apply to the Ohio respiratory care board on a form the board shall 15088
prescribe and provide. The application must be accompanied by the 15089
registration fee established in rules adopted under section 15090
4752.17 of the Revised Code, except that the board may waive all 15091
or part of the fee if the board determines that an applicant's 15092
certificate of registration will be issued in the last six months 15093
of the biennial registration period established under section 15094
4752.12 of the Revised Code. 15095

(B) The applicant shall specify in the application all of the 15096
following: 15097

(1) The name of the facility from which services will be 15098
provided; 15099

(2) The facility's address; 15100

(3) The facility's telephone number; 15101

(4) A person who may be contacted with regard to the 15102
facility; 15103

(5) The name of the national accrediting body that issued the 15104
accreditation on which the application is based; 15105

(6) The applicant's accreditation number and the expiration 15106
date of the accreditation; 15107

(7) A telephone number that may be used twenty-four hours a 15108
day, seven days a week, to obtain information related to the 15109
facility's provision of home medical equipment services. 15110

Sec. 4752.12. (A) The Ohio respiratory care board shall issue 15111
a certificate of registration to provide home medical equipment 15112
services to each applicant who submits a complete application 15113
under section 4752.11 of the Revised Code. For purposes of this 15114

division, an application is complete only if the board finds that 15115
the applicant holds accreditation from the joint commission on 15116
accreditation of healthcare organizations or another national 15117
accrediting body recognized by the board, as specified in rules 15118
adopted under section 4752.17 of the Revised Code. 15119

(B) A certificate of registration issued under this section 15120
~~is valid from the day it is issued until the thirtieth day of June~~ 15121
~~that immediately follows the date of issue. Thereafter, a~~ 15122
~~certificate of registration is valid only if it is~~ expires at the 15123
end of the registration period for which it is issued and may be 15124
renewed in accordance with section 4752.13 of the Revised Code 15125
~~biennially on or before the thirtieth day of June. For purposes of~~ 15126
renewing certificates of registration, the board shall use a 15127
biennial registration period that begins on the first day of July 15128
of each even-numbered year and ends on the thirtieth day of June 15129
of the next succeeding even-numbered year. 15130

(C) A certificate of registration issued under this section 15131
is valid only for the facility named in the application. 15132

Sec. 4752.13. A certificate of registration issued under this 15133
chapter shall be renewed by the Ohio respiratory care board if the 15134
certificate holder is accredited by the joint commission on 15135
accreditation of healthcare organizations or another national 15136
accrediting body recognized by the board, as specified in rules 15137
adopted under section 4752.17 of the Revised Code. 15138

An application for renewal of a certificate of registration 15139
shall be accompanied by the renewal fee established in rules 15140
adopted under section 4752.17 of the Revised Code. Renewals shall 15141
be made in accordance with the standard renewal procedure 15142
established under Chapter 4745. of the Revised Code and the 15143
renewal procedures established in rules adopted under section 15144
4752.17 of the Revised Code. 15145

Sec. 4905.84. (A) As used in this section: 15146

(1) "Telecommunications relay service" means intrastate 15147
transmission services that provide the ability for an individual 15148
who has a hearing or speech impairment to engage in a 15149
communication by wire or radio with a hearing individual in a 15150
manner that is functionally equivalent to the ability of an 15151
individual who does not have a hearing or speech impairment to 15152
communicate using voice communication services by wire or radio. 15153
"Telecommunications relay service" includes services that enable 15154
two-way communication between an individual who uses a 15155
telecommunications device for the deaf or other nonvoice terminal 15156
device and an individual who does not use such a device. 15157

(2) "TRS provider" means an entity selected by the public 15158
utilities commission as the provider of telecommunications relay 15159
service for this state as part of the commission's intrastate 15160
telecommunications relay service program certified pursuant to 15161
federal law. 15162

(B) For the sole purpose of funding telecommunications relay 15163
service, the commission shall, not earlier than January 1, 2009, 15164
impose on and collect from each service provider that is required 15165
under federal law to provide its customers access to 15166
telecommunications relay service an annual assessment to pay for 15167
costs incurred by the TRS provider for providing such service in 15168
Ohio. The commission shall determine the appropriate service 15169
providers to be assessed the telecommunications relay service 15170
costs, including telephone companies as defined in division (A)(2) 15171
of section 4905.03 of the Revised Code, commercial mobile radio 15172
service providers, and providers of advanced services or internet 15173
protocol-enabled services that are competitive with or 15174
functionally equivalent to basic local exchange service as defined 15175
in section 4927.01 of the Revised Code. 15176

(C) The assessment shall be allocated proportionately among the appropriate service providers using a competitively neutral formula established by the commission based on the number of retail intrastate customer access lines or their equivalent. The commission shall annually reconcile the funds collected with the actual costs of providing telecommunications relay service when it issues the assessment and shall either proportionately charge the service providers for any amounts not sufficient to cover the actual costs or proportionately credit amounts collected in excess of the actual costs. The total amount assessed from all service providers shall not exceed the total telecommunications relay service costs.

Each service provider that pays the assessment shall be permitted to recover the cost of the assessment. The method of recovery may include, but is not limited to, a customer billing surcharge.

The commission shall deposit the money collected in the telecommunications relay service fund, which is hereby created in the state treasury, and shall use the money in that fund solely to compensate the TRS provider.

(D) The commission shall take such measures as it considers necessary to protect the confidentiality of information provided to the commission pursuant to this section by service providers required to pay the assessment.

(E) The commission may assess a forfeiture of not more than one thousand dollars on any service provider failing to comply with this section. Each day's continuance of such failure is a separate offense. The forfeiture shall be recovered in accordance with sections 4905.55 to 4905.60 of the Revised Code.

(F) The jurisdiction and authority granted to the commission by this section is limited to the administration and enforcement

of this section. The commission may adopt such rules as it finds 15208
necessary to carry out this section. The commission shall adopt 15209
rules under Chapter 119. of the Revised Code to establish the 15210
assessment amounts and procedures. 15211

Sec. 4928.142. (A) For the purpose of complying with section 15212
4928.141 of the Revised Code and subject to division (D) of this 15213
section and, as applicable, subject to the rate plan requirement 15214
of division (A) of section 4928.141 of the Revised Code, an 15215
electric distribution utility may establish a standard service 15216
offer price for retail electric generation service that is 15217
delivered to the utility under a market-rate offer. 15218

(1) The market-rate offer shall be determined through a 15219
competitive bidding process that provides for all of the 15220
following: 15221

(a) Open, fair, and transparent competitive solicitation; 15222

(b) Clear product definition; 15223

(c) Standardized bid evaluation criteria; 15224

(d) Oversight by an independent third party that shall design 15225
the solicitation, administer the bidding, and ensure that the 15226
criteria specified in division (A)(1)(a) to (c) of this section 15227
are met; 15228

(e) Evaluation of the submitted bids prior to the selection 15229
of the least-cost bid winner or winners. 15230

No generation supplier shall be prohibited from participating 15231
in the bidding process. 15232

(2) The public utilities commission shall modify rules, or 15233
adopt new rules as necessary, concerning the conduct of the 15234
competitive bidding process and the qualifications of bidders, 15235
which rules shall foster supplier participation in the bidding 15236
process and shall be consistent with the requirements of division 15237

(A)(1) of this section. 15238

(B) Prior to initiating a competitive bidding process for a 15239
market-rate offer under division (A) of this section, the electric 15240
distribution utility shall file an application with the 15241
commission. An electric distribution utility may file its 15242
application with the commission prior to the effective date of the 15243
commission rules required under division (A)(2) of this section, 15244
and, as the commission determines necessary, the utility shall 15245
immediately conform its filing to the rules upon their taking 15246
effect. 15247

An application under this division shall detail the electric 15248
distribution utility's proposed compliance with the requirements 15249
of division (A)(1) of this section and with commission rules under 15250
division (A)(2) of this section and demonstrate that all of the 15251
following requirements are met: 15252

(1) The electric distribution utility or its transmission 15253
service affiliate belongs to at least one regional transmission 15254
organization that has been approved by the federal energy 15255
regulatory commission; or there otherwise is comparable and 15256
nondiscriminatory access to the electric transmission grid. 15257

(2) Any such regional transmission organization has a 15258
market-monitor function and the ability to take actions to 15259
identify and mitigate market power or the electric distribution 15260
utility's market conduct; or a similar market monitoring function 15261
exists with commensurate ability to identify and monitor market 15262
conditions and mitigate conduct associated with the exercise of 15263
market power. 15264

(3) A published source of information is available publicly 15265
or through subscription that identifies pricing information for 15266
traded electricity on- and off-peak energy products that are 15267
contracts for delivery beginning at least two years from the date 15268

of the publication and is updated on a regular basis. 15269

The commission shall initiate a proceeding and, within ninety 15270
days after the application's filing date, shall determine by order 15271
whether the electric distribution utility and its market-rate 15272
offer meet all of the foregoing requirements. If the finding is 15273
positive, the electric distribution utility may initiate its 15274
competitive bidding process. If the finding is negative as to one 15275
or more requirements, the commission in the order shall direct the 15276
electric distribution utility regarding how any deficiency may be 15277
remedied in a timely manner to the commission's satisfaction; 15278
otherwise, the electric distribution utility shall withdraw the 15279
application. However, if such remedy is made and the subsequent 15280
finding is positive and also if the electric distribution utility 15281
made a simultaneous filing under this section and section 4928.143 15282
of the Revised Code, the utility shall not initiate its 15283
competitive bid until at least one hundred fifty days after the 15284
filing date of those applications. 15285

(C) Upon the completion of the competitive bidding process 15286
authorized by divisions (A) and (B) of this section, including for 15287
the purpose of division (D) of this section, the commission shall 15288
select the least-cost bid winner or winners of that process, and 15289
such selected bid or bids, as prescribed as retail rates by the 15290
commission, shall be the electric distribution utility's standard 15291
service offer unless the commission, by order issued before the 15292
third calendar day following the conclusion of the competitive 15293
bidding process for the market rate offer, determines that one or 15294
more of the following criteria were not met: 15295

(1) Each portion of the bidding process was oversubscribed, 15296
such that the amount of supply bid upon was greater than the 15297
amount of the load bid out. 15298

(2) There were four or more bidders. 15299

(3) At least twenty-five per cent of the load is bid upon by one or more persons other than the electric distribution utility.

All costs incurred by the electric distribution utility as a result of or related to the competitive bidding process or to procuring generation service to provide the standard service offer, including the costs of energy and capacity and the costs of all other products and services procured as a result of the competitive bidding process, shall be timely recovered through the standard service offer price, and, for that purpose, the commission shall approve a reconciliation mechanism, other recovery mechanism, or a combination of such mechanisms for the utility.

(D) The first application filed under this section by an electric distribution utility that, as of ~~the effective date of this section~~ July 31, 2008, directly owns, in whole or in part, operating electric generating facilities that had been used and useful in this state shall require that a portion of that utility's standard service offer load for the first five years of the market rate offer be competitively bid under division (A) of this section as follows: ten per cent of the load in year one ~~and~~, not ~~less~~ more than twenty per cent in year two, thirty per cent in year three, forty per cent in year four, and fifty per cent in year five. Consistent with those percentages, the commission shall determine the actual percentages for each year of years one through five. The standard service offer price for retail electric generation service under this first application shall be a proportionate blend of the bid price and the generation service price for the remaining standard service offer load, which latter price shall be equal to the electric distribution utility's most recent standard service offer price, adjusted upward or downward as the commission determines reasonable, relative to the jurisdictional portion of any known and measurable changes from

the level of any one or more of the following costs as reflected 15332
in that most recent standard service offer price: 15333
15334

(1) The electric distribution utility's prudently incurred 15335
cost of fuel used to produce electricity; 15336

(2) Its prudently incurred purchased power costs; 15337

(3) Its prudently incurred costs of satisfying the supply and 15338
demand portfolio requirements of this state, including, but not 15339
limited to, renewable energy resource and energy efficiency 15340
requirements; 15341

(4) Its costs prudently incurred to comply with environmental 15342
laws and regulations, with consideration of the derating of any 15343
facility associated with those costs. 15344

In making any adjustment to the most recent standard service 15345
offer price on the basis of costs described in division (D) of 15346
this section, the commission shall include the benefits that may 15347
become available to the electric distribution utility as a result 15348
of or in connection with the costs included in the adjustment, 15349
including, but not limited to, the utility's receipt of emissions 15350
credits or its receipt of tax benefits or of other benefits, and, 15351
accordingly, the commission may impose such conditions on the 15352
adjustment to ensure that any such benefits are properly aligned 15353
with the associated cost responsibility. The commission shall also 15354
determine how such adjustments will affect the electric 15355
distribution utility's return on common equity that may be 15356
achieved by those adjustments. The commission shall not apply its 15357
consideration of the return on common equity to reduce any 15358
adjustments authorized under this division unless the adjustments 15359
will cause the electric distribution utility to earn a return on 15360
common equity that is significantly in excess of the return on 15361
common equity that is earned by publicly traded companies, 15362

including utilities, that face comparable business and financial 15363
risk, with such adjustments for capital structure as may be 15364
appropriate. The burden of proof for demonstrating that 15365
significantly excessive earnings will not occur shall be on the 15366
electric distribution utility. 15367

Additionally, the commission may adjust the electric 15368
distribution utility's most recent standard service offer price by 15369
such just and reasonable amount that the commission determines 15370
necessary to address any emergency that threatens the utility's 15371
financial integrity or to ensure that the resulting revenue 15372
available to the utility for providing the standard service offer 15373
is not so inadequate as to result, directly or indirectly, in a 15374
taking of property without compensation pursuant to Section 19 of 15375
Article I, Ohio Constitution. The electric distribution utility 15376
has the burden of demonstrating that any adjustment to its most 15377
recent standard service offer price is proper in accordance with 15378
this division. 15379

(E) Beginning in the second year of a blended price under 15380
division (D) of this section and notwithstanding any other 15381
requirement of this section, the commission may alter 15382
prospectively the proportions specified in that division to 15383
mitigate any effect of an abrupt or significant change in the 15384
electric distribution utility's standard service offer price that 15385
would otherwise result in general or with respect to any rate 15386
group or rate schedule but for such alteration. Any such 15387
alteration shall be made not more often than annually, and the 15388
commission shall not, by altering those proportions and in any 15389
event, including because of the length of time, as authorized 15390
under division (C) of this section, taken to approve the market 15391
rate offer, cause the duration of the blending period to exceed 15392
ten years as counted from the effective date of the approved 15393
market rate offer. Additionally, any such alteration shall be 15394

limited to an alteration affecting the prospective proportions 15395
used during the blending period and shall not affect any blending 15396
proportion previously approved and applied by the commission under 15397
this division. 15398

(F) An electric distribution utility that has received 15399
commission approval of its first application under division (C) of 15400
this section shall not, nor ever shall be authorized or required 15401
by the commission to, file an application under section 4928.143 15402
of the Revised Code. 15403

Sec. 5101.5211. (A) As used in sections 5101.5211 to 15404
5101.5216 of the Revised Code: 15405

"Children's buy-in program" means the program established 15406
under sections 5101.5211 to 5101.5216 of the Revised Code. 15407

"Countable family income" has the meaning established in 15408
rules adopted under section 5101.5215 of the Revised Code. 15409

"Creditable coverage" has the same meaning as in 42 U.S.C. 15410
300gg(c)(1), except that it does not mean medical assistance 15411
available under the children's buy-in program or the program for 15412
medically handicapped children. 15413

"Family" has the meaning established in rules adopted under 15414
section 5101.5215 of the Revised Code. 15415

"Federal poverty guidelines" has the same meaning as in 15416
section 5101.46 of the Revised Code. 15417

"Program for medically handicapped children" means the 15418
program established under sections 3701.021 to 3701.0210 of the 15419
Revised Code. 15420

(B) The director of job and family services shall establish 15421
the children's buy-in program in accordance with sections 15422
5101.5211 to 5101.5216 of the Revised Code. The director shall 15423
submit to the United States secretary of health and human services 15424

an amendment to the state medicaid plan, an amendment to the state 15425
child health plan, one or more requests for a federal waiver, or 15426
such an amendment and waiver requests as necessary to seek federal 15427
matching funds for the children's buy-in program. The director 15428
shall not begin implementation of the program until after 15429
submitting the amendment, waiver request, or both. The director 15430
may begin implementation of the program before receiving approval 15431
of the amendment, waiver request, or both using state funds only. 15432
The director shall implement the program regardless of whether the 15433
amendment, waiver request, or both are denied. The program shall 15434
be funded with state funds only if the United States secretary 15435
denies federal matching funds for the program. If the United 15436
States secretary approves federal matching funds for the program 15437
and if permitted under the terms of the approval, the program 15438
shall be operated as part of the medicaid program, the children's 15439
health insurance program, or both. 15440

Sec. 5101.5212. Under the children's buy-in program and 15441
subject to section 5101.5213 of the Revised Code, an individual 15442
who does both of the following in accordance with rules adopted 15443
under section 5101.5215 of the Revised Code qualifies for medical 15444
assistance under the program, unless the director of job and 15445
family services has adopted rules under division (B) of section 15446
5101.5215 of the Revised Code to limit the number of individuals 15447
who may participate in the program at one time and the program is 15448
serving the maximum number of individuals specified in the rules: 15449

- (A) Applies for the children's buy-in program; 15450
15451
(B) Provides satisfactory evidence of all of the following: 15452
(1) That the individual is under nineteen years of age; 15453
(2) That the individual's countable family income exceeds 15454
three two hundred fifty per cent of the federal poverty 15455

guidelines;	15456
(3) That the individual has not had creditable coverage for at least six months before enrolling in the children's buy-in program;	15457 15458 15459
(4) That one or more of the following apply to the individual:	15460 15461
(a) The individual is unable to obtain creditable coverage due to a pre-existing condition of the individual;	15462 15463
(b) The individual lost the only creditable coverage available to the individual because the individual has exhausted a lifetime benefit limitation;	15464 15465 15466
(c) The premium for the only creditable coverage available to the individual is greater than two hundred per cent of the premium applicable to the individual under the children's buy-in program;	15467 15468 15469
(d) The individual participates in the program for medically handicapped children.	15470 15471
(5) That the individual meets the additional eligibility requirements for the children's buy-in program established in rules adopted under section 5101.5215 of the Revised Code.	15472 15473 15474
Sec. 5101.5213. (A) An individual participating in the children's buy-in program shall be charged a monthly premium established by rules adopted under section 5101.5215 of the Revised Code. The amount of the monthly premium shall not be less than the following:	15475 15476 15477 15478 15479
(1) In the case of an individual with countable <u>family</u> income exceeding three <u>two</u> hundred <u>fifty</u> per cent but not exceeding four hundred per cent of the federal poverty guidelines, the following amount:	15480 15481 15482 15483
(a) If no other member of the individual's family receives	15484

medical assistance under the program with the individual, one	15485
hundred dollars;	15486
(b) If one or more members of the individual's family receive	15487
medical assistance under the program with the individual, one	15488
hundred fifty dollars.	15489
(2) In the case of an individual with countable <u>family</u> income	15490
exceeding four hundred per cent but not exceeding five hundred per	15491
cent of the federal poverty guidelines, the following amount:	15492
	15493
(a) If no other member of the individual's family receives	15494
medical assistance under the program with the individual, one	15495
hundred twenty-five dollars;	15496
(b) If one or more members of the individual's family receive	15497
medical assistance under the program with the individual, one	15498
hundred seventy-five dollars.	15499
(3) In the case of an individual with countable <u>family</u> income	15500
exceeding five hundred per cent of the federal poverty guidelines,	15501
the full amount of the actuarially determined cost of the premium.	15502
	15503
(B) If the premium for the children's buy-in program is not	15504
paid for two consecutive months, the individual shall lose	15505
eligibility for the program. The individual may not resume	15506
participation in the program until the unpaid premiums that	15507
accrued before the individual lost eligibility are paid.	15508
Sec. 5101.5214. (A) An individual participating in the	15509
children's buy-in program may <u>shall</u> be charged co-payments to the	15510
extent required <u>established</u> by rules, if any, adopted under	15511
division (B) of section 5101.5215 of the Revised Code.	15512
(B) Notwithstanding division (B) of section 5111.0112 of the	15513
Revised Code, if applicable, and to the extent permitted by	15514

federal law, a provider may refuse to provide a service to an 15515
individual if a co-payment ~~authorized~~ required by this section is 15516
not paid. 15517

Sec. 5101.5215. (A) The director of job and family services 15518
shall adopt rules in accordance with Chapter 119. of the Revised 15519
Code as necessary to implement the children's buy-in program, 15520
including rules that do all of the following: 15521

(1) Establish the meaning of "countable family income" and 15522
"family"; 15523

(2) For the purpose of section 5101.5212 of the Revised Code, 15524
establish additional eligibility requirements for the program; 15525
15526

(3) For the purpose of section 5101.5213 of the Revised Code, 15527
establish monthly premiums for the children's buy-in program; 15528
15529

(4) For the purpose of section 5101.5214 of the Revised Code, 15530
establish copayment requirements for the children's buy-in 15531
program. 15532

(B) The director may adopt rules in accordance with Chapter 15533
119. of the Revised Code to ~~establish co-payment requirements for~~ 15534
limit the number of individuals participating who may participate 15535
in the children's buy-in program at one time. 15536

Sec. 5101.572. (A) A third party shall cooperate with the 15537
department of job and family services in identifying individuals 15538
for the purpose of establishing third party liability pursuant to 15539
Title XIX of the Social Security Act, as amended. 15540

(B) In furtherance of the requirement in division (A) of this 15541
section and to allow the department to determine any period that 15542
the individual or the individual's spouse or dependent may have 15543

been covered by the third party and the nature of the coverage, a 15544
third party shall provide, as the department so chooses, 15545
information or access to information, or both, in the third 15546
party's electronic data system on the department's request and in 15547
accordance with division (C) of this section. 15548

(C)(1) If the department chooses to receive information 15549
directly, the third party shall provide the information under all 15550
of the following circumstances: 15551

(a) In a medium, format, and manner prescribed by the 15552
director of job and family services in rules adopted under section 15553
5101.591 of the Revised Code; 15554

(b) Free of charge; 15555

(c) Not later than the end of the thirtieth day after the 15556
department makes its request, unless a different time is agreed to 15557
by the director in writing. 15558

(2) If the department chooses to receive access to 15559
information, the third party shall provide access by a method 15560
prescribed by the director of job and family services in rules 15561
adopted under section 5101.591 of the Revised Code. In 15562
facilitating access, the department may enter into a trading 15563
partner agreement with the third party to permit the exchange of 15564
information via "ASC X 12N 270/271 Health Care Eligibility Benefit 15565
Inquiry and Response" transactions. 15566

(D) All of the following apply with respect to information 15567
provided by a third party to the department under this section: 15568

(1) The information is confidential and not a public record 15569
under section 149.43 of the Revised Code. 15570

(2) The release of information to the department is not to be 15571
considered a violation of any right of confidentiality or contract 15572
that the third party may have with covered persons including, but 15573

not limited to, contractees, beneficiaries, heirs, assignees, and subscribers. 15574
15575

(3) The third party is immune from any liability that it may otherwise incur through its release of information to the department. 15576
15577
15578

The department of job and family services shall limit its use of information gained from third parties to purposes directly connected with the administration of the medicaid program and the child support program authorized by Title IV-D of the "Social Security Act." 15579
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(E) No third party shall disclose to other parties or make use of any information regarding recipients of aid under Chapter 5107. or 5111. of the Revised Code that it obtains from the department, except in the manner provided for by the director of job and family services in administrative rules. 15584
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Sec. 5101.80. (A) As used in this section and in section 5101.801 of the Revised Code: 15589
15590

(1) "County family services agency" has the same meaning as in section 307.981 of the Revised Code. 15591
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(2) "State agency" has the same meaning as in section 9.82 of the Revised Code. 15593
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(3) "Title IV-A administrative agency" means both of the following: 15595
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(a) A county family services agency or state agency administering a Title IV-A program under the supervision of the department of job and family services; 15597
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(b) A government agency or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program created under section 5101.803 of the Revised Code. 15600
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(4) "Title IV-A program" means all of the following that are funded in part with funds provided under the temporary assistance for needy families block grant established by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended:

(a) The Ohio works first program established under Chapter 5107. of the Revised Code;

(b) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;

(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;

(d) The kinship permanency incentive program created under section 5101.802 of the Revised Code;

(e) The Title IV-A demonstration program created under section 5101.803 of the Revised Code;

(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.

(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.

(C) The department of job and family services shall do all of the following: 15634
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(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; 15636
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(2) Prepare and submit to the United States secretary of health and human services amendments to the Title IV-A state plan that the department determines necessary, including amendments necessary to implement Title IV-A programs identified in divisions (A)(4)(c) to (f) of this section; 15639
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(3) Prescribe forms for applications, certificates, reports, records, and accounts of Title IV-A administrative agencies, and other matters related to Title IV-A programs; 15644
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(4) Make such reports, in such form and containing such information as the department may find necessary to assure the correctness and verification of such reports, regarding Title IV-A programs; 15647
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(5) Require reports and information from each Title IV-A administrative agency as may be necessary or advisable regarding a Title IV-A program; 15651
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15653

(6) Afford a fair hearing in accordance with section 5101.35 of the Revised Code to any applicant for, or participant or former participant of, a Title IV-A program aggrieved by a decision regarding the program; 15654
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(7) Administer and expend, pursuant to Chapters 5104., 5107., and 5108. of the Revised Code and sections 5101.801, 5101.802, and 5101.803 of the Revised Code, any sums appropriated by the general assembly for the purpose of those chapters and sections and all sums paid to the state by the secretary of the treasury of the United States as authorized by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended; 15658
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(8) Conduct investigations and audits as are necessary regarding Title IV-A programs;	15665 15666
(9) Enter into reciprocal agreements with other states relative to the provision of Ohio works first and prevention, retention, and contingency to residents and nonresidents;	15667 15668 15669
(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:	15670 15671 15672 15673
(a) Examine issues of process, practice, impact, and outcomes;	15674 15675
(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;	15676 15677 15678 15679 15680 15681 15682 15683
(c) Provide the department with reports at times the department specifies.	15684 15685
(11) Not later than January 1, 2001, and the first <u>last</u> day of each January and July thereafter , prepare a report containing information on the following:	15686 15687 15688
(a) Individuals exhausting the time limits for participation in Ohio works first set forth in section 5107.18 of the Revised Code.	15689 15690 15691
(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.	15692 15693 15694

(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.

(E) An authorized representative of the department or a county family services agency or state agency administering a Title IV-A program shall have access to all records and information bearing thereon for the purposes of investigations conducted pursuant to this section. An authorized representative of a government entity or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program shall have access to all records and information bearing on the project for the purpose of investigations conducted pursuant to this section.

Sec. 5111.0210. Until July 1, 2009, the director of job and family services shall not change the medicaid reimbursement rates that apply to providers of durable medical equipment from the rates that are in effect on the effective date of this section.

On and after July 1, 2009, the director shall establish medicaid reimbursement rates that apply to providers of durable medical equipment by using a cost analysis methodology. The methodology shall include a statistically valid sample of all types of durable medical equipment providers in this state, including providers that have a large volume of sales, providers that have a small volume of sales, and providers that operate predominantly in rural, suburban, or metropolitan areas. The statistical mean that is derived by using the cost analysis methodology shall be used by the director to establish the

medicaid rates that apply to providers of durable medical 15726
equipment. 15727

Sec. 5111.032. (A) As used in this section: 15728

(1) "Criminal records check" has the same meaning as in 15729
section 109.572 of the Revised Code. 15730

(2) "Department" includes a designee of the department of job 15731
and family services. 15732

(3) "Owner" means a person who has an ownership interest in a 15733
provider in an amount designated by the department of job and 15734
family services in rules adopted under this section. 15735

(4) "Provider" means a person, institution, or entity that 15736
has a provider agreement with the department of job and family 15737
services pursuant to Title XIX of the "Social Security Act," 49 15738
State. 620 (1965), 42 U.S.C. 1396, as amended. 15739

(B)(1) Except as provided in division (B)(2) of this section, 15740
the department of job and family services may require that any 15741
provider, applicant to be a provider, employee or prospective 15742
employee of a provider, owner or prospective owner of a provider, 15743
officer or prospective officer of a provider, or board member or 15744
prospective board member of a provider submit to a criminal 15745
records check as a condition of obtaining a provider agreement, 15746
continuing to hold a provider agreement, being employed by a 15747
provider, having an ownership interest in a provider, or being an 15748
officer or board member of a provider. The department may 15749
designate the categories of persons who are subject to the 15750
criminal records check requirement. The department shall designate 15751
the times at which the criminal records checks must be conducted. 15752

(2) The section does not apply to providers, applicants to be 15753
providers, employees of a provider, or prospective employees of a 15754
provider who are subject to criminal records checks under section 15755

5111.033 or 5111.034 of the Revised Code. 15756

(C)(1) The department shall inform each provider or applicant 15757
to be a provider whether the provider or applicant is subject to a 15758
criminal records check requirement under division (B) of this 15759
section. For providers, the information shall be given at times 15760
designated in rules adopted under this section. For applicants to 15761
be providers, the information shall be given at the time of 15762
initial application. When the information is given, the department 15763
shall specify which of the provider's or applicant's employees or 15764
prospective employees, owners or prospective owners, officers or 15765
prospective officers, or board members or prospective board 15766
members are subject to the criminal records check requirement. 15767

(2) At times designated in rules adopted under this section, 15768
a provider that is subject to the criminal records check 15769
requirement shall inform each person specified by the department 15770
under division (C)(1) of this section that the person is required, 15771
as applicable, to submit to a criminal records check for final 15772
consideration for employment in a full-time, part-time, or 15773
temporary position; as a condition of continued employment; or as 15774
a condition of becoming or continuing to be an officer, board 15775
member or owner of a provider. 15776

(D)(1) If a provider or applicant to be a provider is subject 15777
to a criminal records check under this section, the department 15778
shall require the conduct of a criminal records check by the 15779
superintendent of the bureau of criminal identification and 15780
investigation. If a provider or applicant to be a provider for 15781
whom a criminal records check is required does not present proof 15782
of having been a resident of this state for the five-year period 15783
immediately prior to the date the criminal records check is 15784
requested or provide evidence that within that five-year period 15785
the superintendent has requested information about the individual 15786
from the federal bureau of investigation in a criminal records 15787

check, the department shall require the provider or applicant to 15788
request that the superintendent obtain information from the 15789
federal bureau of investigation as part of the criminal records 15790
check of the provider or applicant. Even if a provider or 15791
applicant for whom a criminal records check request is required 15792
presents proof of having been a resident of this state for the 15793
five-year period, the department may require that the provider or 15794
applicant request that the superintendent obtain information from 15795
the federal bureau of investigation and include it in the criminal 15796
records check of the provider or applicant. 15797

(2) A provider shall require the conduct of a criminal 15798
records check by the superintendent with respect to each of the 15799
persons specified by the department under division (C)(1) of this 15800
section. If the person for whom a criminal records check is 15801
required does not present proof of having been a resident of this 15802
state for the five-year period immediately prior to the date the 15803
criminal records check is requested or provide evidence that 15804
within that five-year period the superintendent of the bureau of 15805
criminal identification and investigation has requested 15806
information about the individual from the federal bureau of 15807
investigation in a criminal records check, the individual shall 15808
request that the superintendent obtain information from the 15809
federal bureau of investigation as part of the criminal records 15810
check of the individual. Even if an individual for whom a criminal 15811
records check request is required presents proof of having been a 15812
resident of this state for the five-year period, the department 15813
may require the provider to request that the superintendent obtain 15814
information from the federal bureau of investigation and include 15815
it in the criminal records check of the person. 15816

(E)(1) Criminal records checks required under this section 15817
for providers or applicants to be providers shall be obtained as 15818
follows: 15819

(a) The department shall provide each provider or applicant 15820
information about accessing and completing the form prescribed 15821
pursuant to division (C)(1) of section 109.572 of the Revised Code 15822
and the standard fingerprint impression sheet prescribed pursuant 15823
to division (C)(2) of that section. 15824

(b) The provider or applicant shall submit the required form 15825
and one complete set of fingerprint impressions directly to the 15826
superintendent for purposes of conducting the criminal records 15827
check using the applicable methods prescribed by division (C) of 15828
section 109.572 of the Revised Code. The applicant or provider 15829
shall pay all fees associated with obtaining the criminal records 15830
check. 15831

(c) The superintendent shall conduct the criminal records 15832
check in accordance with section 109.572 of the Revised Code. The 15833
provider or applicant shall instruct the superintendent to submit 15834
the report of the criminal records check directly to the director 15835
of job and family services. 15836

(2) Criminal records checks required under this section for 15837
persons specified by the department under division (C)(1) of this 15838
section shall be obtained as follows: 15839

(a) The provider shall give to each person subject to 15840
criminal records check requirement information about accessing and 15841
completing the form prescribed pursuant to division (C)(1) of 15842
section 109.572 of the Revised Code and the standard fingerprint 15843
impression sheet prescribed pursuant to division (C)(2) of that 15844
section. 15845

(b) The person shall submit the required form and one 15846
complete set of fingerprint impressions directly to the 15847
superintendent for purposes of conducting the criminal records 15848
check using the applicable methods prescribed by division (C) of 15849
section 109.572 of the Revised Code. The person shall pay all fees 15850

associated with obtaining the criminal records check. 15851

(c) The superintendent shall conduct the criminal records 15852
check in accordance with section 109.572 of the Revised Code. The 15853
person subject to the criminal records check shall instruct the 15854
superintendent to submit the report of the criminal records check 15855
directly to the provider. The department may require the provider 15856
to submit the report to the department. 15857

(F) If a provider or applicant to be a provider is given the 15858
information specified in division (E)(1)(a) of this section but 15859
fails to obtain a criminal records check, the department shall, as 15860
applicable, terminate the provider agreement or deny the 15861
application to be a provider. 15862

If a person is given the information specified in division 15863
(E)(2)(a) of this section but fails to obtain a criminal records 15864
check, the provider shall not, as applicable, permit the person to 15865
be an employee, owner, officer, or board member of the provider. 15866

(G) Except as provided in rules adopted under division (J) of 15867
this section, the department shall terminate the provider 15868
agreement of a provider or the department shall not issue a 15869
provider agreement to an applicant if the provider or applicant is 15870
subject to a criminal records check under this section and the 15871
provider or applicant has been convicted of, has pleaded guilty 15872
to, or has been found eligible for intervention in lieu of 15873
conviction for any of the following: 15874

(1) A violation of section 2903.01, 2903.02, 2903.03, 15875
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 15876
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 15877
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 15878
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 15879
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 15880
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 15881

2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 15882
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 15883
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 15884
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 15885
3716.11 of the Revised Code, felonious sexual penetration in 15886
violation of former section 2907.12 of the Revised Code, a 15887
violation of section 2905.04 of the Revised Code as it existed 15888
prior to July 1, 1996, a violation of section 2919.23 of the 15889
Revised Code that would have been a violation of section 2905.04 15890
of the Revised Code as it existed prior to July 1, 1996, had the 15891
violation been committed prior to that date; 15892

(2) An existing or former law of this state, any other state, 15893
or the United States that is substantially equivalent to any of 15894
the offenses listed in division ~~(D)~~(G)(1) of this section. 15895

(H)(1)(a) Except as provided in rules adopted under division 15896
(J) of this section and subject to division (H)(2) of this 15897
section, no provider shall permit a person to be an employee, 15898
owner, officer, or board member of the provider if the person is 15899
subject to a criminal records check under this section and the 15900
person has been convicted of, has pleaded guilty to, or has been 15901
found eligible for intervention in lieu of conviction for any of 15902
the offenses specified in division (G)(1) or (2) of this section. 15903

(b) No provider shall employ a person who has been excluded 15904
from participating in the medicaid program, the medicare program 15905
operated pursuant to Title XVIII of the "Social Security Act," or 15906
any other federal health care program. 15907

(2)(a) A provider may employ conditionally a person for whom 15908
a criminal records check is required under this section prior to 15909
obtaining the results of a criminal records check regarding the 15910
person, but only if the person submits a request for a criminal 15911
records check not later than five business days after the 15912
individual begins conditional employment. 15913

(b) A provider that employs a person conditionally under authority of division (H)(2)(a) of this section shall terminate the person's employment if the results of the criminal records check request are not obtained within the period ending sixty days after the date the request is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the individual has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the offenses specified in division (G)(1) or (2) of this section, the provider shall terminate the person's employment unless the provider chooses to employ the individual pursuant to division (J) of this section.

(I) The report of a criminal records check conducted pursuant to this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The person who is the subject of the criminal records check or the person's representative;

(2) The director of job and family services and the staff of the department in the administration of the medicaid program;

(3) A court, hearing officer, or other necessary individual involved in a case dealing with the denial or termination of a provider agreement;

(4) A court, hearing officer, or other necessary individual involved in a case dealing with a person's denial of employment, termination of employment, or employment or unemployment benefits.

(J) The department may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules may specify circumstances under which the department may continue a provider agreement or issue a provider agreement to an applicant when the provider or applicant has been convicted of, has pleaded

guilty to, or has been found eligible for intervention in lieu of 15945
conviction for any of the offenses specified in division (G)(1) or 15946
(2) of this section. The rules may also specify circumstances 15947
under which a provider may permit a person to be an employee, 15948
owner, officer, or board member of the provider, when the person 15949
has been convicted of, has pleaded guilty to, or has been found 15950
eligible for intervention in lieu of conviction for any of the 15951
offenses specified in division (G)(1) or (2) of this section. 15952

Sec. 5111.091. Every three months Not later than the first 15953
day of each calendar quarter, the director of job and family 15954
services shall submit a report to the president and minority 15955
leader of the senate ~~and,~~ speaker and minority leader of the house 15956
of representatives, and the chairpersons of the committees of the 15957
senate and house of representatives that hear bills making 15958
biennial appropriations on the establishment and implementation of 15959
programs designed to control the increase of the cost of the 15960
medicaid program, increase the efficiency of the medicaid program, 15961
and promote better health outcomes. 15962

The report shall include information regarding all of the 15963
following: 15964

(A) Provider network management; 15965

(B) Electronic claims submission and payment systems; 15966

(C) Limited provider contracts and payments based on 15967
performance; 15968

(D) Efforts to enforce third party liability; 15969

(E) Implementation of the medicaid information technology 15970
system; 15971

(F) Expansion of the medicaid data warehouse and decision 15972
support system; 15973

(G) Development of infrastructure policies for electronic 15974

health records and e-prescribing. 15975

Sec. 5111.31. (A) Every provider agreement with the provider 15976
of a nursing facility or intermediate care facility for the 15977
mentally retarded shall: 15978

(1) Prohibit the provider from failing or refusing to retain 15979
as a patient any person because the person is, becomes, or may, as 15980
a patient in the facility, become a medicaid recipient. For the 15981
purposes of this division, a medicaid recipient who is a patient 15982
in a facility shall be considered a patient in the facility during 15983
any hospital stays totaling less than twenty-five days during any 15984
twelve-month period. Recipients who have been identified by the 15985
department of job and family services or its designee as requiring 15986
the level of care of an intermediate care facility for the 15987
mentally retarded shall not be subject to a maximum period of 15988
absences during which they are considered patients if prior 15989
authorization of the department for visits with relatives and 15990
friends and participation in therapeutic programs is obtained 15991
under rules adopted under section 5111.02 of the Revised Code. 15992

(2) Except as provided by division (B)(1) of this section, 15993
include any part of the facility that meets standards for 15994
certification of compliance with federal and state laws and rules 15995
for participation in the medicaid program. 15996

(3) Prohibit the provider from discriminating against any 15997
patient on the basis of race, color, sex, creed, or national 15998
origin. 15999

(4) Except as otherwise prohibited under section 5111.55 of 16000
the Revised Code, prohibit the provider from failing or refusing 16001
to accept a patient because the patient is, becomes, or may, as a 16002
patient in the facility, become a medicaid recipient if less than 16003
eighty per cent of the patients in the facility are medicaid 16004
recipients. 16005

(B)(1) Except as provided by division (B)(2) of this section, 16006
the following are not required to be included in a provider 16007
agreement unless otherwise required by federal law: 16008

(a) Beds added during the period beginning July 1, 1987, and 16009
ending July 1, 1993, to a nursing home licensed under Chapter 16010
3721. of the Revised Code; 16011

(b) Beds in an intermediate care facility for the mentally 16012
retarded that are designated for respite care under a medicaid 16013
waiver component operated pursuant to a waiver sought under 16014
section 5111.87 of the Revised Code; 16015

~~(c) Beds that are converted to providing home and 16016
community-based services under the ICF/MR conversion pilot program 16017
authorized by a waiver sought under division (B)(1) of section 16018
5111.88 of the Revised Code. 16019~~

(2) If a provider chooses to include a bed specified in 16020
division (B)(1)(a) of this section in a provider agreement, the 16021
bed may not be removed from the provider agreement unless the 16022
provider withdraws the facility in which the bed is located from 16023
the medicaid program. 16024

(C) Nothing in this section shall bar a provider that is a 16025
religious organization operating a religious or denominational 16026
nursing facility or intermediate care facility for the mentally 16027
retarded from giving preference to persons of the same religion or 16028
denomination. Nothing in this section shall bar any provider from 16029
giving preference to persons with whom the provider has contracted 16030
to provide continuing care. 16031

(D) Nothing in this section shall bar the provider of a 16032
county home organized under Chapter 5155. of the Revised Code from 16033
admitting residents exclusively from the county in which the 16034
county home is located. 16035

(E) No provider of a nursing facility or intermediate care 16036

facility for the mentally retarded for which a provider agreement 16037
is in effect shall violate the provider contract obligations 16038
imposed under this section. 16039

(F) Nothing in divisions (A) and (C) of this section shall 16040
bar a provider from retaining patients who have resided in the 16041
provider's facility for not less than one year as private pay 16042
patients and who subsequently become medicaid recipients, but 16043
refusing to accept as a patient any person who is or may, as a 16044
patient in the facility, become a medicaid recipient, if all of 16045
the following apply: 16046

(1) The provider does not refuse to retain any patient who 16047
has resided in the provider's facility for not less than one year 16048
as a private pay patient because the patient becomes a medicaid 16049
recipient, except as necessary to comply with division (F)(2) of 16050
this section; 16051

(2) The number of medicaid recipients retained under this 16052
division does not at any time exceed ten per cent of all the 16053
patients in the facility; 16054

(3) On July 1, 1980, all the patients in the facility were 16055
private pay patients. 16056

Sec. 5111.874. (A) As used in sections 5111.874 to 5111.879 16057
of the Revised Code: 16058

"Home and community-based services" has the same meaning as 16059
in section 5123.01 of the Revised Code. 16060

"ICF/MR services" means intermediate care facility for the 16061
mentally retarded services covered by the medicaid program that an 16062
intermediate care facility for the mentally retarded provides to a 16063
resident of the facility who is a medicaid recipient eligible for 16064
medicaid-covered intermediate care facility for the mentally 16065
retarded services. 16066

"Intermediate care facility for the mentally retarded" means 16067
an intermediate care facility for the mentally retarded that is 16068
certified as in compliance with applicable standards for the 16069
medicaid program by the director of health in accordance with 16070
Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 16071
U.S.C. 1396, as amended, and licensed as a residential facility 16072
under section 5123.19 of the Revised Code. 16073

"Residential facility" has the same meaning as in section 16074
5123.19 of the Revised Code. 16075

(B) For the purpose of increasing the number of slots 16076
available for home and community-based services and subject to 16077
section 5111.877 of the Revised Code, the operator of an 16078
intermediate care facility for the mentally retarded may convert 16079
all of the beds in the facility from providing ICF/MR services to 16080
providing home and community-based services if all of the 16081
following requirements are met: 16082

(1) The operator provides the directors of health, job and 16083
family services, and mental retardation and developmental 16084
disabilities at least ninety days' notice of the operator's intent 16085
to relinquish the facility's certification as an intermediate care 16086
facility for the mentally retarded and to begin providing home and 16087
community-based services. 16088

(2) The operator complies with the requirements of sections 16089
5111.65 to 5111.688 of the Revised Code regarding a voluntary 16090
termination as defined in section 5111.65 of the Revised Code if 16091
those requirements are applicable. 16092

(3) The operator notifies each of the facility's residents 16093
that the facility is to cease providing ICF/MR services and inform 16094
each resident that the resident may do either of the following: 16095

(a) Continue to receive ICF/MR services by transferring to 16096
another facility that is an intermediate care facility for the 16097

mentally retarded willing and able to accept the resident if the 16098
resident continues to qualify for ICF/MR services; 16099

(b) Begin to receive home and community-based services 16100
instead of ICF/MR services from any provider of home and 16101
community-based services that is willing and able to provide the 16102
services to the resident if the resident is eligible for the 16103
services and a slot for the services is available to the resident. 16104

(4) The operator meets the requirements for providing home 16105
and community-based services, including the following: 16106

(a) Such requirements applicable to a residential facility if 16107
the operator maintains the facility's license as a residential 16108
facility; 16109

(b) Such requirements applicable to a facility that is not 16110
licensed as a residential facility if the operator surrenders the 16111
facility's residential facility license under section 5123.19 of 16112
the Revised Code. 16113

(5) The director of mental retardation and developmental 16114
disabilities approves the conversion. 16115

(C) The notice to the director of mental retardation and 16116
developmental disabilities under division (B)(1) of this section 16117
shall specify whether the operator wishes to surrender the 16118
facility's license as a residential facility under section 5123.19 16119
of the Revised Code. 16120

(D) If the director of mental retardation and developmental 16121
disabilities approves a conversion under division (B) of this 16122
section, the director of health shall terminate the certification 16123
of the intermediate care facility for the mentally retarded to be 16124
converted. The director of health shall notify the director of job 16125
and family services of the termination. On receipt of the director 16126
of health's notice, the director of job and family services shall 16127
terminate the operator's medicaid provider agreement that 16128

authorizes the operator to provide ICF/MR services at the 16129
facility. The operator is not entitled to notice or a hearing 16130
under Chapter 119. of the Revised Code before the director of job 16131
and family services terminates the medicaid provider agreement. 16132
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Sec. 5111.875. (A) For the purpose of increasing the number 16134
of slots available for home and community-based services and 16135
subject to section 5111.877 of the Revised Code, a person who 16136
acquires, through a request for proposals issued by the director 16137
of mental retardation and developmental disabilities, a 16138
residential facility that is an intermediate care facility for the 16139
mentally retarded and for which the license as a residential 16140
facility was previously surrendered or revoked may convert some or 16141
all of the facility's beds from providing ICF/MR services to 16142
providing home and community-based services if all of the 16143
following requirements are met: 16144

(1) The person provides the directors of health, job and 16145
family services, and mental retardation and developmental 16146
disabilities at least ninety days' notice of the person's intent 16147
to make the conversion. 16148

(2) The person complies with the requirements of sections 16149
5111.65 to 5111.688 of the Revised Code regarding a voluntary 16150
termination as defined in section 5111.65 of the Revised Code if 16151
those requirements are applicable. 16152

(3) If the person intends to convert all of the facility's 16153
beds, the person notifies each of the facility's residents that 16154
the facility is to cease providing ICF/MR services and informs 16155
each resident that the resident may do either of the following: 16156

(a) Continue to receive ICF/MR services by transferring to 16157
another facility that is an intermediate care facility for the 16158
mentally retarded willing and able to accept the resident if the 16159

resident continues to qualify for ICF/MR services; 16160

(b) Begin to receive home and community-based services 16161
instead of ICF/MR services from any provider of home and 16162
community-based services that is willing and able to provide the 16163
services to the resident if the resident is eligible for the 16164
services and a slot for the services is available to the resident. 16165

(4) If the person intends to convert some but not all of the 16166
facility's beds, the person notifies each of the facility's 16167
residents that the facility is to convert some of its beds from 16168
providing ICF/MR services to providing home and community-based 16169
services and inform each resident that the resident may do either 16170
of the following: 16171

(a) Continue to receive ICF/MR services from any provider of 16172
ICF/MR services that is willing and able to provide the services 16173
to the resident if the resident continues to qualify for ICF/MR 16174
services; 16175

(b) Begin to receive home and community-based services 16176
instead of ICF/MR services from any provider of home and 16177
community-based services that is willing and able to provide the 16178
services to the resident if the resident is eligible for the 16179
services and a slot for the services is available to the resident. 16180

(5) The person meets the requirements for providing home and 16181
community-based services at a residential facility. 16182

(B) The notice provided to the directors under division 16183
(A)(1) of this section shall specify whether some or all of the 16184
facility's beds are to be converted. If some but not all of the 16185
beds are to be converted, the notice shall specify how many of the 16186
facility's beds are to be converted and how many of the beds are 16187
to continue to provide ICF/MR services. 16188

(C) On receipt of a notice under division (A)(1) of this 16189
section, the director of health shall do the following: 16190

(1) Terminate the certification of the intermediate care facility for the mentally retarded if the notice specifies that all of the facility's beds are to be converted; 16191
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(2) Reduce the facility's certified capacity by the number of beds being converted if the notice specifies that some but not all of the beds are to be converted. 16194
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(D) The director of health shall notify the director of job and family services of the termination or reduction under division (C) of this section. On receipt of the director of health's notice, the director of job and family services shall do the following: 16197
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(1) Terminate the person's medicaid provider agreement that authorizes the person to provide ICF/MR services at the facility if the facility's certification was terminated; 16202
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(2) Amend the person's medicaid provider agreement to reflect the facility's reduced certified capacity if the facility's certified capacity is reduced. 16205
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The person is not entitled to notice or a hearing under Chapter 119. of the Revised Code before the director of job and family services terminates or amends the medicaid provider agreement. 16208
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Sec. 5111.876. Subject to section 5111.877 of the Revised Code, the director of mental retardation and developmental disabilities may request that the director of job and family services seek the approval of the United States secretary of health and human services to increase the number of slots available for home and community-based services by a number not exceeding the number of beds that were part of the licensed capacity of a residential facility that had its license revoked or surrendered under section 5123.19 of the Revised Code if the 16212
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residential facility was an intermediate care facility for the 16221
mentally retarded at the time of the license revocation or 16222
surrender. The revocation or surrender may have occurred before, 16223
or may occur on or after, the effective date of this section. The 16224
request may include beds the director removed from such a 16225
residential facility's licensed capacity before transferring 16226
ownership or operation of the residential facility pursuant to a 16227
request for proposals. 16228

Sec. 5111.877. The director of job and family services may 16229
seek approval from the United States secretary of health and human 16230
services for not more than a total of one hundred slots for home 16231
and community-based services for the purposes of sections 16232
5111.874, 5111.875, and 5111.876 of the Revised Code. 16233

Sec. 5111.878. No person or government entity may reconvert a 16234
bed to be used for ICF/MR services if the bed was converted to use 16235
for home and community-based services under section 5111.874 or 16236
5111.875 of the Revised Code. This prohibition applies regardless 16237
of either of the following: 16238

(A) The bed is part of the licensed capacity of a residential 16239
facility. 16240

(B) The bed has been sold, leased, or otherwise transferred 16241
to another person or government entity. 16242

Sec. 5111.879. The directors of job and family services and 16243
mental retardation and developmental disabilities may adopt rules 16244
in accordance with Chapter 119. of the Revised Code as necessary 16245
to implement sections 5111.874 to 5111.879 of the Revised Code. 16246

Sec. 5111.941. (A) The medicaid revenue and collections fund 16247
is hereby created in the state treasury. Except as otherwise 16248

provided by statute or as authorized by the controlling board, ~~the~~ 16249
~~non-federal~~ both of the following shall be credited to the fund: 16250

(1) The nonfederal share of all medicaid-related revenues, 16251
collections, and recoveries ~~shall be credited to the fund;~~ 16252

(2) The monthly premiums charged under the children's buy-in 16253
program pursuant to section 5101.5213 of the Revised Code. The 16254

(B) The department of job and family services shall use money 16255
credited to the medicaid revenue and collections fund to pay for 16256
medicaid services and contracts and the children's buy-in program 16257
established under sections 5101.5211 to 5101.5216 of the Revised 16258
Code. 16259

Sec. 5112.31. The department of job and family services shall 16260
do all of the following: 16261

(A) For the ~~purpose of providing home and community based~~ 16262
~~services for mentally retarded and developmentally disabled~~ 16263
~~persons~~ purposes specified in sections 5112.37 and 5112.371 of the 16264
Revised Code, annually assess each intermediate care facility for 16265
the mentally retarded a franchise permit fee equal to ~~nine~~ twelve 16266
dollars and ~~sixty-three~~ thirty-eight cents multiplied, ~~except as~~ 16267
~~adjusted under section 5112.311 of the Revised Code~~, by the 16268
product of the following: 16269

(1) The number of beds certified under Title XIX of the 16270
"Social Security Act" on the first day of May of the calendar year 16271
in which the assessment is determined pursuant to division (A) of 16272
section 5112.33 of the Revised Code; 16273

(2) The number of days in the fiscal year beginning on the 16274
first day of July of the same calendar year. 16275

(B) Beginning July 1, ~~2007~~ 2009, and the first day of each 16276
July thereafter, adjust fees determined under division (A) of this 16277

section in accordance with the composite inflation factor 16278
established in rules adopted under section 5112.39 of the Revised 16279
Code. 16280

(C) If the United States secretary of health and human 16281
services determines that the franchise permit fee established by 16282
sections 5112.30 to 5112.39 of the Revised Code would be an 16283
impermissible health care-related tax under section 1903(w) of the 16284
"Social Security Act," 42 U.S.C.A. 1396b(w), as amended, take all 16285
necessary actions to cease implementation of those sections in 16286
accordance with rules adopted under section 5112.39 of the Revised 16287
Code. 16288

Sec. 5112.37. ~~All~~ There is hereby created in the state 16289
treasury the home and community-based services for the mentally 16290
retarded and developmentally disabled fund. Ninety-seven and nine 16291
tenths per cent of all installment payments and penalties paid by 16292
an intermediate care facility for the mentally retarded under 16293
sections 5112.33 and 5112.34 of the Revised Code shall be 16294
deposited into the ~~"home and community-based services for the~~ 16295
~~mentally retarded and developmentally disabled fund," which is~~ 16296
~~hereby created in the state treasury.~~ The department of job and 16297
family services shall distribute the money in the fund in 16298
accordance with rules adopted under section 5112.39 of the Revised 16299
Code. The departments of job and family services and mental 16300
retardation and developmental disabilities shall use the money for 16301
the ~~medical assistance~~ medicaid program established under Chapter 16302
5111. of the Revised Code and home and community-based services to 16303
mentally retarded and developmentally disabled persons. 16304

Sec. 5112.371. There is hereby created in the state treasury 16305
the autism preschool program fund. All installment payments and 16306
penalties paid by an intermediate care facility for the mentally 16307
retarded under sections 5112.33 and 5112.34 of the Revised Code 16308

that are not deposited into the home and community-based services 16309
for the mentally retarded and developmentally disabled fund shall 16310
be deposited into the autism preschool program fund. The money in 16311
the fund shall be used for the autism preschool program 16312
established under section 3323.36 of the Revised Code. 16313

Sec. 5123.0412. (A) The department of mental retardation and 16314
developmental disabilities shall charge each county board of 16315
mental retardation and developmental disabilities an annual fee 16316
equal to one and one-half per cent of the total value of all 16317
medicaid paid claims for ~~medicaid case management services and~~ 16318
home and community-based services provided during the year to an 16319
individual eligible for services from the county board. No county 16320
board shall pass the cost of a fee charged to the county board 16321
under this section on to another provider of these services. 16322

(B) The fees collected under this section shall be deposited 16323
into the ODMR/DD administration and oversight fund and the ODJFS 16324
administration and oversight fund, both of which are hereby 16325
created in the state treasury. The portion of the fees to be 16326
deposited into the ODMR/DD administration and oversight fund and 16327
the portion of the fees to be deposited into the ODJFS 16328
administration and oversight fund shall be the portion specified 16329
in an interagency agreement entered into under division (C) of 16330
this section. The department of mental retardation and 16331
developmental disabilities shall use the money in the ODMR/DD 16332
administration and oversight fund and the department of job and 16333
family services shall use the money in the ODJFS administration 16334
and oversight fund for both of the following purposes: 16335

(1) The administrative and oversight costs of medicaid case 16336
management services and home and community-based services. The 16337
administrative and oversight costs shall include costs for staff, 16338
systems, and other resources the departments need and dedicate 16339

solely to the following duties associated with the services:	16340
(a) Eligibility determinations;	16341
(b) Training;	16342
(c) Fiscal management;	16343
(d) Claims processing;	16344
(e) Quality assurance oversight;	16345
(f) Other duties the departments identify.	16346
(2) Providing technical support to county boards' local administrative authority under section 5126.055 of the Revised Code for the services.	16347 16348 16349
(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:	16350 16351 16352
(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;	16353 16354 16355 16356
(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.	16357 16358 16359
(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.	16360 16361 16362 16363 16364
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	16365 16366 16367 16368

in there being more beds in all residential facilities licensed 16369
under that section than is permitted under division (B) of this 16370
section. 16371

~~(B) Except as provided in division (D) of this section, the~~ 16372
The maximum number of beds for the purpose of division (A) of this 16373
section shall not exceed ten thousand eight hundred thirty-eight 16374
minus, except as provided in division (C) of this section, both of 16375
the following: 16376

(1) The number of such beds that cease to be residential 16377
facility beds on or after July 1, 2003, because a residential 16378
facility license is revoked, terminated, or not renewed for any 16379
reason or is surrendered in accordance with section 5123.19 of the 16380
Revised Code ~~and after the issuance of an adjudication order~~ 16381
~~pursuant to Chapter 119. of the Revised Code;~~ 16382

(2) The number of such beds for which a licensee voluntarily 16383
converts to use for supported living on or after July 1, 2003. 16384

(C) The director is not required to reduce the maximum number 16385
of beds pursuant to division (B) of this section by a bed that 16386
ceases to be a residential facility bed if the director determines 16387
that the bed is needed to provide services to an individual with 16388
mental retardation or a developmental disability who resided in 16389
the residential facility in which the bed was located ~~unless the~~ 16390
~~reason the bed ceases to be a residential facility bed is because~~ 16391
~~it is converted to providing home and community based services~~ 16392
~~under the ICF/MR conversion pilot program that is authorized by a~~ 16393
~~waiver sought under division (B)(1) of section 5111.98 of the~~ 16394
Revised Code. 16395

~~(D) The director shall increase the number of beds determined~~ 16396
~~under division (B) of this section if necessary to enable the~~ 16397
~~operator of a residential facility to do either of the following:~~ 16398

~~(1) Obtain a residential facility license as required by~~ 16399

section 5111.8814 of the Revised Code;	16400
(2) Reconvert beds to providing ICF/MR services under section 5111.8811 of the Revised Code.	16401
(E)	16402
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.	16403
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(F) <u>(E)</u> 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, a waiver allowing a residential facility to admit more residents than the facility is licensed to admit regardless of whether the interim license or waiver will result in there being more beds in all residential facilities licensed under that section than is permitted under division (B) of this section.	16406
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Sec. 5123.36. (A) To the extent funds are available and on application by a county board of mental retardation and developmental disabilities or private nonprofit agency incorporated to provide mental retardation or developmental disability services, the director of mental retardation and developmental disabilities may enter into an agreement with the county board or agency to assist the county board or agency with a mental retardation or developmental disability construction project. Except as provided by division (B) of this section, the director may provide up to ninety per cent of the total project cost where circumstances warrant. The director may, where circumstances warrant, use existing facilities or other in-kind match for the local share of the communities' share of the cost.	16414
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(B) Upon the recommendation of the director, for projects of the highest priority of the department of mental retardation and developmental disabilities, the controlling board may authorize the director to provide more than ninety per cent of the total	16427
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cost of a project under this section. 16431

(C) A county board is eligible for funds under this section 16432
for a project bid on or after January 1, 1992, under either 16433
section 153.07 or 307.86 of the Revised Code, as long as all other 16434
applicable requirements were followed. 16435

(D) A private nonprofit agency that receives funds pursuant 16436
to this section for the construction of a single-family home, 16437
including, where appropriate, the acquisition and installation of 16438
a single-family home fabricated in an off-site facility, is not 16439
subject to the requirements of Chapter 153. of the Revised Code 16440
with respect to the construction project, notwithstanding any 16441
provision of that chapter to the contrary. 16442

(E) The director may not assist a project under this section 16443
unless the controlling board or director of budget and management 16444
also approves the project pursuant to section 126.14 of the 16445
Revised Code. 16446

Sec. 5501.09. (A) There is hereby created within the division 16447
of multi-modal planning and programs the office of maritime 16448
transportation. The director of transportation shall assign to the 16449
office such duties, powers, and functions relating to state 16450
maritime transportation issues and activities as the director 16451
determines. 16452

(B) In addition to those duties, powers, and functions the 16453
director assigns to it, the office of maritime transportation 16454
shall exercise and perform such other duties, powers, and 16455
functions as are assigned to it by law. 16456

Sec. 5502.68. (A) There is hereby created in the state 16457
treasury the drug law enforcement fund. Three dollars out of each 16458
ten-dollar court cost imposed pursuant to section 2949.094 of the 16459
Revised Code shall be credited to the fund. Money in the fund 16460

shall be in an interest-bearing account, and all interest earned 16461
shall be credited to the fund. Money in the fund shall be used 16462
only in accordance with this section to award grants to counties, 16463
municipal corporations, townships, township police districts, and 16464
joint township police districts to defray the expenses that a drug 16465
task force organized in the county, or in the county in which the 16466
municipal corporation, township, or district is located, incurs in 16467
performing its functions related to the enforcement of the state's 16468
drug laws and other state laws related to illegal drug activity. 16469

The division of criminal justice services shall administer 16470
all money deposited into the drug law enforcement fund and, by 16471
rule adopted under Chapter 119. of the Revised Code, shall 16472
establish procedures for a county, municipal corporation, 16473
township, township police district, or joint township police 16474
district to apply for money from the fund to defray the expenses 16475
that a drug task force organized in the county, or in the county 16476
in which the municipal corporation, township, or district is 16477
located, incurs in performing its functions related to the 16478
enforcement of the state's drug laws and other state laws related 16479
to illegal drug activity, procedures and criteria for determining 16480
eligibility of applicants to be provided money from the fund, and 16481
procedures and criteria for determining the amount of money to be 16482
provided out of the fund to eligible applicants. 16483

The procedures and criteria for determining eligibility of 16484
applicants to be provided money from the fund and for determining 16485
the amount of money to be provided out of the fund to eligible 16486
applicants shall include, but not be limited to, all of the 16487
following: 16488

(1) Provisions requiring that, in order to be eligible to be 16489
provided money from the fund, a drug task force that applies for 16490
money from the fund must provide evidence that the drug task force 16491

will receive a local funding match of at least twenty-five per cent of the task force's projected operating costs in the period of time covered by the grant; 16492
16493
16494

(2) Provisions requiring that money from the fund be allocated and provided to drug task forces that apply for money from the fund in accordance with the following priorities: 16495
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(a) Drug task forces that apply, that are in existence on the date of the application, and that are determined to be eligible applicants shall be given first priority to be provided money from the fund, in an amount that does not exceed their current nonlocal funding level. 16498
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(b) If any moneys remain in the fund after all drug task forces that apply, that are in existence on the date of the application, and that are determined to be eligible applicants are provided money from the fund to the extent described in division (A)(2)(a) of this section, the following categories of drug task forces that apply and that are determined to be eligible applicants shall be given priority to be provided money from the fund in the order in which they apply for money from the fund: 16503
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(i) Drug task forces that are not in existence on the date of the application; 16511
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(ii) Drug task forces that are in existence on the date of the application, regarding any amount requested in their application that is in excess of their current nonlocal funding level. 16513
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(B) As used in this section: 16517

(1) "Current nonlocal funding level" for a drug task force means the level of funding that exists on the effective date of this section for operating costs of the drug task force, minus the local funding match that the drug task force will receive as determined from evidence it provides as described in division 16518
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(A)(1) of this section. 16523

(2) "Drug task force" means a drug task force organized in 16524
any county by the sheriff of the county, the prosecuting attorney 16525
of the county, the chief of police of the organized police 16526
department of any municipal corporation or township in the county, 16527
and the chief of police of the police force of any township police 16528
district or joint township police district in the county to 16529
perform functions related to the enforcement of state drug laws 16530
and other state laws related to illegal drug activity. 16531

Sec. 5525.01. Before entering into a contract the director of 16532
transportation shall advertise for bids for two consecutive weeks 16533
in one newspaper of general circulation published in the county in 16534
which the improvement or part thereof is located, but if there is 16535
no such newspaper then in one newspaper having general circulation 16536
in an adjacent county. The director may advertise for bids in such 16537
other publications as the director considers advisable. Such 16538
notices shall state that plans and specifications for the 16539
improvement are on file in the office of the director and the 16540
district deputy director of the district in which the improvement 16541
or part thereof is located and the time within which bids therefor 16542
will be received. 16543

Each bidder shall be required to file with the bidder's bid a 16544
bid guaranty in the form of a certified check ~~or~~, a cashier's 16545
check, or an electronic funds transfer to the treasurer of state 16546
that is evidenced by a receipt or by a certification to the 16547
director of transportation in a form prescribed by the director 16548
that an electronic funds transfer has been made to the treasurer 16549
of state, for an amount equal to five per cent of the bidder's 16550
bid, but in no event more than fifty thousand dollars, or a bid 16551
bond for ten per cent of the bidder's bid, payable to the 16552
director, which check, transferred sum, or bond shall be forthwith 16553

returned to the bidder in case the contract is awarded to another 16554
bidder, or, in case of a successful bidder, when the bidder has 16555
entered into a contract and furnished the bonds required by 16556
section 5525.16 of the Revised Code. In the event the contract is 16557
awarded to a bidder, and the bidder fails or refuses to furnish 16558
the bonds as required by section 5525.16 of the Revised Code, the 16559
check, transferred sum, or bid bond filed with the bidder's bid 16560
shall be forfeited as liquidated damages. No bidder shall be 16561
required either to file a signed contract with the bidder's bid, 16562
to enter into a contract, or to furnish the contract performance 16563
bond and the payment bond required by that section until the bids 16564
have been opened and the bidder has been notified by the director 16565
that the bidder is awarded the contract. 16566

The director shall permit a bidder to withdraw the bidder's 16567
bid from consideration, without forfeiture of the ~~certified~~ check, 16568
transferred sum, or bid bond filed with the bid, providing a 16569
written request together with a sworn statement of the grounds for 16570
such withdrawal is delivered within forty-eight hours after the 16571
time established for the receipt of bids, and if the price bid was 16572
substantially lower than the other bids, providing the bid was 16573
submitted in good faith, and the reason for the price bid being 16574
substantially lower was a clerical mistake evident on the face of 16575
the bid, as opposed to a judgment mistake, and was actually due to 16576
an unintentional and substantial arithmetic error or an 16577
unintentional omission of a substantial quantity of work, labor, 16578
or material made directly in the compilation of the bid. In the 16579
event the director decides the conditions for withdrawal have not 16580
been met, the director may award the contract to such bidder. If 16581
such bidder does not then enter into a contract and furnish the 16582
contract bond as required by law, the director may declare 16583
forfeited the ~~certified~~ check, transferred sum, or bid bond as 16584
liquidated damages and award the contract to the next higher 16585
bidder or reject the remaining bids and readvertise the project 16586

for bids. Such bidder may, within thirty days, appeal the decision 16587
of the director to the court of common pleas of Franklin county 16588
and the court may affirm or reverse the decision of the director 16589
and may order the director to refund the amount of the forfeiture. 16590
At the hearing before the common pleas court evidence may be 16591
introduced for and against the decision of the director. The 16592
decision of the common pleas court may be appealed as in other 16593
cases. 16594

There is hereby created the ODOT letting fund, which shall be 16595
in the custody of the treasurer of state but shall not be part of 16596
the state treasury. All certified checks and cashiers' checks 16597
received with bidders' bids, and all sums transferred to the 16598
treasurer of state by electronic funds transfer in connection with 16599
bidders' bids, under this section shall be credited to the fund. 16600
All such bid guaranties shall be held in the fund until a 16601
determination is made as to the final disposition of the money. If 16602
the department determines that any such bid guaranty is no longer 16603
required to be held, the amount of the bid guaranty shall be 16604
returned to the appropriate bidder. If the department determines 16605
that a bid guaranty under this section shall be forfeited, the 16606
amount of the bid guaranty shall be transferred or, in the case of 16607
money paid on a forfeited bond, deposited into the state treasury, 16608
to the credit of the highway operating fund. Any investment 16609
earnings of the ODOT letting fund shall be distributed as the 16610
treasurer of state considers appropriate. 16611

The director shall require all bidders to furnish the 16612
director, upon such forms as the director may prescribe, detailed 16613
information with respect to all pending work of the bidder, 16614
whether with the department of transportation or otherwise, 16615
together with such other information as the director considers 16616
necessary. 16617

In the event a bidder fails to submit anything required to be 16618

submitted with the bid and then fails or refuses to so submit such 16619
at the request of the director, the failure or refusal constitutes 16620
grounds for the director, in the director's discretion, to declare 16621
as forfeited the bid guaranty submitted with the bid. 16622

The director may reject any or all bids. Except in regard to 16623
contracts for environmental remediation and specialty work for 16624
which there are no classes of work set out in the rules adopted by 16625
the director, if the director awards the contract, the director 16626
shall award it to the lowest competent and responsible bidder as 16627
defined by rules adopted by the director under section 5525.05 of 16628
the Revised Code, who is qualified to bid under sections 5525.02 16629
to 5525.09 of the Revised Code. In regard to contracts for 16630
environmental remediation and specialty work for which there are 16631
no classes of work set out in the rules adopted by the director, 16632
the director shall competitively bid the projects in accordance 16633
with this chapter and shall award the contracts to the lowest and 16634
best bidder. 16635

The award for all projects competitively let by the director 16636
under this section shall be made within ten days after the date on 16637
which the bids are opened, and the successful bidder shall enter 16638
into a contract and furnish a contract performance bond and a 16639
payment bond, as provided for in section 5525.16 of the Revised 16640
Code, within ten days after the bidder is notified that the bidder 16641
has been awarded the contract. 16642

The director may insert in any contract awarded under this 16643
chapter a clause providing for value engineering change proposals, 16644
under which a contractor who has been awarded a contract may 16645
propose a change in the plans and specifications of the project 16646
that saves the department time or money on the project without 16647
impairing any of the essential functions and characteristics of 16648
the project such as service life, reliability, economy of 16649
operation, ease of maintenance, safety, and necessary standardized 16650

features. If the director adopts the value engineering proposal, 16651
the savings from the proposal shall be divided between the 16652
department and the contractor according to guidelines established 16653
by the director, provided that the contractor shall receive at 16654
least fifty per cent of the savings from the proposal. The 16655
adoption of a value engineering proposal does not invalidate the 16656
award of the contract or require the director to rebid the 16657
project. 16658

Sec. 5703.19. (A) To carry out the purposes of the laws that 16659
the tax commissioner is required to administer, the commissioner 16660
or any person employed by the commissioner for that purpose, upon 16661
demand, may inspect books, accounts, records, and memoranda of any 16662
person or public utility subject to those laws, and may examine 16663
under oath any officer, agent, or employee of that person or 16664
public utility. Any person other than the commissioner who makes a 16665
demand pursuant to this section shall produce the person's 16666
authority to make the inspection. 16667

(B) If a person or public utility receives at least ten days' 16668
written notice of a demand made under division (A) of this section 16669
and refuses to comply with that demand, a penalty of five hundred 16670
dollars shall be imposed upon the person or public utility for 16671
each day the person or public utility refuses to comply with the 16672
demand. Penalties imposed under this division may be assessed and 16673
collected in the same manner as assessments made under Chapter 16674
3769., 4305., 5727., 5728., 5733., 5735., 5739., 5743., 5745., 16675
5747., 5749., or ~~5753.~~ 5751., or sections 3734.90 to 3734.9014, of 16676
the Revised Code. 16677

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 16678
of this section, no agent of the department of taxation, except in 16679
the agent's report to the department or when called on to testify 16680
in any court or proceeding, shall divulge any information acquired 16681

by the agent as to the transactions, property, or business of any 16682
person while acting or claiming to act under orders of the 16683
department. Whoever violates this provision shall thereafter be 16684
disqualified from acting as an officer or employee or in any other 16685
capacity under appointment or employment of the department. 16686
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(B)(1) For purposes of an audit pursuant to section 117.15 of 16688
the Revised Code, or an audit of the department pursuant to 16689
Chapter 117. of the Revised Code, or an audit, pursuant to that 16690
chapter, the objective of which is to express an opinion on a 16691
financial report or statement prepared or issued pursuant to 16692
division (A)(7) or (9) of section 126.21 of the Revised Code, the 16693
officers and employees of the auditor of state charged with 16694
conducting the audit shall have access to and the right to examine 16695
any state tax returns and state tax return information in the 16696
possession of the department to the extent that the access and 16697
examination are necessary for purposes of the audit. Any 16698
information acquired as the result of that access and examination 16699
shall not be divulged for any purpose other than as required for 16700
the audit or unless the officers and employees are required to 16701
testify in a court or proceeding under compulsion of legal 16702
process. Whoever violates this provision shall thereafter be 16703
disqualified from acting as an officer or employee or in any other 16704
capacity under appointment or employment of the auditor of state. 16705

(2) For purposes of an internal audit pursuant to section 16706
126.45 of the Revised Code, the officers and employees of the 16707
office of internal auditing in the office of budget and management 16708
charged with conducting the internal audit shall have access to 16709
and the right to examine any state tax returns and state tax 16710
return information in the possession of the department to the 16711
extent that the access and examination are necessary for purposes 16712
of the internal audit. Any information acquired as the result of 16713

that access and examination shall not be divulged for any purpose 16714
other than as required for the internal audit or unless the 16715
officers and employees are required to testify in a court or 16716
proceeding under compulsion of legal process. Whoever violates 16717
this provision shall thereafter be disqualified from acting as an 16718
officer or employee or in any other capacity under appointment or 16719
employment of the office of internal auditing. 16720

(3) As provided by section 6103(d)(2) of the Internal Revenue 16721
Code, any federal tax returns or federal tax information that the 16722
department has acquired from the internal revenue service, through 16723
federal and state statutory authority, may be disclosed to the 16724
auditor of state or the office of internal auditing solely for 16725
purposes of an audit of the department. 16726

(C) Division (A) of this section does not prohibit any of the 16727
following: 16728

(1) Divulging information contained in applications, 16729
complaints, and related documents filed with the department under 16730
section 5715.27 of the Revised Code or in applications filed with 16731
the department under section 5715.39 of the Revised Code; 16732

(2) Providing information to the office of child support 16733
within the department of job and family services pursuant to 16734
section 3125.43 of the Revised Code; 16735

(3) Disclosing to the board of motor vehicle collision repair 16736
registration any information in the possession of the department 16737
that is necessary for the board to verify the existence of an 16738
applicant's valid vendor's license and current state tax 16739
identification number under section 4775.07 of the Revised Code; 16740

(4) Providing information to the administrator of workers' 16741
compensation pursuant to sections 4123.271 and 4123.591 of the 16742
Revised Code; 16743

(5) Providing to the attorney general information the 16744

department obtains under division (J) of section 1346.01 of the Revised Code; 16745
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(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to rules adopted under section 5745.16 of the Revised Code; 16747
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(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account; 16751
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(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section; 16759
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(9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose documents so provided, the county auditor shall not disclose such documents; 16761
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16763
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(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code; 16766
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(11) Subject to section 4301.441 of the Revised Code, disclosing to the appropriate state agency information in the possession of the department of taxation that is necessary to verify a permit holder's total gallonage or noncompliance with taxes levied under Chapter 4301. or 4305. of the Revised Code; 16768
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(12) Disclosing to the department of natural resources information in the possession of the department that is necessary to verify the taxpayer's compliance with division (A)(1), (8), or 16773
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(9) of section 5749.02 of the Revised Code. 16776

Sec. 5703.57. (A) As used in this section, "Ohio business gateway" has the same meaning as in section 718.051 of the Revised Code. 16777
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(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. 16780
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(C) The committee shall consist of: 16791

(1) The following members, appointed by the governor with the advice and consent of the senate: 16792
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(a) Not more than two representatives of the business community; 16794
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(b) Not more than three representatives of municipal tax administrators; and 16796
16797

(c) Not more than two tax practitioners. 16798

(2) The following ex officio members: 16799

(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; 16800
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(b) The secretary of state or the secretary of state's 16804

designee;	16805
(c) The treasurer of state or the treasurer of state's	16806
designee;	16807
(d) The director of budget and management or the director's	16808
designee;	16809
(e) The director of the office of information technology	16810
<u>state chief information officer</u> or the director's <u>officer's</u>	16811
designee; and	16812
(f) The tax commissioner or the tax commissioner's designee;	16813
<u>and</u>	16814
<u>(g) The director of development or the director's designee.</u>	16815
An appointed member shall serve until the member resigns or	16816
is removed by the governor. Vacancies shall be filled in the same	16817
manner as original appointments.	16818
(D) A vacancy on the committee does not impair the right of	16819
the other members to exercise all the functions of the committee.	16820
The presence of a majority of the members of the committee	16821
constitutes a quorum for the conduct of business of the committee.	16822
The concurrence of at least a majority of the members of the	16823
committee is necessary for any action to be taken by the	16824
committee. On request, each member of the committee shall be	16825
reimbursed for the actual and necessary expenses incurred in the	16826
discharge of the member's duties.	16827
(E) The committee is a part of the department of taxation for	16828
administrative purposes.	16829
(F) Each year, the governor shall select a member of the	16830
committee to serve as chairperson. The chairperson shall appoint	16831
an official or employee of the department of taxation to act as	16832
the committee's secretary. The secretary shall keep minutes of the	16833
committee's meetings and a journal of all meetings, proceedings,	16834

findings, and determinations of the committee. 16835

(G) The committee shall hire professional, technical, and 16836
clerical staff needed to support its activities. 16837

(H) The committee shall meet as often as necessary to perform 16838
its duties. 16839

Sec. 5703.82. (A) Not later than April 1, 2009, the 16840
department of taxation shall acquire the necessary hardware, 16841
software, and services to establish and implement a tax discovery 16842
data system to increase the efficiency of tax collections in the 16843
state. The system must be fully integrated and pre-staged for the 16844
purposes of assisting in revenue analysis, discovering 16845
noncompliant taxpayers, and collecting taxes from those taxpayers. 16846
The system shall consolidate tax data from various mainframe 16847
systems and operate as a single tax discovery data system. The 16848
department shall contract, pursuant to a competitive bidding 16849
process, for the necessary hardware, software, and services to 16850
implement the tax discovery data system. 16851

(B) There is hereby created in the state treasury the 16852
discovery project fund. All money to the credit of the fund shall 16853
be used to pay the costs of implementing and operating the tax 16854
discovery data system and to defray the costs incurred by the 16855
department of taxation in administering the system. 16856

(C) Beginning July 1, 2009, on or before the first day of 16857
January, April, July, and October of each calendar year, the tax 16858
commissioner shall determine and certify to the director of budget 16859
and management the amount needed to pay the costs of operating the 16860
tax discovery data system in the previous calendar quarter and the 16861
costs incurred in the previous calendar quarter by the department 16862
of taxation in administering the system. The director shall 16863
provide for payment from the general revenue fund to the discovery 16864
project fund of the amount so certified. 16865

Sec. 5705.194. The board of education of any city, local, 16866
exempted village, cooperative education, or joint vocational 16867
school district at any time may declare by resolution that the 16868
revenue that will be raised by all tax levies which the district 16869
is authorized to impose, when combined with state and federal 16870
revenues, will be insufficient to provide for the emergency 16871
requirements of the school district or to avoid an operating 16872
deficit, and that it is therefore necessary to levy an additional 16873
tax in excess of the ten-mill limitation. The resolution shall be 16874
confined to a single purpose and shall specify that purpose. If 16875
the levy is proposed to renew all or a portion of the proceeds 16876
derived from one or more existing levies imposed pursuant to this 16877
section, it shall be called a renewal levy and shall be so 16878
designated on the ballot. If two or more existing levies are to be 16879
included in a single renewal levy but are not scheduled to expire 16880
in the same year, the resolution shall specify that the existing 16881
levies to be renewed shall not be levied after the year preceding 16882
the year in which the renewal levy is first imposed. 16883
Notwithstanding the original purpose of any one or more existing 16884
levies that are to be in any single renewal levy, the purpose of 16885
the renewal levy may be either to avoid an operating deficit or to 16886
provide for the emergency requirements of the school district. The 16887
resolution shall further specify the amount of money it is 16888
necessary to raise for the specified purpose for each calendar 16889
year the millage is to be imposed; if a renewal levy, whether the 16890
levy is to renew all, or a portion of, the proceeds derived from 16891
one or more existing levies; and the number of years in which the 16892
millage is to be in effect, which may include a levy upon the 16893
current year's tax list. The number of years may be any number not 16894
exceeding five ten. 16895

The question shall be submitted at a special election on a 16896
date specified in the resolution. The date shall not be earlier 16897

than eighty days after the adoption and certification of the 16898
resolution to the county auditor and shall be consistent with the 16899
requirements of section 3501.01 of the Revised Code. A resolution 16900
for a renewal levy shall not be placed on the ballot unless the 16901
question is submitted on a date on which a special election may be 16902
held under division (D) of section 3501.01 of the Revised Code, 16903
except for the first Tuesday after the first Monday in February 16904
and August, during the last year the levy to be renewed may be 16905
extended on the real and public utility property tax list and 16906
duplicate, or at any election held in the ensuing year, except 16907
that if the resolution proposes renewing two or more existing 16908
levies, the question shall be submitted on the date of the general 16909
or primary election held during the last year at least one of the 16910
levies to be renewed may be extended on that list and duplicate, 16911
or at any election held during the ensuing year. For purposes of 16912
this section, a levy shall be considered to be an "existing levy" 16913
through the year following the last year it can be placed on the 16914
real and public utility property tax list and duplicate. 16915

The submission of questions to the electors under this 16916
section is subject to the limitation on the number of election 16917
dates established by section 5705.214 of the Revised Code. 16918

The resolution shall go into immediate effect upon its 16919
passage, and no publication of the resolution shall be necessary 16920
other than that provided for in the notice of election. A copy of 16921
the resolution shall immediately after its passing be certified to 16922
the county auditor of the proper county. Section 5705.195 of the 16923
Revised Code shall govern the arrangements for the submission of 16924
questions to the electors under this section and other matters 16925
concerning the election. Publication of notice of the election 16926
shall be made in one or more newspapers of general circulation in 16927
the county once a week for two consecutive weeks prior to the 16928
election, and, if the board of elections operates and maintains a 16929

web site, the board of elections shall post notice of the election 16930
on its web site for thirty days prior to the election. If a 16931
majority of the electors voting on the question submitted in an 16932
election vote in favor of the levy, the board of education of the 16933
school district may make the additional levy necessary to raise 16934
the amount specified in the resolution for the purpose stated in 16935
the resolution. The tax levy shall be included in the next tax 16936
budget that is certified to the county budget commission. 16937

After the approval of the levy and prior to the time when the 16938
first tax collection from the levy can be made, the board of 16939
education may anticipate a fraction of the proceeds of the levy 16940
and issue anticipation notes in an amount not exceeding the total 16941
estimated proceeds of the levy to be collected during the first 16942
year of the levy. 16943

The notes shall be issued as provided in section 133.24 of 16944
the Revised Code, shall have principal payments during each year 16945
after the year of their issuance over a period not to exceed five 16946
years, and may have principal payment in the year of their 16947
issuance. 16948

Sec. 5705.199. (A) At any time the board of education of a 16949
city, local, exempted village, cooperative education, or joint 16950
vocational school district, by a vote of two-thirds of all its 16951
members, may declare by resolution that the revenue that will be 16952
raised by all tax levies that the district is authorized to 16953
impose, when combined with state and federal revenues, will be 16954
insufficient to provide for the necessary requirements of the 16955
school district, and that it is therefore necessary to levy a tax 16956
in excess of the ten-mill limitation for the purpose of providing 16957
for the necessary requirements of the school district. Such a levy 16958
shall be proposed as a substitute for all or a portion of one or 16959
more existing levies imposed under sections 5705.194 to 5705.197 16960

of the Revised Code or under this section, by levying a tax as 16961
follows: 16962

(1) In the initial year the levy is in effect, the levy shall 16963
be in a specified amount of money equal to the aggregate annual 16964
dollar amount of proceeds derived from the levy or levies, or 16965
portion thereof, being substituted. 16966

(2) In each subsequent year the levy is in effect, the levy 16967
shall be in a specified amount of money equal to the sum of the 16968
following: 16969

(a) The dollar amount of the proceeds derived from the levy 16970
in the prior year; and 16971

(b) The dollar amount equal to the product of the total 16972
taxable value of all taxable property in the school district in 16973
the then-current year, excluding carryover property as defined in 16974
section 319.301 of the Revised Code, multiplied by the annual 16975
levy, expressed in mills for each one dollar of valuation, that 16976
was required to produce the annual dollar amount of the levy under 16977
this section in the prior year; provided, that the amount under 16978
division (A)(2)(b) of this section shall not be less than zero. 16979

(B) The resolution proposing the substitute levy shall 16980
specify the annual dollar amount the levy is to produce in its 16981
initial year; the first calendar year in which the levy will be 16982
due; and the term of the levy expressed in years, which may be any 16983
number not exceeding ten, or for a continuing period of time. The 16984
resolution shall specify the date of holding the election, which 16985
shall not be earlier than seventy-five days after certification of 16986
the resolution to the board of elections, and which shall be 16987
consistent with the requirements of section 3501.01 of the Revised 16988
Code. If two or more existing levies are to be included in a 16989
single substitute levy, but are not scheduled to expire in the 16990
same year, the resolution shall specify that the existing levies 16991

to be substituted shall not be levied after the year preceding the 16992
year in which the substitute levy is first imposed. 16993

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The resolution shall go into immediate effect upon its 16995
passage, and no publication of the resolution shall be necessary 16996
other than that provided for in the notice of election. A copy of 16997
the resolution shall immediately after its passage be certified to 16998
the county auditor in the manner provided by section 5705.195 of 16999
the Revised Code, and sections 5705.194 and 5705.196 of the 17000
Revised Code shall govern the arrangements for the submission of 17001
the question and other matters concerning the notice of election 17002
and the election, except as may be provided otherwise in this 17003
section. 17004

(C) The form of the ballot to be used at the election on the 17005
question of a levy under this section shall be as follows: 17006

"Shall a tax levy substituting for an existing levy be 17007
imposed by the (here insert name of school district) 17008
for the purpose of providing for the necessary requirements of the 17009
school district in the initial sum of (here insert the 17010
annual dollar amount the levy is to produce in its initial year), 17011
and a levy of taxes be made outside of the ten-mill limitation 17012
estimated by the county auditor to require (here insert 17013
number of mills) mills for each one dollar of valuation, which 17014
amounts to (here insert rate expressed in dollars and 17015
cents) for each one hundred dollars of valuation for the initial 17016
year of the tax, for a period of (here insert the 17017
number of years the levy is to be imposed, or that it will be 17018
levied for a continuing period of time), commencing in 17019
(first year the tax is to be levied), first due in calendar year 17020
..... (first calendar year in which the tax shall be due), 17021
with the sum of such tax to increase only if and as new land or 17022
real property improvements not previously taxed by the school 17023

district are added to its tax list? 17024

17025

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	<u>FOR THE TAX LEVY</u>
	<u>AGAINST THE TAX LEVY</u>

"

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If the levy submitted is a proposal to substitute all or a 17030

portion of more than one existing levy, the form of the ballot may 17031

be changed so long as the ballot reflects the number of levies to 17032

be substituted and that none of the existing levies to be 17033

substituted will be levied after the year preceding the year in 17034

which the substitute levy is first imposed. The form of the ballot 17035

shall be modified by substituting the statement "Shall a tax levy 17036

substituting for an existing levy" with "Shall a tax levy 17037

substituting for existing levies" and adding the following 17038

statement after "added to its tax list?" and before "For the Tax 17039

Levy": 17040

"If approved, any remaining tax years on any of the 17041

..... (here insert the number of existing levies) existing 17042

levies will not be collected after (here insert the 17043

current tax year or, if not the current tax year, the applicable 17044

tax year)." 17045

(D) The submission of questions to the electors under this 17046

section is subject to the limitation on the number of election 17047

dates established by section 5705.214 of the Revised Code. 17048

(E) If a majority of the electors voting on the question so 17049

submitted in an election vote in favor of the levy, the board of 17050

education may make the necessary levy within the school district 17051

at the rate and for the purpose stated in the resolution. The tax 17052

levy shall be included in the next tax budget that is certified to 17053

the county budget commission. 17054

(F) A levy for a continuing period of time may be decreased 17055
pursuant to section 5705.261 of the Revised Code. 17056

(G) A levy under this section substituting for all or a 17057
portion of one or more existing levies imposed under sections 17058
5705.194 to 5705.197 of the Revised Code or under this section 17059
shall be treated as having renewed the levy or levies being 17060
substituted for purposes of the payments made under sections 17061
5751.20 to 5751.22 of the Revised Code. 17062

(H) After the approval of a levy on the current tax list and 17063
duplicate, and prior to the time when the first tax collection 17064
from the levy can be made, the board of education may anticipate a 17065
fraction of the proceeds of the levy and issue anticipation notes 17066
in a principal amount not exceeding fifty per cent of the total 17067
estimated proceeds of the levy to be collected during the first 17068
year of the levy. The notes shall be issued as provided in section 17069
133.24 of the Revised Code, shall have principal payments during 17070
each year after the year of their issuance over a period not to 17071
exceed five years, and may have a principal payment in the year of 17072
their issuance. 17073

Sec. 5705.214. Not more than three elections during any 17074
calendar year shall include the questions by a school district of 17075
tax levies proposed under any one or any combination of the 17076
following sections: sections 5705.194, 5705.199, 5705.21, 17077
5705.212, 5705.213, 5705.217, and 5705.218 of the Revised Code. 17078

Sec. 5705.29. This section does not apply to a subdivision or 17079
taxing unit for which the county budget commission has waived the 17080
requirement to adopt a tax budget pursuant to section 5705.281 of 17081
the Revised Code. The tax budget shall present the following 17082
information in such detail as is prescribed by the auditor of 17083
state: 17084

(A)(1) A statement of the necessary current operating 17085
expenses for the ensuing fiscal year for each department and 17086
division of the subdivision, classified as to personal services 17087
and other expenses, and the fund from which such expenditures are 17088
to be made. Except in the case of a school district, this estimate 17089
may include a contingent expense not designated for any particular 17090
purpose, and not to exceed three per cent of the total amount of 17091
appropriations for current expenses. In the case of a school 17092
district, this estimate may include a contingent expense not 17093
designated for any particular purpose and not to exceed thirteen 17094
per cent of the total amount of appropriations for current 17095
expenses. 17096

(2) A statement of the expenditures for the ensuing fiscal 17097
year necessary for permanent improvements, exclusive of any 17098
expense to be paid from bond issues, classified as to the 17099
improvements contemplated by the subdivision and the fund from 17100
which such expenditures are to be made; 17101

(3) The amounts required for the payment of final judgments; 17102

(4) A statement of expenditures for the ensuing fiscal year 17103
necessary for any purpose for which a special levy is authorized, 17104
and the fund from which such expenditures are to be made; 17105

(5) Comparative statements, so far as possible, in parallel 17106
columns of corresponding items of expenditures for the current 17107
fiscal year and the two preceding fiscal years. 17108

(B)(1) An estimate of receipts from other sources than the 17109
general property tax during the ensuing fiscal year, which shall 17110
include an estimate of unencumbered balances at the end of the 17111
current fiscal year, and the funds to which such estimated 17112
receipts are credited; 17113

(2) The amount each fund requires from the general property 17114
tax, which shall be the difference between the contemplated 17115

expenditure from the fund and the estimated receipts, as provided 17116
in this section. The section of the Revised Code under which the 17117
tax is authorized shall be set forth. 17118

(3) Comparative statements, so far as possible, in parallel 17119
columns of taxes and other revenues for the current fiscal year 17120
and the two preceding fiscal years. 17121

(C)(1) The amount required for debt charges; 17122

(2) The estimated receipts from sources other than the tax 17123
levy for payment of such debt charges, including the proceeds of 17124
refunding bonds to be issued to refund bonds maturing in the next 17125
succeeding fiscal year; 17126

(3) The net amount for which a tax levy shall be made, 17127
classified as to bonds authorized and issued prior to January 1, 17128
1922, and those authorized and issued subsequent to such date, and 17129
as to what portion of the levy will be within and what in excess 17130
of the ten-mill limitation. 17131

(D) An estimate of amounts from taxes authorized to be levied 17132
in excess of the ten-mill limitation on the tax rate, and the fund 17133
to which such amounts will be credited, together with the sections 17134
of the Revised Code under which each such tax is exempted from all 17135
limitations on the tax rate. 17136

(E)(1) A board of education may include in its budget for the 17137
fiscal year in which a levy proposed under section 5705.194, 17138
5705.199, 5705.21, or 5705.213, or the original levy under section 17139
5705.212 of the Revised Code is first extended on the tax list and 17140
duplicate an estimate of expenditures to be known as a voluntary 17141
contingency reserve balance, which shall not be greater than 17142
twenty-five per cent of the total amount of the levy estimated to 17143
be available for appropriation in such year. 17144

(2) A board of education may include in its budget for the 17145
fiscal year following the year in which a levy proposed under 17146

section 5705.194, 5705.199, 5705.21, or 5705.213, or the original 17147
levy under section 5705.212 of the Revised Code is first extended 17148
on the tax list and duplicate an estimate of expenditures to be 17149
known as a voluntary contingency reserve balance, which shall not 17150
be greater than twenty per cent of the amount of the levy 17151
estimated to be available for appropriation in such year. 17152

(3) Except as provided in division (E)(4) of this section, 17153
the full amount of any reserve balance the board includes in its 17154
budget shall be retained by the county auditor and county 17155
treasurer out of the first semiannual settlement of taxes until 17156
the beginning of the next succeeding fiscal year, and thereupon, 17157
with the depository interest apportioned thereto, it shall be 17158
turned over to the board of education, to be used for the purposes 17159
of such fiscal year. 17160

(4) A board of education, by a two-thirds vote of all members 17161
of the board, may appropriate any amount withheld as a voluntary 17162
contingency reserve balance during the fiscal year for any lawful 17163
purpose, provided that prior to such appropriation the board of 17164
education has authorized the expenditure of all amounts 17165
appropriated for contingencies under section 5705.40 of the 17166
Revised Code. Upon request by the board of education, the county 17167
auditor shall draw a warrant on the district's account in the 17168
county treasury payable to the district in the amount requested. 17169

(F)(1) A board of education may include a spending reserve in 17170
its budget for fiscal years ending on or before June 30, 2002. The 17171
spending reserve shall consist of an estimate of expenditures not 17172
to exceed the district's spending reserve balance. A district's 17173
spending reserve balance is the amount by which the designated 17174
percentage of the district's estimated personal property taxes to 17175
be settled during the calendar year in which the fiscal year ends 17176
exceeds the estimated amount of personal property taxes to be so 17177
settled and received by the district during that fiscal year. 17178

Moneys from a spending reserve shall be appropriated in accordance 17179
with section 133.301 of the Revised Code. 17180

(2) For the purposes of computing a school district's 17181
spending reserve balance for a fiscal year, the designated 17182
percentage shall be as follows: 17183

Fiscal year ending in:	Designated percentage	
1998	50%	17184
1999	40%	17185
2000	30%	17186
2001	20%	17187
2002	10%	17188

(G) Except as otherwise provided in this division, the county 17190
budget commission shall not reduce the taxing authority of a 17191
subdivision as a result of the creation of a reserve balance 17192
account. Except as otherwise provided in this division, the county 17193
budget commission shall not consider the amount in a reserve 17194
balance account of a township, county, or municipal corporation as 17195
an unencumbered balance or as revenue for the purposes of division 17196
(E)(3) or (4) of section 5747.51 of the Revised Code. The county 17197
budget commission may require documentation of the reasonableness 17198
of the reserve balance held in any reserve balance account. The 17199
commission shall consider any amount in a reserve balance account 17200
that it determines to be unreasonable as unencumbered and as 17201
revenue for the purposes of ~~sections~~ section 5747.51 of the 17202
Revised Code and may take such amounts into consideration when 17203
determining whether to reduce the taxing authority of a 17204
subdivision. 17205

Sec. 5709.121. (A) Real property and tangible personal 17206
property belonging to a charitable or educational institution or 17207
to the state or a political subdivision, shall be considered as 17208
used exclusively for charitable or public purposes by such 17209

institution, the state, or political subdivision, if it meets one 17210
of the following requirements: 17211

(1) It is used by such institution, the state, or political 17212
subdivision, or by one or more other such institutions, the state, 17213
or political subdivisions under a lease, sublease, or other 17214
contractual arrangement: 17215

(a) As a community or area center in which presentations in 17216
music, dramatics, the arts, and related fields are made in order 17217
to foster public interest and education therein; 17218

(b) For other charitable, educational, or public purposes. 17219

(2) It is made available under the direction or control of 17220
such institution, the state, or political subdivision for use in 17221
furtherance of or incidental to its charitable, educational, or 17222
public purposes and not with the view to profit. 17223

(3) It is used by an organization described in division (D) 17224
of section 5709.12 of the Revised Code. If the organization is a 17225
corporation that receives a grant under the Thomas Alva Edison 17226
grant program authorized by division (C) of section 122.33 of the 17227
Revised Code at any time during the tax year, "used," for the 17228
purposes of this division, includes holding property for lease or 17229
resale to others. 17230

(B)(1) Property described in division (A)(1)(a) of this 17231
section shall continue to be considered as used exclusively for 17232
charitable or public purposes even if the property is conveyed 17233
through one conveyance or a series of conveyances to an entity 17234
that is not a charitable or educational institution and is not the 17235
state or a political subdivision, provided that all of the 17236
following conditions apply with respect to that property: 17237

(a) The property has been listed as exempt on the county 17238
auditor's tax list and duplicate for the county in which it is 17239
located for the ten tax years immediately preceding the year in 17240

which the property is conveyed through one conveyance or a series of conveyances; 17241
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(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; 17243
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(c) The property includes improvements that are at least fifty years old; 17249
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(d) The property is being renovated in connection with a claim for historic preservation tax credits available under federal law; 17251
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(e) The property continues to be used for the purposes described in division (A)(1)(a) of this section after its conveyance; and 17254
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(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. 17257
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(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. 17260
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(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 17264
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combination thereof, and the primary purpose of the institution is 17272
to assist in the development and revitalization of downtown urban 17273
areas. 17274

Sec. 5721.30. As used in sections 5721.30 to 5721.43 of the 17275
Revised Code: 17276

(A) "Tax certificate," "certificate," or "duplicate 17277
certificate" means a document that may be issued as a physical 17278
certificate, in book-entry form, or through an electronic medium, 17279
at the discretion of the county treasurer. Such document shall 17280
contain the information required by section 5721.31 of the Revised 17281
Code and shall be prepared, transferred, or redeemed in the manner 17282
prescribed by sections 5721.30 to 5721.43 of the Revised Code. As 17283
used in those sections, "tax certificate," "certificate," and 17284
"duplicate certificate" do not refer to the delinquent land tax 17285
certificate or the delinquent vacant land tax certificate issued 17286
under section 5721.13 of the Revised Code. 17287

(B) "Certificate parcel" means the parcel of delinquent land 17288
that is the subject of and is described in a tax certificate. 17289

(C) "Certificate holder" means a person who purchases a tax 17290
certificate under section 5721.32, 5721.33, or 5721.42 of the 17291
Revised Code, or a person to whom a tax certificate has been 17292
transferred pursuant to section 5721.36 of the Revised Code. 17293

(D) "Certificate purchase price" means, with respect to the 17294
sale of tax certificates under sections 5721.32, 5721.33, and 17295
5721.42 of the Revised Code, the amount equal to delinquent taxes, 17296
~~assessments, penalties, and interest computed under section~~ 17297
~~323.121 of the Revised Code~~ charged against a certificate parcel 17298
at the time the tax certificate respecting that parcel is sold, 17299
not including any delinquent taxes, ~~assessments, penalties,~~ 17300
~~interest, and charges,~~ the lien for which has been conveyed to a 17301
certificate holder through a prior sale of a tax certificate 17302

respecting that parcel; ~~provided, however, that payment.~~ Payment 17303
of the certificate purchase price in a sale under section 5721.33 17304
of the Revised Code may be made wholly in cash or partially in 17305
cash and partially by noncash consideration acceptable to the 17306
county treasurer from the purchaser. In the event that any such 17307
noncash consideration is delivered to pay a portion of the 17308
certificate purchase price, such noncash consideration may be 17309
subordinate to the rights of the holders of other obligations 17310
whose proceeds paid the cash portion of the certificate purchase 17311
price. 17312

"Certificate purchase price" also includes the amount of the 17313
fee charged by the county treasurer to the purchaser of the 17314
certificate under division (H) of section 5721.32 of the Revised 17315
Code. 17316

(E)(1) With respect to a sale of tax certificates under 17317
section 5721.32 of the Revised Code, and except as provided in 17318
division (E)(2) of this section, ~~both of the following apply:~~ 17319

~~(1)~~ "Certificate certificate redemption price" means the 17320
certificate purchase price plus the greater of the following: 17321

(a) ~~Interest~~ Simple interest, at the certificate rate of 17322
interest, accruing during the certificate interest period on the 17323
certificate purchase price, calculated in accordance with section 17324
5721.41 of the Revised Code; 17325

(b) Six per cent of the certificate purchase price. 17326

(2) If the certificate rate of interest equals zero, the 17327
certificate redemption price equals the certificate purchase price 17328
plus the fee charged by the county treasurer to the purchaser of 17329
the certificate under division (H) of section 5721.32 of the 17330
Revised Code. 17331

(F) With respect to a sale of tax certificates under section 17332
5721.33 of the Revised Code, "certificate redemption price" means 17333

the amount equal to the sum of the following:	17334
(1) The certificate purchase price;	17335
(2) Interest accrued on the certificate purchase price at the certificate rate of interest from the date on which a tax certificate is delivered through and including the day immediately preceding the day on which the certificate redemption price is paid;	17336 17337 17338 17339 17340
(3) The fee, if any, charged by the county treasurer to the purchaser of the certificate under division (J) of section 5721.33 of the Revised Code;	17341 17342 17343
(4) Any other fees charged by any county office in connection with the recording of tax certificates.	17344 17345
(G) "Certificate rate of interest" means the rate of simple interest per year bid by the winning bidder in an auction of a tax certificate held under section 5721.32 of the Revised Code, or the rate of simple interest per year not to exceed eighteen per cent per year fixed pursuant to section 5721.42 of the Revised Code or by the county treasurer with respect to any tax certificate sold pursuant to a negotiated sale under section 5721.33 of the Revised Code. <u>The certificate rate of interest shall not be less than zero per cent per year.</u>	17346 17347 17348 17349 17350 17351 17352 17353 17354
(H) "Cash" means United States currency, certified checks, money orders, bank drafts, or electronic transfer of funds, <u>or other forms of payment authorized by the county treasurer</u> , and excludes any other form of payment <u>not so authorized</u> .	17355 17356 17357 17358
(I) "The date on which a tax certificate is sold," "the date the certificate was sold," "the date the certificate is purchased," and any other phrase of similar content mean, with respect to a sale pursuant to an auction under section 5721.32 of the Revised Code, the date designated by the county treasurer for the submission of bids and, with respect to a negotiated sale	17359 17360 17361 17362 17363 17364

under section 5721.33 of the Revised Code, the date of delivery of 17365
the tax certificates to the purchasers thereof pursuant to a tax 17366
certificate sale/purchase agreement. 17367

~~(J) "Purchaser of a tax certificate pursuant to section 17368
5721.32 of the Revised Code" means the winning bidder in an 17369
auction of a tax certificate held under section 5721.32 of the 17370
Revised Code. 17371~~

~~(K) "Certificate interest period" means, with respect to a 17372
tax certificate sold under section 5721.32 or 5721.42 of the 17373
Revised Code and for the purpose of accruing interest under 17374
section 5721.41 of the Revised Code, the period beginning on the 17375
date on which the certificate is purchased and, with respect to a 17376
tax certificate sold under section 5721.33 of the Revised Code, 17377
the period beginning on the date of delivery of the tax 17378
certificate, and in either case ending on one of the following 17379
dates: 17380~~

~~(1) In the case of foreclosure proceedings instituted under 17381
section 5721.37 of the Revised Code, the date the certificate 17382
holder submits a payment to the treasurer under division (B) of 17383
that section The date the certificate holder files a request for 17384
foreclosure or notice of intent to foreclose under division (A) of 17385
section 5721.37 of the Revised Code and submits the payment 17386
required under division (B) of that section; 17387~~

~~(2) In the case of a certificate parcel redeemed under 17388
division (A) or (C) of section 5721.38 of the Revised Code, the 17389
The date the owner of record of the certificate parcel, or any 17390
other person entitled to redeem that parcel, pays to the county 17391
treasurer or to the certificate holder, as applicable, the full 17392
amount determined under that section redeems the certificate 17393
parcel under division (A) or (C) of section 5721.38 of the Revised 17394
Code or redeems the certificate under section 5721.381 of the 17395
Revised Code. 17396~~

~~(L)~~ "County treasurer" means, with respect to the sale of tax certificates under section 5721.32, or 5721.33 of the Revised Code, the county treasurer of a county having a population of at least two hundred thousand according to the then most recent federal decennial census.

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~~(M)~~(K) "Qualified trustee" means a trust company within the state or a bank having the power of a trust company within the state with a combined capital stock, surplus, and undivided profits of at least one hundred million dollars.

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~~(N)~~(L) "Tax certificate sale/purchase agreement" means the purchase and sale agreement described in division (C) of section 5721.33 of the Revised Code setting forth the certificate purchase price, plus any applicable premium or less any applicable discount, including, without limitation, the amount to be paid in cash and the amount and nature of any noncash consideration, the date of delivery of the tax certificates, and the other terms and conditions of the sale, including, without limitation, the rate of interest that the tax certificates shall bear.

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~~(O)~~(M) "Noncash consideration" means any form of consideration other than cash, including, but not limited to, promissory notes whether subordinate or otherwise.

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~~(P)~~(N) "Private attorney" means ~~for purposes of section 5721.37 of the Revised Code,~~ any attorney licensed to practice law in this state, ~~whether practicing with a firm of attorneys or otherwise,~~ whose license has not been revoked ~~or otherwise~~ and is not currently suspended, and who ~~brings~~ is retained to bring foreclosure proceedings pursuant to section 5721.37 of the Revised Code on behalf of a certificate holder.

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~~(Q)~~(O) "Related certificate parcel" means, with respect to a certificate holder, the certificate parcel with respect to which the certificate holder has purchased and holds a tax certificate

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pursuant to sections 5721.30 to 5721.43 of the Revised Code and, 17428
with respect to a tax certificate, the certificate parcel against 17429
which the tax certificate has been sold pursuant to those 17430
sections. 17431

(P) "Delinquent taxes" means delinquent taxes as defined in 17432
section 323.01 of the Revised Code and includes assessments and 17433
charges, and penalties and interest computed under section 323.121 17434
of the Revised Code. 17435

Sec. 5721.31. (A)(1) After receipt of a duplicate of the 17436
delinquent land list compiled under section 5721.011 of the 17437
Revised Code, or a delinquent land list compiled previously under 17438
that section, ~~for a county having a population of at least two~~ 17439
~~hundred thousand according to the most recent federal decennial~~ 17440
~~census,~~ the county treasurer may select from the list parcels of 17441
delinquent land the lien against which the county treasurer may 17442
attempt to transfer by the sale of tax certificates under sections 17443
5721.30 to 5721.43 of the Revised Code. ~~The county treasurer may~~ 17444
~~select only those eligible parcels~~ None of the following parcels 17445
may be selected for a tax certificate sale: 17446

(a) A parcel for which the full amount of taxes, assessments, 17447
penalties, interest, and charges have ~~not yet~~ been paid ~~or~~; 17448

(b) A parcel for which a valid delinquent tax contract under 17449
section 323.122, 323.31, or 5713.20 of the Revised Code is ~~not~~ in 17450
force; 17451

(c) A parcel the owner of which has filed a petition in 17452
bankruptcy, so long as the parcel is property of the bankruptcy 17453
estate. ~~Each certificate shall contain the same information as is~~ 17454
~~required to be contained in the delinquent land list.~~ The 17455

(2) The county treasurer shall compile a separate list, ~~the~~ 17456
~~list~~ of parcels selected for tax certificate sales, including the 17457

same information as is required to be included in the delinquent 17458
land list. 17459

Upon compiling the list of parcels selected for tax 17460
certificate sales, the county treasurer may conduct a title search 17461
for any parcel on the list. 17462

(B)(1) Except as otherwise provided in division (B)(3) of 17463
this section, when tax certificates are to be sold under section 17464
5721.32 of the Revised Code with respect to parcels, the county 17465
treasurer shall send written notice by certified ~~or registered~~ 17466
mail to either the owner of record or all interested parties 17467
discoverable through a title search, or both, of each parcel on 17468
the list. A notice to an owner shall be sent to the owner's last 17469
known tax-mailing address. The notice shall inform the owner or 17470
interested parties that a tax certificate will be offered for sale 17471
on the parcel, and that the owner or interested parties may incur 17472
additional expenses as a result of the sale. 17473

(2) Except as otherwise provided in division (B)(3) of this 17474
section, when tax certificates are to be sold under section 17475
5721.33 of the Revised Code with respect to parcels, the county 17476
treasurer, at least thirty days prior to the date of sale of such 17477
tax certificates, shall send written notice of the sale by 17478
certified ~~or registered~~ mail, ~~or both~~, to the last known 17479
tax-mailing address of the record owner of the property or parcel 17480
and may send such notice to all parties with an interest in the 17481
property that has been recorded in the property records of the 17482
county pursuant to section 317.08 of the Revised Code. The notice 17483
shall state that a tax certificate will be offered for sale on the 17484
parcel, and that the owner or interested parties may incur 17485
additional expenses as a result of the sale. 17486

(3) The county treasurer is not required to send a notice 17487
under division (B)(1) or (B)(2) of this section if the treasurer 17488
previously has attempted to send such notice to the owner of the 17489

parcel and the notice has been returned by the post office as 17490
undeliverable. The absence of a valid tax_mailing address for the 17491
owner of a parcel does not preclude the county treasurer from 17492
selling a tax certificate for the parcel. 17493

(C) The county treasurer shall advertise the sale of tax 17494
certificates under section 5721.32 of the Revised Code in a 17495
newspaper of general circulation in the county, once a week for 17496
two consecutive weeks. The advertisement shall include the date, 17497
the time, and the place of the public auction, abbreviated legal 17498
descriptions of the parcels, and the names of the owners of record 17499
of the parcels. The advertisement also shall include the 17500
certificate purchase prices of the parcels or the total purchase 17501
price of tax certificates for sale in blocks of tax certificates. 17502

(D) After the county treasurer has compiled the list of 17503
parcels selected for tax certificate sales but before a tax 17504
certificate respecting a parcel is sold, if the owner of record of 17505
the parcel pays to the county treasurer in cash the ~~full amount of~~ 17506
~~delinquent taxes, assessments, penalties, interest, and charges~~ 17507
~~then due and payable or enters into a valid delinquent tax~~ 17508
~~contract under section 323.31 of the Revised Code to pay that~~ 17509
~~amount~~ delinquent taxes respecting the parcel or otherwise acts so 17510
that any condition in division (A)(1)(a), (b), or (c) of this 17511
section applies to the parcel, the owner of record of the parcel 17512
also shall pay a fee in an amount prescribed by the treasurer to 17513
cover the administrative costs of the treasurer under this section 17514
respecting the parcel ~~and credited~~. The fee shall be deposited in 17515
the county treasury to the credit of the tax certificate 17516
administration fund. 17517

(E) A tax certificate administration fund shall be created in 17518
the county treasury of each county selling tax certificates under 17519
sections 5721.30 to 5721.43 of the Revised Code. The fund shall be 17520
administered by the county treasurer, and used solely for the 17521

purposes of sections 5721.30 to 5721.43 of the Revised Code. Any 17522
fee received by the treasurer under sections 5721.30 to 5721.43 of 17523
the Revised Code shall be credited to the fund, except the bidder 17524
registration fee under division (B) of section 5721.32 of the 17525
Revised Code and the county prosecuting attorney's fee under 17526
division (B)(3) of section 5721.37 of the Revised Code. 17527

(F) The county treasurers of more than one county may jointly 17528
conduct a regional sale of tax certificates under section 5721.32 17529
of the Revised Code. A regional sale shall be held at a single 17530
location in one county, where the tax certificates from each of 17531
the participating counties shall be offered for sale at public 17532
auction. Before the regional sale, each county treasurer shall 17533
advertise the sale for the parcels in the treasurer's county as 17534
required by division (C) of this section. At the regional sale, 17535
tax certificates shall be sold on parcels from one county at a 17536
time, with all of the certificates for one county offered for sale 17537
before any certificates for the next county are offered for sale. 17538

(G) The tax commissioner shall prescribe the form of the tax 17539
certificate under this section, and county treasurers shall use 17540
the form so prescribed ~~by the commissioner~~. 17541

Sec. 5721.32. (A) The sale of tax certificates by public 17542
auction may be conducted at any time after completion of the 17543
advertising of the sale under section 5721.31 of the Revised Code, 17544
on the date and at the time and place designated in the 17545
advertisements, and may be continued from time to time as the 17546
county treasurer directs. The county treasurer may offer the tax 17547
certificates for sale in blocks of tax certificates, consisting of 17548
any number of tax certificates as determined by the county 17549
treasurer. 17550

(B)(1) The sale of tax certificates under this section shall 17551
be conducted at a public auction by the county treasurer or a 17552

designee of the county treasurer. 17553

(2) No person shall be permitted to bid without completing a 17554
bidder registration form, in the form prescribed by the tax 17555
commissioner, and without filing the form with the county 17556
treasurer prior to the start of the auction, together with 17557
remittance of a registration fee, in cash, of five hundred 17558
dollars. The bidder registration form shall include a tax 17559
identification number of the registrant. The registration fee is 17560
refundable at the end of bidding on the day of the auction, unless 17561
the registrant is the winning bidder for one or more tax 17562
certificates or one or more blocks of tax certificates, in which 17563
case the fee may be applied toward the deposit required by this 17564
section. 17565

(3) The county treasurer may require a person who wishes to 17566
bid on one or more parcels to submit a letter from a financial 17567
institution stating that the bidder has sufficient funds available 17568
to pay the purchase price of the parcels and a written 17569
authorization for the treasurer to verify such information with 17570
the financial institution. The county treasurer may require 17571
submission of the letter and authorization sufficiently in advance 17572
of the auction to allow for verification. No person who fails to 17573
submit the required letter and authorization, or whose financial 17574
institution fails to provide the requested verification, shall be 17575
permitted to bid. 17576

(C) At the public auction, the county treasurer or the 17577
treasurer's designee or agent shall begin the bidding at eighteen 17578
per cent per year simple interest, and accept lower bids in even 17579
increments of one-fourth of one per cent to the rate of zero per 17580
cent. The county treasurer, designee, or agent shall award the tax 17581
certificate to the person bidding the lowest certificate rate of 17582
interest. The county treasurer shall decide which person is the 17583
winning bidder in the event of a tie for the lowest bid offered, 17584

or if a person contests the lowest bid offered. The county 17585
treasurer's decision is not appealable. 17586

(D)(1) The winning bidder shall pay the county treasurer a 17587
cash deposit of at least ten per cent of the certificate purchase 17588
price not later than the close of business on the day of the sale. 17589
The winning bidder shall pay the balance and the fee required 17590
under division (H) of this section not later than five business 17591
days after the day on which the certificate is sold. ~~If~~ Except as 17592
provided under division (D)(2) of this section, if the winning 17593
bidder fails to pay the balance and fee within the prescribed 17594
time, the bidder forfeits the deposit, and the county treasurer 17595
shall retain the tax certificate and may attempt to sell it at any 17596
auction conducted at a later date. ~~The~~ 17597

(2) At the request of a winning bidder, the county treasurer 17598
may release the bidder from the bidder's tax certificate purchase 17599
obligation. The county treasurer may retain all or any portion of 17600
the deposit of a bidder granted a release. After granting a 17601
release under this division, the county treasurer may award the 17602
tax certificate to the person that submitted the second lowest bid 17603
at the auction. 17604

(3) The county treasurer shall deposit the ~~forfeited~~ deposit 17605
forfeited or retained under divisions (D)(1) or (2) of this 17606
section in the county treasury to the credit of the tax 17607
certificate administration fund. 17608

(E) Upon receipt of the full payment of the certificate 17609
purchase price from the purchaser, the county treasurer shall 17610
issue the tax certificate and record the tax certificate sale by 17611
~~marking on the tax certificate and~~ entering into a tax certificate 17612
register, the certificate purchase price, the certificate rate of 17613
interest, the date the certificate was sold, ~~and~~ the name and 17614
address of the certificate holder, ~~which~~ and any other information 17615
the county treasurer considers necessary. The county treasurer may 17616

keep the tax certificate register in a hard-copy format or in an 17617
electronic format. The name and address of the certificate holder 17618
may be, upon receipt of instructions from the purchaser, that of 17619
the secured party of the actual purchaser, or an agent or 17620
custodian for the purchaser or secured party. The county treasurer 17621
also shall transfer the tax certificate to the certificate holder 17622
~~and, upon presentation to the treasurer of instructions signed by~~ 17623
~~the certificate purchaser, shall record in the tax certificate~~ 17624
~~register the name and address of any secured party of the~~ 17625
~~certificate purchaser having a security interest in the tax~~ 17626
~~certificate. Upon the transfer of a tax certificate, the .~~ The 17627
county treasurer shall apportion the part of the proceeds from the 17628
sale representing taxes, penalties, and interest among the several 17629
taxing districts in the same proportion that the amount of taxes 17630
levied by each district against the certificate parcel in the 17631
preceding tax year bears to the taxes levied by all such districts 17632
against the certificate parcel in the preceding tax year, and 17633
credit the part of the proceeds representing assessments and other 17634
charges to the items of assessments and charges in the order in 17635
which those items became due. Upon ~~completion of the sale of~~ 17636
issuing a tax certificate, the delinquent taxes, ~~assessments,~~ 17637
~~penalties, and interest~~ that make up the certificate purchase 17638
price are transferred, and the superior lien of the state and its 17639
taxing districts for those delinquent taxes, ~~assessments,~~ 17640
~~penalties, and interest~~ is conveyed intact to the certificate 17641
holder. 17642

(F) If a tax certificate is offered for sale under this 17643
section but is not sold, the county treasurer may strike the 17644
corresponding certificate parcel from the list of parcels selected 17645
for tax certificate sales. The lien for taxes, assessments, 17646
charges, penalties, and interest against a parcel stricken from 17647
the list thereafter may be foreclosed in the manner prescribed by 17648
section 323.25, 5721.14, or 5721.18 of the Revised Code unless, 17649

prior to the institution of such proceedings against the parcel, 17650
the county treasurer restores the parcel to the list of parcels 17651
selected for tax certificate sales. 17652

(G) A certificate holder shall not be liable for damages 17653
arising from a violation of sections 3737.87 to 3737.891 or 17654
Chapter 3704., 3734., 3745., 3746., 3750., 3751., 3752., 6109., or 17655
6111. of the Revised Code, or a rule adopted or order, permit, 17656
license, variance, or plan approval issued under any of those 17657
chapters, that is or was committed by another person in connection 17658
with the parcel for which the tax certificate is held. 17659

(H) When selling a tax certificate under this section, the 17660
county treasurer shall charge a fee to the purchaser of the 17661
certificate. The county treasurer shall set the fee at a 17662
reasonable amount that covers the treasurer's costs of 17663
administering the sale of the tax certificate. The county 17664
treasurer shall deposit the fee in the county treasury to the 17665
credit of the tax certificate administration fund. 17666

(I) After selling a tax certificate under this section, the 17667
county treasurer shall send written notice by certified ~~or~~ 17668
~~registered~~ mail to the owner of the certificate parcel at the 17669
owner's last known tax-mailing address. The notice shall inform 17670
the owner that the tax certificate was sold, shall describe the 17671
owner's options to redeem the parcel, including entering into a 17672
redemption payment plan under division (C)(1) of section 5721.38 17673
of the Revised Code, and shall name the certificate holder and its 17674
secured party, if any. However, the county treasurer is not 17675
required to send a notice under this division if the treasurer 17676
previously has attempted to send a notice to the owner of the 17677
parcel at the owner's last known tax-mailing address, and the 17678
postal service has returned the notice as undeliverable. 17679

(J) A tax certificate shall not be sold to the owner of the 17680
certificate parcel. 17681

Sec. 5721.33. (A) A county treasurer may, in the treasurer's 17682
discretion, negotiate the sale of any number of tax certificates 17683
with one or more persons, ~~including~~. Terms that may be negotiated 17684
include, without limitation, any of the following: 17685

(1) A premium to be added to or discount to be subtracted 17686
from the certificate purchase price for the tax certificates ~~and~~ 17687
~~any~~; 17688

(2) Different time frames under which the certificate holder 17689
may initiate a foreclosure action than are otherwise allowed under 17690
sections 5721.30 to 5721.43 of the Revised Code, not to exceed six 17691
years after the date the tax certificate was sold; 17692

(3) The amount to be paid in private attorney's fees related 17693
to tax certificate foreclosures, subject to section 5721.371 of 17694
the Revised Code; 17695

(4) Any other terms of the sale that the county treasurer, in 17696
the treasurer's discretion, determines appropriate or necessary 17697
for the sale. 17698

(B) The sale of tax certificates under this section shall be 17699
governed by the criteria established by the county treasurer 17700
pursuant to division (E) of this section. 17701

(C) The county treasurer may execute a tax certificate 17702
sale/purchase agreement and other necessary agreements with a 17703
designated purchaser or purchasers to complete a negotiated sale 17704
of tax certificates. 17705

(D) The tax certificate may be sold at a premium to or 17706
discount from the certificate purchase price. The county treasurer 17707
may establish as one of the terms of the negotiated sale the 17708
portion of the certificate purchase price, plus any applicable 17709
premium or less any applicable discount, that the purchaser or 17710
purchasers shall pay in cash on the date the tax certificates are 17711

sold and the portion, if any, of the certificate purchase price, 17712
plus any applicable premium or less any applicable discount, that 17713
the purchaser or purchasers shall pay in noncash consideration and 17714
the nature of that consideration. 17715

The county treasurer shall sell such tax certificates at a 17716
certificate purchase price, plus any applicable premium and less 17717
any applicable discount, and at a certificate rate of interest 17718
that, in the treasurer's determination, are in the best interests 17719
of the county. 17720

(E)(1) The county treasurer shall adopt rules governing the 17721
eligibility of persons to purchase tax certificates or to 17722
otherwise participate in a negotiated sale under this section. The 17723
rules may provide for precertification of such persons, including 17724
a requirement for disclosure of income, assets, and any other 17725
financial information the county treasurer determines appropriate. 17726
The rules also may prohibit any person that is delinquent in the 17727
payment of any tax to the county or to the state, or that is in 17728
default in or on any other obligation to the county or to the 17729
state, from purchasing a tax certificate or otherwise 17730
participating in a negotiated sale of tax certificates under this 17731
section. The eligibility information required shall include the 17732
tax identification number of the purchaser and may include the tax 17733
identification number of the participant. The county treasurer, 17734
upon request, shall provide a copy of the rules adopted under this 17735
section. 17736

(2) Any person that intends to purchase a tax certificate in 17737
a negotiated sale shall submit an affidavit to the county 17738
treasurer that establishes compliance with the applicable 17739
eligibility criteria and includes any other information required 17740
by the treasurer. Any person that fails to submit such an 17741
affidavit is ineligible to purchase a tax certificate. Any person 17742
that knowingly submits a false or misleading affidavit shall 17743

forfeit any tax certificate or certificates purchased by the 17744
person at a sale for which the affidavit was submitted, shall be 17745
liable for payment of the full certificate purchase price, plus 17746
any applicable premium and less any applicable discount, of the 17747
tax certificate or certificates, and shall be disqualified from 17748
participating in any tax certificate sale conducted in the county 17749
during the next five years. 17750

(3) A tax certificate shall not be sold to the owner of the 17751
certificate parcel or to any corporation, partnership, or 17752
association in which such owner has an interest. No person that 17753
purchases a tax certificate in a negotiated sale shall assign or 17754
transfer the tax certificate to the owner of the certificate 17755
parcel or to any corporation, partnership, or association in which 17756
the owner has an interest. Any person that knowingly or 17757
negligently transfers or assigns a tax certificate to the owner of 17758
the certificate parcel or to any corporation, partnership, or 17759
association in which such owner has an interest shall be liable 17760
for payment of the full certificate purchase price, plus any 17761
applicable premium and less any applicable discount, and shall not 17762
be entitled to a refund of any amount paid. Such tax certificate 17763
shall be deemed void and the tax lien sold under the tax 17764
certificate shall revert to the county as if no sale of the tax 17765
certificate had occurred. 17766

(F) The purchaser in a negotiated sale under this section 17767
shall deliver the certificate purchase price, plus any applicable 17768
premium and less any applicable discount and including any noncash 17769
consideration, to the county treasurer not later than the close of 17770
business on the date the tax certificates are delivered to the 17771
purchaser. The certificate purchase price, ~~plus any applicable~~ 17772
~~premium and~~ less any applicable discount, or portion of the price, 17773
that is paid in cash shall be deposited in the county's general 17774
fund to the credit of the account to which ad valorem real 17775

property taxes are credited and further credited as provided in 17776
division (G) of this section. Any applicable premium that is paid 17777
shall be, at the discretion of the county treasurer, apportioned 17778
to and deposited in any authorized county fund. The purchaser also 17779
shall pay on the date the tax certificates are delivered to the 17780
purchaser the fee, if any, negotiated under division (J) of this 17781
section. If the purchaser fails to pay the certificate purchase 17782
price, plus any applicable premium and less any applicable 17783
discount, and any such fee, within the time periods required by 17784
this section, the county treasurer shall retain the tax 17785
certificate and may attempt to sell it at any auction or 17786
negotiated sale conducted at a later date. 17787

(G) Upon receipt of the full payment from the purchaser of 17788
the certificate purchase price, plus any applicable premium and 17789
less any applicable discount, and the negotiated fee, if any, ~~from~~ 17790
~~the purchaser,~~ the county treasurer, or a qualified trustee whom 17791
the treasurer has engaged for such purpose, shall issue the tax 17792
certificate and record the tax certificate sale by ~~marking on each~~ 17793
~~of the tax certificates sold or, if issued in book entry form, on~~ 17794
~~the global tax certificate, and marking~~ entering into a tax 17795
certificate register, the certificate purchase price, any premium 17796
paid or discount taken, the certificate rate of interest, the date 17797
the certificates were sold, ~~and~~ the name and address of the 17798
certificate holder or, in the case of issuance of the tax 17799
certificates in a book-entry system, the name and address of the 17800
nominee, ~~which~~ and any other information the county treasurer 17801
considers necessary. The county treasurer may keep the tax 17802
certificate register in a hard-copy format or an electronic 17803
format. The name and address of the certificate holder or nominee 17804
may be, upon receipt of instructions from the purchaser, that of 17805
the secured party of the actual purchaser, or an agent or 17806
custodian for the purchaser or secured party. The county treasurer 17807
also shall transfer the tax certificates to the certificate holder 17808

~~and, upon presentation to the treasurer of instructions signed by~~ 17809
~~the certificate purchaser or purchasers, shall record in the tax~~ 17810
~~certificate register the name and address of any secured party of~~ 17811
~~the certificate purchaser or purchasers having a security interest~~ 17812
~~in the tax certificate. Upon the transfer of the tax certificates,~~ 17813
~~the.~~ The county treasurer shall apportion the part of the cash 17814
proceeds from the sale representing taxes, penalties, and interest 17815
among the several taxing districts in the same proportion that the 17816
amount of taxes levied by each district against the certificate 17817
parcels in the preceding tax year bears to the taxes levied by all 17818
such districts against the certificate parcels in the preceding 17819
tax year, and credit the part of the proceeds representing 17820
assessments and other charges to the items of assessments and 17821
charges in the order in which those items became due. If the cash 17822
proceeds from the sale are not sufficient to fully satisfy the 17823
items of ~~outstanding delinquent~~ taxes, assessments, penalties, 17824
interest, and charges on the certificate parcels against which tax 17825
certificates were sold, the county treasurer shall credit the cash 17826
proceeds to such items pro rata based upon the proportion that 17827
each item of ~~delinquent~~ taxes, assessments, penalties, interest, 17828
and charges bears to the aggregate of all such items, or by any 17829
other method that the county treasurer, in the treasurer's sole 17830
discretion, determines is equitable. Upon ~~completion of the sale~~ 17831
~~of~~ issuing the tax certificates, the delinquent taxes, 17832
~~assessments, penalties, and interest~~ that make up the certificate 17833
purchase price are transferred, and the superior lien of the state 17834
and its taxing districts for those delinquent taxes, ~~assessments,~~ 17835
~~penalties, and interest~~ is conveyed intact to the certificate 17836
holder or holders. 17837

(H) If a tax certificate is offered for sale under this 17838
section but is not sold, the county treasurer may strike the 17839
corresponding certificate parcel from the list of parcels selected 17840
for tax certificate sales. The lien for taxes, assessments, 17841

charges, penalties, and interest against a parcel stricken from 17842
the list thereafter may be foreclosed in the manner prescribed by 17843
section 323.25, 5721.14, or 5721.18 of the Revised Code unless, 17844
prior to the institution of such proceedings against the parcel, 17845
the county treasurer restores the parcel to the list of parcels 17846
selected for tax certificate sales. 17847

(I) Neither a certificate holder nor its secured party, if 17848
any, shall be liable for damages arising from a violation of 17849
sections 3737.87 to 3737.891 or Chapter 3704., 3734., 3745., 17850
3746., 3750., 3751., 3752., 6109., or 6111. of the Revised Code, 17851
or a rule adopted or order, permit, license, variance, or plan 17852
approval issued under any of those chapters, that is or was 17853
committed by another person in connection with the parcel for 17854
which the tax certificate is held. 17855

(J) When selling a tax certificate under this section, the 17856
county treasurer may negotiate with the purchaser of the 17857
certificate for ~~a fee~~ fees paid by the purchaser to the county 17858
treasurer to reimburse the treasurer for any part or all of the 17859
treasurer's costs of preparing for and administering the sale of 17860
the tax certificate and any fees set forth by the county treasurer 17861
in the tax certificate sale/purchase agreement. Such ~~fee~~ fees, if 17862
any, shall be added to the certificate purchase price ~~of the~~ 17863
~~certificate~~ and shall be paid by the purchaser on the date of 17864
delivery of the tax certificate. The county treasurer shall 17865
deposit the ~~fee~~ fees in the county treasury to the credit of the 17866
tax certificate administration fund. 17867

(K) After selling tax certificates under this section, the 17868
county treasurer shall send written notice by certified ~~or~~ 17869
~~registered~~ mail to the last known tax-mailing address of the owner 17870
of the certificate parcel. The notice shall inform the owner that 17871
a tax certificate with respect to such owner's parcel was sold and 17872
shall describe the owner's options to redeem the parcel, including 17873

entering into a redemption payment plan under division (C)(2) of 17874
section 5721.38 of the Revised Code. However, the county treasurer 17875
is not required to send a notice under this division if the 17876
treasurer previously has attempted to send a notice to the owner 17877
of the parcel at the owner's last known tax-mailing address and 17878
the postal service has returned the notice as undeliverable. 17879

Sec. 5721.34. (A) A county treasurer shall not sell any tax 17880
certificate respecting a parcel of delinquent land ~~upon which the~~ 17881
~~full amount of delinquent taxes, assessments, penalties, interest,~~ 17882
~~charges, and costs then due and payable have been paid, or with~~ 17883
~~respect to which a valid delinquent tax contract under any of~~ 17884
divisions (A)(1)(a) to (c) of section 323.31 5721.31 of the 17885
Revised Code ~~to pay that amount has been entered into, prior to~~ 17886
~~the sale of the certificate by the county treasurer~~ apply. A 17887
certificate sold in violation of this section is void. 17888

(B) If the county treasurer discovers or determines that ~~the~~ 17889
~~a~~ certificate is void ~~under division (A) of this section~~ for any 17890
reason, the holder of the void certificate is entitled to a refund 17891
of the certificate purchase price, plus any applicable premium and 17892
less any applicable discount, and the fee charged by the treasurer 17893
under division (H) of section 5721.32 or division (J) of section 17894
5721.33 of the Revised Code, if any, as applicable. If the county 17895
treasurer makes the discovery or determination more than ~~sixty~~ 17896
ninety days after the certificate's date of sale, the holder also 17897
is entitled to interest on the certificate purchase price at the 17898
rate of five per cent per year. The interest shall be calculated 17899
from the first day of the month following the month in which the 17900
certificate was sold, to the first day of the month in which the 17901
county treasurer makes the discovery or determination. The county 17902
treasurer shall notify the certificate holder by ordinary first 17903
class or certified mail or by binary means that the certificate is 17904
void and shall issue the refund. The county auditor shall issue a 17905

warrant for the portion of the refund from the undivided tax fund, 17906
which portion consists of the certificate purchase price, plus any 17907
applicable premium and less any applicable discount; the portion 17908
of the refund consisting of interest and the treasurer's fee, if 17909
any, shall be paid from the tax certificate administration fund. 17910
17911

(C) With respect to a tax certificate ~~sold under section~~ 17912
~~5721.32 of the Revised Code and found to be void under division~~ 17913
~~(A) or (B) of this section, in addition to the remedies available~~ 17914
~~under division (B) of this section,~~ the county treasurer may, with 17915
the approval of the certificate holder, substitute for such tax 17916
certificate ~~or portion thereof~~ another tax certificate that has a 17917
value certificate purchase price equivalent to the ~~value~~ 17918
certificate purchase price of the tax certificate found to be 17919
void. In addition, the substitute tax certificate shall be for a 17920
parcel concerning which the county treasurer has taken action 17921
under divisions (A), (B), and (C) of section 5721.31 of the 17922
Revised Code, but with respect to which a tax certificate has not 17923
been sold, and that has a true value, as determined by the county 17924
auditor, that is equivalent to the true value of the parcel for 17925
which the tax certificate has been found to be void. Whenever a 17926
tax certificate ~~of equivalent value~~ is to be substituted for a tax 17927
certificate that has been found to be void, the county treasurer 17928
shall provide ~~written~~ notice of the intention to substitute a tax 17929
certificate ~~of equivalent value~~ to any person required to be 17930
notified under division (I) of section 5721.32 or division (K) of 17931
section 5721.33 of the Revised Code. 17932

(D) If an application for the exemption from and remission of 17933
taxes made under section 3735.67 or 5715.27 of the Revised Code, 17934
or under any other section of the Revised Code under the 17935
jurisdiction of the director of environmental protection, is 17936
granted for a parcel for which a tax certificate has been sold, 17937

the county treasurer shall refund to the certificate holder, in 17938
the manner provided in this section, the amount of any taxes 17939
exempted or remitted that were included in the certificate 17940
purchase price. If the whole amount of the taxes included in the 17941
certificate purchase price are exempted or remitted, the tax 17942
certificate is void. If all of the taxes that were included in the 17943
certificate purchase price are not exempted or remitted, the 17944
county treasurer shall adjust the tax certificate register to 17945
reflect the remaining amount of taxes that were not exempted or 17946
remitted, and notify the certificate holder of the adjustment in 17947
writing. 17948

Sec. 5721.35. (A) Upon the sale and delivery of a tax 17949
certificate, the tax certificate vests in the certificate holder 17950
the first lien previously held by the state and its taxing 17951
districts under section 5721.10 of the Revised Code for the amount 17952
of taxes, assessments, interest, and penalty charged against a 17953
certificate parcel, superior to all other liens and encumbrances 17954
upon the parcel described in the tax certificate, in the amount of 17955
the certificate redemption price, except liens for delinquent 17956
~~taxes, assessments, penalties, interest, charges, and costs~~ that 17957
attached to the certificate parcel prior to the attachment of the 17958
lien being conveyed by the sale of such tax certificate. With 17959
respect to the priority as among such first liens of the state and 17960
its taxing districts for different years, the priority shall be 17961
determined by the date such first liens of the state and its 17962
taxing districts attached pursuant to section 323.11 of the 17963
Revised Code, with first priority to the earliest attached lien 17964
and each immediately subsequent priority based upon the next 17965
earliest attached lien. 17966

(B)(1) A certificate holder or the county treasurer may 17967
record the tax certificate or memorandum thereof in the office of 17968
the county recorder of the county in which the certificate parcel 17969

is situated, as a mortgage of land under division (A)(2) of 17970
section 317.08 of the Revised Code. The county recorder shall 17971
index the certificate in the indexes provided for under section 17972
317.18 of the Revised Code. If the lien is subsequently canceled, 17973
the cancellation also shall be recorded by the county recorder. 17974

(2) Notwithstanding Chapter 1309., Title LIII, or any other 17975
provision of the Revised Code, a secured party holding a security 17976
interest in a tax certificate or memorandum thereof may perfect 17977
that security interest only by one of the following methods: 17978

(a) Possession; 17979

(b) Registering the tax certificate with the county treasurer 17980
in the name of the secured party, or its agent or custodian, as 17981
certificate holder; 17982

(c) Recording the name of the secured party in the tax 17983
certificate register in the office of the county treasurer of the 17984
county in which the certificate parcel is situated. 17985

Sec. 5721.36. (A)(1) Except as otherwise provided in division 17986
(A)(2) of this section, the purchaser of a tax certificate sold as 17987
part of a block sale pursuant to section 5721.32 of the Revised 17988
Code may transfer the certificate to any person, and any other 17989
purchaser of a tax certificate pursuant to section 5721.32 or 17990
5721.33 of the Revised Code may transfer the certificate to any 17991
person, except the owner of the certificate parcel or any 17992
corporation, partnership, or association in which such owner has 17993
an interest. The transferee of a tax certificate subsequently may 17994
transfer the certificate to any other person to whom the purchaser 17995
could have transferred the certificate. The transferor of a tax 17996
certificate shall endorse the certificate and shall swear to the 17997
endorsement before a notary public or other officer empowered to 17998
administer oaths. The transferee shall present the endorsed 17999
certificate and a notarized copy of a valid form of identification 18000

showing the transferee's taxpayer identification number to the 18001
county treasurer of the county where the certificate is 18002
registered, who shall, upon payment of a fee of twenty dollars to 18003
cover the costs associated with the transfer of a tax certificate, 18004
enter upon the register of certificate holders opposite the 18005
certificate entry the name and address of the transferee, the date 18006
of entry, and, upon presentation to the treasurer of instructions 18007
signed by the transferee, the name and address of any secured 18008
party of the transferee having an interest in the tax certificate. 18009
The treasurer shall deposit the fee in the county treasury to the 18010
credit of the tax certificate administration fund. 18011

18012

Except as otherwise provided in division (A)(2) of this 18013
section, no request for foreclosure or notice of intent to 18014
foreclose, as the case may be, shall be filed by any person other 18015
than the person shown on the tax certificate register to be the 18016
certificate holder or a private attorney for that person properly 18017
authorized to act in that person's behalf. 18018

(2) Upon registration of a security interest with the county 18019
treasurer ~~as provided in section 5721.32 or 5721.33 of the Revised~~ 18020
~~Code~~, both of the following apply: 18021

(a) No purchaser or transferee of a tax certificate may 18022
transfer that tax certificate except upon presentation to the 18023
treasurer of instructions signed by the secured party authorizing 18024
such action. 18025

(b) Only the secured party may issue a request for 18026
foreclosure or notice of intent to foreclose concerning that tax 18027
certificate. 18028

(B)(1) Application may be made to the county treasurer for a 18029
duplicate certificate if a certificate is alleged by affidavit to 18030
have been lost or destroyed. The treasurer shall issue a duplicate 18031

certificate, upon payment of a fee of twenty dollars to cover the 18032
costs of issuing the duplicate certificate. The treasurer shall 18033
deposit the fee in the county treasury to the credit of the tax 18034
certificate administration fund. 18035

(2) The duplicate certificate shall be plainly marked or 18036
stamped "duplicate." 18037

(3) The treasurer shall enter the fact of the duplicate in 18038
the tax certificate register ~~of certificate holders~~. 18039

Sec. 5721.37. (A)(1) With respect to a tax certificate 18040
purchased under section 5721.32 of the Revised Code, or under 18041
section 5721.42 of the Revised Code ~~in counties to which by the~~ 18042
holder of a certificate issued under section 5721.32 of the 18043
Revised Code ~~applies~~, at any time after one year from the date 18044
shown on the tax certificate as the date the tax certificate was 18045
sold, and not later than three years after that date, the 18046
certificate holder may file with the county treasurer a request 18047
for foreclosure, or a private attorney on behalf of the 18048
certificate holder may file with the county treasurer a notice of 18049
intent to foreclose, on a form prescribed by the tax commissioner 18050
~~and provided by the county treasurer~~, provided the certificate 18051
parcel has not ~~yet~~ been redeemed under division (A) or (C) of 18052
section 5721.38 of the Revised Code and at least one certificate 18053
respecting the certificate parcel, held by the certificate holder 18054
filing the request for foreclosure or notice of intent to 18055
foreclose and eligible to be enforced through a foreclosure 18056
proceeding, has not been voided under section 5721.381 of the 18057
Revised Code. 18058

(2) With respect to a tax certificate purchased under section 18059
5721.33 of the Revised Code, or under section 5721.42 of the 18060
Revised Code ~~in counties to which by the holder of a certificate~~ 18061
issued under section 5721.33 of the Revised Code ~~applies~~, at any 18062

time after one year from the date shown on the tax certificate as 18063
the date the tax certificate was sold, and not later than six 18064
years after that date or any extension of that date pursuant to 18065
division (C)(2) of section 5721.38 of the Revised Code, or not 18066
earlier or later than the dates negotiated by the county treasurer 18067
and specified in the tax certificate sale/purchase agreement, the 18068
certificate holder may file with the county treasurer a request 18069
for foreclosure, or a private attorney on behalf of the 18070
certificate holder may file with the county treasurer a notice of 18071
intent to foreclose, on a form prescribed by the tax commissioner 18072
~~and provided by the county treasurer~~, provided the parcel has not 18073
~~yet~~ been redeemed under division (A) or (C) of section 5721.38 of 18074
the Revised Code and at least one certificate respecting the 18075
certificate parcel, held by the certificate holder filing the 18076
request for foreclosure or notice of intent to foreclose and 18077
eligible to be enforced through a foreclosure proceeding, has not 18078
been voided under section 5721.381 of the Revised Code. 18079

(3)(a) With respect to a tax certificate purchased under 18080
section 5721.32 of the Revised Code, or under section 5721.42 of 18081
the Revised Code ~~in counties to which~~ by the holder of a 18082
certificate issued under section 5721.32 of the Revised Code 18083
~~applies~~, if, before the expiration of three years after the date a 18084
tax certificate was sold, the owner of the property for which the 18085
certificate was sold files a petition in bankruptcy, the county 18086
treasurer, upon being notified of the filing of the petition, 18087
shall notify the certificate holder by ordinary first-class or 18088
certified mail or by binary means of the filing of the petition. 18089
~~If the owner of the property files a petition in bankruptcy, the~~ 18090
It is the obligation of the certificate holder to file a proof of 18091
claim with the bankruptcy court to protect the holder's interest 18092
in the certificate parcel. The last day on which the certificate 18093
holder may file a request for foreclosure or the private attorney 18094
may file a notice of intent to foreclose is the later of three 18095

years after the date the certificate was sold or one hundred 18096
eighty days after the ~~bankruptcy case is closed~~ certificate parcel 18097
is no longer property of the bankruptcy estate; however, the 18098
three-year period ~~being~~ measured from the date ~~that~~ the 18099
certificate was sold is tolled while the ~~owner of the property's~~ 18100
~~petition in bankruptcy is being heard and~~ property owner's 18101
bankruptcy case remains open. 18102

(b) With respect to a tax certificate purchased under section 18103
5721.33 of the Revised Code, ~~or~~ under section 5721.42 of the 18104
Revised Code ~~in counties to which~~ by the holder of a certificate 18105
issued under section 5721.33 of the Revised Code ~~applies~~, if, 18106
before ~~the expiration of~~ six years after the date a tax 18107
certificate was sold or before the date negotiated by the county 18108
treasurer, the owner of the property files a petition in 18109
bankruptcy, the county treasurer, upon being notified of the 18110
filing of the petition, shall notify the certificate holder by 18111
ordinary first-class or certified mail or by binary means of the 18112
filing of the petition. ~~If the owner of the property files a~~ 18113
~~petition in bankruptcy, the~~ It is the obligation of the 18114
certificate holder to file a proof of claim with the bankruptcy 18115
court to protect the holder's interest in the certificate parcel. 18116
The last day on which the certificate holder may file a notice of 18117
intent to foreclose is the later of six years after the date ~~that~~ 18118
the tax certificate was sold or the date negotiated by the county 18119
treasurer, or one hundred eighty days after the ~~bankruptcy case is~~ 18120
~~closed~~ certificate parcel is no longer property of the bankruptcy 18121
estate; however, the six-year or negotiated period being measured 18122
after the date ~~that~~ the certificate was sold is tolled while the 18123
~~owner of the property's petition in bankruptcy is being heard and~~ 18124
property owner's bankruptcy case remains open. 18125

(c) Interest at the certificate rate of interest continues to 18126
accrue during any extension of time required by division (A)(3)(a) 18127

or (b) of this section unless otherwise provided under Title 11 of the United States Code. 18128
18129

(4) If, before the expiration of three years from the date a tax certificate was sold, the owner of property for which the certificate was sold applies for an exemption under section 3735.67 or 5715.27 of the Revised Code or under any other section of the Revised Code under the jurisdiction of the director of environmental protection, the county treasurer shall notify the certificate holder by ordinary first-class or certified mail or by binary means of the filing of the application. Once a determination has been made on the exemption application, the county treasurer shall notify the certificate holder of the determination by ordinary first-class or certified mail or by binary means. The last day on which the certificate holder may file a request for foreclosure shall be the later of three years from the date the certificate was sold or forty-five days after notice of the determination was ~~mailed~~ provided. 18130
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(B) ~~Along with~~ When a request for foreclosure or a notice of intent to foreclose is filed under division (A)(1) or (2) of this section, ~~or a notice of intent to foreclose filed under division (A)(2) of this section and prior to the transfer of title in connection with foreclosure proceedings filed under division (F) of this section,~~ the certificate holder shall submit a payment to the county treasurer equal to the sum of the following: 18145
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(1) The certificate redemption prices of all outstanding tax certificates that have been sold on the parcel, other than tax certificates held by the person requesting foreclosure; 18152
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(2) Any ~~delinquent~~ taxes, assessments, penalties, interest, and charges ~~that are~~ appearing on the tax duplicate charged against the certificate parcel that is the subject of the foreclosure proceedings and that are not covered by a tax certificate; 18155
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(3) If the foreclosure proceedings are filed by the county prosecuting attorney pursuant to section 323.25, 5721.14, or 5721.18 of the Revised Code, a fee in the amount prescribed by the county prosecuting attorney to cover the prosecuting attorney's legal costs incurred in the foreclosure proceeding+ 18160
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~~(4) If the foreclosure proceedings are filed by a private attorney on behalf of the certificate holder pursuant to division (F) of this section, any other prior liens. 18165
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18167~~

(C)(1) With respect to a certificate purchased under section 5721.32, 5721.33, or 5721.42 of the Revised Code, if the certificate parcel has not been redeemed and at least one certificate respecting the certificate parcel, held by the certificate holder filing the request for foreclosure and eligible to be enforced through a foreclosure proceeding, has not been voided under section 5721.381 of the Revised Code, the county treasurer, within five days after receiving a foreclosure request and the payment required under division (B) of this section, shall ~~inform~~ certify notice to that effect to the county prosecuting attorney ~~that the parcel has not been redeemed~~ and shall provide a copy of the foreclosure request. The county treasurer also shall send notice by ordinary first class or certified mail to all certificate holders other than the certificate holder requesting foreclosure that foreclosure has been requested by a certificate holder and that payment for the tax certificates for the certificate parcel may be redeemed is forthcoming. Within ninety days of receiving the copy of the foreclosure request, the prosecuting attorney shall commence a foreclosure proceeding in the name of the county treasurer in the manner provided under section 323.25, 5721.14, or 5721.18 of the Revised Code, to ~~foreclose~~ enforce the lien vested in the certificate holder by the certificate. The prosecuting attorney shall attach to the complaint the foreclosure request and the county treasurer's 18168
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written certification ~~that the parcel has not been redeemed.~~ 18192
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(2) With respect to a certificate purchased under section 18194
5721.32, 5721.33, or 5721.42 of the Revised Code, if the 18195
certificate parcel has not been redeemed ~~and~~, at least one 18196
certificate respecting the certificate parcel, held by the 18197
certificate holder filing the notice of intent to foreclose and 18198
eligible to be enforced through a foreclosure proceeding, has not 18199
been voided under section 5721.381 of the Revised Code, a notice 18200
of intent to foreclose has been filed, and the payment required 18201
under division (B) of this section has been made, the county 18202
treasurer shall ~~provide certification~~ certify notice to that 18203
effect to the private attorney ~~that the parcel has not been~~ 18204
~~redeemed~~. The county treasurer also shall send notice by ordinary 18205
first class or certified mail or by binary means to all 18206
certificate holders other than the certificate holder represented 18207
by the attorney that a notice of intent to foreclose has been 18208
filed and that payment for the tax certificates for the 18209
~~certificate parcel may be redeemed~~ is forthcoming. After receipt 18210
of ~~that~~ the treasurer's certification and not later than one 18211
hundred twenty days after the filing of the intent to foreclose or 18212
the number of days specified under the terms of a negotiated sale 18213
under section 5721.33 of the Revised Code, the private attorney 18214
~~may~~ shall commence a foreclosure proceeding in the name of the 18215
certificate holder in the manner provided under division (F) of 18216
this section, ~~to foreclose~~ enforce the lien vested in the 18217
certificate holder by the certificate. The private attorney shall 18218
attach to the complaint the notice of intent to foreclose and the 18219
county treasurer's written certification ~~that the parcel has not~~ 18220
~~been redeemed~~. 18221

(D) The county treasurer shall credit the amount received 18222
under division (B)(1) of this section to the tax certificate 18223

redemption fund. The tax certificates respecting the payment shall 18224
be ~~redeemed~~ paid as provided in division ~~(E)~~(D) of section 5721.38 18225
of the Revised Code. The amount received under division (B)(2) of 18226
this section shall be distributed to the taxing districts to which 18227
the ~~delinquencies~~ delinquent and unpaid amounts are owed. The 18228
county treasurer shall deposit the fee received under division 18229
(B)(3) of this section in the county treasury to the credit of the 18230
delinquent tax and assessment collection fund. ~~The amount received~~ 18231
~~under division (B)(4) of this section shall be distributed to the~~ 18232
~~holder of the prior lien.~~ 18233

(E)(1) If, in the case of a certificate purchased under 18234
section 5721.32 ~~or 5721.42~~ of the Revised Code, or under section 18235
5721.42 of the Revised Code by the holder of a certificate issued 18236
under section 5721.32 of the Revised Code, the certificate holder 18237
does not file with the county treasurer a request for foreclosure 18238
or a notice of intent to foreclose ~~along~~ with the required payment 18239
within three years after the date shown on the tax certificate as 18240
the date the certificate was sold or within the period provided 18241
under division (A)(3)(a) of this section, and during that ~~period~~ 18242
time the certificate has not been voided under section 5721.381 of 18243
the Revised Code and the parcel is has not been redeemed or 18244
foreclosed upon, the certificate holder's lien against the parcel 18245
~~for the certificate redemption price is canceled, and the~~ 18246
certificate is voided. 18247

(2)(a) If, in the case of a certificate purchased under 18248
section 5721.33 of the Revised Code, or under section 5721.42 of 18249
the Revised Code by the holder of a certificate issued under 18250
section 5721.33 of the Revised Code, the certificate holder does 18251
not file with the county treasurer a request for foreclosure or a 18252
notice of intent to foreclose with respect to a certificate parcel 18253
with the required payment within six years after the date shown on 18254
the tax certificate as the date the certificate was sold or any 18255

extension of that date pursuant to division (C)(2) of section 18256
5721.38 of the Revised Code, or within the period provided under 18257
division (A)(3)(b) of this section or as specified under the terms 18258
of a negotiated sale under section 5721.33 of the Revised Code, 18259
and during that ~~period~~ time the ~~parcel is not redeemed~~ certificate 18260
has not been voided under section 5721.381 of the Revised Code and 18261
the certificate parcel has not been redeemed or foreclosed upon, 18262
the certificate holder's lien against the parcel ~~for the amount of~~ 18263
~~delinquent taxes, assessments, penalties, interest, and charges~~ 18264
~~that make up the certificate purchase price~~ is canceled and the 18265
certificate is voided, subject to division (E)(2)(b) of this 18266
section. 18267

(b) In the case of any tax certificate purchased under 18268
section 5721.33 of the Revised Code prior to October 10, 2000, the 18269
county treasurer, upon application by the certificate holder, may 18270
sell to the certificate holder a new certificate extending the 18271
three-year period prescribed by division (E)(2) of this section, 18272
as that division existed prior to October 10, 2000, to six years 18273
after the date shown on the original certificate as the date it 18274
was sold or any extension of that date. The county treasurer and 18275
the certificate holder shall negotiate the premium, in cash, to be 18276
paid for the new certificate sold under this section. If the 18277
county treasurer and certificate holder do not negotiate a 18278
mutually acceptable premium, the county treasurer and certificate 18279
holder may agree to engage a person experienced in the valuation 18280
of financial assets to appraise a fair premium for the new 18281
certificate. The certificate holder has the option to purchase the 18282
new certificate for the fair premium so appraised. Not less than 18283
one-half of the fee of the person so engaged shall be paid by the 18284
certificate holder requesting the new certificate; the remainder 18285
of the fee shall be paid from the proceeds of the sale of the new 18286
certificate. If the certificate holder does not purchase the new 18287
certificate for the premium so appraised, the certificate holder 18288

shall pay the entire fee. The county treasurer shall credit the 18289
remaining proceeds from the sale to the items of taxes, 18290
assessments, penalties, interest, and charges in the order in 18291
which they became due. 18292

A certificate issued under this division vests in the 18293
certificate holder and its secured party, if any, the same rights, 18294
interests, privileges, and immunities as are vested by the 18295
original certificate under sections 5721.30 to 5721.43 of the 18296
Revised Code, except that interest payable under division (B) of 18297
section 5721.38 or division ~~(B)~~(D)(2) of section 5721.39 of the 18298
Revised Code shall be subject to the amendments to those divisions 18299
by Sub. H.B. 533 of the 123rd general assembly. The certificate 18300
shall be issued in the same form as the form prescribed for the 18301
original certificate issued except for any modifications 18302
necessary, in the county treasurer's discretion, to reflect the 18303
extension under this division of the certificate holder's lien to 18304
six years after the date shown on the original certificate as the 18305
date it was sold or any extension of that date. The certificate 18306
holder may record a certificate issued under division (E)(2)(b) of 18307
this section or memorandum thereof as provided in division (B) of 18308
section 5721.35 of the Revised Code, and the county recorder shall 18309
index the certificate and record any subsequent cancellation of 18310
the lien as provided in that section. The sale of a certificate 18311
extending the lien under division (E)(2)(b) of this section does 18312
not impair the right of redemption of the owner of record of the 18313
certificate parcel or of any other person entitled to redeem the 18314
property. 18315

(3) If the holder of a certificate purchased under section 18316
5721.32, 5721.33, or 5721.42 of the Revised Code submits a notice 18317
of intent to foreclose to the county treasurer but fails to file a 18318
foreclosure action in a court of competent jurisdiction within the 18319
time specified in division (C)(2) of this section, the liens 18320

represented by all tax certificates respecting the certificate 18321
parcel held by that certificate holder, and for which the deadline 18322
for filing a notice of intent to foreclose has passed, are 18323
canceled and the certificates voided, and the certificate holder 18324
forfeits the payment of the amounts described in division (B)(2) 18325
of this section. 18326

(F) With respect to tax certificates purchased under section 18327
5721.32, 5721.33, or 5721.42 of the Revised Code, upon the 18328
delivery to the ~~certificate holder~~ private attorney by the county 18329
treasurer of the certification provided for under division (C)(2) 18330
of this section, a the private attorney ~~may~~ shall institute a 18331
foreclosure proceeding under this division in the name of the 18332
certificate holder to ~~foreclose such~~ enforce the holder's lien, in 18333
any court with jurisdiction, unless the certificate redemption 18334
price is paid prior to the time a complaint is filed. The attorney 18335
shall prosecute the proceeding to final judgment and satisfaction, 18336
whether through sale of the property or the vesting of title and 18337
possession in the certificate holder. 18338

The foreclosure proceedings under this division, except as 18339
otherwise provided in this division, shall be instituted and 18340
prosecuted in the same manner as is provided by law for the 18341
foreclosure of mortgages on land, except that, if service by 18342
publication is necessary, such publication shall be made once a 18343
week for three consecutive weeks and the service shall be complete 18344
at the expiration of three weeks after the date of the first 18345
publication. 18346

Any notice given under this division shall include the name 18347
of the owner of the parcel as last set forth in the records of the 18348
county recorder, the owner's last known mailing address, the 18349
address of the subject parcel if different from that of the owner, 18350
and a complete legal description of the subject parcel. In any 18351
county that has adopted a permanent parcel number system, such 18352

notice may include the permanent parcel number in addition to a 18353
complete legal description. 18354

It is sufficient, having been made a proper party to the 18355
foreclosure proceeding, for the certificate holder to allege in 18356
such holder's complaint that the tax certificate has been duly 18357
purchased by the certificate holder, that the certificate 18358
redemption price ~~appearing to be due and unpaid~~ is due and unpaid, 18359
and that there is a lien against the property described in the tax 18360
certificate, without setting forth in such holder's complaint any 18361
other special matter relating to the foreclosure proceeding. The 18362
~~prayer of the complaint shall be that the court issue an order~~ 18363
~~that the property be sold by the sheriff or, if the action is in~~ 18364
~~the municipal court, by the bailiff, complaint shall pray for an~~ 18365
order directing the sheriff, or the bailiff if the complaint is 18366
filed in municipal court, to offer the property for sale in the 18367
manner provided in section 5721.19 of the Revised Code, unless the 18368
complaint ~~includes an appraisal by an independent appraiser~~ 18369
~~acceptable to~~ documents that the court county auditor has 18370
determined that the true value of the certificate parcel is less 18371
than the certificate purchase price. In that case, the prayer of 18372
the complaint shall ~~be~~ request that fee simple title to the 18373
property be transferred to and vested in the certificate holder 18374
free and clear of all subordinate liens. 18375

In the foreclosure proceeding, the certificate holder may 18376
join in one action any number of tax certificates relating to the 18377
same owner, ~~provided that all parties on each of the tax~~ 18378
~~certificates are identical as to name and priority of interest.~~ 18379
However, the decree for each tax certificate shall be rendered 18380
separately and any proceeding may be severed, in the discretion of 18381
the court, for the purpose of trial or appeal. ~~The~~ Upon 18382
confirmation of sale, the court shall order payment of all costs 18383
related directly or indirectly to ~~the redemption of~~ the tax 18384

certificate, including, without limitation, attorney's fees of the 18385
holder's attorney, ~~as is considered proper in accordance with~~ 18386
section 5721.371 of the Revised Code. The tax certificate 18387
purchased by the certificate holder is presumptive evidence in all 18388
courts and in all proceedings, including, without limitation, at 18389
the trial of the foreclosure action, of the amount and validity of 18390
the taxes, assessments, charges, penalties by the court and added 18391
to such principal amount, and interest appearing due and unpaid 18392
and of their nonpayment. 18393

~~(G) For the purposes of this section, "prior liens" means~~ 18394
~~liens that are prior in right to the lien with respect to the tax~~ 18395
~~certificate that is the subject of the foreclosure proceedings.~~ 18396

~~(H)~~ If a parcel is sold under this section, the officer who 18397
conducted the sale shall collect the recording fee from the 18398
purchaser at the time of the sale and, following confirmation of 18399
the sale, shall prepare and record the deed conveying the title to 18400
the parcel to the purchaser. 18401

Sec. 5721.371. Private attorney's fees payable with respect 18402
to an action under sections 5721.30 to 5721.46 of the Revised Code 18403
are subject to the following conditions: 18404

(A) The fees must be reasonable. 18405

(B) Fees exceeding two thousand five hundred dollars shall be 18406
paid only if authorized by a court order. 18407

(C) The terms of a sale negotiated under section 5721.33 of 18408
the Revised Code may include the amount to be paid in private 18409
attorney's fees, subject to division (B) of this section. 18410

Sec. 5721.38. (A) At any time prior to payment to the county 18411
treasurer by the certificate holder to initiate foreclosure 18412
proceedings under division (B) of section 5721.37 of the Revised 18413
Code, the owner of record of the certificate parcel, or any other 18414

person entitled to redeem that parcel, may redeem the parcel by 18415
paying to the county treasurer an amount equal to the total of the 18416
certificate redemption prices of all tax certificates respecting 18417
that parcel. 18418

(B) At any time after payment to the county treasurer by the 18419
certificate holder to initiate foreclosure proceedings under 18420
section 5721.37 of the Revised Code and prior to the filing of the 18421
entry of confirmation of sale of a certificate parcel under 18422
foreclosure proceedings filed by the county prosecuting attorney 18423
or prior to the decree conveying title to the certificate holder 18424
as provided for in division (F) of section 5721.37 of the Revised 18425
Code, the owner of record of the certificate parcel or any other 18426
person entitled to redeem that parcel may redeem the parcel by 18427
paying to the county treasurer the sum of the following amounts: 18428

(1) The amount described in division (A) of this section; 18429

(2) Interest on the certificate purchase price for each tax 18430
certificate sold respecting the parcel at the rate of eighteen per 18431
cent per year for the period beginning on the day on which the 18432
payment was submitted by the certificate holder and ending on the 18433
day the parcel is redeemed under this division, ~~except that such~~ 18434
~~interest shall not accrue for more than three years after the day~~ 18435
~~the certificate was purchased if the certificate holder did not~~ 18436
~~submit payment under division (B) of section 5721.37 of the~~ 18437
~~Revised Code before the end of that three year period;~~ 18438

(3) An amount equal to the sum of the county prosecuting 18439
attorney's fee under division (B)(3) of section 5721.37 of the 18440
Revised Code ~~if the tax certificate was purchased under section~~ 18441
~~5721.32 or 5721.42 of the Revised Code~~ plus interest on that 18442
amount at the rate of eighteen per cent per year beginning on the 18443
day on which the payment was submitted by the certificate holder 18444
and ending on the day the parcel is redeemed under this division. 18445
If the parcel is redeemed before the complaint has been filed, the 18446

prosecuting attorney shall adjust the fee to reflect services 18447
performed to the date of redemption, and the county treasurer 18448
shall calculate the interest based on the adjusted fee and refund 18449
any excess fee to the certificate holder. 18450

(4) Reasonable attorney's fees in accordance with section 18451
5721.371 of the Revised Code if the certificate holder retained a 18452
private attorney to foreclose the lien; 18453

(5) Any other costs and fees of the proceeding allocable to 18454
the certificate parcel as determined by the court. ~~Upon~~ 18455

The county treasurer may collect the total amount due under 18456
divisions (B)(1) to (5) of this section in the form of guaranteed 18457
funds acceptable to the treasurer. Immediately upon receipt of 18458
such payments, the county treasurer shall ~~refund the payment made~~ 18459
~~by~~ reimburse the certificate holder ~~to initiate~~ who initiated 18460
foreclosure proceedings as provided in division (D) of this 18461
section. The county treasurer shall pay the certificate holder 18462
interest at the rate of eighteen per cent per year on amounts paid 18463
under divisions (B)(2) and (3) of section 5721.37 of the Revised 18464
Code, beginning on the day the certificate holder paid the amounts 18465
under those divisions and ending on the day the parcel is redeemed 18466
under this section. 18467

(C)(1) During the period beginning on the date a tax 18468
certificate is sold under section 5721.32 of the Revised Code and 18469
ending one year from that date, the county treasurer may enter 18470
into a redemption payment plan with the owner of record of the 18471
certificate parcel or any other person entitled to redeem that 18472
parcel. The plan shall require the owner or other person to pay 18473
the certificate redemption price for the tax certificate in 18474
installments, with the final installment due no later than one 18475
year after the date the tax certificate is sold. The certificate 18476
holder may at any time, by written notice to the county treasurer, 18477
agree to accept installments collected to the date of notice as 18478

payment in full. Receipt of such notice by the treasurer shall 18479
constitute satisfaction of the payment plan and redemption of the 18480
tax certificate. 18481

(2) During the period beginning on the date a tax certificate 18482
is sold under section 5721.33 of the Revised Code and ending on 18483
the date the decree is rendered on the foreclosure proceeding 18484
under division (F) of section 5721.37 of the Revised Code, the 18485
owner of record of the certificate parcel, or any other person 18486
entitled to redeem that parcel, may enter into a redemption 18487
payment plan with the certificate holder and all secured parties 18488
of the certificate holder. The plan shall require the owner or 18489
other person to pay the certificate redemption price for the tax 18490
certificate, an administrative fee not to exceed one hundred 18491
dollars per year, and the actual fees and costs incurred, in 18492
installments, with the final installment due no later than ~~three~~ 18493
six years after the date the tax certificate is sold. The 18494
certificate holder shall give written notice of the plan to the 18495
applicable county treasurer within sixty days after entering into 18496
the plan and written notice of default under the plan within 18497
ninety days after the default. If such a plan is entered into, the 18498
time period for filing a request for foreclosure or a notice of 18499
intent to foreclose under section 5721.37 of the Revised Code is 18500
extended by the length of time the plan is in effect and not in 18501
default. 18502

(D)(1) Immediately upon receipt of full payment under 18503
division (A) or (B) of this section, the county treasurer shall 18504
make an entry to that effect in the tax certificate register, 18505
credit the payment to the tax certificate redemption fund created 18506
in the county treasury, and shall notify ~~each~~ the certificate 18507
holder or holders by ordinary first class or certified mail, 18508
~~return receipt requested,~~ or by binary means that the parcel has 18509
been redeemed and the lien or liens canceled, and that ~~the tax~~ 18510

~~certificates may be redeemed. The county treasurer shall deposit 18511
into the tax certificate redemption fund created in the county 18512
treasury an amount equal to the total of the certificate 18513
redemption prices, together with interest on the certificate 18514
purchase price for each tax certificate sold respecting the parcel 18515
at the rate of eighteen per cent per year paid under division (B) 18516
of this section for the period beginning when the payment was 18517
submitted by the certificate holder under division (B) of section 18518
5721.37 of the Revised Code and ending when the parcel was 18519
redeemed. The payment on the certificate or certificates is 18520
forthcoming. The treasurer shall pay the tax certificate holder or 18521
holders promptly. 18522~~

The county treasurer shall administer the tax certificate 18523
redemption fund for the purpose of redeeming tax certificates. 18524
Interest earned on the fund shall be credited to the county 18525
general fund. 18526

(2) If a redemption payment plan is entered into pursuant to 18527
division (C)(1) of this section, the county treasurer immediately 18528
shall notify each certificate holder by ordinary first class or 18529
certified mail, return receipt requested, or by binary means of 18530
the terms of the plan. Installment payments made pursuant to the 18531
plan shall be deposited in the tax certificate redemption fund. 18532
Any overpayment of the installments shall be refunded to the 18533
person responsible for causing the overpayment if the person 18534
applies for a refund under this section. If the person responsible 18535
for causing the overpayment fails to apply for a refund under this 18536
section within five years from the date the plan is satisfied, an 18537
amount equal to the overpayment shall be deposited into the 18538
general fund of the county. 18539

Upon satisfaction of the plan, the county treasurer shall 18540
indicate in the tax certificate register that the plan has been 18541
satisfied, and shall notify each certificate holder by ordinary 18542

first class or certified mail, return receipt requested, or by 18543
binary means that the plan has been satisfied and that ~~tax~~ 18544
~~certificates may be redeemed~~ payment on the certificate or 18545
certificates is forthcoming. The treasurer shall pay each 18546
certificate holder promptly. 18547

If a redemption payment plan becomes void, the county 18548
treasurer ~~immediately~~ shall notify each certificate holder by 18549
ordinary first class or certified mail, return receipt requested 18550
or by binary means. If a certificate holder files a request for 18551
foreclosure under section 5721.37 of the Revised Code, upon the 18552
filing of the request for foreclosure, any money paid under the 18553
plan shall be refunded to the person that paid the money under the 18554
plan. 18555

~~(E) To redeem a tax certificate with respect to which payment~~ 18556
~~has been made in full under division (A), (B), or (C)(1) of this~~ 18557
~~section or division (B)(1) of section 5721.37 of the Revised Code,~~ 18558
~~the certificate holder shall present the tax certificate to the~~ 18559
~~county treasurer, who shall prepare the redemption information.~~ 18560
~~Upon presentation, the county auditor shall draw a warrant on the~~ 18561
~~tax certificate redemption fund in the amount of the certificate~~ 18562
~~redemption price and any applicable interest payable at the rate~~ 18563
~~of eighteen per cent annually on the certificate under division~~ 18564
~~(B) of this section. For a parcel that was redeemed under division~~ 18565
~~(B) of this section, the certificate holder who paid the amounts~~ 18566
~~under division (B) of section 5721.37 of the Revised Code shall be~~ 18567
~~reimbursed for those amounts, together with interest at the rate~~ 18568
~~of eighteen per cent per year on the amount paid under division~~ 18569
~~(B)(1) of that section for the period beginning when the payment~~ 18570
~~was submitted by the certificate holder under division (B) of that~~ 18571
~~section and ending when the parcel was redeemed. The treasurer~~ 18572
~~shall mark all copies of the tax certificate "redeemed" and return~~ 18573
~~the certificate to the certificate holder. The canceled~~ 18574

~~certificate shall serve as a receipt evidencing redemption of the 18575
tax certificate. If a certificate holder fails to redeem a tax 18576
certificate within five years after notice is served under 18577
division (D) of this section that tax certificates may be 18578
redeemed, an amount equal to the certificate redemption price and 18579
any applicable interest payable at the rate of eighteen per cent 18580
annually on the certificate under division (B) of this section 18581
shall be deposited into the general fund of the county. 18582~~

(3) Upon receipt of the payment required under division 18584
(B)(1) of section 5721.37 of the Revised Code, the treasurer shall 18585
pay all other certificate holders and indicate in the tax 18586
certificate register that such certificates have been satisfied. 18587

Sec. 5721.381. (A) At any time prior to payment to the county 18588
treasurer by a certificate holder to initiate foreclosure 18589
proceedings under division (B) of section 5721.37 of the Revised 18590
Code, the owner of record of the certificate parcel or any other 18591
person entitled to redeem that parcel may pay the county treasurer 18592
the certificate redemption price for the tax certificate with the 18593
oldest lien against the parcel. Such a payment cancels that lien 18594
and voids the certificate. Upon receipt of the payment, the county 18595
treasurer shall make an entry to that effect in the tax 18596
certificate register, shall deposit the payment to the credit of 18597
the tax certificate redemption fund, and shall notify the 18598
certificate holder by ordinary first class or certified mail or by 18599
binary means that the lien has been canceled and that payment on 18600
the certificate is forthcoming. The treasurer shall pay the holder 18601
of that certificate promptly. 18602

(B) A person who makes a payment to the county treasurer 18603
under division (A) of this section for the tax certificate with 18604
the oldest lien may make additional payments under that division 18605

for other tax certificates related to the parcel, in priority order based on the earliest date of attachment of the liens. 18606
18607

(C) A property owner or other person shall make, and the county treasurer shall accept and apply, payments under this section only in priority order based on the earliest date of attachment of the liens. 18608
18609
18610
18611

Sec. 5721.39. (A) In its judgment of foreclosure rendered with respect to in actions filed pursuant to section 5721.37 of the Revised Code, the court shall enter a finding that includes all of the following with respect to the certificate parcel of the: 18612
18613
18614
18615
18616

(1) The amount of the sum of the certificate redemption prices respecting for all the tax certificates sold against the parcel; interest 18617
18618
18619

(2) Interest on the certificate purchase prices of those all certificates at the rate of eighteen per cent per year for the period beginning on the day on which the payment was submitted by the certificate holder under division (B) of section 5721.37 of the Revised Code; 18620
18621
18622
18623
18624

(3) The amount paid under division (B)(2) of section 5721.37 of the Revised Code, plus interest at the rate of eighteen per cent per year for the period beginning on the day the certificate holder filed a request for foreclosure or a notice of intent to foreclose under division (A) of that section; any 18625
18626
18627
18628
18629

(4) Any delinquent taxes, assessments, penalties, interest, and charges on the parcel that are not covered by a tax certificate payment under division (B)(2) of section 5721.37 of the Revised Code; and fees 18630
18631
18632
18633

(5) Fees and costs incurred in the foreclosure proceeding instituted against the parcel, including, without limitation, the 18634
18635

fees and costs of the prosecuting attorney represented by the fee 18636
paid under division (B)(3) of section 5721.37 of the Revised Code, 18637
plus interest as provided in division (D)(2)(d) of this section, 18638
or the fees and costs of the private attorney representing the 18639
certificate holder, and charges paid or incurred in procuring 18640
title searches and abstracting services relative to the subject 18641
premises. ~~The~~ 18642

(B) The court may order the certificate parcel to be sold, 18643
without appraisal and as set forth in the prayer of the complaint, 18644
for not less than the amount of its finding, or, in the event ~~that~~ 18645
~~the court finds~~ that the true value of the certificate parcel as 18646
determined by the county auditor is less than the certificate 18647
purchase redemption price, the court may, as prayed for in the 18648
complaint, issue a decree transferring fee simple title free and 18649
clear of all subordinate liens to the certificate holder. A decree 18650
of the court transferring fee simple title to the certificate 18651
holder is forever a bar to all rights of redemption with respect 18652
to the certificate parcel. 18653

(C) Each certificate parcel shall be advertised and sold by 18654
the officer to whom the order of sale is directed in the manner 18655
provided by law for the sale of real property on execution. The 18656
advertisement for sale of certificate parcels shall be published 18657
once a week for three consecutive weeks and shall include the date 18658
on which a second sale will be conducted if no bid is accepted at 18659
the first sale. Any number of parcels may be included in one 18660
advertisement. 18661

Whenever the officer charged to conduct the sale offers a 18662
certificate parcel for sale and no bids are made equal to at least 18663
the amount of the court's finding, the officer shall adjourn the 18664
sale of the parcel to the second date that was specified in the 18665
advertisement of sale. The second sale shall be held at the same 18666
place and commence at the same time as set forth in the 18667

advertisement of sale. The officer shall offer any parcel not sold 18668
at the first sale. Upon the conclusion of any sale, or if any 18669
parcel remains unsold after being offered at two sales, the 18670
officer conducting the sale shall report the results to the court. 18671

(D) Upon the confirmation of a sale, the proceeds of the sale 18672
shall be applied as follows: 18673

~~(A)(1)~~ The fees and costs incurred in the proceeding filed 18674
against the parcel pursuant to section 5721.37 of the Revised Code 18675
~~, not including shall be paid first, including attorney's fees of~~ 18676
~~the certificate holder's attorney payable under division (F) of~~ 18677
~~that section, or~~ the county prosecutor's costs covered by the fee 18678
paid by the certificate holder under division (B)(3) of that 18679
section, ~~shall be paid first.~~ 18680

~~(B)(2)~~ Following the payment required by division ~~(A)(D)(1)~~ 18681
of this section, the certificate holder that ~~requested the~~ 18682
~~foreclosure~~ filed the notice of intent to foreclose or request for 18683
foreclosure with the county treasurer shall be paid the sum of the 18684
following amounts: 18685

~~(1)(a)~~ The sum of the amount found due for the certificate 18686
redemption prices of all the tax certificates, ~~other than those~~ 18687
~~certificates described in division (B)(1) of section 5721.37 of~~ 18688
~~the Revised Code,~~ that are sold against the parcel ~~to the~~ 18689
~~certificate holder requesting a notice of foreclosure;~~ 18690

~~(2)(b)~~ Any premium paid by the certificate holder at the time 18691
of purchase; 18692

~~(3)(c)~~ Interest on the amounts paid by the certificate holder 18693
under division (B)(1) of section 5721.37 of the Revised Code at 18694
the rate of eighteen per cent per year beginning on the day on 18695
which the payment was submitted by the certificate holder to the 18696
county treasurer and ending on the day immediately preceding the 18697
day on which the proceeds of the foreclosure sale are paid to the 18698

certificate holder; 18699

~~(4)~~(d) Interest on the amounts paid by the certificate holder 18700
under divisions (B)(2) and (3) of section 5721.37 of the Revised 18701
Code at the rate of eighteen per cent per year beginning on the 18702
day on which the payment was submitted by the certificate holder 18703
under divisions (B)(2) and (3) of that section ~~5721.37 of the~~ 18704
~~Revised Code~~ and ending on the day immediately preceding the day 18705
on which the proceeds of the foreclosure sale are paid to the 18706
certificate holder pursuant to this section, except that such 18707
interest shall not accrue for more than three years if the 18708
certificate was sold under section 5721.32 of the Revised Code, or 18709
under section 5721.42 of the Revised Code by the holder of a 18710
certificate issued under section 5721.32 of the Revised Code, or 18711
more than six years if the certificate was sold under section 18712
5721.33 of the Revised Code, or under section 5721.42 of the 18713
Revised Code by the holder of a certificate issued under section 18714
5721.33 of the Revised Code, after the day the amounts were paid 18715
by the certificate holder under divisions (B)(2) and (3) of 18716
section 5721.37 of the Revised Code ~~if the certificate holder did~~ 18717
~~not submit that payment before the end of that six year period;~~ 18718

~~(5)~~(e) The amounts paid by the certificate holder under 18719
divisions (B)(1), (2), and (3) of section 5721.37 of the Revised 18720
Code. 18721

~~(C)~~(3) Following the payment required by division ~~(B)~~(D)(2) 18722
of this section, any amount due for taxes, assessments, charges, 18723
penalties, and interest not covered by the tax certificate 18724
holder's payment under division (B)(2) of section 5721.37 of the 18725
Revised Code shall be paid, including all taxes, assessments, 18726
charges, penalties, and interest payable subsequent to the entry 18727
of the finding and prior to the transfer of the deed of the parcel 18728
to the purchaser following confirmation of sale. If the proceeds 18729
available for distribution pursuant to this division are 18730

insufficient to pay the entire amount of those taxes, assessments, 18731
charges, penalties, and interest, the proceeds shall be paid to 18732
each claimant in proportion to the amount of those taxes, 18733
assessments, charges, penalties, and interest that each is due, 18734
and those taxes, assessments, charges, penalties, and interest are 18735
deemed satisfied and shall be removed from the tax list and 18736
duplicate. 18737

(4) Any residue of money from proceeds of the sale shall be 18738
disposed of as prescribed by section 5721.20 of the Revised Code. 18739

(E) Unless the parcel previously was redeemed pursuant to 18740
section 5721.25 or 5721.38 of the Revised Code, upon the filing of 18741
the entry of confirmation of sale, the title to the parcel is 18742
incontestable in the purchaser and is free and clear of all liens 18743
and encumbrances, except a federal tax lien, notice of which lien 18744
is properly filed in accordance with section 317.09 of the Revised 18745
Code prior to the date that a foreclosure proceeding is instituted 18746
pursuant to section 5721.37 of the Revised Code, and which lien 18747
was foreclosed in accordance with 28 U.S.C.A. 2410(c), and except 18748
for the easements and covenants of record running with the land or 18749
lots that were created prior to the time the taxes or assessments, 18750
for the nonpayment of which a tax certificate was issued and the 18751
parcel sold at foreclosure, became due and payable. 18752

The title shall not be invalid because of any irregularity, 18753
informality, or omission of any proceedings under this chapter or 18754
in any processes of taxation, if such irregularity, informality, 18755
or omission does not abrogate the provision for notice to holders 18756
of title, lien, or mortgage to, or other interests in, such 18757
foreclosed parcels, as prescribed in this chapter. 18758

Sec. 5721.40. If any tax certificate parcel is twice offered 18759
for sale pursuant to section 5721.39 of the Revised Code and 18760
remains unsold for want of bidders, the officer who conducted the 18761

sales shall certify to the court that the parcel remains unsold 18762
after two sales. The court, by entry, shall order the parcel 18763
forfeited to the certificate holder who filed the request for 18764
foreclosure or notice of intent to foreclose under section 5721.37 18765
of the Revised Code. The clerk of the court shall certify copies 18766
of the court's order to the county treasurer. The county treasurer 18767
shall notify the certificate holder by ordinary and certified 18768
mail, return receipt requested, that the parcel remains unsold, 18769
and shall instruct the certificate holder of the manner in which 18770
the holder shall obtain the deed to the parcel. The officer who 18771
conducted the sales shall prepare and record the deed conveying 18772
title to the parcel to the certificate holder. 18773

Upon transfer of the deed to the certificate holder under 18774
this section, all right, title, claim, and interest in the 18775
certificate parcel are transferred to and vested in the 18776
certificate holder. The title to the parcel is incontestable in 18777
the certificate holder and is free and clear of all liens and 18778
encumbrances, except the following: 18779

(A) A federal tax lien, notice of which was properly filed in 18780
accordance with section 317.09 of the Revised Code prior to the 18781
date that the foreclosure proceeding was instituted under section 18782
5721.37 of the Revised Code and which was foreclosed in accordance 18783
with 28 U.S.C. 2410(c); 18784

(B) Easements and covenants of record running with the land 18785
that were created prior to the time the taxes or assessments, for 18786
the nonpayment of which a tax certificate was issued, became due 18787
and payable. 18788

Sec. 5721.41. ~~Interest~~ All interest required under sections 18789
5721.30 to 5721.43 of the Revised Code is simple interest, to be 18790
calculated on a principal amount and not compounded on earned 18791
interest. The interest charged shall equal one-twelfth of the 18792

annual interest rate multiplied by the principal amount. Interest 18793
charges under those sections shall accrue on a monthly basis, on 18794
the first day of the month following the beginning of the period 18795
during which interest accrues and on the first day of each 18796
subsequent month. Notwithstanding the preceding sentence, the six 18797
per cent charge described in division (E)(1)(b) of section 5721.30 18798
of the Revised Code shall apply even if the tax certificate is 18799
redeemed before the first day of the month following the date that 18800
the certificate is purchased. 18801

Sec. 5721.42. ~~Not less than sixty nor more than ninety days~~ 18802
~~following the date set by~~ After the settlement required under 18803
division (C) of section 323.12 or 323.17 321.24 of the Revised 18804
Code ~~for the payment of the second installment of current taxes,~~ 18805
the county treasurer shall notify the certificate holder of the 18806
most recently issued tax certificate, by ordinary first class or 18807
certified mail or by binary means, that the certificate holder may 18808
pay purchase a subsequent tax certificate by paying all delinquent 18809
taxes, ~~assessments, penalties, interest, and charges~~ on the 18810
related certificate parcel, the lien against which has not been 18811
transferred by the sale of a tax certificate. During the thirty 18812
days after receiving the notice, the certificate holder possesses 18813
the exclusive right to purchase the subsequent tax certificate by 18814
paying those amounts to the county treasurer. The amount of the 18815
payment shall constitute a separate lien against the certificate 18816
parcel that shall be evidenced by the issuance by the treasurer to 18817
the certificate holder of an additional tax certificate with 18818
respect to the delinquent taxes, ~~assessments, penalties, interest,~~ 18819
~~and fees~~ so paid on the related certificate parcel. The amount of 18820
the payment as set forth in the tax certificate shall earn 18821
interest at the rate of eighteen per cent per year. 18822
18823

Sec. 5721.43. (A) ~~No~~ Without the prior written consent of the 18824
county treasurer, no person shall directly, through an agent, or 18825
otherwise, initiate contact with the owner of a parcel with 18826
respect to which the person holds a tax certificate to encourage 18827
or demand payment before one year has elapsed following the 18828
purchase of the certificate. 18829

(B) A county treasurer may bar any person who violates 18830
division (A) of this section from bidding at a tax certificate 18831
sale conducted by the treasurer. 18832

(C)(1) The attorney general or county prosecuting attorney, 18833
upon written request of a county treasurer, shall bring an action 18834
for an injunction against any person who has violated, is 18835
violating, or is threatening to violate division (A) of this 18836
section. 18837

(2) Any person who violates division (A) of this section 18838
shall be assessed a civil penalty of not more than five thousand 18839
dollars for each offense to be paid into the state treasury to the 18840
credit of the general revenue fund. Upon written request of a 18841
county treasurer, the attorney general or county prosecuting 18842
attorney shall commence an action against any such violator. Any 18843
action under this division is a civil action, governed by the 18844
Rules of Civil Procedure and other rules of practice and procedure 18845
applicable to civil actions. 18846

Sec. 5727.85. (A) By the thirty-first day of July of each 18847
year, beginning in 2002 and ending in 2016, the department of 18848
education shall determine the following for each school district 18849
and each joint vocational school district ~~eligible for payment~~ 18850
~~under division (C) or (D) of this section:~~ 18851

(1) The state education aid offset, which is the difference 18852
obtained by subtracting the amount described in division (A)(1)(b) 18853

of this section from the amount described in division (A)(1)(a) of 18854
this section: 18855

(a) The state education aid computed for the school district 18856
or joint vocational school district for the current fiscal year as 18857
of the thirty-first day of July; 18858

(b) The state education aid that would be computed for the 18859
school district or joint vocational school district for the 18860
current fiscal year as of the thirty-first day of July if the 18861
recognized valuation included the tax value loss for the school 18862
district or joint vocational school district. 18863

(2) The greater of zero or the difference obtained by 18864
subtracting the state education aid offset determined under 18865
division (A)(1) of this section from the fixed-rate levy loss 18866
certified under division (J) of section 5727.84 of the Revised 18867
Code for all taxing districts in each school district and joint 18868
vocational school district. 18869

By the fifth day of August of each such year, the department 18870
of education shall certify the amount so determined under division 18871
(A)(1) of this section to the director of budget and management. 18872

(B) Not later than the thirty-first day of October of the 18873
years 2006 through 2016, the department of education shall 18874
determine all of the following for each school district: 18875

(1) The amount obtained by subtracting the district's state 18876
education aid computed for fiscal year 2002 from the district's 18877
state education aid computed for the current fiscal year as of the 18878
fifteenth day of July, by including in the definition of 18879
recognized valuation the machinery and equipment, inventory, 18880
furniture and fixtures, and telephone property tax value losses, 18881
as defined in section 5751.20 of the Revised Code, for the school 18882
district or joint vocational school district for the preceding tax 18883
year; 18884

(2) The inflation-adjusted property tax loss. The 18885
inflation-adjusted property tax loss equals the fixed-rate levy 18886
loss, excluding the tax loss from levies within the ten-mill 18887
limitation to pay debt charges, determined under division (G) of 18888
section 5727.84 of the Revised Code for all taxing districts in 18889
each school district, plus the product obtained by multiplying 18890
that loss by the cumulative percentage increase in the consumer 18891
price index from January 1, 2002, to the thirtieth day of June of 18892
the current year. 18893

(3) The difference obtained by subtracting the amount 18894
computed under division (B)(1) from the amount of the 18895
inflation-adjusted property tax loss. If this difference is zero 18896
or a negative number, no further payments shall be made under 18897
division (C) of this section to the school district from the 18898
school district property tax replacement fund. 18899

(C) The department of education shall pay from the school 18900
district property tax replacement fund to each school district all 18901
of the following: 18902

(1) In February 2002, one-half of the fixed-rate levy loss 18903
certified under division (J) of section 5727.84 of the Revised 18904
Code between the twenty-first and twenty-eighth days of February. 18905

(2) From August 2002 through August 2017, one-half of the 18906
amount calculated for that fiscal year under division (A)(2) of 18907
this section between the twenty-first and twenty-eighth days of 18908
August and of February, provided the difference computed under 18909
division (B)(3) of this section is not less than or equal to zero. 18910

For taxes levied within the ten-mill limitation for debt 18911
purposes in tax year 1998 in the case of electric company tax 18912
value losses, and in tax year 1999 in the case of natural gas 18913
company tax value losses, payments shall be made equal to one 18914
hundred per cent of the loss computed as if the tax were a 18915

fixed-rate levy, but those payments shall extend from fiscal year 18916
2006 through fiscal year 2016. 18917

The department of education shall report to each school 18918
district the apportionment of the payments among the school 18919
district's funds based on the certifications under division (J) of 18920
section 5727.84 of the Revised Code. 18921

(D) Not later than January 1, 2002, for all taxing districts 18922
in each joint vocational school district, the tax commissioner 18923
shall certify to the department of education the fixed-rate levy 18924
loss determined under division (G) of section 5727.84 of the 18925
Revised Code. From February 2002 to August 2016, the department 18926
shall pay from the school district property tax replacement fund 18927
to the joint vocational school district one-half of the amount 18928
calculated for that fiscal year under division (A)(2) of this 18929
section between the twenty-first and twenty-eighth days of August 18930
and of February. 18931

(E)(1) Not later than January 1, 2002, for each fixed-sum 18932
levy levied by each school district or joint vocational school 18933
district and for each year for which a determination is made under 18934
division (H) of section 5727.84 of the Revised Code that a 18935
fixed-sum levy loss is to be reimbursed, the tax commissioner 18936
shall certify to the department of education the fixed-sum levy 18937
loss determined under that division. The certification shall cover 18938
a time period sufficient to include all fixed-sum levies for which 18939
the tax commissioner made such a determination. The department 18940
shall pay from the school district property tax replacement fund 18941
to the school district or joint vocational school district 18942
one-half of the fixed-sum levy loss so certified for each year 18943
between the twenty-first and twenty-eighth days of August and of 18944
February. 18945

(2) Beginning in 2003, by the thirty-first day of January of 18946
each year, the tax commissioner shall review the certification 18947

originally made under division (E)(1) of this section. If the commissioner determines that a debt levy that had been scheduled to be reimbursed in the current year has expired, a revised certification for that and all subsequent years shall be made to the department of education.

(F) If the balance of the half-mill equalization fund created under section 3318.18 of the Revised Code is insufficient to make the full amount of payments required under division (D) of that section, the department of education, at the end of the third quarter of the fiscal year, shall certify to the director of budget and management the amount of the deficiency, and the director shall transfer an amount equal to the deficiency from the school district property tax replacement fund to the half-mill equalization fund.

(G) Beginning in August 2002, and ending in May 2017, the director of budget and management shall transfer from the school district property tax replacement fund to the general revenue fund each of the following:

(1) Between the twenty-eighth day of August and the fifth day of September, the lesser of one-half of the amount certified for that fiscal year under division (A)(2) of this section or the balance in the school district property tax replacement fund;

(2) Between the first and fifth days of May, the lesser of one-half of the amount certified for that fiscal year under division (A)(2) of this section or the balance in the school district property tax replacement fund.

(H) On the first day of June each year, the director of budget and management shall transfer any balance remaining in the school district property tax replacement fund after the payments have been made under divisions (C), (D), (E), (F), and (G) of this section to the half-mill equalization fund created under section

3318.18 of the Revised Code to the extent required to make any 18979
payments in the current fiscal year under that section, and shall 18980
transfer the remaining balance to the general revenue fund. 18981

(I) From fiscal year 2002 through fiscal year 2016, if the 18982
total amount in the school district property tax replacement fund 18983
is insufficient to make all payments under divisions (C), (D), 18984
(E), and (F) of this section at the time the payments are to be 18985
made, the director of budget and management shall transfer from 18986
the general revenue fund to the school district property tax 18987
replacement fund the difference between the total amount to be 18988
paid and the total amount in the school district property tax 18989
replacement fund, except that no transfer shall be made by reason 18990
of a deficiency to the extent that it results from the amendment 18991
of section 5727.84 of the Revised Code by Amended Substitute House 18992
Bill No. 95 of the 125th general assembly. 18993

(J) If all of the territory of a school district or joint 18994
vocational school district is merged with an existing district, or 18995
if a part of the territory of a school district or joint 18996
vocational school district is transferred to an existing or new 18997
district, the department of education, in consultation with the 18998
tax commissioner, shall adjust the payments made under this 18999
section as follows: 19000

(1) For the merger of all of the territory of two or more 19001
districts, the fixed-rate levy loss and the fixed-sum levy loss of 19002
the successor district shall be equal to the sum of the fixed-rate 19003
levy losses and the fixed-sum levy losses for each of the 19004
districts involved in the merger. 19005

(2) For the transfer of a part of one district's territory to 19006
an existing district, the amount of the fixed-rate levy loss that 19007
is transferred to the recipient district shall be an amount equal 19008
to the transferring district's total fixed-rate levy loss times a 19009
fraction, the numerator of which is the value of electric company 19010

tangible personal property located in the part of the territory 19011
that was transferred, and the denominator of which is the total 19012
value of electric company tangible personal property located in 19013
the entire district from which the territory was transferred. The 19014
value of electric company tangible personal property under this 19015
division shall be determined for the most recent year for which 19016
data is available. Fixed-sum levy losses for both districts shall 19017
be determined under division (J)(4) of this section. 19018

(3) For the transfer of a part of the territory of one or 19019
more districts to create a new district: 19020

(a) If the new district is created on or after January 1, 19021
2000, but before January 1, 2005, the new district shall be paid 19022
its current fixed-rate levy loss through August 2009. From 19023
February 2010 to August 2016, the new district shall be paid the 19024
lesser of: (i) the amount calculated under division (C)(2) of this 19025
section or (ii) an amount equal to the new district's fixed-rate 19026
levy loss multiplied by the percentage prescribed by the following 19027
schedule: 19028

YEAR	PERCENTAGE	
2010	70%	19029
2011	70%	19030
2012	60%	19031
2013	60%	19032
2014	50%	19033
2015	40%	19034
2016	24%	19035
2017 and thereafter	11.5%	19036
	0%	19037

Fixed-sum levy losses for the districts shall be determined 19038
under division (J)(4) of this section. 19039

(b) If the new district is created on or after January 1, 19040
2005, the new district shall be deemed not to have any fixed-rate 19041
levy loss or, except as provided in division (J)(4) of this 19042

section, fixed-sum levy loss. The district or districts from which 19043
the territory was transferred shall have no reduction in their 19044
fixed-rate levy loss, or, except as provided in division (J)(4) of 19045
this section, their fixed-sum levy loss. 19046

(4) If a recipient district under division (J)(2) of this 19047
section or a new district under division (J)(3)(a) or (b) of this 19048
section takes on debt from one or more of the districts from which 19049
territory was transferred, and any of the districts transferring 19050
the territory had fixed-sum levy losses, the department of 19051
education, in consultation with the tax commissioner, shall make 19052
an equitable division of the fixed-sum levy losses. 19053

(K) There is hereby created the public utility property tax 19054
study committee, effective January 1, 2011. The committee shall 19055
consist of the following seven members: the tax commissioner, 19056
three members of the senate appointed by the president of the 19057
senate, and three members of the house of representatives 19058
appointed by the speaker of the house of representatives. The 19059
appointments shall be made not later than January 31, 2011. The 19060
tax commissioner shall be the chairperson of the committee. 19061

The committee shall study the extent to which each school 19062
district or joint vocational school district has been compensated, 19063
under sections 5727.84 and 5727.85 of the Revised Code as enacted 19064
by Substitute Senate Bill No. 3 of the 123rd general assembly and 19065
any subsequent acts, for the property tax loss caused by the 19066
reduction in the assessment rates for natural gas, electric, and 19067
rural electric company tangible personal property. Not later than 19068
June 30, 2011, the committee shall issue a report of its findings, 19069
including any recommendations for providing additional 19070
compensation for the property tax loss or regarding remedial 19071
legislation, to the president of the senate and the speaker of the 19072
house of representatives, at which time the committee shall cease 19073
to exist. 19074

The department of taxation and department of education shall 19075
provide such information and assistance as is required for the 19076
committee to carry out its duties. 19077

Sec. 5739.01. As used in this chapter: 19078

(A) "Person" includes individuals, receivers, assignees, 19079
trustees in bankruptcy, estates, firms, partnerships, 19080
associations, joint-stock companies, joint ventures, clubs, 19081
societies, corporations, the state and its political subdivisions, 19082
and combinations of individuals of any form. 19083

(B) "Sale" and "selling" include all of the following 19084
transactions for a consideration in any manner, whether absolutely 19085
or conditionally, whether for a price or rental, in money or by 19086
exchange, and by any means whatsoever: 19087

(1) All transactions by which title or possession, or both, 19088
of tangible personal property, is or is to be transferred, or a 19089
license to use or consume tangible personal property is or is to 19090
be granted; 19091

(2) All transactions by which lodging by a hotel is or is to 19092
be furnished to transient guests; 19093

(3) All transactions by which: 19094

(a) An item of tangible personal property is or is to be 19095
repaired, except property, the purchase of which would not be 19096
subject to the tax imposed by section 5739.02 of the Revised Code; 19097

(b) An item of tangible personal property is or is to be 19098
installed, except property, the purchase of which would not be 19099
subject to the tax imposed by section 5739.02 of the Revised Code 19100
or property that is or is to be incorporated into and will become 19101
a part of a production, transmission, transportation, or 19102
distribution system for the delivery of a public utility service; 19103

(c) The service of washing, cleaning, waxing, polishing, or 19104

painting a motor vehicle is or is to be furnished;	19105
(d) Until August 1, 2003, industrial laundry cleaning	19106
services are or are to be provided and, on and after August 1,	19107
2003, laundry and dry cleaning services are or are to be provided;	19108
(e) Automatic data processing, computer services, or	19109
electronic information services are or are to be provided for use	19110
in business when the true object of the transaction is the receipt	19111
by the consumer of automatic data processing, computer services,	19112
or electronic information services rather than the receipt of	19113
personal or professional services to which automatic data	19114
processing, computer services, or electronic information services	19115
are incidental or supplemental. Notwithstanding any other	19116
provision of this chapter, such transactions that occur between	19117
members of an affiliated group are not sales. An "affiliated	19118
group" means two or more persons related in such a way that one	19119
person owns or controls the business operation of another member	19120
of the group. In the case of corporations with stock, one	19121
corporation owns or controls another if it owns more than fifty	19122
per cent of the other corporation's common stock with voting	19123
rights.	19124
(f) Telecommunications service, including prepaid calling	19125
service, prepaid wireless calling service, or ancillary service,	19126
is or is to be provided, but not including coin-operated telephone	19127
service;	19128
(g) Landscaping and lawn care service is or is to be	19129
provided;	19130
(h) Private investigation and security service is or is to be	19131
provided;	19132
(i) Information services or tangible personal property is	19133
provided or ordered by means of a nine hundred telephone call;	19134
(j) Building maintenance and janitorial service is or is to	19135

be provided;	19136
(k) Employment service is or is to be provided;	19137
(l) Employment placement service is or is to be provided;	19138
(m) Exterminating service is or is to be provided;	19139
(n) Physical fitness facility service is or is to be provided;	19140 19141
(o) Recreation and sports club service is or is to be provided;	19142 19143
(p) On and after August 1, 2003, satellite broadcasting service is or is to be provided;	19144 19145
(q) On and after August 1, 2003, personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair.	19146 19147 19148 19149 19150 19151 19152 19153
(r) On and after August 1, 2003, the transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102;	19154 19155 19156 19157 19158 19159 19160 19161
(s) On and after August 1, 2003, motor vehicle towing service is or is to be provided. As used in this division, "motor vehicle towing service" means the towing or conveyance of a wrecked, disabled, or illegally parked motor vehicle.	19162 19163 19164 19165

(t) On and after August 1, 2003, snow removal service is or 19166
is to be provided. As used in this division, "snow removal 19167
service" means the removal of snow by any mechanized means, but 19168
does not include the providing of such service by a person that 19169
has less than five thousand dollars in sales of such service 19170
during the calendar year. 19171

(u) Electronic publishing service is or is to be provided to 19172
a consumer for use in business, except that such transactions 19173
occurring between members of an affiliated group, as defined in 19174
division (B)(3)(e) of this section, are not sales. 19175

(4) All transactions by which printed, imprinted, 19176
overprinted, lithographic, multilithic, blueprinted, photostatic, 19177
or other productions or reproductions of written or graphic matter 19178
are or are to be furnished or transferred; 19179

(5) The production or fabrication of tangible personal 19180
property for a consideration for consumers who furnish either 19181
directly or indirectly the materials used in the production of 19182
fabrication work; and include the furnishing, preparing, or 19183
serving for a consideration of any tangible personal property 19184
consumed on the premises of the person furnishing, preparing, or 19185
serving such tangible personal property. Except as provided in 19186
section 5739.03 of the Revised Code, a construction contract 19187
pursuant to which tangible personal property is or is to be 19188
incorporated into a structure or improvement on and becoming a 19189
part of real property is not a sale of such tangible personal 19190
property. The construction contractor is the consumer of such 19191
tangible personal property, provided that the sale and 19192
installation of carpeting, the sale and installation of 19193
agricultural land tile, the sale and erection or installation of 19194
portable grain bins, or the provision of landscaping and lawn care 19195
service and the transfer of property as part of such service is 19196
never a construction contract. 19197

As used in division (B)(5) of this section:	19198
(a) "Agricultural land tile" means fired clay or concrete tile, or flexible or rigid perforated plastic pipe or tubing, incorporated or to be incorporated into a subsurface drainage system appurtenant to land used or to be used directly in production by farming, agriculture, horticulture, or floriculture. The term does not include such materials when they are or are to be incorporated into a drainage system appurtenant to a building or structure even if the building or structure is used or to be used in such production.	19199 19200 19201 19202 19203 19204 19205 19206 19207
(b) "Portable grain bin" means a structure that is used or to be used by a person engaged in farming or agriculture to shelter the person's grain and that is designed to be disassembled without significant damage to its component parts.	19208 19209 19210 19211
(6) All transactions in which all of the shares of stock of a closely held corporation are transferred, if the corporation is not engaging in business and its entire assets consist of boats, planes, motor vehicles, or other tangible personal property operated primarily for the use and enjoyment of the shareholders;	19212 19213 19214 19215 19216
(7) All transactions in which a warranty, maintenance or service contract, or similar agreement by which the vendor of the warranty, contract, or agreement agrees to repair or maintain the tangible personal property of the consumer is or is to be provided;	19217 19218 19219 19220 19221
(8) The transfer of copyrighted motion picture films used solely for advertising purposes, except that the transfer of such films for exhibition purposes is not a sale;	19222 19223 19224
(9) On and after August 1, 2003, all transactions by which tangible personal property is or is to be stored, except such property that the consumer of the storage holds for sale in the regular course of business;	19225 19226 19227 19228

(10) All transactions in which "guaranteed auto protection" is provided whereby a person promises to pay to the consumer the difference between the amount the consumer receives from motor vehicle insurance and the amount the consumer owes to a person holding title to or a lien on the consumer's motor vehicle in the event the consumer's motor vehicle suffers a total loss under the terms of the motor vehicle insurance policy or is stolen and not recovered, if the protection and its price are included in the purchase or lease agreement.

Except as provided in this section, "sale" and "selling" do not include transfers of interest in leased property where the original lessee and the terms of the original lease agreement remain unchanged, or professional, insurance, or personal service transactions that involve the transfer of tangible personal property as an inconsequential element, for which no separate charges are made.

(C) "Vendor" means the person providing the service or by whom the transfer effected or license given by a sale is or is to be made or given and, for sales described in division (B)(3)(i) of this section, the telecommunications service vendor that provides the nine hundred telephone service; if two or more persons are engaged in business at the same place of business under a single trade name in which all collections on account of sales by each are made, such persons shall constitute a single vendor.

Physicians, dentists, hospitals, and veterinarians who are engaged in selling tangible personal property as received from others, such as eyeglasses, mouthwashes, dentifrices, or similar articles, are vendors. Veterinarians who are engaged in transferring to others for a consideration drugs, the dispensing of which does not require an order of a licensed veterinarian or physician under federal law, are vendors.

(D)(1) "Consumer" means the person for whom the service is

provided, to whom the transfer effected or license given by a sale 19261
is or is to be made or given, to whom the service described in 19262
division (B)(3)(f) or (i) of this section is charged, or to whom 19263
the admission is granted. 19264

(2) Physicians, dentists, hospitals, and blood banks operated 19265
by nonprofit institutions and persons licensed to practice 19266
veterinary medicine, surgery, and dentistry are consumers of all 19267
tangible personal property and services purchased by them in 19268
connection with the practice of medicine, dentistry, the rendition 19269
of hospital or blood bank service, or the practice of veterinary 19270
medicine, surgery, and dentistry. In addition to being consumers 19271
of drugs administered by them or by their assistants according to 19272
their direction, veterinarians also are consumers of drugs that 19273
under federal law may be dispensed only by or upon the order of a 19274
licensed veterinarian or physician, when transferred by them to 19275
others for a consideration to provide treatment to animals as 19276
directed by the veterinarian. 19277

(3) A person who performs a facility management, or similar 19278
service contract for a contractee is a consumer of all tangible 19279
personal property and services purchased for use in connection 19280
with the performance of such contract, regardless of whether title 19281
to any such property vests in the contractee. The purchase of such 19282
property and services is not subject to the exception for resale 19283
under division (E)(1) of this section. 19284

(4)(a) In the case of a person who purchases printed matter 19285
for the purpose of distributing it or having it distributed to the 19286
public or to a designated segment of the public, free of charge, 19287
that person is the consumer of that printed matter, and the 19288
purchase of that printed matter for that purpose is a sale. 19289

(b) In the case of a person who produces, rather than 19290
purchases, printed matter for the purpose of distributing it or 19291
having it distributed to the public or to a designated segment of 19292

the public, free of charge, that person is the consumer of all 19293
~~tangible~~ tangible personal property and services purchased for use 19294
or consumption in the production of that printed matter. That 19295
person is not entitled to claim exemption under division 19296
(B)(42)(f) of section 5739.02 of the Revised Code for any material 19297
incorporated into the printed matter or any equipment, supplies, 19298
or services primarily used to produce the printed matter. 19299

19300

(c) The distribution of printed matter to the public or to a 19301
designated segment of the public, free of charge, is not a sale to 19302
the members of the public to whom the printed matter is 19303
distributed or to any persons who purchase space in the printed 19304
matter for advertising or other purposes. 19305

(5) A person who makes sales of any of the services listed in 19306
division (B)(3) of this section is the consumer of any tangible 19307
personal property used in performing the service. The purchase of 19308
that property is not subject to the resale exception under 19309
division (E)(1) of this section. 19310

(6) A person who engages in highway transportation for hire 19311
is the consumer of all packaging materials purchased by that 19312
person and used in performing the service, except for packaging 19313
materials sold by such person in a transaction separate from the 19314
service. 19315

(E) "Retail sale" and "sales at retail" include all sales, 19316
except those in which the purpose of the consumer is to resell the 19317
thing transferred or benefit of the service provided, by a person 19318
engaging in business, in the form in which the same is, or is to 19319
be, received by the person. 19320

(F) "Business" includes any activity engaged in by any person 19321
with the object of gain, benefit, or advantage, either direct or 19322
indirect. "Business" does not include the activity of a person in 19323

managing and investing the person's own funds. 19324

(G) "Engaging in business" means commencing, conducting, or 19325
continuing in business, and liquidating a business when the 19326
liquidator thereof holds itself out to the public as conducting 19327
such business. Making a casual sale is not engaging in business. 19328

(H)(1)(a) "Price," except as provided in divisions (H)(2) and 19329
(3) of this section, means the total amount of consideration, 19330
including cash, credit, property, and services, for which tangible 19331
personal property or services are sold, leased, or rented, valued 19332
in money, whether received in money or otherwise, without any 19333
deduction for any of the following: 19334

(i) The vendor's cost of the property sold; 19335

(ii) The cost of materials used, labor or service costs, 19336
interest, losses, all costs of transportation to the vendor, all 19337
taxes imposed on the vendor, including the tax imposed under 19338
Chapter 5751. of the Revised Code, and any other expense of the 19339
vendor; 19340

(iii) Charges by the vendor for any services necessary to 19341
complete the sale; 19342

(iv) On and after August 1, 2003, delivery charges. As used 19343
in this division, "delivery charges" means charges by the vendor 19344
for preparation and delivery to a location designated by the 19345
consumer of tangible personal property or a service, including 19346
transportation, shipping, postage, handling, crating, and packing. 19347

(v) Installation charges; 19348

(vi) Credit for any trade-in. 19349

(b) "Price" includes consideration received by the vendor 19350
from a third party, if the vendor actually receives the 19351
consideration from a party other than the consumer, and the 19352
consideration is directly related to a price reduction or discount 19353

on the sale; the vendor has an obligation to pass the price 19354
reduction or discount through to the consumer; the amount of the 19355
consideration attributable to the sale is fixed and determinable 19356
by the vendor at the time of the sale of the item to the consumer; 19357
and one of the following criteria is met: 19358

(i) The consumer presents a coupon, certificate, or other 19359
document to the vendor to claim a price reduction or discount 19360
where the coupon, certificate, or document is authorized, 19361
distributed, or granted by a third party with the understanding 19362
that the third party will reimburse any vendor to whom the coupon, 19363
certificate, or document is presented; 19364

(ii) The consumer identifies the consumer's self to the 19365
seller as a member of a group or organization entitled to a price 19366
reduction or discount. A preferred customer card that is available 19367
to any patron does not constitute membership in such a group or 19368
organization. 19369

(iii) The price reduction or discount is identified as a 19370
third party price reduction or discount on the invoice received by 19371
the consumer, or on a coupon, certificate, or other document 19372
presented by the consumer. 19373

(c) "Price" does not include any of the following: 19374

(i) Discounts, including cash, term, or coupons that are not 19375
reimbursed by a third party that are allowed by a vendor and taken 19376
by a consumer on a sale; 19377

(ii) Interest, financing, and carrying charges from credit 19378
extended on the sale of tangible personal property or services, if 19379
the amount is separately stated on the invoice, bill of sale, or 19380
similar document given to the purchaser; 19381

(iii) Any taxes legally imposed directly on the consumer that 19382
are separately stated on the invoice, bill of sale, or similar 19383
document given to the consumer. For the purpose of this division, 19384

the tax imposed under Chapter 5751. of the Revised Code is not a 19385
tax directly on the consumer, even if the tax or a portion thereof 19386
is separately stated. 19387

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 19388
section, any discount allowed by an automobile manufacturer to its 19389
employee, or to the employee of a supplier, on the purchase of a 19390
new motor vehicle from a new motor vehicle dealer in this state. 19391

(2) In the case of a sale of any new motor vehicle by a new 19392
motor vehicle dealer, as defined in section 4517.01 of the Revised 19393
Code, in which another motor vehicle is accepted by the dealer as 19394
part of the consideration received, "price" has the same meaning 19395
as in division (H)(1) of this section, reduced by the credit 19396
afforded the consumer by the dealer for the motor vehicle received 19397
in trade. 19398

(3) In the case of a sale of any watercraft or outboard motor 19399
by a watercraft dealer licensed in accordance with section 19400
1547.543 of the Revised Code, in which another watercraft, 19401
watercraft and trailer, or outboard motor is accepted by the 19402
dealer as part of the consideration received, "price" has the same 19403
meaning as in division (H)(1) of this section, reduced by the 19404
credit afforded the consumer by the dealer for the watercraft, 19405
watercraft and trailer, or outboard motor received in trade. As 19406
used in this division, "watercraft" includes an outdrive unit 19407
attached to the watercraft. 19408

(I) "Receipts" means the total amount of the prices of the 19409
sales of vendors, provided that cash discounts allowed and taken 19410
on sales at the time they are consummated are not included, minus 19411
any amount deducted as a bad debt pursuant to section 5739.121 of 19412
the Revised Code. "Receipts" does not include the sale price of 19413
property returned or services rejected by consumers when the full 19414
sale price and tax are refunded either in cash or by credit. 19415

(J) "Place of business" means any location at which a person 19416
engages in business. 19417

(K) "Premises" includes any real property or portion thereof 19418
upon which any person engages in selling tangible personal 19419
property at retail or making retail sales and also includes any 19420
real property or portion thereof designated for, or devoted to, 19421
use in conjunction with the business engaged in by such person. 19422

(L) "Casual sale" means a sale of an item of tangible 19423
personal property that was obtained by the person making the sale, 19424
through purchase or otherwise, for the person's own use and was 19425
previously subject to any state's taxing jurisdiction on its sale 19426
or use, and includes such items acquired for the seller's use that 19427
are sold by an auctioneer employed directly by the person for such 19428
purpose, provided the location of such sales is not the 19429
auctioneer's permanent place of business. As used in this 19430
division, "permanent place of business" includes any location 19431
where such auctioneer has conducted more than two auctions during 19432
the year. 19433

(M) "Hotel" means every establishment kept, used, maintained, 19434
advertised, or held out to the public to be a place where sleeping 19435
accommodations are offered to guests, in which five or more rooms 19436
are used for the accommodation of such guests, whether the rooms 19437
are in one or several structures. 19438

(N) "Transient guests" means persons occupying a room or 19439
rooms for sleeping accommodations for less than thirty consecutive 19440
days. 19441

(O) "Making retail sales" means the effecting of transactions 19442
wherein one party is obligated to pay the price and the other 19443
party is obligated to provide a service or to transfer title to or 19444
possession of the item sold. "Making retail sales" does not 19445
include the preliminary acts of promoting or soliciting the retail 19446

sales, other than the distribution of printed matter which 19447
displays or describes and prices the item offered for sale, nor 19448
does it include delivery of a predetermined quantity of tangible 19449
personal property or transportation of property or personnel to or 19450
from a place where a service is performed, regardless of whether 19451
the vendor is a delivery vendor. 19452

(P) "Used directly in the rendition of a public utility 19453
service" means that property that is to be incorporated into and 19454
will become a part of the consumer's production, transmission, 19455
transportation, or distribution system and that retains its 19456
classification as tangible personal property after such 19457
incorporation; fuel or power used in the production, transmission, 19458
transportation, or distribution system; and tangible personal 19459
property used in the repair and maintenance of the production, 19460
transmission, transportation, or distribution system, including 19461
only such motor vehicles as are specially designed and equipped 19462
for such use. Tangible personal property and services used 19463
primarily in providing highway transportation for hire are not 19464
used directly in the rendition of a public utility service. In 19465
this definition, "public utility" includes a citizen of the United 19466
States holding, and required to hold, a certificate of public 19467
convenience and necessity issued under 49 U.S.C. 41102. 19468

(Q) "Refining" means removing or separating a desirable 19469
product from raw or contaminated materials by distillation or 19470
physical, mechanical, or chemical processes. 19471

(R) "Assembly" and "assembling" mean attaching or fitting 19472
together parts to form a product, but do not include packaging a 19473
product. 19474

(S) "Manufacturing operation" means a process in which 19475
materials are changed, converted, or transformed into a different 19476
state or form from which they previously existed and includes 19477
refining materials, assembling parts, and preparing raw materials 19478

and parts by mixing, measuring, blending, or otherwise committing 19479
such materials or parts to the manufacturing process. 19480

"Manufacturing operation" does not include packaging. 19481

(T) "Fiscal officer" means, with respect to a regional 19482
transit authority, the secretary-treasurer thereof, and with 19483
respect to a county that is a transit authority, the fiscal 19484
officer of the county transit board if one is appointed pursuant 19485
to section 306.03 of the Revised Code or the county auditor if the 19486
board of county commissioners operates the county transit system. 19487

(U) "Transit authority" means a regional transit authority 19488
created pursuant to section 306.31 of the Revised Code or a county 19489
in which a county transit system is created pursuant to section 19490
306.01 of the Revised Code. For the purposes of this chapter, a 19491
transit authority must extend to at least the entire area of a 19492
single county. A transit authority that includes territory in more 19493
than one county must include all the area of the most populous 19494
county that is a part of such transit authority. County population 19495
shall be measured by the most recent census taken by the United 19496
States census bureau. 19497

(V) "Legislative authority" means, with respect to a regional 19498
transit authority, the board of trustees thereof, and with respect 19499
to a county that is a transit authority, the board of county 19500
commissioners. 19501

(W) "Territory of the transit authority" means all of the 19502
area included within the territorial boundaries of a transit 19503
authority as they from time to time exist. Such territorial 19504
boundaries must at all times include all the area of a single 19505
county or all the area of the most populous county that is a part 19506
of such transit authority. County population shall be measured by 19507
the most recent census taken by the United States census bureau. 19508

(X) "Providing a service" means providing or furnishing 19509

anything described in division (B)(3) of this section for 19510
consideration. 19511

(Y)(1)(a) "Automatic data processing" means processing of 19512
others' data, including keypunching or similar data entry services 19513
together with verification thereof, or providing access to 19514
computer equipment for the purpose of processing data. 19515

(b) "Computer services" means providing services consisting 19516
of specifying computer hardware configurations and evaluating 19517
technical processing characteristics, computer programming, and 19518
training of computer programmers and operators, provided in 19519
conjunction with and to support the sale, lease, or operation of 19520
taxable computer equipment or systems. 19521

(c) "Electronic information services" means providing access 19522
to computer equipment by means of telecommunications equipment for 19523
the purpose of either of the following: 19524

(i) Examining or acquiring data stored in or accessible to 19525
the computer equipment; 19526

(ii) Placing data into the computer equipment to be retrieved 19527
by designated recipients with access to the computer equipment. 19528

For transactions occurring on or after the effective date of 19529
the amendment of this section by H.B. 157 of the 127th general 19530
assembly, December 21, 2007, "electronic information services" 19531
does not include electronic publishing as defined in division 19532
(LLL) of this section. 19533

(d) "Automatic data processing, computer services, or 19534
electronic information services" shall not include personal or 19535
professional services. 19536

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 19537
section, "personal and professional services" means all services 19538
other than automatic data processing, computer services, or 19539

electronic information services, including but not limited to:	19540
(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;	19541 19542 19543 19544 19545
(b) Analyzing business policies and procedures;	19546
(c) Identifying management information needs;	19547
(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;	19548 19549 19550
(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;	19551 19552 19553 19554
(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;	19555 19556 19557
(g) Testing of business procedures;	19558
(h) Training personnel in business procedure applications;	19559
(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;	19560 19561 19562 19563 19564 19565
(j) Providing debt collection services by any oral, written, graphic, or electronic means.	19566 19567
The services listed in divisions (Y)(2)(a) to (j) of this section are not automatic data processing or computer services.	19568 19569

(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 for a person described by division (Z)(1) or (2) of this section.

(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and

delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information; 19601
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(b) Installation or maintenance of wiring or equipment on a customer's premises; 19604
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(c) Tangible personal property; 19606

(d) Advertising, including directory advertising; 19607

(e) Billing and collection services provided to third parties; 19608
19609

(f) Internet access service; 19610

(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3; 19611
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(h) Ancillary service; 19619

(i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones. 19620
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(2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division: 19622
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(a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number. 19627
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19629
"Conference bridging service" does not include telecommunications 19630

services used to reach the conference bridge. 19631

(b) "Detailed telecommunications billing service" means an 19632
ancillary service of separately stating information pertaining to 19633
individual calls on a customer's billing statement. 19634

(c) "Directory assistance" means an ancillary service of 19635
providing telephone number or address information. 19636

(d) "Vertical service" means an ancillary service that is 19637
offered in connection with one or more telecommunications 19638
services, which offers advanced calling features that allow 19639
customers to identify callers and manage multiple calls and call 19640
connections, including conference bridging service. 19641

(e) "Voice mail service" means an ancillary service that 19642
enables the customer to store, send, or receive recorded messages. 19643
"Voice mail service" does not include any vertical services that 19644
the customer may be required to have in order to utilize the voice 19645
mail service. 19646

(3) "900 service" means an inbound toll telecommunications 19647
service purchased by a subscriber that allows the subscriber's 19648
customers to call in to the subscriber's prerecorded announcement 19649
or live service, and which is typically marketed under the name 19650
"900" service and any subsequent numbers designated by the federal 19651
communications commission. "900 service" does not include the 19652
charge for collection services provided by the seller of the 19653
telecommunications service to the subscriber, or services or 19654
products sold by the subscriber to the subscriber's customer. 19655

(4) "Prepaid calling service" means the right to access 19656
exclusively telecommunications services, which must be paid for in 19657
advance and which enables the origination of calls using an access 19658
number or authorization code, whether manually or electronically 19659
dialed, and that is sold in predetermined units of dollars of 19660
which the number declines with use in a known amount. 19661

(5) "Prepaid wireless calling service" means a 19662
telecommunications service that provides the right to utilize 19663
mobile telecommunications service as well as other 19664
non-telecommunications services, including the download of digital 19665
products delivered electronically, and content and ancillary 19666
services, that must be paid for in advance and that is sold in 19667
predetermined units of dollars of which the number declines with 19668
use in a known amount. 19669

(6) "Value-added non-voice data service" means a 19670
telecommunications service in which computer processing 19671
applications are used to act on the form, content, code, or 19672
protocol of the information or data primarily for a purpose other 19673
than transmission, conveyance, or routing. 19674

(7) "Coin-operated telephone service" means a 19675
telecommunications service paid for by inserting money into a 19676
telephone accepting direct deposits of money to operate. 19677

(8) "Customer" has the same meaning as in section 5739.034 of 19678
the Revised Code. 19679

(BB) "Laundry and dry cleaning services" means removing soil 19680
or dirt from towels, linens, articles of clothing, or other fabric 19681
items that belong to others and supplying towels, linens, articles 19682
of clothing, or other fabric items. "Laundry and dry cleaning 19683
services" does not include the provision of self-service 19684
facilities for use by consumers to remove soil or dirt from 19685
towels, linens, articles of clothing, or other fabric items. 19686

(CC) "Magazines distributed as controlled circulation 19687
publications" means magazines containing at least twenty-four 19688
pages, at least twenty-five per cent editorial content, issued at 19689
regular intervals four or more times a year, and circulated 19690
without charge to the recipient, provided that such magazines are 19691
not owned or controlled by individuals or business concerns which 19692

conduct such publications as an auxiliary to, and essentially for 19693
the advancement of the main business or calling of, those who own 19694
or control them. 19695

(DD) "Landscaping and lawn care service" means the services 19696
of planting, seeding, sodding, removing, cutting, trimming, 19697
pruning, mulching, aerating, applying chemicals, watering, 19698
fertilizing, and providing similar services to establish, promote, 19699
or control the growth of trees, shrubs, flowers, grass, ground 19700
cover, and other flora, or otherwise maintaining a lawn or 19701
landscape grown or maintained by the owner for ornamentation or 19702
other nonagricultural purpose. However, "landscaping and lawn care 19703
service" does not include the providing of such services by a 19704
person who has less than five thousand dollars in sales of such 19705
services during the calendar year. 19706

(EE) "Private investigation and security service" means the 19707
performance of any activity for which the provider of such service 19708
is required to be licensed pursuant to Chapter 4749. of the 19709
Revised Code, or would be required to be so licensed in performing 19710
such services in this state, and also includes the services of 19711
conducting polygraph examinations and of monitoring or overseeing 19712
the activities on or in, or the condition of, the consumer's home, 19713
business, or other facility by means of electronic or similar 19714
monitoring devices. "Private investigation and security service" 19715
does not include special duty services provided by off-duty police 19716
officers, deputy sheriffs, and other peace officers regularly 19717
employed by the state or a political subdivision. 19718

(FF) "Information services" means providing conversation, 19719
giving consultation or advice, playing or making a voice or other 19720
recording, making or keeping a record of the number of callers, 19721
and any other service provided to a consumer by means of a nine 19722
hundred telephone call, except when the nine hundred telephone 19723
call is the means by which the consumer makes a contribution to a 19724

recognized charity. 19725

(GG) "Research and development" means designing, creating, or 19726
formulating new or enhanced products, equipment, or manufacturing 19727
processes, and also means conducting scientific or technological 19728
inquiry and experimentation in the physical sciences with the goal 19729
of increasing scientific knowledge which may reveal the bases for 19730
new or enhanced products, equipment, or manufacturing processes. 19731

(HH) "Qualified research and development equipment" means 19732
capitalized tangible personal property, and leased personal 19733
property that would be capitalized if purchased, used by a person 19734
primarily to perform research and development. Tangible personal 19735
property primarily used in testing, as defined in division (A)(4) 19736
of section 5739.011 of the Revised Code, or used for recording or 19737
storing test results, is not qualified research and development 19738
equipment unless such property is primarily used by the consumer 19739
in testing the product, equipment, or manufacturing process being 19740
created, designed, or formulated by the consumer in the research 19741
and development activity or in recording or storing such test 19742
results. 19743

(II) "Building maintenance and janitorial service" means 19744
cleaning the interior or exterior of a building and any tangible 19745
personal property located therein or thereon, including any 19746
services incidental to such cleaning for which no separate charge 19747
is made. However, "building maintenance and janitorial service" 19748
does not include the providing of such service by a person who has 19749
less than five thousand dollars in sales of such service during 19750
the calendar year. 19751

(JJ) "Employment service" means providing or supplying 19752
personnel, on a temporary or long-term basis, to perform work or 19753
labor under the supervision or control of another, when the 19754
personnel so provided or supplied receive their wages, salary, or 19755
other compensation from the provider or supplier of the employment 19756

service or from a third party that provided or supplied the 19757
personnel to the provider or supplier. "Employment service" does 19758
not include: 19759

(1) Acting as a contractor or subcontractor, where the 19760
personnel performing the work are not under the direct control of 19761
the purchaser. 19762

(2) Medical and health care services. 19763

(3) Supplying personnel to a purchaser pursuant to a contract 19764
of at least one year between the service provider and the 19765
purchaser that specifies that each employee covered under the 19766
contract is assigned to the purchaser on a permanent basis. 19767

(4) Transactions between members of an affiliated group, as 19768
defined in division (B)(3)(e) of this section. 19769

(5) Transactions where the personnel so provided or supplied 19770
by a provider or supplier to a purchaser of an employment service 19771
are then provided or supplied by that purchaser to a third party 19772
as an employment service, except "employment service" does include 19773
the transaction between that purchaser and the third party. 19774

(KK) "Employment placement service" means locating or finding 19775
employment for a person or finding or locating an employee to fill 19776
an available position. 19777

(LL) "Exterminating service" means eradicating or attempting 19778
to eradicate vermin infestations from a building or structure, or 19779
the area surrounding a building or structure, and includes 19780
activities to inspect, detect, or prevent vermin infestation of a 19781
building or structure. 19782

(MM) "Physical fitness facility service" means all 19783
transactions by which a membership is granted, maintained, or 19784
renewed, including initiation fees, membership dues, renewal fees, 19785
monthly minimum fees, and other similar fees and dues, by a 19786

physical fitness facility such as an athletic club, health spa, or 19787
gymnasium, which entitles the member to use the facility for 19788
physical exercise. 19789

(NN) "Recreation and sports club service" means all 19790
transactions by which a membership is granted, maintained, or 19791
renewed, including initiation fees, membership dues, renewal fees, 19792
monthly minimum fees, and other similar fees and dues, by a 19793
recreation and sports club, which entitles the member to use the 19794
facilities of the organization. "Recreation and sports club" means 19795
an organization that has ownership of, or controls or leases on a 19796
continuing, long-term basis, the facilities used by its members 19797
and includes an aviation club, gun or shooting club, yacht club, 19798
card club, swimming club, tennis club, golf club, country club, 19799
riding club, amateur sports club, or similar organization. 19800

(OO) "Livestock" means farm animals commonly raised for food 19801
or food production, and includes but is not limited to cattle, 19802
sheep, goats, swine, and poultry. "Livestock" does not include 19803
invertebrates, fish, amphibians, reptiles, horses, domestic pets, 19804
animals for use in laboratories or for exhibition, or other 19805
animals not commonly raised for food or food production. 19806

(PP) "Livestock structure" means a building or structure used 19807
exclusively for the housing, raising, feeding, or sheltering of 19808
livestock, and includes feed storage or handling structures and 19809
structures for livestock waste handling. 19810

(QQ) "Horticulture" means the growing, cultivation, and 19811
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 19812
and nursery stock. As used in this division, "nursery stock" has 19813
the same meaning as in section 927.51 of the Revised Code. 19814

(RR) "Horticulture structure" means a building or structure 19815
used exclusively for the commercial growing, raising, or 19816
overwintering of horticultural products, and includes the area 19817

used for stocking, storing, and packing horticultural products 19818
when done in conjunction with the production of those products. 19819

(SS) "Newspaper" means an unbound publication bearing a title 19820
or name that is regularly published, at least as frequently as 19821
biweekly, and distributed from a fixed place of business to the 19822
public in a specific geographic area, and that contains a 19823
substantial amount of news matter of international, national, or 19824
local events of interest to the general public. 19825

(TT) "Professional racing team" means a person that employs 19826
at least twenty full-time employees for the purpose of conducting 19827
a motor vehicle racing business for profit. The person must 19828
conduct the business with the purpose of racing one or more motor 19829
racing vehicles in at least ten competitive professional racing 19830
events each year that comprise all or part of a motor racing 19831
series sanctioned by one or more motor racing sanctioning 19832
organizations. A "motor racing vehicle" means a vehicle for which 19833
the chassis, engine, and parts are designed exclusively for motor 19834
racing, and does not include a stock or production model vehicle 19835
that may be modified for use in racing. For the purposes of this 19836
division: 19837

(1) A "competitive professional racing event" is a motor 19838
vehicle racing event sanctioned by one or more motor racing 19839
sanctioning organizations, at which aggregate cash prizes in 19840
excess of eight hundred thousand dollars are awarded to the 19841
competitors. 19842

(2) "Full-time employee" means an individual who is employed 19843
for consideration for thirty-five or more hours a week, or who 19844
renders any other standard of service generally accepted by custom 19845
or specified by contract as full-time employment. 19846

(UU)(1) "Lease" or "rental" means any transfer of the 19847
possession or control of tangible personal property for a fixed or 19848

indefinite term, for consideration. "Lease" or "rental" includes 19849
future options to purchase or extend, and agreements described in 19850
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 19851
the amount of consideration may be increased or decreased by 19852
reference to the amount realized upon the sale or disposition of 19853
the property. "Lease" or "rental" does not include: 19854

(a) A transfer of possession or control of tangible personal 19855
property under a security agreement or a deferred payment plan 19856
that requires the transfer of title upon completion of the 19857
required payments; 19858

(b) A transfer of possession or control of tangible personal 19859
property under an agreement that requires the transfer of title 19860
upon completion of required payments and payment of an option 19861
price that does not exceed the greater of one hundred dollars or 19862
one per cent of the total required payments; 19863

(c) Providing tangible personal property along with an 19864
operator for a fixed or indefinite period of time, if the operator 19865
is necessary for the property to perform as designed. For purposes 19866
of this division, the operator must do more than maintain, 19867
inspect, or set-up the tangible personal property. 19868

(2) "Lease" and "rental," as defined in division (UU) of this 19869
section, shall not apply to leases or rentals that exist before 19870
June 26, 2003. 19871

(3) "Lease" and "rental" have the same meaning as in division 19872
(UU)(1) of this section regardless of whether a transaction is 19873
characterized as a lease or rental under generally accepted 19874
accounting principles, the Internal Revenue Code, Title XIII of 19875
the Revised Code, or other federal, state, or local laws. 19876

(VV) "Mobile telecommunications service" has the same meaning 19877
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 19878
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 19879

on and after August 1, 2003, includes related fees and ancillary 19880
services, including universal service fees, detailed billing 19881
service, directory assistance, service initiation, voice mail 19882
service, and vertical services, such as caller ID and three-way 19883
calling. 19884

(WW) "Certified service provider" has the same meaning as in 19885
section 5740.01 of the Revised Code. 19886

(XX) "Satellite broadcasting service" means the distribution 19887
or broadcasting of programming or services by satellite directly 19888
to the subscriber's receiving equipment without the use of ground 19889
receiving or distribution equipment, except the subscriber's 19890
receiving equipment or equipment used in the uplink process to the 19891
satellite, and includes all service and rental charges, premium 19892
channels or other special services, installation and repair 19893
service charges, and any other charges having any connection with 19894
the provision of the satellite broadcasting service. 19895

(YY) "Tangible personal property" means personal property 19896
that can be seen, weighed, measured, felt, or touched, or that is 19897
in any other manner perceptible to the senses. For purposes of 19898
this chapter and Chapter 5741. of the Revised Code, "tangible 19899
personal property" includes motor vehicles, electricity, water, 19900
gas, steam, and prewritten computer software. 19901

(ZZ) "Direct mail" means printed material delivered or 19902
distributed by United States mail or other delivery service to a 19903
mass audience or to addressees on a mailing list provided by the 19904
consumer or at the direction of the consumer when the cost of the 19905
items are not billed directly to the recipients. "Direct mail" 19906
includes tangible personal property supplied directly or 19907
indirectly by the consumer to the direct mail vendor for inclusion 19908
in the package containing the printed material. "Direct mail" does 19909
not include multiple items of printed material delivered to a 19910
single address. 19911

(AAA) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

(BBB) "Computer software" means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.

(CCC) "Delivered electronically" means delivery of computer software from the seller to the purchaser by means other than tangible storage media.

(DDD) "Prewritten computer software" means computer software, including prewritten upgrades, that is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. "Prewritten computer software" includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. If a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software; provided, however, that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for the modification or enhancement, the modification or enhancement shall not constitute prewritten computer software.

(EEE)(1) "Food" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are

sold for ingestion or chewing by humans and are consumed for their 19944
taste or nutritional value. "Food" does not include alcoholic 19945
beverages, dietary supplements, soft drinks, or tobacco. 19946

(2) As used in division (EEE)(1) of this section: 19947

(a) "Alcoholic beverages" means beverages that are suitable 19948
for human consumption and contain one-half of one per cent or more 19949
of alcohol by volume. 19950

(b) "Dietary supplements" means any product, other than 19951
tobacco, that is intended to supplement the diet and that is 19952
intended for ingestion in tablet, capsule, powder, softgel, 19953
gelcap, or liquid form, or, if not intended for ingestion in such 19954
a form, is not represented as conventional food for use as a sole 19955
item of a meal or of the diet; that is required to be labeled as a 19956
dietary supplement, identifiable by the "supplement facts" box 19957
found on the label, as required by 21 C.F.R. 101.36; and that 19958
contains one or more of the following dietary ingredients: 19959

(i) A vitamin; 19960

(ii) A mineral; 19961

(iii) An herb or other botanical; 19962

(iv) An amino acid; 19963

(v) A dietary substance for use by humans to supplement the 19964
diet by increasing the total dietary intake; 19965

(vi) A concentrate, metabolite, constituent, extract, or 19966
combination of any ingredient described in divisions 19967
(EEE)(2)(b)(i) to (v) of this section. 19968

(c) "Soft drinks" means nonalcoholic beverages that contain 19969
natural or artificial sweeteners. "Soft drinks" does not include 19970
beverages that contain milk or milk products, soy, rice, or 19971
similar milk substitutes, or that contains greater than fifty per 19972
cent vegetable or fruit juice by volume. 19973

(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco. 19974
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(FFF) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food, dietary supplements, or alcoholic beverages that is recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, and supplements to them; is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or is intended to affect the structure or any function of the body. 19976
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(GGG) "Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this state to issue a prescription. 19985
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(HHH) "Durable medical equipment" means equipment, including repair and replacement parts for such equipment, that can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury, and is not worn in or on the body. "Durable medical equipment" does not include mobility enhancing equipment. 19989
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(III) "Mobility enhancing equipment" means equipment, including repair and replacement parts for such equipment, that is primarily and customarily used to provide or increase the ability to move from one place to another and is appropriate for use either in a home or a motor vehicle, that is not generally used by persons with normal mobility, and that does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer. "Mobility enhancing equipment" does not include durable medical equipment. 19996
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(JJJ) "Prosthetic device" means a replacement, corrective, or supportive device, including repair and replacement parts for the device, worn on or in the human body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction, or support a weak or deformed portion of the body. As used in this division, "prosthetic device" does not include corrective eyeglasses, contact lenses, or dental prosthesis.

(KKK)(1) "Fractional aircraft ownership program" means a program in which persons within an affiliated group sell and manage fractional ownership program aircraft, provided that at least one hundred airworthy aircraft are operated in the program and the program meets all of the following criteria:

(a) Management services are provided by at least one program manager within an affiliated group on behalf of the fractional owners.

(b) Each program aircraft is owned or possessed by at least one fractional owner.

(c) Each fractional owner owns or possesses at least a one-sixteenth interest in at least one fixed-wing program aircraft.

(d) A dry-lease aircraft interchange arrangement is in effect among all of the fractional owners.

(e) Multi-year program agreements are in effect regarding the fractional ownership, management services, and dry-lease aircraft interchange arrangement aspects of the program.

(2) As used in division (KKK)(1) of this section:

(a) "Affiliated group" has the same meaning as in division (B)(3)(e) of this section.

(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 20035
this section. 20036

(c) "Fractional ownership program aircraft" or "program 20037
aircraft" means a turbojet aircraft that is owned or possessed by 20038
a fractional owner and that has been included in a dry-lease 20039
aircraft interchange arrangement and agreement under divisions 20040
(KKK)(1)(d) and (e) of this section, or an aircraft a program 20041
manager owns or possesses primarily for use in a fractional 20042
aircraft ownership program. 20043

(d) "Management services" means administrative and aviation 20044
support services furnished under a fractional aircraft ownership 20045
program in accordance with a management services agreement under 20046
division (KKK)(1)(e) of this section, and offered by the program 20047
manager to the fractional owners, including, at a minimum, the 20048
establishment and implementation of safety guidelines; the 20049
coordination of the scheduling of the program aircraft and crews; 20050
program aircraft maintenance; program aircraft insurance; crew 20051
training for crews employed, furnished, or contracted by the 20052
program manager or the fractional owner; the satisfaction of 20053
record-keeping requirements; and the development and use of an 20054
operations manual and a maintenance manual for the fractional 20055
aircraft ownership program. 20056

(e) "Program manager" means the person that offers management 20057
services to fractional owners pursuant to a management services 20058
agreement under division (KKK)(1)(e) of this section. 20059

(LLL) "Electronic publishing" means providing access to one 20060
or more of the following primarily for business customers, 20061
including the federal government or a state government or a 20062
political subdivision thereof, to conduct research: news; 20063
business, financial, legal, consumer, or credit materials; 20064
editorials, columns, reader commentary, or features; photos or 20065
images; archival or research material; legal notices, identity 20066

verification, or public records; scientific, educational, 20067
instructional, technical, professional, trade, or other literary 20068
materials; or other similar information which has been gathered 20069
and made available by the provider to the consumer in an 20070
electronic format. Providing electronic publishing includes the 20071
functions necessary for the acquisition, formatting, editing, 20072
storage, and dissemination of data or information that is the 20073
subject of a sale. 20074

Sec. 5739.02. For the purpose of providing revenue with which 20075
to meet the needs of the state, for the use of the general revenue 20076
fund of the state, for the purpose of securing a thorough and 20077
efficient system of common schools throughout the state, for the 20078
purpose of affording revenues, in addition to those from general 20079
property taxes, permitted under constitutional limitations, and 20080
from other sources, for the support of local governmental 20081
functions, and for the purpose of reimbursing the state for the 20082
expense of administering this chapter, an excise tax is hereby 20083
levied on each retail sale made in this state. 20084

(A)(1) The tax shall be collected as provided in section 20085
5739.025 of the Revised Code, ~~provided that on and after July 1,~~ 20086
~~2003, and on or before June 30, 2005, the rate of tax shall be six~~ 20087
~~per cent. On and after July 1, 2005, the~~ The rate of the tax 20088
shall be five and one-half per cent. The tax applies and is 20089
collectible when the sale is made, regardless of the time when the 20090
price is paid or delivered. 20091

(2) In the case of the lease or rental, with a fixed term of 20092
more than thirty days or an indefinite term with a minimum period 20093
of more than thirty days, of any motor vehicles designed by the 20094
manufacturer to carry a load of not more than one ton, watercraft, 20095
outboard motor, or aircraft, or of any tangible personal property, 20096
other than motor vehicles designed by the manufacturer to carry a 20097

load of more than one ton, to be used by the lessee or renter 20098
primarily for business purposes, the tax shall be collected by the 20099
vendor at the time the lease or rental is consummated and shall be 20100
calculated by the vendor on the basis of the total amount to be 20101
paid by the lessee or renter under the lease agreement. If the 20102
total amount of the consideration for the lease or rental includes 20103
amounts that are not calculated at the time the lease or rental is 20104
executed, the tax shall be calculated and collected by the vendor 20105
at the time such amounts are billed to the lessee or renter. In 20106
the case of an open-end lease or rental, the tax shall be 20107
calculated by the vendor on the basis of the total amount to be 20108
paid during the initial fixed term of the lease or rental, and for 20109
each subsequent renewal period as it comes due. As used in this 20110
division, "motor vehicle" has the same meaning as in section 20111
4501.01 of the Revised Code, and "watercraft" includes an outdrive 20112
unit attached to the watercraft. 20113

A lease with a renewal clause and a termination penalty or 20114
similar provision that applies if the renewal clause is not 20115
exercised is presumed to be a sham transaction. In such a case, 20116
the tax shall be calculated and paid on the basis of the entire 20117
length of the lease period, including any renewal periods, until 20118
the termination penalty or similar provision no longer applies. 20119
The taxpayer shall bear the burden, by a preponderance of the 20120
evidence, that the transaction or series of transactions is not a 20121
sham transaction. 20122

(3) Except as provided in division (A)(2) of this section, in 20123
the case of a sale, the price of which consists in whole or in 20124
part of the lease or rental of tangible personal property, the tax 20125
shall be measured by the installments of that lease or rental. 20126

(4) In the case of a sale of a physical fitness facility 20127
service or recreation and sports club service, the price of which 20128
consists in whole or in part of a membership for the receipt of 20129

the benefit of the service, the tax applicable to the sale shall 20130
be measured by the installments thereof. 20131

(B) The tax does not apply to the following: 20132

(1) Sales to the state or any of its political subdivisions, 20133
or to any other state or its political subdivisions if the laws of 20134
that state exempt from taxation sales made to this state and its 20135
political subdivisions; 20136

(2) Sales of food for human consumption off the premises 20137
where sold; 20138

(3) Sales of food sold to students only in a cafeteria, 20139
dormitory, fraternity, or sorority maintained in a private, 20140
public, or parochial school, college, or university; 20141

(4) Sales of newspapers and of magazine subscriptions and 20142
sales or transfers of magazines distributed as controlled 20143
circulation publications; 20144

(5) The furnishing, preparing, or serving of meals without 20145
charge by an employer to an employee provided the employer records 20146
the meals as part compensation for services performed or work 20147
done; 20148

(6) Sales of motor fuel upon receipt, use, distribution, or 20149
sale of which in this state a tax is imposed by the law of this 20150
state, but this exemption shall not apply to the sale of motor 20151
fuel on which a refund of the tax is allowable under division (A) 20152
of section 5735.14 of the Revised Code; and the tax commissioner 20153
may deduct the amount of tax levied by this section applicable to 20154
the price of motor fuel when granting a refund of motor fuel tax 20155
pursuant to division (A) of section 5735.14 of the Revised Code 20156
and shall cause the amount deducted to be paid into the general 20157
revenue fund of this state; 20158

(7) Sales of natural gas by a natural gas company, of water 20159

by a water-works company, or of steam by a heating company, if in 20160
each case the thing sold is delivered to consumers through pipes 20161
or conduits, and all sales of communications services by a 20162
telegraph company, all terms as defined in section 5727.01 of the 20163
Revised Code, and sales of electricity delivered through wires; 20164

(8) Casual sales by a person, or auctioneer employed directly 20165
by the person to conduct such sales, except as to such sales of 20166
motor vehicles, watercraft or outboard motors required to be 20167
titled under section 1548.06 of the Revised Code, watercraft 20168
documented with the United States coast guard, snowmobiles, and 20169
all-purpose vehicles as defined in section 4519.01 of the Revised 20170
Code; 20171

(9)(a) Sales of services or tangible personal property, other 20172
than motor vehicles, mobile homes, and manufactured homes, by 20173
churches, organizations exempt from taxation under section 20174
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 20175
organizations operated exclusively for charitable purposes as 20176
defined in division (B)(12) of this section, provided that the 20177
number of days on which such tangible personal property or 20178
services, other than items never subject to the tax, are sold does 20179
not exceed six in any calendar year, except as otherwise provided 20180
in division (B)(9)(b) of this section. If the number of days on 20181
which such sales are made exceeds six in any calendar year, the 20182
church or organization shall be considered to be engaged in 20183
business and all subsequent sales by it shall be subject to the 20184
tax. In counting the number of days, all sales by groups within a 20185
church or within an organization shall be considered to be sales 20186
of that church or organization. 20187

(b) The limitation on the number of days on which tax-exempt 20188
sales may be made by a church or organization under division 20189
(B)(9)(a) of this section does not apply to sales made by student 20190
clubs and other groups of students of a primary or secondary 20191

school, or a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school.

(c) Divisions (B)(9)(a) and (b) of this section do not apply to sales by a noncommercial educational radio or television broadcasting station.

(10) Sales not within the taxing power of this state under the Constitution of the United States;

(11) Except for transactions that are sales under division (B)(3)(r) of section 5739.01 of the Revised Code, the transportation of persons or property, unless the transportation is by a private investigation and security service;

(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 20223
noncommercial educational radio or television station; the 20224
operation of a nonprofit animal adoption service or a county 20225
humane society; the promotion of education by an institution of 20226
learning that maintains a faculty of qualified instructors, 20227
teaches regular continuous courses of study, and confers a 20228
recognized diploma upon completion of a specific curriculum; the 20229
operation of a parent-teacher association, booster group, or 20230
similar organization primarily engaged in the promotion and 20231
support of the curricular or extracurricular activities of a 20232
primary or secondary school; the operation of a community or area 20233
center in which presentations in music, dramatics, the arts, and 20234
related fields are made in order to foster public interest and 20235
education therein; the production of performances in music, 20236
dramatics, and the arts; or the promotion of education by an 20237
organization engaged in carrying on research in, or the 20238
dissemination of, scientific and technological knowledge and 20239
information primarily for the public. 20240

Nothing in this division shall be deemed to exempt sales to 20241
any organization for use in the operation or carrying on of a 20242
trade or business, or sales to a home for the aged for use in the 20243
operation of independent living facilities as defined in division 20244
(A) of section 5709.12 of the Revised Code. 20245

(13) Building and construction materials and services sold to 20246
construction contractors for incorporation into a structure or 20247
improvement to real property under a construction contract with 20248
this state or a political subdivision of this state, or with the 20249
United States government or any of its agencies; building and 20250
construction materials and services sold to construction 20251
contractors for incorporation into a structure or improvement to 20252
real property that are accepted for ownership by this state or any 20253
of its political subdivisions, or by the United States government 20254

or any of its agencies at the time of completion of the structures 20255
or improvements; building and construction materials sold to 20256
construction contractors for incorporation into a horticulture 20257
structure or livestock structure for a person engaged in the 20258
business of horticulture or producing livestock; building 20259
materials and services sold to a construction contractor for 20260
incorporation into a house of public worship or religious 20261
education, or a building used exclusively for charitable purposes 20262
under a construction contract with an organization whose purpose 20263
is as described in division (B)(12) of this section; building 20264
materials and services sold to a construction contractor for 20265
incorporation into a building under a construction contract with 20266
an organization exempt from taxation under section 501(c)(3) of 20267
the Internal Revenue Code of 1986 when the building is to be used 20268
exclusively for the organization's exempt purposes; building and 20269
construction materials sold for incorporation into the original 20270
construction of a sports facility under section 307.696 of the 20271
Revised Code; and building and construction materials and services 20272
sold to a construction contractor for incorporation into real 20273
property outside this state if such materials and services, when 20274
sold to a construction contractor in the state in which the real 20275
property is located for incorporation into real property in that 20276
state, would be exempt from a tax on sales levied by that state; 20277

(14) Sales of ships or vessels or rail rolling stock used or 20278
to be used principally in interstate or foreign commerce, and 20279
repairs, alterations, fuel, and lubricants for such ships or 20280
vessels or rail rolling stock; 20281

(15) Sales to persons primarily engaged in any of the 20282
activities mentioned in division (B)(42)(a) or (g) of this 20283
section, to persons engaged in making retail sales, or to persons 20284
who purchase for sale from a manufacturer tangible personal 20285
property that was produced by the manufacturer in accordance with 20286

specific designs provided by the purchaser, of packages, including 20287
material, labels, and parts for packages, and of machinery, 20288
equipment, and material for use primarily in packaging tangible 20289
personal property produced for sale, including any machinery, 20290
equipment, and supplies used to make labels or packages, to 20291
prepare packages or products for labeling, or to label packages or 20292
products, by or on the order of the person doing the packaging, or 20293
sold at retail. "Packages" includes bags, baskets, cartons, 20294
crates, boxes, cans, bottles, bindings, wrappings, and other 20295
similar devices and containers, but does not include motor 20296
vehicles or bulk tanks, trailers, or similar devices attached to 20297
motor vehicles. "Packaging" means placing in a package. Division 20298
(B)(15) of this section does not apply to persons engaged in 20299
highway transportation for hire. 20300

(16) Sales of food to persons using food stamp benefits to 20301
purchase the food. As used in this division, "food" has the same 20302
meaning as in the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 20303
2012, as amended, and federal regulations adopted pursuant to that 20304
act. 20305

(17) Sales to persons engaged in farming, agriculture, 20306
horticulture, or floriculture, of tangible personal property for 20307
use or consumption directly in the production by farming, 20308
agriculture, horticulture, or floriculture of other tangible 20309
personal property for use or consumption directly in the 20310
production of tangible personal property for sale by farming, 20311
agriculture, horticulture, or floriculture; or material and parts 20312
for incorporation into any such tangible personal property for use 20313
or consumption in production; and of tangible personal property 20314
for such use or consumption in the conditioning or holding of 20315
products produced by and for such use, consumption, or sale by 20316
persons engaged in farming, agriculture, horticulture, or 20317
floriculture, except where such property is incorporated into real 20318

property;	20319
(18) Sales of drugs for a human being that may be dispensed	20320
only pursuant to a prescription; insulin as recognized in the	20321
official United States pharmacopoeia; urine and blood testing	20322
materials when used by diabetics or persons with hypoglycemia to	20323
test for glucose or acetone; hypodermic syringes and needles when	20324
used by diabetics for insulin injections; epoetin alfa when	20325
purchased for use in the treatment of persons with medical	20326
disease; hospital beds when purchased by hospitals, nursing homes,	20327
or other medical facilities; and medical oxygen and medical	20328
oxygen-dispensing equipment when purchased by hospitals, nursing	20329
homes, or other medical facilities;	20330
(19) Sales of prosthetic devices, durable medical equipment	20331
for home use, or mobility enhancing equipment, when made pursuant	20332
to a prescription and when such devices or equipment are for use	20333
by a human being.	20334
(20) Sales of emergency and fire protection vehicles and	20335
equipment to nonprofit organizations for use solely in providing	20336
fire protection and emergency services, including trauma care and	20337
emergency medical services, for political subdivisions of the	20338
state;	20339
(21) Sales of tangible personal property manufactured in this	20340
state, if sold by the manufacturer in this state to a retailer for	20341
use in the retail business of the retailer outside of this state	20342
and if possession is taken from the manufacturer by the purchaser	20343
within this state for the sole purpose of immediately removing the	20344
same from this state in a vehicle owned by the purchaser;	20345
(22) Sales of services provided by the state or any of its	20346
political subdivisions, agencies, instrumentalities, institutions,	20347
or authorities, or by governmental entities of the state or any of	20348
its political subdivisions, agencies, instrumentalities,	20349

institutions, or authorities;	20350
(23) Sales of motor vehicles to nonresidents of this state	20351
under the circumstances described in division (B) of section	20352
5739.029 of the Revised Code;	20353
(24) Sales to persons engaged in the preparation of eggs for	20354
sale of tangible personal property used or consumed directly in	20355
such preparation, including such tangible personal property used	20356
for cleaning, sanitizing, preserving, grading, sorting, and	20357
classifying by size; packages, including material and parts for	20358
packages, and machinery, equipment, and material for use in	20359
packaging eggs for sale; and handling and transportation equipment	20360
and parts therefor, except motor vehicles licensed to operate on	20361
public highways, used in intraplant or interplant transfers or	20362
shipment of eggs in the process of preparation for sale, when the	20363
plant or plants within or between which such transfers or	20364
shipments occur are operated by the same person. "Packages"	20365
includes containers, cases, baskets, flats, fillers, filler flats,	20366
cartons, closure materials, labels, and labeling materials, and	20367
"packaging" means placing therein.	20368
(25)(a) Sales of water to a consumer for residential use,	20369
except the sale of bottled water, distilled water, mineral water,	20370
carbonated water, or ice;	20371
(b) Sales of water by a nonprofit corporation engaged	20372
exclusively in the treatment, distribution, and sale of water to	20373
consumers, if such water is delivered to consumers through pipes	20374
or tubing.	20375
(26) Fees charged for inspection or reinspection of motor	20376
vehicles under section 3704.14 of the Revised Code;	20377
(27) Sales to persons licensed to conduct a food service	20378
operation pursuant to section 3717.43 of the Revised Code, of	20379
tangible personal property primarily used directly for the	20380

following:	20381
(a) To prepare food for human consumption for sale;	20382
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	20383 20384 20385 20386
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	20387 20388
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	20389 20390
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	20391 20392 20393 20394
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	20395 20396 20397
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	20398 20399 20400
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;	20401 20402 20403 20404 20405 20406
(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the	20407 20408 20409 20410

headquarters;	20411
(34) Sales to a telecommunications service vendor, mobile	20412
telecommunications service vendor, or satellite broadcasting	20413
service vendor of tangible personal property and services used	20414
directly and primarily in transmitting, receiving, switching, or	20415
recording any interactive, one- or two-way electromagnetic	20416
communications, including voice, image, data, and information,	20417
through the use of any medium, including, but not limited to,	20418
poles, wires, cables, switching equipment, computers, and record	20419
storage devices and media, and component parts for the tangible	20420
personal property. The exemption provided in this division shall	20421
be in lieu of all other exemptions under division (B)(42)(a) of	20422
this section to which the vendor may otherwise be entitled, based	20423
upon the use of the thing purchased in providing the	20424
telecommunications, mobile telecommunications, or satellite	20425
broadcasting service.	20426
(35)(a) Sales where the purpose of the consumer is to use or	20427
consume the things transferred in making retail sales and	20428
consisting of newspaper inserts, catalogues, coupons, flyers, gift	20429
certificates, or other advertising material that prices and	20430
describes tangible personal property offered for retail sale.	20431
(b) Sales to direct marketing vendors of preliminary	20432
materials such as photographs, artwork, and typesetting that will	20433
be used in printing advertising material; of printed matter that	20434
offers free merchandise or chances to win sweepstake prizes and	20435
that is mailed to potential customers with advertising material	20436
described in division (B)(35)(a) of this section; and of equipment	20437
such as telephones, computers, facsimile machines, and similar	20438
tangible personal property primarily used to accept orders for	20439
direct marketing retail sales.	20440
(c) Sales of automatic food vending machines that preserve	20441
food with a shelf life of forty-five days or less by refrigeration	20442

and dispense it to the consumer. 20443

For purposes of division (B)(35) of this section, "direct 20444
marketing" means the method of selling where consumers order 20445
tangible personal property by United States mail, delivery 20446
service, or telecommunication and the vendor delivers or ships the 20447
tangible personal property sold to the consumer from a warehouse, 20448
catalogue distribution center, or similar fulfillment facility by 20449
means of the United States mail, delivery service, or common 20450
carrier. 20451

(36) Sales to a person engaged in the business of 20452
horticulture or producing livestock of materials to be 20453
incorporated into a horticulture structure or livestock structure; 20454

(37) Sales of personal computers, computer monitors, computer 20455
keyboards, modems, and other peripheral computer equipment to an 20456
individual who is licensed or certified to teach in an elementary 20457
or a secondary school in this state for use by that individual in 20458
preparation for teaching elementary or secondary school students; 20459

(38) Sales to a professional racing team of any of the 20460
following: 20461

(a) Motor racing vehicles; 20462

(b) Repair services for motor racing vehicles; 20463

(c) Items of property that are attached to or incorporated in 20464
motor racing vehicles, including engines, chassis, and all other 20465
components of the vehicles, and all spare, replacement, and 20466
rebuilt parts or components of the vehicles; except not including 20467
tires, consumable fluids, paint, and accessories consisting of 20468
instrumentation sensors and related items added to the vehicle to 20469
collect and transmit data by means of telemetry and other forms of 20470
communication. 20471

(39) Sales of used manufactured homes and used mobile homes, 20472

as defined in section 5739.0210 of the Revised Code, made on or 20473
after January 1, 2000; 20474

(40) Sales of tangible personal property and services to a 20475
provider of electricity used or consumed directly and primarily in 20476
generating, transmitting, or distributing electricity for use by 20477
others, including property that is or is to be incorporated into 20478
and will become a part of the consumer's production, transmission, 20479
or distribution system and that retains its classification as 20480
tangible personal property after incorporation; fuel or power used 20481
in the production, transmission, or distribution of electricity; 20482
and tangible personal property and services used in the repair and 20483
maintenance of the production, transmission, or distribution 20484
system, including only those motor vehicles as are specially 20485
designed and equipped for such use. The exemption provided in this 20486
division shall be in lieu of all other exemptions in division 20487
(B)(42)(a) of this section to which a provider of electricity may 20488
otherwise be entitled based on the use of the tangible personal 20489
property or service purchased in generating, transmitting, or 20490
distributing electricity. 20491

(41) Sales to a person providing services under division 20492
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 20493
personal property and services used directly and primarily in 20494
providing taxable services under that section. 20495

(42) Sales where the purpose of the purchaser is to do any of 20496
the following: 20497

(a) To incorporate the thing transferred as a material or a 20498
part into tangible personal property to be produced for sale by 20499
manufacturing, assembling, processing, or refining; or to use or 20500
consume the thing transferred directly in producing tangible 20501
personal property for sale by mining, including, without 20502
limitation, the extraction from the earth of all substances that 20503
are classed geologically as minerals, production of crude oil and 20504

natural gas, farming, agriculture, horticulture, or floriculture, 20505
or directly in the rendition of a public utility service, except 20506
that the sales tax levied by this section shall be collected upon 20507
all meals, drinks, and food for human consumption sold when 20508
transporting persons. Persons engaged in rendering farming, 20509
agricultural, horticultural, or floricultural services, and 20510
services in the exploration for, and production of, crude oil and 20511
natural gas, for others are deemed engaged directly in farming, 20512
agriculture, horticulture, and floriculture, or exploration for, 20513
and production of, crude oil and natural gas. This paragraph does 20514
not exempt from "retail sale" or "sales at retail" the sale of 20515
tangible personal property that is to be incorporated into a 20516
structure or improvement to real property. 20517

(b) To hold the thing transferred as security for the 20518
performance of an obligation of the vendor; 20519

(c) To resell, hold, use, or consume the thing transferred as 20520
evidence of a contract of insurance; 20521

(d) To use or consume the thing directly in commercial 20522
fishing; 20523

(e) To incorporate the thing transferred as a material or a 20524
part into, or to use or consume the thing transferred directly in 20525
the production of, magazines distributed as controlled circulation 20526
publications; 20527

(f) To use or consume the thing transferred in the production 20528
and preparation in suitable condition for market and sale of 20529
printed, imprinted, overprinted, lithographic, multilithic, 20530
blueprinted, photostatic, or other productions or reproductions of 20531
written or graphic matter; 20532

(g) To use the thing transferred, as described in section 20533
5739.011 of the Revised Code, primarily in a manufacturing 20534
operation to produce tangible personal property for sale; 20535

(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;

(i) To use the thing transferred as qualified research and development equipment;

(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. This division does not apply to motor vehicles registered for operation on the public highways. As used in this division, "affiliated group" has the same meaning as in division (B)(3)(e) of section 5739.01 of the Revised Code and "direct marketing" has the same meaning as in division (B)(35) of this section.

(k) To use or consume the thing transferred to fulfill a contractual obligation incurred by a warrantor pursuant to a warranty provided as a part of the price of the tangible personal property sold or by a vendor of a warranty, maintenance or service contract, or similar agreement the provision of which is defined as a sale under division (B)(7) of section 5739.01 of the Revised Code;

(l) To use or consume the thing transferred in the production of a newspaper for distribution to the public;

(m) To use tangible personal property to perform a service

listed in division (B)(3) of section 5739.01 of the Revised Code, 20567
if the property is or is to be permanently transferred to the 20568
consumer of the service as an integral part of the performance of 20569
the service. ~~i~~ 20570

(n) To use or consume the thing transferred in acquiring, 20571
formatting, editing, storing, and disseminating data or 20572
information by electronic publishing. 20573

As used in division (B)(42) of this section, "thing" includes 20574
all transactions included in divisions (B)(3)(a), (b), and (e) of 20575
section 5739.01 of the Revised Code. 20576

(43) Sales conducted through a coin operated device that 20577
activates vacuum equipment or equipment that dispenses water, 20578
whether or not in combination with soap or other cleaning agents 20579
or wax, to the consumer for the consumer's use on the premises in 20580
washing, cleaning, or waxing a motor vehicle, provided no other 20581
personal property or personal service is provided as part of the 20582
transaction. 20583

(44) Sales of replacement and modification parts for engines, 20584
airframes, instruments, and interiors in, and paint for, aircraft 20585
used primarily in a fractional aircraft ownership program, and 20586
sales of services for the repair, modification, and maintenance of 20587
such aircraft, and machinery, equipment, and supplies primarily 20588
used to provide those services. 20589

(45) Sales of telecommunications service that is used 20590
directly and primarily to perform the functions of a call center. 20591
As used in this division, "call center" means any physical 20592
location where telephone calls are placed or received in high 20593
volume for the purpose of making sales, marketing, customer 20594
service, technical support, or other specialized business 20595
activity, and that employs at least fifty individuals that engage 20596
in call center activities on a full-time basis, or sufficient 20597

individuals to fill fifty full-time equivalent positions. 20598

(46) Sales by a telecommunications service vendor of 900 20599
service to a subscriber. This division does not apply to 20600
information services, as defined in division (FF) of section 20601
5739.01 of the Revised Code. 20602

(47) Sales of value-added non-voice data service. This 20603
division does not apply to any similar service that is not 20604
otherwise a telecommunications service. 20605

(48)(a) Sales of machinery, equipment, and software to a 20606
qualified direct selling entity for use in a warehouse or 20607
distribution center primarily for storing, transporting, or 20608
otherwise handling inventory that is held for sale to independent 20609
salespersons who operate as direct sellers and that is held 20610
primarily for distribution outside this state; 20611

(b) As used in division (B)(48)(a) of this section: 20612

(i) "Direct seller" means a person selling consumer products 20613
to individuals for personal or household use and not from a fixed 20614
retail location, including selling such product at in-home product 20615
demonstrations, parties, and other one-on-one selling. 20616

(ii) "Qualified direct selling entity" means an entity 20617
selling to direct sellers at the time the entity enters into a tax 20618
credit agreement with the tax credit authority pursuant to section 20619
122.17 of the Revised Code, provided that the agreement was 20620
entered into on or after January 1, 2007. Neither contingencies 20621
relevant to the granting of, nor later developments with respect 20622
to, the tax credit shall impair the status of the qualified direct 20623
selling entity under division (B)(48) of this section after 20624
execution of the tax credit agreement by the tax credit authority. 20625

(c) Division (B)(48) of this section is limited to machinery, 20626
equipment, and software first stored, used, or consumed in this 20627
state within the period commencing with the effective date of the 20628

amendment of this section by the capital appropriations act of the 20629
127th general assembly and ending on the date that is five years 20630
after that effective date. 20631

(49) Sales of materials, parts, equipment, or engines used in 20632
the repair or maintenance of aircraft or avionics systems of such 20633
aircraft, and sales of repair, remodeling, replacement, or 20634
maintenance services at a federal aviation administration 20635
certified repair station in this state performed on aircraft or on 20636
an aircraft's avionics, engine, or component materials or parts. 20637
As used in division (B)(49) of this section, "aircraft" means 20638
aircraft of more than six thousand pounds maximum certified 20639
takeoff weight or used exclusively in general aviation. 20640

(50) Sales of full flight simulators that are used for pilot 20641
or flight-crew training, sales of repair or replacement parts or 20642
components, and sales of repair or maintenance services for such 20643
full flight simulators. "Full flight simulator" means a replica of 20644
a specific type, or make, model, and series of aircraft cockpit. 20645
It includes the assemblage of equipment and computer programs 20646
necessary to represent aircraft operations in ground and flight 20647
conditions, a visual system providing an out-of-the-cockpit view, 20648
and a system that provides cues at least equivalent to those of a 20649
three-degree-of-freedom motion system, and has the full range of 20650
capabilities of the systems installed in the device as described 20651
in appendices A and B of part 60 of chapter 1 of title 14 of the 20652
Code of Federal Regulations. 20653

20654

(C) For the purpose of the proper administration of this 20655
chapter, and to prevent the evasion of the tax, it is presumed 20656
that all sales made in this state are subject to the tax until the 20657
contrary is established. 20658

(D) The levy of this tax on retail sales of recreation and 20659
sports club service shall not prevent a municipal corporation from 20660

levying any tax on recreation and sports club dues or on any 20661
income generated by recreation and sports club dues. 20662

(E) The tax collected by the vendor from the consumer under 20663
this chapter is not part of the price, but is a tax collection for 20664
the benefit of the state, and of counties levying an additional 20665
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 20666
Code and of transit authorities levying an additional sales tax 20667
pursuant to section 5739.023 of the Revised Code. Except for the 20668
discount authorized under section 5739.12 of the Revised Code and 20669
the effects of any rounding pursuant to section 5703.055 of the 20670
Revised Code, no person other than the state or such a county or 20671
transit authority shall derive any benefit from the collection or 20672
payment of the tax levied by this section or section 5739.021, 20673
5739.023, or 5739.026 of the Revised Code. 20674

Sec. 5739.029. (A) Notwithstanding sections 5739.02, 20675
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 20676
5741.023 of the Revised Code, and except as otherwise provided in 20677
division (B) of this section, the tax due under this chapter on 20678
the sale of a motor vehicle required to be titled under Chapter 20679
4505. of the Revised Code by a motor vehicle dealer to a consumer 20680
that is a nonresident of this state shall be the lesser of the 20681
amount of tax that would be due under this chapter and Chapter 20682
5741. of the Revised Code if the total combined rate were six per 20683
cent, or the amount of tax that would be due~~7~~ to the state in 20684
which the consumer titles or registers the motor vehicle or to 20685
which the consumer removes the vehicle for use. 20686

(B) No tax is due under this section, any other section of 20687
this chapter, or Chapter 5741. of the Revised Code under any of 20688
the following circumstances: 20689

(1)(a) The consumer intends to immediately remove the motor 20690
vehicle from this state for use outside this state; 20691

(b) Upon removal of the motor vehicle from this state, the consumer intends to title or register the vehicle in another state if such titling or registration is required;

(c) The consumer executes an affidavit as required under division (C) of this section affirming the consumer's intentions under divisions (B)(1)(a) and (b) of this section; and

(d) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use provides an exemption under circumstances substantially similar to those described in division (B)(1) of this section.

(2) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use does not provide a credit against its sales or use tax or similar excise tax for sales or use tax paid to this state.

(3) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use does not impose a sales or use tax or similar excise tax on the ownership or use of motor vehicles.

(C) Any nonresident consumer that purchases a motor vehicle from a motor vehicle dealer in this state under the circumstances described in divisions (B)(1)(a) and (b) of this section shall execute an affidavit affirming the intentions described in those divisions. The affidavit shall be executed in triplicate and in the form specified by the tax commissioner. The affidavit shall be given to the motor vehicle dealer.

A motor vehicle dealer that accepts in good faith an affidavit presented under this division by a nonresident consumer may rely upon the representations made in the affidavit.

(D) A motor vehicle dealer making a sale subject to the tax under division (A) of this section shall collect the tax due unless the sale is subject to the exception under division (B) of

this section or unless the sale is not otherwise subject to taxes 20723
levied under sections 5739.02, 5739.021, 5739.023, 5739.026, 20724
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code. In 20725
the case of a sale under the circumstances described in division 20726
(B)(1) of this section, the dealer shall retain one copy of the 20727
affidavit and file the original and the other copy with the clerk 20728
of the court of common pleas. If tax is due under division (A) of 20729
this section, the dealer shall remit the tax collected to the 20730
clerk at the time the dealer obtains the Ohio certificate of title 20731
in the name of the consumer as required under section 4505.06 of 20732
the Revised Code. The clerk shall forward the original affidavit 20733
to the tax commissioner in the manner prescribed by the 20734
commissioner. 20735

Unless a sale is excepted from taxation under division (B) of 20736
this section, upon receipt of an application for certificate of 20737
title a clerk of the court of common pleas shall collect the sales 20738
tax due under division (A) of this section. The clerk shall remit 20739
the tax collected to the tax commissioner in the manner prescribed 20740
by the commissioner. 20741

(E) If a motor vehicle is purchased by a corporation 20742
described in division (B)(6) of section 5739.01 of the Revised 20743
Code, the state of residence of the consumer for the purposes of 20744
this section is the state of residence of the corporation's 20745
principal shareholder. 20746

(F) Any provision of this chapter or of Chapter 5741. of the 20747
Revised Code that is not inconsistent with this section applies to 20748
sales described in division (A) of this section. 20749

(G) As used in this section: 20750

(1) For the purposes of this section only, the sale or 20751
purchase of a motor vehicle does not include a lease or rental of 20752
a motor vehicle subject to division (A)(2) or (3) of section 20753

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.

Sec. 5739.12. (A)(1) Each person who has or is required to have a vendor's license, on or before the twenty-third day of each month, shall make and file a return for the preceding month, ~~on forms in the form~~ prescribed by the tax commissioner, and shall pay the tax shown on the return to be due. The return shall be filed electronically using the Ohio business gateway, as defined in section 718.051 of the Revised Code, the Ohio telefile system, or any other electronic means prescribed by the commissioner. Payment of the tax shown on the return to be due shall be made electronically in a manner approved by the commissioner. The commissioner may require a vendor that operates from multiple locations or has multiple vendor's licenses to report all tax liabilities on one consolidated return. The return shall show the amount of tax due from the vendor to the state for the period covered by the return and such other information as the commissioner deems necessary for the proper administration of this chapter. The commissioner may extend the time for making and filing returns and paying the tax, and may require that the return for the last month of any annual or semiannual period, as determined by the commissioner, be a reconciliation return detailing the vendor's sales activity for the preceding annual or semiannual period. The reconciliation return shall be filed by the last day of the month following the last month of the annual or semiannual period. The commissioner may remit all or any part of amounts or penalties that may become due under this chapter and may adopt rules relating thereto. Such return shall be filed electronically as directed by ~~mailing it to~~ the tax commissioner,

~~together with and~~ payment of the amount of tax shown to be due 20786
thereon, after deduction of any discount provided for under this 20787
section. ~~Remittance,~~ shall be made payable to the treasurer of 20788
state. ~~The return shall be considered filed when received by the~~ 20789
~~tax commissioner, and the payment shall be considered made when~~ 20790
~~received by the tax commissioner or when credited to an account~~ 20791
~~designated by the treasurer of state or electronically in a manner~~ 20792
~~approved by the tax commissioner.~~ 20793

(2) Any person required to file returns and make payments 20794
electronically under division (A)(1) of this section may apply to 20795
the tax commissioner on a form prescribed by the commissioner to 20796
be excused from that requirement. For good cause shown, the 20797
commissioner may excuse the person from that requirement and may 20798
permit the person to file the returns and make the payments 20799
required by this section by nonelectronic means. 20800

(B)(1) If the return is filed and the amount of tax shown 20801
thereon to be due is paid on or before the date such return is 20802
required to be filed, the vendor shall be entitled to a discount 20803
of: 20804

~~(a) On and after July 1, 2005, and on and before June 30,~~ 20805
~~2007, nine tenths of one per cent of the amount shown to be due on~~ 20806
~~the return;~~ 20807

~~(b) On and after July 1, 2007, three-fourths of one per cent~~ 20808
~~of the amount shown to be due on the return.~~ 20809

(2) A vendor that has selected a certified service provider 20810
as its agent shall not be entitled to the discount if the 20811
certified service provider receives a monetary allowance pursuant 20812
to section 5739.06 of the Revised Code for performing the vendor's 20813
sales and use tax functions in this state. Amounts paid to the 20814
clerk of courts pursuant to section 4505.06 of the Revised Code 20815
shall be subject to the applicable discount. The discount shall be 20816

in consideration for prompt payment to the clerk of courts and for 20817
other services performed by the vendor in the collection of the 20818
tax. 20819

(C)(1) Upon application to the tax commissioner, a vendor who 20820
is required to file monthly returns may be relieved of the 20821
requirement to report and pay the actual tax due, provided that 20822
the vendor agrees to remit to the ~~tax~~ commissioner payment of not 20823
less than an amount determined by the commissioner to be the 20824
average monthly tax liability of the vendor, based upon a review 20825
of the returns or other information pertaining to such vendor for 20826
a period of not less than six months nor more than two years 20827
immediately preceding the filing of the application. Vendors who 20828
agree to the above conditions shall make and file an annual or 20829
semiannual reconciliation return, as prescribed by the 20830
commissioner. The reconciliation return shall be filed 20831
electronically as directed by ~~mailing or delivering it to~~ the tax 20832
commissioner, ~~together with~~ and payment of the amount of tax shown 20833
to be due thereon, after deduction of any discount provided in 20834
this section. ~~Remittance,~~ shall be made ~~payable to the treasurer~~ 20835
~~of state~~ electronically in a manner approved by the commissioner. 20836
Failure of a vendor to comply with any of the above conditions may 20837
result in immediate reinstatement of the requirement of reporting 20838
and paying the actual tax liability on each monthly return, and 20839
the commissioner may at the commissioner's discretion deny the 20840
vendor the right to report and pay based upon the average monthly 20841
liability for a period not to exceed two years. The amount 20842
ascertained by the commissioner to be the average monthly tax 20843
liability of a vendor may be adjusted, based upon a review of the 20844
returns or other information pertaining to the vendor for a period 20845
of not less than six months nor more than two years preceding such 20846
adjustment. 20847

(2) The commissioner may authorize vendors whose tax 20848

liability is not such as to merit monthly returns, as ascertained 20849
by the commissioner upon the basis of administrative costs to the 20850
state, to make and file returns at less frequent intervals. When 20851
returns are filed at less frequent intervals in accordance with 20852
such authorization, the vendor shall be allowed the discount 20853
provided in this section in consideration for prompt payment with 20854
the return, provided the return is filed ~~together with~~ and payment 20855
is made of the amount of tax shown to be due thereon, at the time 20856
specified by the commissioner, but a vendor that has selected a 20857
certified service provider as its agent shall not be entitled to 20858
the discount. 20859

(D) Any vendor who fails to file a return or to pay the full 20860
amount of the tax shown on the return to be due in the manner 20861
prescribed under this section and the rules of the commissioner 20862
may, for each such return ~~the vendor fails to file or each such~~ 20863
~~tax the vendor fails to pay in full as shown on the return within~~ 20864
~~the period prescribed by this section and the rules of the~~ 20865
~~commissioner~~, be required to forfeit and pay into the state 20866
treasury an additional charge not exceeding fifty dollars or ten 20867
per cent of the tax required to be paid for the reporting period, 20868
whichever is greater, as revenue arising from the tax imposed by 20869
this chapter, and such sum may be collected by assessment in the 20870
manner provided in section 5739.13 of the Revised Code. The 20871
commissioner may remit all or a portion of the additional charge 20872
and may adopt rules relating to the imposition and remission of 20873
the additional charge. 20874

(E) If the amount required to be collected by a vendor from 20875
consumers is in excess of the applicable percentage of the 20876
vendor's receipts from sales that are taxable under section 20877
5739.02 of the Revised Code, or in the case of sales subject to a 20878
tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of 20879
the Revised Code, in excess of the percentage equal to the 20880

aggregate rate of such taxes and the tax levied by section 5739.02 20881
of the Revised Code, such excess shall be remitted along with the 20882
remittance of the amount of tax due under section 5739.10 of the 20883
Revised Code. 20884

(F) The commissioner, if the commissioner deems it necessary 20885
in order to insure the payment of the tax imposed by this chapter, 20886
may require returns and payments to be made for other than monthly 20887
periods. ~~The returns shall be signed by the vendor or the vendor's~~ 20888
~~authorized agent.~~ 20889

(G) Any vendor required to file a return and pay the tax 20890
under this section, ~~whose total payment for a year equals or~~ 20891
~~exceeds the amount shown in division (A) of section 5739.122 of~~ 20892
~~the Revised Code, shall make each payment required by this section~~ 20893
~~in the second ensuing and each succeeding year by electronic funds~~ 20894
~~transfer as prescribed by, and on or before the dates specified~~ 20895
~~in, section 5739.122 of the Revised Code, except as otherwise~~ 20896
~~prescribed by~~ is subject to the accelerated tax payment 20897
requirements in divisions (B) and (C) of that section. For a 20898
vendor that operates from multiple locations or has multiple 20899
vendor's licenses, in determining whether the vendor's total 20900
payment equals or exceeds the amount shown in division (A) of that 20901
section, the vendor's total payment amount shall be the amount of 20902
the vendor's total tax liability for the previous calendar year 20903
for all of the vendor's locations or licenses. 20904

Sec. 5739.122. (A) If the total amount of tax required to be 20905
paid by a vendor under section 5739.12 of the Revised Code for any 20906
calendar year equals or exceeds seventy-five thousand dollars, the 20907
vendor shall remit each monthly tax payment in the second ensuing 20908
and each succeeding tax year ~~by electronic funds transfer~~ on an 20909
accelerated basis as prescribed by divisions (B) and (C) of this 20910
section. 20911

If a vendor's tax payment for each of two consecutive years 20912
is less than seventy-five thousand dollars, the vendor is relieved 20913
of the requirement to remit taxes ~~by electronic funds transfer in~~ 20914
the manner prescribed by this section for the year that next 20915
follows the second of the consecutive years in which the tax 20916
payment is less than that amount, and is relieved of that 20917
requirement for each succeeding year, unless the tax payment in a 20918
subsequent year equals or exceeds seventy-five thousand dollars. 20919

The tax commissioner shall notify each vendor required to 20920
~~remit taxes by electronic funds transfer~~ make accelerated tax 20921
payments of the vendor's obligation to do so, and shall maintain 20922
an updated list of those vendors, ~~and shall timely certify the~~ 20923
~~list and any additions thereto or deletions therefrom to the~~ 20924
~~treasurer of state~~. Failure by the tax commissioner to notify a 20925
vendor subject to this section to remit taxes ~~by electronic funds~~ 20926
~~transfer~~ on an accelerated basis does not relieve the vendor of 20927
its obligation to remit taxes ~~by electronic funds transfer~~ as 20928
provided under division (B) of this section. 20929

(B) Vendors required by division (A) of this section to ~~remit~~ 20930
make accelerated tax payments ~~by electronic funds transfer~~ shall 20931
electronically remit such payments to the ~~treasurer of state~~ tax 20932
commissioner in the a manner ~~prescribed by this section and rules~~ 20933
~~adopted approved~~ by the ~~treasurer of state under section 113.061~~ 20934
~~of the Revised Code, and commissioner,~~ as follows: 20935

(1) On or before the twenty-third day of each month, a vendor 20936
shall remit an amount equal to seventy-five per cent of the 20937
anticipated tax liability for that month. 20938

(2) On or before the twenty-third day of each month, a vendor 20939
shall report the taxes collected for the previous month and shall 20940
remit that amount, less any amounts paid for that month as 20941
required by division (B)(1) of this section. 20942

The payment of taxes ~~by electronic funds transfer on an~~ 20943
~~accelerated basis under this section~~ does not affect a vendor's 20944
obligation to file ~~the monthly return~~ returns and pay the tax 20945
shown on the returns to be due as required under section 5739.12 20946
of the Revised Code. 20947

(C) A vendor required by this section to remit taxes ~~by~~ 20948
~~electronic funds transfer on an accelerated basis~~ may apply to the 20949
~~treasurer of state tax commissioner,~~ in the manner prescribed by 20950
the ~~treasurer of state~~ commissioner, to be excused from that 20951
requirement. The ~~treasurer of state~~ commissioner may excuse the 20952
vendor from remittance ~~by electronic funds transfer on an~~ 20953
accelerated basis for good cause shown for the period of time 20954
requested by the vendor or for a portion of that period. ~~The~~ 20955
~~treasurer of state shall notify the tax commissioner and the~~ 20956
~~vendor of the treasurer of state's decision as soon as is~~ 20957
~~practicable.~~ 20958

(D)(1)(a) If a vendor that is required to remit payments 20959
under division (B) of this section fails to make a payment 20960
required under division (B)(1) of this section, or makes a payment 20961
under division (B)(1) of this section that is less than 20962
seventy-five per cent of the actual liability for that month, the 20963
commissioner may impose an additional charge not to exceed five 20964
per cent of that unpaid amount. 20965

(b) Division (D)(1)(a) of this section does not apply if the 20966
vendor's payment under division (B)(1) of this section is equal to 20967
or greater than seventy-five per cent of the vendor's reported 20968
liability for the same month in the immediately preceding calendar 20969
year. 20970

(2) ~~If a vendor required by this section to remit taxes by~~ 20971
~~electronic funds transfer remits those taxes by some means other~~ 20972
~~than by electronic funds transfer as prescribed by this section~~ 20973
~~and the rules adopted by the treasurer of state, and the treasurer~~ 20974

~~of state determines that such failure was not due to reasonable 20975
cause or was due to willful neglect, the treasurer of state shall 20976
notify the tax commissioner of the failure to remit by electronic 20977
funds transfer and shall provide the commissioner with any 20978
information used in making that determination. The tax 20979
commissioner may impose an additional charge not to exceed the 20980
lesser of five per cent of the amount of the taxes required to be 20981
paid by electronic funds transfer or five thousand dollars. 20982~~

~~(3) Any additional charge imposed under division (D)(1) or 20983
(2) of this section is in addition to any other penalty or charge 20984
imposed under this chapter, and shall be considered as revenue 20985
arising from taxes imposed under this chapter. An additional 20986
charge may be collected by assessment in the manner prescribed by 20987
section 5739.13 of the Revised Code. The tax commissioner may 20988
waive all or a portion of such a charge and may adopt rules 20989
governing such waiver. 20990~~

~~No additional charge shall be imposed under division (D)(2) 20991
of this section against a vendor that has been notified of its 20992
obligation to remit taxes under this section and that remits its 20993
first two tax payments after such notification by some means other 20994
than electronic funds transfer. The additional charge may be 20995
imposed upon the remittance of any subsequent tax payment that the 20996
vendor remits by some means other than electronic funds transfer. 20997~~

Sec. 5739.124. (A) If required by the tax commissioner, a 20998
person permit holder required to make payments ~~by electronic funds 20999
transfer~~ under section 5739.032 ~~or 5739.122~~ of the Revised Code 21000
shall file all returns and reports electronically. The 21001
commissioner may require the person permit holder to use the Ohio 21002
business gateway, as defined in section 718.051 of the Revised 21003
Code, or any other electronic means approved by the commissioner, 21004
to file the returns and reports, or to remit the tax, in lieu of 21005

the manner prescribed by the ~~treasurer of state~~ under ~~sections~~ 21006
section 5739.032 and ~~5739.122~~ of the Revised Code. 21007

(B) A person required under this section to file reports and 21008
returns electronically may apply to the tax commissioner to be 21009
excused from that requirement. Applications shall be made on a 21010
form prescribed by the commissioner. The commissioner may approve 21011
the application for good cause. 21012

(C)(1) If a person required to file a report or return 21013
electronically under this section fails to do so, the tax 21014
commissioner may impose an additional charge not to exceed the 21015
following: 21016

(a) For each of the first two failures, five per cent of the 21017
amount required to be reported on the report or return; 21018

(b) For the third and any subsequent failure, ten per cent of 21019
the amount required to be reported on the report or return. 21020

(2) The charges authorized under division (C)(1) of this 21021
section are in addition to any other charge or penalty authorized 21022
under this chapter, and shall be considered as revenue arising 21023
from taxes imposed under this chapter. An additional charge may be 21024
collected by assessment in the manner prescribed by section 21025
5739.13 of the Revised Code. The commissioner may waive all or a 21026
portion of such a charge and may adopt rules governing such 21027
waiver. 21028

Sec. 5739.21. (A) One hundred per cent of all money deposited 21029
into the state treasury under sections 5739.01 to 5739.31 of the 21030
Revised Code ~~and that is~~ not required to be distributed as 21031
provided in section 5739.102 of the Revised Code or division (B) 21032
of this section shall be credited to the general revenue fund. 21033
21034

(B)(1) In any case where any county or transit authority has 21035

levied a tax or taxes pursuant to section 5739.021, 5739.023, or 21036
5739.026 of the Revised Code, the tax commissioner shall, within 21037
forty-five days after the end of each month, determine and certify 21038
to the director of budget and management the amount of the 21039
proceeds of such tax or taxes received during that month from 21040
billings and assessments, or associated with tax returns or 21041
reports filed during that month, to be returned to the county or 21042
transit authority levying the tax or taxes. The amount to be 21043
returned to each county and transit authority shall be a fraction 21044
of the aggregate amount of money collected with respect to each 21045
area in which one or more of such taxes are concurrently in effect 21046
with the tax levied by section 5739.02 of the Revised Code. The 21047
numerator of the fraction is the rate of the tax levied by the 21048
county or transit authority and the denominator of the fraction is 21049
the aggregate rate of such taxes applicable to such area. The 21050
amount to be returned to each county or transit authority shall be 21051
reduced by the amount of any refunds of county or transit 21052
authority tax paid pursuant to section 5739.07 of the Revised Code 21053
during the same month, or transfers made pursuant to division 21054
(B)(2) of section 5703.052 of the Revised Code. 21055

(2) On a periodic basis, using the best information 21056
available, the tax commissioner shall distribute any amount of a 21057
county or transit authority tax that cannot be distributed under 21058
division (B)(1) of this section. Through audit or other means, the 21059
commissioner shall attempt to obtain the information necessary to 21060
make the distribution as provided under that division and, on 21061
receipt of that information, shall make adjustments to 21062
distributions previously made under this division. 21063

(3) Beginning July 1, 2008, eight and thirty-three 21064
one-hundredths of one per cent of the revenue collected from the 21065
tax due under division (A) of section 5739.029 of the Revised Code 21066
shall be distributed to the county where the sale of the motor 21067

vehicle is situated under section 5739.035 of the Revised Code. The 21068
amount to be so distributed to the county shall be apportioned on 21069
the basis of the rates of taxes the county levies pursuant to 21070
sections 5739.021 and 5739.026 of the Revised Code, as applicable, 21071
and shall be credited to the funds of the county as provided in 21072
divisions (A) and (B) of section 5739.211 of the Revised Code. 21073

(C) The aggregate amount to be returned to any county or 21074
transit authority shall be reduced by one per cent, which shall be 21075
certified directly to the credit of the local sales tax 21076
administrative fund, which is hereby created in the state 21077
treasury. For the purpose of determining the amount to be returned 21078
to a county and transit authority in which the rate of tax imposed 21079
by the transit authority has been reduced under section 5739.028 21080
of the Revised Code, the tax commissioner shall use the respective 21081
rates of tax imposed by the county or transit authority that 21082
results from the change in the rates authorized under that 21083
section. 21084

(D) The director of budget and management shall transfer, 21085
from the same funds and in the same proportions specified in 21086
division (A) of this section, to the permissive tax distribution 21087
fund created by division (B)(1) of section 4301.423 of the Revised 21088
Code and to the local sales tax administrative fund, the amounts 21089
certified by the tax commissioner. The tax commissioner shall 21090
then, on or before the twentieth day of the month in which such 21091
certification is made, provide for payment of such respective 21092
amounts to the county treasurer and to the fiscal officer of the 21093
transit authority levying the tax or taxes. The amount transferred 21094
to the local sales tax administrative fund is for use by the tax 21095
commissioner in defraying costs incurred in administering such 21096
taxes levied by a county or transit authority. 21097

Sec. 5741.04. Every seller required to register with the tax 21098

commissioner pursuant to section 5741.17 of the Revised Code who 21099
is engaged in the business of selling tangible personal property 21100
in this state for storage, use, or other consumption in this 21101
state, to which section 5741.02 of the Revised Code applies, or 21102
which is subject to a tax levied pursuant to section 5741.021, 21103
5741.022, or 5741.023 of the Revised Code, shall, and any other 21104
seller who is authorized by rule of the tax commissioner to do so 21105
may, collect from the consumer the full and exact amount of the 21106
tax payable on each such storage, use, or consumption, in the 21107
manner and at the times provided as follows: 21108

(A) If the price is, at or prior to the delivery of 21109
possession of the thing sold to the consumer, paid in currency 21110
passed from hand to hand by the consumer, or ~~his~~ the consumer's 21111
agent, to the seller, or ~~his~~ the seller's agent, the seller or ~~his~~ 21112
the seller's agent shall collect the tax with and at the same time 21113
as the price. 21114

(B) If the price is otherwise paid or to be paid, the seller 21115
or ~~his~~ the seller's agent shall, at or prior to the delivery of 21116
possession of the thing sold to the consumer, charge the tax 21117
imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 21118
5741.023 of the Revised Code to the account of the consumer, which 21119
amount shall be collected by the seller from the consumer in 21120
addition to the price. Such transaction shall be reported on the 21121
return for the period in which the transaction occurred, and the 21122
amount of tax applicable to the transaction shall be remitted with 21123
the return or, if the consumer is subject to section 5741.121 of 21124
the Revised Code, ~~by electronic funds transfer as~~ in the manner 21125
prescribed by that section. The amount of the tax shall become a 21126
legal charge in favor of the seller and against the consumer. 21127

(C) It shall be the obligation of each consumer, as required 21128
by section 5741.12 of the Revised Code, to report and pay the 21129
taxes levied by sections 5741.021, 5741.022, and 5741.023 of the 21130

Revised Code, if applicable, on any storage, use, or other 21131
consumption of tangible personal property purchased in this state 21132
from a vendor required to be licensed pursuant to section 5739.17 21133
of the Revised Code. 21134

Sec. 5741.12. (A) Each seller required by section 5741.17 of 21135
the Revised Code to register with the tax commissioner, and any 21136
seller authorized by the commissioner to collect the tax imposed 21137
by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 21138
of the Revised Code is subject to the same requirements and 21139
entitled to the same deductions and discount for prompt payments 21140
as are vendors under section 5739.12 of the Revised Code, and the 21141
same monetary allowances as are vendors under section 5739.06 of 21142
the Revised Code. The powers and duties of the commissioner ~~and~~ 21143
~~the treasurer of state~~ with respect to returns and tax remittances 21144
under this section shall be identical with those prescribed in 21145
section 5739.12 of the Revised Code. 21146

(B) Every person storing, using, or consuming tangible 21147
personal property or receiving the benefit of a service, the 21148
storage, use, consumption, or receipt of which is subject to the 21149
tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, 21150
or 5741.023 of the Revised Code, when such tax was not paid to a 21151
seller, shall, on or before the twenty-third day of each month, 21152
file with the tax commissioner a return for the preceding month in 21153
such form as is prescribed by the commissioner, showing such 21154
information as the commissioner deems necessary, and shall pay the 21155
tax shown on the return to be due. Remittance shall be made 21156
payable to the treasurer of state. The commissioner may require 21157
consumers to file returns and pay the tax at other than monthly 21158
intervals, if the commissioner determines that such filing is 21159
necessary for the efficient administration of the tax. If the 21160
commissioner determines that a consumer's tax liability is not 21161
such as to merit monthly filing, the commissioner may authorize 21162

the consumer to file returns and pay tax at less frequent intervals. 21163
21164

Any consumer required to file a return and pay the tax under this section whose payment for any year ~~indicated in~~ equals or exceeds the amount shown in division (A) of section 5741.121 of the Revised Code ~~equals or exceeds the amount shown in that section shall make each payment required by this section in the second ensuing and each succeeding year by means of electronic funds transfer as prescribed by, and on or before the dates specified in, section 5741.121 of the Revised Code, except as otherwise prescribed by~~ is subject to the accelerated tax payment requirements in divisions (B) and (C) of that section. 21165
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(C) Every person storing, using, or consuming a motor vehicle, watercraft, or outboard motor, the ownership of which must be evidenced by certificate of title, shall file the return required by this section and pay the tax due at or prior to the time of filing an application for certificate of title. 21175
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Sec. 5741.121. (A) If the total amount of tax required to be paid by a seller or consumer under section 5741.12 of the Revised Code for any year equals or exceeds seventy-five thousand dollars, the seller or consumer shall remit each monthly tax payment in the second ensuing and each succeeding year ~~by electronic funds transfer~~ on an accelerated basis as prescribed by division (B) of this section. 21180
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If a seller's or consumer's tax payment for each of two consecutive years is less than seventy-five thousand dollars, the seller or consumer is relieved of the requirement to remit taxes ~~by electronic funds transfer~~ on an accelerated basis for the year that next follows the second of the consecutive years in which the tax payment is less than that amount, and is relieved of that requirement for each succeeding year, unless the tax payment in a 21187
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subsequent year equals or exceeds seventy-five thousand dollars. 21194

The tax commissioner shall notify each seller or consumer 21195
required to ~~remit taxes by electronic funds transfer~~ make 21196
accelerated tax payments of the seller's or consumer's obligation 21197
to do so, and shall maintain an updated list of those sellers and 21198
consumers, ~~and shall timely certify the list and any additions~~ 21199
~~thereto or deletions therefrom to the treasurer of state.~~ Failure 21200
by the tax commissioner to notify a seller or consumer subject to 21201
this section to remit taxes ~~by electronic funds transfer~~ on an 21202
accelerated basis does not relieve the seller or consumer of the 21203
obligation to remit taxes ~~by electronic funds transfer~~ as provided 21204
under division (B) of this section. 21205

(B) Sellers and consumers required by division (A) of this 21206
section to ~~remit~~ make accelerated tax payments ~~by electronic funds~~ 21207
~~transfer~~ shall electronically remit such payments to the ~~treasurer~~ 21208
~~of state~~ tax commissioner, in the a manner ~~prescribed by this~~ 21209
~~section and rules adopted~~ approved by the ~~treasurer of state~~ under 21210
~~section 113.061 of the Revised Code, and~~ commissioner, as follows: 21211

(1) On or before the twenty-third day of each month, a seller 21212
or consumer shall remit an amount equal to seventy-five per cent 21213
of the anticipated tax liability for that month. 21214
21215

(2) On or before the twenty-third day of each month, a seller 21216
shall report the taxes collected and a consumer shall report the 21217
taxes due for the previous month and shall remit that amount, less 21218
any amounts paid for that month as required by division (B)(1) of 21219
this section. 21220

The payment of taxes ~~by electronic funds transfer~~ on an 21221
accelerated basis under this section does not affect a seller's or 21222
consumer's obligation to file ~~the monthly return~~ returns and pay 21223
the tax shown on the returns to be due as required under section 21224

5741.12 of the Revised Code. 21225

(C) A seller or consumer required by this section to remit 21226
taxes ~~by electronic funds transfer on an accelerated basis~~ may 21227
apply to the ~~treasurer of state tax commissioner~~ in the manner 21228
prescribed by the ~~treasurer of state commissioner~~ to be excused 21229
from that requirement. The ~~treasurer of state commissioner~~ may 21230
excuse the seller or consumer from remittance ~~by electronic funds~~ 21231
~~transfer on an accelerated basis~~ for good cause shown for the 21232
period of time requested by the seller or consumer or for a 21233
portion of that period. ~~The treasurer of state shall notify the~~ 21234
~~tax commissioner and the seller or consumer of the treasurer of~~ 21235
~~state's decision as soon as is practicable.~~ 21236

(D)(1)(a) If a seller or consumer that is required to remit 21237
payments under division (B) of this section fails to make a 21238
payment required under division (B)(1) of this section, or makes a 21239
payment under division (B)(1) of this section that is less than 21240
seventy-five per cent of the actual liability for that month, the 21241
commissioner may impose an additional charge not to exceed five 21242
per cent of that unpaid amount. 21243

(b) Division (D)(1)(a) of this section does not apply if the 21244
seller's or consumer's payment under division (B)(1) of this 21245
section is equal to or greater than seventy-five per cent of the 21246
seller's or consumer's reported liability for the same month in 21247
the immediately preceding calendar year. 21248

(2) ~~If a seller or consumer required by this section to remit~~ 21249
~~taxes by electronic funds transfer remits those taxes by some~~ 21250
~~means other than by electronic funds transfer as prescribed by the~~ 21251
~~rules adopted by the treasurer of state, and the treasurer of~~ 21252
~~state determines that such failure was not due to reasonable cause~~ 21253
~~or was due to willful neglect, the treasurer of state shall notify~~ 21254
~~the tax commissioner of the failure to remit by electronic funds~~ 21255
~~transfer and shall provide the commissioner with any information~~ 21256

~~used in making that determination. The tax commissioner may impose 21257
an additional charge not to exceed the lesser of five per cent of 21258
the amount of the taxes required to be paid by electronic funds 21259
transfer or five thousand dollars. 21260~~

~~(3) Any additional charge imposed under division (D)(1) of 21261
this section is in addition to any other penalty or charge imposed 21262
under this chapter, and shall be considered as revenue arising 21263
from taxes imposed under this chapter. An additional charge may be 21264
collected by assessment in the manner prescribed by section 21265
5741.13 of the Revised Code. The tax commissioner may waive all or 21266
a portion of such a charge and may adopt rules governing such 21267
waiver. 21268~~

~~No additional charge shall be imposed under division (D)(2) 21269
of this section against a seller or consumer that has been 21270
notified of the obligation to remit taxes under this section and 21271
that remits its first two tax payments after such notification by 21272
some means other than electronic funds transfer. The additional 21273
charge may be imposed upon the remittance of any subsequent tax 21274
payment that the seller or consumer remits by some means other 21275
than electronic funds transfer. 21276~~

Sec. 5741.122. (A) If required by the tax commissioner, a 21277
person required to make payments ~~by electronic funds transfer 21278
under section 5739.032 or 5741.121 of the Revised Code shall file 21279
all returns and reports electronically. The commissioner may 21280
require the person to use the Ohio business gateway, as defined in 21281
section 718.051 of the Revised Code, or any other electronic means 21282
approved by the commissioner, to file the returns and reports, or 21283
to remit the tax, in lieu of the manner prescribed ~~by the 21284
treasurer of state under sections 5739.032 and section 5741.121 of 21285
the Revised Code. 21286~~~~

(B) A person required under this section to file reports and 21287

returns electronically may apply to the tax commissioner to be 21288
excused from that requirement. Applications shall be made on a 21289
form prescribed by the commissioner. The commissioner may approve 21290
the application for good cause. 21291

(C)(1) If a person required to file a report or return 21292
electronically under this section fails to do so, the tax 21293
commissioner may impose an additional charge not to exceed the 21294
following: 21295

(a) For each of the first two failures, five per cent of the 21296
amount required to be reported on the report or return; 21297

(b) For the third and any subsequent failure, ten per cent of 21298
the amount required to be reported on the report or return. 21299

(2) The charges authorized under division (C)(1) of this 21300
section are in addition to any other charge or penalty authorized 21301
under this chapter, and shall be considered as revenue arising 21302
from taxes imposed under this chapter. An additional charge may be 21303
collected by assessment in the manner prescribed by section 21304
5741.13 of the Revised Code. The commissioner may waive all or a 21305
portion of such a charge and may adopt rules governing such 21306
waiver. 21307

Sec. 5743.021. (A) As used in this section, "qualifying 21308
regional arts and cultural district" means a regional arts and 21309
cultural district created under section 3381.04 of the Revised 21310
Code in a county having a population of one million two hundred 21311
thousand or more according to the 2000 federal decennial census. 21312

(B) For one or more of the purposes for which a tax may be 21313
levied under section 3381.16 of the Revised Code and for the 21314
purposes of paying the expenses of administering the tax and the 21315
expenses charged by a board of elections to hold an election on a 21316
question submitted under this section, the board of county 21317

commissioners of a county that has within its territorial 21318
boundaries a qualifying regional arts and cultural district may 21319
levy a tax on the sale of cigarettes sold for resale at retail in 21320
the county composing the district. The rate of the tax, when added 21321
to the rate of any other tax concurrently levied by the board 21322
under this section, shall not exceed fifteen mills per cigarette, 21323
and shall be computed on each cigarette sold. Only one sale of the 21324
same article shall be used in computing the amount of tax due. The 21325
tax may be levied for any number of years not exceeding ten years. 21326

The tax shall be levied pursuant to a resolution of the board 21327
of county commissioners approved by a majority of the electors in 21328
the county voting on the question of levying the tax. The 21329
resolution shall specify the rate of the tax, the number of years 21330
the tax will be levied, and the purposes for which the tax is 21331
levied. The election may be held on the date of a general, 21332
primary, or special election held not sooner than seventy-five 21333
days after the date the board certifies its resolution to the 21334
board of elections. If approved by the electors, the tax shall 21335
take effect on the first day of the month specified in the 21336
resolution but not sooner than the first day of the month that is 21337
at least sixty days after the certification of the election 21338
results by the board of elections. A copy of the resolution 21339
levying the tax shall be certified to the tax commissioner at 21340
least sixty days prior to the date on which the tax is to become 21341
effective. 21342

(C) The form of the ballot in an election held under this 21343
section shall be as follows, or in any other form acceptable to 21344
the secretary of state: 21345

"For the purpose of (insert the purpose or 21346
purposes of the tax), shall an excise tax be levied throughout 21347
..... County for the benefit of the (name of the 21348
qualifying regional arts and cultural district) on the sale of 21349

cigarettes at wholesale at the rate of mills per cigarette 21350
 for years? 21351

	For the tax	21353
	Against the tax	21354

(D) The treasurer of state shall credit all moneys arising 21355
 from taxes levied on behalf of each district under this section 21356
 and section 5743.321 of the Revised Code as follows: 21357

(1) To the tax refund fund created by section 5703.052 of the 21358
 Revised Code, amounts equal to the refunds from each tax levied 21359
 under this section certified by the tax commissioner pursuant to 21360
 section 5743.05 of the Revised Code; 21361

(2) Following the crediting of amounts pursuant to division 21362
 (D)(1) of this section: 21363

(a) To the permissive tax distribution fund created under 21364
 section 4301.423 of the Revised Code, an amount equal to 21365
 ninety-eight per cent of the remainder collected; 21366

(b) To the local excise tax administrative fund, which is 21367
 hereby created in the state treasury, an amount equal to two per 21368
 cent of such remainder, for use by the tax commissioner in 21369
 defraying costs incurred in administering the tax. 21370

On or before the second working day of each month, the 21371
 treasurer of state shall certify to the tax commissioner the 21372
 amount of taxes levied on behalf of each district under sections 21373
 5743.021 and 5743.321 of the Revised Code and paid to the 21374
 treasurer of state during the preceding month. 21375

On or before the tenth day of each month, the tax 21376
 commissioner shall distribute the amount credited to the 21377
 permissive tax distribution fund during the preceding month by 21378
 providing for payment of the appropriate amount to the county 21379

treasurer of the county in which the tax is levied. 21380

(E) No tax shall be levied under this section on or after the 21381
effective date of the amendment of this section by the capital 21382
appropriations act of the 127th general assembly. This division 21383
does not prevent the collection of any tax levied under this 21384
section before that date so long as that tax remains effective. 21385

Sec. 5743.024. (A) For the purposes of section 307.696 of the 21386
Revised Code, to pay the expenses of administering the tax, and to 21387
pay any or all of the charge the board of elections makes against 21388
the county to hold the election on the question of levying the 21389
tax, or for such purposes and to provide revenues to the county 21390
for permanent improvements, the board of county commissioners may 21391
levy a tax on sales of cigarettes sold for resale at retail in the 21392
county. The tax shall not exceed two and twenty-five hundredths of 21393
a mill per cigarette, and shall be computed on each cigarette 21394
sold. The tax may be levied for any number of years not exceeding 21395
twenty. Only one sale of the same article shall be used in 21396
computing the amount of tax due. 21397

The tax shall be levied pursuant to a resolution of the 21398
county commissioners approved by a majority of the electors in the 21399
county voting on the question of levying the tax. The resolution 21400
shall specify the rate of the tax, the number of years the tax 21401
will be levied, and the purposes for which the tax is levied. Such 21402
election may be held on the date of a general or special election 21403
held not sooner than seventy-five days after the date the board 21404
certifies its resolution to the board of elections. If approved by 21405
the electors, the tax shall take effect on the first day of the 21406
month specified in the resolution but not sooner than the first 21407
day of the month that is at least sixty days after the 21408
certification of the election results by the board of elections. A 21409
copy of the resolution levying the tax shall be certified to the 21410

tax commissioner at least sixty days prior to the date on which 21411
the tax is to become effective. 21412

A resolution under this section may be joined on the ballot 21413
as a single question with a resolution adopted under section 21414
307.697 or 4301.421 of the Revised Code to levy a tax for the same 21415
purposes and for the purpose of paying the expenses of 21416
administering the tax. The form of the ballot in an election held 21417
pursuant to this section shall be as prescribed in section 307.697 21418
of the Revised Code. 21419

(B) The treasurer of state shall credit all moneys arising 21420
from each county's taxes levied under this section and section 21421
5743.323 of the Revised Code as follows: 21422

(1) To the tax refund fund created by section 5703.052 of the 21423
Revised Code, amounts equal to the refunds from each tax levied 21424
under this section certified by the tax commissioner pursuant to 21425
section 5743.05 of the Revised Code; 21426

(2) Following the crediting of amounts pursuant to division 21427
(B)(1) of this section: 21428

(a) To the permissive tax distribution fund created by 21429
division (B)(1) of section 4301.423 of the Revised Code, an amount 21430
equal to ninety-eight per cent of the remainder collected; 21431

(b) To the local excise tax administrative fund, which is 21432
hereby created in the state treasury, an amount equal to two per 21433
cent of such remainder, for use by the tax commissioner in 21434
defraying costs incurred in administering the tax. 21435

On or before the second working day of each month, the 21436
treasurer of state shall certify to the tax commissioner the 21437
amount of each county's taxes levied under sections 5743.024 and 21438
5743.323 and paid to the treasurer of state during the preceding 21439
month. 21440

On or before the tenth day of each month, the tax 21441
commissioner shall distribute the amount credited to the 21442
permissive tax distribution fund during the preceding month by 21443
providing for payment of the appropriate amount to the county 21444
treasurer of each county levying the tax. 21445

(C) The board of county commissioners of a county in which a 21446
tax is imposed under this section on ~~the effective date of this~~ 21447
~~amendment July 19, 1995,~~ may levy a tax for the purpose of section 21448
307.673 of the Revised Code regardless of whether or not the 21449
cooperative agreement authorized under that section has been 21450
entered into prior to the day the resolution adopted under 21451
division (C)(1) or (2) of this section is adopted, and for the 21452
purpose of reimbursing a county for costs incurred in the 21453
construction of a sports facility pursuant to an agreement entered 21454
into by the county under section 307.696 of the Revised Code. The 21455
tax shall be levied and approved in one of the manners prescribed 21456
by division (C)(1) or (2) of this section. 21457

(1) The tax may be levied pursuant to a resolution adopted by 21458
a majority of the members of the board of county commissioners not 21459
later than forty-five days after ~~the effective date of this~~ 21460
~~amendment July 19, 1995.~~ A board of county commissioners approving 21461
a tax under division (C)(1) of this section may approve a tax 21462
under division (D)(1) of section 307.697 or division (B)(1) of 21463
section 4301.421 of the Revised Code at the same time. Subject to 21464
the resolution being submitted to a referendum under sections 21465
305.31 to 305.41 of the Revised Code, the resolution shall take 21466
effect immediately, but the tax levied pursuant to the resolution 21467
shall not be levied prior to the day following the last day taxes 21468
levied pursuant to division (A) of this section may be levied. 21469

(2) The tax may be levied pursuant to a resolution adopted by 21470
a majority of the members of the board of county commissioners not 21471
later than forty-five days after ~~the effective date of this~~ 21472

~~amendment~~ July 19, 1995, and approved by a majority of the 21473
electors of the county voting on the question of levying the tax 21474
at the next succeeding general election following ~~the effective~~ 21475
~~date of this amendment~~ July 19, 1995. The board of county 21476
commissioners shall certify a copy of the resolution to the board 21477
of elections immediately upon adopting a resolution under division 21478
(C)(2) of this section, and the board of elections shall place the 21479
question of levying the tax on the ballot at that election. The 21480
form of the ballot shall be as prescribed by division (C) of 21481
section 307.697 of the Revised Code, except that the phrase 21482
"paying not more than one-half of the costs of providing a sports 21483
facility together with related redevelopment and economic 21484
development projects" shall be replaced by the phrase "paying the 21485
costs of constructing or renovating a sports facility and 21486
reimbursing a county for costs incurred by the county in the 21487
construction of a sports facility," and the phrase ", beginning 21488
..... (here insert the earliest date the tax would take 21489
effect)" shall be appended after "years." A board of county 21490
commissioners submitting the question of a tax under division 21491
(C)(2) of this section may submit the question of a tax under 21492
division (D)(2) of section 307.697 or division (B)(2) of section 21493
4301.421 of the Revised Code as a single question, and the form of 21494
the ballot shall include each of the proposed taxes. 21495

If approved by a majority of electors voting on the question, 21496
the tax shall take effect on the day specified on the ballot, 21497
which shall not be earlier than the day following the last day the 21498
tax levied pursuant to division (A) of this section may be levied. 21499

The rate of a tax levied pursuant to division (C)(1) or (2) 21500
of this section shall not exceed the rate specified in division 21501
(A) of this section. A tax levied pursuant to division (C)(1) or 21502
(2) of this section may be levied for any number of years not 21503
exceeding twenty. 21504

A board of county commissioners adopting a resolution under 21505
this division shall certify a copy of the resolution to the tax 21506
commissioner immediately upon adoption of the resolution. 21507

(E) No tax shall be levied under this section on or after the 21508
effective date of the amendment of this section by the capital 21509
appropriations act of the 127th general assembly. This division 21510
does not prevent the collection of any tax levied under this 21511
section before that date so long as that tax remains effective. 21512

Sec. 5743.321. For the same purposes for which it levies a 21513
tax under section 5743.021 of the Revised Code, the board of 21514
county commissioners of a county that has within its territorial 21515
boundaries a qualifying regional arts and cultural district and 21516
that levies a tax under that section, by resolution adopted by a 21517
majority of the board, shall levy a tax at the same rate on the 21518
use, consumption, or storage for consumption of cigarettes by 21519
consumers in the county in which that tax is levied, provided that 21520
the tax shall not apply if the tax levied by section 5743.021 of 21521
the Revised Code has been paid. The tax shall take effect on the 21522
date that a tax levied under that section takes effect, and shall 21523
remain in effect as long as the tax levied under that section 21524
remains effective. 21525

No tax shall be levied under this section on or after the 21526
effective date of the amendment of this section by the capital 21527
appropriations act of the 127th general assembly. This paragraph 21528
does not prevent the collection of any tax levied under this 21529
section before that date so long as that tax remains effective. 21530

Sec. 5743.323. For the purposes of section 307.696 of the 21531
Revised Code and to pay the expenses of levying the tax or for 21532
such purposes and to provide revenues to the county for permanent 21533
improvements, the board of county commissioners of a county that 21534

levies a tax under division (A) or (C) of section 5743.024 of the Revised Code shall by resolution adopted by a majority of the board levy a tax at the same rate on the use, consumption, or storage for consumption of cigarettes by consumers in the county, provided that the tax shall not apply if the tax levied by division (A) or (C) of section 5743.024 of the Revised Code has been paid. The tax shall take effect on the date that a tax levied under division (A) or (C) of section 5743.024 of the Revised Code takes effect, and shall remain in effect as long as the tax levied under such division remains effective.

No tax shall be levied under this section on or after the effective date of the amendment of this section by the capital appropriations act of the 127th general assembly. This paragraph does not prevent the collection of any tax levied under this section before that date so long as that tax remains effective.

Sec. 5745.05. (A) Prior to the first day of March, June, September, and December, the tax commissioner shall certify to the director of budget and management the amount to be paid to each municipal corporation, as indicated on the declaration of estimated tax reports and annual reports received under sections 5745.03 and 5745.04 of the Revised Code, less any amounts previously distributed and net of any audit adjustments made by the tax commissioner. Not later than the first day of March, June, September, and December, the director of budget and management shall provide for payment of the amount certified to each municipal corporation from the municipal income tax fund, plus a pro rata share of any investment earnings accruing to the fund since the previous payment under this section apportioned among municipal corporations entitled to such payments in proportion to the amount certified by the tax commissioner. All investment earnings on money in the municipal income tax fund shall be credited to that fund.

(B) If the tax commissioner determines that the amount of tax 21567
paid by a taxpayer and distributed to a municipal corporation 21568
under this section for a taxable year exceeds the amount payable 21569
to that municipal corporation under this chapter after accounting 21570
for amounts remitted with the annual report and as estimated 21571
taxes, the tax commissioner shall permit the taxpayer to credit 21572
the excess against the taxpayer's payments to the municipal 21573
corporation of estimated taxes remitted for an ensuing taxable 21574
year under section 5745.04 of the Revised Code. If, upon the 21575
written request of the taxpayer, the tax commissioner determines 21576
that the excess to be so credited is likely to exceed the amount 21577
of estimated taxes payable by the taxpayer to the municipal 21578
corporation during the ensuing twelve months, the tax commissioner 21579
shall so notify the municipal corporation and the municipal 21580
corporation shall issue a refund of the excess to the taxpayer 21581
within ninety days after receiving such a notice. Interest shall 21582
accrue on the amount to be refunded and is payable to the taxpayer 21583
at the rate per annum prescribed by section 5703.47 of the Revised 21584
Code from the ninety-first day after the notice is received by the 21585
municipal corporation until the day the refund is paid. 21586
Immediately after notifying a municipal corporation under this 21587
division of an excess to be refunded, the commissioner also shall 21588
notify the director of budget and management of the amount of the 21589
excess, and the director shall transfer from the municipal income 21590
tax administrative fund to the municipal income tax fund one and 21591
one-half per cent of the amount of the excess. The commissioner 21592
shall include the transferred amount in the computation of the 21593
amount due the municipal corporation in the next certification to 21594
the director under division (A) of this section. 21595

Sec. 5747.01. Except as otherwise expressly provided or 21596
clearly appearing from the context, any term used in this chapter 21597
that is not otherwise defined in this section has the same meaning 21598

as when used in a comparable context in the laws of the United States relating to federal income taxes or if not used in a comparable context in those laws, has the same meaning as in section 5733.40 of the Revised Code. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

As used in this chapter:

(A) "Adjusted gross income" or "Ohio adjusted gross income" means federal adjusted gross income, as defined and used in the Internal Revenue Code, adjusted as provided in this section:

(1) Add interest or dividends on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities.

(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes.

(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income.

(5) Deduct benefits under Title II of the Social Security Act and tier 1 railroad retirement benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code.

(6) In the case of a taxpayer who is a beneficiary of a trust 21629
that makes an accumulation distribution as defined in section 665 21630
of the Internal Revenue Code, add, for the beneficiary's taxable 21631
years beginning before 2002, the portion, if any, of such 21632
distribution that does not exceed the undistributed net income of 21633
the trust for the three taxable years preceding the taxable year 21634
in which the distribution is made to the extent that the portion 21635
was not included in the trust's taxable income for any of the 21636
trust's taxable years beginning in 2002 or thereafter. 21637
"Undistributed net income of a trust" means the taxable income of 21638
the trust increased by (a)(i) the additions to adjusted gross 21639
income required under division (A) of this section and (ii) the 21640
personal exemptions allowed to the trust pursuant to section 21641
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 21642
deductions to adjusted gross income required under division (A) of 21643
this section, (ii) the amount of federal income taxes attributable 21644
to such income, and (iii) the amount of taxable income that has 21645
been included in the adjusted gross income of a beneficiary by 21646
reason of a prior accumulation distribution. Any undistributed net 21647
income included in the adjusted gross income of a beneficiary 21648
shall reduce the undistributed net income of the trust commencing 21649
with the earliest years of the accumulation period. 21650

(7) Deduct the amount of wages and salaries, if any, not 21651
otherwise allowable as a deduction but that would have been 21652
allowable as a deduction in computing federal adjusted gross 21653
income for the taxable year, had the targeted jobs credit allowed 21654
and determined under sections 38, 51, and 52 of the Internal 21655
Revenue Code not been in effect. 21656

(8) Deduct any interest or interest equivalent on public 21657
obligations and purchase obligations to the extent that the 21658
interest or interest equivalent is included in federal adjusted 21659
gross income. 21660

(9) Add any loss or deduct any gain resulting from the sale, 21661
exchange, or other disposition of public obligations to the extent 21662
that the loss has been deducted or the gain has been included in 21663
computing federal adjusted gross income. 21664

(10) Deduct or add amounts, as provided under section 5747.70 21665
of the Revised Code, related to contributions to variable college 21666
savings program accounts made or tuition units purchased pursuant 21667
to Chapter 3334. of the Revised Code. 21668

(11)(a) Deduct, to the extent not otherwise allowable as a 21669
deduction or exclusion in computing federal or Ohio adjusted gross 21670
income for the taxable year, the amount the taxpayer paid during 21671
the taxable year for medical care insurance and qualified 21672
long-term care insurance for the taxpayer, the taxpayer's spouse, 21673
and dependents. No deduction for medical care insurance under 21674
division (A)(11) of this section shall be allowed either to any 21675
taxpayer who is eligible to participate in any subsidized health 21676
plan maintained by any employer of the taxpayer or of the 21677
taxpayer's spouse, or to any taxpayer who is entitled to, or on 21678
application would be entitled to, benefits under part A of Title 21679
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 21680
301, as amended. For the purposes of division (A)(11)(a) of this 21681
section, "subsidized health plan" means a health plan for which 21682
the employer pays any portion of the plan's cost. The deduction 21683
allowed under division (A)(11)(a) of this section shall be the net 21684
of any related premium refunds, related premium reimbursements, or 21685
related insurance premium dividends received during the taxable 21686
year. 21687

(b) Deduct, to the extent not otherwise deducted or excluded 21688
in computing federal or Ohio adjusted gross income during the 21689
taxable year, the amount the taxpayer paid during the taxable 21690
year, not compensated for by any insurance or otherwise, for 21691
medical care of the taxpayer, the taxpayer's spouse, and 21692

dependents, to the extent the expenses exceed seven and one-half 21693
per cent of the taxpayer's federal adjusted gross income. 21694

(c) For purposes of division (A)(11) of this section, 21695
"medical care" has the meaning given in section 213 of the 21696
Internal Revenue Code, subject to the special rules, limitations, 21697
and exclusions set forth therein, and "qualified long-term care" 21698
has the same meaning given in section 7702B(c) of the Internal 21699
Revenue Code. 21700

(12)(a) Deduct any amount included in federal adjusted gross 21701
income solely because the amount represents a reimbursement or 21702
refund of expenses that in any year the taxpayer had deducted as 21703
an itemized deduction pursuant to section 63 of the Internal 21704
Revenue Code and applicable United States department of the 21705
treasury regulations. The deduction otherwise allowed under 21706
division (A)(12)(a) of this section shall be reduced to the extent 21707
the reimbursement is attributable to an amount the taxpayer 21708
deducted under this section in any taxable year. 21709

(b) Add any amount not otherwise included in Ohio adjusted 21710
gross income for any taxable year to the extent that the amount is 21711
attributable to the recovery during the taxable year of any amount 21712
deducted or excluded in computing federal or Ohio adjusted gross 21713
income in any taxable year. 21714

(13) Deduct any portion of the deduction described in section 21715
1341(a)(2) of the Internal Revenue Code, for repaying previously 21716
reported income received under a claim of right, that meets both 21717
of the following requirements: 21718

(a) It is allowable for repayment of an item that was 21719
included in the taxpayer's adjusted gross income for a prior 21720
taxable year and did not qualify for a credit under division (A) 21721
or (B) of section 5747.05 of the Revised Code for that year; 21722

(b) It does not otherwise reduce the taxpayer's adjusted 21723

gross income for the current or any other taxable year. 21724

(14) Deduct an amount equal to the deposits made to, and net 21725
investment earnings of, a medical savings account during the 21726
taxable year, in accordance with section 3924.66 of the Revised 21727
Code. The deduction allowed by division (A)(14) of this section 21728
does not apply to medical savings account deposits and earnings 21729
otherwise deducted or excluded for the current or any other 21730
taxable year from the taxpayer's federal adjusted gross income. 21731

(15)(a) Add an amount equal to the funds withdrawn from a 21732
medical savings account during the taxable year, and the net 21733
investment earnings on those funds, when the funds withdrawn were 21734
used for any purpose other than to reimburse an account holder 21735
for, or to pay, eligible medical expenses, in accordance with 21736
section 3924.66 of the Revised Code; 21737

(b) Add the amounts distributed from a medical savings 21738
account under division (A)(2) of section 3924.68 of the Revised 21739
Code during the taxable year. 21740

(16) Add any amount claimed as a credit under section 21741
5747.059 of the Revised Code to the extent that such amount 21742
satisfies either of the following: 21743

(a) The amount was deducted or excluded from the computation 21744
of the taxpayer's federal adjusted gross income as required to be 21745
reported for the taxpayer's taxable year under the Internal 21746
Revenue Code; 21747

(b) The amount resulted in a reduction of the taxpayer's 21748
federal adjusted gross income as required to be reported for any 21749
of the taxpayer's taxable years under the Internal Revenue Code. 21750

(17) Deduct the amount contributed by the taxpayer to an 21751
individual development account program established by a county 21752
department of job and family services pursuant to sections 329.11 21753
to 329.14 of the Revised Code for the purpose of matching funds 21754

deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(17) of this section.

(18) Beginning in taxable year 2001 but not for any taxable year beginning after December 31, 2005, if the taxpayer is married and files a joint return and the combined federal adjusted gross income of the taxpayer and the taxpayer's spouse for the taxable year does not exceed one hundred thousand dollars, or if the taxpayer is single and has a federal adjusted gross income for the taxable year not exceeding fifty thousand dollars, deduct amounts paid during the taxable year for qualified tuition and fees paid to an eligible institution for the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer, who is a resident of this state and is enrolled in or attending a program that culminates in a degree or diploma at an eligible institution. The deduction may be claimed only to the extent that qualified tuition and fees are not otherwise deducted or excluded for any taxable year from federal or Ohio adjusted gross income. The deduction may not be claimed for educational expenses for which the taxpayer claims a credit under section 5747.27 of the Revised Code.

(19) Add any reimbursement received during the taxable year of any amount the taxpayer deducted under division (A)(18) of this section in any previous taxable year to the extent the amount is not otherwise included in Ohio adjusted gross income.

(20)(a)(i) Add five-sixths of the amount of depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code, including the taxpayer's proportionate or distributive share of the amount of depreciation expense allowed by that subsection to a pass-through entity in which the taxpayer has a direct or indirect ownership interest.

(ii) Add five-sixths of the amount of qualifying section 179

depreciation expense, including a person's proportionate or 21787
distributive share of the amount of qualifying section 179 21788
depreciation expense allowed to any pass-through entity in which 21789
the person has a direct or indirect ownership. For the purposes of 21790
this division, "qualifying section 179 depreciation expense" means 21791
the difference between (I) the amount of depreciation expense 21792
directly or indirectly allowed to the taxpayer under section 179 21793
of the Internal Revenue Code, and (II) the amount of depreciation 21794
expense directly or indirectly allowed to the taxpayer under 21795
section 179 of the Internal Revenue Code as that section existed 21796
on December 31, 2002. 21797

The tax commissioner, under procedures established by the 21798
commissioner, may waive the add-backs related to a pass-through 21799
entity if the taxpayer owns, directly or indirectly, less than 21800
five per cent of the pass-through entity. 21801

(b) Nothing in division (A)(20) of this section shall be 21802
construed to adjust or modify the adjusted basis of any asset. 21803

(c) To the extent the add-back required under division 21804
(A)(20)(a) of this section is attributable to property generating 21805
nonbusiness income or loss allocated under section 5747.20 of the 21806
Revised Code, the add-back shall be situated to the same location 21807
as the nonbusiness income or loss generated by the property for 21808
the purpose of determining the credit under division (A) of 21809
section 5747.05 of the Revised Code. Otherwise, the add-back shall 21810
be apportioned, subject to one or more of the four alternative 21811
methods of apportionment enumerated in section 5747.21 of the 21812
Revised Code. 21813

(d) For the purposes of division (A) of this section, net 21814
operating loss carryback and carryforward shall not include 21815
five-sixths of the allowance of any net operating loss deduction 21816
carryback or carryforward to the taxable year to the extent such 21817
loss resulted from depreciation allowed by section 168(k) of the 21818

Internal Revenue Code and by the qualifying section 179 21819
depreciation expense amount. 21820

(21)(a) If the taxpayer was required to add an amount under 21821
division (A)(20)(a) of this section for a taxable year, deduct 21822
one-fifth of the amount so added for each of the five succeeding 21823
taxable years. 21824

(b) If the amount deducted under division (A)(21)(a) of this 21825
section is attributable to an add-back allocated under division 21826
(A)(20)(c) of this section, the amount deducted shall be sitused 21827
to the same location. Otherwise, the add-back shall be apportioned 21828
using the apportionment factors for the taxable year in which the 21829
deduction is taken, subject to one or more of the four alternative 21830
methods of apportionment enumerated in section 5747.21 of the 21831
Revised Code. 21832

(c) No deduction is available under division (A)(21)(a) of 21833
this section with regard to any depreciation allowed by section 21834
168(k) of the Internal Revenue Code and by the qualifying section 21835
179 depreciation expense amount to the extent that such 21836
depreciation resulted in or increased a federal net operating loss 21837
carryback or carryforward to a taxable year to which division 21838
(A)(20)(d) of this section does not apply. 21839

(22) Deduct, to the extent not otherwise deducted or excluded 21840
in computing federal or Ohio adjusted gross income for the taxable 21841
year, the amount the taxpayer received during the taxable year as 21842
reimbursement for life insurance premiums under section 5919.31 of 21843
the Revised Code. 21844

(23) Deduct, to the extent not otherwise deducted or excluded 21845
in computing federal or Ohio adjusted gross income for the taxable 21846
year, the amount the taxpayer received during the taxable year as 21847
a death benefit paid by the adjutant general under section 5919.33 21848
of the Revised Code. 21849

(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 the taxable year for active duty service in the United States army, air force, navy, marine corps, or coast guard or reserve components thereof or the national guard. The deduction may not be claimed for military pay and allowances received by the taxpayer while the taxpayer is stationed in this state.

(25) Deduct, to the extent not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year and not otherwise compensated for by any other source, the amount of qualified organ donation expenses incurred by the taxpayer during the taxable year, not to exceed ten thousand dollars. A taxpayer may deduct qualified organ donation expenses only once for all taxable years beginning with taxable years beginning in 2007.

For the purposes of division (A)(25) of this section:

(a) "Human organ" means all or any portion of a human liver, pancreas, kidney, intestine, or lung, and any portion of human bone marrow.

(b) "Qualified organ donation expenses" means travel expenses, lodging expenses, and wages and salary forgone by a taxpayer in connection with the taxpayer's donation, while living, of one or more of the taxpayer's human organs to another human being.

(26) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, amounts received by the taxpayer as retired military personnel pay for service in the United States army, navy, air force, coast guard, or marine corps or reserve components thereof,

or the national guard. If the taxpayer receives income on account 21881
of retirement paid under the federal civil service retirement 21882
system or federal employees retirement system, or under any 21883
successor retirement program enacted by the congress of the United 21884
States that is established and maintained for retired employees of 21885
the United States government, and such retirement income is based, 21886
in whole or in part, on credit for the taxpayer's military 21887
service, the deduction allowed under this division shall include 21888
only that portion of such retirement income that is attributable 21889
to the taxpayer's military service, to the extent that portion of 21890
such retirement income is otherwise included in federal adjusted 21891
gross income and is not otherwise deducted under this section. Any 21892
amount deducted under division (A)(26) of this section is not 21893
included in the taxpayer's adjusted gross income for the purposes 21894
of section 5747.055 of the Revised Code. No amount may be deducted 21895
under division (A)(26) of this section on the basis of which a 21896
credit was claimed under section 5747.055 of the Revised Code. 21897

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(27) Deduct, to the extent not otherwise deducted or excluded 21899
in computing federal or Ohio adjusted gross income for the taxable 21900
year, the amount the taxpayer received during the taxable year 21901
from the military injury relief fund created in section 5101.98 of 21902
the Revised Code. 21903

(B) "Business income" means income, including gain or loss, 21904
arising from transactions, activities, and sources in the regular 21905
course of a trade or business and includes income, gain, or loss 21906
from real property, tangible property, and intangible property if 21907
the acquisition, rental, management, and disposition of the 21908
property constitute integral parts of the regular course of a 21909
trade or business operation. "Business income" includes income, 21910
including gain or loss, from a partial or complete liquidation of 21911
a business, including, but not limited to, gain or loss from the 21912

sale or other disposition of goodwill.	21913
(C) "Nonbusiness income" means all income other than business income and may include, but is not limited to, compensation, rents and royalties from real or tangible personal property, capital gains, interest, dividends and distributions, patent or copyright royalties, or lottery winnings, prizes, and awards.	21914 21915 21916 21917 21918
(D) "Compensation" means any form of remuneration paid to an employee for personal services.	21919 21920
(E) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any other person acting in any fiduciary capacity for any individual, trust, or estate.	21921 21922 21923
(F) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.	21924 21925
(G) "Individual" means any natural person.	21926
(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.	21927 21928
(I) "Resident" means any of the following, provided that division (I)(3) of this section applies only to taxable years of a trust beginning in 2002 or thereafter:	21929 21930 21931
(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;	21932 21933
(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section.	21934 21935 21936 21937
(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part.	21938 21939 21940
For the purposes of division (I)(3) of this section:	21941

(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following:

(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section;

(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year;

(iii) A person who was domiciled in this state for the purposes of this chapter when the trust document or instrument or part of the trust document or instrument became irrevocable, but only if at least one of the trust's qualifying beneficiaries is a resident domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year. If a trust document or instrument became irrevocable upon the death of a person who at the time of death was domiciled in this state for purposes of this chapter, that person is a person described in division (I)(3)(a)(iii) of this section.

(b) A trust is irrevocable to the extent that the transferor is not considered to be the owner of the net assets of the trust under sections 671 to 678 of the Internal Revenue Code.

(c) With respect to a trust other than a charitable lead trust, "qualifying beneficiary" has the same meaning as "potential

current beneficiary" as defined in section 1361(e)(2) of the Internal Revenue Code, and with respect to a charitable lead trust "qualifying beneficiary" is any current, future, or contingent beneficiary, but with respect to any trust "qualifying beneficiary" excludes a person or a governmental entity or instrumentality to any of which a contribution would qualify for the charitable deduction under section 170 of the Internal Revenue Code. 21973
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(d) For the purposes of division (I)(3)(a) of this section, the extent to which a trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred directly or indirectly, in whole or part, to the trust by any of the sources enumerated in that division shall be ascertained by multiplying the fair market value of the trust's assets, net of related liabilities, by the qualifying ratio, which shall be computed as follows: 21981
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(i) The first time the trust receives assets, the numerator of the qualifying ratio is the fair market value of those assets at that time, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the qualifying ratio is the fair market value of all the trust's assets at that time, net of any related liabilities. 21989
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(ii) Each subsequent time the trust receives assets, a revised qualifying ratio shall be computed. The numerator of the revised qualifying ratio is the sum of (1) the fair market value of the trust's assets immediately prior to the subsequent transfer, net of any related liabilities, multiplied by the qualifying ratio last computed without regard to the subsequent transfer, and (2) the fair market value of the subsequently transferred assets at the time transferred, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the revised qualifying ratio is the 21995
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fair market value of all the trust's assets immediately after the 22005
subsequent transfer, net of any related liabilities. 22006

(iii) Whether a transfer to the trust is by or from any of 22007
the sources enumerated in division (I)(3)(a) of this section shall 22008
be ascertained without regard to the domicile of the trust's 22009
beneficiaries. 22010

(e) For the purposes of division (I)(3)(a)(i) of this 22011
section: 22012

(i) A trust is described in division (I)(3)(e)(i) of this 22013
section if the trust is a testamentary trust and the testator of 22014
that testamentary trust was domiciled in this state at the time of 22015
the testator's death for purposes of the taxes levied under 22016
Chapter 5731. of the Revised Code. 22017

(ii) A trust is described in division (I)(3)(e)(ii) of this 22018
section if the transfer is a qualifying transfer described in any 22019
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 22020
irrevocable inter vivos trust, and at least one of the trust's 22021
qualifying beneficiaries is domiciled in this state for purposes 22022
of this chapter during all or some portion of the trust's current 22023
taxable year. 22024

(f) For the purposes of division (I)(3)(e)(ii) of this 22025
section, a "qualifying transfer" is a transfer of assets, net of 22026
any related liabilities, directly or indirectly to a trust, if the 22027
transfer is described in any of the following: 22028

(i) The transfer is made to a trust, created by the decedent 22029
before the decedent's death and while the decedent was domiciled 22030
in this state for the purposes of this chapter, and, prior to the 22031
death of the decedent, the trust became irrevocable while the 22032
decedent was domiciled in this state for the purposes of this 22033
chapter. 22034

(ii) The transfer is made to a trust to which the decedent, 22035

prior to the decedent's death, had directly or indirectly 22036
transferred assets, net of any related liabilities, while the 22037
decedent was domiciled in this state for the purposes of this 22038
chapter, and prior to the death of the decedent the trust became 22039
irrevocable while the decedent was domiciled in this state for the 22040
purposes of this chapter. 22041

(iii) The transfer is made on account of a contractual 22042
relationship existing directly or indirectly between the 22043
transferor and either the decedent or the estate of the decedent 22044
at any time prior to the date of the decedent's death, and the 22045
decedent was domiciled in this state at the time of death for 22046
purposes of the taxes levied under Chapter 5731. of the Revised 22047
Code. 22048

(iv) The transfer is made to a trust on account of a 22049
contractual relationship existing directly or indirectly between 22050
the transferor and another person who at the time of the 22051
decedent's death was domiciled in this state for purposes of this 22052
chapter. 22053

(v) The transfer is made to a trust on account of the will of 22054
a testator. 22055

(vi) The transfer is made to a trust created by or caused to 22056
be created by a court, and the trust was directly or indirectly 22057
created in connection with or as a result of the death of an 22058
individual who, for purposes of the taxes levied under Chapter 22059
5731. of the Revised Code, was domiciled in this state at the time 22060
of the individual's death. 22061

(g) The tax commissioner may adopt rules to ascertain the 22062
part of a trust residing in this state. 22063

(J) "Nonresident" means an individual or estate that is not a 22064
resident. An individual who is a resident for only part of a 22065
taxable year is a nonresident for the remainder of that taxable 22066

year.	22067
(K) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.	22068 22069
(L) "Return" means the notifications and reports required to be filed pursuant to this chapter for the purpose of reporting the tax due and includes declarations of estimated tax when so required.	22070 22071 22072 22073
(M) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the adjusted gross income is calculated pursuant to this chapter.	22074 22075 22076 22077
(N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code or any pass-through entity that makes the election under division (D) of section 5747.08 of the Revised Code.	22078 22079 22080 22081
(O) "Dependents" means dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been permitted to claim had the taxpayer filed a federal income tax return.	22082 22083 22084 22085 22086
(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.	22087 22088 22089 22090 22091
(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:	22092 22093
(1) "Subdivision" means any county, municipal corporation, park district, or township.	22094 22095
(2) "Essential local government purposes" includes all	22096

functions that any subdivision is required by general law to 22097
exercise, including like functions that are exercised under a 22098
charter adopted pursuant to the Ohio Constitution. 22099

(R) "Overpayment" means any amount already paid that exceeds 22100
the figure determined to be the correct amount of the tax. 22101

(S) "Taxable income" or "Ohio taxable income" applies only to 22102
estates and trusts, and means federal taxable income, as defined 22103
and used in the Internal Revenue Code, adjusted as follows: 22104

(1) Add interest or dividends, net of ordinary, necessary, 22105
and reasonable expenses not deducted in computing federal taxable 22106
income, on obligations or securities of any state or of any 22107
political subdivision or authority of any state, other than this 22108
state and its subdivisions and authorities, but only to the extent 22109
that such net amount is not otherwise includible in Ohio taxable 22110
income and is described in either division (S)(1)(a) or (b) of 22111
this section: 22112

(a) The net amount is not attributable to the S portion of an 22113
electing small business trust and has not been distributed to 22114
beneficiaries for the taxable year; 22115

(b) The net amount is attributable to the S portion of an 22116
electing small business trust for the taxable year. 22117

(2) Add interest or dividends, net of ordinary, necessary, 22118
and reasonable expenses not deducted in computing federal taxable 22119
income, on obligations of any authority, commission, 22120
instrumentality, territory, or possession of the United States to 22121
the extent that the interest or dividends are exempt from federal 22122
income taxes but not from state income taxes, but only to the 22123
extent that such net amount is not otherwise includible in Ohio 22124
taxable income and is described in either division (S)(1)(a) or 22125
(b) of this section; 22126

(3) Add the amount of personal exemption allowed to the 22127

estate pursuant to section 642(b) of the Internal Revenue Code; 22128

(4) Deduct interest or dividends, net of related expenses 22129
deducted in computing federal taxable income, on obligations of 22130
the United States and its territories and possessions or of any 22131
authority, commission, or instrumentality of the United States to 22132
the extent that the interest or dividends are exempt from state 22133
taxes under the laws of the United States, but only to the extent 22134
that such amount is included in federal taxable income and is 22135
described in either division (S)(1)(a) or (b) of this section; 22136

(5) Deduct the amount of wages and salaries, if any, not 22137
otherwise allowable as a deduction but that would have been 22138
allowable as a deduction in computing federal taxable income for 22139
the taxable year, had the targeted jobs credit allowed under 22140
sections 38, 51, and 52 of the Internal Revenue Code not been in 22141
effect, but only to the extent such amount relates either to 22142
income included in federal taxable income for the taxable year or 22143
to income of the S portion of an electing small business trust for 22144
the taxable year; 22145

(6) Deduct any interest or interest equivalent, net of 22146
related expenses deducted in computing federal taxable income, on 22147
public obligations and purchase obligations, but only to the 22148
extent that such net amount relates either to income included in 22149
federal taxable income for the taxable year or to income of the S 22150
portion of an electing small business trust for the taxable year; 22151

(7) Add any loss or deduct any gain resulting from sale, 22152
exchange, or other disposition of public obligations to the extent 22153
that such loss has been deducted or such gain has been included in 22154
computing either federal taxable income or income of the S portion 22155
of an electing small business trust for the taxable year; 22156

(8) Except in the case of the final return of an estate, add 22157
any amount deducted by the taxpayer on both its Ohio estate tax 22158

return pursuant to section 5731.14 of the Revised Code, and on its 22159
federal income tax return in determining federal taxable income; 22160

(9)(a) Deduct any amount included in federal taxable income 22161
solely because the amount represents a reimbursement or refund of 22162
expenses that in a previous year the decedent had deducted as an 22163
itemized deduction pursuant to section 63 of the Internal Revenue 22164
Code and applicable treasury regulations. The deduction otherwise 22165
allowed under division (S)(9)(a) of this section shall be reduced 22166
to the extent the reimbursement is attributable to an amount the 22167
taxpayer or decedent deducted under this section in any taxable 22168
year. 22169

(b) Add any amount not otherwise included in Ohio taxable 22170
income for any taxable year to the extent that the amount is 22171
attributable to the recovery during the taxable year of any amount 22172
deducted or excluded in computing federal or Ohio taxable income 22173
in any taxable year, but only to the extent such amount has not 22174
been distributed to beneficiaries for the taxable year. 22175

(10) Deduct any portion of the deduction described in section 22176
1341(a)(2) of the Internal Revenue Code, for repaying previously 22177
reported income received under a claim of right, that meets both 22178
of the following requirements: 22179

(a) It is allowable for repayment of an item that was 22180
included in the taxpayer's taxable income or the decedent's 22181
adjusted gross income for a prior taxable year and did not qualify 22182
for a credit under division (A) or (B) of section 5747.05 of the 22183
Revised Code for that year. 22184

(b) It does not otherwise reduce the taxpayer's taxable 22185
income or the decedent's adjusted gross income for the current or 22186
any other taxable year. 22187

(11) Add any amount claimed as a credit under section 22188
5747.059 of the Revised Code to the extent that the amount 22189

satisfies either of the following: 22190

(a) The amount was deducted or excluded from the computation 22191
of the taxpayer's federal taxable income as required to be 22192
reported for the taxpayer's taxable year under the Internal 22193
Revenue Code; 22194

(b) The amount resulted in a reduction in the taxpayer's 22195
federal taxable income as required to be reported for any of the 22196
taxpayer's taxable years under the Internal Revenue Code. 22197

(12) Deduct any amount, net of related expenses deducted in 22198
computing federal taxable income, that a trust is required to 22199
report as farm income on its federal income tax return, but only 22200
if the assets of the trust include at least ten acres of land 22201
satisfying the definition of "land devoted exclusively to 22202
agricultural use" under section 5713.30 of the Revised Code, 22203
regardless of whether the land is valued for tax purposes as such 22204
land under sections 5713.30 to 5713.38 of the Revised Code. If the 22205
trust is a pass-through entity investor, section 5747.231 of the 22206
Revised Code applies in ascertaining if the trust is eligible to 22207
claim the deduction provided by division (S)(12) of this section 22208
in connection with the pass-through entity's farm income. 22209

Except for farm income attributable to the S portion of an 22210
electing small business trust, the deduction provided by division 22211
(S)(12) of this section is allowed only to the extent that the 22212
trust has not distributed such farm income. Division (S)(12) of 22213
this section applies only to taxable years of a trust beginning in 22214
2002 or thereafter. 22215

(13) Add the net amount of income described in section 641(c) 22216
of the Internal Revenue Code to the extent that amount is not 22217
included in federal taxable income. 22218

(14) Add or deduct the amount the taxpayer would be required 22219
to add or deduct under division (A)(20) or (21) of this section if 22220

the taxpayer's Ohio taxable income were computed in the same 22221
manner as an individual's Ohio adjusted gross income is computed 22222
under this section. In the case of a trust, division (S)(14) of 22223
this section applies only to any of the trust's taxable years 22224
beginning in 2002 or thereafter. 22225

(T) "School district income" and "school district income tax" 22226
have the same meanings as in section 5748.01 of the Revised Code. 22227

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 22228
of this section, "public obligations," "purchase obligations," and 22229
"interest or interest equivalent" have the same meanings as in 22230
section 5709.76 of the Revised Code. 22231

(V) "Limited liability company" means any limited liability 22232
company formed under Chapter 1705. of the Revised Code or under 22233
the laws of any other state. 22234

(W) "Pass-through entity investor" means any person who, 22235
during any portion of a taxable year of a pass-through entity, is 22236
a partner, member, shareholder, or equity investor in that 22237
pass-through entity. 22238

(X) "Banking day" has the same meaning as in section 1304.01 22239
of the Revised Code. 22240

(Y) "Month" means a calendar month. 22241

(Z) "Quarter" means the first three months, the second three 22242
months, the third three months, or the last three months of the 22243
taxpayer's taxable year. 22244

(AA)(1) "Eligible institution" means a state university or 22245
state institution of higher education as defined in section 22246
3345.011 of the Revised Code, or a private, nonprofit college, 22247
university, or other post-secondary institution located in this 22248
state that possesses a certificate of authorization issued by the 22249
Ohio board of regents pursuant to Chapter 1713. of the Revised 22250

Code or a certificate of registration issued by the state board of 22251
career colleges and schools under Chapter 3332. of the Revised 22252
Code. 22253

(2) "Qualified tuition and fees" means tuition and fees 22254
imposed by an eligible institution as a condition of enrollment or 22255
attendance, not exceeding two thousand five hundred dollars in 22256
each of the individual's first two years of post-secondary 22257
education. If the individual is a part-time student, "qualified 22258
tuition and fees" includes tuition and fees paid for the academic 22259
equivalent of the first two years of post-secondary education 22260
during a maximum of five taxable years, not exceeding a total of 22261
five thousand dollars. "Qualified tuition and fees" does not 22262
include: 22263

(a) Expenses for any course or activity involving sports, 22264
games, or hobbies unless the course or activity is part of the 22265
individual's degree or diploma program; 22266

(b) The cost of books, room and board, student activity fees, 22267
athletic fees, insurance expenses, or other expenses unrelated to 22268
the individual's academic course of instruction; 22269

(c) Tuition, fees, or other expenses paid or reimbursed 22270
through an employer, scholarship, grant in aid, or other 22271
educational benefit program. 22272

(BB)(1) "Modified business income" means the business income 22273
included in a trust's Ohio taxable income after such taxable 22274
income is first reduced by the qualifying trust amount, if any. 22275

(2) "Qualifying trust amount" of a trust means capital gains 22276
and losses from the sale, exchange, or other disposition of equity 22277
or ownership interests in, or debt obligations of, a qualifying 22278
investee to the extent included in the trust's Ohio taxable 22279
income, but only if the following requirements are satisfied: 22280

(a) The book value of the qualifying investee's physical 22281

assets in this state and everywhere, as of the last day of the 22282
qualifying investee's fiscal or calendar year ending immediately 22283
prior to the date on which the trust recognizes the gain or loss, 22284
is available to the trust. 22285

(b) The requirements of section 5747.011 of the Revised Code 22286
are satisfied for the trust's taxable year in which the trust 22287
recognizes the gain or loss. 22288

Any gain or loss that is not a qualifying trust amount is 22289
modified business income, qualifying investment income, or 22290
modified nonbusiness income, as the case may be. 22291

(3) "Modified nonbusiness income" means a trust's Ohio 22292
taxable income other than modified business income, other than the 22293
qualifying trust amount, and other than qualifying investment 22294
income, as defined in section 5747.012 of the Revised Code, to the 22295
extent such qualifying investment income is not otherwise part of 22296
modified business income. 22297

(4) "Modified Ohio taxable income" applies only to trusts, 22298
and means the sum of the amounts described in divisions (BB)(4)(a) 22299
to (c) of this section: 22300

(a) The fraction, calculated under section 5747.013, and 22301
applying section 5747.231 of the Revised Code, multiplied by the 22302
sum of the following amounts: 22303

(i) The trust's modified business income; 22304

(ii) The trust's qualifying investment income, as defined in 22305
section 5747.012 of the Revised Code, but only to the extent the 22306
qualifying investment income does not otherwise constitute 22307
modified business income and does not otherwise constitute a 22308
qualifying trust amount. 22309

(b) The qualifying trust amount multiplied by a fraction, the 22310
numerator of which is the sum of the book value of the qualifying 22311

investee's physical assets in this state on the last day of the 22312
qualifying investee's fiscal or calendar year ending immediately 22313
prior to the day on which the trust recognizes the qualifying 22314
trust amount, and the denominator of which is the sum of the book 22315
value of the qualifying investee's total physical assets 22316
everywhere on the last day of the qualifying investee's fiscal or 22317
calendar year ending immediately prior to the day on which the 22318
trust recognizes the qualifying trust amount. If, for a taxable 22319
year, the trust recognizes a qualifying trust amount with respect 22320
to more than one qualifying investee, the amount described in 22321
division (BB)(4)(b) of this section shall equal the sum of the 22322
products so computed for each such qualifying investee. 22323

(c)(i) With respect to a trust or portion of a trust that is 22324
a resident as ascertained in accordance with division (I)(3)(d) of 22325
this section, its modified nonbusiness income. 22326

(ii) With respect to a trust or portion of a trust that is 22327
not a resident as ascertained in accordance with division 22328
(I)(3)(d) of this section, the amount of its modified nonbusiness 22329
income satisfying the descriptions in divisions (B)(2) to (5) of 22330
section 5747.20 of the Revised Code, except as otherwise provided 22331
in division (BB)(4)(c)(ii) of this section. With respect to a 22332
trust or portion of a trust that is not a resident as ascertained 22333
in accordance with division (I)(3)(d) of this section, the trust's 22334
portion of modified nonbusiness income recognized from the sale, 22335
exchange, or other disposition of a debt interest in or equity 22336
interest in a section 5747.212 entity, as defined in section 22337
5747.212 of the Revised Code, without regard to division (A) of 22338
that section, shall not be allocated to this state in accordance 22339
with section 5747.20 of the Revised Code but shall be apportioned 22340
to this state in accordance with division (B) of section 5747.212 22341
of the Revised Code without regard to division (A) of that 22342
section. 22343

If the allocation and apportionment of a trust's income under divisions (BB)(4)(a) and (c) of this section do not fairly represent the modified Ohio taxable income of the trust in this state, the alternative methods described in division (C) of section 5747.21 of the Revised Code may be applied in the manner and to the same extent provided in that section.

(5)(a) Except as set forth in division (BB)(5)(b) of this section, "qualifying investee" means a person in which a trust has an equity or ownership interest, or a person or unit of government the debt obligations of either of which are owned by a trust. For the purposes of division (BB)(2)(a) of this section and for the purpose of computing the fraction described in division (BB)(4)(b) of this section, all of the following apply:

(i) If the qualifying investee is a member of a qualifying controlled group on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, then "qualifying investee" includes all persons in the qualifying controlled group on such last day.

(ii) If the qualifying investee, or if the qualifying investee and any members of the qualifying controlled group of which the qualifying investee is a member on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, separately or cumulatively own, directly or indirectly, on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount, more than fifty per cent of the equity of a pass-through entity, then the qualifying investee and the other members are deemed to own the proportionate share of the pass-through entity's physical assets which the pass-through entity directly or indirectly owns on the last day of the

pass-through entity's calendar or fiscal year ending within or 22376
with the last day of the qualifying investee's fiscal or calendar 22377
year ending immediately prior to the date on which the trust 22378
recognizes the qualifying trust amount. 22379

(iii) For the purposes of division (BB)(5)(a)(iii) of this 22380
section, "upper level pass-through entity" means a pass-through 22381
entity directly or indirectly owning any equity of another 22382
pass-through entity, and "lower level pass-through entity" means 22383
that other pass-through entity. 22384

An upper level pass-through entity, whether or not it is also 22385
a qualifying investee, is deemed to own, on the last day of the 22386
upper level pass-through entity's calendar or fiscal year, the 22387
proportionate share of the lower level pass-through entity's 22388
physical assets that the lower level pass-through entity directly 22389
or indirectly owns on the last day of the lower level pass-through 22390
entity's calendar or fiscal year ending within or with the last 22391
day of the upper level pass-through entity's fiscal or calendar 22392
year. If the upper level pass-through entity directly and 22393
indirectly owns less than fifty per cent of the equity of the 22394
lower level pass-through entity on each day of the upper level 22395
pass-through entity's calendar or fiscal year in which or with 22396
which ends the calendar or fiscal year of the lower level 22397
pass-through entity and if, based upon clear and convincing 22398
evidence, complete information about the location and cost of the 22399
physical assets of the lower pass-through entity is not available 22400
to the upper level pass-through entity, then solely for purposes 22401
of ascertaining if a gain or loss constitutes a qualifying trust 22402
amount, the upper level pass-through entity shall be deemed as 22403
owning no equity of the lower level pass-through entity for each 22404
day during the upper level pass-through entity's calendar or 22405
fiscal year in which or with which ends the lower level 22406
pass-through entity's calendar or fiscal year. Nothing in division 22407

(BB)(5)(a)(iii) of this section shall be construed to provide for any deduction or exclusion in computing any trust's Ohio taxable income. 22408
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(b) With respect to a trust that is not a resident for the taxable year and with respect to a part of a trust that is not a resident for the taxable year, "qualifying investee" for that taxable year does not include a C corporation if both of the following apply: 22411
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(i) During the taxable year the trust or part of the trust recognizes a gain or loss from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, the C corporation. 22416
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(ii) Such gain or loss constitutes nonbusiness income. 22420

(6) "Available" means information is such that a person is able to learn of the information by the due date plus extensions, if any, for filing the return for the taxable year in which the trust recognizes the gain or loss. 22421
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(CC) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code. 22425
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(DD) "Related member" has the same meaning as in section 5733.042 of the Revised Code. 22427
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(EE)(1) For the purposes of division (EE) of this section: 22429

(a) "Qualifying person" means any person other than a qualifying corporation. 22430
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(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following: 22432
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(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's 22435
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taxable year;	22438
(ii) A subsidiary that is wholly owned by any corporation	22439
that has made an election under subchapter S, chapter one,	22440
subtitle A of the Internal Revenue Code for its taxable year	22441
ending within, or on the last day of, the investor's taxable year.	22442
(2) For the purposes of this chapter, unless expressly stated	22443
otherwise, no qualifying person indirectly owns any asset directly	22444
or indirectly owned by any qualifying corporation.	22445
(F) For purposes of this chapter and Chapter 5751. of the	22446
Revised Code:	22447
(1) "Trust" does not include a qualified pre-income tax	22448
trust.	22449
(2) A "qualified pre-income tax trust" is any pre-income tax	22450
trust that makes a qualifying pre-income tax trust election as	22451
described in division (F)(3) of this section.	22452
(3) A "qualifying pre-income tax trust election" is an	22453
election by a pre-income tax trust to subject to the tax imposed	22454
by section 5751.02 of the Revised Code the pre-income tax trust	22455
and all pass-through entities of which the trust owns or controls,	22456
directly, indirectly, or constructively through related interests,	22457
five per cent or more of the ownership or equity interests. The	22458
trustee shall notify the tax commissioner in writing of the	22459
election on or before April 15, 2006. The election, if timely	22460
made, shall be effective on and after January 1, 2006, and shall	22461
apply for all tax periods and tax years until revoked by the	22462
trustee of the trust.	22463
(4) A "pre-income tax trust" is a trust that satisfies all of	22464
the following requirements:	22465
(a) The document or instrument creating the trust was	22466
executed by the grantor before January 1, 1972;	22467

(b) The trust became irrevocable upon the creation of the trust; and 22468
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(c) The grantor was domiciled in this state at the time the trust was created. 22470
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Sec. 5747.02. (A) For the purpose of providing revenue for the support of schools and local government functions, to provide relief to property taxpayers, to provide revenue for the general revenue fund, and to meet the expenses of administering the tax levied by this chapter, there is hereby levied on every individual, trust, and estate residing in or earning or receiving income in this state, on every individual, trust, and estate earning or receiving lottery winnings, prizes, or awards pursuant to Chapter 3770. of the Revised Code, and on every individual, trust, and estate otherwise having nexus with or in this state under the Constitution of the United States, an annual tax measured in the case of individuals by Ohio adjusted gross income less an exemption for the taxpayer, the taxpayer's spouse, and each dependent as provided in section 5747.025 of the Revised Code; measured in the case of trusts by modified Ohio taxable income under division (D) of this section; and measured in the case of estates by Ohio taxable income. The tax imposed by this section on the balance thus obtained is hereby levied as follows: 22472
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(1) For taxable years beginning in 2004: 22490
OHIO ADJUSTED GROSS INCOME LESS 22491
EXEMPTIONS (INDIVIDUALS)
OR 22492
MODIFIED OHIO 22493
TAXABLE INCOME (TRUSTS) 22494
OR 22495
OHIO TAXABLE INCOME (ESTATES) TAX 22496
\$5,000 or less .743% 22497

More than \$5,000 but not more than \$10,000	\$37.15 plus 1.486% of the amount in excess of \$5,000	22498
More than \$10,000 but not more than \$15,000	\$111.45 plus 2.972% of the amount in excess of \$10,000	22499
More than \$15,000 but not more than \$20,000	\$260.05 plus 3.715% of the amount in excess of \$15,000	22500
More than \$20,000 but not more than \$40,000	\$445.80 plus 4.457% of the amount in excess of \$20,000	22501
More than \$40,000 but not more than \$80,000	\$1,337.20 plus 5.201% of the amount in excess of \$40,000	22502
More than \$80,000 but not more than \$100,000	\$3,417.60 plus 5.943% of the amount in excess of \$80,000	22503
More than \$100,000 but not more than \$200,000	\$4,606.20 plus 6.9% of the amount in excess of \$100,000	22504
More than \$200,000	\$11,506.20 plus 7.5% of the amount in excess of \$200,000	22505
(2) For taxable years beginning in 2005:		22506
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		22507
OR		22508
MODIFIED OHIO		22509
TAXABLE INCOME (TRUSTS)		22510
OR		22511
OHIO TAXABLE INCOME (ESTATES)	TAX	22512
\$5,000 or less	.712%	22513
More than \$5,000 but not more than \$10,000	\$35.60 plus 1.424% of the amount in excess of \$5,000	22514
More than \$10,000 but not more than \$15,000	\$106.80 plus 2.847% of the amount in excess of \$10,000	22515
More than \$15,000 but not more than \$20,000	\$249.15 plus 3.559% of the amount in excess of \$15,000	22516
More than \$20,000 but not more than \$40,000	\$427.10 plus 4.27% of the amount in excess of \$20,000	22517

More than \$40,000 but not more than \$80,000	\$1,281.10 plus 4.983% of the amount in excess of \$40,000	22518
More than \$80,000 but not more than \$100,000	\$3,274.30 plus 5.693% of the amount in excess of \$80,000	22519
More than \$100,000 but not more than \$200,000	\$4,412.90 plus 6.61% of the amount in excess of \$100,000	22520
More than \$200,000	\$11,022.90 plus 7.185% of the amount in excess of \$200,000	22521
(3) For taxable years beginning in 2006:		22522
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		22523
OR		22524
MODIFIED OHIO		22525
TAXABLE INCOME (TRUSTS)		22526
OR		22527
OHIO TAXABLE INCOME (ESTATES)	TAX	22528
\$5,000 or less	.681%	22529
More than \$5,000 but not more than \$10,000	\$34.05 plus 1.361% of the amount in excess of \$5,000	22530
More than \$10,000 but not more than \$15,000	\$102.10 plus 2.722% of the amount in excess of \$10,000	22531
More than \$15,000 but not more than \$20,000	\$238.20 plus 3.403% of the amount in excess of \$15,000	22532
More than \$20,000 but not more than \$40,000	\$408.35 plus 4.083% of the amount in excess of \$20,000	22533
More than \$40,000 but not more than \$80,000	\$1,224.95 plus 4.764% of the amount in excess of \$40,000	22534
More than \$80,000 but not more than \$100,000	\$3,130.55 plus 5.444% of the amount in excess of \$80,000	22535
More than \$100,000 but not more than \$200,000	\$4,219.35 plus 6.32% of the amount in excess of \$100,000	22536
More than \$200,000	\$10,539.35 plus 6.87% of the amount in excess of \$200,000	22537

(4) For taxable years beginning in 2007:		22538
OHIO ADJUSTED GROSS INCOME LESS		22539
EXEMPTIONS (INDIVIDUALS)		
OR		22540
MODIFIED OHIO		22541
TAXABLE INCOME (TRUSTS)		22542
OR		22543
OHIO TAXABLE INCOME (ESTATES)	TAX	22544
\$5,000 or less	.649%	22545
More than \$5,000 but not more than \$10,000	\$32.45 plus 1.299% of the amount in excess of \$5,000	22546
More than \$10,000 but not more than \$15,000	\$97.40 plus 2.598% of the amount in excess of \$10,000	22547
More than \$15,000 but not more than \$20,000	\$227.30 plus 3.247% of the amount in excess of \$15,000	22548
More than \$20,000 but not more than \$40,000	\$389.65 plus 3.895% of the amount in excess of \$20,000	22549
More than \$40,000 but not more than \$80,000	\$1,168.65 plus 4.546% of the amount in excess of \$40,000	22550
More than \$80,000 but not more than \$100,000	\$2,987.05 plus 5.194% of the amount in excess of \$80,000	22551
More than \$100,000 but not more than \$200,000	\$4,025.85 plus 6.031% of the amount in excess of \$100,000	22552
More than \$200,000	\$10,056.85 plus 6.555% of the amount in excess of \$200,000	22553
(5) For taxable years beginning in 2008:		22554
OHIO ADJUSTED GROSS INCOME LESS		22555
EXEMPTIONS (INDIVIDUALS)		
OR		22556
MODIFIED OHIO		22557
TAXABLE INCOME (TRUSTS)		22558
OR		22559

OHIO TAXABLE INCOME (ESTATES)	TAX	22560
\$5,000 or less	.618%	22561
More than \$5,000 but not more than \$10,000	\$30.90 plus 1.236% of the amount in excess of \$5,000	22562
More than \$10,000 but not more than \$15,000	\$92.70 plus 2.473% of the amount in excess of \$10,000	22563
More than \$15,000 but not more than \$20,000	\$216.35 plus 3.091% of the amount in excess of \$15,000	22564
More than \$20,000 but not more than \$40,000	\$370.90 plus 3.708% of the amount in excess of \$20,000	22565
More than \$40,000 but not more than \$80,000	\$1,112.50 plus 4.327% of the amount in excess of \$40,000	22566
More than \$80,000 but not more than \$100,000	\$2,843.30 plus 4.945% of the amount in excess of \$80,000	22567
More than \$100,000 but not more than \$200,000	\$3,832.30 plus 5.741% of the amount in excess of \$100,000	22568
More than \$200,000	\$9,573.30 plus 6.24% of the amount in excess of \$200,000	22569
(6) For taxable years beginning in 2009 or thereafter:		22570
OHIO ADJUSTED GROSS INCOME LESS		22571
EXEMPTIONS (INDIVIDUALS)		
OR		22572
MODIFIED OHIO		22573
TAXABLE INCOME (TRUSTS)		22574
OR		22575
OHIO TAXABLE INCOME (ESTATES)	TAX	22576
\$5,000 or less	.587%	22577
More than \$5,000 but not more than \$10,000	\$29.35 plus 1.174% of the amount in excess of \$5,000	22578
More than \$10,000 but not more than \$15,000	\$88.05 plus 2.348% of the amount in excess of \$10,000	22579
More than \$15,000 but not more than \$20,000	\$205.45 plus 2.935% of the amount in excess of \$15,000	22580

More than \$20,000 but not more than \$40,000	\$352.20 plus 3.521% of the amount in excess of \$20,000	22581
More than \$40,000 but not more than \$80,000	\$1,056.40 plus 4.109% of the amount in excess of \$40,000	22582
More than \$80,000 but not more than \$100,000	\$2,700.00 plus 4.695% of the amount in excess of \$80,000	22583
More than \$100,000 but not more than \$200,000	\$3,639.00 plus 5.451% of the amount in excess of \$100,000	22584
More than \$200,000	\$9,090.00 plus 5.925% of the amount in excess of \$200,000	22585

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.

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.

(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 22608
made. 22609

(C) The levy of this tax on income does not prevent a 22610
municipal corporation, a joint economic development zone created 22611
under section 715.691, or a joint economic development district 22612
created under section 715.70 or 715.71 or sections 715.72 to 22613
715.81 of the Revised Code from levying a tax on income. 22614

(D) This division applies only to taxable years of a trust 22615
beginning in 2002 or thereafter. 22616

(1) The tax imposed by this section on a trust shall be 22617
computed by multiplying the Ohio modified taxable income of the 22618
trust by the rates prescribed by division (A) of this section. 22619

(2) A nonresident trust may claim a credit ~~is allowed~~ against 22620
the tax computed under division (D) of this section equal to the 22621
lesser of (1) the tax paid to another state or the District of 22622
Columbia on the nonresident trust's modified nonbusiness income, 22623
other than the portion of the nonresident trust's nonbusiness 22624
income that is qualifying investment income as defined in section 22625
5747.012 of the Revised Code, or (2) the effective tax rate, based 22626
on modified Ohio taxable income, multiplied by the nonresident 22627
trust's modified nonbusiness income other than the portion of the 22628
nonresident trust's nonbusiness income that is qualifying 22629
investment income. The credit applies before any other applicable 22630
credits. 22631

(3) The credits enumerated in divisions (A)(1) to (13) of 22632
section 5747.98 of the Revised Code do not apply to a trust 22633
subject to ~~this~~ division (D) of this section. Any credits 22634
enumerated in other divisions of section 5747.98 of the Revised 22635
Code apply to a trust subject to ~~this~~ division (D) of this 22636
section. To the extent that the trust distributes income for the 22637
taxable year for which a credit is available to the trust, the 22638

credit shall be shared by the trust and its beneficiaries. The tax 22639
commissioner and the trust shall be guided by applicable 22640
regulations of the United States treasury regarding the sharing of 22641
credits. 22642

(E) For the purposes of this section, "trust" means any trust 22643
described in Subchapter J of Chapter 1 of the Internal Revenue 22644
Code, excluding trusts that are not irrevocable as defined in 22645
division (I)(3)(b) of section 5747.01 of the Revised Code and that 22646
have no modified Ohio taxable income for the taxable year, 22647
charitable remainder trusts, qualified funeral trusts and preneed 22648
funeral contract trusts established pursuant to section 1111.19 of 22649
the Revised Code that are not qualified funeral trusts, endowment 22650
and perpetual care trusts, qualified settlement trusts and funds, 22651
designated settlement trusts and funds, and trusts exempted from 22652
taxation under section 501(a) of the Internal Revenue Code. 22653

Sec. 5747.082. (A) As used in this section: 22654

(1) "Electronic technology" means electronic technology 22655
acceptable to the tax commissioner under division (B) of this 22656
section. 22657

(2) "Original tax return" means any report, return, or other 22658
tax document required to be filed under this chapter for the 22659
purpose of reporting the taxes due under, and withholdings 22660
required by, this chapter. "Original tax return" does not include 22661
an amended return or any declaration or form required by or filed 22662
in connection with section 5747.09 of the Revised Code. 22663

(3) "Related member" has the same meaning as in section 22664
5733.042 of the Revised Code. 22665

(4) "Tax return preparer" means any person that operates a 22666
business that prepares, or directly or indirectly employs another 22667
person to prepare, for a taxpayer an original tax return in 22668

exchange for compensation or remuneration from the taxpayer or the taxpayer's related member. With respect to the preparation of a return or application for refund under this chapter, "tax return preparer" does not include an individual who performs only one or more of the following activities:

(a) Furnishes typing, reproducing, or other mechanical assistance;

(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;

(c) Prepares as a fiduciary an application for refund or a return;

(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.

(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.

(C) A tax return preparer that prepares more than seventy-five original tax returns during any calendar year that begins on or after January 1, 2008, shall, beginning January 1, 2010, 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 22700
preparer prepared no more than twenty-five original tax returns. 22701

22702

(D) If a tax return preparer required by this section to 22703
submit original tax returns by electronic technology files an 22704
original tax return by some means other than by electronic 22705
technology, the tax commissioner shall impose a penalty of fifty 22706
dollars for each return that is not filed by electronic 22707
technology. Upon good cause shown by the tax return preparer, the 22708
tax commissioner may waive all or any portion of the penalty or 22709
may refund all or any portion of the penalty the tax return 22710
preparer has paid. 22711

Sec. 5748.022. A majority of the members of a board of 22712
education of a school district levying a tax under section 5748.02 22713
of the Revised Code may adopt a resolution reducing the rate of 22714
the tax by a multiple of one-fourth of one per cent. 22715

The resolution shall set forth the current rate of the tax, 22716
the reduced rate of tax that results from adoption of the 22717
resolution, the purpose or purposes for which the tax is levied, 22718
the remaining number of years the tax will be levied or that it is 22719
levied for a continuing period of time, and the date on which the 22720
reduced tax rate shall take effect, which shall be the ensuing 22721
first day of January occurring at least ~~sixty~~ forty-five days 22722
after a copy of the resolution is certified to the tax 22723
commissioner. 22724

Sec. 5749.17. Any information provided to the department of 22725
natural resources by the department of taxation in accordance with 22726
division (C)(11) of section 5703.21 of the Revised Code shall not 22727
be disclosed publicly by the department of natural resources, but 22728
the department of natural resources may provide such information 22729

to the attorney general for purposes of enforcement of the law. 22730

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of 22731
the Revised Code: 22732

(1) "School district," "joint vocational school district," 22733
"local taxing unit," "recognized valuation," "fixed-rate levy," 22734
and "fixed-sum levy" have the same meanings as used in section 22735
5727.84 of the Revised Code. 22736

(2) "State education aid" for a school district means the sum 22737
of state aid amounts computed for the district under division (A) 22738
of section 3317.022 of the Revised Code, including the amounts 22739
calculated under sections 3317.029 and 3317.0217 of the Revised 22740
Code; divisions (C)(1), (C)(4), (D), (E), and (F) of section 22741
3317.022; divisions (B), (C), and (D) of section 3317.023; 22742
divisions (L) and (N) of section 3317.024; section 3317.0216; and 22743
any unit payments for gifted student services paid under sections 22744
3317.05, 3317.052, and 3317.053 of the Revised Code; except that, 22745
for fiscal years 2008 and 2009, the amount computed for the 22746
district under Section 269.20.80 of H.B. 119 of the 127th general 22747
assembly and as that section subsequently may be amended shall be 22748
substituted for the amount computed under division (D) of section 22749
3317.022 of the Revised Code, and the amount computed under 22750
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 22751
that section subsequently may be amended shall be included. 22752

(3) "State education aid" for a joint vocational school 22753
district means the sum of the state aid computed for the district 22754
under division (N) of section 3317.024 and section 3317.16 of the 22755
Revised Code, except that, for fiscal years 2008 and 2009, the 22756
amount computed under Section 269.30.80 of H.B. 119 of the 127th 22757
general assembly and as that section subsequently may be amended 22758
shall be included. 22759

- (4) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5751.21 of the Revised Code. 22760
22761
22762
- (5) "Machinery and equipment property tax value loss" means the amount determined under division (C)(1) of this section. 22763
22764
- (6) "Inventory property tax value loss" means the amount determined under division (C)(2) of this section. 22765
22766
- (7) "Furniture and fixtures property tax value loss" means the amount determined under division (C)(3) of this section. 22767
22768
- (8) "Machinery and equipment fixed-rate levy loss" means the amount determined under division (D)(1) of this section. 22769
22770
- (9) "Inventory fixed-rate levy loss" means the amount determined under division (D)(2) of this section. 22771
22772
- (10) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section. 22773
22774
- (11) "Total fixed-rate levy loss" means the sum of the machinery and equipment fixed-rate levy loss, the inventory fixed-rate levy loss, the furniture and fixtures fixed-rate levy loss, and the telephone company fixed-rate levy loss. 22775
22776
22777
22778
- (12) "Fixed-sum levy loss" means the amount determined under division (E) of this section. 22779
22780
- (13) "Machinery and equipment" means personal property subject to the assessment rate specified in division (F) of section 5711.22 of the Revised Code. 22781
22782
22783
- (14) "Inventory" means personal property subject to the assessment rate specified in division (E) of section 5711.22 of the Revised Code. 22784
22785
22786
- (15) "Furniture and fixtures" means personal property subject to the assessment rate specified in division (G) of section 5711.22 of the Revised Code. 22787
22788
22789

(16) "Qualifying levies" are levies in effect for tax year 22790
 2004 or applicable to tax year 2005 or approved at an election 22791
 conducted before September 1, 2005. For the purpose of determining 22792
 the rate of a qualifying levy authorized by section 5705.212 or 22793
 5705.213 of the Revised Code, the rate shall be the rate that 22794
 would be in effect for tax year 2010. 22795

(17) "Telephone property" means tangible personal property of 22796
 a telephone, telegraph, or interexchange telecommunications 22797
 company subject to an assessment rate specified in section 22798
 5727.111 of the Revised Code in tax year 2004. 22799

(18) "Telephone property tax value loss" means the amount 22800
 determined under division (C)(4) of this section. 22801

(19) "Telephone property fixed-rate levy loss" means the 22802
 amount determined under division (D)(4) of this section. 22803

(B) The commercial activities tax receipts fund is hereby 22804
 created in the state treasury and shall consist of money arising 22805
 from the tax imposed under this chapter. All money in that fund 22806
 shall be credited for each fiscal year in the following 22807
 percentages to the general revenue fund, to the school district 22808
 tangible property tax replacement fund, which is hereby created in 22809
 the state treasury for the purpose of making the payments 22810
 described in section 5751.21 of the Revised Code, and to the local 22811
 government tangible property tax replacement fund, which is hereby 22812
 created in the state treasury for the purpose of making the 22813
 payments described in section 5751.22 of the Revised Code, in the 22814
 following percentages: 22815

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%	22816 22817

2007	0%	70.0%	30.0%	22818
2008	0%	70.0%	30.0%	22819
2009	0%	70.0%	30.0%	22820
2010	0%	70.0%	30.0%	22821
2011	0%	70.0%	30.0%	22822
2012	5.3%	70.0%	24.7%	22823
2013	10.6%	70.0%	19.4%	22824
2014	14.1%	70.0%	15.9%	22825
2015	17.6%	70.0%	12.4%	22826
2016	21.1%	70.0%	8.9%	22827
2017	24.6%	70.0%	5.4%	22828
2018	28.1%	70.0%	1.9%	22829
2019 and thereafter	30%	70%	0%	22830

(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:	22848
(a) For tax year 2006, a fraction, the numerator of which is	22849
five and three-fourths and the denominator of which is	22850
twenty-three;	22851
(b) For tax year 2007, a fraction, the numerator of which is	22852
nine and one-half and the denominator of which is twenty-three;	22853
(c) For tax year 2008, a fraction, the numerator of which is	22854
thirteen and one-fourth and the denominator of which is	22855
twenty-three;	22856
(d) For tax year 2009 and thereafter a fraction, the	22857
numerator of which is seventeen and the denominator of which is	22858
twenty-three.	22859
(3) Furniture and fixtures property tax value loss is the	22860
taxable value of furniture and fixture property as reported by	22861
taxpayers for tax year 2004 multiplied by:	22862
(a) For tax year 2006, twenty-five per cent;	22863
(b) For tax year 2007, fifty per cent;	22864
(c) For tax year 2008, seventy-five per cent;	22865
(d) For tax year 2009 and thereafter, one hundred per cent.	22866
The taxable value of property reported by taxpayers used in	22867
divisions (C)(1), (2), and (3) of this section shall be such	22868
values as determined to be final by the tax commissioner as of	22869
August 31, 2005. Such determinations shall be final except for any	22870
correction of a clerical error that was made prior to August 31,	22871
2005, by the tax commissioner.	22872
(4) Telephone property tax value loss is the taxable value of	22873
telephone property as taxpayers would have reported that property	22874
for tax year 2004 if the assessment rate for all telephone	22875
property for that year were twenty-five per cent, multiplied by:	22876

(a) For tax year 2006, zero per cent;	22877
(b) For tax year 2007, zero per cent;	22878
(c) For tax year 2008, zero per cent;	22879
(d) For tax year 2009, sixty per cent;	22880
(e) For tax year 2010, eighty per cent;	22881
(f) For tax year 2011 and thereafter, one hundred per cent.	22882
(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.	22883 22884 22885 22886 22887 22888 22889 22890 22891 22892
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	22893 22894 22895 22896 22897 22898 22899 22900 22901 22902 22903 22904 22905 22906 22907

of the Revised Code, the tax year 2004 taxable values shall be 22908
used. 22909

To facilitate the calculations required under division (C) of 22910
this section, the county auditor, upon request from the tax 22911
commissioner, shall provide by August 1, 2005, the values of 22912
machinery and equipment, inventory, and furniture and fixtures for 22913
all single-county personal property taxpayers for tax year 2004. 22914

(D) Not later than September 15, 2005, the tax commissioner 22915
shall determine for each tax year from 2006 through 2009 for each 22916
school district, joint vocational school district, and local 22917
taxing unit its machinery and equipment, inventory, and furniture 22918
and fixtures fixed-rate levy losses, and for each tax year from 22919
2006 through 2011 its telephone property fixed-rate levy loss, 22920
which are the applicable amounts described in divisions (D)(1), 22921
(2), (3), and (4) of this section: 22922

(1) The machinery and equipment fixed-rate levy loss is the 22923
machinery and equipment property tax value loss multiplied by the 22924
sum of the tax rates of fixed-rate qualifying levies. 22925

(2) The inventory fixed-rate loss is the inventory property 22926
tax value loss multiplied by the sum of the tax rates of 22927
fixed-rate qualifying levies. 22928

(3) The furniture and fixtures fixed-rate levy loss is the 22929
furniture and fixture property tax value loss multiplied by the 22930
sum of the tax rates of fixed-rate qualifying levies. 22931

(4) The telephone property fixed-rate levy loss is the 22932
telephone property tax value loss multiplied by the sum of the tax 22933
rates of fixed-rate qualifying levies. 22934

(E) Not later than September 15, 2005, the tax commissioner 22935
shall determine for each school district, joint vocational school 22936
district, and local taxing unit its fixed-sum levy loss. The 22937
fixed-sum levy loss is the amount obtained by subtracting the 22938

amount described in division (E)(2) of this section from the 22939
amount described in division (E)(1) of this section: 22940

(1) The sum of the machinery and equipment property tax value 22941
loss, the inventory property tax value loss, and the furniture and 22942
fixtures property tax value loss, and, for 2008 through 2017 the 22943
telephone property tax value loss of the district or unit 22944
multiplied by the sum of the fixed-sum tax rates of qualifying 22945
levies. For 2006 through 2010, this computation shall include all 22946
qualifying levies remaining in effect for the current tax year and 22947
any school district ~~emergency~~ levies imposed under section 22948
5705.194 or 5705.213 of the Revised Code that are qualifying 22949
levies not remaining in effect for the current year. For 2011 22950
through 2017 in the case of school district ~~emergency~~ levies 22951
imposed under section 5705.194 or 5705.213 of the Revised Code and 22952
for all years after 2010 in the case of other fixed-sum levies, 22953
this computation shall include only qualifying levies remaining in 22954
effect for the current year. For purposes of this computation, a 22955
qualifying school district ~~emergency~~ levy imposed under section 22956
5705.194 or 5705.213 of the Revised Code remains in effect in a 22957
year after 2010 only if, for that year, the board of education 22958
levies a school district ~~emergency~~ levy imposed under section 22959
5705.194 or 5705.213 of the Revised Code for an annual sum at 22960
least equal to the annual sum levied by the board in tax year 2004 22961
less the amount of the payment certified under this division for 22962
2006. 22963

(2) The total taxable value in tax year 2004 less the sum of 22964
the machinery and equipment, inventory, furniture and fixtures, 22965
and telephone property tax value losses in each school district, 22966
joint vocational school district, and local taxing unit multiplied 22967
by one-half of one mill per dollar. 22968

(3) For the calculations in divisions (E)(1) and (2) of this 22969
section, the tax value losses are those that would be calculated 22970

for tax year 2009 under divisions (C)(1), (2), and (3) of this 22971
section and for tax year 2011 under division (C)(4) of this 22972
section. 22973

(4) To facilitate the calculation under divisions (D) and (E) 22974
of this section, not later than September 1, 2005, any school 22975
district, joint vocational school district, or local taxing unit 22976
that has a qualifying levy that was approved at an election 22977
conducted during 2005 before September 1, 2005, shall certify to 22978
the tax commissioner a copy of the county auditor's certificate of 22979
estimated property tax millage for such levy as required under 22980
division (B) of section 5705.03 of the Revised Code, which is the 22981
rate that shall be used in the calculations under such divisions. 22982

If the amount determined under division (E) of this section 22983
for any school district, joint vocational school district, or 22984
local taxing unit is greater than zero, that amount shall equal 22985
the reimbursement to be paid pursuant to division ~~(D)~~ (E) of 22986
section 5751.21 or division (A)(3) of section 5751.22 of the 22987
Revised Code, and the one-half of one mill that is subtracted 22988
under division (E)(2) of this section shall be apportioned among 22989
all contributing fixed-sum levies in the proportion that each levy 22990
bears to the sum of all fixed-sum levies within each school 22991
district, joint vocational school district, or local taxing unit. 22992

(F) Not later than October 1, 2005, the tax commissioner 22993
shall certify to the department of education for every school 22994
district and joint vocational school district the machinery and 22995
equipment, inventory, furniture and fixtures, and telephone 22996
property tax value losses determined under division (C) of this 22997
section, the machinery and equipment, inventory, furniture and 22998
fixtures, and telephone fixed-rate levy losses determined under 22999
division (D) of this section, and the fixed-sum levy losses 23000
calculated under division (E) of this section. The calculations 23001
under divisions (D) and (E) of this section shall separately 23002

display the levy loss for each levy eligible for reimbursement. 23003

(G) Not later than October 1, 2005, the tax commissioner 23004
shall certify the amount of the fixed-sum levy losses to the 23005
county auditor of each county in which a school district, joint 23006
vocational school district, or local taxing unit with a fixed-sum 23007
levy loss reimbursement has territory. 23008

Sec. 5751.21. (A) Not later than the ~~fifteenth~~ thirtieth day 23009
of July of 2007 through 2017, the department of education shall 23010
consult with the director of budget and management and determine 23011
the following for each school district and each joint vocational 23012
school district eligible for payment under division (B) of this 23013
section: 23014

(1) The state education aid offset, which is the difference 23015
obtained by subtracting the amount described in division (A)(1)(b) 23016
of this section from the amount described in division (A)(1)(a) of 23017
this section: 23018

(a) The state education aid computed for the school district 23019
or joint vocational school district for the current fiscal year as 23020
of the ~~fifteenth~~ thirtieth day of July; 23021

(b) The state education aid that would be computed for the 23022
school district or joint vocational school district for the 23023
current fiscal year as of the ~~fifteenth~~ thirtieth day of July if 23024
the recognized valuation included the machinery and equipment, 23025
inventory, furniture and fixtures, and telephone property tax 23026
value losses for the school district or joint vocational school 23027
district for the second preceding tax year, and if taxes charged 23028
and payable associated with the tax value losses are accounted for 23029
in any state education aid computation dependent on taxes charged 23030
and payable. 23031

(2) The greater of zero or the difference obtained by 23032

subtracting the state education aid offset determined under 23033
division (A)(1) of this section from the sum of the machinery and 23034
equipment fixed-rate levy loss, the inventory fixed-rate levy 23035
loss, furniture and fixtures fixed-rate levy loss, and telephone 23036
property fixed-rate levy loss certified under division (F) of 23037
section 5751.20 of the Revised Code for all taxing districts in 23038
each school district and joint vocational school district for the 23039
second preceding tax year. 23040

By the ~~twentieth~~ thirtieth day of July of each such year, the 23041
department of education and the director of budget and management 23042
shall agree upon the amount to be determined under division (A)(1) 23043
of this section. 23044

(B)(1) On or before the thirtieth day of June of each fiscal 23045
year beginning in 2008, the department of education shall 23046
recalculate the offset described under division (A) of this 23047
section, and adjust payments made under division (C) of this 23048
section accordingly so that the total annualized reimbursement for 23049
that fiscal year is based on the recalculated offset. 23050

(2) On or before the thirty-first day of December of each 23051
year beginning in 2008, the department, in consultation with the 23052
director of budget and management, shall recalculate the offset 23053
described under division (A) of this section to determine the 23054
annualized reimbursement that should have been made for the prior 23055
fiscal year under division (C) of this section. The department 23056
shall adjust future payments under division (C) of this section to 23057
account for any underpayments or overpayments in the prior fiscal 23058
year. 23059

(C) The department of education shall pay from the school 23060
district tangible property tax replacement fund to each school 23061
district and joint vocational school district all of the following 23062
for fixed-rate levy losses certified under division (F) of section 23063
5751.20 of the Revised Code: 23064

(1) On or before May 31, 2006, one-seventh of the total	23065
fixed-rate levy loss for tax year 2006;	23066
(2) On or before August 31, 2006, and October 31, 2006,	23067
one-half of six-sevenths of the total fixed-rate levy loss for tax	23068
year 2006;	23069
(3) On or before May 31, 2007, one-seventh of the total	23070
fixed-rate levy loss for tax year 2007;	23071
(4) On or before August 31, 2007, and October 31, 2007,	23072
forty-three per cent of the amount determined under division	23073
(A)(2) of this section for fiscal year 2008, but not less than	23074
zero, plus one-half of six-sevenths of the difference between the	23075
total fixed-rate levy loss for tax year 2007 and the total	23076
fixed-rate levy loss for tax year 2006.	23077
(5) On or before May 31 <u>June 30</u> , 2008, fourteen per cent of	23078
the amount determined under division (A)(2) of this section for	23079
fiscal year 2008, but not less than zero, plus one-seventh of the	23080
difference between the total fixed-rate levy loss for tax year	23081
2008 and the total fixed-rate levy loss for tax year 2006.	23082
(6) On or before August 31, 2008, and October 31, 2008,	23083
forty-three per cent of the amount determined under division	23084
(A)(2) of this section for fiscal year 2009, but not less than	23085
zero, plus one-half of six-sevenths of the difference between the	23086
total fixed-rate levy loss in tax year 2008 and the total	23087
fixed-rate levy loss in tax year 2007.	23088
(7) On or before May 31 <u>June 30</u> , 2009, fourteen per cent of	23089
the amount determined under division (A)(2) of this section for	23090
fiscal year 2009, but not less than zero, plus one-seventh of the	23091
difference between the total fixed-rate levy loss for tax year	23092
2009 and the total fixed-rate levy loss for tax year 2007.	23093
(8) On or before August 31, 2009, and October 31, 2009,	23094
forty-three per cent of the amount determined under division	23095

(A)(2) of this section for fiscal year 2010, but not less than 23096
zero, plus one-half of six-sevenths of the difference between the 23097
total fixed-rate levy loss in tax year 2009 and the total 23098
fixed-rate levy loss in tax year 2008. 23099

(9) On or before ~~May 31~~ June 30, 2010, fourteen per cent of 23100
the amount determined under division (A)(2) of this section for 23101
fiscal year 2010, but not less than zero, plus one-seventh of the 23102
difference between the total fixed-rate levy loss in tax year 2010 23103
and the total fixed-rate levy loss in tax year 2008. 23104

(10) On or before August 31, 2010, and October 31, 2010, 23105
forty-three per cent of the amount determined under division 23106
(A)(2) of this section for fiscal year 2011, but not less than 23107
zero, plus one-half of six-sevenths of the difference between the 23108
telephone property fixed-rate levy loss for tax year 2010 and the 23109
telephone property fixed-rate levy loss for tax year 2009. 23110

(11) On or before ~~May 31~~ June 30, 2011, fourteen per cent of 23111
the amount determined under division (A)(2) of this section for 23112
fiscal year 2011, but not less than zero, plus one-seventh of the 23113
difference between the telephone property fixed-rate levy loss for 23114
tax year 2011 and the telephone property fixed-rate levy loss for 23115
tax year 2009. 23116

(12) On or before August 31, 2011, and October 31, 2011, the 23117
amount determined under division (A)(2) of this section multiplied 23118
by a fraction, the numerator of which is fourteen and the 23119
denominator of which is seventeen, but not less than zero, 23120
multiplied by forty-three per cent, plus one-half of six-sevenths 23121
of the difference between the telephone property fixed-rate levy 23122
loss for tax year 2011 and the telephone property fixed-rate levy 23123
loss for tax year 2010. 23124

(13) On or before ~~May 31~~ June 30, 2012, fourteen per cent of 23125
the amount determined under division (A)(2) of this section for 23126

fiscal year 2012, multiplied by a fraction, the numerator of which is fourteen and the denominator of which is seventeen, plus one-seventh of the difference between the telephone property fixed-rate levy loss for tax year 2011 and the telephone property fixed-rate levy loss for tax year 2010.

(14) On or before August 31, 2012, October 31, 2012, and ~~May 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 23158
this section multiplied by a fraction, the numerator of which is 23159
one and the denominator of which is seventeen, but not less than 23160
zero, multiplied by one-third. 23161

The department of education shall report to each school 23162
district and joint vocational school district the apportionment of 23163
the payments among the school district's or joint vocational 23164
school district's funds based on the certifications under division 23165
(F) of section 5751.20 of the Revised Code. 23166

Any qualifying levy that is a fixed-rate levy that is not 23167
applicable to a tax year after 2010 does not qualify for any 23168
reimbursement after the tax year to which it is last applicable. 23169

~~(C)~~(D) For taxes levied within the ten-mill limitation for 23170
debt purposes in tax year 2005, payments shall be made equal to 23171
one hundred per cent of the loss computed as if the tax were a 23172
fixed-rate levy, but those payments shall extend from fiscal year 23173
2006 through fiscal year 2018, as long as the qualifying levy 23174
continues to be used for debt purposes. If the purpose of such a 23175
qualifying levy is changed, that levy becomes subject to the 23176
payments determined in division ~~(B)~~(C) of this section. 23177

~~(D)~~(E)(1) Not later than January 1, 2006, for each fixed-sum 23178
levy of each school district or joint vocational school district 23179
and for each year for which a determination is made under division 23180
(F) of section 5751.20 of the Revised Code that a fixed-sum levy 23181
loss is to be reimbursed, the tax commissioner shall certify to 23182
the department of education the fixed-sum levy loss determined 23183
under that division. The certification shall cover a time period 23184
sufficient to include all fixed-sum levies for which the 23185
commissioner made such a determination. The department shall pay 23186
from the school district property tax replacement fund to the 23187
school district or joint vocational school district one-third of 23188
the fixed-sum levy loss so certified for each year on or before 23189

the last day of ~~May~~ June, August, and October of the current year. 23190

(2) Beginning in 2006, by the first day of January of each 23191
year, the tax commissioner shall review the certification 23192
originally made under division ~~(D)~~(E)(1) of this section. If the 23193
commissioner determines that a debt levy that had been scheduled 23194
to be reimbursed in the current year has expired, a revised 23195
certification for that and all subsequent years shall be made to 23196
the department of education. 23197

~~(E)~~(F) Beginning in September 2007 and through June 2018, the 23198
director of budget and management shall transfer from the school 23199
district tangible property tax replacement fund to the general 23200
revenue fund each of the following: 23201

(1) On the first day of September, one-fourth of the amount 23202
determined for that fiscal year under division (A)(1) of this 23203
section; 23204

(2) On the first day of December, one-fourth of the amount 23205
determined for that fiscal year under division (A)(1) of this 23206
section; 23207

(3) On the first day of March, one-fourth of the amount 23208
determined for that fiscal year under division (A)(1) of this 23209
section; 23210

(4) On the first day of June, one-fourth of the amount 23211
determined for that fiscal year under division (A)(1) of this 23212
section. 23213

If, when a transfer is required under division ~~(E)~~(F)(1), 23214
(2), (3), or (4) of this section, there is not sufficient money in 23215
the school district tangible property tax replacement fund to make 23216
the transfer in the required amount, the director shall transfer 23217
the balance in the fund to the general revenue fund and may make 23218
additional transfers on later dates as determined by the director 23219
in a total amount that does not exceed one-fourth of the amount 23220

determined for the fiscal year. 23221

~~(F)~~(G) For each of the fiscal years 2006 through 2018, if the 23222
total amount in the school district tangible property tax 23223
replacement fund is insufficient to make all payments under 23224
divisions ~~(B)~~(C), ~~(C)~~(D), and ~~(D)~~(E) of this section at the times 23225
the payments are to be made, the director of budget and management 23226
shall transfer from the general revenue fund to the school 23227
district tangible property tax replacement fund the difference 23228
between the total amount to be paid and the amount in the school 23229
district tangible property tax replacement fund. For each fiscal 23230
year after 2018, at the time payments under division ~~(D)~~(E) of 23231
this section are to be made, the director of budget and management 23232
shall transfer from the general revenue fund to the school 23233
district property tax replacement fund the amount necessary to 23234
make such payments. 23235

~~(G)~~(H)(1) On the fifteenth day of June of 2006 through 2011, 23236
the director of budget and management may transfer any balance in 23237
the school district tangible property tax replacement fund to the 23238
general revenue fund. At the end of fiscal years 2012 through 23239
2018, any balance in the school district tangible property tax 23240
replacement fund shall remain in the fund to be used in future 23241
fiscal years for school purposes. 23242

(2) In each fiscal year beginning with fiscal year 2019, all 23243
amounts credited to the school district tangible personal property 23244
tax replacement fund shall be appropriated for school purposes. 23245

~~(H)~~(I) If all of the territory of a school district or joint 23246
vocational school district is merged with another district, or if 23247
a part of the territory of a school district or joint vocational 23248
school district is transferred to an existing or newly created 23249
district, the department of education, in consultation with the 23250
tax commissioner, shall adjust the payments made under this 23251
section as follows: 23252

(1) For a merger of two or more districts, the machinery and 23253
equipment, inventory, furniture and fixtures, and telephone 23254
property fixed-rate levy losses and the fixed-sum levy losses of 23255
the successor district shall be equal to the sum of the machinery 23256
and equipment, inventory, furniture and fixtures, and telephone 23257
property fixed-rate levy losses and debt levy losses as determined 23258
in section 5751.20 of the Revised Code, for each of the districts 23259
involved in the merger. 23260

(2) If property is transferred from one district to a 23261
previously existing district, the amount of machinery and 23262
equipment, inventory, furniture and fixtures, and telephone 23263
property tax value losses and fixed-rate levy losses that shall be 23264
transferred to the recipient district shall be an amount equal to 23265
the total machinery and equipment, inventory, furniture and 23266
fixtures, and telephone property fixed-rate levy losses times a 23267
fraction, the numerator of which is the value of business tangible 23268
personal property on the land being transferred in the most recent 23269
year for which data are available, and the denominator of which is 23270
the total value of business tangible personal property in the 23271
district from which the land is being transferred in the most 23272
recent year for which data are available. For each of the first 23273
five years after the property is transferred, but not after fiscal 23274
year 2012, if the tax rate in the recipient district is less than 23275
the tax rate of the district from which the land was transferred, 23276
one-half of the payments arising from the amount of fixed-rate 23277
levy losses so transferred to the recipient district shall be paid 23278
to the recipient district and one-half of the payments arising 23279
from the fixed-rate levy losses so transferred shall be paid to 23280
the district from which the land was transferred. Fixed-rate levy 23281
losses so transferred shall be computed on the basis of the sum of 23282
the rates of fixed-rate qualifying levies of the district from 23283
which the land was transferred, notwithstanding division ~~(D)~~(E) of 23284
this section. 23285

(3) After December 31, 2004, if property is transferred from one or more districts to a district that is newly created out of the transferred property, the newly created district shall be deemed not to have any machinery and equipment, inventory, furniture and fixtures, or telephone property fixed-rate levy losses and the districts from which the property was transferred shall have no reduction in their machinery and equipment, inventory, furniture and fixtures, and telephone property fixed-rate levy losses.

(4) If the recipient district under division ~~(H)~~(I)(2) of this section or the newly created district under divisions ~~(H)~~(I)(3) of this section is assuming debt from one or more of the districts from which the property was transferred and any of the districts losing the property had fixed-sum levy losses, the department of education, in consultation with the tax commissioner, shall make an equitable division of the fixed-sum levy loss reimbursements.

Sec. 6117.01. (A) As used in this chapter:

(1) "Sanitary facilities" means sanitary sewers, force mains, lift or pumping stations, and facilities for the treatment, disposal, impoundment, or storage of wastes; equipment and furnishings; and all required appurtenances and necessary real estate and interests in real estate.

(2) "Drainage" or "waters" means flows from rainfall or otherwise produced by, or resulting from, the elements, storm water discharges and releases or migrations of waters from properties, accumulations, flows, and overflows of water, including accelerated flows and runoffs, flooding and threats of flooding of properties and structures, and other surface and subsurface drainage.

(3) "Drainage facilities" means storm sewers, force mains,

pumping stations, and facilities for the treatment, disposal, 23317
impoundment, retention, control, or storage of waters; 23318
improvements of or for any channel, ditch, drain, floodway, or 23319
watercourse, including location, construction, reconstruction, 23320
reconditioning, widening, deepening, cleaning, removal of 23321
obstructions, straightening, boxing, culverting, tiling, filling, 23322
walling, arching, or change in course, location, or terminus; 23323
improvements of or for a river, creek, or run, including 23324
reinforcement of banks, enclosing, deepening, widening, 23325
straightening, removal of obstructions, or change in course, 23326
location, or terminus; facilities for the protection of lands from 23327
the overflow of water, including a levee, wall, embankment, jetty, 23328
dike, dam, sluice, revetment, reservoir, retention or holding 23329
basin, control gate, or breakwater; facilities for controlled 23330
drainage, regulation of stream flow, and protection of an outlet; 23331
the vacation of a ditch or drain; equipment and furnishings; and 23332
all required appurtenances and necessary real estate and interests 23333
in real estate. 23334

(4) "County sanitary engineer" means either of the following: 23335

(a) The registered professional engineer employed or 23336
appointed by the board of county commissioners to be the county 23337
sanitary engineer as provided in this section ~~6117.01 of the~~ 23338
~~Revised Code;~~ 23339

(b) The county engineer, if, for as long as and to the extent 23340
that engineer by agreement entered into under section 315.14 of 23341
the Revised Code is retained to discharge duties of a county 23342
sanitary engineer under this chapter. 23343

(5) "Current operating expenses," "debt charges," "permanent 23344
improvement," "public obligations," and "subdivision" have the 23345
same meanings as in section 133.01 of the Revised Code. 23346

(6) "Construct," "construction," or "constructing" means 23347

construction, reconstruction, enlargement, extension, improvement, 23348
renovation, repair, and replacement of sanitary or drainage 23349
facilities or of prevention or replacement facilities, but does 23350
not include any repairs, replacements, or similar actions that do 23351
not constitute and qualify as permanent improvements. 23352

(7) "Maintain," "maintaining," or "maintenance" means 23353
repairs, replacements, and similar actions that constitute and are 23354
payable as current operating expenses and that are required to 23355
restore sanitary or drainage facilities or prevention or 23356
replacement facilities to, or to continue sanitary or drainage 23357
facilities or prevention or replacement facilities in, good order 23358
and working condition, but does not include construction of 23359
permanent improvements. 23360

(8) "Public agency" means a state and any agency or 23361
subdivision of a state, including a county, a municipal 23362
corporation, or other subdivision. 23363

(9) "Combined sewer" means a sewer system that is designed to 23364
collect and convey sewage, including domestic, commercial, and 23365
industrial wastewater, and storm water through a single-pipe 23366
system to a treatment works or combined sewer overflow outfall 23367
approved by the director of environmental protection. 23368

(10) "Prevention or replacement facilities" means vegetated 23369
swales or median strips, permeable pavement, trees and tree boxes, 23370
rain barrels and cisterns, rain gardens and filtration planters, 23371
vegetated roofs, wetlands, riparian buffers, and practices and 23372
structures that use or mimic natural processes to filter or reuse 23373
storm water. 23374

(B)(1) For the purpose of preserving and promoting the public 23375
health and welfare, a board of county commissioners may lay out, 23376
establish, consolidate, or otherwise modify the boundaries of, and 23377
maintain, one or more sewer districts within the county and 23378

outside municipal corporations and may have a registered 23379
professional engineer make the surveys necessary for the 23380
determination of the proper boundaries of each district, which 23381
shall be designated by an appropriate name or number. The board 23382
may acquire, construct, maintain, and operate within any district 23383
sanitary or drainage facilities that it determines to be necessary 23384
or appropriate for the collection of sewage and other wastes 23385
originating in or entering the district, to comply with the 23386
provisions of a contract entered into for the purposes described 23387
in sections 6117.41 to 6117.44 of the Revised Code and pursuant to 23388
those sections or other applicable provisions of law, or for the 23389
collection, control, or abatement of waters originating or 23390
accumulating in, or flowing in, into, or through, the district, 23391
and other sanitary or drainage facilities, within or outside of 23392
the district, that it determines to be necessary or appropriate to 23393
conduct the wastes and waters to a proper outlet and to provide 23394
for their proper treatment, disposal, and disposition. The board 23395
may provide for the protection of the sanitary and drainage 23396
facilities and may negotiate and enter into a contract with any 23397
public agency or person for the management, maintenance, 23398
operation, and repair of any of the facilities on behalf of the 23399
county upon the terms and conditions that may be agreed upon with 23400
the agency or person and that may be determined by the board to be 23401
in the best interests of the county. By contract with any public 23402
agency or person operating sanitary or drainage facilities within 23403
or outside of the county, the board may provide a proper outlet 23404
for any of the wastes and waters and for their proper treatment, 23405
disposal, and disposition. 23406

(2) For purposes of preventing storm water from entering a 23407
combined sewer and causing an overflow or an inflow to a sanitary 23408
sewer, the board may acquire, design, construct, operate, repair, 23409
maintain, and provide for a project or program that separates 23410
storm water from a combined sewer or for a prevention or 23411

replacement facility that prevents or minimizes storm water from 23412
entering a combined sewer or a sanitary sewer. 23413

(C) The board of county commissioners may employ a registered 23414
professional engineer to be the county sanitary engineer for the 23415
time and on the terms it considers best and may authorize the 23416
county sanitary engineer to employ necessary assistants upon the 23417
terms fixed by the board. Prior to the initial assignment of 23418
drainage facilities duties to the county sanitary engineer, if the 23419
county sanitary engineer is not the county engineer, the board 23420
first shall offer to enter into an agreement with the county 23421
engineer pursuant to section 315.14 of the Revised Code for 23422
assistance in the performance of those duties of the board 23423
pertaining to drainage facilities, and the county engineer shall 23424
accept or reject the offer within thirty days after the date the 23425
offer is made. 23426

The board may create and maintain a sanitary engineering 23427
department, which shall be under its supervision and which shall 23428
be headed by the county sanitary engineer, for the purpose of 23429
aiding it in the performance of its duties under this chapter and 23430
Chapter 6103. of the Revised Code or its other duties regarding 23431
sanitation, drainage, and water supply provided by law. The board 23432
shall provide suitable facilities for the use of the department 23433
and shall provide for and pay the compensation of the county 23434
sanitary engineer and all authorized necessary expenses of the 23435
county sanitary engineer and the sanitary engineering department. 23436
The county sanitary engineer, with the approval of the board, may 23437
appoint necessary assistants and clerks, and the compensation of 23438
those assistants and clerks shall be provided for and paid by the 23439
board. 23440

(D) The board of county commissioners may adopt, publish, 23441
administer, and enforce rules for the construction, maintenance, 23442
protection, and use of county-owned or county-operated sanitary 23443

and drainage facilities and prevention or replacement facilities 23444
outside municipal corporations, and of sanitary and drainage 23445
facilities and prevention or replacement facilities within 23446
municipal corporations that are owned or operated by the county or 23447
that discharge into sanitary or drainage facilities or prevention 23448
or replacement facilities owned or operated by the county, 23449
including, but not limited to, rules for the establishment and use 23450
of any connections, the termination in accordance with reasonable 23451
procedures of sanitary service for the nonpayment of county 23452
sanitary rates and charges and, if so determined, the concurrent 23453
termination of any county water service for the nonpayment of 23454
those rates and charges, the termination in accordance with 23455
reasonable procedures of drainage service for the nonpayment of 23456
county drainage rates and charges, and the establishment and use 23457
of security deposits to the extent considered necessary to ensure 23458
the payment of county sanitary or drainage rates and charges. The 23459
rules shall not be inconsistent with the laws of this state or any 23460
applicable rules of the director of environmental protection. 23461

23462

(E) No sanitary or drainage facilities or prevention or 23463
replacement facilities shall be constructed in any county outside 23464
municipal corporations by any person until the plans and 23465
specifications have been approved by the board of county 23466
commissioners, and any construction shall be done under the 23467
supervision of the county sanitary engineer. Not less than thirty 23468
days before the date drainage plans are submitted to the board for 23469
its approval, the plans shall be submitted to the county engineer. 23470
If the county engineer is of the opinion after review that the 23471
facilities will have a significant adverse effect on roads, 23472
culverts, bridges, or existing maintenance within the county, the 23473
county engineer may submit a written opinion to the board not 23474
later than thirty days after the date the plans are submitted to 23475
the county engineer. The board may take action relative to the 23476

drainage plans only after the earliest of receiving the written 23477
opinion of the county engineer, receiving a written waiver of 23478
submission of an opinion from the county engineer, or passage of 23479
thirty days from the date the plans are submitted to the county 23480
engineer. Any person constructing the facilities shall pay to the 23481
county all expenses incurred by the board in connection with the 23482
construction 23483

(F) The county sanitary engineer or the county sanitary 23484
engineer's authorized assistants or agents, when properly 23485
identified in writing or otherwise and after written notice is 23486
delivered to the owner at least five days in advance or is mailed 23487
at least five days in advance by first class or certified mail to 23488
the owner's tax mailing address, may enter upon any public or 23489
private property for the purpose of making, and may make, surveys 23490
or inspections necessary for the laying out of sewer districts or 23491
the design or evaluation of county sanitary or drainage facilities 23492
or prevention or replacement facilities. This entry is not a 23493
trespass and is not to be considered an entry in connection with 23494
any appropriation of property proceedings under sections 163.01 to 23495
163.22 of the Revised Code that may be pending. No person or 23496
public agency shall forbid the county sanitary engineer or the 23497
county sanitary engineer's authorized assistants or agents to 23498
enter, or interfere with their entry, upon the property for that 23499
purpose or forbid or interfere with their making of surveys or 23500
inspections. If actual damage is done to property by the making of 23501
the surveys and inspections, the board shall pay the reasonable 23502
value of the damage to the property owner, and the cost shall be 23503
included in the cost of the facilities and may be included in any 23504
special assessments to be levied and collected to pay that cost. 23505

Sec. 6117.011. A board of county commissioners in the manner 23506
provided in this section may make surveys of water supply, 23507
sanitary facilities, ~~or~~ drainage facilities, or prevention or 23508

replacement facilities for any sewer district, the acquisition or 23509
construction of which is contemplated. 23510

Any board desiring to make a survey shall adopt a resolution 23511
declaring its purpose and necessity. In making the surveys, the 23512
board may call upon engineering officers or employees regularly 23513
employed by the board or may authorize and enter into contracts 23514
for the services of registered professional engineers to make the 23515
surveys. 23516

The surveys authorized by this section may include drawings, 23517
plans, specifications, estimates of cost of labor and materials, 23518
other items of cost, assessment rolls, and other facts, material, 23519
data, reports, and information and recommendations that the board 23520
considers advisable or necessary for the purpose. 23521

Contracts entered into for the surveys shall be considered 23522
contracts for professional services and may provide for 23523
preliminary surveys or the making of detailed plans, or both, and 23524
also may provide for engineering supervision of the work. No 23525
contract shall be valid unless one or more of the services to be 23526
performed are by its terms to be commenced within one year after 23527
the contract date. 23528

The contracts shall be signed by at least two members of the 23529
board and by the engineer agreeing to perform the service, and one 23530
signed copy of the contract shall be filed with the fiscal officer 23531
of the county, whose certificate, otherwise required by section 23532
5705.41 of the Revised Code, need not be provided. Payment for the 23533
contracts may be made from the general fund or any other fund 23534
legally available for that use at the times that are agreed upon 23535
or as determined by the board. The proceeds of any public 23536
obligations issued pursuant to section 6119.36 of the Revised Code 23537
or any other public obligations issued or incurred to pay the cost 23538
of facilities to which a survey relates may be used to pay any 23539
part of the cost under the contracts or to reimburse the fund from 23540

which payment was made. 23541

Sec. 6117.012. (A) A board of county commissioners may adopt 23542
rules requiring owners of property within the district whose 23543
property is served by a connection to sewers maintained and 23544
operated by the board or to sewers that are connected to 23545
interceptor sewers maintained and operated by the board to do any 23546
of the following: 23547

(1) Disconnect ~~stormwater~~ storm water inflows to sanitary 23548
sewers maintained and operated by the board and not operated as a 23549
combined sewer, or to connections with those sewers; 23550

(2) Disconnect ~~non-stormwater~~ non-storm water inflows to 23551
~~stormwater~~ storm water sewers maintained and operated by the board 23552
and not operated as a combined sewer, or to connections with those 23553
storm water sewers; 23554

(3) Reconnect or relocate any such disconnected inflows in 23555
compliance with board rules and applicable building codes, health 23556
codes, or other relevant codes; 23557

(4) Prevent sewer back-ups into properties that have 23558
experienced one or more ~~overflows~~ back-ups of sanitary or combined 23559
sewers maintained and operated by the board; 23560

(5) Prevent storm water from entering a combined sewer and 23561
causing an overflow or an inflow to a sanitary sewer, which 23562
prevention may include projects or programs that separate the 23563
storm water from a combined sewer or that utilize a prevention or 23564
replacement facility to prevent or minimize storm water from 23565
entering a combined sewer or a sanitary sewer. 23566

(B) Any inflow required to be disconnected or any sewer 23567
back-up required to be prevented under a rule adopted pursuant to 23568
~~division~~ divisions (A)(1) to (4) of this section constitutes a 23569
nuisance subject to injunctive relief and abatement pursuant to 23570

Chapter 3767. of the Revised Code or as otherwise permitted by 23571
law. 23572

(C) A board of county commissioners may use sewer district 23573
funds; county general fund moneys; the proceeds of bonds issued 23574
under Chapter 133. or 165. of the Revised Code; and, to the extent 23575
permitted by their terms, loans, grants, or other moneys from 23576
appropriate state or federal funds, for either of the following: 23577

(1) The cost of disconnections, reconnections, relocations, 23578
combined sewer overflow prevention, or sewer back-up prevention 23579
required by rules adopted pursuant to division (A) of this 23580
section, performed by the county or under contract with the 23581
county; 23582

(2) Payments to the property owner or a contractor hired by 23583
the property owner pursuant to a competitive process established 23584
by district rules, for the cost of disconnections, reconnections, 23585
relocations, combined sewer overflow prevention, or sewer back-up 23586
prevention required by rules adopted pursuant to division (A) of 23587
this section after the board, pursuant to its rules, has approved 23588
the work to be performed and after the county has received from 23589
the property owner a statement releasing the county from all 23590
liability in connection with the disconnections, reconnections, 23591
relocations, combined sewer overflow prevention, or sewer back-up 23592
prevention. 23593

(D) Except as provided in division (E) of this section, the 23594
board of county commissioners shall require in its rules regarding 23595
disconnections, reconnections, ~~or~~ relocations of sewers, combined 23596
sewer overflow prevention, or sewer back-up prevention the 23597
reimbursement of moneys expended pursuant to division (C) of this 23598
section by either of the following methods: 23599

(1) A charge to the property owner in the amount of the 23600
payment made pursuant to division (C) of this section for 23601

immediate payment or payment in installments with interest as 23602
determined by the board not to exceed ten per cent, which payments 23603
may be billed as a separate item with the rents charged to that 23604
owner for use of the sewers. The board may approve installment 23605
payments for a period of not more than fifteen years. If charges 23606
are to be paid in installments, the board shall certify to the 23607
county auditor information sufficient to identify each subject 23608
parcel of property, the total of the charges to be paid in 23609
installments, and the total number of installments to be paid. The 23610
auditor shall record the information in the sewer improvement 23611
record until these charges are paid in full. Charges not paid when 23612
due shall be certified to the county auditor, who shall place the 23613
charges upon the real property tax list and duplicate against that 23614
property. Those charges shall be a lien on the property from the 23615
date they are placed on the tax list and duplicate and shall be 23616
collected in the same manner as other taxes. 23617

(2) A special assessment levied against the property, payable 23618
in the number of years the board determines, not to exceed fifteen 23619
years, with interest as determined by the board not to exceed ten 23620
per cent. The board shall certify the assessments to the county 23621
auditor, stating the amount and time of payment. The auditor shall 23622
record the information in the county sewer improvement record, 23623
showing separately the assessments to be collected, and shall 23624
place the assessments upon the real property tax list and 23625
duplicate for collection. The assessments shall be a lien on the 23626
property from the date they are placed on the tax list and 23627
duplicate and shall be collected in the same manner as other 23628
taxes. 23629

(E) The county may adopt a resolution specifying a maximum 23630
amount of the cost of any disconnection, reconnection, relocation, 23631
combined sewer overflow prevention, or sewer back-up prevention 23632
required pursuant to division (A) of this section that may be paid 23633

by the county for each affected parcel of property without 23634
requiring reimbursement. That amount may be allowed only if there 23635
is a building code, health code, or other relevant code, or a 23636
federally imposed or state-imposed consent decree that is filed or 23637
otherwise recorded in a court of competent jurisdiction, 23638
applicable to the affected parcel that prohibits in the future any 23639
inflows, combined sewer overflows, or sewer back-ups not allowed 23640
under rules adopted pursuant to division (A)(1) ~~or~~, (4), or (5) of 23641
this section. The board, by rule, shall establish criteria for 23642
determining how much of the maximum amount for each qualifying 23643
parcel need not be reimbursed. 23644

(F) Disconnections, reconnections, relocations, combined 23645
sewer overflow prevention, or sewer back-up prevention required 23646
under this section and performed by a contractor under contract 23647
with the property owner shall not be considered a public 23648
improvement, and those performed by the county shall be considered 23649
a public improvement as defined in section 4115.03 of the Revised 23650
Code. 23651

Disconnections, reconnections, relocations, combined sewer 23652
overflow prevention, or sewer back-up prevention required under 23653
this section performed by a contractor under contract with the 23654
property owner shall not be subject to competitive bidding or 23655
public bond laws. 23656

(G) Property owners shall be responsible for maintaining any 23657
improvements made or facilities constructed on private property to 23658
reconnect or relocate disconnected inflows, for combined sewer 23659
overflow prevention, or for sewer back-up prevention pursuant to 23660
this section unless a public easement or other agreement exists 23661
for the county to maintain that improvement or facility. 23662

(H) A board of county commissioners may provide rate 23663
reductions of and credits against charges for the use of sewers to 23664
a property owner that implements a project or program that 23665

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.

Sec. 6117.04. The authority of a board of county commissioners to acquire, construct, maintain, and operate sanitary or drainage facilities or prevention or replacement facilities for a county sewer district in the territory of a municipal corporation, or a regional district established under Chapter 6119. of the Revised Code, that is in whole or in part within the county sewer district is the same as provided by law with respect to territory within a county sewer district that is wholly outside a municipal corporation or a regional district, subject to the following in the case of facilities within a municipal corporation:

(A) The acquisition, construction, maintenance, and operation of the facilities shall first be authorized by an ordinance or resolution of the legislative authority of the municipal corporation.

(B) All road surfaces, curbs, sidewalks, sewers, water supply facilities, or other public improvements or property that may be disturbed or damaged by the construction of the facilities shall be replaced or restored within a reasonable time by the county, and the cost shall be treated as a part of the cost of the facilities.

(C) The municipal corporation, with the prior approval of or by agreement with the board, may make use of the facilities in accordance with rules established by the board and subject to any applicable requirements of the director of environmental

protection. 23697

Sec. 6117.05. (A) Whenever any portion of a sewer district is 23698
incorporated as, or annexed to, a municipal corporation, the area 23699
so incorporated or annexed shall remain under the jurisdiction of 23700
the board of county commissioners for purposes of the acquisition 23701
and construction of sanitary and drainage facility and prevention 23702
or replacement facility improvements until all of those 23703
improvements for the area for which a resolution described in 23704
division (A) or (E) of section 6117.06 of the Revised Code has 23705
been adopted by the board have been acquired or completed or until 23706
the board has abandoned the improvements. The board, unless and 23707
until a conveyance is made to a municipal corporation in 23708
accordance with division (B) of this section, shall continue to 23709
have jurisdiction in the area so incorporated or annexed with 23710
respect to the management, maintenance, and operation of all 23711
sanitary and drainage facilities and prevention or replacement 23712
facilities so acquired or completed, or previously acquired or 23713
completed, including the right to establish rules and rates and 23714
charges for the use of, and connections to, the facilities. The 23715
incorporation or annexation of any part of a district shall not 23716
affect the legality or enforceability of any public obligations 23717
issued or incurred by the county for purposes of this chapter to 23718
provide for the payment of the cost of acquisition, construction, 23719
maintenance, or operation of any sanitary or drainage facilities 23720
or prevention or replacement facilities within the area, or the 23721
validity of any assessments levied or to be levied upon properties 23722
within the area to provide for the payment of the cost of 23723
acquisition, construction, maintenance, or operation of the 23724
facilities. 23725

(B) Any completed sanitary or drainage facilities or 23726
prevention or replacement facilities acquired or constructed by a 23727
county under this chapter for the use of any county sewer 23728

district, or any part of those facilities, that are located within 23729
a municipal corporation or within any area that is incorporated 23730
as, or annexed to, a municipal corporation, or any part of the 23731
facilities that serve a municipal corporation or such an area, may 23732
be conveyed, by mutual agreement between the board and the 23733
municipal corporation, to the municipal corporation on terms and 23734
for consideration as may be negotiated. Upon and after the 23735
conveyance, the municipal corporation shall manage, maintain, and 23736
operate the facilities in accordance with the agreement. The board 23737
may retain the right to joint use of all or part of any facilities 23738
so conveyed for the benefit of the district. Neither the validity 23739
of any assessment levied or to be levied, nor the legality or 23740
enforceability of any public obligations issued or incurred, to 23741
provide for the payment of the cost of the acquisition, 23742
construction, maintenance, or operation of the facilities or any 23743
part of them, shall be affected by the conveyance. 23744

Sec. 6117.06. (A) After the establishment of any sewer 23745
district, the board of county commissioners, if a sanitary or 23746
drainage facility or prevention or replacement facility 23747
improvement is to be undertaken, may have the county sanitary 23748
engineer prepare, or otherwise cause to be prepared, for the 23749
district, or revise as needed, a general plan of sewerage or 23750
drainage that is as complete in each case as can be developed at 23751
the time and that is devised with regard to any existing sanitary 23752
or drainage facilities or prevention or replacement facilities in 23753
the district and present as well as prospective needs for 23754
additional sanitary or drainage facilities or prevention or 23755
replacement facilities in the district. After the general plan, in 23756
original or revised form, has been approved by the board, it may 23757
adopt a resolution generally describing the improvement that is 23758
necessary to be acquired or constructed in accordance with the 23759
particular plan, declaring that the improvement is necessary for 23760

the preservation and promotion of the public health and welfare, 23761
and determining whether or not special assessments are to be 23762
levied and collected to pay any part of the cost of the 23763
improvement. 23764

(B) If special assessments are not to be levied and collected 23765
to pay any part of the cost of the improvement, the board, in the 23766
resolution provided for in division (A) of this section or in a 23767
subsequent resolution, including a resolution authorizing the 23768
issuance or incurrence of public obligations for the improvement, 23769
may authorize the improvement and the expenditure of the funds 23770
required for its acquisition or construction and may proceed with 23771
the improvement without regard to the procedures otherwise 23772
required by divisions (C), (D), and (E) of this section and by 23773
sections 6117.07 to 6117.24 of the Revised Code. Those procedures 23774
are required only for improvements for which special assessments 23775
are to be levied and collected. 23776

(C) If special assessments are to be levied and collected 23777
pursuant to a determination made in the resolution provided for in 23778
division (A) of this section or in a subsequent resolution, the 23779
procedures referred to in division (B) of this section as being 23780
required for that purpose shall apply, and the board may have the 23781
county sanitary engineer prepare, or otherwise cause to be 23782
prepared, detailed plans, specifications, and an estimate of cost 23783
for the improvement, together with a tentative assessment of the 23784
cost based on the estimate. The tentative assessment shall be for 23785
the information of property owners and shall not be levied or 23786
certified to the county auditor for collection. The detailed 23787
plans, specifications, estimate of cost, and tentative assessment, 23788
if approved by the board, shall be carefully preserved in the 23789
office of the board or the county sanitary engineer and shall be 23790
open to the inspection of all persons interested in the 23791
improvement. 23792

(D) After the board's approval of the detailed plans, 23793
specifications, estimate of cost, and tentative assessment, and at 23794
least twenty-four days before adopting a resolution pursuant to 23795
division (E) of this section, the board, except to the extent that 23796
appropriate waivers of notice are obtained from affected owners, 23797
shall cause to be sent a notice of its intent to adopt the 23798
resolution to each owner of property proposed to be assessed that 23799
is listed on the records of the county auditor for current 23800
agricultural use value taxation pursuant to section 5713.31 of the 23801
Revised Code and that is not located in an agricultural district 23802
established under section 929.02 of the Revised Code. The notice 23803
shall satisfy all of the following: 23804

(1) Be sent by first class or certified mail; 23805

(2) Specify the proposed date of the adoption of the 23806
resolution; 23807

(3) Contain a statement that the improvement will be financed 23808
in whole or in part by special assessments and that all properties 23809
not located in an agricultural district established pursuant to 23810
section 929.02 of the Revised Code may be subject to a special 23811
assessment; 23812

(4) Contain a statement that an agricultural district may be 23813
established by filing an application with the county auditor. 23814

If it appears, by the return of the mailed notices or by 23815
other means, that one or more of the affected owners cannot be 23816
found or are not served by the mailed notice, the board shall 23817
cause the notice to be published once in a newspaper of general 23818
circulation in the county not later than ten days before the 23819
adoption of the resolution. 23820

(E) After complying with divisions (A), (C), and (D) of this 23821
section, the board may adopt a resolution declaring that the 23822
improvement, which shall be described as to its nature and its 23823

location, route, and termini, is necessary for the preservation 23824
and promotion of the public health and welfare, referring to the 23825
plans, specifications, estimate of cost, and tentative assessment, 23826
stating the place where they are on file and may be examined, and 23827
providing that the entire cost or a lesser designated part of the 23828
cost will be specially assessed against the benefited properties 23829
within the district and that any balance will be paid by the 23830
county at large from other available funds. The resolution also 23831
shall contain a description of the boundaries of that part of the 23832
district to be assessed and shall designate a time and place for 23833
objections to the improvement, to the tentative assessment, or to 23834
the boundaries of the assessment district to be heard by the 23835
board. The date of that hearing shall be not less than twenty-four 23836
days after the date of the first publication of the notice of the 23837
hearing required by this division. 23838

The board shall cause a notice of the hearing to be published 23839
once a week for two consecutive weeks in a newspaper of general 23840
circulation in the county, and on or before the date of the second 23841
publication, it shall cause to be sent by first class or certified 23842
mail a copy of the notice to every owner of property to be 23843
assessed for the improvement whose address is known. 23844

The notice shall set forth the time and place of the hearing, 23845
a summary description of the proposed improvement, including its 23846
general route and termini, a summary description of the area 23847
constituting the assessment district, and the place where the 23848
plans, specifications, estimate of cost, and tentative assessment 23849
are on file and may be examined. Each mailed notice also shall 23850
include a statement that the property of the addressee will be 23851
assessed for the improvement. The notice also shall be sent by 23852
first class or certified mail, on or before the date of the second 23853
publication, to the clerk, or to the official discharging the 23854
duties of a clerk, of any municipal corporation any part of which 23855

lies within the assessment district and shall state whether or not 23856
any property belonging to the municipal corporation is to be 23857
assessed and, if so, shall identify that property. 23858

At the hearing, or at any adjournment of the hearing, of 23859
which no further published or mailed notice need be given, the 23860
board shall hear all parties whose properties are proposed to be 23861
assessed. Written objections to or endorsements of the proposed 23862
improvement, its character and termini, the boundaries of the 23863
assessment district, or the tentative assessment shall be received 23864
by the board for a period of five days after the completion of the 23865
hearing, and no action shall be taken by the board in the matter 23866
until after that period has elapsed. The minutes of the hearing 23867
shall be entered on the journal of the board, showing the persons 23868
who appear in person or by attorney, and all written objections 23869
shall be preserved and filed in the office of the board. 23870

Sec. 6117.25. (A) The board of county commissioners may pay 23871
the whole or any part of the cost of constructing, maintaining, 23872
repairing, or operating any improvement provided for in this 23873
chapter, including the payment of a county sanitary engineer and 23874
~~his~~ the sanitary engineer's assistants and other necessary 23875
expenses. Insofar as such expenses relate to the construction of a 23876
permanent improvement, they may be considered as part of the cost 23877
of such improvement and bonds may be issued therefor. ~~Bonds~~ 23878

(B) ~~Bonds~~ and notes in anticipation thereof, including bonds 23879
issued in anticipation of the collection of assessments deferred 23880
pursuant to sections 6117.061 and 6117.33 of the Revised Code, may 23881
be issued by the board pursuant to Chapter 133. of the Revised 23882
Code, to finance any such improvement~~+~~, provided that where a 23883
separate issue of bonds is issued in anticipation of the 23884
collection of deferred assessments, the first principal maturity 23885
of such bonds may be not later than five years from the date of 23886

such bonds. Bonds issued in anticipation of the collection of 23887
assessments deferred pursuant to sections 6117.061 and 6117.33 of 23888
the Revised Code and notes issued in anticipation of such bonds 23889
shall be considered for all purposes under this chapter and 23890
Chapter 133. of the Revised Code as being bonds or notes issued in 23891
anticipation of the levy or collection of special assessments. 23892

(C) Bonds may be issued by the board under Chapter 165. of 23893
the Revised Code to finance such improvements payable solely from 23894
revenues generated by the improvements. 23895

Sec. 6117.251. (A) After the establishment of any county 23896
sewer district, the board of county commissioners may determine by 23897
resolution that it is necessary to provide sanitary or drainage 23898
facility improvements or prevention or replacement facility 23899
improvements and to maintain and operate the improvements within 23900
the district or a designated portion of the district, that the 23901
improvements, which shall be generally described in the 23902
resolution, shall be constructed, that funds are required to pay 23903
the preliminary costs of the improvements to be incurred prior to 23904
the commencement of the proceedings for their construction, and 23905
that those funds shall be provided in accordance with this 23906
section. 23907

(B) Prior to the adoption of the resolution, the board shall 23908
give notice of its pendency and of the proposed determination of 23909
the necessity of the improvements generally described in the 23910
resolution. The notice shall set forth a description of the 23911
properties to be benefited by the improvements and the time and 23912
place of a hearing of objections to and endorsements of the 23913
improvements. The notice shall be given either by publication in a 23914
newspaper of general circulation in the county once a week for two 23915
consecutive weeks, or by mailing a copy of the notice by first 23916
class or certified mail to the owners of the properties proposed 23917

to be assessed at their respective tax mailing addresses, or by 23918
both manners, the first publication to be made or the mailing to 23919
occur at least two weeks prior to the date set for the hearing. At 23920
the hearing, or at any adjournment of the hearing, of which no 23921
further published or mailed notice need be given, the board shall 23922
hear all persons whose properties are proposed to be assessed and 23923
the evidence it considers to be necessary. The board then shall 23924
determine the necessity of the proposed improvements and whether 23925
the improvements shall be made by the board and, if they are to be 23926
made, shall direct the preparation of tentative assessments upon 23927
the benefited properties and by whom they shall be prepared. 23928

(C) In order to obtain funds for the preparation of a general 23929
or revised general plan of sewerage or drainage for the district 23930
or part of the district, for the preparation of the detailed 23931
plans, specifications, estimate of cost, and tentative assessment 23932
for the proposed improvements, and for the cost of financing and 23933
legal services incident to the preparation of all of those plans 23934
and a plan of financing the proposed improvements, the board may 23935
levy upon the properties to be benefited in the district a 23936
preliminary assessment apportioned according to benefits or to tax 23937
valuation or partly by one method and partly by the other method 23938
as the board may determine. The assessments shall be in the amount 23939
determined to be necessary to obtain funds for the general and 23940
detailed plans and the cost of financing and legal services and 23941
shall be payable in the number of years that the board shall 23942
determine, not to exceed twenty years, together with interest on 23943
any public obligations that may be issued or incurred in 23944
anticipation of the collection of the assessments. 23945

(D) The board shall have power at any time to levy additional 23946
assessments according to benefits or to tax valuation or partly by 23947
one method and partly by the other method as the board may 23948
determine for the purposes described in division (C) of this 23949

section upon the benefited properties to complete the payment of 23950
the costs described in division (C) of this section or to pay the 23951
cost of any additional plans, specifications, estimate of cost, or 23952
tentative assessment and the cost of financing and legal services 23953
incident to the preparation of those plans and the plan of 23954
financing, which additional assessments shall be payable in the 23955
number of years that the board shall determine, not to exceed 23956
twenty years, together with interest on any public obligations 23957
that may be issued or incurred in anticipation of the collection 23958
of the additional assessments. 23959

(E) Prior to the adoption of a resolution levying assessments 23960
under this section, the board shall give notice either by one 23961
publication in a newspaper of general circulation in the county, 23962
or by mailing a copy of the notice by first class or certified 23963
mail to the owners of the properties proposed to be assessed at 23964
their respective tax mailing addresses, or by both manners, the 23965
publication to be made or the mailing to occur at least ten days 23966
prior to the date of the meeting at which the resolution shall be 23967
taken up for consideration; that notice shall state the time and 23968
place of the meeting at which the resolution is to be considered. 23969
At the time and place of the meeting, or at any adjournment of the 23970
meeting, of which no further published or mailed notice need be 23971
given, the board shall hear all persons whose properties are 23972
proposed to be assessed, shall correct any errors and make any 23973
revisions that appear to be necessary or just, and then may adopt 23974
a resolution levying upon the properties determined to be 23975
benefited the assessments as so corrected and revised. 23976

The assessments levied by the resolution shall be certified 23977
to the county auditor for collection in the same manner as taxes 23978
in the year or years in which they are payable. 23979

(F) Upon the adoption of the resolution described in division 23980
(E) of this section, no further action shall be taken or work done 23981

until ten days have elapsed. If, at the expiration of that period, 23982
no appeal has been effected by any property owner as provided in 23983
this division, the action of the board shall be final. If, at the 23984
end of that ten days, any owner of property to be assessed for the 23985
improvements has effected an appeal, no further action shall be 23986
taken and no work done in connection with the improvements under 23987
the resolution until the matters appealed from have been disposed 23988
of in court. 23989

Any owner of property to be assessed may appeal as provided 23990
and upon the grounds stated in sections 6117.09 to 6117.24 of the 23991
Revised Code. 23992

If no appeal has been perfected or if on appeal the 23993
resolution of the board is sustained, the board may authorize and 23994
enter into contracts to carry out the purposes for which the 23995
assessments have been levied without the prior issuance of notes, 23996
provided that the payments under those contracts do not fall due 23997
prior to the time by which the assessments are to be collected. 23998
The board may issue and sell bonds with a maximum maturity of 23999
twenty years in anticipation of the collection of the assessments 24000
and may issue notes in anticipation of the issuance of the bonds, 24001
which notes and bonds, as public obligations, shall be issued and 24002
sold as provided in Chapter 133. of the Revised Code. 24003

Sec. 6117.28. Whenever the owners of all the lots and lands 24004
to be assessed for any sanitary or drainage facility improvement 24005
or any prevention or replacement facility improvement provided for 24006
in this chapter, by petition in writing, request the board of 24007
county commissioners to provide for the acquisition or 24008
construction, maintenance, and operation of the improvement, 24009
describing the improvement and the lots and lands owned by them 24010
respectively to be assessed to pay the cost of acquisition or 24011
construction, maintenance, and operation of the improvement and 24012

consenting that their lots and lands may be assessed to pay the 24013
cost of the acquisition or construction of the improvement and of 24014
its maintenance and operation as provided in this chapter, and 24015
waive all legal notices otherwise required, the board may have the 24016
county sanitary engineer prepare, or otherwise cause to be 24017
prepared, the necessary plans, specifications, and estimate of 24018
cost of the acquisition or construction, maintenance, and 24019
operation of the improvement and a tentative assessment. When the 24020
owners state, in writing, that they have examined the estimate of 24021
cost and tentative assessment, that they have no objections to 24022
them, and that, in case bonds are proposed to be issued prior to 24023
the acquisition or construction of the improvement, they waive 24024
their right or option to pay the assessments in cash, the board 24025
may proceed as provided in this chapter to cause the improvement 24026
to be acquired or constructed and to cause provision to be made 24027
for the payment of the cost of its acquisition or construction, 24028
maintenance, and operation, except that none of the notices 24029
otherwise required by law need be given and no opportunity need be 24030
provided for the filing of objections to the improvement, its 24031
character and termini, the boundaries of the assessment district, 24032
or the tentative assessment or, if bonds are issued prior to the 24033
acquisition or construction of the improvement, for paying the 24034
assessments in cash. The board may proceed to issue or incur 24035
public obligations in the required amount, complete the 24036
acquisition or construction of the improvement, and levy and 24037
collect the assessments authorized by this chapter. No person or 24038
public agency shall have the right to appeal from any decision or 24039
action of the board in the matter except refusal by the board to 24040
proceed with the improvement. 24041

The tentative assessment provided for in this section shall 24042
be for the information of property owners and shall not be levied 24043
or certified to the county auditor for collection. On completion 24044
of the improvement, its cost shall be determined, and the county 24045

sanitary engineer shall prepare, or otherwise cause to be 24046
prepared, a revised assessment based on the actual cost and in 24047
substantially the same proportion as the tentative assessment. The 24048
board shall confirm and levy the revised assessment and certify it 24049
to the county auditor for collection. 24050

Sec. 6117.30. The cost of the acquisition or construction of 24051
sanitary or drainage facilities or prevention or replacement 24052
facilities to be paid by assessments shall be assessed, as an 24053
assessment district assessment, upon all the property within the 24054
county sewer district found to be benefited in accordance with the 24055
special benefits conferred, less any part of the cost that is paid 24056
by the county at large from other available funds. State land so 24057
benefited shall bear its portion of the assessed cost. 24058

Sec. 6117.34. Whenever the legislative authority or board of 24059
health, or the officers performing the duties of the legislative 24060
authority or board of health, of a municipal corporation, the 24061
board of health of a general health district, or a board of 24062
township trustees makes complaint, in writing, to the 24063
environmental protection agency that unsanitary conditions exist 24064
in any county, the agency's director forthwith shall inquire into 24065
and investigate the conditions complained of. If, upon 24066
investigation of the complaint, the director finds that it is 24067
necessary for the public health and welfare that sanitary or 24068
drainage facilities or prevention or replacement facilities be 24069
acquired or constructed, maintained, and operated to serve any 24070
territory outside municipal corporations in any county, the 24071
director shall notify the board of county commissioners of the 24072
county of that finding and order that corrective action be taken. 24073
The board shall obey the order and proceed as provided in this 24074
chapter to establish a county sewer district, if required, to 24075
provide the necessary funds, to acquire or construct the 24076

facilities, and to maintain and operate the facilities, as 24077
required by the order and in a manner that is satisfactory to the 24078
director. Any part or all of the cost of the facilities or of the 24079
maintenance and operation of the facilities may be assessed upon 24080
the benefited properties as provided in this chapter. 24081

Sec. 6117.38. (A) At any time after the formation of any 24082
county sewer district, the board of county commissioners, when it 24083
considers it appropriate, on application by a person or public 24084
agency for the provision of sewerage or drainage to properties of 24085
the person or public agency located outside of the district, may 24086
contract with the person or public agency for depositing sewage or 24087
drainage from those properties in facilities acquired or 24088
constructed or to be acquired or constructed by the county to 24089
serve the district and for the treatment, disposal, and 24090
disposition of the sewage or drainage, on terms that the board 24091
considers equitable. The amount to be paid by the person or public 24092
agency to reimburse the county for costs of acquiring or 24093
constructing those facilities shall not be less than the original 24094
or comparable assessment for similar property within the district 24095
or, in the absence of an original or comparable assessment, an 24096
amount that is found by the board to be reasonable and fairly 24097
reflective of that portion of the cost of those facilities 24098
attributable to the properties to be served. The board shall 24099
appropriate any moneys received for that service to and for the 24100
use and benefit of the district. The board may collect the amount 24101
to be paid by the person or public agency in full, in cash or in 24102
installments as a part of a connection charge to be collected in 24103
accordance with division (B) or (D) of section 6117.02 of the 24104
Revised Code, or if the properties to be served are located within 24105
the county, the same amount may be assessed against those 24106
properties, and, in that event, the manner of making the 24107
assessment, together with the notice of it, shall be as provided 24108

in this chapter. 241109

(B) Whenever sanitary or drainage facilities or prevention or 241110
replacement facilities have been acquired or constructed by, and 241111
at the expense of, a person or public agency and the board 241112
considers it appropriate to acquire the facilities or any part of 241113
them for the purpose of providing sewerage or drainage service to 241114
territory within a sewer district, the county sanitary engineer, 241115
at the direction of the board, shall examine the facilities. If 241116
the county sanitary engineer finds the facilities properly 241117
designed and constructed, the county sanitary engineer shall 241118
certify that fact to the board. The board may determine to 241119
purchase the facilities or any part of them at a cost that, after 241120
consultation with the county sanitary engineer, it finds to be 241121
reasonable. 241122

Subject to and in accordance with this division and division 241123
(B) or divisions (C), (D), and (E) of section 6117.06 of the 241124
Revised Code, the board may purchase the facilities or any part of 241125
them by negotiation. For the purpose of paying the cost of their 241126
acquisition, the board may issue or incur public obligations and 241127
assess the entire cost, or a lesser designated part of the cost, 241128
of their acquisition against the benefited properties in the 241129
manner provided in this chapter for the construction of original 241130
or comparable facilities. 241131

Sec. 6117.41. At any time after the formation of any county 241132
sewer district, the board of county commissioners may enter into a 241133
contract, upon the terms and for the period of time that are 241134
mutually agreed upon, with any other public agency to prepare all 241135
necessary plans and estimates of cost and to acquire or construct 241136
any sanitary or drainage facilities or any prevention or 241137
replacement facilities that are to be used jointly by the 241138
contracting parties, and to provide for the maintenance, 241139

operation, and joint use by the contracting parties of those 24140
facilities or the maintenance, operation, and joint use of any 24141
suitable existing sanitary or drainage facilities or prevention or 24142
replacement facilities belonging to either of the contracting 24143
parties. 24144

Sec. 6117.42. All contracts under section 6117.41 of the 24145
Revised Code shall provide for the payment of compensation to the 24146
county or other public agency owning, acquiring, or constructing, 24147
or agreeing to acquire or construct, the sanitary or drainage 24148
facilities or prevention or replacement facilities to be jointly 24149
used in an amount agreed upon as the other party's share of the 24150
cost of acquiring or constructing the facilities. The contract 24151
also shall provide for payment of compensation to the county or 24152
other public agency owning, acquiring, or constructing the 24153
facilities and operating and maintaining them in an amount agreed 24154
upon as the other party's share of the cost of operating and 24155
maintaining them or, in lieu of all other or differing payments, 24156
and agreed price per unit of flow. A county or other public agency 24157
owning, acquiring, or constructing, or agreeing to acquire or 24158
construct, any of the facilities and agreeing to their use by 24159
another public agency shall retain full control and management of 24160
the acquisition, construction, maintenance, and operation of the 24161
facilities, unless otherwise provided in the contract and except, 24162
in the case of a county, when conveyed to a municipal corporation 24163
as provided in division (B) of section 6117.05 of the Revised 24164
Code. 24165

Sec. 6117.43. A county or other public agency contracting as 24166
provided in sections 6117.41 and 6117.42 of the Revised Code for 24167
the joint use of any sanitary or drainage facilities or any 24168
prevention or replacement facilities acquired or constructed, or 24169
to be acquired or constructed, by another public agency may 24170

provide for payment of the agreed compensation by the levy of 24171
taxes or special assessments or from sanitary sewer or drainage 24172
rates and charges, if and to the extent that the public agency is 24173
authorized by the laws governing it in the acquisition, 24174
construction, maintenance, or operation of the facilities to 24175
provide for payment of the costs in respect of which the 24176
compensation is due from those sources, and may issue or incur 24177
public obligations as provided by those laws and pay the debt 24178
charges on those obligations from those sources if and to the 24179
extent so authorized. 24180

Sec. 6117.44. A county or other public agency receiving the 24181
compensation provided for in section 6117.42 of the Revised Code 24182
shall credit the amount so received to the proper fund to be used 24183
for the acquisition, construction, or operation and maintenance, 24184
as the case may be, of the sanitary or drainage facilities or the 24185
prevention or replacement facilities or for other authorized 24186
purposes. 24187

Sec. 6117.45. No person or public agency shall tamper with or 24188
damage any sanitary or drainage facility or any prevention or 24189
replacement facility acquired or constructed by a county under 24190
this chapter or any apparatus or accessory connected with it or 24191
pertaining to it, or make any connection into or with the 24192
facility, without the permission of the board of county 24193
commissioners or in a manner or for a use other than as prescribed 24194
by the board. No person or public agency shall refuse to permit 24195
the inspection by the county sanitary engineer of any such 24196
connection. No person or public agency shall violate any other 24197
provision of this chapter. 24198

All fines collected under section 6117.99 of the Revised Code 24199
shall be paid to the county treasurer and credited to the fund 24200
that the board determines to be most appropriate after 24201

consideration of the nature and extent of the particular 24202
violations. 24203

Sec. 6117.49. (A) If the board of county commissioners 24204
determines by resolution that the best interests of the county and 24205
those served by the sanitary or drainage facilities or the 24206
prevention or replacement facilities of a county sewer district so 24207
require, the board may sell or otherwise dispose of the facilities 24208
to another public agency or a person. The resolution declaring the 24209
necessity of that disposition shall recite the reasons for the 24210
sale or other disposition and shall establish any conditions or 24211
terms that the board may impose, including, but not limited to, a 24212
minimum sales price if a sale is proposed, a requirement for the 24213
submission by bidders of the schedule of rates and charges 24214
initially proposed to be paid for the services of the facilities, 24215
and other pertinent conditions or terms relating to the sale or 24216
other disposition. The resolution also shall designate a time and 24217
place for the hearing of objections to the sale or other 24218
disposition by the board. Notice of the adoption of the resolution 24219
and the time and place of the hearing shall be published once a 24220
week for two consecutive weeks in a newspaper of general 24221
circulation in the sewer district and in the county. The public 24222
hearing on the sale or other disposition shall be held not less 24223
than twenty-four days following the date of first publication of 24224
the notice. A copy of the notice also shall be sent by first class 24225
or certified mail, on or before the date of the second 24226
publication, to any public agency within the area served by the 24227
facilities. At the public hearing, or at any adjournment of it, of 24228
which no further published or mailed notice need be given, the 24229
board shall hear all interested parties. A period of five days 24230
shall be given following the completion of the hearing for the 24231
filing of written objections by any interested persons or public 24232
agencies to the sale or other disposition, after which the board 24233

shall consider any objections and by resolution determine whether 24234
or not to proceed with the sale or other disposition. If the board 24235
determines to proceed with the sale or other disposition, it shall 24236
receive bids after advertising once a week for four consecutive 24237
weeks in a newspaper of general circulation in the county and, 24238
subject to the right of the board to reject any or all bids, may 24239
make an award to a responsible bidder whose proposal is determined 24240
by the board to be in the best interests of the county and those 24241
served by the facilities. 24242

(B) A conveyance of sanitary or drainage facilities or of 24243
prevention or replacement facilities by a county to a municipal 24244
corporation in accordance with division (B) of section 6117.05 of 24245
the Revised Code may be made without regard to division (A) of 24246
this section. 24247

Sec. 6121.045. With respect to a loan made under this 24248
chapter, the Ohio water development authority shall not charge any 24249
fees or fines in excess of the principal amount of the loan. 24250

Sec. 6123.042. With respect to a loan made under this 24251
chapter, the Ohio water development authority shall not charge any 24252
fees or fines in excess of the principal amount of the loan. 24253

Section 101.02. That existing sections 9.835, 105.41, 109.71, 24254
113.061, 113.40, 117.13, 117.38, 120.08, 122.171, 124.152, 24255
125.021, 125.04, 125.09, 125.18, 125.25, 133.08, 135.61, 135.63, 24256
135.65, 135.66, 145.47, 149.30, 156.02, 165.01, 165.03, 303.12, 24257
303.211, 307.697, 319.301, 321.261, 340.02, 340.021, 351.26, 24258
519.12, 519.211, 715.73, 715.74, 901.42, 1332.04, 1346.03, 24259
1561.011, 1561.16, 1561.17, 1561.23, 1561.25, 1561.26, 1565.15, 24260
2743.49, 2921.13, 2935.01, 2935.03, 2949.092, 3119.023, 3301.0714, 24261
3311.21, 3311.24, 3313.842, 3313.978, 3314.016, 3314.02, 3314.03, 24262
3314.05, 3316.03, 3316.041, 3316.06, 3316.08, 3317.023, 3317.11, 24263

3317.20, 3318.01, 3318.03, 3318.032, 3318.04, 3323.30, 3323.31, 24264
3323.32, 3323.33, 3333.04, 3333.044, 3333.122, 3335.05, 3341.03, 24265
3343.08, 3344.02, 3352.02, 3353.02, 3353.20, 3353.21, 3353.22, 24266
3353.26, 3353.27, 3353.28, 3353.29, 3354.16, 3355.12, 3356.02, 24267
3357.16, 3359.02, 3361.02, 3364.02, 3702.71, 3702.72, 3702.73, 24268
3702.74, 3702.75, 3702.78, 3702.79, 3702.81, 3702.85, 3702.86, 24269
3702.91, 3702.93, 3702.95, 3703.01, 3734.821, 3735.67, 3905.40, 24270
3961.04, 4117.01, 4117.09, 4117.14, 4117.15, 4123.26, 4123.32, 24271
4123.37, 4123.54, 4131.03, 4301.355, 4301.421, 4301.424, 4301.432, 24272
4301.47, 4301.62, 4303.03, 4303.071, 4303.181, 4303.182, 4303.232, 24273
4303.233, 4303.30, 4303.33, 4303.333, 4399.12, 4510.10, 4511.01, 24274
4511.181, 4511.191, 4735.01, 4735.02, 4735.10, 4735.13, 4735.14, 24275
4735.141, 4752.04, 4752.05, 4752.06, 4752.07, 4752.11, 4752.12, 24276
4752.13, 4928.142, 5101.5211, 5101.5212, 5101.5213, 5101.5214, 24277
5101.5215, 5101.572, 5101.80, 5111.032, 5111.091, 5111.31, 24278
5111.941, 5112.31, 5112.37, 5123.0412, 5123.196, 5123.36, 5525.01, 24279
5703.19, 5703.21, 5703.57, 5705.194, 5705.214, 5705.29, 5709.121, 24280
5721.30, 5721.31, 5721.32, 5721.33, 5721.34, 5721.35, 5721.36, 24281
5721.37, 5721.38, 5721.39, 5721.40, 5721.41, 5721.42, 5721.43, 24282
5727.85, 5739.01, 5739.02, 5739.029, 5739.12, 5739.122, 5739.124, 24283
5739.21, 5741.04, 5741.12, 5741.121, 5741.122, 5743.021, 5743.024, 24284
5743.321, 5743.323, 5745.05, 5747.01, 5747.02, 5748.022, 5751.20, 24285
5751.21, 6117.01, 6117.011, 6117.012, 6117.04, 6117.05, 6117.06, 24286
6117.25, 6117.251, 6117.28, 6117.30, 6117.34, 6117.38, 6117.41, 24287
6117.42, 6117.43, 6117.44, 6117.45, and 6117.49 of the Revised 24288
Code are hereby repealed. 24289

Section 105.01. That sections 124.821, 3314.086, 3317.161, 24291
3353.23, 3353.24, 3353.25, 3353.30, 5111.88, 5111.881, 5111.882, 24292
5111.883, 5111.884, 5111.885, 5111.886, 5111.887, 5111.888, 24293
5111.889, 5111.8810, 5111.8811, 5111.8812, 5111.8813, 5111.8814, 24294

5111.8815, 5111.8816, 5111.8817, 5112.311, and 5739.213 of the 24295
 Revised Code are hereby repealed. 24296

Section 201.10. The items set forth in this section are 24297
 hereby appropriated out of any moneys in the state treasury to the 24298
 credit of the Nursing Home - Federal Fund (Fund 3190) that are not 24299
 otherwise appropriated. 24300

			Appropriations	
OVH OHIO VETERANS' HOME AGENCY				24301
C43019	G-Life Safety & Security	\$ 310,700		24302
C43020	G-Critical Power & Grounds	\$ 510,250		24303
C43021	S-S/G Tub Room & Nurse Call	\$ 1,856,712		24304
C43022	S-G Renovate Giffin First Floor	\$ 418,015		24305
C43023	S-S/G Floor Replacement	\$ 579,270		24306
C43024	S-S. VH HVAC Upgrade	\$ 1,362,936		24307
C43025	S-Network Infrastructure	\$ 488,807		24308
C43026	G-HVAC Controls Upgrade	\$ 357,500		24309
Total Ohio Veterans' Home Agency			\$ 5,884,190	24310
TOTAL Nursing Home - Federal Fund			\$ 5,884,190	24311

Section 203.10. The items set forth in this section are 24313
 hereby appropriated out of any moneys in the state treasury to the 24314
 credit of the Army National Guard Service Contract Fund (Fund 24315
 3420) that are not otherwise appropriated. 24316

			Appropriations	
ADJ ADJUTANT GENERAL				24317
C74519	Energy Conservation - Federal Share	\$ 107,792		24318
Total Adjutant General			\$ 107,792	24319
TOTAL Army National Guard Service Contract Fund			\$ 107,792	24320

Section 205.10. The items set forth in this section are 24322
 hereby appropriated out of any moneys in the state treasury to the 24323
 credit of the Special Administrative Fund (Fund 4A90) that are not 24324

otherwise appropriated. 24325

Appropriations

JFS DEPARTMENT OF JOB AND FAMILY SERVICES			24326
C60000	Various Renovations - Local Offices	\$ 537,869	24327
C60001	145 South Front Renovation	\$ 6,500,000	24328
Total Department of Job and Family Services			24329
TOTAL Special Administrative Fund			24330

Section 207.10. The items set forth in this section are 24332
 hereby appropriated out of any moneys in the state treasury to the 24333
 credit of the State Fire Marshal Fund (Fund 5460) that are not 24334
 otherwise appropriated. 24335

Appropriations

COM DEPARTMENT OF COMMERCE			24336
C80002	MARCS Radios	\$ 50,000	24337
C80010	Security Enhancements	\$ 200,000	24338
C80011	Gas Line Replacement	\$ 80,000	24339
C80012	Roof Replacement Main & Training	\$ 800,000	24340
C80013	ADAMS Data Imaging System	\$ 35,000	24341
C80014	Mobile Fire Behavior Lab	\$ 75,000	24342
C80015	Gas Chromatograph/Mass Spec	\$ 90,000	24343
C80016	Search & Rescue Training Module	\$ 70,000	24344
C80017	Fiber-optic Installation with AGR	\$ 200,000	24345
Total Department of Commerce			24346
TOTAL State Fire Marshal Fund			24347

Section 209.10. The items set forth in this section are 24349
 hereby appropriated out of any moneys in the state treasury to the 24350
 credit of the Veterans' Home Improvement Fund (Fund 6040) that are 24351
 not otherwise appropriated. 24352

Appropriations

OVH OHIO VETERANS' HOME AGENCY			24353
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C43027	G-Life Safety & Security	\$	167,300	24354
C43028	G-Critical Power & Grounds	\$	274,750	24355
C43029	S-S/G Tub Room & Nurse Call	\$	999,768	24356
C43030	S-G Renovate Giffin First Floor	\$	225,085	24357
C43031	S-S/G Floor Replacement	\$	311,915	24358
C43032	S-S. VH HVAC Upgrade	\$	733,889	24359
C43033	S-Network Infrastructure	\$	263,204	24360
C43034	G-HVAC Controls Upgrade	\$	192,500	24361
C43035	S-Replace Wanderguard System	\$	261,000	24362
Total Ohio Veterans' Home Agency		\$	3,429,411	24363
TOTAL Veterans' Home Improvement Fund		\$	3,429,411	24364

Section 211.10. The items set forth in this section are 24366
hereby appropriated out of any moneys in the state treasury to the 24367
credit of the Highway Safety Fund (Fund 7036) that are not 24368
otherwise appropriated. 24369

Appropriations

DPS DEPARTMENT OF PUBLIC SAFETY				24370
C76021	Academy Maintenance and Repair	\$	1,696,345	24371
Total Department of Public Safety		\$	1,696,345	24372
TOTAL Highway Safety Fund		\$	1,696,345	24373

Section 213.10. The items set forth in this section are 24375
hereby appropriated out of any moneys in the state treasury to the 24376
credit of the State Capital Improvements Revolving Loan Fund (Fund 24377
7040). Revenues to the State Capital Improvements Revolving Loan 24378
Fund shall consist of all repayments of loans made to local 24379
subdivisions for capital improvements, investment earnings on 24380
moneys in the fund, and moneys obtained from federal or private 24381
grants or from other sources for the purpose of making loans for 24382
the purpose of financing or assisting in the financing of the cost 24383
of capital improvement projects of local subdivisions. 24384

Appropriations

	PWC PUBLIC WORKS COMMISSION		24385
C15030	Revolving Loan	\$ 39,500,000	24386
	Total Public Works Commission	\$ 39,500,000	24387
	TOTAL State Capital Improvements Revolving Loan	\$ 39,500,000	24388
	Fund		

The foregoing appropriation item C15030, Revolving Loan, 24389
shall be used in accordance with sections 164.01 to 164.12 of the 24390
Revised Code. 24391

If the Public Works Commission receives refunds due to 24392
project overpayments that are discovered during a post-project 24393
audit, the Director of the Public Works Commission may certify to 24394
the Director of Budget and Management that refunds have been 24395
received. In certifying the refunds, the Director of the Public 24396
Works Commission shall provide the Director of Budget and 24397
Management information on the project refunds. The certification 24398
shall detail by project the source and amount of project 24399
overpayments received and include any supporting documentation 24400
required or requested by the Director of Budget and Management. 24401
Upon receipt of the certification, the Director of Budget and 24402
Management shall determine if the project refunds are necessary to 24403
support existing appropriations. If the project refunds are 24404
available to support additional appropriations, these amounts are 24405
hereby appropriated to appropriation item C15030, Revolving Loan. 24406

Section 215.10. The items set forth in this section are 24407
hereby appropriated out of any moneys in the state treasury to the 24408
credit of the Waterways Safety Fund (Fund 7086) that are not 24409
otherwise appropriated. 24410

Appropriations

	DNR DEPARTMENT OF NATURAL RESOURCES		24411
C725A7	Cooperative Grant Funding for Boating	\$ 9,300,000	24412
	Facilities		

C725N9	Operations Facilities Development -	\$	2,350,000	24413
	Sandusky Watercraft Office Construction			
	Total Department of Natural Resources	\$	11,650,000	24414
	TOTAL Waterways Safety Fund	\$	11,650,000	24415

Section 217.10. The items set forth in this section are 24417
hereby appropriated out of any moneys in the state treasury to the 24418
credit of the Clean Ohio Revitalization Fund (Fund 7003) that are 24419
not otherwise appropriated: 24420

Appropriations

	DEV DEPARTMENT OF DEVELOPMENT			24421
C19500	Clean Ohio Revitalization	\$	32,000,000	24422
C19501	Clean Ohio Assistance	\$	8,000,000	24423
	Total Department of Development	\$	40,000,000	24424
	TOTAL Clean Ohio Assistance Fund	\$	40,000,000	24425

Section 217.11. CLEAN OHIO REVITALIZATION 24427

The Treasurer of State is hereby authorized to issue and 24428
sell, in accordance with Section 20 of Article VIII, Ohio 24429
Constitution, and pursuant to sections 151.01 and 151.40 of the 24430
Revised Code, original obligations in an aggregate principal 24431
amount not to exceed \$40,000,000 in addition to the original 24432
issuance of obligations heretofore authorized by prior acts of the 24433
General Assembly. These authorized obligations shall be issued and 24434
sold from time to time, subject to applicable constitutional and 24435
statutory limitations, as needed to ensure sufficient moneys to 24436
the credit of the Clean Ohio Revitalization Fund (Fund 7003) to 24437
pay costs of revitalization projects. 24438

Section 219.10. The items set forth in this section are 24439
hereby appropriated out of any moneys in the state treasury to the 24440
credit of the Job Ready Site Development Fund (Fund 7012) that are 24441
not otherwise appropriated: 24442

		Appropriations	
	DEV DEPARTMENT OF DEVELOPMENT		24443
C19502	Job Ready Sites	\$ 30,000,000	24444
	Total Department of Development	\$ 30,000,000	24445
	TOTAL Job Ready Site Development Fund	\$ 30,000,000	24446

Section 219.11. JOB READY SITE DEVELOPMENT 24448

The Ohio Public Facilities Commission, upon request of the 24449
 Department of Development, is hereby authorized to issue and sell, 24450
 in accordance with Section 2p of Article VIII, Ohio Constitution, 24451
 and pursuant to sections 151.01 and 151.11 of the Revised Code, 24452
 original obligations of the State of Ohio in an aggregate amount 24453
 not to exceed \$30,000,000 in addition to the original issuance of 24454
 obligations heretofore authorized by prior acts of the General 24455
 Assembly. These authorized obligations shall be issued and sold 24456
 from time to time, subject to applicable constitutional and 24457
 statutory limitations, as needed to ensure sufficient moneys to 24458
 the credit of the Job Ready Site Development Fund (Fund 7012) to 24459
 pay costs of sites and facilities. 24460

Section 221.10. The items set forth in the sections of this 24461
 act prefixed with the section number "221" are hereby appropriated 24462
 out of any moneys in the state treasury to the credit of the 24463
 Administrative Building Fund (Fund 7026) that are not otherwise 24464
 appropriated. 24465

		Appropriations	
	Section 221.10.10. ADJ ADJUTANT GENERAL		24466
C74502	Roof Replacement - Various Facilities	\$ 583,874	24467
C74503	Electrical Systems - Various Facilities	\$ 348,079	24468
C74504	Camp Perry Facility/Infrastructure	\$ 500,000	24469
	Improvements		
C74505	Replace Windows and Doors - Various	\$ 341,342	24470

	Facilities			
C74506	Plumbing Renovations - Various	\$	523,241	24471
	Facilities			
C74507	Paving Renovations - Various Facilities	\$	527,733	24472
C74508	HVAC Systems - Various Facilities	\$	1,387,939	24473
C74510	Masonry Renovations - Various	\$	180,000	24474
	Facilities			
C74526	Energy Conservation - Various Facilities	\$	107,792	24475
C74528	Camp Perry Improvements	\$	1,000,000	24476
C74531	Rickenbacker Radar Project	\$	1,000,000	24477
	Total Adjutant General	\$	6,500,000	24478

Appropriations

	Section 221.10.20. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES			24480
C10010	Surface Road Building Renovations	\$	400,000	24481
C10013	Energy Conservation Projects	\$	2,100,000	24482
C10015	SOCC Renovations	\$	5,000,000	24483
C10020	North High Street Complex Renovations	\$	12,500,000	24484
C10030	Broadband Ohio	\$	5,000,000	24485
C10031	Operations Facilities Improvements	\$	2,800,000	24486
C10032	Columbus Downtown Development - Sky Bridge Project	\$	2,500,000	24487
	Total Department of Administrative Services	\$	30,300,000	24488

Appropriations

	Section 221.10.30. AGR DEPARTMENT OF AGRICULTURE			24490
C70007	Building and Grounds Renovation	\$	650,000	24491
C70014	Grounds Security and Emergency Power	\$	200,000	24492
C70015	Fiber Installation for Infrastructure	\$	200,000	24493
	ODA/SFM			
C70016	ODA/SFM Shared Driveway/Entrance	\$	50,000	24494
C70017	Raze Building #2	\$	265,000	24495
	Total Department of Agriculture	\$	1,365,000	24496

Appropriations

Section 221.10.40. CSR CAPITOL SQUARE REVIEW AND ADVISORY			24498
BOARD			24499
C87406	Grounds Improvement	\$ 221,000	24500
C87407	Sound and Lighting Systems	\$ 145,000	24501
C87408	HVAC Improvement	\$ 628,381	24502
C87412	Security and Safety Upgrades	\$ 337,000	24503
C87413	Education Center	\$ 540,367	24504
C87415	Interior Repairs and Replacements	\$ 186,000	24505
Total Capitol Square Review and Advisory Board			\$ 2,057,748 24506

Appropriations

Section 221.10.50. EXP EXPOSITIONS COMMISSION			24508
C72300	Electric Upgrade	\$ 2,100,000	24509
C72303	Building Renovations and Repairs	\$ 11,900,000	24510
C72312	Emergency Renovations and Equipment Replacement	\$ 1,000,000	24511
C72315	North Parking Lot Improvements and Paving	\$ 5,000,000	24512
Total Expositions Commission			\$ 20,000,000 24513

Appropriations

Section 221.10.60. LIB STATE LIBRARY BOARD			24515
C35001	OPLIN Router Replacement Project	\$ 200,000	24516
Total State Library Board			\$ 200,000 24517

Appropriations

Section 221.10.70. DNR DEPARTMENT OF NATURAL RESOURCES			24519
C725D5	Fountain Square Building and Telephone System Improvements	\$ 1,000,000	24520
C725D7	MARCS	\$ 425,000	24521
C725E0	DNR Fairgrounds Area - General Upgrading	\$ 500,000	24522

- Fairgrounds Site Improvements

C725N7	Operations Facilities Development	\$	300,000	24523
Total Department of Natural Resources		\$	2,225,000	24524

Appropriations

Section 221.10.80. DPS DEPARTMENT OF PUBLIC SAFETY 24526

C76017	Replacement Mission Critical Building System	\$	725,250	24527
C76022	American Red Cross Facility - Cincinnati	\$	1,000,000	24528
C76023	Red Cross Muskingum Lakes Chapter	\$	500,000	24529
C76024	American Red Cross Facility - Tuscarawas	\$	250,000	24530
C76025	Family Services of Cincinnati	\$	50,000	24531
C76026	Tallmadge Shooting Range	\$	500,000	24532
C76027	Southeast Ohio Emergency Responder Facility	\$	25,000	24533
Total Department of Public Safety		\$	3,050,250	24534

Appropriations

Section 221.10.90. OSB SCHOOL FOR THE BLIND 24536

C22618	Front Entry Renovations	\$	112,500	24537
C22619	Public Address System Replacement	\$	77,000	24538
C22620	School HVAC Renovation	\$	215,000	24539
C22621	Renovations to Cottage C1	\$	125,000	24540
C22622	Track Shelter	\$	45,000	24541
Total School for the Blind		\$	574,500	24542

Appropriations

Section 221.20.10. OSD SCHOOL FOR THE DEAF 24544

C22108	High School Window Replacement	\$	123,000	24545
C22109	High School HVAC	\$	117,500	24546
C22110	Gymnasium Floor & Lighting	\$	237,000	24547
C22111	Staff Building Windows and Repairs	\$	97,000	24548
C22112	Alumni Park Preservation	\$	62,500	24549

Total School for the Deaf \$ 637,000 24550

Appropriations

Section 221.20.20. DOT DEPARTMENT OF TRANSPORTATION 24551

C77701 Chillicothe Transit Facility - District \$ 500,000 24552

9

Total Department of Transportation \$ 500,000 24553

TOTAL Administrative Building Fund \$ 67,409,498 24554

Section 221.20.30. The Ohio Building Authority is hereby 24556
 authorized to issue and sell, in accordance with Section 2i of 24557
 Article VIII, Ohio Constitution, and Chapter 152. and other 24558
 applicable sections of the Revised Code, original obligations in 24559
 an aggregate principal amount not to exceed \$48,000,000 in 24560
 addition to the original issuance of obligations heretofore 24561
 authorized by prior acts of the General Assembly. These authorized 24562
 obligations shall be issued, subject to applicable constitutional 24563
 and statutory limitations, to pay costs associated with previously 24564
 authorized capital facilities and the capital facilities referred 24565
 to in Sections 221.10.10 to 221.20.10 of this act. 24566

Section 223.10. The items set forth in this section are 24567
 hereby appropriated out of any moneys in the state treasury to the 24568
 credit of the Adult Correctional Building Fund (Fund 7027) that 24569
 are not otherwise appropriated. 24570

Appropriations

DRC DEPARTMENT OF REHABILITATION AND CORRECTION 24571

STATEWIDE AND CENTRAL OFFICE PROJECTS 24572

C50101 Community Based Correctional Facilities \$ 1,600,000 24573

C50103 Asbestos Abatement - SW \$ 1,000,000 24574

C50104 Power House/Utility Improvements - SW \$ 1,400,000 24575

C50105 Water System/Plant Improvements - SW \$ 6,000,000 24576

C50110 Security Improvements - SW \$ 10,434,897 24577

C50136	General Building Renovations - SW	\$	42,665,103	24578
C50175	Mandown Alert Communication - SW	\$	4,800,000	24579
C501B3	Electrical System Upgrade - SW	\$	4,100,000	24580
Total Statewide and Central Office Projects		\$	72,000,000	24581
TOTAL Department of Rehabilitation and Correction		\$	72,000,000	24582
TOTAL Adult Correctional Building Fund		\$	72,000,000	24583

Section 223.11. The Ohio Building Authority is hereby 24585
authorized to issue and sell, in accordance with Section 2i of 24586
Article VIII, Ohio Constitution, and Chapter 152. and section 24587
307.021 of the Revised Code, original obligations in an aggregate 24588
principal amount not to exceed \$62,000,000 in addition to the 24589
original issuance of obligations heretofore authorized by prior 24590
acts of the General Assembly. These authorized obligations shall 24591
be issued, subject to applicable constitutional and statutory 24592
limitations, to pay costs associated with previously authorized 24593
capital facilities and the capital facilities referred to in 24594
Section 223.10 of this act for the Department of Rehabilitation 24595
and Correction. 24596

Section 225.10. The items set forth in this section are 24597
hereby appropriated out of any moneys in the state treasury to the 24598
credit of the Juvenile Correctional Building Fund (Fund 7028) that 24599
are not otherwise appropriated. 24600

Appropriations

DYS DEPARTMENT OF YOUTH SERVICES			24601	
C47001	Fire Suppression, Safety and Security	\$	4,036,125	24602
C47002	General Institutional Renovations	\$	4,424,725	24603
C47003	CCF Renovations/Maintenance	\$	2,000,000	24604
C47007	Juvenile Detention Centers	\$	4,980,000	24605
C47016	Shower Renovation - SJCF	\$	1,642,000	24606
C47017	Roof Replacement - SJCF	\$	1,508,650	24607
C47018	Educational Annex - CHJCF	\$	1,408,500	24608

C47019	Lawrence County Youth Facility	\$	500,000	24609
	Relocation			
C47020	Lighthouse Youth Services	\$	50,000	24610
	Total Department of Youth Services	\$	20,550,000	24611
	TOTAL Juvenile Correctional Building Fund	\$	20,550,000	24612

Section 225.11. The Ohio Building Authority is hereby 24614
authorized to issue and sell, in accordance with Section 2i of 24615
Article VIII, Ohio Constitution, and Chapter 152. and other 24616
applicable sections of the Revised Code, original obligations in 24617
an aggregate principal amount not to exceed \$19,000,000 in 24618
addition to the original issuance of obligations heretofore 24619
authorized by prior acts of the General Assembly. These authorized 24620
obligations shall be issued, subject to applicable constitutional 24621
and statutory limitations, to pay the costs associated with 24622
previously authorized capital facilities and the capital 24623
facilities referred to in Section 225.10 of this act for the 24624
Department of Youth Services. 24625

Section 227.10. The items set forth in this section are 24626
hereby appropriated out of any moneys in the state treasury to the 24627
credit of the Cultural and Sports Facilities Building Fund (Fund 24628
7030) that are not otherwise appropriated. 24629

Appropriations

	AFC CULTURAL FACILITIES COMMISSION			24630
C37118	Statewide Site Repairs	\$	650,000	24631
C37120	Cincinnati Museum Center	\$	2,500,000	24632
C37122	Akron Art Museum	\$	500,000	24633
C37123	Youngstown Symphony Orchestra	\$	675,000	24634
C37127	Cedar Bog	\$	50,000	24635
C37139	Stan Hywett Hall & Gardens	\$	1,250,000	24636
C37140	McKinley Museum Improvements	\$	200,000	24637
C37142	Midland Theatre Improvements	\$	300,000	24638

C37148	Hayes Presidential Center	\$	150,000	24639
C37152	Zoar Village Building Restoration	\$	90,000	24640
C37153	Basic Renovations and Emergency Repairs	\$	850,000	24641
C37158	Rankin House Restoration and Development	\$	242,000	24642
C37163	Harding Home and Tomb	\$	340,000	24643
C37165	Ohio Historical Center Rehabilitation	\$	514,000	24644
C37187	Renaissance Theatre	\$	900,000	24645
C37188	Trumpet in the Land Facility	\$	150,000	24646
C371A3	Voice of America Museum Facility	\$	500,000	24647
C371A9	Western Reserve Historical Society	\$	300,000	24648
C371C7	Music Hall Facility	\$	1,100,000	24649
C371E5	Pro Football Hall of Fame	\$	500,000	24650
C371F6	Colony Theater	\$	250,000	24651
C371G4	Collections Storage Facility and Learning Center	\$	1,240,000	24652
C371G6	Lockington Locks Stabilization	\$	462,000	24653
C371H2	National Underground Railroad Freedom Center	\$	850,000	24654
C371H5	Heritage Center of Dayton Manufacturing & Entrepreneurship	\$	1,000,000	24655
C371H7	COSI - Columbus	\$	500,000	24656
C371H8	Columbus Museum of Art	\$	1,500,000	24657
C371J3	Davis-Shai Historical Facility	\$	725,000	24658
C371J4	Massillon Museum Improvements	\$	150,000	24659
C371J6	Peggy McConnell Arts Center - Worthington	\$	475,000	24660
C371J9	Stambaugh Auditorium	\$	675,000	24661
C371K3	Cincinnati Ballet	\$	250,000	24662
C371L3	Ukrainian Museum	\$	50,000	24663
C371L4	Gordon Square Arts Center	\$	1,800,000	24664
C371M8	Hale Farm and Village	\$	200,000	24665
C371O9	Historic Site-Signage - Phase II	\$	50,000	24666
C371P4	Cleveland Playhouse	\$	150,000	24667

C371P9	Civil War Site Improvements	\$	475,000	24668
C371Q0	On-Line Portal to Ohio's Heritage	\$	427,000	24669
C371Q1	Lucas County Multi-purpose Sports Arena	\$	2,200,000	24670
C371Q2	Ballpark Village project	\$	2,000,000	24671
C371Q5	Cincinnati Zoo	\$	1,500,000	24672
C371Q6	Cincinnati Art Museum	\$	1,500,000	24673
C371R0	King Arts Complex	\$	861,000	24674
C371R3	Loudonville Opera House	\$	600,000	24675
C371R4	Eagles Palace Theater	\$	600,000	24676
C371R6	Historic McCook House	\$	500,000	24677
C371R7	Jeffrey Mansion in Bexley	\$	475,000	24678
C371R8	Columbus Zoo and Aquarium	\$	500,000	24679
C371S0	Towpath Trail	\$	500,000	24680
C371S1	Museum of Contemporary Art Cleveland	\$	450,000	24681
C371S2	Canton Art Institute	\$	450,000	24682
C371S3	Ohio Genealogical Society	\$	350,000	24683
C371S5	Lake County Fine Arts Association	\$	300,000	24684
C371S7	Maltz Museum of Jewish Heritage	\$	300,000	24685
C371S8	Allen County Historical Society Museum Renovation	\$	280,000	24686
C371S9	Portsmouth Mural	\$	250,000	24687
C371T0	Mt. Vernon - Nazarene University Arts Center	\$	300,000	24688
C371T2	Bucyrus Little Theater Restoration Project	\$	250,000	24689
C371T3	Boonshoft Museum of Discovery	\$	250,000	24690
C371T5	Cliffton Cultural Arts Center	\$	250,000	24691
C371T6	Baltimore Theatre	\$	50,000	24692
C371T7	Rock Mill Park Improvements	\$	150,000	24693
C371T9	Cozad-Bates House Historic Project	\$	100,000	24694
C371U1	Playhouse Square Center	\$	350,000	24695
C371U3	Lake Erie Nature & Science Center	\$	150,000	24696
C371U4	Great Lakes Science Center	\$	300,000	24697

C371U5	Cleveland Zoological Society	\$	150,000	24698
C371U8	Kidron Historical Society - Sonnenberg Village project	\$	200,000	24699
C371V0	Chesterhill Union Hall Theatre	\$	25,000	24700
C371V1	Geauga County Historical Society - Maple Museum	\$	20,000	24701
C371V2	Hallsville Historical Society	\$	100,000	24702
C371V3	Fayette County Historical Society	\$	150,000	24703
C371V4	Covedale Theatre	\$	100,000	24704
C371V5	Mariemont City - Women's Cultural Arts Center	\$	220,000	24705
C371V6	Madeira Historical Society/Miller House	\$	60,000	24706
C371V7	Sylvania Historic Village restoration	\$	200,000	24707
C371V8	City of Perrysburg & Owens Community College Indoor Firing Range	\$	200,000	24708
C371V9	Henry County Historical Society museum	\$	59,000	24709
C371W0	Antwerp Railroad Depot historic building	\$	106,000	24710
C371W1	Village of Edinburg Veterans Memorial	\$	35,000	24711
C371W2	Lorain County Historical Society Horace Starr House	\$	200,000	24712
C371W3	North Ridgeville Historic Community Theater	\$	175,000	24713
C371W4	Redbrick Center for the Arts	\$	250,000	24714
C371W5	Irene Lawrence Fuller Historic House	\$	250,000	24715
C371W6	Preble County Historical Society Amphitheater	\$	250,000	24716
C371W7	BalletTech	\$	200,000	24717
C371W8	Cincinnati Museum Center - Eulett Center	\$	150,000	24718
C371W9	Rickenbacker Boyhood Home	\$	139,000	24719
C371X0	Rivers Edge Amphitheater project	\$	100,000	24720
C371X1	Variety Theater	\$	85,000	24721
C371X2	Morgan Township Historical Society	\$	80,000	24722
C371X3	Salem Community Theater	\$	53,000	24723

C371X4	Our House State Memorial	\$	50,000	24724
C371X5	Belle's Opera House Improvements	\$	50,000	24725
C371X6	Warren Veterans memorial	\$	50,000	24726
C371X7	Huntington Playhouse	\$	40,000	24727
C371X8	Cambridge Performing Arts Center	\$	37,500	24728
C371X9	Old Harvey Historic School Restoration	\$	25,000	24729
C371Y0	Dalton Community Historical Society	\$	10,000	24730
C371Y1	Mohawk Veterans' Memorial	\$	15,000	24731
C371Y2	Cleveland Museum of Natural History	\$	150,000	24732
C371Y3	Fire Museum	\$	83,334	24733
C371Y4	New Town Indian Artifact Museum	\$	300,000	24734
C371Y5	City of Perrysburg Fort Meigs	\$	200,000	24735
C371Y6	Historic League Park Restoration	\$	150,000	24736
C371Y7	Ward-Thomas Museum	\$	50,000	24737
C371Z0	Marietta Citizens Armory Cultural Center	\$	200,000	24738
	Total Cultural Facilities Commission	\$	43,723,834	24739
	TOTAL Cultural and Sports Facilities Building Fund	\$	43,723,834	24740

Of the foregoing appropriation item C371Q5, Cincinnati Zoo, 24741
 \$750,000 shall be used for the Cat Canyon/Small Cat Reproduction 24742
 Center project." 24743

Section 227.11. The Treasurer of State is hereby authorized 24744
 to issue and sell, in accordance with Section 2i of Article VIII, 24745
 Ohio Constitution, and Chapter 154. and other applicable sections 24746
 of the Revised Code, original obligations in an aggregate 24747
 principal amount not to exceed \$42,000,000 in addition to the 24748
 original issuance of obligations heretofore authorized by prior 24749
 acts of the General Assembly. These authorized obligations shall 24750
 be issued, subject to applicable constitutional and statutory 24751
 limitations, to pay costs of capital facilities as defined in 24752
 section 154.01 of the Revised Code, including construction as 24753
 defined in division (H) of section 3383.01 of the Revised Code, of 24754
 the Ohio cultural facilities designated in Section 227.10 of this 24755

act. 24756

Section 229.10. The items set forth in this section are 24757
 hereby appropriated out of any moneys in the state treasury to the 24758
 credit of the Ohio Parks and Natural Resources Fund (Fund 7031) 24759
 that are not otherwise appropriated. 24760

Appropriations

	DNR DEPARTMENT OF NATURAL RESOURCES		24761
	STATEWIDE AND LOCAL PROJECTS		24762
C72512	Land Acquisition - Department	\$ 3,000,000	24763
C72549	Operations Facilities Development	\$ 1,500,000	24764
C725B7	Underground Fuel Storage Tank	\$ 750,000	24765
	Removal/Replacement - Department		
C725C0	Cap Abandoned Water Wells	\$ 50,000	24766
C725E1	NatureWorks Local Park Grants	\$ 3,800,000	24767
C725E5	Project Planning	\$ 1,100,000	24768
C725J0	Natural Areas and Preserves Maintenance	\$ 200,000	24769
	Facility Development - Springville Marsh		
	Carbon Rod Removal		
C725M0	Dam Rehabilitation - Department	\$ 10,000,000	24770
C725N1	Handicapped Accessibility - Department	\$ 250,000	24771
C725N5	Wastewater/Water Systems Upgrade -	\$ 3,000,000	24772
	Department		
C725O1	The Wilds	\$ 1,000,000	24773
C725P9	Boundary Protection	\$ 150,000	24774
C725R6	Blanchard River Flood Mitigation Efforts	\$ 3,000,000	24775
C725R7	Lake Alma Restroom and Shower Upgrades	\$ 650,000	24776
C725R8	Indian Lake Dredging	\$ 200,000	24777
C725R9	Wabash Watershed - Grand Lake St. Marys	\$ 150,000	24778
	Dredging		
C725S0	Historic Pittsburgh Marion & Chicago	\$ 145,000	24779
	Train Station Bike Trail		

C725S1	Addyston Boat Ramp	\$	100,000	24780
C725S2	Sylvania Retaining Wall Project	\$	200,000	24781
Total Statewide and Local Projects		\$	29,245,000	24782
Total Department of Natural Resources		\$	29,245,000	24783
TOTAL Ohio Parks and Natural Resources Fund		\$	29,245,000	24784

Of the foregoing appropriation item C72512, Land Acquisition 24785
- Department, \$2,500,000 shall be used for the acquisition of the 24786
Vinton Furnace Experimental Forest. 24787

The foregoing appropriation item C725R6, Blanchard River 24788
Flood Mitigation Efforts, shall be used in conjunction with the 24789
U.S. Army Corps of Engineers plan to address continuing flooding 24790
of the Blanchard River in Putnam, Hancock, Hardin, Wyandot, Allen, 24791
and Seneca Counties as part of the nonfederal share. 24792

Section 229.11. The Ohio Public Facilities Commission, upon 24793
the request of the Director of Natural Resources, is hereby 24794
authorized to issue and sell, in accordance with Section 21 of 24795
Article VIII, Ohio Constitution, and Chapter 151. and particularly 24796
sections 151.01 and 151.05 of the Revised Code, original 24797
obligations in an aggregate principal amount not to exceed 24798
\$28,000,000 in addition to the original issuance of obligations 24799
heretofore authorized by prior acts of the General Assembly. These 24800
authorized obligations shall be issued, subject to applicable 24801
constitutional and statutory limitations, as needed to provide 24802
sufficient moneys to the credit of the Ohio Parks and Natural 24803
Resources Fund (Fund 7031) to pay costs of capital facilities as 24804
defined in sections 151.01 and 151.05 of the Revised Code. 24805

Section 231.10. The items set forth in the sections of this 24806
act prefixed with the number "231" are hereby appropriated out of 24807
any moneys in the state treasury to the credit of the Mental 24808
Health Facilities Improvement Fund (Fund 7033) that are not 24809
otherwise appropriated. 24810

Appropriations

Section 231.10.10. ADA DEPARTMENT OF ALCOHOL AND DRUG			24811
ADDICTION SERVICES			24812
C03804	Rehab Center of North Central Ohio	\$ 300,000	24813
C03805	Prevention and Recovery Board - Jefferson County	\$ 300,000	24814
C03806	Lorain County Alcohol and Drug Abuse Services	\$ 250,000	24815
C03807	First Step Home	\$ 200,000	24816
C03808	Glenbeigh Extended Residential Care	\$ 500,000	24817
Total Department of Alcohol and Drug Addiction Services			\$ 1,550,000 24818

Appropriations

Section 231.10.20. DMH DEPARTMENT OF MENTAL HEALTH			24820
C58000	Hazardous Material Abatement	\$ 500,000	24821
C58001	Community Assistance Projects	\$ 9,210,000	24822
C58006	Patient Care Environment Improvement	\$ 3,700,000	24823
C58007	Infrastructure Improvements	\$ 4,600,000	24824
C58010	Campus Consolidation	\$ 83,700,000	24825
C58017	Bellefaire Jewish Children's Bureau	\$ 400,000	24826
C58018	Safety and Security Improvements	\$ 1,460,000	24827
C58019	Energy Conservation Projects	\$ 750,000	24828
C58020	Mandel Jewish Community Center	\$ 210,000	24829
Total Department of Mental Health			\$ 104,530,000 24830

COMMUNITY ASSISTANCE PROJECTS 24831

Of the foregoing appropriation item C58001, Community Assistance Projects, \$260,000 shall be used for the Christian Children's Home, \$200,000 shall be used for the Michael's House Child Advocacy Center, \$100,000 shall be used for the Children's Home of Cincinnati, \$100,000 shall be used for the Achievement Centers for Children, \$100,000 shall be used for the Shaw JCC,

\$100,000 shall be used for Someplace Safe, \$350,000 shall be used 24838
 for the Berea Children's Home, and \$6,300,000 shall be used for 24839
 the development of a crisis care center in the area previously 24840
 serviced by the Dayton Campus of Twin Valley Behavioral Health 24841
 Organization. 24842

Appropriations

Section 231.20.30. DMR DEPARTMENT OF MENTAL RETARDATION AND 24843
DEVELOPMENTAL DISABILITIES 24844

STATEWIDE AND CENTRAL OFFICE PROJECTS 24845

C59004	Community Assistance Projects	\$	13,301,537	24846
C59022	Razing of Buildings	\$	200,000	24847
C59024	Telecommunications	\$	400,000	24848
C59029	Generator Replacement	\$	1,000,000	24849
C59034	Statewide Developmental Centers	\$	4,294,237	24850
C59050	Emergency Improvements	\$	500,000	24851
C59051	Energy Conservation	\$	500,000	24852
C59052	Guernsey County MRDD Boiler Replacement	\$	275,000	24853
C59053	Magnolia Clubhouse	\$	250,000	24854
C59054	Recreation Unlimited Life Center - Delaware	\$	150,000	24855
C59055	Camp McKinley Improvements	\$	30,000	24856
C59056	The Hope Learning Center	\$	250,000	24857
C59057	North Olmstead Welcome House	\$	150,000	24858
C59058	Providence House	\$	200,000	24859
	Total Statewide and Central Office Projects	\$	21,500,774	24860
	TOTAL Department of Mental Retardation and Developmental Disabilities	\$	21,500,774	24861
	TOTAL Mental Health Facilities Improvement Fund	\$	127,580,774	24862

COMMUNITY ASSISTANCE PROJECTS 24863

The foregoing appropriation item C59004, Community Assistance 24864
 Projects, may be used to provide community assistance funds for 24865

the development, purchase, construction, or renovation of 24866
facilities for day programs or residential programs that provide 24867
services to persons eligible for services from the Department of 24868
Mental Retardation and Developmental Disabilities or county boards 24869
of mental retardation and developmental disabilities. Any funds 24870
provided to nonprofit agencies for the construction or renovation 24871
of facilities for persons eligible for services from the 24872
Department of Mental Retardation and Developmental Disabilities 24873
and county boards of mental retardation and developmental 24874
disabilities shall be governed by the prevailing wage provisions 24875
in section 176.05 of the Revised Code. 24876

Section 231.30.10. The foregoing appropriations for the 24877
Department of Mental Health, C58001, Community Assistance 24878
Projects, and the Department of Mental Retardation and 24879
Developmental Disabilities, C59004, Community Assistance Projects, 24880
may be used for facilities constructed or to be constructed 24881
pursuant to Chapter 340., 3793., 5119., 5123., or 5126. of the 24882
Revised Code or the authority granted by section 154.20 of the 24883
Revised Code and the rules issued pursuant to those chapters and 24884
shall be distributed by the Department of Mental Health and the 24885
Department of Mental Retardation and Developmental Disabilities, 24886
all subject to Controlling Board approval. 24887

Section 231.30.20. (A) No capital improvement appropriations 24888
made in Sections 231.10.10 to 231.30.10 of this act shall be 24889
released for planning or for improvement, renovation, or 24890
construction or acquisition of capital facilities if a 24891
governmental agency, as defined in section 154.01 of the Revised 24892
Code, does not own the real property that constitutes the capital 24893
facilities or on which the capital facilities are or will be 24894
located. This restriction does not apply in any of the following 24895
circumstances: 24896

(1) The governmental agency has a long-term (at least fifteen years) lease of, or other interest (such as an easement) in, the real property.

(2) In the case of an appropriation for capital facilities that, because of their unique nature or location, will be owned or be part of facilities owned by a separate nonprofit organization and made available to the governmental agency for its use or operated by the nonprofit organization under contract with the governmental agency, the nonprofit organization 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, approved by the Department of Mental Health or the Department of Mental Retardation and Developmental Disabilities, whichever is applicable, with the governmental agency for that agency's use of and right to use the capital facilities to be financed and, if applicable, improved, the value of such use or right to use being, as determined by the parties, reasonably related to the amount of the appropriation.

(B) In the case of capital facilities referred to in division (A)(2) of this section, the joint or cooperative use agreement shall include, at a minimum, provisions that:

(1) Specify the extent and nature of that joint or cooperative use, extending for not fewer than fifteen years, with the value of such use or right to use to be, as determined by the parties and approved by the approving department, reasonably related to the amount of the appropriation;

(2) Provide for pro rata reimbursement to the state should the arrangement for joint or cooperative use by a governmental agency be terminated;

(3) Provide that procedures to be followed during the capital

improvement process will comply with applicable state statutes and 24928
 rules, including the provisions of this act. 24929

Section 231.40.10. The Treasurer of State is hereby 24930
 authorized to issue and sell in accordance with Section 2i of 24931
 Article VIII, Ohio Constitution, and Chapter 154. of the Revised 24932
 Code, particularly section 154.20 of the Revised Code, original 24933
 obligations in an aggregate principal amount not to exceed 24934
 \$128,000,000 in addition to the original issuance of obligations 24935
 heretofore authorized by prior acts of the General Assembly. These 24936
 authorized obligations shall be issued, subject to applicable 24937
 constitutional and statutory limitations, to pay costs of capital 24938
 facilities as defined in section 154.01 of the Revised Code for 24939
 mental hygiene and retardation. 24940

Section 233.10. The items set forth in the sections of this 24941
 act prefixed with the section number "233" are hereby appropriated 24942
 out of any moneys in the state treasury to the credit of the 24943
 Higher Education Improvement Fund (Fund 7034) that are not 24944
 otherwise appropriated. 24945

Appropriations

Section 233.10.10. ETC ETECH OHIO 24946

C37403	OGT Camera and Cabling Replacement	\$	725,000	24947
C37404	Digital Conversion	\$	525,000	24948
C37405	Digital Conversion for Public Television	\$	9,000,000	24949
Total eTech Ohio		\$	10,250,000	24950

Appropriations

Section 233.20.10. BOARD OF REGENTS AND STATE INSTITUTIONS OF 24952
 HIGHER EDUCATION 24953

BOR BOARD OF REGENTS 24954

C23501	Ohio Supercomputer Center Expansion	\$	2,000,000	24955
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C23502	Research Facility Action and Investment Funds	\$ 5,500,000	24956
C23506	Third Frontier Wright Capital	\$ 100,000,000	24957
C23516	Ohio Library and Information Network	\$ 9,910,000	24958
C23519	315 Corridor/SciTech	\$ 500,000	24959
C23524	Supplemental Renovations - Library Depositories	\$ 5,500,000	24960
C23529	Non-credit Job Training Facilities	\$ 2,350,000	24961
C23530	Technology Initiatives	\$ 3,741,000	24962
C23531	Ohio Aerospace Institute	\$ 200,000	24963
C23532	Dark Fiber/OARnet	\$ 2,000,000	24964
C23533	Instructional and Data Processing Equipment	\$ 20,799,000	24965
C23534	Central State Student Activity Center	\$ 14,000,000	24966
C23535	CWRU Energy Center	\$ 333,333	24967
Total Board of Regents		\$ 166,833,333	24968

Section 233.20.20. RESEARCH FACILITY ACTION AND INVESTMENT 24970

FUNDS 24971

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. 24972-24978

Section 233.20.30. THIRD FRONTIER WRIGHT CAPITAL 24979

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 programs at or involving state-supported and state-assisted 24980-24984

institutions of higher education. The funds shall be used to make 24985
 grants, which shall be awarded on a competitive basis, and shall 24986
 be administered by the Third Frontier Commission. Expenditure of 24987
 these funds shall comply with Section 2n of Article VIII, Ohio 24988
 Constitution, and sections 151.01 and 151.04 of the Revised Code 24989
 and shall be for the period beginning July 1, 2008, and ending 24990
 June 30, 2010. 24991

The Third Frontier Commission shall develop guidelines 24992
 relative to the application for and selection of projects funded 24993
 from appropriation item C23506, Third Frontier Wright Capital. The 24994
 Commission may develop the guidelines in consultation with other 24995
 interested parties. The Board of Regents and all state-assisted 24996
 and state-supported institutions of higher education shall take 24997
 all actions necessary to implement grants awarded by the Third 24998
 Frontier Commission. 24999

The foregoing appropriation item C23506, Third Frontier 25000
 Wright Capital, consists of proceeds of obligations in the Higher 25001
 Education Improvement Fund (Fund 7034) that are to be applied to 25002
 capital improvements and capital facilities for state-supported 25003
 and state-assisted institutions of higher education. 25004

Appropriations

Section 233.30.10. UAK UNIVERSITY OF AKRON			25005
C25000	Basic Renovations	\$ 5,056,161	25006
C25002	Wayne College Renovations/Expansion	\$ 258,182	25007
C25033	Polymer Processing Center - Phase II	\$ 7,363,281	25008
C25038	College of Education	\$ 5,000,000	25009
C25039	Campus Implementation	\$ 1,452,047	25010
C25040	Replacement of Gym Floor	\$ 150,000	25011
C25041	Maintenance Building	\$ 250,000	25012
C25042	Property Management Projects	\$ 150,000	25013
C25043	Akron Canton Regional Foodbank	\$ 200,000	25014

C25044	Hiram College James A. Garfield Institute	\$	500,000	25015
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Total University of Akron		\$	20,379,671	25016
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Appropriations

Section 233.30.20. BGSU BOWLING GREEN STATE UNIVERSITY 25018

C24000	Basic Renovations	\$	4,354,164	25019
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C24001	Basic Renovations - Firelands	\$	298,536	25020
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C24021	Fine Art and Theater Complex	\$	6,116,000	25021
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C24037	Academic Buildings Rehabilitation	\$	6,857,801	25022
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C24038	Health Sciences Building	\$	934,363	25023
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C24039	Wood County Health District Facility	\$	1,200,000	25024
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C24040	James H. McBride Arboretum at BGSU Firelands	\$	378,000	25025
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Total Bowling Green University		\$	20,138,864	25026
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Appropriations

Section 233.30.30. CSU CENTRAL STATE UNIVERSITY 25028

C25500	Basic Renovations	\$	1,100,972	25029
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C25503	Center for Education & Natural Sciences	\$	1,000,000	25030
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C25507	Campus Master Plan	\$	500,000	25031
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C25508	Emery Hall	\$	545,746	25032
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Total Central State University		\$	3,146,718	25033
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Appropriations

Section 233.30.40. UCN UNIVERSITY OF CINCINNATI 25034

C26500	Basic Renovations	\$	10,720,621	25035
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C26501	Basic Renovations - Clermont	\$	326,112	25036
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C26502	Raymond Walters Renovations	\$	501,195	25037
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C26530	Medical Science Building Renovation & Expansion	\$	26,412,509	25038
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C26607	Consolidated Communication Project of Clermont County	\$	400,000	25039
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C26612	Clermont Renovations	\$	751,132	25040
C26613	New Building	\$	1,582,233	25041
C26614	Barrett Cancer Center	\$	1,500,000	25042
C26615	Beech Acres	\$	125,000	25043
C26616	Forest Park Homeland Security Facility	\$	50,000	25044
C26617	Health Care Connection - Lincoln Heights	\$	150,000	25045
C26618	People Working Cooperatively	\$	120,000	25046
C26619	Sharonville Convention Center	\$	950,000	25047
C26620	Society for the Prevention of Cruelty to Animals - Facility	\$	100,000	25048
C26621	Mayerson Center	\$	200,000	25049
Total University of Cincinnati		\$	43,888,802	25050

Appropriations

Section 233.30.50. CLS CLEVELAND STATE UNIVERSITY 25052

C26000	Basic Renovations	\$	6,431,121	25053
C26035	Cleveland Institute of Art	\$	500,000	25054
C26048	Rhodes Tower Renovation	\$	4,030,166	25055
C26049	Basic Science Building HVAC and Electrical Upgrade	\$	1,125,000	25056
C26050	Law Building Renovation	\$	3,500,000	25057
C26051	Cleveland Hearing and Speech Center	\$	50,000	25058
C26052	University Hospitals Ireland Cancer Center	\$	3,000,000	25059
Total Cleveland State University		\$	18,636,287	25060

Appropriations

Section 233.30.60. KSU KENT STATE UNIVERSITY 25062

C27000	Basic Renovations	\$	5,220,323	25063
C27002	Basic Renovations - East Liverpool	\$	177,231	25064
C27004	Basic Renovations - Salem	\$	136,423	25065
C27005	Basic Renovations - Stark	\$	491,417	25066
C27006	Basic Renovations - Ashtabula	\$	281,425	25067

C27007	Basic Renovations - Trumbull	\$	463,939	25068
C27008	Basic Renovations - Tuscarawas	\$	310,510	25069
C27072	Gym Renovations for Health Sciences, Construction Phase	\$	486,469	25070
C27076	Performing Arts Center	\$	933,027	25071
C27087	Electrical Infrastructure Improvements	\$	1,407,000	25072
C27088	Oscar Ritchie Hall Rehabilitation	\$	6,715,000	25073
C27090	Music and Speech Center Renovations/Addition	\$	5,781,158	25074
C27093	Science and Nursing Building	\$	1,600,286	25075
C27096	Blossom Music Center	\$	1,000,000	25076
C270A5	Basic Renovations - Geauga	\$	93,152	25077
C270A6	Main Hall Renovations	\$	768,084	25078
C270A7	Classroom Building Interior Renovations, Phase 2	\$	333,435	25079
C270A8	Classroom Building HVAC and Energy Conservation Improvements	\$	259,027	25080
C270A9	Art Building Roof Replacement	\$	1,000,000	25081
C270B0	Classroom Building Interior Renovations	\$	854,608	25082
C270B1	University Hospitals Geauga Medical Center	\$	1,000,000	25083
C270B2	Cleveland Orchestra - Severance Hall	\$	750,000	25084
Total Kent State University		\$	30,062,514	25085

Appropriations

Section 233.30.70. MUN MIAMI UNIVERSITY			25087	
C28500	Basic Renovations	\$	5,615,288	25088
C28502	Basic Renovations - Hamilton	\$	686,759	25089
C28503	Basic Renovations - Middletown	\$	588,815	25090
C28556	Upham Hall North Wing Rehabilitation	\$	3,600,000	25091
C28559	Academic/Administrative & General Improvement Projects	\$	1,153,217	25092
C28560	Academic/Administrative & General	\$	1,286,226	25093

	Improvement Projects		
C28564	Laws Hall Rehabilitation	\$ 6,250,000	25094
C28565	Hughes Hall "C" Wing (design)	\$ 700,000	25095
C28566	Western Steam Distribution Project	\$ 1,500,000	25096
	Total Miami University	\$ 21,380,305	25097

Appropriations

	Section 233.30.80. OSU OHIO STATE UNIVERSITY		25099
C31500	Basic Renovations	\$ 22,999,842	25100
C31598	Main Library Rehabilitation/Expansion	\$ 8,660,000	25101
C315R4	Founders Hall and Hopewell Hall Renovations	\$ 1,003,812	25102
C315R7	Stone Lab Classroom Improvements	\$ 250,000	25103
C315T4	Basic Renovations - Agricultural Technical Institute	\$ 623,680	25104
C315T5	Basic Renovations - Lima	\$ 311,913	25105
C315T6	Basic Renovations - Mansfield	\$ 374,760	25106
C315T7	Basic Renovations - Marion	\$ 312,878	25107
C315T8	Basic Renovations - Newark	\$ 361,499	25108
C315T9	Basic Renovations - OARDC	\$ 2,118,042	25109
C315U0	Horticultural Operations Center	\$ 6,855,787	25110
C315U1	New Maintenance Facility	\$ 2,000,000	25111
C315U2	Academic Core - North	\$ 37,756,725	25112
C315U3	Cunz Hall Renovation	\$ 6,540,000	25113
C315U4	College of Medicine Renovation/Addition	\$ 6,000,000	25114
C315U5	Animal & Plant Biology Level 3 Isolate Facility	\$ 6,220,796	25115
C315U7	Nationwide Children's Hospital Capital Equipment	\$ 2,500,000	25116
C315U8	OSU African American & African Studies Community Center	\$ 750,000	25117
C315U9	Flying Horse Pediatric Facility	\$ 250,000	25118
	Total Ohio State University	\$ 105,889,734	25119

		Appropriations	
Section 233.30.90. OHU OHIO UNIVERSITY			25121
C30000	Basic Renovations	\$ 5,043,296	25122
C30004	Basic Renovations - Eastern	\$ 218,674	25123
C30006	Basic Renovations - Zanesville	\$ 297,309	25124
C30007	Basic Renovations - Chillicothe	\$ 266,629	25125
C30008	Basic Renovations - Ironton	\$ 232,932	25126
C30021	Brasee Hall Library/Gymnasium Renovation	\$ 801,485	25127
C30048	Clippinger Laboratory Renovation - 2nd & 3rd Floors	\$ 3,400,000	25128
C30051	Lausche Heating Plant Completion	\$ 4,410,000	25129
C30053	Parking and Roadway Improvements	\$ 502,542	25130
C30058	Integrated Learning and Research Facility	\$ 9,000,000	25131
C30062	Shannon Hall Interior Renovations - Learning Commons	\$ 609,112	25132
C30064	Stevenson Center Learning Commons	\$ 500,000	25133
C30069	Elson Hall 2nd Floor Partial Renovation	\$ 1,129,666	25134
C30073	Land Acquisition	\$ 170,830	25135
C30074	Basic Renovations - Lancaster	\$ 306,577	25136
C30075	Infrastructure Improvements	\$ 1,900,000	25137
C30076	Campus Entry & Grounds Improvements	\$ 325,000	25138
C30077	Academic Building Laboratory & Classroom Renovation Planning	\$ 58,491	25139
C30078	OU Southern Proctorville Campus Upgrades	\$ 50,000	25140
C30079	OU Southern Horse Park	\$ 325,000	25141
Total Ohio University		\$ 29,547,543	25142
		Appropriations	
Section 233.33.10. SSC SHAWNEE STATE UNIVERSITY			25144
C32400	Basic Renovations	\$ 1,036,884	25145
C32415	Land Acquisition	\$ 200,000	25146

C32423	Administration Building Renovation	\$	1,443,831	25147
	Total Shawnee State University	\$	2,680,715	25148

Appropriations

Section 233.33.20. UTO UNIVERSITY OF TOLEDO 25150

C34000	Basic Renovations	\$	5,800,643	25151
C34033	CBLE - Stranahan Hall Addition	\$	4,600,000	25152
C34036	North Engineering Renovation	\$	4,750,000	25153
C34038	MCO - Core Research Facility	\$	1,800,000	25154
C34040	MCO - Clinical Academic Renovation	\$	900,000	25155
C34041	MCO - Resource & Community Learning Center	\$	900,000	25156
C34044	Campus Infrastructure Improvements	\$	3,750,000	25157
C34045	Building Demolition	\$	1,400,000	25158
C34046	MCO - Basic Renovations	\$	2,013,792	25159
C34047	Center for Legal Justice	\$	1,000,000	25160
C34048	Mercy College Technology and Infomatics Center	\$	225,000	25161
	Total University of Toledo	\$	27,139,435	25162

Appropriations

Section 233.33.30. WSU WRIGHT STATE UNIVERSITY 25164

C27500	Basic Renovations	\$	3,759,018	25165
C27501	Basic Renovations - Lake	\$	132,481	25166
C27513	Science Laboratory Renovations	\$	8,521,508	25167
C27526	Lake Campus Rehabilitation and Addition	\$	461,750	25168
C27527	Advanced Technical Intelligence Center (ATIC)	\$	2,500,000	25169
C27533	Auditorium/Classroom Upgrades	\$	1,084,769	25170
C27534	Student Academic Success Center Renovation	\$	250,000	25171
C27535	Air Force Advanced Manufacturing Facility	\$	1,500,000	25172
C27536	Nursing Institute Facility	\$	500,000	25173

C27537	Calamityville Lab Facilities (WPAFB)	\$	3,000,000	25174
Total Wright State University		\$	21,709,526	25175

Appropriations

Section 233.33.40. YSU YOUNGSTOWN STATE UNIVERSITY				25177
C34500	Basic Renovations	\$	3,473,188	25178
C34518	Building System Upgrades	\$	624,834	25179
C34523	Campus Development	\$	1,500,000	25180
C34524	Instructional Space Upgrades	\$	850,000	25181
C34525	College of Business	\$	5,100,000	25182
C34526	Trumbull County Business Incubator	\$	500,000	25183
Total Youngstown State University		\$	12,048,022	25184

Appropriations

Section 233.33.50. NEM NORTHEASTERN OHIO UNIVERSITIES COLLEGE				25186
OF MEDICINE				25187
C30500	Basic Renovations	\$	637,463	25188
C30517	Building Expansion Sitework	\$	1,473,952	25189
Total Northeastern Ohio Universities College of Medicine		\$	2,111,415	25190

Appropriations

Section 233.40.10. CTC CINCINNATI STATE COMMUNITY COLLEGE				25192
C36101	Basic Renovations	\$	1,255,923	25193
C36107	Classroom Upgrade Project	\$	270,000	25194
C36113	Freestore Food Bank	\$	100,000	25195
C36114	Lot C Parking Lot	\$	250,000	25196
C36115	Ceiling Replacement	\$	75,000	25197
C36116	Electrical Surge Protection	\$	100,000	25198
C36117	Campus Signage	\$	75,000	25199
C36118	Window and Garage Doors	\$	175,659	25200
C36119	Window Replacement	\$	100,000	25201
C36120	Blue Ash City Conference Center	\$	150,000	25202

C36121	Hebrew Union College Archives	\$	185,000	25203
Total Cincinnati State Community College		\$	2,736,582	25204

Appropriations

Section 233.40.20. CLT CLARK STATE COMMUNITY COLLEGE 25206

C38512	Basic Renovations	\$	536,990	25207
C38513	Clark State Arts Center	\$	300,000	25208
C38514	Center City Park in Springfield - Phase	\$	1,500,000	25209

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Total Clark State Community College		\$	2,336,990	25210
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Appropriations

Section 233.40.30. CTI COLUMBUS STATE COMMUNITY COLLEGE 25212

C38400	Basic Renovations	\$	1,691,834	25213
C38411	Columbus Hall Renovation	\$	5,470,913	25214
C38412	Painters Apprenticeship Council	\$	500,000	25215
C38413	Jewish Community Center NE Initiative	\$	575,000	25216
C38414	Somali Community Center	\$	100,000	25217
Total Columbus State Community College		\$	8,337,747	25218

Appropriations

Section 233.40.40. CCC CUYAHOGA COMMUNITY COLLEGE 25220

C37800	Basic Renovations	\$	3,482,709	25221
C37807	Cleveland Museum of Art	\$	3,000,000	25222
C37818	Health Care Technology Building, Eastern Campus	\$	9,775,889	25223
C37824	Rock and Roll Hall of Fame	\$	1,000,000	25224
C37829	College of Podiatric Medicine	\$	250,000	25225
C37830	Cuyahoga Community College Auto Lab Improvements	\$	50,000	25226
C37831	Visiting Nurse Association	\$	150,000	25227
C37832	Western Reserve Hospice Center	\$	100,000	25228
Total Cuyahoga Community College		\$	17,808,598	25229

Appropriations

Section 233.40.50. ESC EDISON STATE COMMUNITY COLLEGE			25231
C39000	Basic Renovations	\$ 688,818	25232
Total Edison State Community College		\$ 688,818	25233

Appropriations

Section 233.40.60. JTC JEFFERSON COMMUNITY COLLEGE			25235
C38600	Basic Renovations	\$ 269,043	25236
C39608	Second Floor Pugliese Training Center	\$ 887,025	25237
Total Jefferson Community College		\$ 1,156,068	25238

Appropriations

Section 233.40.70. LCC LAKELAND COMMUNITY COLLEGE			25240
C37900	Basic Renovations	\$ 1,132,835	25241
C37912	C Building East End	\$ 1,896,964	25242
Total Lakeland Community College		\$ 3,029,799	25243

Appropriations

Section 233.40.80. LOR LORAIN COMMUNITY COLLEGE			25245
C38300	Basic Renovations	\$ 1,275,420	25246
C38307	CC Rehabilitation - Student Center	\$ 3,572,633	25247
Total Lorain Community College		\$ 4,848,053	25248

Appropriations

Section 233.40.90. NTC NORTHWEST STATE COMMUNITY COLLEGE			25250
C38200	Basic Renovations	\$ 104,798	25251
C38205	Allied Health and Public Service Building	\$ 1,093,249	25252
C38206	Fulton County Wind Project	\$ 250,000	25253
Total Northwest State Community College		\$ 1,448,047	25254

Appropriations

Section 233.43.10. OTC OWENS COMMUNITY COLLEGE			25256
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C38800	Basic Renovations	\$	1,778,419	25257
C38813	Energy Management Infrastructure	\$	2,000,000	25258
C38814	Required and Code Compliance Renovations for Penta Campus	\$	2,500,000	25259
Total Owens Community College		\$	6,278,419	25260

Appropriations

Section 233.43.20. RGC RIO GRANDE COMMUNITY COLLEGE 25262

C35600	Basic Renovations	\$	495,799	25263
C35606	Louvee Theater Project	\$	450,000	25264
Total Rio Grande Community College		\$	945,799	25265

Appropriations

Section 233.43.30. SCC SINCLAIR COMMUNITY COLLEGE 25267

C37700	Basic Renovations	\$	2,518,446	25268
C37709	National Composite Center	\$	750,000	25269
C37710	Greentree Health Science Academy	\$	1,000,000	25270
Total Sinclair Community College		\$	4,268,446	25271

Appropriations

Section 233.43.40. SOC SOUTHERN STATE COMMUNITY COLLEGE 25273

C32200	Basic Renovations	\$	404,599	25274
C32204	Laboratory and Classroom Building	\$	100,000	25275
Total Southern State Community College		\$	504,599	25276

Appropriations

Section 233.43.50. TTC TERRA STATE COMMUNITY COLLEGE 25278

C36400	Basic Renovations	\$	368,589	25279
C36407	Skilled Trades Center	\$	3,250,000	25280
C36408	Herbert Perna Center for Physical Health Studies	\$	375,000	25281
Total Terra State Community College		\$	3,993,589	25282

Appropriations

Section 233.43.60. WTC WASHINGTON STATE COMMUNITY COLLEGE			25284
C35800	Basic Renovations	\$ 328,895	25285
C35810	Health Science Education Facility	\$ 250,000	25286
Total Washington State Community College		\$ 578,895	25287

Appropriations

Section 233.50.10. BTC BELMONT TECHNICAL COLLEGE			25289
C36800	Basic Renovations	\$ 243,300	25290
Total Belmont Technical College		\$ 243,300	25291

Appropriations

Section 233.50.20. COT CENTRAL OHIO TECHNICAL COLLEGE			25293
C36900	Basic Renovations	\$ 306,291	25294
C36905	Founders Hall and Hopewell Hall Renovations	\$ 879,000	25295
C36907	COTC Expansion in Mt. Vernon	\$ 700,000	25296
Total Central Ohio Technical College		\$ 1,885,291	25297

Appropriations

Section 233.50.30. HTC HOCKING TECHNICAL COLLEGE			25299
C36300	Basic Renovations	\$ 654,837	25300
C36310	McClenaghan Center for Hospitality Training	\$ 1,400,000	25301
C36312	Energy Institute	\$ 300,226	25302
C36313	Perry County Community Health Center at Hocking College	\$ 200,000	25303
C36314	New Lexington Public Safety Training Facility	\$ 750,000	25304
Total Hocking Technical College		\$ 3,305,063	25305

Appropriations

Section 233.50.40. LTC JAMES RHODES STATE COLLEGE			25307
C38100	Basic Renovations	\$ 435,403	25308

C38110	Design Planning for Center of Excellence for Health Sciences	\$	919,365	25309
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Total James Rhodes State College		\$	1,354,768	25310
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Appropriations

Section 233.50.50. MTC MARION TECHNICAL COLLEGE 25312

C35900	Basic Renovations	\$	139,497	25313
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C35905	Technical Education Center Vacated Space Renovations	\$	576,136	25314
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Total Marion Technical College		\$	715,633	25315
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Appropriations

Section 233.50.60. MAT ZANE STATE COLLEGE 25317

C36200	Basic Renovations	\$	294,447	25318
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C36205	Willett-Pratt Training Center Expansion	\$	250,000	25319
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C36207	College & Health Science Halls ESI Project, Phase II	\$	500,000	25320
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Total Zane State College		\$	1,044,447	25321
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Appropriations

Section 233.50.70. NCC NORTH CENTRAL TECHNICAL COLLEGE 25323

C38000	Basic Renovations	\$	552,097	25324
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C38010	North Central State College Kehoe Center	\$	585,000	25325
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C38011	North Central State College Fallerius Technology Center	\$	150,000	25326
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Total North Central Technical College		\$	1,287,097	25327
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Appropriations

Section 233.50.80. STC STARK TECHNICAL COLLEGE 25329

C38900	Basic Renovations	\$	786,333	25330
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C38913	Business Technologies Building	\$	2,034,537	25331
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C38914	Corporate and Community Services Facility	\$	500,000	25332
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Total Stark Technical College	\$	3,320,870	25333
Total Board of Regents and			25334
Institutions of Higher Education	\$	597,709,802	25335
TOTAL Higher Education Improvement Fund	\$	607,959,802	25336

Section 233.60.10. DEBT SERVICE FORMULA ALLOCATION 25338

Based on the foregoing appropriations from the Higher 25339
Education Improvement Fund (Fund 7034), the following higher 25340
education institutions shall be responsible for the specified 25341
amounts as part of the debt service component of the instructional 25342
subsidy beginning in fiscal year 2010: 25343

INSTITUTION		AMOUNT	
University of Akron	\$	13,355,046	25345
University of Akron - Wayne	\$	627,584	25346
Bowling Green State University	\$	12,482,535	25347
Bowling Green State University - Firelands	\$	942,492	25348
Central State University	\$	2,045,746	25349
University of Cincinnati	\$	26,412,509	25350
University of Cincinnati - Clermont	\$	751,132	25351
University of Cincinnati - Walters	\$	1,582,233	25352
Cleveland State University	\$	10,760,269	25353
Kent State University	\$	14,903,158	25354
Kent State University - Ashtabula	\$	812,835	25355
Kent State University - East Liverpool	\$	333,435	25356
Kent State University - Geauga	\$	259,027	25357
Kent State University - Salem	\$	486,469	25358
Kent State University - Stark	\$	1,600,286	25359
Kent State University - Trumbull	\$	854,608	25360
Kent State University - Tuscarawas	\$	933,027	25361
Miami University	\$	13,042,402	25362
Miami University - Hamilton	\$	1,324,456	25363
Miami University - Middletown	\$	1,405,890	25364
Ohio State University	\$	58,956,725	25365

Ohio State University - ATI	\$	6,855,787	25366
Ohio State University - Lima	\$	2,000,000	25367
Ohio State University - Newark	\$	1,030,695	25368
Ohio State University - OARDC	\$	6,220,796	25369
Ohio University	\$	17,406,578	25370
Ohio University - Eastern	\$	609,112	25371
Ohio University - Chillicothe	\$	1,002,542	25372
Ohio University - Southern	\$	554,321	25373
Ohio University - Lancaster	\$	801,485	25374
Ohio University - Zanesville	\$	1,129,666	25375
Shawnee State University	\$	1,643,831	25376
University of Toledo	\$	17,839,425	25377
Wright State University	\$	9,856,277	25378
Wright State University - Lake	\$	461,750	25379
Youngstown State University	\$	8,144,264	25380
Northeastern Ohio Universities College of Medicine	\$	1,542,025	25381
Cincinnati State Community College	\$	924,024	25382
Columbus State Community College	\$	5,470,913	25383
Cuyahoga Community College	\$	9,775,889	25384
Edison State Community College	\$	373,982	25385
Jefferson Community College	\$	874,547	25386
Lakeland Community College	\$	2,529,285	25387
Lorain County Community College	\$	3,572,633	25388
Northwest State Community College	\$	848,720	25389
Owens Community College	\$	4,449,028	25390
Terra State Community College	\$	3,250,000	25391
Central Ohio Technical College	\$	907,644	25392
Hocking Technical College	\$	1,700,226	25393
James Rhodes State Technical College	\$	919,365	25394
Marion Technical College	\$	576,136	25395
Zane State College	\$	701,703	25396
North Central Technical College	\$	435,000	25397

Stark Technical College	\$ 1,844,168	25398
Institutions not listed above do not have a debt service obligation as a result of these appropriations.		25399 25400
Within sixty days after the effective date of this section, any institution of higher education may notify the Board of Regents of its intention not to proceed with any project appropriated in this act. Upon receiving such a notification, the Board of Regents may release the institution from its debt service obligation for the specific project.		25401 25402 25403 25404 25405 25406
Section 233.60.20. For all of the foregoing appropriation items from the Higher Education Improvement Fund (Fund 7034) that require local funds to be contributed by any state-supported or state-assisted institution of higher education, the Board of Regents shall not recommend that any funds be released until the recipient institution demonstrates to the Board of Regents and the Office of Budget and Management that the local funds contribution requirement has been secured or satisfied. The local funds are in addition to the foregoing appropriations.		25407 25408 25409 25410 25411 25412 25413 25414 25415
Section 233.60.30. The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with Section 2n of Article VIII, Ohio Constitution, and Chapter 151. and particularly sections 151.01 and 151.04 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$606,000,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, to pay costs of capital facilities as defined in sections 151.01 and 151.04 of the Revised Code for state-supported and state-assisted institutions of higher education.		25416 25417 25418 25419 25420 25421 25422 25423 25424 25425 25426 25427

Section 233.60.40. None of the foregoing capital improvements 25428
appropriations for state-supported or state-assisted institutions 25429
of higher education shall be expended until the particular 25430
appropriation has been recommended for release by the Board of 25431
Regents and released by the Director of Budget and Management or 25432
the Controlling Board. Either the institution concerned, or the 25433
Board of Regents with the concurrence of the institution 25434
concerned, may initiate the request to the Director of Budget and 25435
Management or the Controlling Board for the release of the 25436
particular appropriations. 25437

Section 233.60.50. (A) No capital improvement appropriations 25438
made in sections of this act prefixed with the section number 25439
"233" shall be released for planning or for improvement, 25440
renovation, construction, or acquisition of capital facilities if 25441
the institution of higher education or the state does not own the 25442
real property on which the capital facilities are or will be 25443
located. This restriction does not apply in any of the following 25444
circumstances: 25445

(1) The institution has a long-term (at least fifteen years) 25446
lease of, or other interest (such as an easement) in, the real 25447
property. 25448

(2) The Board of Regents certifies to the Controlling Board 25449
that undue delay will occur if planning does not proceed while the 25450
property or property interest acquisition process continues. In 25451
this case, funds may be released upon approval of the Controlling 25452
Board to pay for planning through the development of schematic 25453
drawings only. 25454

(3) In the case of an appropriation for capital facilities 25455
that, because of their unique nature or location, will be owned or 25456
will be part of facilities owned by a separate nonprofit 25457

organization or public body and will be made available to the 25458
institution of higher education for its use, the nonprofit 25459
organization or public body either owns or has a long-term (at 25460
least fifteen years) lease of the real property or other capital 25461
facility to be improved, renovated, constructed, or acquired and 25462
has entered into a joint or cooperative use agreement with the 25463
institution of higher education that meets the requirements of 25464
division (C) of this section. 25465

(B) Any foregoing appropriations that require cooperation 25466
between a technical college and a branch campus of a university 25467
may be released by the Controlling Board upon recommendation by 25468
the Board of Regents that the facilities proposed by the 25469
institutions are: 25470

(1) The result of a joint planning effort by the university 25471
and the technical college, satisfactory to the Board of Regents; 25472

(2) Facilities that will meet the needs of the region in 25473
terms of technical and general education, taking into 25474
consideration the totality of facilities that will be available 25475
after the completion of the projects; 25476

(3) Planned to permit maximum joint use by the university and 25477
technical college of the totality of facilities that will be 25478
available upon their completion; and 25479

(4) To be located on or adjacent to the branch campus of the 25480
university. 25481

(C) The Board of Regents shall adopt rules regarding the 25482
release of moneys from all the foregoing appropriations for 25483
capital facilities for all state-supported or state-assisted 25484
institutions of higher education. In the case of capital 25485
facilities referred to in division (A)(3) of this section, the 25486
joint or cooperative use agreements shall include, as a minimum, 25487
provisions that: 25488

(1) Specify the extent and nature of that joint or cooperative use, extending for not fewer than fifteen years, with the value of such use or right to use to be, as is determined by the parties and approved by the Board of Regents, reasonably related to the amount of the appropriations;	25489 25490 25491 25492 25493
(2) Provide for pro rata reimbursement to the state should the arrangement for joint or cooperative use be terminated;	25494 25495
(3) Provide that procedures to be followed during the capital improvement process will comply with appropriate applicable state statutes and rules, including the provisions of this act; and	25496 25497 25498
(4) Provide for payment or reimbursement to the institution of its administrative costs incurred as a result of the facilities project, not to exceed 1.5 per cent of the appropriated amount.	25499 25500 25501
(D) Upon the recommendation of the Board of Regents, the Controlling Board may approve the transfer of appropriations for projects requiring cooperation between institutions from one institution to another institution with the approval of both institutions.	25502 25503 25504 25505 25506
(E) Notwithstanding section 127.14 of the Revised Code, the Controlling Board, upon the recommendation of the Board of Regents, may transfer amounts appropriated to the Board of Regents to accounts of state-supported or state-assisted institutions created for that same purpose.	25507 25508 25509 25510 25511
Section 233.60.60. The requirements of Chapters 123. and 153. of the Revised Code, with respect to the powers and duties of the Director of Administrative Services, and the requirements of section 127.16 of the Revised Code, with respect to the Controlling Board, do not apply to projects of community college districts, which include Cuyahoga Community College, Jefferson Community College, Lakeland Community College, Lorain Community	25512 25513 25514 25515 25516 25517 25518

College, Rio Grande Community College, and Sinclair Community 25519
College; and technical college districts, which include Belmont 25520
Technical College, Central Ohio Technical College, Hocking 25521
Technical College, James Rhodes State College, Marion Technical 25522
College, Zane State College, North Central Technical College, and 25523
Stark Technical College. 25524

Section 233.60.70. Those institutions locally administering 25525
capital improvement projects pursuant to section 3345.50 of the 25526
Revised Code may: 25527

(A) Establish charges for recovering costs directly related 25528
to project administration as defined by the Director of 25529
Administrative Services. The Department of Administrative Services 25530
shall review and approve these administrative charges when the 25531
charges are in excess of 1.5 per cent of the total construction 25532
budget. 25533

(B) Seek reimbursement from state capital appropriations to 25534
the institution for the in-house design services performed by the 25535
institution for the capital projects. Acceptable charges are 25536
limited to design document preparation work that is done by the 25537
institution. These reimbursable design costs shall be shown as 25538
"A/E fees" within the project's budget that is submitted to the 25539
Controlling Board or the Director of Budget and Management as part 25540
of a request for release of funds. The reimbursement for in-house 25541
design shall not exceed seven per cent of the estimated 25542
construction cost. 25543

Section 235.10. The items set forth in this section are 25544
hereby appropriated out of any moneys in the state treasury to the 25545
credit of the Parks and Recreation Improvement Fund (Fund 7035) 25546
that are not otherwise appropriated. 25547

	DNR DEPARTMENT OF NATURAL RESOURCES		25548
C725A0	State Parks, Campgrounds, Cabins, & Lodges	\$ 5,150,000	25549
C725A9	Park Boating Facilities - Shawnee Marina	\$ 1,000,000	25550
C725B8	Upgrade Underground Fuel Storage Tanks - Statewide	\$ 250,000	25551
C725E2	Local Parks Projects	\$ 25,552,333	25552
C725E6	Project Planning	\$ 500,000	25553
C725L8	Statewide Trails Program - Hocking Hills Trails Rehabilitation Phase II	\$ 1,000,000	25554
C725M5	Middle Bass Island State Park - Marina	\$ 4,000,000	25555
C725N0	Handicapped Accessibility - Statewide	\$ 100,000	25556
C725N4	Hazardous Waste/Asbestos Abatement - Statewide	\$ 150,000	25557
C725N6	Statewide Wastewater/Water Systems Upgrade	\$ 3,000,000	25558
C725R3	State Park Renovations/Upgrading - Statewide Beach Bath House Replacement	\$ 1,000,000	25559
	Total Department of Natural Resources	\$ 41,702,333	25560
	TOTAL Parks and Recreation Improvement Fund	\$ 41,702,333	25561
	FEDERAL REIMBURSEMENT		25562
	All reimbursements received from the federal government for any expenditures made pursuant to this section shall be deposited in the state treasury to the credit of the Parks and Recreation Improvement Fund (Fund 7035).		25563 25564 25565 25566
	LOCAL PARKS PROJECTS		25567
	Of the foregoing appropriation item C725E2, Local Parks Projects, an amount equal to two per cent of the projects listed may be used by the Department of Natural Resources for the administration of local projects, \$3,050,000 shall be used for the Scioto Mile Development, \$2,000,000 shall be used for the Riverfront Park, \$2,000,000 shall be used for the Goodyear Park,		25568 25569 25570 25571 25572 25573

\$1,090,000 shall be used for the Sterling Park, \$1,000,000 shall	25574
be used for the Little Miami Trail extension - Hamilton County	25575
Park District, \$675,000 shall be used for the Anthony Wayne Youth	25576
Foundation Recreation area, \$100,000 shall be used for the Euclid	25577
Beach Pier, \$500,000 shall be used for the Euclid Marina	25578
Breakwater Project, \$500,000 shall be used for the Columbus Crew	25579
Facility - Hilliard, \$500,000 shall be used for the Franklin Park	25580
Conservatory, \$500,000 shall be used for the Colerain Township	25581
Park, \$500,000 shall be used for the Green Township Legacy Place	25582
Park, \$475,000 shall be used for the Dublin Emerald Fields Special	25583
Needs Playground, \$450,000 shall be used for the Sippo Lake Park	25584
improvements, \$400,000 shall be used for the Mentor Beach Park or	25585
Mentor Lagoons Marina, \$400,000 shall be used for the Wick	25586
Neighborhood Public Park, \$400,000 shall be used for the Wayne	25587
County Rails to Trails Project, \$350,000 shall be used by Franklin	25588
County Metro Parks for the Whittier Peninsula Park, \$350,000 shall	25589
be used for the Perry Township Park, \$333,333 shall be used for	25590
the East Bank of the Flats, \$300,000 shall be used for the New	25591
Richmond Park, \$300,000 shall be used for the Beaver creek Wildlife	25592
Education Center, \$300,000 shall be used for the Versailles Park	25593
Project, \$300,000 shall be used for the Madison Township Park,	25594
\$284,000 shall be used for the Bike and Pedestrian Path -	25595
SugarTree Corridor, \$275,000 shall be used for the Montville	25596
Township Park Project, \$250,000 shall be used for the Grand Lake	25597
St. Mary's Shoreline Rip Rap Project, \$250,000 shall be used for	25598
the West Chester Beckett Park Improvements, \$250,000 shall be used	25599
for the City of Strongsville Family Aquatic Center, \$250,000 shall	25600
be used for the Reis Park improvements, \$250,000 shall be used for	25601
the McIntyre Park Hiking and Biking Trails, \$250,000 shall be used	25602
for the Circleville Community Park Project, \$250,000 shall be used	25603
for the Fremont Area Foundation Park athletic facilities, \$250,000	25604
shall be used for the Alliance Park, \$250,000 shall be used for	25605
the Audobon Ohio Nature Center, \$200,000 shall be used for the	25606

Maple Heights Pool/Park improvements, \$200,000 shall be used for 25607
the Lancaster Community Parks revitalization, \$200,000 shall be 25608
used for the Grandview Yard Public Park, \$200,000 shall be used 25609
for the Wyoming City Regional Park, \$200,000 shall be used for the 25610
Chagrin River Lakefront Park, \$200,000 shall be used for the 25611
Aullwood Audobon Center, \$400,000 shall be used for the Austin 25612
Pike Project - land acquisition, \$200,000 shall be used for the 25613
Mary Virginia Crites Hammum Community Park, \$200,000 shall be used 25614
for the Canton Spray Park, \$150,000 shall be used for the Lima 25615
Historic Athletic Field, \$150,000 shall be used for the Myers 25616
Memorial Bandshell, \$150,000 shall be used for the City of Logan 25617
Park/Pool improvements, \$150,000 shall be used for the Houston 25618
Fisher Memorial Park improvements, \$150,000 shall be used for the 25619
Indian Lake State Park Campground Electrical Improvements, 25620
\$150,000 shall be used for the Avon Lake Veterans Park 25621
improvements, \$125,000 shall be used for the York Township Park 25622
land acquisition, \$124,500 shall be used for the Salt Fork 25623
Concession Stand, \$100,000 shall be used for the Monroe Veterans' 25624
Memorial Park, \$100,000 shall be used for the Rivers Edge Bikeway, 25625
\$100,000 shall be used for the Mayfield Heights Park Facility 25626
improvement, \$100,000 shall be used for the Auburn Township 25627
Community Park, \$100,000 shall be used for the Kidron Community 25628
Park Improvements, \$100,000 shall be used for the Lucas County 25629
Marina, \$100,000 shall be used for the Youngstown City Park, 25630
\$100,000 shall be used for the Salisbury Township Park 25631
improvements/land acquisition, \$100,000 shall be used for the 25632
Community Built Playground, \$100,000 shall be used for the Burkes 25633
Point Park, \$100,000 shall be used for the Barberton Newton Park, 25634
\$100,000 shall be used for the Crown Point Conservation Easement, 25635
\$100,000 shall be used for the Mudbrook Trail and Greenway 25636
Project, \$50,000 shall be used for the Mahoning River Water Trail, 25637
\$100,000 shall be used for the Moonville Rail Trail Project, 25638
\$100,000 shall be used for the Springboro Park improvements, 25639

\$75,000 shall be used for the Ault Park improvements, \$75,000 25640
shall be used for the Willard Soccer and Football Park Project, 25641
\$75,000 shall be used for the Austintown Nature Rooms, \$75,000 25642
shall be used for the Meigs Local Enrichment Project Multi-Purpose 25643
Complex, \$75,000 shall be used for the Miracle League facility - 25644
Muskingum County, \$70,000 shall be used for the City of 25645
Nelsonville Park/land acquisition, \$65,000 shall be used for the 25646
Village of Jacksonville Park improvements, \$58,500 shall be used 25647
by the Greene County Parks and Recreation Department for Greene 25648
County Park improvements, \$50,000 shall be used for the Ohio 25649
Wildlife Center, \$50,000 shall be used for the Kelley's Island 25650
Park Restroom PHASE II, \$50,000 shall be used for the Little 25651
League Challenger Field - Cambridge, \$50,000 shall be used for the 25652
Avon Isle Park improvements, \$46,000 shall be used for the 25653
Huntington Township Park Projects, \$35,000 shall be used for the 25654
Village of Buchtel Park improvements, \$35,000 shall be used for 25655
the Village of Syracuse Park improvements, \$30,000 shall be used 25656
for the Village of Albany Park improvements, \$30,000 shall be used 25657
for the Village of Aberdeen Boat Dock, \$30,000 shall be used for 25658
the Village of Hamler Parks improvement, \$25,000 shall be used for 25659
the Coshocton Children's Park, \$25,000 shall be used for the Alt 25660
Park improvements, \$25,000 shall be used for the Cambridge 25661
Handicapped Playground, \$25,000 shall be used for the Murray City 25662
Community Parks improvement, \$25,000 shall be used for the 25663
Marblehead Lighthouse State Park - Replica Life Boat Station, 25664
\$25,000 shall be used for the Village of Attica Park Maintenance, 25665
\$20,000 shall be used for the Village of Stockport Park 25666
improvements, \$15,000 shall be used for the Village of Salineville 25667
Baseball Field, \$15,000 shall be used for the City of Parma 25668
Greenbriar Commons Park Walking Trail, \$10,000 shall be used for 25669
the Village of Albany Bike Paths, \$10,000 shall be used for the 25670
Salem Park Board, \$10,000 shall be used for the Village of Pomeroy 25671
Mini Park improvements, \$10,000 shall be used for the Skyvue 25672

Outdoor Classroom, and \$6,000 shall be used for the Wadsworth 25673
Skate Park. 25674

Section 235.11. For the appropriations in Section 235.10 of 25675
this act, the Department of Natural Resources shall periodically 25676
prepare and submit to the Director of Budget and Management the 25677
estimated design, planning, and engineering costs of 25678
capital-related work to be done by the Department for each 25679
project. Based on the estimates, the Director of Budget and 25680
Management may release appropriations from the foregoing 25681
appropriation item C725E6, Project Planning, within the Parks and 25682
Recreation Improvement Fund (Fund 7035), to pay for design, 25683
planning, and engineering costs incurred by the Department for the 25684
projects. Upon release of the appropriations by the Director of 25685
Budget and Management, the Department shall pay for these expenses 25686
from the Parks Capital Expenses Fund (Fund 2270), and shall be 25687
reimbursed from the Parks and Recreation Improvement Fund (Fund 25688
7035) using an intrastate voucher. 25689

Section 235.12. The Treasurer of State is hereby authorized 25690
to issue and sell, in accordance with Section 2i of Article VIII, 25691
Ohio Constitution, and Chapter 154. of the Revised Code, 25692
particularly section 154.22 of the Revised Code, original 25693
obligations in an aggregate principal amount not to exceed 25694
\$41,000,000, in addition to the original issuance of obligations 25695
heretofore authorized by prior acts of the General Assembly. These 25696
authorized obligations shall be issued, subject to applicable 25697
constitutional and statutory limitations, to pay the costs of 25698
capital facilities for parks and recreation as defined in section 25699
154.01 of the Revised Code. 25700

Section 235.13. (A) No capital improvement appropriations 25701
made in Section 235.10 of this act shall be released for planning 25702

or for improvement, renovation, or construction or acquisition of 25703
capital facilities if a governmental agency, as defined in section 25704
154.01 of the Revised Code, does not own the real property that 25705
constitutes the capital facilities or on which the capital 25706
facilities are or will be located. This restriction does not apply 25707
in any of the following circumstances: 25708

(1) The governmental agency has a long-term (at least fifteen 25709
years) lease of, or other interest (such as an easement) in, the 25710
real property. 25711

(2) In the case of an appropriation for capital facilities 25712
for parks and recreation that, because of their unique nature or 25713
location, will be owned or be part of facilities owned by a 25714
separate nonprofit organization and made available to the 25715
governmental agency for its use or operated by the nonprofit 25716
organization under contract with the governmental agency, the 25717
nonprofit organization either owns or has a long-term (at least 25718
fifteen years) lease of the real property or other capital 25719
facility to be improved, renovated, constructed, or acquired and 25720
has entered into a joint or cooperative use agreement, approved by 25721
the Department of Natural Resources, with the governmental agency 25722
for that agency's use of and right to use the capital facilities 25723
to be financed and, if applicable, improved, the value of such use 25724
or right to use being, as determined by the parties, reasonably 25725
related to the amount of the appropriation. 25726

(B) In the case of capital facilities referred to in division 25727
(A)(2) of this section, the joint or cooperative use agreement 25728
shall include, as a minimum, provisions that: 25729

(1) Specify the extent and nature of that joint or 25730
cooperative use, extending for not fewer than fifteen years, with 25731
the value of such use or right to use to be, as determined by the 25732
parties and approved by the approving department, reasonably 25733

related to the amount of the appropriation; 25734

(2) Provide for pro rata reimbursement to the state should 25735
the arrangement for joint or cooperative use by a governmental 25736
agency be terminated; and 25737

(3) Provide that procedures to be followed during the capital 25738
improvement process will comply with appropriate applicable state 25739
statutes and rules, including the provisions of this act. 25740

Section 237.10. The items set forth in this section are 25741
hereby appropriated out of any moneys in the state treasury to the 25742
credit of the State Capital Improvements Fund (Fund 7038) that are 25743
not otherwise appropriated. 25744

Appropriations

PWC PUBLIC WORKS COMMISSION 25745

C15000 Local Public Infrastructure \$ 120,000,000 25746

Total Public Works Commission \$ 120,000,000 25747

TOTAL State Capital Improvements Fund \$ 120,000,000 25748

The foregoing appropriation item C15000, Local Public 25749
Infrastructure, shall be used in accordance with sections 164.01 25750
to 164.12 of the Revised Code. The Director of the Public Works 25751
Commission may certify to the Director of Budget and Management 25752
that a need exists to appropriate investment earnings to be used 25753
in accordance with sections 164.01 to 164.12 of the Revised Code. 25754
If the Director of Budget and Management determines pursuant to 25755
division (D) of section 164.08 and section 164.12 of the Revised 25756
Code that investment earnings are available to support additional 25757
appropriations, such amounts are hereby appropriated. 25758

If the Public Works Commission receives refunds due to 25759
project overpayments that are discovered during a post-project 25760
audit, the Director of the Public Works Commission may certify to 25761
the Director of Budget and Management that refunds have been 25762
received. In certifying the refunds, the Director of the Public 25763

Works Commission shall provide the Director of Budget and 25764
Management information on the project refunds. The certification 25765
shall detail by project the source and amount of project 25766
overpayments received and include any supporting documentation 25767
required or requested by the Director of Budget and Management. 25768
Upon receipt of the certification, the Director of Budget and 25769
Management shall determine if the project refunds are necessary to 25770
support existing appropriations. If the project refunds are 25771
available to support additional appropriations, these amounts are 25772
hereby appropriated to appropriation item C15030, Revolving Loan. 25773

Section 237.11. The Ohio Public Facilities Commission is 25774
hereby authorized to issue and sell, in accordance with Section 2p 25775
of Article VIII, Ohio Constitution, and sections 151.01 and 151.08 25776
of the Revised Code, original obligations of the state, in an 25777
aggregate principal amount not to exceed \$120,000,000, in addition 25778
to the original obligations heretofore authorized by prior acts of 25779
the General Assembly. These authorized obligations shall be issued 25780
and sold from time to time and in amounts necessary to ensure 25781
sufficient moneys to the credit of the State Capital Improvements 25782
Fund (Fund 7038) to pay costs of capital improvement projects of 25783
local subdivisions. 25784

Section 239.10. The items set forth in this section are 25785
hereby appropriated out of any moneys in the state treasury to the 25786
credit of the Clean Ohio Conservation Fund (Fund 7056) that are 25787
not otherwise appropriated. 25788

	Appropriations	
PWC PUBLIC WORKS COMMISSION		25789
C15060 Clean Ohio Conservation	\$ 30,000,000	25790
Total Public Works Commission	\$ 30,000,000	25791
TOTAL Clean Ohio Conservation Fund	\$ 30,000,000	25792

The foregoing appropriation item C15060, Clean Ohio 25793

Conservation, shall be used in accordance with sections 164.20 to 25794
 164.27 of the Revised Code. If the Public Works Commission 25795
 receives refunds due to project overpayments that are discovered 25796
 during the post-project audit, the Director of the Public Works 25797
 Commission may certify to the Director of Budget and Management 25798
 that refunds have been received. If the Director of Budget and 25799
 Management determines that the project refunds are available to 25800
 support additional appropriations, such amounts are hereby 25801
 appropriated. 25802

Section 241.10. The items set forth in this section are 25803
 hereby appropriated out of any moneys in the state treasury to the 25804
 credit of the Clean Ohio Agricultural Easement Fund (Fund 7057) 25805
 that are not otherwise appropriated. 25806

Appropriations

AGR DEPARTMENT OF AGRICULTURE		25807
C70009 Clean Ohio Agricultural Easements	\$ 5,000,000	25808
Total Department of Agriculture	\$ 5,000,000	25809
TOTAL Clean Ohio Agricultural Easement Fund	\$ 5,000,000	25810

Section 243.10. The items set forth in this section are 25812
 hereby appropriated out of any moneys in the state treasury to the 25813
 credit of the Clean Ohio Trail Fund (Fund 7061) that are not 25814
 otherwise appropriated. 25815

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES		25816
C72514 Clean Ohio Trail - Grants	\$ 5,000,000	25817
Total Department of Natural Resources	\$ 5,000,000	25818
TOTAL Clean Ohio Trail Fund	\$ 5,000,000	25819

Section 243.11. The Ohio Public Facilities Commission is 25821
 hereby authorized to issue and sell, in accordance with Section 2o 25822
 of Article VIII, Ohio Constitution, and pursuant to sections 25823

151.01 and 151.09 of the Revised Code, original obligations of the 25824
state in an aggregate principal amount not to exceed \$40,000,000 25825
in addition to the original issuance of obligations heretofore 25826
authorized by prior acts of the General Assembly. These authorized 25827
obligations shall be issued and sold from time to time, subject to 25828
applicable constitutional and statutory limitations, as needed to 25829
ensure sufficient moneys to the credit of the Clean Ohio 25830
Conservation Fund (Fund 7056), the Clean Ohio Agricultural 25831
Easement Fund (Fund 7057), and the Clean Ohio Trail Fund (Fund 25832
7061) to pay costs of conservation projects. 25833

Section 245.10. Notwithstanding any provision of law to the 25834
contrary, the Director of Budget and Management, with the written 25835
concurrence of the Director of Public Safety, may transfer cash 25836
temporarily from the Highway Safety Fund (Fund 7036) to the 25837
Highway Safety Building Fund (Fund 7025), and the cash may be used 25838
to fund projects previously appropriated by acts of the General 25839
Assembly. The transfers shall be made for the purpose of providing 25840
cash to support appropriations or encumbrances that exist on the 25841
effective date of this section. At such time as obligations are 25842
issued for Highway Safety Building Fund projects, the Director of 25843
Budget and Management shall transfer from the Highway Safety 25844
Building Fund to the Highway Safety Fund any amounts originally 25845
transferred to the Highway Safety Building Fund under this 25846
section. 25847

Section 247.10. CERTIFICATION OF AVAILABILITY OF MONEYS 25848

Moneys that require release shall not be expended from any 25849
appropriation contained in this act without certification of the 25850
Director of Budget and Management that there are sufficient moneys 25851
in the state treasury in the fund from which the appropriation is 25852
made. Such certification shall be based on estimates of revenue, 25853

receipts, and expenses. Nothing in this section limits the 25854
authority granted to the Director of Budget and Management in 25855
section 126.07 of the Revised Code. 25856

Section 249.10. LIMITATION ON USE OF CAPITAL APPROPRIATIONS 25857

The appropriations made in this act, excluding those made to 25858
the State Capital Improvement Fund (Fund 7038) and the State 25859
Capital Improvements Revolving Loan Fund (Fund 7040) for buildings 25860
or structures, including remodeling and renovations, are limited 25861
to: 25862

(A) Acquisition of real property or interests in real 25863
property; 25864

(B) Buildings and structures, which include construction, 25865
demolition, complete heating, lighting and lighting fixtures, all 25866
necessary utilities, and ventilating, plumbing, sprinkling, and 25867
sewer systems, when such systems are authorized or necessary; 25868

(C) Architectural, engineering, and professional services 25869
expenses directly related to the projects; 25870

(D) Machinery that is a part of structures at the time of 25871
initial acquisition or construction; 25872

(E) Acquisition, development, and deployment of new computer 25873
systems, including the redevelopment or integration of existing 25874
and new computer systems, but excluding regular or ongoing 25875
maintenance or support agreements; 25876

(F) Equipment that meets all the following criteria: 25877

(1) The equipment is essential in bringing the facility up to 25878
its intended use; 25879

(2) The unit cost of the equipment, and not the individual 25880
parts of a unit, is about \$100 or more; 25881

(3) The equipment has a useful life of five years or more; 25882

and	25883
(4) The equipment is necessary for the functioning of the particular facility or project.	25884 25885
Equipment shall not be paid for from these appropriations that is not an integral part of or directly related to the basic purpose or function of a project for which moneys are appropriated. This paragraph does not apply to appropriation items specifically for equipment.	25886 25887 25888 25889 25890
Section 251.10. CONTINGENCY RESERVE REQUIREMENT	25891
Any request for release of capital appropriations by the Director of Budget and Management or the Controlling Board of capital appropriations for projects, the contracts for which are awarded by the Department of Administrative Services, shall contain a contingency reserve, the amount of which shall be determined by the Department of Administrative Services, for payment of unanticipated project expenses. Any amount deducted from the encumbrance for a contractor's contract as an assessment for liquidated damages shall be added to the encumbrance for the contingency reserve. Contingency reserve funds shall be used to pay costs resulting from unanticipated job conditions, to comply with rulings regarding building and other codes, to pay costs related to errors or omissions in contract documents, to pay costs associated with changes in the scope of work, and to pay the cost of settlements and judgments related to the project.	25892 25893 25894 25895 25896 25897 25898 25899 25900 25901 25902 25903 25904 25905 25906
Any funds remaining upon completion of a project may, upon approval of the Controlling Board, be released for the use of the agency or instrumentality to which the appropriation was made for other capital facilities projects.	25907 25908 25909 25910
Section 253.10. AGENCY ADMINISTRATION OF CAPITAL FACILITIES PROJECTS	25911 25912

Notwithstanding sections 123.01 and 123.15 of the Revised Code, the Director of Administrative Services may authorize the Departments of Mental Health, Mental Retardation and Developmental Disabilities, Agriculture, Job and Family Services, Rehabilitation and Correction, Youth Services, Public Safety, Transportation, and the Ohio Veterans' Home to administer any capital facilities projects, the estimated cost of which, including design fees, construction, equipment, and contingency amounts, is less than \$1,500,000. Requests for authorization to administer capital facilities projects shall be made in writing to the Director of Administrative Services by the applicable state agency within sixty days after the effective date of the section of law in which the General Assembly initially makes an appropriation for the project. Upon the release of funds for the projects by the Controlling Board or the Director of Budget and Management, the agency may administer the capital project or projects for which agency administration has been authorized without the supervision, control, or approval of the Director of Administrative Services.

A state agency authorized by the Director of Administrative Services to administer capital facilities projects pursuant to this section shall comply with the applicable procedures and guidelines established in Chapter 153. of the Revised Code.

Section 255.10. SATISFACTION OF JUDGMENTS AND SETTLEMENTS AGAINST THE STATE

Except as otherwise provided in this section, an appropriation contained in this act or in any other act may be used for the purpose of satisfying judgments, settlements, or administrative awards ordered or approved by the Court of Claims or by any other court of competent jurisdiction in connection with civil actions against the state. This authorization does not apply to appropriations that are to be applied to or used for payment of

guarantees by or on behalf of the state, or for payments under 25944
lease agreements relating to or debt service on bonds, notes, or 25945
other obligations of the state. Notwithstanding any other section 25946
of law to the contrary, this authorization includes appropriations 25947
from funds into which proceeds or direct obligations of the state 25948
are deposited only to the extent that the judgment, settlement, or 25949
administrative award is for or represents capital costs for which 25950
the appropriation may otherwise be used and is consistent with the 25951
purpose for which any related obligations were issued or entered 25952
into. Nothing contained in this section is intended to subject the 25953
state to suit in any forum in which it is not otherwise subject to 25954
suit, and it is not intended to waive or compromise any defense or 25955
right available to the state in any suit against it. 25956

Section 257.10. CAPITAL RELEASES BY THE DIRECTOR OF BUDGET 25957
AND MANAGEMENT 25958

Notwithstanding section 126.14 of the Revised Code, 25959
appropriations for appropriation item C50101, Community-Based 25960
Correctional Facilities, appropriated from the Adult Correctional 25961
Building Fund (Fund 7027) to the Department of Rehabilitation and 25962
Correction, shall be released upon the written approval of the 25963
Director of Budget and Management. The appropriations from the 25964
Public School Building Fund (Fund 7021) and the School Building 25965
Program Assistance Fund (Fund 7032) to the School Facilities 25966
Commission, from the Clean Ohio Conservation Fund (Fund 7056), the 25967
State Capital Improvement Fund (Fund 7038), and the State Capital 25968
Improvements Revolving Loan Fund (Fund 7040) to the Public Works 25969
Commission, shall be released upon presentation of a request to 25970
release the funds, by the agency to which the appropriation has 25971
been made, to the Director of Budget and Management. 25972

Section 259.10. PREVAILING WAGE REQUIREMENT 25973

Except as provided in section 4115.04 of the Revised Code, 25974
moneys appropriated or reappropriated by the 127th General 25975
Assembly shall not be used for the construction of public 25976
improvements, as defined in section 4115.03 of the Revised Code, 25977
unless the mechanics, laborers, or workers engaged therein are 25978
paid the prevailing rate of wages prescribed in section 4115.04 of 25979
the Revised Code. Nothing in this section affects the wages and 25980
salaries established for state employees under Chapter 124. of the 25981
Revised Code, or collective bargaining agreements entered into by 25982
the state under Chapter 4117. of the Revised Code, while engaged 25983
on force account work, nor does this section interfere with the 25984
use of inmate and patient labor by the state. 25985

Section 261.10. CAPITAL FACILITIES LEASES 25986

Capital facilities for which appropriations are made from the 25987
Highway Safety Building Fund (Fund 7025), the Administrative 25988
Building Fund (Fund 7026), the Adult Correctional Building Fund 25989
(Fund 7027), and the Juvenile Correctional Building Fund (Fund 25990
7028) may be leased by the Ohio Building Authority to the 25991
Department of Public Safety, the Department of Youth Services, the 25992
Department of Administrative Services, and the Department of 25993
Rehabilitation and Correction, and other agreements may be made by 25994
the Ohio Building Authority and the departments with respect to 25995
the use or purchase of such capital facilities, or, subject to the 25996
approval of the director of the department or the commission, the 25997
Ohio Building Authority may lease the capital facilities to, and 25998
make other agreements with respect to the use or purchase of the 25999
capital facilities with, any governmental agency or nonprofit 26000
corporation having authority under law to own, lease, or operate 26001
the capital facilities. The director of the department or the 26002
commission may sublease the capital facilities to, and make other 26003
agreements with respect to the use or purchase of the capital 26004
facilities with, any such governmental agency or nonprofit 26005

corporation, which agreements may include provisions for 26006
transmittal of receipts of the agency or nonprofit corporation of 26007
any charges for the use of the facilities, all upon such terms and 26008
conditions as the parties may agree upon and subject to any other 26009
provision of law affecting the leasing, acquisition, or 26010
disposition of capital facilities by the parties. 26011

Section 263.10. AUTHORIZATION OF THE DIRECTOR OF BUDGET AND 26012
MANAGEMENT 26013

The Director of Budget and Management shall authorize both of 26014
the following: 26015

(A) The initial release of moneys for projects from the funds 26016
into which proceeds of direct obligations of the state are 26017
deposited; and 26018

(B) The expenditure or encumbrance of moneys from funds into 26019
which proceeds of direct obligations are deposited, but only after 26020
determining to the director's satisfaction that either of the 26021
following applies: 26022

(1) The application of the moneys to the particular project 26023
will not negatively affect any exemption or exclusion from federal 26024
income tax of the interest or interest equivalent on obligations 26025
issued to provide moneys to the particular fund. 26026

(2) Moneys for the project will come from the proceeds of 26027
obligations, the interest on which is not so excluded or exempt 26028
and which have been authorized as "taxable obligations" by the 26029
issuing authority. 26030

The director shall report any nonrelease of moneys pursuant 26031
to this section to the Governor, to the Speaker of the House of 26032
Representatives, to the President of the Senate, and to the agency 26033
for the use of which the project is intended. 26034

Section 265.10. SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 26035
26036

At the request of the Executive Director of the Ohio School Facilities Commission, the Director of Budget and Management may cancel encumbrances for school district projects from a previous biennium if the district has not raised its local share of project costs within one year after receiving Controlling Board approval in accordance with section 3318.05 of the Revised Code. The Executive Director of the Ohio School Facilities Commission shall certify the amounts of these canceled encumbrances to the Director of Budget and Management on a quarterly basis. The amounts of the canceled encumbrances are hereby appropriated. 26037
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Section 267.10. CERTIFICATE OF NEED REQUIREMENT 26047

An appropriation for a health care facility authorized under this act may not be released until the requirements of sections 3702.51 to 3702.62 of the Revised Code have been met. 26048
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26050

Section 269.10. DISTRIBUTION OF PROCEEDS FROM ASBESTOS ABATEMENT LITIGATION 26051
26052

All proceeds received by the state as a result of litigation, judgments, settlements, or claims, filed by or on behalf of any state agency, as defined by section 1.60 of the Revised Code, or state-supported or state-assisted institution of higher education, for damages or costs resulting from the use, removal, or hazard abatement of asbestos materials shall be deposited in the Asbestos Abatement Distribution Fund (Fund 6740). All funds deposited into the Asbestos Abatement Distribution Fund are hereby appropriated to the Attorney General. To the extent practicable, the proceeds placed in the Asbestos Abatement Distribution Fund shall be divided among the state agencies and state-supported or state-assisted institutions of higher education in accordance with 26053
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the general provisions of the litigation regarding the percentage 26065
of recovery. Distribution of the proceeds to each state agency or 26066
state-supported or state-assisted institution of higher education 26067
shall be made in accordance with the Asbestos Abatement 26068
Distribution Plan to be developed by the Attorney General, the 26069
General Services Division within the Department of Administrative 26070
Services, and the Office of Budget and Management. 26071

In those circumstances where asbestos litigation proceeds are 26072
for reimbursement of expenditures made with funds outside the 26073
state treasury or damages to buildings not constructed with state 26074
appropriations, direct payments shall be made to the affected 26075
institutions of higher education. Any proceeds received for 26076
reimbursement of expenditures made with funds within the state 26077
treasury or damages to buildings occupied by state agencies shall 26078
be distributed to the affected agencies with an intrastate 26079
transfer voucher to the funds identified in the Asbestos Abatement 26080
Distribution Plan. 26081

These proceeds shall be used for additional asbestos 26082
abatement or encapsulation projects, or for other capital 26083
improvements, except that proceeds distributed to the General 26084
Revenue Fund and other funds that are not bond improvement funds 26085
may be used for any purpose. The Controlling Board may, for bond 26086
improvement funds, create appropriation items or increase 26087
appropriation authority in existing appropriation items equaling 26088
the amount of the proceeds. The amounts approved by the 26089
Controlling Board are hereby appropriated. The proceeds deposited 26090
in bond improvement funds shall not be expended until released by 26091
the Controlling Board, which shall require certification by the 26092
Director of Budget and Management that the proceeds are sufficient 26093
and available to fund the additional anticipated expenditures. 26094

Section 271.10. OBLIGATIONS ISSUED UNDER CHAPTER 151. OF THE 26095

REVISED CODE 26096

The capital improvements for which appropriations are made in 26097
this act from the Third Frontier Research and Development Fund 26098
(Fund 7011), the Job Ready Site Development Fund (Fund 7012), the 26099
Ohio Parks and Natural Resources Fund (Fund 7031), the School 26100
Building Program Assistance Fund (Fund 7032), the Higher Education 26101
Improvement Fund (Fund 7034), the State Capital Improvements Fund 26102
(Fund 7038), the Clean Ohio Conservation Fund (Fund 7056), the 26103
Clean Ohio Agricultural Easement Fund (Fund 7057), and the Clean 26104
Ohio Trail Fund (Fund 7061) are determined to be capital 26105
improvements and capital facilities for research and development, 26106
preparation of sites, natural resources, a statewide system of 26107
common schools, state-supported and state-assisted institutions of 26108
higher education, local subdivision capital improvement projects, 26109
and conservation purposes (under the Clean Ohio Program) and are 26110
designated as capital facilities to which proceeds of obligations 26111
issued under Chapter 151. of the Revised Code are to be applied. 26112
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Section 273.10. OBLIGATIONS ISSUED UNDER CHAPTER 152. OF THE 26114
REVISED CODE 26115

The capital improvements for which appropriations are made in 26116
this act from the Highway Safety Building Fund (Fund 7025), the 26117
Administrative Building Fund (Fund 7026), the Adult Correctional 26118
Building Fund (Fund 7027), the Juvenile Correctional Building Fund 26119
(Fund 7028), and the Transportation Building Fund (Fund 7029) are 26120
determined to be capital improvements and capital facilities for 26121
housing state agencies and branches of state government and are 26122
designated as capital facilities to which proceeds of obligations 26123
issued under Chapter 152. of the Revised Code are to be applied. 26124

Section 273.20. OBLIGATIONS ISSUED UNDER CHAPTER 154. OF THE 26125

REVISED CODE	26126
The capital improvements for which appropriations are made in this act from the Cultural and Sports Facilities Building Fund (Fund 7030), the Mental Health Facilities Improvement Fund (Fund 7033), and the Parks and Recreation Improvement Fund (Fund 7035) are determined to be capital improvements and capital facilities for housing state agencies and branches of government, mental hygiene and retardation, and parks and recreation and are designated as capital facilities to which proceeds of obligations issued under Chapter 154. of the Revised Code are to be applied.	26127 26128 26129 26130 26131 26132 26133 26134 26135
Section 275.10. TRANSFER OF OPEN ENCUMBRANCES	26136
Upon the request of the agency to which a capital project appropriation item is appropriated, the Director of Budget and Management may transfer open encumbrance amounts between separate encumbrances for the project appropriation item to the extent that any reductions in encumbrances are agreed to by the contracting vendor and the agency.	26137 26138 26139 26140 26141 26142
Section 277.10. LITIGATION PROCEEDS TO THE ADMINISTRATIVE BUILDING FUND	26143 26144
Any proceeds received by the state as the result of litigation or a settlement agreement related to any liability for the planning, design, engineering, construction, or construction management of facilities operated by the Department of Administrative Services shall be deposited into the Administrative Building Fund (Fund 7026).	26145 26146 26147 26148 26149 26150
Section 279.10. COAL RESEARCH AND DEVELOPMENT BONDS	26151
The Ohio Public Facilities Commission, upon the request of the Director of the Ohio Coal Development Office with the advice	26152 26153

of the Technical Advisory Committee created in section 1551.35 of 26154
the Revised Code and with the approval of the Director of the Air 26155
Quality Development Authority, is hereby authorized to issue and 26156
sell, in accordance with Section 15 of Article VIII, Ohio 26157
Constitution, and Chapter 151. of the Revised Code, and 26158
particularly sections 151.01 and 151.07 and other applicable 26159
sections of the Revised Code, bonds or other obligations of the 26160
state heretofore authorized by prior acts of the General Assembly. 26161
The obligations shall be issued, subject to applicable 26162
constitutional and statutory limitations, to provide sufficient 26163
moneys to the credit of the Coal Research and Development Fund 26164
created in section 1555.15 of the Revised Code to pay costs 26165
charged to the fund when due as estimated by the Director of the 26166
Ohio Coal Development Office. 26167

Section 281.10. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM PROJECT 26168

The Ohio Administrative Knowledge System (OAKS) shall be an 26169
enterprise resource planning system that replaces the state's 26170
central services infrastructure systems, including the Central 26171
Accounting System, the Human Resources/Payroll System, the Capital 26172
Improvements Projects Tracking System, the Fixed Assets Management 26173
System, and the Procurement System. The Department of 26174
Administrative Services, in conjunction with the Office of Budget 26175
and Management, may acquire the system, including, but not limited 26176
to, the enterprise resource planning software and installation and 26177
implementation thereof, pursuant to Chapter 125. of the Revised 26178
Code. Any lease-purchase arrangement utilized under Chapter 125. 26179
of the Revised Code, including any fractionalized interest therein 26180
as defined in division (N) of section 133.01 of the Revised Code, 26181
shall provide at the end of the lease period that OAKS shall 26182
become the property of the state. 26183

Section 283.10. Sections of this act prefixed with a section 26184

number in the 200s are and remain in full force and effect 26185
commencing on July 1, 2008, and terminating on June 30, 2010, for 26186
the purpose of drawing money from the state treasury in payment of 26187
liabilities lawfully incurred under those sections, and on June 26188
30, 2010, and not before, the moneys hereby appropriated lapse 26189
into the funds from which they are severally appropriated. If, 26190
under Section 1c of Article II, Ohio Constitution, the sections of 26191
this act prefixed with a section number in the 200s do not take 26192
effect until after July 1, 2008, the sections are and remain in 26193
full force and effect commencing on that effective date. 26194

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Section 503.10. GENERAL OBLIGATIONS ADJUSTMENTS TO REFLECT 26196
TOBACCO SECURITIZATION 26197

In accordance with divisions (A)(5) and (6) of Section 518.03 26198
of H.B. 119 of the 127th General Assembly, the existing 26199
authorizations granted in prior acts of the General Assembly to 26200
issue and sell obligations under Section 2n of Article VIII, Ohio 26201
Constitution, to pay costs of facilities for (1) a system of 26202
common schools throughout the state is hereby reduced from 26203
\$4,145,000,000 to \$3,345,000,000, and (2) state-supported and 26204
state-assisted institutions of higher education is hereby reduced 26205
from \$2,957,000,000 to \$2,007,000,000. 26206

Section 503.20. OHIO DENTAL LOAN REPAYMENT PROGRAM 26207

On July 1, 2008, or as soon as possible thereafter, the 26208
Director of Budget and Management shall cancel any existing 26209
encumbrances against the Board of Regents' appropriation item 26210
235624, Ohio Dental Loan Repayment, and re-establish them against 26211
the Department of Health's appropriation item 440624, Ohio Dental 26212
Loan Repayment. The amounts of the re-established encumbrances are 26213
hereby appropriated. 26214

On July 1, 2008, or as soon as possible thereafter, the 26215
Chancellor of the Board of Regents shall certify to the Director 26216
of Budget and Management the amount of cash and any outstanding 26217
encumbrances for the Dental Loan Repayment Program remaining in 26218
the National Health Services Corps - Ohio Loan Repayment Fund 26219
(Fund 3T00). The Director of Budget and Management shall transfer 26220
this amount in cash from the National Health Services Corps - Ohio 26221
Loan Repayment Fund (Fund 3T00) to the Federal Public Health 26222
Programs Fund (Fund 3920). In addition, the Director of Budget and 26223
Management shall cancel the outstanding Dental Loan Repayment 26224
Program encumbrances in the National Health Services Corps - Ohio 26225
Loan Repayment Fund (Fund 3T00) and re-establish these 26226
encumbrances in the Federal Public Health Programs Fund (Fund 26227
3920). The amounts of the re-established encumbrances are hereby 26228
appropriated. 26229

On and after the effective date of this section, 26230
administration of the Dental Loan Repayment Program is the 26231
responsibility of the Department of Health. 26232

Section 503.30. OHIO PHYSICIAN LOAN REPAYMENT PROGRAM 26233

On July 1, 2008, the Director of Budget and Management shall 26234
cancel any existing encumbrances against appropriation item 26235
235604, Physician Loan Repayment, and re-establish them against 26236
appropriation item 440628, Ohio Physician Loan Repayment. The 26237
amounts of the re-established encumbrances are hereby 26238
appropriated. 26239

On and after the effective date of this section, 26240
administration of the Physician Loan Repayment Program is the 26241
responsibility of the Department of Health. 26242

Section 515.10. SCHOOL FACILITIES COMMISSION REIMBURSEMENT 26243
FROM PROCEEDS OF TOBACCO SETTLEMENT BONDS 26244

Prior to January 1, 2009, the Executive Director of the Ohio School Facilities Commission shall report to the Director of Budget and Management the amount of funds expended between September 1, 2007, and June 30, 2008, from the Education Facilities Trust Fund (Fund N087) and from the Public School Building Fund (Fund 7021) that were eligible to be financed from the proceeds of the tax-exempt tobacco settlement bonds issued pursuant to section 183.51 of the Revised Code and were deposited into the School Building Program Assistance Fund (Fund 7032). Upon receipt of the report, the Director of Budget and Management may transfer cash, in the amount reported, from the tobacco settlement bond proceeds to each of the funds. Appropriations for the funds are hereby adjusted by the amounts of the cash transfers.

Section 515.20. CORRECTIVE CASH TRANSFER

On the effective date of this section, or as soon as possible thereafter, the Director of Budget and Management may transfer \$34,549.45 in cash from the Coal Research and Development Bond Services Fund (Fund 7076) into the Coal Research and Development Fund (Fund 7046) to correct deposits that were mistakenly deposited into the Coal Research and Development Bond Services Fund (Fund 7076).

Section 515.21. CORRECTIVE CASH TRANSFER

On the effective date of this section, or as soon as possible thereafter, the Director of Budget and Management may transfer \$5,538.11 in cash from the Coal Research and Development Fund (Fund 7046) into the Coal Research and Development Bond Services Fund (Fund 7076) to correct deposits that were mistakenly deposited into the Coal Research and Development Fund (Fund 7046).

Section 515.30. TRANSFER FROM THE GENERAL REIMBURSEMENT FUND

TO THE PUBLIC HEALTH PRIORITY TRUST FUND 26275

Notwithstanding any provision of law to the contrary, on July 26276
 1, 2008, or as soon as possible thereafter, the Director of Budget 26277
 and Management shall transfer \$950,000 cash from the General 26278
 Reimbursement Fund (Fund 1060) to the Public Health Priority Trust 26279
 Fund (Fund L087). The amount transferred is hereby appropriated to 26280
 appropriation item 440-432, Pneumococcal Vaccines for Children, in 26281
 the Department of Health. 26282

Section 515.40. BUDGET STABILIZATION FUND TRANSFERS 26283

The Director of Budget and Management has directed the 26284
 following agencies to reduce spending in the following General 26285
 Revenue Fund appropriation items. Amounts listed in the first 26286
 column are the reductions for fiscal year 2008 and amounts listed 26287
 in the second column are the reductions for fiscal year 2009. 26288

Department of Agriculture 26289

700-403 Animal Disease \$ 36,540 \$ 182,702 26290
 Control

700-410 Food Safety \$ 8,651 \$ 43,255 26291

Department of Health 26292

440-407 Animal Borne Disease \$ 80,000 \$ 40,000 26293
 and Prevention

440-418 Immunization \$ 80,000 \$ 40,000 26294

Department of Rehabilitation and Correction 26295

503-321 Parole and Community \$ 1,327,100 \$ 5,433,321 26296
 Operations

Department of Education 26297

200-503 Bus Purchase \$ 5,128,138 \$ 676,200 26298
 Allowance

Department of Job and Family Services 26299

600-502 Child Support Match	\$	0	\$	3,401,410	26300
Rehabilitation Services Commission					26301
415-431 Office of People with Brain Injury	\$	22,601	\$	22,601	26302
Ohio School for the Blind					26303
226-100 Personal Services	\$	354,656	\$	375,966	26304
Ohio School for the Deaf					26305
221-100 Personal Services	\$	438,768	\$	463,193	26306
The Director of Budget and Management shall transfer					26307
\$7,476,454 cash in fiscal year 2008 and \$10,678,648 cash in fiscal					26308
year 2009 from the Budget Stabilization Fund to the General					26309
Revenue Fund to ensure the full amounts appropriated in Am. Sub.					26310
H.B. 119 of the 127th General Assembly to each of the foregoing					26311
appropriation items are available to the agencies for expenditure.					26312
					26313
Section 610.10. That Sections 315.10 and 555.19 of Am. Sub.					26314
H.B. 67 of the 127th General Assembly be amended to read as					26315
follows:					26316
Sec. 315.10. OHIO TURNPIKE COMMISSION NOISE MITIGATION PILOT					26317
PROJECT					26318
There is hereby created the Community Resolution Fund, which					26319
shall be in the custody of the Treasurer of State but shall not be					26320
part of the state treasury. Notwithstanding any other provision of					26321
law to the contrary, on the first day of July in each of 2007 and					26322
2008, or as soon as practicable thereafter in each of those years,					26323
the Treasurer of State shall transfer cash in the amount of					26324
<u>\$250,000 the Department of Transportation shall enter into an</u>					26325
<u>agreement on a reimbursement basis with the Ohio Turnpike</u>					26326
<u>Commission for up to \$500,000 from the Highway Operating Fund</u>					26327
(Fund 002) to the Community Resolution Fund. The Treasurer of					26328

State Under the agreement, the Department of Transportation shall 26329
pay up to \$250,000 from the fund ~~early~~ in fiscal year 2008 and up 26330
to \$250,000 ~~early~~ from the fund in fiscal year 2009 to the Ohio 26331
Turnpike Commission, which shall use the money for the study and 26332
pilot program required by ~~the~~ this section. 26333

The Ohio Turnpike Commission shall perform a study of noise 26334
impact mitigation methods or techniques that may be used as an 26335
alternative to traditional sound barriers on the turnpike project. 26336
The study shall examine the viability of alternative noise impact 26337
mitigation methods or techniques that may be installed to 26338
alleviate traffic noise that is in excess of the criteria 26339
contained in the Ohio Department of Transportation's "Standard 26340
Procedures for the Analysis and Abatement of Highway Traffic 26341
Noise." After completing the study, but before ~~June 30~~ December 26342
31, 2008, the Ohio Turnpike Commission shall commence a pilot 26343
program utilizing one or more alternative noise impact mitigation 26344
methods or techniques examined in the study, and shall submit a 26345
report containing the results of the pilot program and projected 26346
costs of further implementation to the Turnpike Legislative Review 26347
Committee not later than ~~December~~ June 30, ~~2008~~ 2009. ~~After the~~ 26348
~~fiscal year 2009 payment of \$250,000 is made to the Ohio Turnpike~~ 26349
~~Commission, the Community Resolution Fund is abolished, and the~~ 26350
~~Treasurer of State shall transfer any cash balance that remains~~ 26351
~~credited to that fund to the Highway Operating Fund.~~ 26352

Sec. 555.19. In fiscal year 2008, the Department of 26354
Transportation shall expend at least \$400,000 in the township 26355
having the largest ~~geographic area~~ population according to the 26356
most recent federal decennial census for a pilot program involving 26357
the installation and operation of a system of portable signal 26358
preemption devices. Use of the devices in the pilot program shall 26359
be in accordance with section 4511.031 of the Revised Code. The 26360

Department shall consult with appropriate township officials in 26361
implementing the pilot program. 26362

Section 610.11. That existing Sections 315.10 and 555.19 of 26363
Am. Sub. H.B. 67 of the 127th General Assembly are hereby 26364
repealed. 26365

Section 610.20. That Section 203.50 of Am. Sub. H.B. 67 of 26366
the 127th General Assembly, as amended by Am. Sub. H.B. 119 of the 26367
127th General Assembly, be amended to read as follows: 26368

Sec. 203.50. PUBLIC ACCESS ROADS FOR STATE FACILITIES 26369

Of the foregoing appropriation item 772-421, Highway 26370
Construction - State, \$5,000,000 shall be used in each fiscal year 26371
during the fiscal year 2008-2009 biennium by the Department of 26372
Transportation for the construction, reconstruction, or 26373
maintenance of public access roads, including support features, to 26374
and within state facilities owned or operated by the Department of 26375
Natural Resources. 26376

Notwithstanding section 5511.06 of the Revised Code, of the 26377
foregoing appropriation item 772-421, Highway Construction - 26378
State, \$2,228,000 in each fiscal year of the fiscal year 2008-2009 26379
biennium shall be used by the Department of Transportation for the 26380
construction, reconstruction, or maintenance of park drives or 26381
park roads within the boundaries of metropolitan parks. 26382

Included in the foregoing appropriation item 772-421, Highway 26383
Construction - State, the department may perform related road work 26384
on behalf of the Ohio Expositions Commission at the state 26385
fairgrounds, including reconstruction or maintenance of public 26386
access roads and support features, to and within fairground 26387
facilities as requested by the commission and approved by the 26388
Director of Transportation. 26389

<u>HIGHWAY CONSTRUCTION - FEDERAL</u>	26390
<u>Of the foregoing appropriation item 772-422, Highway</u>	26391
<u>Construction - Federal, \$200,000 in fiscal year 2008 shall be used</u>	26392
<u>for the Cleveland Metropolitan Park District West Creek Project.</u>	26393
PUBLIC SCHOOL ENTRANCE IMPROVEMENTS	26394
Of the foregoing appropriation item 779-491,	26395
Administration-State, \$4,000,000 in fiscal year 2008, shall be	26396
used by the Department of Transportation to make grants available	26397
for state highway improvements at public school entrances under	26398
the following conditions:	26399
(A) The school is receiving assistance from the Ohio School	26400
Facilities Commission for the renovation or construction of new	26401
school facilities.	26402
(B) The state highway improvements are to be made at	26403
entrances within school zones.	26404
Grant awards shall be limited to \$500,000 per school	26405
district, and are contingent on local government officials or the	26406
participating school district, or both, matching 25 per cent of	26407
the improvement cost.	26408
LIQUIDATION OF UNFORESEEN LIABILITIES	26409
Any appropriation made to the Department of Transportation,	26410
Highway Operating Fund, not otherwise restricted by law, is	26411
available to liquidate unforeseen liabilities arising from	26412
contractual agreements of prior years when the prior year	26413
encumbrance is insufficient.	26414
Section 610.21. That existing Section 203.50 of Am. Sub. H.B.	26415
67 of the 127th General Assembly, as amended by Am. Sub. H.B. 119	26416
of the 127th General Assembly, is hereby repealed.	26417
Section 610.30. That Sections 210.10 and 512.70 of Am. Sub.	26418

H.B. 100 of the 127th General Assembly be amended to read as 26419
 follows: 26420

Sec. 201.10. All items in this section are hereby 26421
 appropriated out of any moneys in the state treasury to the credit 26422
 of the designated fund. For all appropriations made in ~~this act~~ 26423
Am. Sub. H.B. 100 of the 127th General Assembly, those in the 26424
 first column are for fiscal year 2008, and those in the second 26425
 column are for fiscal year 2009. 26426

FND AI	AI TITLE	Appropriations		
	BWC BUREAU OF WORKERS' COMPENSATION			26428
	Workers' Compensation Fund Group			26429
023 855-401	William Green Lease	\$ 20,436,600	\$ 20,686,500	26430
	Payments to OBA			
023 855-407	Claims, Risk & Medical	\$ 140,367,719	\$ 140,367,719	26431
	Management			
023 855-408	Fraud Prevention	\$ 11,772,551	\$ 11,772,551	26432
023 855-409	Administrative	\$ 122,962,388	\$ 122,962,388	26433
	Services			
023 855-410	Attorney General	\$ 4,444,085	\$ 4,444,085	26434
	Payments			
822 855-606	Coal Workers' Fund	\$ 91,894	\$ 91,894	26435
823 855-608	Marine Industry	\$ 53,952	\$ 53,952	26436
825 855-605	Disabled Workers	\$ 488,282	\$ 492,500	26437
	Relief Fund			
826 855-609	Safety & Hygiene	\$ 20,734,750	\$ 20,734,750	26438
	Operating			
826 855-610	Safety Grants Program	\$ 4,000,000	4,000,000	26439
			<u>6,500,000</u>	
829 855-604	Long Term Care Loan	\$ 2,000,000	\$ 2,000,000	26440
	Program			
	TOTAL WCF Workers' Compensation			26441

Fund Group	\$	327,352,221	\$	327,606,339	26442
				<u>330,106,339</u>	
Federal Special Revenue Fund Group					26443
349 855-601 OSHA Enforcement	\$	1,604,140	\$	1,604,140	26444
TOTAL FED Federal Special Revenue	\$	1,604,140	\$	1,604,140	26445
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	328,956,361	\$	329,210,479	26446
				<u>331,710,479</u>	

WILLIAM GREEN LEASE PAYMENTS 26447

The foregoing appropriation item 855-401, William Green Lease 26448
 Payments to OBA, shall be used for lease payments to the Ohio 26449
 Building Authority, and these appropriations shall be used to meet 26450
 all payments at the times they are required to be made during the 26451
 period from July 1, 2007, to June 30, 2009, by the Bureau of 26452
 Workers' Compensation to the Ohio Building Authority pursuant to 26453
 leases and agreements made under Chapter 152. of the Revised Code 26454
 and Section 6 of Am. Sub. H.B. 743 of the 118th General Assembly. 26455
 Of the amounts received in Fund 023, appropriation item 855-401, 26456
 William Green Lease Payments to OBA, up to \$41,123,100 shall be 26457
 restricted for lease rental payments to the Ohio Building 26458
 Authority. If it is determined that additional appropriations are 26459
 necessary for such purpose, such amounts are hereby appropriated. 26460

Notwithstanding any other provision of law to the contrary, 26461
 all tenants of the William Green Building not funded by the 26462
 Workers' Compensation Fund (Fund 023) shall pay their fair share 26463
 of the costs of lease payments to the Workers' Compensation Fund 26464
 (Fund 023) by intrastate transfer voucher. 26465

WORKERS' COMPENSATION FRAUD UNIT 26466

The Workers' Compensation Section Fund (Fund 195) shall 26467
 receive payments from the Bureau of Workers' Compensation at the 26468
 beginning of each quarter of each fiscal year to fund expenses of 26469

the Workers' Compensation Fraud Unit of the Attorney General's Office. Of the foregoing appropriation item 855-410, Attorney General Payments, \$796,346 in fiscal year 2008 and \$796,346 in fiscal year 2009 shall be used to provide these payments.

SAFETY AND HYGIENE

Notwithstanding section 4121.37 of the Revised Code, the Administrator of Workers' Compensation shall transfer moneys from the State Insurance Fund so that appropriation item 855-609, Safety and Hygiene Operating, is provided \$20,734,750 in fiscal year 2008 and \$20,734,750 in fiscal year 2009.

OSHA ON-SITE CONSULTATION PROGRAM

The Bureau of Workers' Compensation may designate a portion of appropriation item 855-609, Safety and Hygiene Operating, to be used to match federal funding for the federal Occupational Safety and Health Administration's (OSHA) on-site consultation program.

VOCATIONAL REHABILITATION

The Bureau of Workers' Compensation and the Rehabilitation Services Commission shall enter into an interagency agreement for the provision of vocational rehabilitation services and staff to mutually eligible clients. The bureau shall provide \$605,407 in fiscal year 2008 and \$605,407 in fiscal year 2009 from the State Insurance Fund to fund vocational rehabilitation services and staff in accordance with the interagency agreement.

FUND BALANCE

Any unencumbered cash balance in excess of \$45,000,000 in the Workers' Compensation Fund (Fund 023) on the thirtieth day of June of each fiscal year shall be used to reduce the administrative cost rate charged to employers to cover appropriations for Bureau of Workers' Compensation operations.

HOLDING ACCOUNT

On July 1, 2007, or as soon as possible thereafter, the 26500
Director of Budget and Management shall transfer the remaining 26501
cash balance in the Camera Center Fund (Fund R46) to the 26502
Administrative Fund (Fund 023). After the transfer, the Camera 26503
Center Fund is abolished. 26504

Sec. 512.70. The Administrator of Workers' Compensation shall 26505
completely transition from use of the Micro Insurance Reserve 26506
Analysis System to a different system or different version of that 26507
system to determine the reserves for use in establishing premium 26508
rates assessed for the purposes of Chapter 4121., 4123., 4127., or 26509
4131. of the Revised Code on or before ~~June 30~~ July 1, 2008. A 26510
contract between the Administrator and a vendor for the System in 26511
existence on the effective date of this section shall expire in 26512
accordance with the terms of the contract, and the Administrator 26513
may renew or extend that contract only for a period of time that 26514
does not extend past June 30, 2008. 26515

The Administrator shall transition to a reserve analysis 26516
system that is characterized as transparent in nature and for that 26517
purpose of transparency, satisfies both of the following criteria: 26518

(A) The manner in which the system uses data can be 26519
understood in general terms by employers who are subject to 26520
Chapters 4121., 4123., 4127., and 4131. of the Revised Code and 26521
other persons interested in use of the system; 26522

(B) The type of data the system uses in making reserve 26523
analysis can be explained to employers who are subject to Chapters 26524
4121., 4123., 4127., and 4131. of the Revised Code and other 26525
persons interested in use of the system. 26526

The Administrator shall communicate information describing 26527
the manner in which the new reserve analysis system uses data and 26528
the type of data the system uses in making reserve analysis to 26529
employers who are subject to Chapters 4121., 4123., 4127., and 26530

4131. of the Revised Code and to any other persons who request 26531
such information. 26532

Section 610.31. That existing Sections 201.10 and 512.70 of 26533
Am. Sub. H.B. 100 of the 127th General Assembly are hereby 26534
repealed. 26535

Section 610.40. That Sections 207.20.50, 207.20.70, 26536
207.30.10, 207.30.20, 207.30.30, 235.10, 261.10, 263.10, 26537
263.20.10, 263.30.10, 269.30.30, 269.30.70, 269.40.50, 269.50.30, 26538
275.10, 293.10, 299.10, 309.10, 309.30.13, 309.30.30, 309.30.40, 26539
309.30.41, 309.30.42, 309.40.33, 337.30, 337.30.43, 337.40, 26540
337.40.15, 369.10, 375.10, 379.10, 393.10, 405.10, 407.10, 512.03, 26541
512.35, and 518.03 of Am. Sub. H.B. 119 of the 127th General 26542
Assembly be amended to read as follows: 26543

Sec. 207.20.50. MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM 26544

Effective with the implementation of the Multi-Agency Radio 26545
Communications System, the ~~State Chief Information Officer~~ 26546
Department of Administrative Services shall collect user fees from 26547
participants in the system. ~~The~~ Under the direction of the 26548
Director of Administrative Services, the State Chief Information 26549
Officer, with the advice of the Multi-Agency Radio Communications 26550
System Steering Committee and the Director of Budget and 26551
Management, shall determine the amount of the fees and the manner 26552
by which the fees shall be collected. Such user charges shall 26553
comply with the applicable cost principles issued by the federal 26554
Office of Management and Budget. All moneys from user charges and 26555
fees shall be deposited in the state treasury to the credit of the 26556
Multi-Agency Radio Communications System Administration Fund (Fund 26557
5C2), which is hereby established in the state treasury. All 26558
interest income derived from the investment of the fund shall 26559
accrue to the fund. 26560

Sec. 207.20.70. OAKS SUPPORT ORGANIZATION 26561

The foregoing appropriation item 100-635, OAKS Support 26562
Organization, shall be used by the ~~Office of Information~~ 26563
~~Technology~~ Department of Administrative Services to support the 26564
operating costs associated with the implementation and maintenance 26565
of the state's enterprise resource planning system, OAKS, 26566
consistent with its responsibilities under this section and 26567
Chapters 125. and 126. of the Revised Code. The OAKS Support 26568
Organization shall operate and maintain the human capital 26569
management and financial management modules of the state's 26570
enterprise resource planning system to support statewide human 26571
resources and financial management activities administered by the 26572
Department of Administrative Services' human resources division 26573
and the Office of Budget and Management. The OAKS Support 26574
Organization shall recover the costs to establish, operate, and 26575
maintain the OAKS system through intrastate transfer voucher 26576
billings to the Department of Administrative Services and the 26577
Office of Budget and Management. Effective July 1, 2007, the 26578
Department of Administrative Services, with the approval of the 26579
Director of Budget and Management, shall include the recovery of 26580
the costs of administering the human capital management module of 26581
the OAKS System within the human resources services payroll rate. 26582
These revenues shall be deposited to the credit of the Human 26583
Resources Services Fund (Fund 125). Amounts deposited under this 26584
section are hereby appropriated to appropriation item 100-622, 26585
Human Resources Division-Operating. Not less than quarterly, the 26586
Department of Administrative Services shall process the intrastate 26587
transfer billings to transfer cash from the Human Resources 26588
Services Fund (Fund 125) to the OAKS Support Organization Fund 26589
(Fund 5EB) to pay for the OAKS Support Organization costs. 26590

Sec. 207.30.10. CENTRALIZED GATEWAY ENHANCEMENTS FUND 26591

(A) As used in this section, "Ohio Business Gateway" refers 26592
to the internet-based system operated by the ~~Office of Information~~ 26593
~~Technology~~ Department of Administrative Services with the advice 26594
of the Ohio Business Gateway Steering Committee established under 26595
section 5703.57 of the Revised Code. The Ohio Business Gateway is 26596
established to provide businesses a central web site where various 26597
filings and payments are submitted on-line to government. The 26598
information is then distributed to the various government entities 26599
that interact with the business community. 26600

(B) As used in this section: 26601

(1) "State Portal" refers to the official web site of the 26602
state, operated by the ~~Office of Information Technology~~ Department 26603
of Administrative Services. 26604

(2) "Shared Hosting Environment" refers to the computerized 26605
system operated by the ~~Office of Information Technology~~ Department 26606
of Administrative Services for the purpose of providing capability 26607
for state agencies to host web sites. 26608

(C) There is hereby created in the state treasury the 26609
Centralized Gateway Enhancements Fund (Fund 5X3). The foregoing 26610
appropriation item 100-634, Centralized Gateway Enhancements, 26611
shall be used by the ~~Office of Information Technology~~ Department 26612
of Administrative Services to pay the costs of enhancing, 26613
expanding, and operating the infrastructure of the Ohio Business 26614
Gateway, State Portal, and Shared Hosting Environment. ~~The~~ Under 26615
the direction of the Director of Administrative Services, the 26616
State Chief Information Officer shall submit periodic spending 26617
plans to the Director of Budget and Management to justify 26618
operating transfers to the fund from the General Revenue Fund. 26619
Upon approval, the Director of Budget and Management shall 26620
transfer approved amounts to the fund, not to exceed the amount of 26621
the annual appropriation in each fiscal year. The spending plans 26622
may be based on the recommendations of the Ohio Business Gateway 26623

Steering Committee or its successor. 26624

Sec. 207.30.20. MAJOR IT PURCHASES AND CONTRACTS 26625

The Director of Administrative Services shall, on the 26626
effective date of this amendment, replace the Director and Chief 26627
Information Officer of the Office of Information Technology in all 26628
contracts executed pursuant to section 125.18 of the Revised Code 26629
and in matters relating to those contracts. Contracts entered into 26630
prior to the effective date of this amendment shall remain in full 26631
force and effect. 26632

Under the direction of the Director of Administrative 26633
Services, the State Chief Information Officer shall compute the 26634
amount of revenue attributable to the amortization of all 26635
equipment purchases and capitalized systems from appropriation 26636
item 100-607, IT ~~Service~~ Services Delivery; appropriation item 26637
100-617, Major IT Purchases; and appropriation item CAP-837, Major 26638
IT Purchases, which is recovered by the Office of Information 26639
Technology as part of the rates charged by the IT Service Delivery 26640
Fund (Fund 133) created in section 125.15 of the Revised Code. The 26641
Director of Budget and Management may transfer cash in an amount 26642
not to exceed the amount of amortization computed from the IT 26643
Service Delivery Fund (Fund 133) to the Major IT Purchases Fund 26644
(Fund 4N6). 26645

On or before June 30, 2008, any unencumbered amounts of the 26646
foregoing appropriation item 100-607, IT Services Delivery, that 26647
are attributable to implementation of the NextGen Network for 26648
fiscal year 2008 are hereby appropriated for the same purpose for 26649
fiscal year 2009. 26650

Sec. 207.30.30. INFORMATION TECHNOLOGY ASSESSMENT 26651

The Under the direction of the Director of Administrative 26652
Services, the State Chief Information Officer, with the approval 26653

of the Director of Budget and Management, may establish an 26654
information technology assessment for the purpose of recovering 26655
the cost of selected infrastructure and statewide programs. Such 26656
assessment shall comply with applicable cost principles issued by 26657
the federal Office of Management and Budget. The information 26658
technology assessment shall be charged to all organized bodies, 26659
offices, or agencies established by the laws of the state for the 26660
exercise of any function of state government except for the 26661
General Assembly, any legislative agency, the Supreme Court, the 26662
other courts of record in Ohio, or any judicial agency, the 26663
Adjutant General, the Bureau of Workers' Compensation, and 26664
institutions administered by a board of trustees. Any state-entity 26665
exempted by this section may utilize the infrastructure or 26666
statewide program by participating in the information technology 26667
assessment. All charges for the information technology assessment 26668
shall be deposited to the credit of the IT Governance Fund (Fund 26669
229). 26670

Sec. 235.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 26671

General Revenue Fund 26672

GRF 874-100 Personal Services	\$	2,057,000	\$	2,057,000	26673
				<u>2,201,612</u>	

GRF 874-320 Maintenance and Equipment	\$	1,085,837	\$	1,080,837	26674
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TOTAL GRF General Revenue Fund	\$	3,142,837	\$	3,137,837	26675
				<u>3,282,449</u>	

General Services Fund Group 26676

4G5 874-603 Capitol Square Education Center and Arts	\$	15,000	\$	15,000	26677
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4S7 874-602 Statehouse Gift Shop/Events	\$	650,484	\$	650,484	26678
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TOTAL GSF General Services				26679
Fund Group	\$	665,484	\$ 665,484	26680
Underground Parking Garage				26681
208 874-601 Underground Parking	\$	2,706,993	\$ 2,706,993	26682
Garage Operations				
TOTAL UPG Underground Parking				26683
Garage	\$	2,706,993	\$ 2,706,993	26684
TOTAL ALL BUDGET FUND GROUPS	\$	6,515,314	\$ 6,510,314	26685
			<u>6,654,926</u>	

Sec. 261.10. BDP BOARD OF DEPOSIT 26687

General Services Fund Group				26688
4M2 974-601 Board of Deposit	\$	1,676,000	\$ 1,676,000	26689
TOTAL GSF General Services Fund				26690
Group	\$	1,676,000	\$ 1,676,000	26691
TOTAL ALL BUDGET FUND GROUPS	\$	1,676,000	\$ 1,676,000	26692

BOARD OF DEPOSIT EXPENSE FUND 26693

Upon receiving certification of expenses from the Treasurer 26694
of State, the Director of Budget and Management shall transfer 26695
cash from the Investment Earnings Redistribution Fund (Fund 608) 26696
to the Board of Deposit Expense Fund (Fund 4M2). The latter fund 26697
shall be used pursuant to section 135.02 of the Revised Code to 26698
pay for any and all necessary expenses of the Board of Deposit or 26699
for banking charges and fees required for the operation of the 26700
State of Ohio Regular Account. 26701

Sec. 263.10. DEV DEPARTMENT OF DEVELOPMENT 26702

General Revenue Fund				26703
GRF 195-401 Thomas Edison Program	\$	19,404,838	\$ 17,978,483	26704
GRF 195-404 Small Business	\$	1,740,722	\$ 1,792,944	26705
Development				
GRF 195-405 Minority Business	\$	1,580,291	\$ 1,627,700	26706

		Development Division				
GRF	195-407	Travel and Tourism	\$	1,800,000	\$	1,800,000 26707
GRF	195-410	Defense Conversion	\$	5,000,000	\$	0 26708
		Assistance				
GRF	195-412	Rapid Outreach Grants	\$	10,750,000	\$	10,000,000 26709
GRF	195-415	Economic Development	\$	5,894,975	\$	6,071,824 26710
		Division and Regional Offices				
GRF	195-416	Governor's Office of Appalachia	\$	4,746,043	\$	4,746,043 26711
GRF	195-422	Third Frontier Action Fund	\$	18,790,000	\$	16,790,000 26712
GRF	195-426	Clean Ohio Implementation	\$	300,000	\$	309,000 26713
GRF	195-432	International Trade	\$	4,650,501	\$	4,650,501 26714
GRF	195-434	Investment in Training Grants	\$	12,227,500	\$	12,594,325 26715
GRF	195-436	Labor/Management Cooperation	\$	836,225	\$	836,225 26716
GRF	195-497	CDBG Operating Match	\$	1,072,184	\$	1,072,184 26717
GRF	195-498	State Match Energy	\$	96,820	\$	96,820 26718
GRF	195-501	Appalachian Local Development Districts	\$	391,482	\$	391,482 26719
GRF	195-502	Appalachian Regional Commission Dues	\$	254,208	\$	254,208 26720
GRF	195-507	Travel and Tourism Grants	\$	1,130,000	\$	1,115,000 <u>1,165,000</u> 26721
GRF	195-516	Shovel Ready Sites	\$	1,000,000	\$	1,000,000 26722
GRF	195-520	Ohio Main Street Program	\$	750,000	\$	250,000 26723
GRF	195-521	Discover Ohio!	\$	7,182,845	\$	8,182,845 26724
GRF	195-905	Third Frontier Research &	\$	14,349,500	\$	24,523,400 26725

		Development General				
		Obligation Debt				
		Service				
GRF	195-912	Job Ready Site	\$	4,359,400	\$	8,232,500 26726
		Development General				
		Obligation Debt				
		Service				
TOTAL GRF		General Revenue Fund	\$	118,307,534	\$	124,315,484 26727
						<u>124,365,484</u>
		General Services Fund Group				26728
135	195-684	Supportive Services	\$	11,699,404	\$	11,321,444 26729
5AD	195-667	Investment in	\$	2,000,000	\$	0 26730
		Training Expansion				
5AD	195-668	Workforce Guarantee	\$	1,000,000	\$	0 26731
		Program				
5AD	195-677	Economic Development	\$	5,000,000	\$	24,400,000 26732
		Contingency				
5W5	195-690	Travel and Tourism	\$	350,000	\$	350,000 26733
		Cooperative Projects				
5W6	195-691	International Trade	\$	300,000	\$	300,000 26734
		Cooperative Projects				
685	195-636	Direct Cost Recovery	\$	800,000	\$	800,000 26735
		Expenditures				
TOTAL GSF		General Services Fund				26736
Group			\$	21,149,404	\$	37,171,444 26737
		Federal Special Revenue Fund Group				26738
3AE	195-643	Workforce Development	\$	5,839,900	\$	5,860,000 26739
		Initiatives				
3BJ	195-685	TANF Heating	\$	45,000,000	\$	15,000,000 26740
		Assistance				
3K8	195-613	Community Development	\$	65,000,000	\$	65,000,000 26741
		Block Grant				

3K9	195-611	Home Energy Assistance Block Grant	\$	110,000,000	\$	110,000,000	26742
3K9	195-614	HEAP Weatherization	\$	22,000,000	\$	22,000,000	26743
3L0	195-612	Community Services Block Grant	\$	25,235,000	\$	25,235,000	26744
3V1	195-601	HOME Program	\$	40,000,000	\$	40,000,000	26745
308	195-602	Appalachian Regional Commission	\$	475,000	\$	475,000	26746
308	195-603	Housing and Urban Development	\$	6,000,000	\$	6,000,000	26747
308	195-605	Federal Projects	\$	27,000,000	\$	27,000,000	26748
308	195-609	Small Business Administration	\$	4,296,381	\$	4,396,381	26749
308	195-618	Energy Federal Grants	\$	3,400,000	\$	3,400,000	26750
335	195-610	Energy Conservation and Emerging Technology	\$	2,200,000	\$	2,200,000	26751
TOTAL FED Federal Special Revenue							26752
Fund Group			\$	356,446,281	\$	326,566,381	26753
State Special Revenue Fund Group							26754
4F2	195-639	State Special Projects	\$	518,393	\$	518,393	26755
4F2	195-676	Marketing Initiatives	\$	5,000,000	\$	1,000,000	26756
4S0	195-630	Tax Incentive Programs	\$	650,800	\$	650,800	26757
4W1	195-646	Minority Business Enterprise Loan	\$	2,580,597	\$	2,580,597	26758
444	195-607	Water and Sewer Commission Loans	\$	523,775	\$	523,775	26759
450	195-624	Minority Business Bonding Program Administration	\$	53,967	\$	53,967	26760
451	195-625	Economic Development Financing Operating	\$	3,233,311	\$	3,233,311	26761

5AR	195-674	Industrial Site Improvements	\$	4,500,000	\$	4,500,000	26762
5CG	195-679	Alternative Fuel Transportation	\$	1,500,000	\$	1,000,000	26763
5DU	195-689	Energy Projects	\$	840,000	\$	840,000	26764
5M4	195-659	Low Income Energy Assistance	\$	245,000,000	\$	245,000,000	26765
5M5	195-660	Advanced Energy Programs	\$	17,000,000	\$	17,000,000	26766
5X1	195-651	Exempt Facility Inspection	\$	25,000	\$	25,000	26767
611	195-631	Water and Sewer Administration	\$	15,713	\$	15,713	26768
617	195-654	Volume Cap Administration	\$	200,000	\$	200,000	26769
646	195-638	Low- and Moderate- Income Housing Trust Fund	\$	53,000,000	\$	53,000,000	26770
TOTAL SSR State Special Revenue							26771
Fund Group			\$	334,641,556	\$	330,141,556	26772
Facilities Establishment Fund Group							26773
009	195-664	Innovation Ohio	\$	50,000,000	\$	50,000,000	26774
010	195-665	Research and Development	\$	50,000,000	\$	50,000,000	26775
037	195-615	Facilities Establishment	\$	110,000,000	\$	110,000,000	26776
4Z6	195-647	Rural Industrial Park Loan	\$	3,000,000	\$	3,000,000	26777
5D2	195-650	Urban Redevelopment Loans	\$	5,475,000	\$	5,475,000	26778
5S8	195-627	Rural Development Initiative	\$	3,000,000	\$	3,000,000	26779
5S9	195-628	Capital Access Loan	\$	3,000,000	\$	3,000,000	26780

Program			
TOTAL 037 Facilities			26781
Establishment Fund Group	\$ 224,475,000	\$ 224,475,000	26782
Clean Ohio Revitalization Fund			26783
003 195-663 Clean Ohio Operating	\$ 625,000	\$ 550,000	26784
TOTAL 003 Clean Ohio Revitalization Fund	\$ 625,000	\$ 550,000	26785
Third Frontier Research & Development Fund Group			
011 195-686 Third Frontier Operating	\$ 1,932,056	\$ 1,932,056	26787
011 195-687 Third Frontier Research & Development Projects	\$ 94,000,000	\$ 72,000,000	26788
014 195-692 Research & Development Taxable Bond Projects	\$ 28,000,000	\$ 28,000,000	26789
TOTAL 011 Third Frontier Research & Development Fund Group	\$ 123,932,056	\$ 101,932,056	26790
Job Ready Site Development Fund Group			
012 195-688 Job Ready Site Operating	\$ 1,246,155	\$ 1,246,155	26792
TOTAL 012 Job Ready Site Development Fund Group	\$ 1,246,155	\$ 1,246,155	26793
TOTAL ALL BUDGET FUND GROUPS	\$ 1,180,822,986	\$ 1,146,398,076	26794
		<u>1,146,448,076</u>	

Sec. 263.20.10. TRAVEL AND TOURISM GRANTS 26796

The foregoing appropriation item 195-507, Travel and Tourism Grants, shall be used to provide grants to local organizations to support various local travel and tourism events in Ohio. 26797
26798
26799

Of the foregoing appropriation item 195-507, Travel and Tourism Grants, \$50,000 in each fiscal year shall be used for the 26800
26801

Cleveland Film Bureau. 26802

Of the foregoing appropriation item 195-507, Travel and 26803
Tourism Grants, \$50,000 in each fiscal year shall be used for the 26804
Cincinnati Film Bureau. 26805

Of the foregoing appropriation item 195-507, Travel and 26806
Tourism Grants, \$500,000 in each fiscal year shall be used for 26807
grants to The International Center for the Preservation of Wild 26808
Animals. 26809

Of the foregoing appropriation item 195-507, Travel and 26810
Tourism Grants, \$50,000 in each fiscal year shall be used for the 26811
Greater Cleveland Sports Commission. 26812

Of the foregoing appropriation item 195-507, Travel and 26813
Tourism Grants, \$50,000 in each fiscal year shall be used for the 26814
Greater Columbus Sports Commission. 26815

Of the foregoing appropriation item 195-507, Travel and 26816
Tourism Grants, \$50,000 in each fiscal year ~~2008~~ shall be used for 26817
the Ohio Alliance of Science Centers. 26818

Of the foregoing appropriation item 195-507, Travel and 26819
Tourism Grants, \$100,000 in each fiscal year shall be used for the 26820
Harbor Heritage Society/Great Lakes Science Center in support of 26821
operations of the Steamship William G. Mather Maritime Museum, and 26822
\$100,000 in each fiscal year shall be used for the Great Lakes 26823
Historical Society. 26824

Of the foregoing appropriation item 195-507, Travel and 26825
Tourism Grants, \$35,000 in fiscal year 2009 shall be used for the 26826
Ohio Junior Angus Association to assist with costs associated with 26827
hosting the Eastern Regional Junior Angus Show in June 2009. 26828

Of the foregoing appropriation item 195-507, Travel and 26829
Tourism Grants, \$60,000 in each fiscal year shall be used for the 26830
Ohio River Trails program. 26831

Of the foregoing appropriation item 195-507, Travel and 26832
Tourism Grants, \$60,000 in each fiscal year shall be used to 26833
support the outdoor drama "Tecumseh!" 26834

Of the foregoing appropriation item 195-507, Travel and 26835
Tourism Grants, \$25,000 in each fiscal year shall be used for 26836
Ohio's Appalachian Country. 26837

Of the foregoing appropriation item 195-507, Travel and 26838
Tourism Grants, \$25,000 in each fiscal year shall be used for the 26839
Garst Museum. 26840

Of the foregoing appropriation item 195-507, Travel and 26841
Tourism Grants, \$10,000 in each fiscal year shall be used for the 26842
Pro Football Hall of Fame Festival. 26843

Sec. 263.30.10. UNCLAIMED FUNDS TRANSFER 26844

(A) Notwithstanding division (A) of section 169.05 of the 26845
Revised Code, upon the request of the Director of Budget and 26846
Management, the Director of Commerce, prior to June 30, 2008, 26847
shall transfer to the Job Development Initiatives Fund (Fund 5AD) 26848
an amount not to exceed \$5,000,000 in cash of the unclaimed funds 26849
that have been reported by the holders of unclaimed funds under 26850
section 169.05 of the Revised Code, regardless of the allocation 26851
of the unclaimed funds described under that section. 26852

Notwithstanding division (A) of section 169.05 of the Revised 26853
Code, upon the request of the Director of Budget and Management, 26854
the Director of Commerce, prior to June 30, 2009, shall transfer 26855
to the Job Development Initiatives Fund (Fund 5AD) an amount not 26856
to exceed \$24,400,000 in cash of the unclaimed funds that have 26857
been reported by the holders of unclaimed funds under section 26858
169.05 of the Revised Code, regardless of the allocation of the 26859
unclaimed funds described under that section. 26860

(B) Notwithstanding division (A) of section 169.05 of the 26861

Revised Code, upon the request of the Director of Budget and Management, the Director of Commerce, prior to June 30, 2008, shall transfer to the State Special Projects Fund (Fund 4F2) an amount not to exceed ~~\$2,500,000~~ \$5,000,000 of the unclaimed funds that have been reported by the holders of unclaimed funds under section 169.05 of the Revised Code, regardless of the allocation of the unclaimed funds described under that section.

Notwithstanding division (A) of section 169.05 of the Revised Code, upon the request of the Director of Budget and Management, the Director of Commerce, prior to June 30, 2009, shall transfer to the State Special Projects Fund (Fund 4F2) an amount not to exceed ~~\$2,500,000~~ \$1,000,000 in cash of the unclaimed funds that have been reported by the holders of unclaimed funds under section 169.05 of the Revised Code, regardless of the allocation of the unclaimed funds described under that section.

Sec. 269.30.30. GIFTED PUPIL PROGRAM

The foregoing appropriation item 200-521, Gifted Pupil Program, shall be used for gifted education units not to exceed 1,110 in each fiscal year under division (L) of section 3317.024 and division (F) of section 3317.05 of the Revised Code.

Of the foregoing appropriation item 200-521, Gifted Pupil Program, up to \$4,747,000 in fiscal year 2008 and up to \$4,794,470 in fiscal year 2009 may be used as an additional supplement for identifying gifted students under Chapter 3324. of the Revised Code.

Of the foregoing appropriation item 200-521, Gifted Pupil Program, the Department of Education may expend up to \$1,015,858 in fiscal year 2008 and up to \$1,026,017 in fiscal year 2009 for the Summer Honors Institute, including funding for the Martin Essex Program, which shall be awarded through a request for proposals process.

NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 26893

The foregoing appropriation item 200-532, Nonpublic 26894
Administrative Cost Reimbursement, shall be used by the Department 26895
of Education for the purpose of implementing section 3317.063 of 26896
the Revised Code. Notwithstanding the per pupil reimbursement 26897
limit of section 3317.063 of the Revised Code, the Department 26898
shall distribute any unspent and unencumbered funds remaining in 26899
each fiscal year after all other obligations of this appropriation 26900
have been met to chartered nonpublic schools in proportion to each 26901
school's share of the total reimbursement provided under section 26902
3317.063 of the Revised Code. 26903

Sec. 269.30.70. FOUNDATION FUNDING 26904

The foregoing appropriation item 200-550, Foundation Funding, 26905
includes \$75,000,000 in each fiscal year for the state education 26906
aid offset due to the change in public utility valuation as a 26907
result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd 26908
General Assembly. This amount represents the total state education 26909
aid offset due to the valuation change for school districts and 26910
joint vocational school districts from all relevant appropriation 26911
line item sources. Upon certification by the Department of 26912
Education, in consultation with the Department of Taxation, to the 26913
Director of Budget and Management of the actual state aid offset, 26914
the cash transfer from Fund 053, appropriation item 200-900, 26915
School District Property Tax Replacement - Utility, shall be 26916
decreased or increased by the Director of Budget and Management to 26917
match the certification in accordance with section 5727.84 of the 26918
Revised Code. 26919

The foregoing appropriation item 200-550, Foundation Funding, 26920
includes \$58,000,000 in fiscal year 2008 and \$145,000,000 in 26921
fiscal year 2009 for the state education aid offset because of the 26922
changes in tangible personal property valuation as a result of Am. 26923

Sub. H.B. 66 of the 126th General Assembly. This amount represents 26924
the total state education aid offset because of the valuation 26925
change for school districts and joint vocational school districts 26926
from all relevant appropriation item sources. Upon certification 26927
by the Department of Education of the actual state education aid 26928
offset to the Director of Budget and Management, the cash transfer 26929
from Fund 047, appropriation item 200-909, School District 26930
Property Tax Replacement - Business, shall be decreased or 26931
increased by the Director of Budget and Management to match the 26932
certification in accordance with section 5751.21 of the Revised 26933
Code. 26934

Of the foregoing appropriation item 200-550, Foundation 26935
Funding, up to \$425,000 shall be expended in each fiscal year for 26936
court payments under section ~~2151.357~~ 2151.362 of the Revised 26937
Code; an amount shall be available in each fiscal year to fund up 26938
to 225 full-time equivalent approved GRADS teacher grants under 26939
division (N) of section 3317.024 of the Revised Code; an amount 26940
shall be available in each fiscal year to make payments to school 26941
districts under division (A)(3) of section 3317.022 of the Revised 26942
Code; an amount shall be available in each fiscal year to make 26943
payments to school districts under division (F) of section 26944
3317.022 of the Revised Code; and up to \$30,000,000 in each fiscal 26945
year shall be reserved for payments under sections 3317.026, 26946
3317.027, and 3317.028 of the Revised Code except that the 26947
Controlling Board may increase the \$30,000,000 amount if presented 26948
with such a request from the Department of Education. 26949

Of the foregoing appropriation item 200-550, Foundation 26950
Funding, up to \$19,770,000 in fiscal year 2008 and up to 26951
\$20,545,200 in fiscal year 2009 shall be used to provide 26952
additional state aid to school districts for special education 26953
students under division (C)(3) of section 3317.022 of the Revised 26954
Code, except that the Controlling Board may increase these amounts 26955

if presented with such a request from the Department of Education 26956
at the final meeting of the fiscal year; up to \$2,000,000 in each 26957
fiscal year shall be reserved for Youth Services tuition payments 26958
under section 3317.024 of the Revised Code; and up to \$52,000,000 26959
in each fiscal year shall be reserved to fund the state 26960
reimbursement of educational service centers under section 3317.11 26961
of the Revised Code and the section of ~~this act~~ Am. Sub. H.B. 119 26962
of the 127th General Assembly entitled "EDUCATIONAL SERVICE 26963
CENTERS FUNDING." An amount shall be available for special 26964
education weighted funding under division (C)(1) of section 26965
3317.022 and division (D)(1) of section 3317.16 of the Revised 26966
Code. 26967

Of the foregoing appropriation item 200-550, Foundation 26968
Funding, an amount shall be available in each fiscal year to be 26969
used by the Department of Education for transitional aid for 26970
school districts and joint vocational school districts. Funds 26971
shall be distributed under the sections of ~~this act~~ Am. Sub. H.B. 26972
119 of the 127th General Assembly entitled "TRANSITIONAL AID FOR 26973
CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" and 26974
"TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 26975

Of the foregoing appropriation item 200-550, Foundation 26976
Funding, up to \$1,000,000 in each fiscal year shall be used by the 26977
Department of Education for a program to pay for educational 26978
services for youth who have been assigned by a juvenile court or 26979
other authorized agency to any of the facilities described in 26980
division (A) of the section of ~~this act~~ Am. Sub. H.B. 119 of the 26981
127th General Assembly entitled "PRIVATE TREATMENT FACILITY 26982
PROJECT." 26983

Of the foregoing appropriation item 200-550, Foundation 26984
Funding, up to \$3,700,000 in each fiscal year shall be used for 26985
school breakfast programs. Of this amount, up to \$900,000 shall be 26986
used in each fiscal year by the Department of Education to 26987

contract with the Children's Hunger Alliance to expand access to 26988
child nutrition programs consistent with the organization's 26989
continued ability to meet specified performance measures as 26990
detailed in the contract. Of this amount, the Children's Hunger 26991
Alliance shall use at least \$150,000 in each fiscal year to 26992
subcontract with an appropriate organization or organizations to 26993
expand summer food participation in underserved areas of the 26994
state, consistent with those organizations' continued ability to 26995
meet specified performance measures as detailed in the 26996
subcontracts. The remainder of the appropriation shall be used to 26997
partially reimburse school buildings within school districts that 26998
are required to have a school breakfast program under section 26999
3313.813 of the Revised Code, at a rate decided by the Department. 27000

Of the foregoing appropriation item 200-550, Foundation 27001
Funding, up to \$8,686,000 in fiscal year 2008 and up to \$8,722,860 27002
in fiscal year 2009 shall be used to operate the school choice 27003
program in the Cleveland Municipal School District under sections 27004
3313.974 to 3313.979 of the Revised Code. 27005

Of the portion of the funds distributed to the Cleveland 27006
Municipal School District under this section, up to \$11,901,887 in 27007
each fiscal year shall be used to operate the school choice 27008
program in the Cleveland Municipal School District under sections 27009
3313.974 to 3313.979 of the Revised Code. 27010

Of the foregoing appropriation item 200-550, Foundation 27011
Funding, \$3,312,165 in each fiscal year shall be used in 27012
conjunction with funding appropriated under appropriation item 27013
200-431, School Improvement Initiatives, to help support districts 27014
in the development and implementation of their continuous 27015
improvements plans and provide technical assistance and support in 27016
accordance with Title I of the "No Child Left Behind Act of 2001." 27017

The remaining portion of appropriation item 200-550, 27018
Foundation Funding, shall be expended for the public schools of 27019

city, local, exempted village, and joint vocational school 27020
districts, including base-cost funding, special education speech 27021
service enhancement funding, career-technical education weight 27022
funding, career-technical education associated service funding, 27023
teacher training and experience funding, charge-off supplement, 27024
and excess cost supplement under sections 3317.022, 3317.023, 27025
3317.0216, and 3317.16 of the Revised Code. 27026

Appropriation items 200-502, Pupil Transportation, 200-521, 27027
Gifted Pupil Program, 200-540, Special Education Enhancements, and 27028
200-550, Foundation Funding, other than specific set-asides, are 27029
collectively used in each fiscal year to pay state formula aid 27030
obligations for school districts and joint vocational school 27031
districts under Chapter 3317. of the Revised Code. The first 27032
priority of these appropriation items, with the exception of 27033
specific set-asides, is to fund state formula aid obligations 27034
under Chapter 3317. of the Revised Code. It may be necessary to 27035
reallocate funds among these appropriation items or use excess 27036
funds from other general revenue fund appropriation items in the 27037
Department of Education's budget in each fiscal year, in order to 27038
meet state formula aid obligations. If it is determined that it is 27039
necessary to transfer funds among these appropriation items or to 27040
transfer funds from other General Revenue Fund appropriations in 27041
the Department of Education's budget to meet state formula aid 27042
obligations, the Department of Education shall seek approval from 27043
the Controlling Board to transfer funds as needed. 27044

Sec. 269.40.50. START-UP FUNDS 27045

Funds appropriated for the purpose of providing start-up 27046
grants to Title IV-A Head Start and Title IV-A Head Start Plus 27047
agencies in fiscal year 2004 and fiscal year 2005 for the 27048
provision of services to children eligible for Title IV-A services 27049
under the Title IV-A Head Start or Title IV-A Head Start Plus 27050

programs shall be reimbursed to the General Revenue Fund as 27051
follows: 27052

(A) If, for fiscal year 2008, an entity that was a Title IV-A 27053
Head Start or Title IV-A Head Start Plus agency will not be an 27054
early learning agency or early learning provider, the entity shall 27055
repay the entire amount of the start-up grant it received in 27056
fiscal year 2004 and fiscal year 2005 not later than June 30, 27057
2009, in accordance with a payment schedule agreed to by the 27058
Department of Education. 27059

(B) If an entity that was a Title IV-A Head Start or Title 27060
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 27061
2005 will be an early learning agency or early learning provider 27062
in fiscal year 2008 and fiscal year 2009, the entity shall be 27063
allowed to retain any amount of the start-up grant it received, 27064
unless division (D) of this section applies to the entity. In that 27065
case, the entity shall repay the entire amount of the obligation 27066
described in that division not later than June 30, 2009. 27067

(C) Within ninety days after ~~the effective date of this~~ 27068
~~section~~ June 30, 2007, the Title IV-A Head Start agencies, Title 27069
IV-A Head Start Plus agencies, and the Department of Education 27070
shall determine the repayment schedule for amounts owed under 27071
division (A) of this section. These amounts shall be paid to the 27072
state not later than June 30, 2009. 27073

(D) If an entity that was a Title IV-A Head Start or Title 27074
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 27075
2005 owed the state any portion of the start-up grant amount 27076
during fiscal year 2006 or fiscal year 2007 but failed to repay 27077
the entire amount of the obligation by June 30, 2007, the entity 27078
shall be given an extension for repayment through June 30, 2009, 27079
before any amounts remaining due and payable to the state are 27080
referred to the Attorney General for collection under section 27081
131.02 of the Revised Code. 27082

(E) Any Title IV-A Head Start or Title IV-A Head Start Plus 27083
start-up grants that are retained by early learning agencies or 27084
early learning providers pursuant to this section shall be 27085
reimbursed to the General Revenue Fund when the early learning 27086
program ceases or is no longer funded from Title IV-A or if an 27087
early learning agency's or early learning provider's participation 27088
in the early learning program ceases or is terminated. 27089

Sec. 269.50.30. EDUCATIONAL SERVICE CENTERS FUNDING 27090

(A) As used in this section: 27091

(1) "Internet- or computer-based community school" has the 27092
same meaning as in section 3314.02 of the Revised Code. 27093

(2) "Service center ADM" has the same meaning as in section 27094
3317.11 of the Revised Code. 27095

(3) "STEM school" means a science, technology, engineering, 27096
and mathematics school established under Chapter 3326. of the 27097
Revised Code. 27098

(B) Notwithstanding division (F) of section 3317.11 of the 27099
Revised Code, no funds shall be provided under that division to an 27100
educational service center in either fiscal year for any pupils of 27101
a city or exempted village school district unless an agreement to 27102
provide services under section 3313.843 of the Revised Code was 27103
entered into by January 1, 1997, except that funds shall be 27104
provided to an educational service center for any pupils of a city 27105
school district if the agreement to provide services was entered 27106
into within one year of the date upon which such district changed 27107
from a local school district to a city school district. 27108

If an educational service center that entered into an 27109
agreement by January 1, 1997, with a city or exempted village 27110
school district to provide services under section 3313.843 of the 27111
Revised Code ceases to operate because all of the local school 27112

districts that constituted the territory of the service center 27113
have severed from the service center pursuant to section 3311.059 27114
of the Revised Code, another educational service center, by 27115
resolution of its governing board, may assume the obligations of 27116
the original service center to provide services to the city or 27117
exempted village school district under that agreement in fiscal 27118
year 2009. If that other service center assumes those obligations 27119
to provide services to the city or exempted village school 27120
district, that service center shall be considered to be the 27121
service center that entered into the agreement by January 1, 1997, 27122
and, accordingly, may receive funds under division (F) of section 27123
3317.11 of the Revised Code in accordance with this section in 27124
fiscal year 2009 for pupils of that city or exempted village 27125
school district. 27126

(C) Notwithstanding any provision of the Revised Code to the 27127
contrary, an educational service center that sponsors a community 27128
school under Chapter 3314. of the Revised Code in either fiscal 27129
year may include the students of that community school in its 27130
service center ADM for purposes of state funding under division 27131
(F) of section 3317.11 of the Revised Code, unless the community 27132
school is an Internet- or computer-based community school. A 27133
service center shall include the community school students in its 27134
service center ADM only to the extent that the students are not 27135
already so included, and only in accordance with guidelines issued 27136
by the Department of Education. If the students of a community 27137
school sponsored by an educational service center are included in 27138
the service center ADM of another educational service center, 27139
those students shall be removed from the service center ADM of the 27140
other educational service center and added to the service center 27141
ADM of the community school's sponsoring service center. The 27142
General Assembly authorizes this procedure as an incentive for 27143
educational service centers to take over sponsorship of community 27144
schools from the State Board of Education as the State Board's 27145

sponsorship is phased out in accordance with Sub. H.B. 364 of the 27146
124th General Assembly. No student of an Internet- or 27147
computer-based community school shall be counted in the service 27148
center ADM of any educational service center. The Department shall 27149
pay educational service centers under division (F) of section 27150
3317.11 of the Revised Code for community school students included 27151
in their service center ADMs under this division only if 27152
sufficient funds earmarked within appropriation item 200-550, 27153
Foundation Funding, for payments under that division remain after 27154
first paying for students attributable to their local and client 27155
school districts, in accordance with divisions (B) and ~~(D)~~(E) of 27156
this section. 27157

(D) Notwithstanding division (C) of section 3326.45 of the 27158
Revised Code, the Department shall pay educational service centers 27159
under division (H) of section 3317.11 of the Revised Code for 27160
services provided to STEM schools only if sufficient funds 27161
earmarked within appropriation item 200-550, Foundation Funding, 27162
for payments under that division remain after first paying for 27163
students attributable to the local and client school districts of 27164
the service centers and for community school students in their 27165
service center ADMs, in accordance with divisions (B), (C), and 27166
(E) of this section. 27167

(E) If insufficient funds are earmarked within appropriation 27168
item 200-550, Foundation Funding, for payments under ~~division~~ 27169
divisions (F) and (H) of section 3317.11 of the Revised Code and 27170
division (C) of this section in fiscal year 2008 or fiscal year 27171
2009, the Department shall prioritize the distribution of the 27172
earmarked funds as follows: 27173

(1) The Department shall first distribute to each educational 27174
service center the per-student amount specified in division (F) of 27175
section 3317.11 of the Revised Code for each student in its 27176
service center ADM attributable to the local school districts 27177

within the service center's territory. 27178

(2) The Department shall distribute the remaining funds in 27179
each fiscal year to each educational service center for the 27180
students in its service center ADM attributable to each city and 27181
exempted village school district that had entered into an 27182
agreement with an educational service center for that fiscal year 27183
under section 3313.843 of the Revised Code by January 1, 1997, up 27184
to the per-student amount specified in division (F) of section 27185
3317.11 of the Revised Code. If insufficient funds remain to pay 27186
each service center the full amount specified in division (F) of 27187
that section for each such student, the Department shall 27188
distribute the remaining funds to each service center 27189
proportionally, on a per-student basis for each such student, 27190
unless that proportional per-student amount exceeds the amount 27191
specified in division (F)(1) of that section. In that case, the 27192
Department shall distribute the per-student amount specified in 27193
division (F)(1) of that section to each service center for each 27194
such student and shall distribute the remainder proportionally, on 27195
a per-student basis for each such student, to the multi-county 27196
service centers described in division (F)(2) of that section. 27197

(3) If the Department has paid each service center under 27198
divisions ~~(D)~~(E)(1) and (2) of this section, the full amount 27199
specified in division (F) of section 3317.11 of the Revised Code 27200
for each student attributable to its local school districts and 27201
its client school districts described in division ~~(D)~~(E)(2) of 27202
this section the Department shall distribute any remaining funds 27203
proportionally, on a per-student basis, to each service center 27204
that sponsors a community school, other than an Internet- or 27205
computer-based community school, for the students included in the 27206
service center ADM under division (C) of this section. These 27207
payments shall not exceed per student the amount specified in 27208
division (F) of section 3317.11 of the Revised Code. 27209

(4) If the Department has paid each educational service center that sponsors a community school, other than an Internet- or computer-based community school, the full amount specified in division (F) of section 3317.11 of the Revised Code for each community school student included in the service center ADM under division (C) of this section, the Department shall distribute any remaining funds to each service center that is owed money under division (H) of section 3317.11 of the Revised Code for services provided to a STEM school. If insufficient funds remain to pay each service center the full amount calculated for it under division (H) of section 3317.11 of the Revised Code, the Department shall distribute the remaining funds proportionally, on a per-student basis, to each service center owed money under that division, unless that proportional per-student amount exceeds the per-student amount specified in any service center's contract entered into under section 3326.45 of the Revised Code. In that case, the Department shall distribute the lowest per-student amount specified in the service center contracts entered into under that section to each service center owed money under division (H) of section 3317.11 of the Revised Code and shall distribute the remainder proportionally, on a per-student basis, to service centers with contracts under section 3326.45 of the Revised Code that specify higher per-student amounts, but in no case shall the payments to any service center exceed the per-student amount specified in the service center's contract with the STEM school.

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Sec. 275.10. PAY EMPLOYEE BENEFITS FUNDS

27236

Accrued Leave Liability Fund Group

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806 995-666 Accrued Leave Fund \$ 69,584,560 \$ 76,038,787

27238

807 995-667 Disability Fund \$ 40,104,713 \$ 39,309,838

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TOTAL ALF Accrued Leave Liability

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Fund Group		\$ 109,689,273	\$ 115,348,625	27241	
Agency Fund Group				27242	
124	995-673	Payroll Deductions	\$ 2,125,000,000	\$ 2,175,000,000	27243
808	995-668	State Employee Health	\$ 499,240,000	\$ 550,922,742	27244
		Benefit Fund			
809	995-669	Dependent Care	\$ 2,969,635	\$ 2,969,635	27245
		Spending Account			
810	995-670	Life Insurance	\$ 2,113,589	\$ 2,229,834	27246
		Investment Fund			
811	995-671	Parental Leave	\$ 3,994,806	\$ 4,234,495	27247
		Benefit Fund			
813	995-672	Health Care Spending	\$ 12,000,000	\$ 12,000,000	27248
		Account			
TOTAL AGY	Agency Fund Group		\$ 2,645,318,030	\$ 2,747,356,706	27249
TOTAL ALL BUDGET FUND GROUPS			\$ 2,755,007,303	\$ 2,862,705,331	27250

ACCRUED LEAVE LIABILITY FUND 27251

The foregoing appropriation item 995-666, Accrued Leave Fund, 27252
shall be used to make payments from the Accrued Leave Liability 27253
Fund (Fund 806), pursuant to section 125.211 of the Revised Code. 27254
If it is determined by the Director of Budget and Management that 27255
additional amounts are necessary, the amounts are appropriated. 27256

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 27257

The foregoing appropriation item 995-667, Disability Fund, 27258
shall be used to make payments from the State Employee Disability 27259
Leave Benefit Fund (Fund 807), pursuant to section 124.83 of the 27260
Revised Code. If it is determined by the Director of Budget and 27261
Management that additional amounts are necessary, the amounts are 27262
appropriated. 27263

PAYROLL WITHHOLDING FUND 27264

The foregoing appropriation item 995-673, Payroll Deductions, 27265
shall be used to make payments from the Payroll Withholding Fund 27266

(Fund 124). If it is determined by the Director of Budget and Management that additional appropriation amounts are necessary, such amounts are hereby appropriated. 27267
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STATE EMPLOYEE HEALTH BENEFIT FUND 27270

The foregoing appropriation item 995-668, State Employee Health Benefit Fund, shall be used to make payments from the State Employee Health Benefit Fund (Fund 808), pursuant to section 124.87 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated. 27271
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DEPENDENT CARE SPENDING ACCOUNT 27277

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. 27278
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LIFE INSURANCE INVESTMENT FUND 27284

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. 27285
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PARENTAL LEAVE BENEFIT FUND 27292

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 27293
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it is determined by the Director of Budget and Management that 27297
additional amounts are necessary, the amounts are appropriated. 27298

HEALTH CARE SPENDING ACCOUNT 27299

There is hereby established in the State Treasury the Health 27300
Care Spending Account Fund (Fund 813). The foregoing appropriation 27301
item 995-672, Health Care Spending Account, shall be used to make 27302
payments from the fund. The fund shall be under the supervision of 27303
the Department of Administrative Services and shall be used to 27304
make payments pursuant to state employees' participation in a 27305
flexible spending account for non-reimbursed health care expenses 27306
and pursuant to Section 125 of the Internal Revenue Code. All 27307
income derived from the investment of the fund shall accrue to the 27308
fund. If it is determined by the Director of Administrative 27309
Services that additional appropriation amounts are necessary, the 27310
Director of Administrative Services may request that the Director 27311
of Budget and Management increase such amounts. Such amounts are 27312
hereby appropriated. 27313

At the request of the Director of Administrative Services, 27314
the Director of Budget and Management shall transfer up to 27315
\$145,000 from the General Revenue Fund to the Health Care Spending 27316
Account Fund during fiscal years 2008 and 2009. This cash shall be 27317
transferred as needed to provide adequate cash flow for the Health 27318
Care Spending Account Fund during fiscal year 2008 and fiscal year 27319
2009. If funds are available at the end of fiscal years 2008 and 27320
2009, the Director of Budget and Management shall transfer cash up 27321
to the amount previously transferred in the respective year, plus 27322
interest income, back from the Health Care Spending Account (Fund 27323
813) to the General Revenue Fund. 27324

CASH TRANSFER TO ACCRUED LEAVE FUND 27325

The Director of Budget and Management may transfer 27326
\$100,080.79 in cash from the Dependent Care Spending Account Fund 27327

(Fund 809) to the Accrued Leave Fund (Fund 806) to correct an 27328
intrastate transfer voucher from the Department of Natural 27329
Resources that was mistakenly deposited into the Dependent Care 27330
Spending Account Fund. 27331

Sec. 293.10. DOH DEPARTMENT OF HEALTH 27332

General Revenue Fund 27333

GRF 440-407 Animal Borne Disease \$ 2,327,101 \$ 2,327,101 27334
 and Prevention

GRF 440-412 Cancer Incidence \$ 1,002,619 \$ 1,002,619 27335
 Surveillance System

GRF 440-413 Local Health \$ 3,786,794 \$ 3,786,794 27336
 Department Support

GRF 440-416 Child and Family \$ 9,522,874 \$ 9,622,874 27337
 Health Services

GRF 440-418 Immunizations \$ 9,400,615 \$ 9,400,615 27338

GRF 440-425 Abstinence and \$ 500,000 \$ 500,000 27339
 Adoption Education

GRF 440-431 Free Clinic Liability \$ 250,000 \$ 250,000 27340
 Insurance

GRF 440-437 Healthy Ohio \$ 1,502,618 \$ 2,855,553 27341

GRF 440-438 Breast and Cervical \$ 2,500,000 \$ 2,500,000 27342
 Cancer Screening

GRF 440-444 AIDS Prevention and \$ 7,158,127 \$ 7,158,127 27343
 Treatment

GRF 440-446 Infectious Disease \$ 200,000 \$ 200,000 27344
 Prevention

GRF 440-451 Lab and Public Health \$ 6,085,250 \$ 6,085,250 27345
 Prevention Programs

GRF 440-452 Child and Family \$ 1,024,017 \$ 1,024,017 27346
 Health Services Match

GRF 440-453 Health Care Quality \$ 10,253,728 \$ 10,253,728 27347

	Assurance				
GRF 440-454	Local Environmental	\$	889,752	\$	889,752 27348
	Health				
GRF 440-459	Help Me Grow	\$	10,923,397	\$	14,041,847 27349
GRF 440-505	Medically Handicapped	\$	10,791,784	\$	10,791,784 27350
	Children				
GRF 440-507	Targeted Health Care	\$	1,681,023	\$	1,681,023 27351
	Services Over 21				
GRF 440-511	Uncompensated Care and	\$	0	\$	3,500,000 27352
	Emergency Medical				
	Assistance				
TOTAL GRF	General Revenue Fund	\$	79,799,699	\$	87,871,084 27353
	General Services Fund Group				27354
142 440-646	Agency Health Services	\$	3,461,915	\$	3,461,915 27355
211 440-613	Central Support	\$	28,884,707	\$	28,884,707 27356
	Indirect Costs				
473 440-622	Lab Operating Expenses	\$	4,954,045	\$	4,954,045 27357
683 440-633	Employee Assistance	\$	1,208,214	\$	1,208,214 27358
	Program				
698 440-634	Nurse Aide Training	\$	170,000	\$	170,000 27359
TOTAL GSF	General Services				27360
Fund Group		\$	38,678,881	\$	38,678,881 27361
	Federal Special Revenue Fund Group				27362
320 440-601	Maternal Child Health	\$	30,666,635	\$	30,666,635 27363
	Block Grant				
387 440-602	Preventive Health	\$	7,826,659	\$	7,826,659 27364
	Block Grant				
389 440-604	Women, Infants, and	\$	230,077,451	\$	230,077,451 27365
	Children				
391 440-606	Medicaid/Medicare	\$	24,850,959	\$	24,850,959 27366
392 440-618	Federal Public Health	\$	136,778,215	\$	136,778,215 27367
	Programs				

TOTAL FED Federal Special Revenue				27368	
Fund Group	\$	430,199,919	\$	430,199,919	27369
State Special Revenue Fund Group				27370	
4D6 440-608 Genetics Services	\$	3,317,000	\$	3,317,000	27371
4F9 440-610 Sickle Cell Disease Control	\$	1,035,344	\$	1,035,344	27372
4G0 440-636 Heirloom Birth Certificate	\$	5,000	\$	5,000	27373
4G0 440-637 Birth Certificate Surcharge	\$	5,000	\$	5,000	27374
4L3 440-609 Miscellaneous Expenses	\$	446,468	\$	446,468	27375
<u>4P4 440-628 Ohio Physician Loan Repayment</u>	\$	<u>0</u>	\$	<u>476,870</u>	27376
4T4 440-603 Child Highway Safety	\$	233,894	\$	233,894	27377
4V6 440-641 Save Our Sight	\$	1,767,994	\$	1,767,994	27378
470 440-647 Fee Supported Programs	\$	27,996,243	\$	25,905,140	27379
471 440-619 Certificate of Need	\$	869,000	\$	898,000	27380
477 440-627 Medically Handicapped Children Audit	\$	3,693,016	\$	3,693,016	27381
5B5 440-616 Quality, Monitoring, and Inspection	\$	838,479	\$	838,479	27382
5CB 440-640 Poison Control Centers	\$	150,000	\$	150,000	27383
5CN 440-645 Choose Life	\$	75,000	\$	75,000	27384
5C0 440-615 Alcohol Testing and Permit	\$	1,455,405	\$	1,455,405	27385
5D6 440-620 Second Chance Trust	\$	1,054,951	\$	1,054,951	27386
5EC 440-650 Health Emergency	\$	15,312,500	\$	0	27387
5ED 440-651 Smoke Free Indoor Air	\$	800,000	\$	800,000	27388
5G4 440-639 Adoption Services	\$	20,000	\$	20,000	27389
5L1 440-623 Nursing Facility Technical Assistance Program	\$	664,282	\$	698,595	27390
<u>5Z7 440-624 Ohio Dental Loan</u>	\$	<u>0</u>	\$	<u>140,000</u>	27391

		<u>Repayment</u>					
610	440-626	Radiation Emergency	\$	850,000	\$	850,000	27392
		Response					
666	440-607	Medically Handicapped	\$	14,320,687	\$	14,320,687	27393
		Children - County					
		Assessments					
TOTAL SSR State Special Revenue							27394
Fund Group			\$	74,910,263	\$	57,569,973	27395
							<u>58,186,843</u>
Holding Account Redistribution Fund Group							27396
R14	440-631	Vital Statistics	\$	70,000	\$	70,000	27397
R48	440-625	Refunds, Grants	\$	20,000	\$	20,000	27398
		Reconciliation, and					
		Audit Settlements					
TOTAL 090 Holding Account							27399
Redistribution Fund Group			\$	90,000	\$	90,000	27400
TOTAL ALL BUDGET FUND GROUPS			\$	623,678,762	\$	614,409,857	27401
							<u>615,026,727</u>
Sec. 299.10. OHS OHIO HISTORICAL SOCIETY							27403
General Revenue Fund							27404
GRF	360-501	Operating Subsidy	\$	3,649,244	\$	3,649,252	27405
GRF	360-502	Site and Museum	\$	8,501,781	\$	8,501,788	27406
		Operations				<u>8,357,176</u>	
GRF	360-504	Ohio Preservation	\$	417,516	\$	415,381	27407
		Office					
GRF	360-505	National	\$	754,884	\$	754,884	27408
		Afro-American Museum					
GRF	360-506	Hayes Presidential	\$	514,323	\$	514,323	27409
		Center					
GRF	360-508	State Historical	\$	853,000	\$	775,000	27410
		Grants					

TOTAL GRF General Revenue Fund	\$	14,690,748	\$	14,610,628	27411
TOTAL ALL BUDGET FUND GROUPS	\$	14,690,748	\$	14,610,628	27412
				<u>14,466,016</u>	

SUBSIDY APPROPRIATION 27413

Upon approval by the Director of Budget and Management, the 27414
foregoing appropriation items shall be released to the Ohio 27415
Historical Society in quarterly amounts that in total do not 27416
exceed the annual appropriations. The funds and fiscal records of 27417
the society for fiscal years 2008 and 2009 shall be examined by 27418
independent certified public accountants approved by the Auditor 27419
of State, and a copy of the audited financial statements shall be 27420
filed with the Office of Budget and Management. The society shall 27421
prepare and submit to the Office of Budget and Management the 27422
following: 27423

(A) An estimated operating budget for each fiscal year of the 27424
biennium. The operating budget shall be submitted at or near the 27425
beginning of each calendar year. 27426

(B) Financial reports, indicating actual receipts and 27427
expenditures for the fiscal year to date. These reports shall be 27428
filed at least semiannually during the fiscal biennium. 27429

The foregoing appropriations shall be considered to be the 27430
contractual consideration provided by the state to support the 27431
state's offer to contract with the Ohio Historical Society under 27432
section 149.30 of the Revised Code. 27433

STATE ARCHIVES 27434

Of the foregoing appropriation item 360-501, Operating 27435
Subsidy, \$300,000 in each fiscal year shall be used for the State 27436
Archives, Library, and Artifact Collections program. 27437

HAYES PRESIDENTIAL CENTER 27438

If a United States government agency, including, but not 27439

limited to, the National Park Service, chooses to take over the 27440
operations or maintenance of the Hayes Presidential Center, in 27441
whole or in part, the Ohio Historical Society shall make 27442
arrangements with the National Park Service or other United States 27443
government agency for the efficient transfer of operations or 27444
maintenance. 27445

HISTORICAL GRANTS 27446

Of the foregoing appropriation item 360-508, State Historical 27447
Grants, \$60,000 in fiscal year 2008 shall be distributed to the 27448
Paul Laurence Dunbar Home, \$75,000 in each fiscal year shall be 27449
distributed to the Center for Holocaust and Humanity Education 27450
located at the Hebrew Union College-Jewish Institute of Religion 27451
in Cincinnati, \$350,000 in each fiscal year shall be distributed 27452
to the Western Reserve Historical Society, \$350,000 in each fiscal 27453
year shall be distributed to the Cincinnati Museum Center, and up 27454
to \$18,000 in fiscal year 2008 shall be distributed to the 27455
Muskingum River Underground Railroad Historic Marker Project. 27456

PROCESSING FEES 27457

The Ohio Historical Society shall not charge or retain an 27458
administrative, service, or processing fee for distributing money 27459
that the General Assembly appropriates to the Society for grants 27460
or subsidies that the Society provides to other entities for their 27461
site-related programs. 27462

TRANSFER FOR STATEHOUSE TOURS AND EDUCATION 27463

On June 1, 2008, or as soon as possible thereafter, the 27464
Director of Budget and Management shall transfer \$12,297 cash from 27465
GRF appropriation item 360-502, Site and Museum Operations, to the 27466
Statehouse Gift Shop/Events Fund (Fund 4S70) in the Capitol Square 27467
Review and Advisory Board to support Statehouse tours and 27468
education staff. 27469

Sec. 309.10.	JFS DEPARTMENT OF JOB AND FAMILY SERVICES			27470
General Revenue Fund				27471
GRF 600-321	Support Services			27472
State	\$ 50,785,978	\$ 52,571,413		27473
Federal	\$ 10,460,286	\$ 11,290,237		27474
Support Services Total	\$ 61,246,264	\$ 63,861,650		27475
GRF 600-410	TANF State	\$ 267,619,061	\$ 267,619,061	27476
GRF 600-413	Child Care	\$ 84,120,596	\$ 84,120,596	27477
	Match/Maintenance of Effort			
GRF 600-416	Computer Projects			27478
State	\$ 115,383,181	\$ 116,419,033		27479
Federal	\$ 21,488,920	\$ 21,192,117		27480
Computer Projects Total	\$ 136,872,101	\$ 137,611,150		27481
GRF 600-417	Medicaid Provider Audits	\$ 2,000,000	\$ 2,000,000	27482
GRF 600-420	Child Support Administration	\$ 8,541,446	\$ 10,641,446	27483
GRF 600-421	Office of Family Stability	\$ 4,614,932	\$ 4,614,932	27484
GRF 600-423	Office of Children and Families	\$ 5,650,000	\$ 5,900,000	27485
GRF 600-425	Office of Ohio Health Plans			27486
State	\$ 22,500,000	\$ 22,500,000		27487
Federal	\$ 23,324,848	\$ 23,418,368		27488
Office of Ohio Health Plans Total	\$ 45,824,848	\$ 45,918,368		27489
GRF 600-502	Administration - Local	\$ 34,014,103	\$ 34,014,103	27490
GRF 600-511	Disability Financial Assistance	\$ 22,128,480	\$ 25,335,908	27491
GRF 600-512	Non-TANF Disaster	\$ 1,000,000	\$ 1,000,000	27492

	Assistance				
GRF 600-521	Entitlement	\$ 130,000,000	\$ 130,000,000		27493
	Administration - Local				
GRF 600-523	Children and Families	\$ 78,115,135	\$ 78,115,135		27494
	Services				
GRF 600-525	Health Care/Medicaid				27495
	State	\$ 3,371,917,993	\$ 3,603,598,928		27496
			<u>3,673,819,292</u>		
	Federal	\$ 5,173,236,576	\$ 5,736,989,273		27497
			<u>5,865,064,895</u>		
	Health Care Total	\$ 8,545,154,569	\$ 9,340,588,201		27498
			<u>9,538,884,187</u>		
GRF 600-526	Medicare Part D	\$ 254,397,401	\$ 271,854,640		27499
GRF 600-528	Adoption Services				27500
	State	\$ 37,520,466	\$ 43,978,301		27501
	Federal	\$ 41,304,043	\$ 49,196,065		27502
	Adoption Services Total	\$ 78,824,509	\$ 93,174,366		27503
GRF 600-529	Capital Compensation	\$ 7,000,000	\$ 0		27504
	Program				
GRF 600-534	Adult Protective	\$ 500,000	\$ 500,000		27505
	Services				
TOTAL GRF	General Revenue Fund				27506
	State	\$ 4,497,808,772	\$ 4,754,783,496		27507
			<u>4,825,003,860</u>		
	Federal	\$ 5,269,814,673	\$ 5,842,086,060		27508
			<u>5,970,161,682</u>		
	GRF Total	\$ 9,767,623,445	\$ 10,596,869,556		27509
			<u>10,795,165,542</u>		
	General Services Fund Group				27510
4A8 600-658	Child Support	\$ 26,680,794	\$ 26,680,794		27511
	Collections		<u>31,929,211</u>		
4R4 600-665	BCII Services/Fees	\$ 36,974	\$ 36,974		27512
5BG 600-653	Managed Care	\$ 210,655,034	\$ 222,667,304		27513

		Assessment				
5C9	600-671	Medicaid Program	\$ 80,120,048	\$ 80,120,048		27514
		Support				
5DL	600-639	Medicaid Revenue and	\$ 51,966,785	\$ 56,296,844		27515
		Collections		<u>76,296,844</u>		
5N1	600-677	County Technologies	\$ 1,000,000	\$ 1,000,000		27516
5P5	600-692	Health Care Services	\$ 93,000,000	\$ 62,000,000		27517
				<u>82,000,000</u>		
613	600-645	Training Activities	\$ 135,000	\$ 135,000		27518
TOTAL GSF General Services						27519
Fund Group			\$ 463,594,635	\$ 448,936,964		27520
				<u>494,185,381</u>		
Federal Special Revenue Fund Group						27521
3AW	600-675	Faith Based	\$ 1,000,000	\$ 1,000,000		27522
		Initiatives				
3A2	600-641	Emergency Food	\$ 2,900,000	\$ 3,500,000		27523
		Distribution				
3D3	600-648	Children's Trust Fund	\$ 2,040,524	\$ 2,040,524		27524
		Federal				
3F0	600-623	Health Care Federal	\$1,209,188,383	\$ 1,211,196,561		27525
				<u>1,280,718,161</u>		
3F0	600-650	Hospital Care	\$ 343,239,047	\$ 343,239,047		27526
		Assurance Match				
3G5	600-655	Interagency	\$1,469,763,073	\$ 1,513,855,965		27527
		Reimbursement				
3H7	600-617	Child Care Federal	\$ 207,269,463	\$ 200,167,593		27528
3N0	600-628	IV-E Foster Care	\$ 153,963,142	\$ 153,963,142		27529
		Maintenance				
3S5	600-622	Child Support	\$ 534,050	\$ 534,050		27530
		Projects				
3V0	600-688	Workforce Investment	\$ 232,568,453	\$ 233,082,144		27531
		Act				
3V4	600-678	Federal Unemployment	\$ 147,411,858	\$ 152,843,414		27532

		Programs				
3V4	600-679	Unemployment	\$ 3,092,890	\$ 3,191,862		27533
		Compensation Review				
		Commission - Federal				
3V6	600-689	TANF Block Grant	\$1,037,739,200	\$ 1,085,861,099		27534
3W3	600-659	TANF/Title XX	\$ 10,081,377	\$ 6,672,366		27535
		Transfer				
327	600-606	Child Welfare	\$ 48,514,502	\$ 47,947,309		27536
331	600-686	Federal Operating	\$ 53,963,318	\$ 56,263,225		27537
384	600-610	Food Stamps and State	\$ 160,237,060	\$ 153,147,118		27538
		Administration				
385	600-614	Refugee Services	\$ 10,196,547	\$ 11,057,826		27539
395	600-616	Special	\$ 5,723,131	\$ 5,717,151		27540
		Activities/Child and				
		Family Services				
396	600-620	Social Services Block	\$ 114,479,464	\$ 114,474,085		27541
		Grant				
396	600-651	Second Harvest Food	\$ 5,500,000	\$ 5,500,000		27542
		Banks				
397	600-626	Child Support	\$ 303,661,307	\$ 303,538,962		27543
398	600-627	Adoption Maintenance/	\$ 318,172,168	\$ 317,483,676		27544
		Administration				
TOTAL FED Federal Special Revenue						27545
Fund Group			\$5,841,238,957	\$ 5,926,277,119		27546
				<u>5,995,798,719</u>		
State Special Revenue Fund Group						27547
198	600-647	Children's Trust Fund	\$ 6,788,522	\$ 6,788,522		27548
4A9	600-607	Unemployment	\$ 12,273,062	\$ 12,188,996		27549
		Compensation				
		Administration Fund				
4A9	600-694	Unemployment	\$ 1,726,938	\$ 1,811,004		27550
		Compensation Review				
		Commission				

4E3	600-605	Nursing Home Assessments	\$	4,759,914	\$	4,759,914	27551
4E7	600-604	Child and Family Services Collections	\$	300,000	\$	300,000	27552
4J5	600-613	Nursing Facility Bed Assessments	\$	34,613,984	\$	34,613,984	27553
4J5	600-618	Residential State Supplement Payments	\$	15,700,000	\$	15,700,000	27554
4K1	600-621	ICF/MR Bed Assessments	\$	19,332,437	\$	19,332,437 <u>23,254,187</u>	27555
4R3	600-687	Banking Fees	\$	800,000	\$	800,000	27556
4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$	10,000,000	27557
<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>	27558
5DB	600-637	Military Injury Grants	\$	2,000,000	\$	2,000,000	27559
5ES	600-630	Food Assistance	\$	500,000	\$	500,000	27560
5F2	600-667	Building Consolidation	\$	250,000	\$	250,000	27561
5F3	600-668	Building Consolidation	\$	1,000,000	\$	1,000,000	27562
5Q9	600-619	Supplemental Inpatient Hospital Payments	\$	56,125,998	\$	56,125,998	27563
5R2	600-608	Medicaid-Nursing Facilities	\$	175,000,000	\$	175,000,000	27564
5S3	600-629	MR/DD Medicaid Administration and Oversight	\$	1,620,960	\$	1,620,960	27565
5U3	600-654	Health Care Services Administration	\$	9,867,284	\$	12,000,349	27566
5U6	600-663	Children and Family Support	\$	4,928,718	\$	4,928,718	27567

5Z9	600-672	TANF Quality Control	\$	520,971	\$	546,254	27568
		Reinvestments					
651	600-649	Hospital Care	\$	231,893,404	\$	231,893,404	27569
		Assurance Program					
		Fund					
TOTAL SSR State Special Revenue							27570
Fund Group			\$	590,002,192	\$	592,160,540	27571
						<u>600,482,290</u>	
Agency Fund Group							27572
192	600-646	Support Intercept -	\$	110,000,000	\$	110,000,000	27573
		Federal					
5B6	600-601	Food Stamp Intercept	\$	2,000,000	\$	2,000,000	27574
583	600-642	Support Intercept -	\$	16,000,000	\$	16,000,000	27575
		State					
TOTAL AGY Agency Fund Group							27576
Holding Account Redistribution Fund Group							27577
R12	600-643	Refunds and Audit	\$	3,600,000	\$	3,600,000	27578
		Settlements					
R13	600-644	Forgery Collections	\$	10,000	\$	10,000	27579
TOTAL 090 Holding Account							27580
Redistribution Fund Group							
TOTAL ALL BUDGET FUND GROUPS							27581
				\$16,794,069,229		\$17,695,854,179	
						<u>18,017,241,932</u>	
<u>BUDGET STABILIZATION FUND TRANSFER FOR MEDICAID</u>							27582
<u>Notwithstanding section 127.14 of the Revised Code, if the</u>							27583
<u>Director of Budget and Management determines that additional</u>							27584
<u>appropriations are needed to fund the Medicaid program, the</u>							27585
<u>Director may, with Controlling Board approval, transfer up to</u>							27586
<u>\$63,333,420 cash in fiscal year 2009 from the Budget Stabilization</u>							27587
<u>Fund to the General Revenue Fund. Upon approval from the</u>							27588
<u>Controlling Board, the Director of Budget and Management shall</u>							27589
<u>transfer the approved amounts of cash, increase the state share of</u>							27590

appropriations to line item 600-525, Health Care/Medicaid, and 27591
adjust the federal share accordingly. Any such transfers and 27592
adjustments are hereby appropriated. 27593

Sec. 309.30.13. CHILDREN'S HOSPITALS 27594

(A) As used in this section: 27595

"Children's hospital" means a hospital that primarily serves 27596
patients eighteen years of age and younger and is excluded from 27597
Medicare prospective payment in accordance with 42 C.F.R. 27598
412.23(d). 27599

"Medicaid inpatient cost-to-charge ratio" means the historic 27600
Medicaid inpatient cost-to-charge ratio applicable to a hospital 27601
as described in rules adopted by the Director of Job and Family 27602
Services in paragraph (B)(2) of rule 5101:3-2-22 of the 27603
Administrative Code. 27604

(B) Notwithstanding paragraph (C)(5) of rule 5101:3-2-07.9 of 27605
the Administrative Code and except as provided in division (C) of 27606
this section, the Director of Job and Family Services shall pay a 27607
children's hospital that meets the criteria in paragraphs (E)(1) 27608
and (2) of rule 5101:3-2-07.9 of the Administrative Code, for each 27609
cost outlier claim made in fiscal years 2008 and 2009, an amount 27610
that is the product of the hospital's allowable charges and the 27611
hospital's Medicaid inpatient cost-to-charge ratio. 27612

(C) The Director of Job and Family Services shall cease 27613
paying a children's hospital for a cost outlier claim under the 27614
methodology in division (B) of this section and revert to paying 27615
the hospital for such a claim according to methodology in 27616
paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of the 27617
Administrative Code, as applicable, when the difference between 27618
the total amount the Director has paid according to the 27619
methodology in division (B) of this section for such claims and 27620

the total amount the Director would have paid according to the 27621
methodology in paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of 27622
the Administrative Code, as the applicable paragraph existed on 27623
June 30, 2007, for such claims, exceeds the sum of the state funds 27624
and corresponding federal match earmarked in division (F) of this 27625
section and reappropriated in division (G) of this section for the 27626
applicable fiscal year. 27627

(D) The Director of Job and Family Services shall make 27628
supplemental Medicaid payments to hospitals for inpatient services 27629
under a program modeled after the program the Department of Job 27630
and Family Services was required to create for fiscal years 2006 27631
and 2007 in Section 206.66.79 of Am. Sub. H.B. 66 of the 126th 27632
General Assembly if the difference between the total amount the 27633
Director has paid according to the methodology in division (B) of 27634
this section for cost outlier claims and the total amount the 27635
Director would have paid according to the methodology in paragraph 27636
(A)(6) or (C)(5) of rule 5101:3-2-07.9 of the Administrative Code 27637
for such claims, as the applicable paragraph existed on June 30, 27638
2007, does not require the expenditure of all state and federal 27639
funds earmarked in division (F) of this section for the applicable 27640
fiscal year. 27641

(E) The Director of Job and Family Services shall not adopt, 27642
amend, or rescind any rules that would result in decreasing the 27643
amount paid to children's hospitals under division (B) of this 27644
section for cost outlier claims. 27645

(F) Of the foregoing appropriation item, 600-525, Health 27646
Care/Medicaid, up to \$6 million (state share) in each fiscal year 27647
plus the corresponding federal match, if available, shall be used 27648
by the Department to pay the amounts described in division (B) of 27649
this section. 27650

(G) The unencumbered balance of the \$6 million in division 27651
(F) of this section at the end of fiscal year 2008 is hereby 27652

reappropriated to appropriation item 600-525, Health 27653
Care/Medicaid, for fiscal year 2009 to be used by the Department 27654
to pay the amounts described in division (B) of this section. The 27655
Director of Budget and Management shall increase the state share 27656
of appropriations in appropriation item 600-525, Health 27657
Care/Medicaid, by the amount of the unencumbered balance of the \$6 27658
million, with a corresponding increase in the federal share. The 27659
Department shall expend, not later than June 30, 2009, the entire 27660
amount of the unencumbered balance of the \$6 million 27661
reappropriated to appropriation item 600-525, Health 27662
Care/Medicaid, for fiscal year 2009 by this division, by the 27663
corresponding increase in the federal share, and the \$6 million 27664
plus the corresponding federal match earmarked for fiscal year 27665
2009 by division (F) of this section to pay the amounts described 27666
in division (B) of this section. 27667

Sec. 309.30.30. FISCAL YEAR 2009 MEDICAID REIMBURSEMENT 27668
SYSTEM FOR NURSING FACILITIES 27669

(A) As used in this section: 27670

(1) "Capital costs," "cost of ownership," and "renovation" 27671
have the same meanings as in section 5111.20 of the Revised Code 27672
as that section existed on June 30, 2005. 27673

(2) "Fiscal year 2008 rate" means the rate a provider of a 27674
nursing facility is paid for nursing facility services the nursing 27675
facility provides on June 30, 2008. 27676

(3) "Franchise permit fee," "inpatient days," "Medicaid 27677
days," "nursing facility," and "provider" have the same meanings 27678
as in section 5111.20 of the Revised Code. 27679

(4) "Nursing facility services" means nursing facility 27680
services covered by the Medicaid program that a nursing facility 27681
provides to a resident of the nursing facility who is a Medicaid 27682

recipient eligible for Medicaid-covered nursing facility services.	27683
	27684
<u>(5) "Reviewable activity" has the same meaning as in section 3702.51 of the Revised Code.</u>	27685
	27686
<u>(6) "Type A nursing facility" means a nursing facility that qualifies for a per diem under Section 309.30.42 of Am. Sub. H.B. 119 of the 127th General Assembly, as amended by this act.</u>	27687
	27688
	27689
<u>(7) "Type B nursing facility" means a nursing facility to which both of the following apply:</u>	27690
	27691
<u>(a) Both of the following occurred during the last quarter of fiscal year 2008:</u>	27692
	27693
<u>(i) The facility obtained certification as a nursing facility from the Director of Health.</u>	27694
	27695
<u>(ii) The facility began participating in the Medicaid program.</u>	27696
	27697
<u>(b) An application for a certificate of need for the nursing facility was filed with the Director of Health before June 15, 2005.</u>	27698
	27699
	27700
<u>(8) "Type C nursing facility" means a nursing facility to which all of the following apply:</u>	27701
	27702
<u>(a) The nursing facility is not a type B nursing facility.</u>	27703
<u>(b) The nursing facility, during the last quarter of fiscal year 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:</u>	27704
	27705
	27706
	27707
	27708
	27709
	27710
<u>(i) Any materials or equipment for the capital project were delivered;</u>	27711
	27712

<u>(ii) Preparations for the physical site of the capital project, including, if applicable, excavation, began;</u>	27713
	27714
<u>(iii) Actual work on the capital project began.</u>	27715
<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>	27716
	27717
	27718
	27719
<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>	27720
	27721
	27722
<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>	27723
	27724
	27725
	27726
<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>	27727
	27728
	27729
	27730
<u>(i) Any materials or equipment for the activity were delivered.</u>	27731
	27732
<u>(ii) Preparations for the physical site of the activity, including, if applicable, excavation, began.</u>	27733
	27734
<u>(iii) Actual work on the activity began.</u>	27735
<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>	27736
	27737
	27738
	27739
<u>(10) "Type E nursing facility" means a nursing facility that, during the last quarter of fiscal year 2008, completed a renovation to which all of the following apply:</u>	27740
	27741
	27742

<u>(a) The Director of Job and Family Services approved the renovation before July 1, 2005.</u>	27743
	27744
<u>(b) At least one of the following occurred before July 1, 2005, or, if the nursing facility undertakes the renovation to comply with rules adopted by the Public Health Council regarding resident room size or occupancy, before June 30, 2007:</u>	27745
	27746
	27747
	27748
<u>(i) Any materials or equipment for the renovation were delivered.</u>	27749
	27750
<u>(ii) Preparations for the physical site of the renovation, including, if applicable, excavation, began.</u>	27751
	27752
<u>(iii) Actual work on the renovation began.</u>	27753
<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 renovation is completed.</u>	27754
	27755
	27756
	27757
<u>(11) "Type F nursing facility" means a nursing facility to which all of the following apply:</u>	27758
	27759
<u>(a) The nursing facility, during either the first or second quarter of fiscal year 2009, completed a capital project for which the Director of Health approved a certificate of need on December 22, 2003.</u>	27760
	27761
	27762
	27763
<u>(b) The nursing facility has one hundred ninety-two beds.</u>	27764
<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>	27765
	27766
	27767
	27768
(B) Except as otherwise provided by this section, 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 shall be paid, for nursing	27769
	27770
	27771
	27772

facility services the nursing facility provides during fiscal year 27773
2009, the rate calculated for the nursing facility under sections 27774
5111.20 to 5111.33 of the Revised Code with the following 27775
adjustments: 27776

(1) The cost per case mix-unit calculated under section 27777
5111.231 of the Revised Code, the rate for ancillary and support 27778
costs calculated under section 5111.24 of the Revised Code, the 27779
rate for capital costs calculated under section 5111.25 of the 27780
Revised Code, and the rate for tax costs calculated under section 27781
5111.242 of the Revised Code shall each be adjusted as follows: 27782

(a) Increase the cost and rates so calculated by two per 27783
cent; 27784

(b) Increase the cost and rates determined under division 27785
(B)(1)(a) of this section by two per cent; 27786

(c) Increase the cost and rates determined under division 27787
(B)(1)(b) of this section by one per cent. 27788

(2) The mean payment used in the calculation of the quality 27789
incentive payment made under section 5111.244 of the Revised Code 27790
shall be, weighted by Medicaid days, three dollars and three cents 27791
per Medicaid day. 27792

(C) If the rate determined for a nursing facility under 27793
division (B) of this section for nursing facility services 27794
provided during fiscal year 2009 is more than one hundred two and 27795
seventy-five hundredths per cent of the sum of the nursing 27796
facility's fiscal year 2008 rate the provider is paid for nursing 27797
facility services the nursing facility provides on June 30, 2008 27798
and the amount specified in division (D) of this section, the 27799
Department of Job and Family Services shall reduce the nursing 27800
facility's fiscal year 2009 rate so that the rate is not more than 27801
one hundred two and seventy-five hundredths per cent of ~~the~~ 27802
~~nursing facility's rate for June 30, 2008~~ that sum. If the rate 27803

determined for a nursing facility under division (B) of this 27804
section for nursing facility services provided during fiscal year 27805
2009 is less than the sum of the nursing facility's fiscal year 27806
2008 rate the provider is paid for nursing facility services the 27807
nursing facility provides on June 30, 2008 and the amount 27808
specified in division (D) of this section, the Department shall 27809
increase the nursing facility's fiscal year 2009 rate so that the 27810
rate is not less than the nursing facility's rate for June 30, 27811
2008 that sum. 27812

(D) Subject to division (E) of this section, the following 27813
amount shall be added to a nursing facility's fiscal year 2008 27814
rate for the purpose of determining the ceiling and floor under 27815
division (C) of this section: 27816

(1) If the nursing facility is a type A nursing facility, the 27817
amount of the per diem for which the nursing facility qualifies 27818
under Section 309.30.42 of Am. Sub. H.B. 119 of the 127th General 27819
Assembly, as amended by this act; 27820

(2) If the nursing facility is a type B nursing facility, the 27821
amount that is the difference between the capital costs portion of 27822
the nursing facility's initial rate established under section 27823
5111.254 of the Revised Code and the lesser of the following: 27824

(a) Eighty-eight and sixty-five hundredths per cent of the 27825
nursing facility's cost of ownership as reported on its 27826
three-month projected capital cost report divided by the greater 27827
of the number of inpatient days the nursing facility is expected 27828
to have during the period covered by the projected capital cost 27829
report or the number of inpatient days the nursing facility would 27830
have during that period if the nursing facility's occupancy rate 27831
was eighty per cent; 27832

(b) The maximum capital per diem rate in effect for fiscal 27833
year 2005 for nursing facilities. 27834

(3) If the nursing facility is a type C nursing facility, 27835
type D nursing facility, or type F nursing facility, the amount 27836
that is the difference between the capital costs portion of the 27837
nursing facility's fiscal year 2008 rate and the lesser of the 27838
following: 27839

(a) Eighty-eight and sixty-five hundredths per cent of the 27840
nursing facility's cost of ownership as reported on its 27841
three-month projected capital cost report divided by the greater 27842
of the number of inpatient days the nursing facility is expected 27843
to have during the period covered by the projected capital cost 27844
report or the number of inpatient days the nursing facility would 27845
have during that period if the nursing facility's occupancy rate 27846
was ninety-five per cent; 27847

(b) The maximum capital per diem rate in effect for fiscal 27848
year 2005 for nursing facilities. 27849

(4) If the nursing facility is a type E nursing facility, the 27850
amount that is equal to eighty-five per cent of the nursing 27851
facility's capital costs for the renovation as reported on its 27852
three-month projected capital cost report divided by the greater 27853
of the number of inpatient days the nursing facility is expected 27854
to have during the period covered by the projected capital cost 27855
report or the number of inpatient days the nursing facility would 27856
have during that period if the nursing facility's occupancy rate 27857
was ninety-five per cent; 27858

(5) If the nursing facility is not a type A nursing facility, 27859
type B nursing facility, type C nursing facility, type D nursing 27860
facility, type E nursing facility, or type F nursing facility, 27861
zero. 27862

(E) The amount to be added to the fiscal year 2008 rate of a 27863
type A nursing facility, type B nursing facility, type C nursing 27864
facility, type D nursing facility, type E nursing facility, or 27865

type F nursing facility for the purpose of determining the ceiling 27866
and floor under division (C) of this section shall be zero until 27867
the later of the following: 27868

(1) July 1, 2008; 27869

(2) The first day of the month following the month in which 27870
the provider files the three-month projected capital cost report 27871
for the nursing facility with the Director of Job and Family 27872
Services. 27873

(F) If the United States Centers for Medicare and Medicaid 27874
Services requires that the franchise permit fee be reduced or 27875
eliminated, the Department of Job and Family Services shall reduce 27876
the amount it pays providers of nursing facility services under 27877
this section as necessary to reflect the loss to the state of the 27878
revenue and federal financial participation generated from the 27879
franchise permit fee. 27880

~~(E)~~(G) The Department of Job and Family Services shall follow 27881
this section in determining the rate to be paid to the provider of 27882
a nursing facility that has a valid Medicaid provider agreement on 27883
June 30, 2008, and a valid Medicaid provider agreement during 27884
fiscal year 2009 notwithstanding anything to the contrary in 27885
sections 5111.20 to 5111.33 of the Revised Code. 27886

(H) Not later than sixty days after the effective date of the 27887
amendments to this section, the Director of Job and Family 27888
Services shall submit an amendment to the state Medicaid plan to 27889
the United States Secretary of Health and Human Services as 27890
necessary to implement the amendments to this section. On receipt 27891
of the United States Secretary's approval of the amendment to the 27892
state Medicaid plan, the Director shall implement the amendments 27893
to this section retroactive to the effective date of the state 27894
Medicaid plan amendment. 27895

Sec. 309.30.40. FISCAL YEARS 2008 AND 2009 MEDICAID	27896
REIMBURSEMENT SYSTEM FOR ICFs/MR	27897
(A) As used in this section:	27898
"Intermediate care facility for the mentally retarded" has	27899
the same meaning as in section 5111.20 of the Revised Code.	27900
"Medicaid days" means all days during which a resident who is	27901
a Medicaid recipient occupies a bed in an intermediate care	27902
facility for the mentally retarded that is included in the	27903
facility's Medicaid-certified capacity. Therapeutic or hospital	27904
leave days for which payment is made under section 5111.33 of the	27905
Revised Code are considered Medicaid days proportionate to the	27906
percentage of the intermediate care facility for the mentally	27907
retarded's per resident per day rate paid for those days.	27908
"Per diem rate" means the per diem rate calculated pursuant	27909
to sections 5111.20 to 5111.33 of the Revised Code.	27910
(B) Notwithstanding sections 5111.20 to 5111.33 of the	27911
Revised Code, rates paid to intermediate care facilities for the	27912
mentally retarded under the Medicaid program shall be subject to	27913
the following limitations:	27914
(1) For fiscal year 2008, the mean total per diem rate for	27915
all intermediate care facilities for the mentally retarded in the	27916
state, weighted by May 2007 Medicaid days and calculated as of	27917
July 1, 2007, shall not exceed \$266.14.	27918
(2) For fiscal year 2009, the mean total per diem rate for	27919
all intermediate care facilities for the mentally retarded in the	27920
state, weighted by May 2008 Medicaid days and calculated as of	27921
July 1, 2008, shall not exceed \$271.46 <u>\$276.13</u> .	27922
(3) If the mean total per diem rate for all intermediate care	27923
facilities for the mentally retarded in the state for fiscal year	27924
2008 or 2009, weighted by Medicaid days as specified in division	27925

(B)(1) or (2) of this section, as appropriate, and calculated as 27926
of the first day of July of the calendar year in which the fiscal 27927
year begins, exceeds the amount specified in division (B)(1) or 27928
(2) of this section, as applicable, the Department of Job and 27929
Family Services shall reduce the total per diem rate for each 27930
intermediate care facility for the mentally retarded in the state 27931
by a percentage that is equal to the percentage by which the mean 27932
total per diem rate exceeds the amount specified in division 27933
(B)(1) or (2) of this section for that fiscal year. 27934

(4) Subsequent to any reduction required by division (B)(3) 27935
of this section, the rate of an intermediate care facility for the 27936
mentally retarded shall not be subject to any adjustments 27937
authorized by sections 5111.20 to 5111.33 of the Revised Code 27938
during the remainder of the year. 27939

Sec. 309.30.41. ADDITIONAL COMPENSATION FOR NURSING FACILITY 27940
CAPITAL COSTS 27941

The foregoing appropriation item 600-529, Capital 27942
Compensation Program, shall be used to make payments to nursing 27943
facilities under ~~the section of this act entitled "FISCAL YEARS~~ 27944
~~2008 AND 2009 PAYMENTS TO CERTAIN NURSING FACILITIES~~ Section 27945
309.30.42 of Am. Sub. H.B. 119 of the 127th General Assembly." 27946

The unencumbered balance of appropriation item 600-529, 27947
Capital Compensation Program, at the end of fiscal year 2008 is 27948
hereby appropriated to appropriation item 600-525, Health 27949
Care/Medicaid, for fiscal year 2009 ~~for use under the same~~ 27950
~~appropriation item.~~ The Director of Budget and Management shall 27951
increase the state share of appropriations in appropriation item 27952
600-525, Health Care/Medicaid, by the amount of the unencumbered 27953
balance of appropriation item 600-529, Capital Compensation 27954
Program, with a corresponding increase in the federal share. 27955

Sec. 309.30.42. FISCAL YEARS <u>YEAR</u> 2008 AND 2009 PAYMENTS TO	27956
CERTAIN NURSING FACILITIES	27957
(A) As used in this section:	27958
"Capital costs," "cost of ownership," and "renovation" have	27959
the same meanings as in section 5111.20 of the Revised Code as	27960
that section existed on June 30, 2005.	27961
"Change of operator" has the same meaning as in section	27962
5111.65 of the Revised Code.	27963
"Inpatient days," "Medicaid days," and "nursing facility"	27964
have the same meanings as in section 5111.20 of the Revised Code.	27965
"Reviewable activity" has the same meaning as in section	27966
3702.51 of the Revised Code.	27967
(B) The following qualify for per diem payments under this	27968
section:	27969
(1) A nursing facility to which both of the following apply:	27970
(a) Both of the following occurred during fiscal year 2006 7	27971
<u>or 20077 or the first three quarters of fiscal year 2008:</u>	27972
(i) The facility obtained certification as a nursing facility	27973
from the Director of Health.	27974
(ii) The facility began participating in the Medicaid	27975
program.	27976
(b) An application for a certificate of need for the nursing	27977
facility was filed with the Director of Health before June 15,	27978
2005.	27979
(2) A nursing facility to which all of the following apply:	27980
(a) The nursing facility does not qualify for a payment	27981
pursuant to division (B)(1) of this section.	27982
(b) The nursing facility, before June 30 <u>March 31</u> , 2008,	27983

completed a capital project for which a certificate of need was	27984
filed with the Director of Health before June 15, 2005, and for	27985
which at least one of the following occurred before July 1, 2005,	27986
or, if the capital project is undertaken to comply with rules	27987
adopted by the Public Health Council regarding resident room size	27988
or occupancy, before June 30, 2007:	27989
(i) Any materials or equipment for the capital project were	27990
delivered;	27991
(ii) Preparations for the physical site of the capital	27992
project, including, if applicable, excavation, began;	27993
(iii) Actual work on the capital project began.	27994
(c) The costs of the capital project are not fully reflected	27995
in the capital costs portion of the nursing facility's Medicaid	27996
reimbursement per diem rate on June 30, 2005.	27997
(d) The nursing facility files a three-month projected	27998
capital cost report with the Director of Job and Family Services	27999
not later than ninety days after the later of March 30, 2006, or	28000
the date the capital project is completed.	28001
(3) A nursing facility that, before June 30 <u>March 31</u> , 2008,	28002
completed an activity to which all of the following apply:	28003
(a) A request was filed with the Director of Health before	28004
July 1, 2005, for a determination of whether the activity is a	28005
reviewable activity and the Director determined that the activity	28006
is not a reviewable activity.	28007
(b) At least one of the following occurred before July 1,	28008
2005, or, if the nursing facility undertakes the activity to	28009
comply with rules adopted by the Public Health Council regarding	28010
resident room size or occupancy, before June 30, 2007:	28011
(i) Any materials or equipment for the activity were	28012
delivered.	28013

(ii) Preparations for the physical site of the activity,	28014
including, if applicable, excavation, began.	28015
(iii) Actual work on the activity began.	28016
(c) The costs of the activity are not fully reflected in the	28017
capital costs portion of the nursing facility's Medicaid	28018
reimbursement per diem rate on June 30, 2005.	28019
(d) The nursing facility files a three-month projected	28020
capital cost report with the Director of Job and Family Services	28021
not later than ninety days after the later of March 30, 2006, or	28022
the date the activity is completed.	28023
(4) A nursing facility that, before June 30 <u>March 31</u> , 2008,	28024
completed a renovation to which all of the following apply:	28025
(a) The Director of Job and Family Services approved the	28026
renovation before July 1, 2005.	28027
(b) At least one of the following occurred before July 1,	28028
2005, or, if the nursing facility undertakes the renovation to	28029
comply with rules adopted by the Public Health Council regarding	28030
resident room size or occupancy, before June 30, 2007:	28031
(i) Any materials or equipment for the renovation were	28032
delivered.	28033
(ii) Preparations for the physical site of the renovation,	28034
including, if applicable, excavation, began.	28035
(iii) Actual work on the renovation began.	28036
(c) The costs of the renovation are not fully reflected in	28037
the capital costs portion of the nursing facility's Medicaid	28038
reimbursement per diem rate on June 30, 2005.	28039
(d) The nursing facility files a three-month projected	28040
capital cost report with the Director of Job and Family Services	28041
not later than ninety days after the later of March 30, 2006, or	28042
the date the renovation is completed.	28043

(C) If a nursing facility qualifies for per diem payments pursuant to division (B)(1) of this section ~~for fiscal year 2008,~~ the nursing facility's per diem payments under this section ~~for fiscal year 2008~~ shall equal the difference between the capital costs portion of the nursing facility's Medicaid reimbursement per diem rate determined under Section 309.30.20 of ~~this act~~ Am. Sub. H.B. 119 of the 127th General Assembly or, if that section does not apply to the nursing facility, the capital costs portion of the nursing facility's initial rate established under section 5111.254 of the Revised Code 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 eighty per cent.

(2) The maximum capital per diem rate in effect for fiscal year 2005 for nursing facilities.

~~(D) If a nursing facility qualifies for per diem payments pursuant to division (B)(1) of this section for fiscal year 2009, the nursing facility's per diem payments under this section for fiscal year 2009 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 28076
that period if the nursing facility's occupancy rate was eighty 28077
per cent. 28078~~

~~(2) The maximum capital per diem rate in effect for fiscal 28079
year 2005 for nursing facilities. 28080~~

~~(E) The per diem payments paid for fiscal year 2008 to a 28081
nursing facility that qualifies for the payments pursuant to 28082
division (B)(2) or (3) of this section shall equal the difference 28083
between the capital costs portion of the nursing facility's 28084
Medicaid reimbursement per diem rate determined under Section 28085
309.30.20 of this act Am. Sub. H.B. 119 of the 127th General 28086
Assembly and the lesser of the following: 28087~~

~~(1) Eighty-eight and sixty-five hundredths per cent of the 28088
nursing facility's cost of ownership as reported on a three-month 28089
projected capital cost report divided by the greater of the number 28090
of inpatient days the nursing facility is expected to have during 28091
the period covered by the projected capital cost report or the 28092
number of inpatient days the nursing facility would have during 28093
that period if the nursing facility's occupancy rate was 28094
ninety-five per cent. 28095~~

~~(2) The maximum capital per diem rate in effect for fiscal 28096
year 2005 for nursing facilities. 28097~~

~~(F) The per diem payments paid for fiscal year 2009 to a 28098
nursing facility that qualifies for the payments pursuant to 28099
division (B)(2) or (3) of this section shall equal the difference 28100
between the capital costs portion of the nursing facility's 28101
Medicaid reimbursement per diem rate determined under Section 28102
309.30.30 of this act and the lesser of the following: 28103~~

~~(1) Eighty eight and sixty five hundredths per cent of the 28104
nursing facility's cost of ownership as reported on a three month 28105
projected capital cost report divided by the greater of the number 28106~~

~~of inpatient days the nursing facility is expected to have during 28107
the period covered by the projected capital cost report or the 28108
number of inpatient days the nursing facility would have during 28109
that period if the nursing facility's occupancy rate was 28110
ninety five per cent. 28111~~

~~(2) The maximum capital per diem rate in effect for fiscal 28112
year 2005 for nursing facilities. 28113~~

~~(G)(E) The per diem payments paid to a nursing facility that 28114
qualifies for the payments pursuant to division (B)(4) of this 28115
section shall equal eighty-five per cent of the nursing facility's 28116
capital costs for the renovation as reported on a three-month 28117
projected capital cost report divided by the greater of the number 28118
of inpatient days the nursing facility is expected to have during 28119
the period covered by the projected capital cost report or the 28120
number of inpatient days the nursing facility would have during 28121
that period if the nursing facility's occupancy rate was 28122
ninety-five per cent. 28123~~

~~(H)(F) All of the following apply to the per diem payments 28124
made under this section: 28125~~

~~(1) All nursing facilities' eligibility for the payments 28126
shall cease at the earlier of the following: 28127~~

~~(a) July 1, 2009; 28128~~

~~(b) The date that the total amount of the payments equals 28129
seven million dollars. 28130~~

~~(2) The payments made for the last quarter that the payments 28131
are made may be reduced proportionately as necessary to avoid 28132
spending more than seven million dollars under this section. 28133~~

~~(3) The Subject to the following, the per diem payments shall 28134
be made for quarterly periods only the first three quarters of 28135
fiscal year 2008 by multiplying the per diem determined for a 28136~~

nursing facility by the number of Medicaid days the nursing 28137
facility has for the ~~quarter~~ quarters for which the payment is 28138
made: 28139

(a) Not more than a total of four million two hundred 28140
thousand dollars may be spent on the payments. 28141

(b) The payments may be reduced proportionately as necessary 28142
to avoid spending more than four million two hundred thousand 28143
dollars under this section. 28144

~~(4)~~(2) Any per diem payments to be made to a nursing facility 28145
~~for a quarter ending before July 2008~~ under this section shall be 28146
made not later than ~~September~~ June 30, 2008. 28147

~~(5) Any per diem payments to be made to a nursing facility 28148
for a quarter beginning after June 2008 shall be made not later 28149
than three months after the last day of the quarter for which the 28150
payments are made.~~ 28151

~~(6)~~(3) A change of operator shall not cause the payments to a 28152
nursing facility to ~~eease~~ not be made. 28153

~~(7)~~(4) The payments shall only be made to a nursing facility 28154
for the first three quarters ~~during of~~ of fiscal years year 2008 and 28155
2009 for which the nursing facility has a valid Medicaid provider 28156
agreement. 28157

~~(8)~~(5) The payments shall be in addition to a nursing 28158
facility's Medicaid reimbursement per diem rate calculated under 28159
Section 309.30.20 ~~or 309.30.30~~ of ~~this act~~ Am. Sub. H.B. 119 of 28160
the 127th General Assembly. 28161

~~(I)~~(G) The Director of Job and Family Services shall monitor, 28162
~~on a quarterly basis,~~ the per diem payments made to nursing 28163
facilities under this section to ensure that not more than a total 28164
of ~~seven~~ four million two hundred thousand dollars is spent under 28165
this section. 28166

~~(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. 28167
 28168
 28169

~~(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. 28170
 28171
 28172
 28173
 28174

Sec. 309.40.33. CHILD SUPPORT COLLECTIONS/TANF MOE 28175

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 U.S.C. 609(a)(7). When the state is assured that it will meet the maintenance of effort requirement, the Department of Job and Family Services may use funds from appropriation item 600-658, Child Support Collections, to support ~~child support~~ public assistance activities. 28176
 28177
 28178
 28179
 28180
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 28182
 28183

Sec. 337.30. COMMUNITY SERVICES 28184

General Revenue Fund				28185
GRF	322-413	Residential and Support Services	\$ 6,753,881 \$ 6,753,881	28186
GRF	322-416	Medicaid Waiver - State Match	\$ 109,551,380 \$ 109,551,380	28187
GRF	322-451	Family Support Services	\$ 6,938,898 \$ 6,938,898	28188
GRF	322-501	County Boards Subsidies	\$ 87,270,048 \$ 87,270,048	28189
GRF	322-503	Tax Equity	\$ 14,000,000 \$ 14,000,000	28190
GRF	322-504	Martin Settlement	\$ 6,159,766 \$ 29,036,451	28191
TOTAL GRF	General Revenue Fund		\$ 230,673,973 \$ 253,550,658	28192

General Services Fund Group				28193
488 322-603 Provider Audit Refunds	\$	10,000	\$ 10,000	28194
5MO 322-628 Martin Settlement	\$	150,000	\$ 0	28195
TOTAL GSF General Services				28196
Fund Group	\$	160,000	\$ 10,000	28197
Federal Special Revenue Fund Group				28198
3G6 322-639 Medicaid Waiver -	\$	456,311,171	\$ 506,618,829	28199
Federal				
3M7 322-650 CAFS Medicaid	\$	4,278,713	\$ 0	28200
325 322-612 Community Social	\$	11,186,114	\$ 11,164,639	28201
Service Programs				
TOTAL FED Federal Special Revenue				28202
Fund Group	\$	471,775,998	\$ 517,783,468	28203
State Special Revenue Fund Group				28204
4K8 322-604 Medicaid Waiver -	\$	12,000,000	\$ 12,000,000	28205
State Match				
5DJ 322-625 Targeted Case	\$	11,082,857	\$ 11,470,757	28206
Management Match				
5DJ 322-626 Targeted Case	\$	27,548,737	\$ 28,512,943	28207
Management Services				
5EV 322-627 Program Fees	\$	20,000	\$ 20,000	28208
5H0 322-619 Medicaid Repayment	\$	10,000	\$ 10,000	28209
5Z1 322-624 County Board Waiver	\$	116,000,000	\$ 126,000,000	28210
Match				
<u>5CT 322-632 Autism Preschool</u>	<u>\$</u>	<u>0</u>	<u>\$ 1,000,000</u>	28211
<u>Program</u>				
TOTAL SSR State Special Revenue				28212
Fund Group	\$	166,661,594	\$ 178,013,700	28213
			<u>179,013,700</u>	
TOTAL ALL COMMUNITY SERVICES				28214
BUDGET FUND GROUPS	\$	869,271,565	\$ 949,357,826	28215
			<u>950,357,826</u>	

AUTISM PRESCHOOL PROGRAM 28216

Of the foregoing appropriation item 322-632, Autism Preschool 28217
Program, \$1,000,000 in fiscal year 2009 shall be provided to the 28218
Educational Service Center of Franklin County to administer the 28219
Autism Preschool Program established under section 3323.36 of the 28220
Revised Code. The Director of Mental Retardation and Developmental 28221
Disabilities and the Superintendent of the Educational Service 28222
Center of Franklin County shall enter into an agreement, which 28223
shall require the Superintendent, at the end of each grant period, 28224
to submit a report to the Director of Mental Retardation and 28225
Developmental Disabilities on the Autism Preschool Program 28226
detailing the use of the funds and outcomes of the program funded 28227
by the grant. 28228

Sec. 337.30.43. TAX EQUITY 28229

~~Notwithstanding section 5126.18 of the Revised Code, if a~~ 28230
~~county board of mental retardation and developmental disabilities~~ 28231
~~received a tax equity payment in fiscal year 2007, but would not~~ 28232
~~receive such a payment in fiscal years 2008 and 2009, the~~ 28233
~~Department of Mental Retardation and Developmental Disabilities~~ 28234
~~shall use the foregoing appropriation item 322-503, Tax Equity, to~~ 28235
~~pay each such board in each fiscal year of the biennium an amount~~ 28236
~~that is equal to the tax equity payment the board received in~~ 28237
~~fiscal year 2007 or \$25,000, whichever is less. The Department~~ 28238
~~shall use the remainder of the appropriation item to make tax~~ 28239
~~equity payments in accordance with section 5126.18 of the Revised~~ 28240
Code for fiscal year 2009, if the Department of Mental Retardation 28241
and Developmental Disabilities determines that sufficient funds 28242
are available, the Department shall use the foregoing 28243
appropriation item 322-503, Tax Equity, to pay each county board 28244
of mental retardation and developmental disabilities an amount 28245
that is equal to the amount the board received for fiscal year 28246

2008. If the Department determines that there are not sufficient 28247
funds available in the appropriation item for this purpose, the 28248
Department shall pay to each county board an amount that is 28249
proportionate to the amount the board received for fiscal year 28250
2008. Proportionality shall be determined by dividing the total 28251
tax equity payments distributed to county boards for fiscal year 28252
2008 by the tax equity payment a county board received for fiscal 28253
year 2008. 28254

Sec. 337.40. RESIDENTIAL FACILITIES 28255

General Revenue Fund 28256

GRF 323-321 Developmental Center \$ 102,796,851 \$ 102,796,851 28257
 and Residential
 Facilities Operation
 Expenses

TOTAL GRF General Revenue Fund \$ 102,796,851 \$ 102,796,851 28258

General Services Fund Group 28259

152 323-609 Developmental Center \$ 912,177 \$ 912,177 28260
 and Residential
 Operating Services

TOTAL GSF General Services 28261

Fund Group \$ 912,177 \$ 912,177 28262

Federal Special Revenue Fund Group 28263

3A4 323-605 Developmental Center \$ 136,299,536 \$ 137,555,308 28264
 and Residential
 Facility Services and
 Support

TOTAL FED Federal Special Revenue 28265

Fund Group \$ 136,299,536 \$ 137,555,308 28266

State Special Revenue Fund Group 28267

221 322-620 Supplement Service \$ 150,000 \$ 150,000 28268

	Trust				
489	323-632	Developmental Center	\$ 14,543,764	\$ 14,671,616	28269
	Direct Care Support				
	TOTAL SSR State Special Revenue				28270
	Fund Group		\$ 14,693,764	\$ 14,821,616	28271
	TOTAL ALL RESIDENTIAL FACILITIES				28272
	BUDGET FUND GROUPS		\$ 254,702,328	\$ 256,085,952	28273
	DEPARTMENT TOTAL				28274
	GENERAL REVENUE FUND		\$ 369,669,156	\$ 389,282,941	28275
	DEPARTMENT TOTAL				28276
	GENERAL SERVICES FUND GROUP		\$ 1,172,177	\$ 1,022,177	28277
	DEPARTMENT TOTAL				28278
	FEDERAL SPECIAL REVENUE FUND GROUP		\$ 610,780,538	\$ 658,082,406	28279
	DEPARTMENT TOTAL				28280
	STATE SPECIAL REVENUE FUND GROUP		\$ 192,359,213	204,307,651	28281
				<u>205,307,651</u>	
	TOTAL DEPARTMENT OF MENTAL				28282
	RETARDATION AND DEVELOPMENTAL				28283
	DISABILITIES		\$ 1,173,981,084	\$ 1,252,695,175	28284
				<u>1,253,695,175</u>	

Sec. 337.40.15. GALLIPOLIS DEVELOPMENTAL CENTER PILOT PROGRAM 28286
28287

The Director of Mental Retardation and Developmental 28288
Disabilities shall establish, ~~as part of the Individual Options~~ 28289
~~Medicaid Waiver program,~~ a pilot program ~~to be operated~~ during 28290
calendar year 2009 under which the Gallipolis Developmental Center 28291
~~provides home and community based services under the Individual~~ 28292
~~Options Medicaid waiver program to not more than ten individuals~~ 28293
~~at one time~~ operates an intermediate care facility for the 28294
mentally retarded with eight beds at a site separate from the 28295
grounds of the developmental center. The Gallipolis Developmental 28296
Center may operate the intermediate care facility for the mentally 28297

retarded notwithstanding section 5123.196 of the Revised Code. 28298
Money shall be expended on the pilot program beginning in the 28299
first half of calendar year 2009. 28300

~~The pilot program shall be operated in a manner consistent~~ 28301
~~with the terms of the consent order filed March 5, 2007, in *Martin*~~ 28302
~~*v. Strickland*, Case No. 89 CV 00362, in the United States District~~ 28303
~~Court for the Southern District of Ohio, Eastern Division. The~~ 28304
~~pilot program also shall be operated in accordance with the~~ 28305
~~federal Medicaid waiver authorizing the Individual Options~~ 28306
~~Medicaid waiver program. Only individuals eligible for the~~ 28307
~~Individual Options Medicaid waiver program who volunteer to~~ 28308
~~receive home and community based services under the Individual~~ 28309
~~Options Medicaid waiver program from the Gallipolis Developmental~~ 28310
~~Center may participate in the pilot program. The Director of~~ 28311
Mental Retardation and Developmental Disabilities and the Director 28312
of Job and Family Services shall provide the Gallipolis 28313
Developmental Center technical assistance ~~the Center needs~~ 28314
regarding the pilot program. 28315

~~All expenses the Gallipolis Developmental Center incurs in~~ 28316
~~participating in the pilot program shall be paid from the Medicaid~~ 28317
~~payments the Center receives for providing home and~~ 28318
~~community based services under the program.~~ 28319

The Director of Mental Retardation and Developmental 28320
Disabilities shall conduct an evaluation of the pilot program, 28321
including an evaluation of the quality and effectiveness of the 28322
~~home and community based~~ services the Gallipolis Developmental 28323
Center provides under the pilot program. The Director shall submit 28324
a report of the evaluation to the Governor and the General 28325
Assembly not later than April 1, 2010. The Director shall include 28326
in the report recommendations ~~for or against permitting the~~ 28327
~~Gallipolis Developmental Center to continue to provide home and~~ 28328
~~community based services under the Individual Options Medicaid~~ 28329

~~waiver program and permitting other developmental centers to begin~~ 28330
~~to provide these services regarding the continuation of the pilot~~ 28331
~~program and whether other developmental centers should be~~ 28332
~~permitted to establish and operate intermediate care facilities~~ 28333
~~for the mentally retarded at sites separate from the grounds of~~ 28334
~~the developmental centers.~~ 28335

Sec. 369.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO 28336

General Services Fund Group 28337

5F6 870-622 Utility and Railroad \$ 32,820,027 \$ 33,804,627 28338
 Regulation

5F6 870-624 NARUC/NRRI Subsidy \$ 158,000 \$ 158,000 28339

5F6 870-625 Motor Transportation \$ 4,635,413 \$ 4,772,765 28340
 Regulation

TOTAL GSF General Services 28341

Fund Group \$ 37,613,440 \$ 38,735,392 28342

Federal Special Revenue Fund Group 28343

3V3 870-604 Commercial Vehicle \$ 300,000 \$ 300,000 28344
 Information

Systems/Networks

333 870-601 Gas Pipeline Safety \$ 597,957 \$ 597,959 28345

350 870-608 Motor Carrier Safety \$ 7,137,534 \$ 7,351,660 28346

TOTAL FED Federal Special Revenue 28347

Fund Group \$ 8,035,491 \$ 8,249,619 28348

State Special Revenue Fund Group 28349

4A3 870-614 Grade Crossing \$ 1,349,757 \$ 1,349,757 28350
 Protection

Devices-State

4L8 870-617 Pipeline Safety-State \$ 187,621 \$ 187,621 28351

4S6 870-618 Hazardous Material \$ 464,325 \$ 464,325 28352

Registration

4S6 870-621 Hazardous Materials \$ 373,346 \$ 373,346 28353

		Base State				
		Registration				
4U8	870-620	Civil Forfeitures	\$	284,986	\$	284,986 28354
5BP	870-623	Wireless 9-1-1	\$	26,875,000	\$	13,375,000 28355
		Administration				
<u>505</u>	<u>870-626</u>	<u>Telecommunication</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>5,000,000</u> 28356
		<u>Relay Service</u>				
559	870-605	Public Utilities	\$	4,000	\$	4,000 28357
		Territorial				
		Administration				
560	870-607	Public Utilities	\$	100,000	\$	100,000 28358
		Investigations				
561	870-606	Power Siting Board	\$	404,651	\$	404,652 28359
638	870-611	Biomass Energy Program	\$	40,000	\$	40,000 28360
661	870-612	Hazardous Materials	\$	900,000	\$	900,000 28361
		Transportation				
TOTAL SSR		State Special Revenue				28362
Fund Group			\$	30,983,686	\$	17,483,687 28363
						<u>22,483,687</u> 28364
Agency Fund Group						28365
4G4	870-616	Base State	\$	2,000,000	\$	0 28366
		Registration Program				
TOTAL AGY		Agency Fund Group	\$	2,000,000	\$	0 28367
TOTAL ALL BUDGET FUND GROUPS			\$	78,632,617	\$	64,468,698 28368
						<u>69,468,698</u> 28369
		COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS PROJECT				28370
		The fund created by section 4923.26 of the Revised Code is				28371
		the same fund, with a new name, as the Commercial Vehicle				28372
		Information Systems and Networks Fund (Fund 3V3).				28373
		ENHANCED AND WIRELESS ENHANCED 9-1-1				28374
		The foregoing appropriation item 870-623, Wireless 9-1-1				28375
		Administration, shall be used pursuant to section 4931.63 of the				28376

Revised Code.				28377
TELECOMMUNICATIONS RELAY SERVICE FUNDING				28378
The Telecommunications Relay Service Fund is hereby created				28379
in the state treasury. The vendor selected to provide				28380
telecommunications relay service in Ohio, as required by 47 C.F.R.				28381
64.601, shall submit an invoice to the Public Utilities Commission				28382
by January 31, 2009, for costs it has incurred in providing the				28383
service during calendar year 2008. The Public Utilities Commission				28384
shall notify the Director of Budget and Management of the amount				28385
invoiced, and the Director of Budget and Management shall transfer				28386
that amount from the Public Utilities Fund (Fund 5F6) to the				28387
Telecommunications Relay Service Fund on or before February 28,				28388
2009. The amount transferred shall be used to pay the				28389
telecommunications relay service vendor the amount invoiced. This				28390
amount is hereby appropriated.				28391
Sec. 375.10. BOR BOARD OF REGENTS				28392
General Revenue Fund				28393
GRF 235-321 Operating Expenses	\$	3,141,351	\$ 3,141,351	28394
GRF 235-401 Lease Rental Payments	\$	203,177,900	\$ 136,017,500	28395
GRF 235-402 Sea Grants	\$	300,000	\$ 300,000	28396
GRF 235-406 Articulation and	\$	2,900,000	\$ 2,900,000	28397
Transfer				
GRF 235-408 Midwest Higher	\$	95,000	\$ 95,000	28398
Education Compact				
GRF 235-409 Information System	\$	1,175,172	\$ 1,175,172	28399
GRF 235-414 State Grants and	\$	1,707,881	\$ 1,707,881	28400
Scholarship				
Administration				
GRF 235-415 Jobs Challenge	\$	9,348,300	\$ 9,348,300	28401
GRF 235-417 Ohio Learning Network	\$	3,119,496	\$ 3,119,496	28402
GRF 235-418 Access Challenge	\$	66,585,769	\$ 66,585,769	28403

GRF 235-420	Success Challenge	\$	53,653,973	\$	53,653,973	28404
GRF 235-428	Appalachian New Economy Partnership	\$	1,176,068	\$	1,176,068	28405
GRF 235-433	Economic Growth Challenge	\$	17,186,194	\$	17,186,194	28406
GRF 235-434	College Readiness and Access	\$	12,655,425	\$	12,655,425	28407
GRF 235-435	Teacher Improvement Initiatives	\$	4,797,506	\$	11,297,506	28408
GRF 235-436	AccelerateOhio	\$	1,250,000	\$	2,500,000	28409
GRF 235-438	Choose Ohio First Scholarship	\$	50,000,000	\$	50,000,000	28410
GRF 235-439	Ohio Research Scholars	\$	30,000,000	\$	0	28411
GRF 235-451	Eminent Scholars	\$	0	\$	1,000,000	28412
GRF 235-455	EnterpriseOhio Network	\$	1,373,941	\$	1,373,941	28413
GRF 235-474	Area Health Education Centers Program Support	\$	1,571,756	\$	1,571,756	28414
GRF 235-501	State Share of Instruction	\$	1,678,877,952	\$	1,842,965,747	28415
GRF 235-502	Student Support Services	\$	795,790	\$	795,790	28416
GRF 235-503	Ohio Instructional Grants	\$	42,533,966	\$	18,315,568	28417
GRF 235-504	War Orphans Scholarships	\$	4,812,321	\$	4,812,321	28418
GRF 235-507	OhioLINK	\$	7,387,824	\$	7,387,824	28419
GRF 235-508	Air Force Institute of Technology	\$	2,050,345	\$	2,050,345	28420
GRF 235-510	Ohio Supercomputer Center	\$	4,271,195	\$	4,271,195	28421
GRF 235-511	Cooperative Extension Service	\$	26,273,260	\$	26,273,260	28422

GRF 235-513	Ohio University Voinovich Center	\$	669,082	\$	669,082	28423
GRF 235-514	Central State Supplement	\$	11,756,414	\$	12,109,106	28424
GRF 235-515	Case Western Reserve University School of Medicine	\$	3,011,271	\$	3,011,271	28425
GRF 235-518	Capitol Scholarship Program	\$	125,000	\$	125,000	28426
GRF 235-519	Family Practice	\$	4,548,470	\$	4,548,470	28427
GRF 235-520	Shawnee State Supplement	\$	2,502,323	\$	2,577,393	28428
GRF 235-521	The Ohio State University John Glenn School of Public Affairs	\$	619,082	\$	619,082	28429
GRF 235-524	Police and Fire Protection	\$	171,959	\$	171,959	28430
GRF 235-525	Geriatric Medicine	\$	750,110	\$	750,110	28431
GRF 235-526	Primary Care Residencies	\$	2,245,688	\$	2,245,688	28432
GRF 235-527	Ohio Aerospace Institute	\$	1,764,957	\$	1,764,957	28433
GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000	28434
GRF 235-531	Student Choice Grants	\$	38,485,376	\$	38,485,376	28435
GRF 235-535	Ohio Agricultural Research and Development Center	\$	37,174,292	\$	37,174,292	28436
GRF 235-536	The Ohio State University Clinical Teaching	\$	13,565,885	\$	13,565,885	28437
GRF 235-537	University of Cincinnati Clinical	\$	11,157,756	\$	11,157,756	28438

	Teaching				
GRF 235-538	University of Toledo	\$	8,696,866	\$	8,696,866 28439
	Clinical Teaching				
GRF 235-539	Wright State	\$	4,225,107	\$	4,225,107 28440
	University Clinical				
	Teaching				
GRF 235-540	Ohio University	\$	4,084,540	\$	4,084,540 28441
	Clinical Teaching				
GRF 235-541	Northeastern Ohio	\$	4,200,945	\$	4,200,945 28442
	Universities College				
	of Medicine Clinical				
	Teaching				
GRF 235-543	Ohio College of	\$	100,000	\$	100,000 28443
	Podiatric Medicine				
	Clinic Subsidy				
GRF 235-547	School of	\$	450,000	\$	650,000 28444
	International Business				
GRF 235-552	Capital Component	\$	19,306,442	\$	19,306,442 28445
			<u>19,789,868</u>		<u>19,789,868</u>
GRF 235-553	Dayton Area Graduate	\$	2,931,599	\$	2,931,599 28446
	Studies Institute				
GRF 235-554	Priorities in	\$	2,355,548	\$	2,355,548 28447
	Collaborative Graduate				
	Education				
GRF 235-555	Library Depositories	\$	1,696,458	\$	1,696,458 28448
GRF 235-556	Ohio Academic	\$	3,727,223	\$	3,727,223 28449
	Resources Network				
GRF 235-558	Long-term Care	\$	461,047	\$	461,047 28450
	Research				
GRF 235-561	Bowling Green State	\$	100,015	\$	100,015 28451
	University Canadian				
	Studies Center				
GRF 235-563	Ohio College	\$	139,974,954	\$	151,113,781 28452

	Opportunity Grant					
GRF 235-567	Central State	\$	4,400,000	\$	3,800,000	28453
	University Speed to Scale					
GRF 235-571	James A. Rhodes	\$	10,000,000	\$	0	28454
	Scholarship					
GRF 235-572	The Ohio State	\$	1,277,019	\$	1,277,019	28455
	University Clinic Support					
GRF 235-573	Ohio Humanities	\$	25,000	\$	25,000	28456
	Council					
GRF 235-583	Urban University	\$	5,825,937	\$	5,825,937	28457
	Program					
GRF 235-587	Rural University	\$	1,159,889	\$	1,159,889	28458
	Projects					
GRF 235-596	Hazardous Materials	\$	360,435	\$	360,435	28459
	Program					
GRF 235-599	National Guard	\$	16,611,063	\$	16,611,063	28460
	Scholarship Program					
GRF 235-909	Higher Education	\$	172,722,400	\$	208,747,200	28461
	General Obligation Debt Service					
TOTAL GRF	General Revenue Fund	\$	2,773,258,537	\$	2,861,908,923	28462
			<u>2,773,741,963</u>		<u>2,862,392,349</u>	
	General Services Fund Group					28463
220 235-614	Program Approval and	\$	800,000	\$	800,000	28464
	Reauthorization					
456 235-603	Sales and Services	\$	700,000	\$	700,000	28465
TOTAL GSF	General Services					28466
Fund Group		\$	1,500,000	\$	1,500,000	28467
	Federal Special Revenue Fund Group					28468
3BG 235-626	Star Schools	\$	2,980,865	\$	2,990,746	28469

Sub. H. B. No. 562
As Reported by the House Finance and Appropriations Committee

3H2	235-608	Human Services Project	\$	3,000,000	\$	3,000,000	28470
3H2	235-622	Medical Collaboration Network	\$	3,346,144	\$	3,346,144	28471
3N6	235-605	State Student Incentive Grants	\$	2,196,680	\$	2,196,680	28472
3T0	235-610	National Health Service Corps - Ohio Loan Repayment	\$	250,000	\$	250,000	28473
312	235-609	Tech Prep	\$	183,850	\$	183,850	28474
312	235-611	Gear-up Grant	\$	3,300,000	\$	3,300,000	28475
312	235-612	Carl D. Perkins Grant/Plan Administration	\$	112,960	\$	112,960	28476
312	235-617	Improving Teacher Quality Grant	\$	3,200,000	\$	3,200,000	28477
312	235-621	Science Education Network	\$	1,686,970	\$	1,686,970	28478
TOTAL FED Federal Special Revenue							28479
Fund Group			\$	20,257,469	\$	20,267,350	28480
State Special Revenue Fund Group							28481
4E8	235-602	Higher Educational Facility Commission Administration	\$	50,000	\$	45,000	28482
4P4	235-604	Physician Loan Repayment	\$	476,870	\$	476,870 0	28483
649	235-607	The Ohio State University Highway/Transportation Research	\$	760,000	\$	760,000	28484
682	235-606	Nursing Loan Program	\$	893,000	\$	893,000	28485
5DT	235-627	American Diploma Project	\$	250,000	\$	0	28486
TOTAL SSR State Special Revenue							28487

Fund Group	\$	2,429,870	\$	2,174,870	28488
				<u>1,698,000</u>	
TOTAL ALL BUDGET FUND GROUPS	\$	2,797,445,876	\$	2,885,851,143	28489
		<u>2,797,929,302</u>		<u>2,885,857,699</u>	

Sec. 379.10. RSC REHABILITATION SERVICES COMMISSION 28491

General Revenue Fund 28492

GRF 415-100 Personal Services \$ 8,851,468 \$ 8,851,468 28493

GRF 415-402 Independent Living \$ 450,000 \$ 450,000 28494
Council

GRF 415-406 Assistive Technology \$ 47,531 \$ 47,531 28495

GRF 415-431 Office for People \$ 226,012 \$ 226,012 28496
with Brain Injury

GRF 415-506 Services for People \$ 16,959,541 \$ 17,259,541 28497
with Disabilities

GRF 415-508 Services for the Deaf \$ 50,000 \$ 50,000 28498

TOTAL GRF General Revenue Fund \$ 26,584,552 \$ 26,884,552 28499

General Services Fund Group 28500

4W5 415-606 Program Management \$ 18,123,188 \$ 18,557,040 28501
Expenses

467 415-609 Business Enterprise \$ 1,632,082 \$ 1,632,082 28502
Operating Expenses

TOTAL GSF General Services 28503

Fund Group \$ 19,755,270 \$ 20,189,122 28504

Federal Special Revenue Fund Group 28505

3L1 415-601 Social Security \$ 3,743,740 \$ 3,743,740 28506
Personal Care
Assistance

3L1 415-605 Social Security \$ 750,000 \$ 750,000 28507
Community Centers for
the Deaf

3L1 415-608 Social Security \$ 1,506,260 \$ 1,506,260 28508

		Vocational Rehabilitation					
3L4	415-612	Federal Independent Living Centers or Services	\$	648,908	\$	648,908	28509
3L4	415-615	Federal - Supported Employment	\$	884,451	\$	796,006	28510
3L4	415-617	Independent Living/Vocational Rehabilitation Programs	\$	1,490,944	\$	1,490,944	28511
317	415-620	Disability Determination	\$	82,808,006	\$	87,546,215	28512
379	415-616	Federal - Vocational Rehabilitation	\$	122,484,545	\$	123,638,578	28513
TOTAL FED Federal Special Revenue Fund Group							28514
			\$	214,316,854	\$	220,120,651	28515
State Special Revenue Fund Group							28516
4L1	415-619	Services for Rehabilitation	\$	3,765,337	\$	4,500,000	28517
468	415-618	Third Party Funding	\$	906,910	\$	906,910	28518
TOTAL SSR State Special Revenue Fund Group							28519
			\$	4,672,247	\$	5,406,910	28520
TOTAL ALL BUDGET FUND GROUPS							28521
		INDEPENDENT LIVING COUNCIL					28522
		The foregoing appropriation item 415-402, Independent Living Council, shall be used to fund the operations of the State Independent Living Council and shall be used to support state independent living centers and independent living services under Title VII of the Independent Living Services and Centers for Independent Living of the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d.					28523 28524 28525 28526 28527 28528 28529

OFFICE FOR PEOPLE WITH BRAIN INJURY	28530
Of the foregoing appropriation item 415-431, Office for	28531
People with Brain Injury, up to \$50,000 in each fiscal year shall	28532
be used for the state match for a federal grant awarded through	28533
the Traumatic Brain Injury Act, Pub. L. No. 104-166, and up to	28534
\$50,000 in each fiscal year shall be provided to the Brain Injury	28535
Trust Fund. The remaining appropriation shall be used to plan and	28536
coordinate head-injury-related services provided by state agencies	28537
and other government or private entities, to assess the needs for	28538
such services, and to set priorities in this area.	28539
VOCATIONAL REHABILITATION SERVICES	28540
The foregoing appropriation item 415-506, Services for People	28541
with Disabilities, shall be used as state matching funds to	28542
provide vocational rehabilitation services to eligible consumers.	28543
PROGRAM MANAGEMENT EXPENSES	28544
The foregoing appropriation item 415-606, Program Management	28545
Expenses, shall be used to support the administrative functions of	28546
the commission related to the provision of vocational	28547
rehabilitation, disability determination services, and ancillary	28548
programs.	28549
NATIONAL ACCREDITATION COMPLIANCE	28550
Of the foregoing appropriation item 415-616, Federal -	28551
Vocational Rehabilitation, \$125,000 in each fiscal year <u>\$250,000</u>	28552
<u>over the biennium</u> shall be used to establish and implement a	28553
Community Rehabilitation Program national accreditation compliance	28554
and monitoring program administered by the Ohio Association of	28555
Rehabilitation Facilities.	28556
<u>Not later than 30 days after the effective date of this</u>	28557
<u>amendment, the Rehabilitation Services Commission shall enter into</u>	28558
<u>a contract or other agreement that complies with 34 CRF 361.3(b)</u>	28559

and 34 CRF 361.5(b)(2) with the Ohio Association of Rehabilitation 28560
Facilities and convey the funds to establish and implement the 28561
Community Rehabilitation Program national accreditation compliance 28562
and monitoring program. 28563

CLEVELAND SIGHT CENTER 28564

Of the foregoing appropriation item 415-616, Federal - 28565
Vocational Rehabilitation, \$100,000 in each fiscal year shall be 28566
provided to the Cleveland Sight Center for Technology Initiative 28567
to purchase adaptive technology and software for the employment of 28568
Ohioans who are blind or visually impaired. 28569

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 28570

The foregoing appropriation item 415-617, Independent 28571
Living/Vocational Rehabilitation Programs, shall be used to 28572
support vocational rehabilitation programs. 28573

SOCIAL SECURITY REIMBURSEMENT FUNDS 28574

Reimbursement funds received from the Social Security 28575
Administration, United States Department of Health and Human 28576
Services, for the costs of providing services and training to 28577
return disability recipients to gainful employment shall be used 28578
in the Social Security Reimbursement Fund (Fund 3L1), to the 28579
extent funds are available, as follows: 28580

(A) Appropriation item 415-601, Social Security Personal Care 28581
Assistance, to provide personal care services in accordance with 28582
section 3304.41 of the Revised Code; 28583

(B) Appropriation item 415-608, Social Security Vocational 28584
Rehabilitation, to provide vocational rehabilitation services to 28585
individuals with severe disabilities who are Social Security 28586
beneficiaries, to enable them to achieve competitive employment. 28587
This appropriation item also includes funds to assist the Personal 28588
Care Assistance Program to pay its share of indirect costs as 28589

mandated by federal OMB Circular A-87. 28590

PERFORMANCE AUDIT 28591

The Auditor of State shall complete a performance audit of 28592
the Rehabilitation Services Commission. Upon completing the 28593
performance audit, the Auditor of State shall submit a report of 28594
the findings of the audit to the Governor, the President of the 28595
Senate, the Speaker of the House of Representatives, and the Board 28596
of Rehabilitation Services Commission. Expenses incurred by the 28597
Auditor of State to conduct the performance audit shall be 28598
reimbursed by the Rehabilitation Services Commission. 28599

INTERNAL REVIEW 28600

The Administrator of the Rehabilitation Services Commission 28601
shall consult with the Director of Budget and Management and 28602
representatives of local rehabilitation services agencies to 28603
conduct an internal review of policies and procedures to increase 28604
efficiency and identify and eliminate duplicative practices. Any 28605
savings identified as a result of the internal review or the 28606
performance audit conducted by the Auditor of State shall be used 28607
for community-based care. 28608

The Administrator of the Rehabilitation Services Commission 28609
shall seek Controlling Board approval before expending any funds 28610
identified as a result of the internal review or the performance 28611
audit. 28612

Sec. 393.10. SOS SECRETARY OF STATE 28613

General Revenue Fund 28614

GRF	050-321	Operating Expenses	\$	2,585,000	\$	2,585,000	28615
GRF	050-403	Election Statistics	\$	103,936	\$	103,936	28616
GRF	050-407	Pollworkers Training	\$	277,997	\$	277,997	28617
GRF	050-409	Litigation	\$	4,652	\$	4,652	28618

Expenditures

GRF	050-505	County Postage	\$	0	\$	3,000,000	28619
		<u>Reimbursement</u>					
TOTAL GRF		General Revenue Fund	\$	2,971,585	\$	2,971,585	28620
						<u>5,971,585</u>	
		General Services Fund Group					28621
4S8	050-610	Board of Voting	\$	7,200	\$	7,200	28622
		Machine Examiners					
412	050-609	Notary Commission	\$	685,249	\$	685,249	28623
413	050-601	Information Systems	\$	119,955	\$	119,955	28624
414	050-602	Citizen Education	\$	55,712	\$	55,712	28625
		Fund					
TOTAL		General Services Fund Group	\$	868,116	\$	868,116	28626
		Federal Special Revenue Fund Group					28627
3AH	050-614	Election Reform/Health	\$	1,000,000	\$	1,000,000	28628
		and Human Services					
3AS	050-616	2005 HAVA Voting	\$	4,750,000	\$	2,750,000	28629
		Machines					
3X4	050-612	Ohio Center/Law	\$	41,000	\$	41,000	28630
		Related Educational					
		Grant					
TOTAL FED		Federal Special Revenue					28631
Fund Group			\$	5,791,000	\$	3,791,000	28632
		State Special Revenue Fund Group					28633
5N9	050-607	Technology	\$	129,565	\$	129,565	28634
		Improvements					
599	050-603	Business Services	\$	13,761,734	\$	13,761,734	28635
		Operating Expenses					
TOTAL SSR		State Special Revenue					28636
Fund Group			\$	13,891,299	\$	13,891,299	28637
		Holding Account Redistribution Fund Group					28638
R01	050-605	Uniform Commercial	\$	30,000	\$	30,000	28639
		Code Refunds					

R02	050-606	Corporate/Business	\$	85,000	\$	85,000	28640
		Filing Refunds					
TOTAL	090	Holding Account					28641
Redistribution		Fund Group	\$	115,000	\$	115,000	28642
TOTAL ALL BUDGET FUND GROUPS			\$	23,637,000	\$	21,637,000	28643
						<u>24,637,000</u>	

COUNTY POSTAGE REIMBURSEMENT 28644

The foregoing appropriation item 050-505, County Postage 28645
Reimbursement, shall be used to pay costs incurred by boards of 28646
elections to mail an absent voter's ballot application to each 28647
elector who is required to receive a notice under section 3501.19 28648
of the Revised Code for the November 4, 2008, general election. 28649
The foregoing appropriation also shall be used to pay return 28650
postage for absent voter's ballot applications returned by 28651
electors who wish to vote by absent voter's ballot at that 28652
election. Absent voter's ballot applications required to be mailed 28653
by a board of elections shall be mailed in conjunction with the 28654
notice of election required under section 3501.19 of the Revised 28655
Code. The Secretary of State shall establish a method by which 28656
funds for mailing absent voter's ballot applications are made 28657
available to boards of elections in advance of the required 28658
mailing. 28659

BOARD OF VOTING MACHINE EXAMINERS 28660

The foregoing appropriation item 050-610, Board of Voting 28661
Machine Examiners, shall be used to pay for the services and 28662
expenses of the members of the Board of Voting Machine Examiners, 28663
and for other expenses that are authorized to be paid from the 28664
Board of Voting Machine Examiners Fund, which is created in 28665
section 3506.05 of the Revised Code. Moneys not used shall be 28666
returned to the person or entity submitting the equipment for 28667
examination. If it is determined that additional appropriations 28668
are necessary, such amounts are appropriated. 28669

2005 HAVA VOTING MACHINES 28670

Of the foregoing appropriation item 050-616, 2005 HAVA Voting 28671
Machines, in fiscal year 2008 \$15,000 shall be distributed to the 28672
Vinton County Board of Elections and \$15,000 shall be distributed 28673
to the Morgan County Board of Elections to be used for emergency 28674
assistance for elections. 28675

On July 1, 2008, or as soon as possible thereafter, the 28676
Director of Budget and Management shall transfer any remaining 28677
unexpended, unencumbered appropriations in Fund 3AS, appropriation 28678
item 050-616, 2005 HAVA Voting Machines, for use in fiscal year 28679
2009. The transferred amount is hereby appropriated. 28680

On July 1, 2008, or as soon as possible thereafter, the 28681
Director of Budget and Management shall transfer any remaining 28682
unexpended, unencumbered appropriations in Fund 3AH, appropriation 28683
item 050-614, Election Reform/Health and Human Services Fund, for 28684
use in fiscal year 2009. The transferred amount is hereby 28685
appropriated. 28686

Ongoing interest earnings from the federal Election 28687
Reform/Health and Human Services Fund (Fund 3AH) and the 2005 HAVA 28688
Voting Machines Fund (Fund 3AS) shall be credited to the 28689
respective funds and distributed in accordance with the terms of 28690
the grant under which the money is received. 28691

HOLDING ACCOUNT REDISTRIBUTION GROUP 28692

The foregoing appropriation items 050-605 and 050-606, 28693
Holding Account Redistribution Fund Group, shall be used to hold 28694
revenues until they are directed to the appropriate accounts or 28695
until they are refunded. If it is determined that additional 28696
appropriations are necessary, such amounts are appropriated. 28697

Sec. 405.10. TAX DEPARTMENT OF TAXATION 28698

General Revenue Fund 28699

GRF 110-321	Operating Expenses	\$	92,040,062	\$	92,440,062	28700
GRF 110-404	Tobacco Settlement	\$	0	\$	328,034	28701
	Enforcement					
GRF 110-412	Child Support	\$	71,680	\$	71,680	28702
	Administration					
GRF 110-901	Property Tax	\$	446,953,165	\$	478,613,618	28703
	Allocation - Taxation					
GRF 110-906	Tangible Tax Exemption	\$	9,177,962	\$	4,588,981	28704
	- Taxation					
TOTAL GRF	General Revenue Fund	\$	548,242,869	\$	576,042,375	28705
	General Services Fund Group					28706
433 110-602	Tape File Account	\$	125,000	\$	140,000	28707
5BQ 110-629	Commercial Activity	\$	6,000,000	\$	6,000,000	28708
	Tax Administration					
5W4 110-625	Centralized Tax	\$	400,000	\$	200,000	28709
	Filing and Payment					
5W7 110-627	Exempt Facility	\$	100,000	\$	150,000	28710
	Administration					
5CZ 110-631	Vendor's License	\$	1,000,000	\$	1,000,000	28711
	Application					
TOTAL GSF	General Services					28712
Fund Group		\$	7,625,000	\$	7,490,000	28713
	State Special Revenue Fund Group					28714
4C6 110-616	International	\$	706,855	\$	706,855	28715
	Registration Plan					
4R6 110-610	Tire Tax	\$	125,000	\$	150,000	28716
	Administration					
435 110-607	Local Tax	\$	17,250,000	\$	17,250,000	28717
	Administration					
436 110-608	Motor Vehicle Audit	\$	1,200,000	\$	1,200,000	28718
437 110-606	Litter Tax and Natural	\$	675,000	\$	800,000	28719
	Resource Tax					

		Administration				
438	110-609	School District Income	\$	3,600,000	\$	3,600,000 28720
		Tax				
<u>5AP0</u>	<u>110632</u>	<u>Discovery Project</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>2,000,000</u> 28721
5N5	110-605	Municipal Income Tax	\$	500,000	\$	500,000 28722
		Administration				
5N6	110-618	Kilowatt Hour Tax	\$	125,000	\$	175,000 28723
		Administration				
5V7	110-622	Motor Fuel Tax	\$	4,700,000	\$	5,000,000 28724
		Administration				
5V8	110-623	Property Tax	\$	13,500,000	\$	13,500,000 28725
		Administration				
639	110-614	Cigarette Tax	\$	100,000	\$	100,000 28726
		Enforcement				
642	110-613	Ohio Political Party	\$	600,000	\$	600,000 28727
		Distributions				
688	110-615	Local Excise Tax	\$	210,000	\$	180,000 28728
		Administration				
TOTAL SSR		State Special Revenue				28729
Fund Group			\$	43,291,855	\$	43,761,855 28730
						<u>45,761,855</u> 28731
Agency Fund Group						28732
095	110-995	Municipal Income Tax	\$	21,000,000	\$	21,000,000 28733
425	110-635	Tax Refunds	\$	1,565,900,000	\$	1,546,800,000 28734
TOTAL AGY		Agency Fund Group	\$	1,586,900,000	\$	1,567,800,000 28735
Holding Account Redistribution Fund Group						28736
R10	110-611	Tax Distributions	\$	50,000	\$	50,000 28737
R11	110-612	Miscellaneous Income	\$	50,000	\$	50,000 28738
		Tax Receipts				
TOTAL 090		Holding Account				28739
Redistribution Fund Group			\$	100,000	\$	100,000 28740
TOTAL ALL BUDGET FUND GROUPS			\$	2,186,159,724	\$	2,195,194,230 28741

2,197,194,230 28742

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX 28743
EXEMPTION 28744

The foregoing appropriation item 110-901, Property Tax 28745
Allocation - Taxation, is hereby appropriated to pay for the 28746
state's costs incurred because of the Homestead Exemption, the 28747
Manufactured Home Property Tax Rollback, and the Property Tax 28748
Rollback. The Tax Commissioner shall distribute these funds 28749
directly to the appropriate local taxing districts, except for 28750
school districts, notwithstanding the provisions in sections 28751
321.24 and 323.156 of the Revised Code, which provide for payment 28752
of the Homestead Exemption, the Manufactured Home Property Tax 28753
Rollback, and Property Tax Rollback by the Tax Commissioner to the 28754
appropriate county treasurer and the subsequent redistribution of 28755
these funds to the appropriate local taxing districts by the 28756
county auditor. 28757

The foregoing appropriation item 110-906, Tangible Tax 28758
Exemption - Taxation, is hereby appropriated to pay for the 28759
state's costs incurred because of the tangible personal property 28760
tax exemption required by division (C)(3) of section 5709.01 of 28761
the Revised Code. The Tax Commissioner shall distribute to each 28762
county treasurer the total amount appearing in the notification 28763
from the county treasurer under division (G) of section 321.24 of 28764
the Revised Code for all local taxing districts located in the 28765
county except for school districts, notwithstanding the provision 28766
in section 321.24 of the Revised Code which provides for payment 28767
of the \$10,000 tangible personal property tax exemption by the Tax 28768
Commissioner to the appropriate county treasurer for all local 28769
taxing districts located in the county including school districts. 28770
The county auditor shall distribute the amount paid by the Tax 28771
Commissioner among the appropriate local taxing districts except 28772
for school districts under division (G) of section 321.24 of the 28773

Revised Code. 28774

Upon receipt of these amounts, each local taxing district 28775
shall distribute the amount among the proper funds as if it had 28776
been paid as real or tangible personal property taxes. Payments 28777
for the costs of administration shall continue to be paid to the 28778
county treasurer and county auditor as provided for in sections 28779
319.54, 321.26, and 323.156 of the Revised Code. 28780

Any sums, in addition to the amounts specifically 28781
appropriated in appropriation items 110-901, Property Tax 28782
Allocation - Taxation, for the Homestead Exemption, the 28783
Manufactured Home Property Tax Rollback, and the Property Tax 28784
Rollback payments, and 110-906, Tangible Tax Exemption - Taxation, 28785
for the \$10,000 tangible personal property tax exemption payments, 28786
which are determined to be necessary for these purposes, are 28787
hereby appropriated. 28788

TAX DEPARTMENT DISCOVERY PROJECT 28789

On July 1, 2008, or as soon thereafter as possible, the 28790
Director of Budget and Management shall transfer \$2,000,000 in 28791
cash from the General Revenue Fund to appropriation item 110632, 28792
Discovery Project (Fund 5APO), to acquire the necessary hardware, 28793
software, and services to establish and implement a tax discovery 28794
data system and for expenses incurred by the Department of 28795
Taxation to administer the system. The amount transferred is 28796
hereby appropriated in appropriation item 110632, Discovery 28797
Project, for fiscal year 2009. 28798

If, at any time during fiscal year 2009, the Tax Commissioner 28799
determines that additional cash transfers are necessary in 28800
appropriation item 110632, Discovery Project, to pay the actual 28801
costs of the tax discovery data system and other expenses the 28802
Department incurs attributable to the system in fiscal year 2009, 28803
the Tax Commissioner may request that the Director of Budget and 28804

<u>Management increase such amounts. Such amounts are hereby</u>	28805
<u>appropriated, with the approval of the Director of Budget and</u>	28806
<u>Management.</u>	28807
MUNICIPAL INCOME TAX	28808
The foregoing appropriation item 110-995, Municipal Income	28809
Tax, shall be used to make payments to municipal corporations	28810
under section 5745.05 of the Revised Code. If it is determined	28811
that additional appropriations are necessary to make these	28812
payments, such amounts are hereby appropriated.	28813
TAX REFUNDS	28814
The foregoing appropriation item 110-635, Tax Refunds, shall	28815
be used to pay refunds under section 5703.052 of the Revised Code.	28816
If it is determined that additional appropriations are necessary	28817
for this purpose, such amounts are hereby appropriated.	28818
INTERNATIONAL REGISTRATION PLAN AUDIT	28819
The foregoing appropriation item 110-616, International	28820
Registration Plan, shall be used under section 5703.12 of the	28821
Revised Code for audits of persons with vehicles registered under	28822
the International Registration Plan.	28823
TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	28824
Of the foregoing appropriation item 110-607, Local Tax	28825
Administration, the Tax Commissioner may disburse funds, if	28826
available, for the purposes of paying travel expenses incurred by	28827
members of Ohio's delegation to the Streamlined Sales Tax Project,	28828
as appointed under section 5740.02 of the Revised Code. Any travel	28829
expense reimbursement paid for by the Department of Taxation shall	28830
be done in accordance with applicable state laws and guidelines.	28831
LITTER CONTROL TAX ADMINISTRATION FUND	28832
Notwithstanding section 5733.12 of the Revised Code, during	28833
the period from July 1, 2007, to June 30, 2008, the amount of	28834

\$675,000, and during the period from July 1, 2008, to June 30, 28835
2009, the amount of \$800,000, received by the Tax Commissioner 28836
under Chapter 5733. of the Revised Code, shall be credited to the 28837
Litter Control Tax Administration Fund (Fund 437). 28838

CENTRALIZED TAX FILING AND PAYMENT FUND 28839

The Director of Budget and Management, under a plan submitted 28840
by the Tax Commissioner, or as otherwise determined by the 28841
Director of Budget and Management, shall set a schedule to 28842
transfer cash from the General Revenue Fund to the credit of the 28843
Centralized Tax Filing and Payment Fund (Fund 5W4). The transfers 28844
of cash shall not exceed \$600,000 in the biennium. 28845

COMMERCIAL ACTIVITY TAX ADMINISTRATION FUND 28846

The foregoing appropriation item 110-629, Commercial Activity 28847
Tax Administration Fund (Fund 5BQ), shall be used to pay expenses 28848
incurred by the Department of Taxation to implement and administer 28849
the Commercial Activity Tax under Chapter 5751. of the Revised 28850
Code. 28851

Notwithstanding section 3734.9010, division (B)(2)(c) of 28852
section 4505.09, division (B) of section 5703.12, section 5703.80, 28853
division (C)(6) of section 5727.81, sections 5733.122 and 28854
5735.053, division (C) of section 5739.21, section 5745.03, 28855
section 5743.024, section 5743.15, division (C) of section 28856
5747.03, and section 5747.113 of the Revised Code or any other 28857
provisions to the contrary, any residual cash balances determined 28858
and certified by the Tax Commissioner to the Director of Budget 28859
and Management shall be transferred on July 1, 2007, or as soon as 28860
possible thereafter, to the Commercial Activities Tax 28861
Administration Fund (Fund 5BQ). 28862

TOBACCO SETTLEMENT ENFORCEMENT 28863

The foregoing appropriation item 110-404, Tobacco Settlement 28864
Enforcement, shall be used by the Tax Commissioner to pay costs 28865

incurred in the enforcement of divisions (F) and (G) of section 28866
 5743.03 of the Revised Code. 28867

Sec. 407.10. DOT DEPARTMENT OF TRANSPORTATION 28868

Transportation Modes 28869

General Revenue Fund 28870

GRF 775-451 Public Transportation \$ 16,700,000 \$ 17,000,000 28871
 - State

GRF 776-465 Ohio Rail Development \$ 3,700,000 \$ 3,700,000 28872
 Commission

GRF 776-466 Railroad \$ 789,600 \$ 789,600 28873
 Crossing/Grade
 Separation

GRF 777-471 Airport Improvements \$ 3,293,985 \$ 1,794,003 28874
 - State

TOTAL GRF General Revenue Fund \$ 24,483,585 \$ 23,283,603 28875

TOTAL ALL BUDGET FUND GROUPS \$ 24,483,585 \$ 23,283,603 28876

~~PUBLIC TRANSPORTATION—STATE 28877~~

~~Of the foregoing GRF appropriation item 775-451, Public 28878
 Transportation—State, \$200,000 in fiscal year 2008 shall be used 28879
 for the Cleveland Metropolitan Park District West Creek Project. 28880~~

TRANSPORTATION STUDY 28881

Of the foregoing appropriation item 775-451, Public 28882
 Transportation-State, \$50,000 in fiscal year 2008 shall be used 28883
 for a Franklin County school transportation study to determine the 28884
 feasibility of a countywide pupil transportation system. 28885

~~AIRPORT IMPROVEMENTS 28886~~

~~Of the foregoing appropriation item 777-471, Airport 28887
 Improvements—State, \$1,500,000 in fiscal year 2008 shall be used 28888
 for air travel and support and economic development of statewide 28889
 airports. The Directors of Development and Transportation may 28890~~

~~enter into one or more interagency agreements between their two 28891
departments as necessary to implement a statewide strategy to 28892
enhance Ohio's airports as centers of regional economic 28893
development. 28894~~

Sec. 512.03. TRANSFERS TO THE GENERAL REVENUE FUND FROM 28895
NON-GRF FUNDS 28896

Notwithstanding any other provision of law to the contrary, 28897
during fiscal years 2008 and 2009, the Director of Budget and 28898
Management is hereby authorized to transfer cash from non-General 28899
Revenue Fund funds that are not constitutionally restricted to the 28900
General Revenue Fund. The total amount of cash transfers made 28901
pursuant to this section to the General Revenue Fund during fiscal 28902
years 2008 and 2009 shall not exceed ~~\$70,000,000~~ \$120,000,000. 28903

Sec. 512.35. DIESEL EMISSIONS REDUCTION AND TRANSIT CAPITAL 28904
GRANT PROGRAMS 28905

~~On the first day of July of each fiscal year or as soon as 28906
possible thereafter, the Director of Budget and Management shall 28907
(1) transfer \$9,817,105 in cash in fiscal year 2008 and 28908
\$10,057,814 in cash in fiscal year 2009 from the Highway Operating 28909
Fund (Fund 002) to the Diesel Emissions Grant Fund established in 28910
section 122.861 of the Revised Code and (2) transfer \$5,000,000 in 28911
each fiscal year from the Highway Operating Fund to the Transit 28912
Capital Fund (Fund 5E7). The amounts transferred are hereby 28913
appropriated. 28914~~

~~The transfer to the Diesel Emissions Grant Fund shall be used 28915
for the administration and oversight of the Diesel Emissions 28916
Reduction Grant Program within the Department of Development. In 28917
There is hereby established in the Highway Operating Fund (Fund 28918
7002) in the Department of Transportation a Diesel Emissions 28919
Reduction Grant Program. The Department of Development shall 28920~~

administer the program and shall solicit, evaluate, score, and 28921
select projects submitted by public and private entities that are 28922
eligible for the federal Congestion Mitigation and Air Quality 28923
(CMAQ) Program. The Department of Transportation shall process 28924
Federal Highway Administration-approved projects as recommended by 28925
the Department of Development. 28926

In addition to the allowable expenditures set forth in 28927
section 122.861 of the Revised Code, Diesel Emissions Reduction 28928
Grant Program funds also may be used to fund projects involving 28929
the purchase or use of hybrid and alternative fuel vehicles that 28930
are allowed under guidance developed by the Federal Highway 28931
Administration for the ~~Congestion Mitigation and Air Quality~~ 28932
~~(CMAQ)~~ CMAQ Program. The Director of Development, in consultation 28933
with the Director of Environmental Protection, shall develop 28934
guidance for distribution of the funds from the Diesel Emissions 28935
Grant Fund. The guidance shall include a method for prioritization 28936
of projects, acceptable technologies, and procedures for awarding 28937
grants and loans. 28938

~~The transfer to the Transit Capital Fund (Fund 5E7) shall be~~ 28939
~~used to supplement the capital portion of the Ohio Public~~ 28940
~~Transportation Grant Program within the Department of~~ 28941
~~Transportation.~~ 28942

These Public entities eligible to receive funds under section 28943
122.861 of the Revised Code and CMAQ shall be reimbursed from the 28944
Department of Transportation's Diesel Emissions Reduction Grant 28945
Program. 28946

Private entities eligible to receive funds under section 28947
122.861 of the Revised Code and CMAQ shall be reimbursed through 28948
transfers of cash from the Department of Transportation's Diesel 28949
Emissions Reduction Grant Program to the Department of 28950
Development's Diesel Emissions Reduction Grant Fund (Fund 3BD0) 28951
established in section 122.861 of the Revised Code. 28952

Appropriation item 195-697, Diesel Emissions Reduction 28953
Grants, is hereby established with an appropriation of \$9,817,105 28954
in fiscal year 2008 and \$10,057,814 in fiscal year 2009. Total 28955
expenditures between both the Departments of Development and 28956
Transportation shall not exceed the appropriated amounts stated in 28957
this section. 28958

On or before June 30, 2008, any unencumbered balance of the 28959
foregoing appropriation item 195-697, Diesel Emissions Reduction 28960
Grants, for fiscal year 2008, less amounts encumbered by the 28961
Department of Transportation for reimbursement of public entities 28962
for fiscal year 2008, is hereby appropriated for the same purposes 28963
for fiscal year 2009. 28964

Up to \$5,000,000 in the Highway Operating Fund (Fund 7002) 28965
shall be used each fiscal year for the Transit Capital Program in 28966
conjunction with funding provided in the Department of 28967
Transportation's budget under the Ohio Public Transportation Grant 28968
Program. 28969

On or before June 30, 2008, any unencumbered balance of the 28970
Transit Capital Program in fiscal year 2008 is hereby appropriated 28971
for the same purposes in fiscal year 2009. 28972

Any cash transfers or allocations under this section 28973
represent CMAQ program moneys within the Department of 28974
Transportation for use by the Diesel Emissions Reduction Grant 28975
Program by the Department of Development and for use by the Ohio 28976
Public Transportation Grant Program by the Ohio Department of 28977
Transportation. These allocations shall not reduce the amount of 28978
such moneys designated for metropolitan planning organizations. 28979

The Director of Development, in consultation with the 28980
Directors of Environmental Protection and Transportation, shall 28981
develop guidance for the administration of the Diesel Emissions 28982
Reduction Grant Program. The guidance shall include a method for 28983

prioritization of projects, acceptable technologies, and 28984
procedures for awarding grants. 28985

Sec. 518.03. BUDGET ADJUSTMENTS TO REFLECT TOBACCO 28986
SECURITIZATION 28987

(A) Notwithstanding any other provision of law to the 28988
contrary, the Director of Budget and Management, periodically on 28989
any date following the issuance of the tobacco obligations 28990
authorized in section 183.51 of the Revised Code and through June 28991
30, 2009, shall: 28992

(1) Determine the amount of appropriation items 235-909, 28993
Higher Education General Obligation Debt Service, and 230-908, 28994
Common Schools General Obligation Debt Service, that are in excess 28995
of the amounts needed to pay all debt service and financing costs 28996
on those obligations payable from each of those items and transfer 28997
all or any portion of that excess appropriation to appropriation 28998
item 200-901, Property Tax Allocation-Education, or 110-901, 28999
Property Tax Allocation-Taxation, or both together as needed for 29000
the purposes of making the state's property tax relief payments to 29001
school districts and counties. 29002

(2) Determine the amount by which interest earnings credited 29003
to Fund 034, Higher Education Improvement Fund, and Fund 032, 29004
School Building Program Assistance Fund, from the investment of 29005
the net proceeds of those tobacco obligations exceed the amount 29006
needed to satisfy appropriations from those funds, transfer all or 29007
part of that excess cash balance to the General Revenue Fund, and 29008
increase appropriation item 200-901, Property Tax 29009
Allocation-Education, or 110-901, Property Tax 29010
Allocation-Taxation, or both together, by up to the amount of cash 29011
so transferred to the General Revenue Fund. 29012

(3) Determine the amount of capital appropriations in 29013
CAP-770, School Building Assistance Program, and transfers of cash 29014

to Fund 5E3, School Facilities Commission, that are necessary to 29015
fully expend the amount of net proceeds deposited into Fund 032, 29016
School Building Program Assistance Fund, from the issuance of 29017
those tobacco obligations, and increase the appropriations for 29018
CAP-770 and appropriation item 230-644, Operating Expenses-School 29019
Facilities Commission, by the necessary amounts. 29020

(4) Determine the amount of additional capital 29021
appropriations, if any necessary to fully expend the amount of net 29022
proceeds deposited from the issuance of those tobacco obligations 29023
into Fund 034, Higher Education Improvement Fund. 29024

(5) Reduce by up to \$800,000,000 the amount of authorization 29025
to issue and sell general obligations to pay the costs of capital 29026
facilities for a system of common schools throughout the state 29027
granted to the Ohio Public Facilities Commission by prior acts of 29028
the General Assembly. This reduction reflects the utilization of 29029
the net proceeds of those tobacco obligations in place of general 29030
obligation bond proceeds to support capital appropriations payable 29031
from Fund 032, School Building Assistance Fund. 29032

(6) Reduce by up to \$950,000,000 the amount of authorization 29033
to issue and sell general obligations to pay the costs of capital 29034
facilities for state-supported and state-assisted institutions of 29035
higher education granted to the Ohio Public Facilities Commission 29036
by prior acts of the General Assembly. This reduction reflects the 29037
utilization of the net proceeds of those tobacco obligations in 29038
place of general obligation bond proceeds to support capital 29039
appropriations payable from Fund 034, Higher Education Improvement 29040
Fund. 29041

(B) ~~Before~~ Except for transfers to the General Revenue Fund 29042
in accordance with division (A)(2) of this section, before the 29043
Office of Budget and Management transfers or increases or 29044
decreases any appropriations or authorizations described in 29045
division (A) of this section, the Office of Budget and Management 29046

shall seek Controlling Board approval. 29047

Section 610.41. That existing Sections 207.20.50, 207.20.70, 29048
207.30.10, 207.30.20, 207.30.30, 235.10, 261.10, 263.10, 29049
263.20.10, 263.30.10, 269.30.30, 269.30.70, 269.40.50, 269.50.30, 29050
275.10, 293.10, 299.10, 309.10, 309.30.13, 309.30.30, 309.30.40, 29051
309.30.41, 309.30.42, 309.40.33, 337.30, 337.30.43, 337.40, 29052
337.40.15, 369.10, 375.10, 379.10, 393.10, 405.10, 407.10, 512.03, 29053
512.35, and 518.03 of Am. Sub. H.B. 119 of the 127th General 29054
Assembly are hereby repealed. 29055

Section 610.50. That Sections 101.10, 103.80.50, 201.30, 29056
201.50, 301.20.20, 301.20.80, 401.11, and 401.71 of H.B. 496 of 29057
the 127th General Assembly be amended to read as follows: 29058

Sec. 101.10. All items set forth in this section are hereby 29059
appropriated out of any moneys in the General Revenue Fund (GRF) 29060
that are not otherwise appropriated: 29061

Reappropriations

DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 29062

C10002	Rural Areas Community Improvements	\$	20,000	29063
C10008	Urban Areas Community Improvements	\$	868,900	29064
Total Department of Administrative Services		\$	888,900	29065
TOTAL GRF General Revenue Fund		\$	888,900	29066

RURAL AREAS COMMUNITY IMPROVEMENTS 29067

The foregoing appropriation item C10002, Rural Areas 29068
Community Improvements, shall be granted for the Red Mill Creek 29069
Water Retention Basin. 29070

URBAN AREAS COMMUNITY IMPROVEMENTS 29071

From the foregoing appropriation item C10008, Urban Areas 29072
Community Improvements, grants shall be made for the following 29073
projects: \$50,000 for the Brown Senior Center Renovations; 29074

\$100,000 for Project AHEAD Facility Improvements; \$75,000 for the 29075
 J. Frank-Troy Senior Citizens Center; \$23,900 for the Canton 29076
 Jewish Women's Center; ~~\$450,000 for the Gateway Social Services~~ 29077
~~Building;~~ \$200,000 for Pro Football Hall of Fame festival facility 29078
improvements; \$100,000 for the Children's Network of Stark County; 29079
\$75,000 for the Community Treatment and Correction Center, Inc.; 29080
\$75,000 for Trillium Family Solutions; \$50,000 for the Loew Field 29081
 Improvements; \$20,000 for the Harvard Community Services Center 29082
 Renovation & Expansion; \$20,000 for the Collinwood Community 29083
 Service Center Repair & Renovation; and \$80,000 for Bowman Park - 29084
 City of Toledo. 29085

Reappropriations

Sec. 103.80.50. EXP EXPOSITIONS COMMISSION 29086

C72300	Electric and Lighting Upgrade	\$	112,020	29087
C72301	Land Acquisition	\$	5,240	29088
C72303	Building Renovations - 5	\$	4,576,484	29089
C72305	Facility Improvements and Modernization	\$	131,771	29090
	Plan			
C72309	Masonry Renovations	\$	59,824	29091
C72310	Restroom Renovations	\$	9,559	29092
C72312	Emergency Renovations and Equipment	\$	891,533	29093
	Replacement			
C72314	Multi purpose Building	\$	14,000,000	29094
Total Expositions Commission		\$	19,786,431	29095
			<u>5,786,431</u>	

Sec. 201.30. All items set forth in this section are hereby 29097
 appropriated out of any moneys in the state treasury to the credit 29098
 of the Cultural and Sports Facilities Building Fund (Fund 7030) 29099
 that are not otherwise appropriated: 29100

Reappropriations

AFC CULTURAL FACILITIES COMMISSION 29101

C37102	Center of Science and Industry - Toledo	\$	12,268	29102
C37114	Woodward Opera House Renovation	\$	1,150,000	29103
C37118	Statewide Site Repairs	\$	100,100	29104
C37124	Waco Museum & Aviation Learning Center	\$	500,000	29105
C37131	Bramley Historic House	\$	75,000	29106
C37132	Beck Center for the Cultural Arts	\$	100,000	29107
C37133	Delaware County Cultural Arts Center	\$	40,000	29108
C37137	West Side Arts Consortium	\$	138,000	29109
C37138	Ice Arena Development	\$	5,500,000	29110
C37139	Stan Hywet Hall & Gardens	\$	1,000,000	29111
C37141	Spring Hill Historic Home	\$	125,000	29112
C37143	Lorain Palace Civic Theatre	\$	200,000	29113
C37144	Great Lakes Historical Society	\$	150,000	29114
C37153	Historic Sites and Museums	\$	980,319	29115
C37155	Buffington Island State Memorial	\$	33,475	29116
C37182	Lorain County Historical Society	\$	300,000	29117
C37184	Marion Palace Theatre	\$	1,575,000	29118
C37185	McConnellsville Opera House	\$	75,000	29119
C37186	Secrest Auditorium	\$	75,000	29120
C37187	Renaissance Theatre	\$	700,000	29121
C37188	Trumpet in the Land	\$	100,000	29122
C37189	Mid-Ohio Valley Players	\$	80,000	29123
C37190	The Anchorage	\$	50,000	29124
C37193	Galion Historic Big Four Depot Restoration	\$	170,000	29125
C37195	Lake County Historical Society	\$	250,000	29126
C37196	Hancock Historical Society	\$	75,000	29127
C37197	Riversouth Development	\$	1,000,000	29128
C37198	Ft. Piqua Hotel	\$	200,000	29129
C37199	Marina District Amphitheatre and Related Development	\$	2,000,000	29130
C371A1	Lima Historic Athletic Field	\$	100,000	29131
C371A3	Voice Of America Museum	\$	275,000	29132

C371A5	Clark County Community Arts Expansion Project	\$	500,000	29133
C371A6	Westcott House Historic Site	\$	75,000	29134
C371A8	Miami Township Community Amphitheatre	\$	50,000	29135
C371A9	Western Reserve Historical Society	\$	2,500,000	29136
C371B0	Cleveland Steamship Mather Museum	\$	100,000	29137
C371B5	Arts Castle	\$	100,000	29138
C371B6	Cincinnati Art and Technical Academy	\$	325,000	29139
C371B7	Ohio Glass Museum	\$	250,000	29140
C371B9	Ariel Theatre	\$	100,000	29141
C371C2	Ensemble Theatre	\$	450,000	29142
C371C4	Art Academy of Cincinnati	\$	100,000	29143
C371C5	Riverbend Pavilion Improvements	\$	250,000	29144
C371C7	Music Hall: Over-The-Rhine	\$	750,000	29145
C371C8	John Bloomfield Home Restoration	\$	720	29146
C371C9	Malinta Historical Society Caboose Exhibit	\$	6,000	29147
C371D1	Art Deco Markay Theatre	\$	200,000	29148
C371D4	Broad Street Historical Renovation	\$	300,000	29149
C371D5	Amherst Historical Society	\$	35,000	29150
C371D6	COSI - Toledo	\$	980,000	29151
C371D7	Ohio Theatre - Toledo	\$	100,000	29152
C371E2	Aurora Outdoor Sports Complex	\$	50,000	29153
C371E3	Preble County Historical Society	\$	100,000	29154
C371E4	Tecumseh Sugarloaf Mountain Amphitheatre	\$	120,000	29155
C371F0	Richard Howe House	\$	100,000	29156
C371F2	Packard Music Hall Renovation Project	\$	575,000	29157
C371F3	Holland Theatre	\$	100,000	29158
C371F6	Marietta Colony Theatre	\$	335,000	29159
C371G7	Huntington Park	\$	7,000,000	29160
C371G9	Riverbend - Cincinnati Symphony	\$	3,000,000	29161
C371H0	Marina District Amphitheatre	\$	2,900,000	29162
C371H1	Cincinnati Museum Center	\$	2,000,000	29163

C371H2	National Underground Railroad Freedom Center	\$	2,000,000	29164
C371H4	Pro Football Hall of Fame	\$	1,650,000	29165
C371H5	Heritage Center - Dayton	\$	1,300,000	29166
C371H6	Western Reserve Historical Society	\$	1,000,000	29167
C371H7	COSI Columbus	\$	1,000,000	29168
C371H8	Columbus Museum of Art	\$	1,000,000	29169
C371I0	Stan Hywet Hall and Gardens	\$	1,175,000	29170
C371I1	Akron Art Museum	\$	1,000,000	29171
C371I2	Sauder Village	\$	830,000	29172
C371I3	Horvitz Center for the Arts	\$	750,000	29173
C371I4	Ensemble Theatre	\$	750,000	29174
C371I5	Voice of America Museum	\$	750,000	29175
C371I6	Cleveland Steamship Mather	\$	600,000	29176
C371I7	Cuyahoga County Soldier and Sailor Monument	\$	500,000	29177
C371I8	King-Lincoln Arts and Entertainment District	\$	500,000	29178
C371I9	Art Academy of Cincinnati	\$	500,000	29179
C371J0	Great Lakes Historical Society	\$	500,000	29180
C371J3	Davis Shai Historical Facility	\$	300,000	29181
C371J4	Massillon Museum	\$	275,000	29182
C371J5	The Mandel Center	\$	250,000	29183
C371J6	Peggy R McConnell Arts Center	\$	250,000	29184
C371J7	Columbus College of Art and Design	\$	250,000	29185
C371J9	Stambaugh Hall Improvements	\$	250,000	29186
C371K0	Youngstown Symphony Orchestra	\$	250,000	29187
C371K1	Wood County Historical Center/Museum	\$	220,000	29188
C371K3	Cincinnati Ballet	\$	200,000	29189
C371K4	City of Avon Stadium Complex	\$	200,000	29190
C371K5	Renaissance Performing Arts Center	\$	200,000	29191
C371K6	Oxford Arts Center	\$	174,000	29192
C371K7	Wayne County Historical Society	\$	170,000	29193

C371K8	Maumee Valley Historical Society	\$	150,000	29194
C371K9	Trumbull County Historical Society	\$	150,000	29195
C371L0	First Lunar Flight Project	\$	25,000	29196
C371L1	Holmes County Historical Society Improvements	\$	140,000	29197
C371L2	Canal Winchester Historical Society <u>Westerville Parks & Recreation</u> <u>Firefighters Memorial/First Responder</u> <u>Park</u>	\$	125,000	29198
C371L3	Ukranian Museum	\$	100,000	29199
C371L4	Gordon Square Arts District	\$	100,000	29200
C371L5	Moreland Theatre Renovation	\$	100,000	29201
C371L6	Karamu House	\$	100,000	29202
C371L7	Symmestown Historical Society	\$	100,000	29203
C371L8	Springfield Veterans Park Amphitheatre	\$	100,000	29204
C371L9	Gallia County Historical Genealogical Society	\$	100,000	29205
C371M1	The Octagon House	\$	100,000	29206
C371M2	Vinton County Stage-Pavilion Project	\$	100,000	29207
C371M3	County Line Historical Society-Wayne/Holmes	\$	100,000	29208
C371M4	Paul Brown Museum	\$	75,000	29209
C371M5	The Works Ohio Center for History, Art and Technology	\$	75,000	29210
C371M8	Hale Farm and Village	\$	50,000	29211
C371M9	Howe House Historic Site	\$	50,000	29212
C371N0	Beavercreek Community Theatre	\$	50,000	29213
C371N1	Jamestown Opera House	\$	50,000	29214
C371N2	Johnny Appleseed Museum	\$	50,000	29215
C371N3	Vinton County Historical Society Alice House Project	\$	50,000	29216
C371N4	Woodward Opera House Renovations	\$	50,000	29217
C371N5	Little Brown Jug Facility Improvements	\$	50,000	29218

C371N6	Applecreek Historical Society	\$	50,000	29219
C371N7	Wyandot Historic Courthouse	\$	50,000	29220
C371N8	Galion Historical Big 4 Depot	\$	30,000	29221
C371N9	Bucyrus Historic Depot Renovations	\$	30,000	29222
C371O1	Arts West Performing Arts Center	\$	25,000	29223
C371O2	Chester Academy Historical Site	\$	25,000	29224
C371O3	Portland Civil War Museum and Historical Displays	\$	25,000	29225
C371O4	Morgan County Opera House	\$	25,000	29226
C371O5	Crawford Antique Museum	\$	9,000	29227
C371O6	Monroe City Historical Society Building Repair	\$	5,000	29228
C371O7	Wright Dunbar Historical Facility	\$	250,000	29229
C371O8	Nationwide Children's Hospital Livingston Park Cultural Improvements	\$	1,000,000	29230
C371P1	WACO Aircraft Museum	\$	30,000	29231
C371P2	Bradford Railroad Museum	\$	30,000	29232
C371P3	Cincinnati Ballet Facility	\$	415,000	29233
C371P5	Fort Recovery Renovations	\$	100,000	29234
C371P6	Music Hall Garage	\$	1,000,000	29235
C371P7	Hip Klotz Memorial	\$	150,000	29236
C371P8	AB Graham Center	\$	40,000	29237
	Total Cultural Facilities Commission	\$	64,803,882	29238
	TOTAL Cultural and Sports Facilities Building Fund	\$	64,803,882	29239

Sec. 201.50. All items set forth in this section are hereby 29241
appropriated out of any moneys in the state treasury to the credit 29242
of the School Building Program Assistance Fund (Fund 7032) that 29243
are not otherwise appropriated: 29244

Reappropriations

	SFC SCHOOL FACILITIES COMMISSION			29245
C23002	School Building Program Assistance	\$	3,572,253,121	29246
C23005	Exceptional Needs	\$	28,504,951	29247

C23010	Vocation Facilities Assistance Program	\$ 11,115,616	29248
	Total School Facilities Commission	\$ 3,611,873,688	29249
	TOTAL School Building Program Assistance Fund	\$ 3,611,873,688	29250

CONSTRUCTION OF NEW BLIND AND DEAF SCHOOLS 29251

Of the foregoing appropriation item C23002, School Building 29252
Program Assistance, \$37,080,000 shall be used for constructing new 29253
facilities, or renovating existing facilities, or both, on the 29254
current campuses of the Ohio State School for the Blind and the 29255
Ohio School for the Deaf. Notwithstanding sections 123.01 and 29256
123.15 of the Revised Code and in addition to its powers under 29257
Chapter 3318. of the Revised Code, the Ohio School Facilities 29258
Commission shall administer the project pursuant to the memorandum 29259
of understanding that the Ohio State School for the Blind, the 29260
Ohio School for the Deaf, and the Ohio School Facilities 29261
Commission signed on October 31, 2007. The project shall comply to 29262
the fullest extent possible with the specifications and policies 29263
set forth in the Ohio School Facilities Design Manual and shall 29264
not be considered a part of any program created under Chapter 29265
3318. of the Revised Code. As agreed to by the parties in the 29266
memorandum of understanding, \$37,080,000 is sufficient to complete 29267
the construction or renovation of the facilities needed for the 29268
education of both the deaf and blind student communities and 29269
additional appropriations will not be required. Upon issuance by 29270
the Commission of a certificate of completion of the project, the 29271
Commission's participation in the project shall end. 29272

The Executive Director of the Ohio School Facilities 29273
Commission shall comply with the procedures and guidelines 29274
established in Chapter 153. of the Revised Code. Upon the release 29275
of funds for the project by the Controlling Board or the Director 29276
of Budget and Management, the Commission may administer the 29277
project without the supervision, control, or approval of the 29278
Director of Administrative Services. Any references to the 29279

Director of Administrative Services in the Revised Code, with 29280
respect to the administration of the project, shall be read as if 29281
they referred to the Director of the Ohio School Facilities 29282
Commission. 29283

Reappropriations

Sec. 301.20.20. BGU BOWLING GREEN STATE UNIVERSITY 29284

C24000	Basic Renovations	\$	10,751,883	29285
C24001	Basic Renovations - Firelands	\$	811,360	29286
C24002	Instructional and Data Processing Equipment	\$	1,200,186	29287
C24004	ADA Modifications	\$	19,544	29288
C24005	Child Care Facility	\$	49,406	29289
C24007	Materials Network	\$	90,981	29290
C24008	Video Link	\$	10,644	29291
C24013	Hannah Hall Rehabilitation	\$	2,005,522	29292
C24014	Biology Lab Renovation	\$	12,533,708	29293
C24015	Campus-Wide Paving/Sidewalk Upgrade	\$	4,899	29294
C24016	Student Learning	\$	13,149	29295
C24017	Video Teaching Network	\$	5,436	29296
C24019	Kinetic Spectrometry Consortium	\$	77,671	29297
C24020	Admissions Visitor Center	\$	3,000,000	29298
C24021	Theatre/Performing Arts Complex	\$	8,750,000	29299
C24022	University Hall Rehabilitation	\$	1,174,981	29300
C24025	Administration Building Fire Alarm System	\$	83,986	29301
C24026	Campus-Wide Carpet Upgrade	\$	329,700	29302
C24027	Reroof East, West, and North Buildings	\$	173,999	29303
C24028	Instructional Laboratory - Phase 1	\$	960,000	29304
C24031	Health Center Addition	\$	9,750,000	29305
C24032	Student Services Building Replacement	\$	8,100,000	29306
C24033	BGU Aviation Improvements	\$	500,000	29307
C24034	Tunnel Upgrade-Phase II	\$	98,820	29308

C24035	Library Depository Northwest	\$	56,000	29309
<u>C24036</u>	<u>Wood County Environmental Health Project</u>	<u>\$</u>	<u>700,000</u>	29310
Total Bowling Green State University		\$	60,551,875	29311
			<u>61,251,875</u>	

Reappropriations

Sec. 301.20.80.	OSU OHIO STATE UNIVERSITY			29313
C31500	Basic Renovations	\$	34,349,496	29314
C31501	Basic Renovations - Regional Campuses	\$	6,506,516	29315
C31502	Brown Hall Annex Replacement	\$	6,213	29316
C31505	Basic Renovations - ATI	\$	129,714	29317
C31506	Supplemental Renovations - OARDC	\$	3,319,202	29318
C31507	Supplemental Renovations - Regional	\$	191,955	29319
C31508	Dreese Lab Addition	\$	5,953	29320
C31510	Bioscience/Parks Hall Addition	\$	12,584	29321
C31512	Greenhouse Modernization	\$	40,982	29322
C31515	Life Sciences Research Building	\$	218,170	29323
C31520	Food Science & Technology Building	\$	92,786	29324
C31522	Heart & Lung Institute	\$	32,437	29325
C31523	Superconducting Radiation	\$	65,094	29326
C31524	Brain Tumor Research Center	\$	6,001	29327
C31525	Engineering Center Net Shape Manufacturing	\$	20,730	29328
C31526	Membrane Protein Typology	\$	8,835	29329
C31527	Instructional and Data Processing Equipment	\$	6,014,848	29330
C31528	Fine Particle Technologies	\$	116,770	29331
C31529	Advanced Plasma Engineering	\$	22,690	29332
C31530	Plasma Ramparts	\$	1,150	29333
C31531	IN-SITU AL-BE Composites	\$	1,733	29334
C31532	Jay Cooke Residence - Roof and Windows	\$	86,668	29335
C31535	Asbestos Abatement	\$	5,325	29336
C31536	Materials Network	\$	91,983	29337

C31537	Bio-Technology Consortium	\$	42,378	29338
C31538	Analytical Electron Microscope	\$	375,000	29339
C31539	High Temp Alloys & Alluminoids	\$	220,000	29340
C31541	Supplemental Renovations - ATI	\$	33,969	29341
C31542	Maintenance, Receiving, and Storage Facility - Marion	\$	58,646	29342
C31543	McPherson Lab Rehabilitation	\$	37,243	29343
C31544	Heart and Lung Institute	\$	101,808	29344
C31546	ADA Modifications - ATI	\$	41,936	29345
C31547	ADA Modifications - Lima	\$	358	29346
C31548	ADA Modifications - Mansfield	\$	15,253	29347
C31550	Titanium Alloys	\$	54,912	29348
C31552	Advanced Manufacturing	\$	38,579	29349
C31553	Manufacturing Processes/Materials	\$	62,574	29350
C31554	Terhertz Studies	\$	35,294	29351
C31556	Marion Park/Road/Sidewalk/Lights	\$	2,750	29352
C31557	Pomerene Lighting/Wiring	\$	249,584	29353
C31558	NMR Consortium	\$	75,116	29354
C31559	Versatile Film Facility	\$	62,872	29355
C31560	OCARNET	\$	5,916	29356
C31561	Bioprocessing Research	\$	1,905	29357
C31562	Localized Corrosion Research	\$	6,128	29358
C31563	ATM Testbed	\$	3,633	29359
C31564	Physical Sciences Building	\$	79,383	29360
C31565	Morrill Hall Remodeling - Vacated Library Space - Marion	\$	923	29361
C31568	Sisson Hall Replacement	\$	5,537	29362
C31570	Machinery Acoustics	\$	3,804	29363
C31571	Sensors and Measurements	\$	15,115	29364
C31572	Polymer Magnets	\$	1,099	29365
C31574	Al Alloy Corrosion	\$	14,292	29366
C31578	Page Hall Planning	\$	7,210	29367
C31579	Botany & Zoology Building Planning	\$	209,467	29368

C31581	Robinson Laboratory Planning	\$	36,765	29369
C31582	Don Scott Field Replacement Barns	\$	1,495,619	29370
C31583	Galvin Hall 3rd Floor Renovation - Lima	\$	22,135	29371
C31584	Horticultural Operations Center - ATI	\$	1,475,400	29372
C31585	OARDC Feed Mill	\$	5,050,968	29373
C31587	Biological Sciences Cooling Tower	\$	6,930	29374
C31589	Mount Hall HVAC Modifications	\$	40,982	29375
C31591	Ohio Biomedical Consortium on Medical Therapeutic Micro Devices	\$	49,275	29376
C31592	Plant and Microbe Functional Genomics Facilities	\$	16,259	29377
C31593	Consortium for Novem Microfabrications Methods of Medical Devices in Non-Silicon Materials	\$	149,066	29378
C31594	Bone & Mineral Metabolism Research Lab	\$	5,845	29379
C31597	Animal & Plant Biology Level 3	\$	8,133,780	29380
C31598	Main Library Rehabilitation	\$	56,456,214	29381
C31599	Psychology Building	\$	57,722	29382
C315A0	Thorne Hall and Gowley Hall Renovations - Phase 3	\$	598,043	29383
C315A2	Nanosecond Infrared Measurement	\$	2,588	29384
C315A4	Millimeter/Submillimeter Instrument	\$	5,919	29385
C315A5	X-Ray Powder Diffractometer	\$	558	29386
C315A6	Deconvolution Microscope	\$	1,101	29387
C315B2	Denney Hall Renovation - Phase I	\$	18,495	29388
C315B3	Ion Mass Spectrometry	\$	6,594	29389
C315B5	Role of Molecular Interfaces	\$	17,773	29390
C315B8	New Millimeter Spectrometer	\$	24,996	29391
C315C2	1224 Kinnear Road - Bale	\$	11,105	29392
C315C3	Non-Silicon Micromachining	\$	73,991	29393
C315C4	High Performance Computing	\$	2,910	29394
C315C5	Veterinary Hospital Auditorium Renovation	\$	7,736	29395

C315D0	OARDC Boiler Replacement	\$	656,442	29396
C315D2	Supercomputer Center Expansion	\$	1,600,414	29397
C315D5	Information Literacy	\$	24,824	29398
C315D6	Online Business Major	\$	6,618	29399
C315D8	Renovation of Graves Hall	\$	68,196	29400
C315E0	OARDC Wooster Phone System Replacement	\$	467,398	29401
C315E1	Utility - North Tunnel Steamline Upgrade	\$	114,298	29402
C315E2	Dual Beam Characterization	\$	150,000	29403
C315E6	Environmental Technology Consortium	\$	11,297	29404
C315E7	Campbell, University, and Evans Hall	\$	45,877	29405
C315E8	Laboratory Animal Facility	\$	83,481	29406
C315F1	Western Branch Headquarters & Machinery Building	\$	662,850	29407
C315F2	Muck Crops Branch/Shop Building Replacement	\$	782,173	29408
C315F3	Hazardous Waste Handling/Storage Building	\$	1,103,062	29409
C315F4	Agriculture/Engineering Building Renovation & Addition	\$	200,000	29410
C315F5	Wood County Center for Agriculture OSU <u>Extension Office/Agriculture Business</u> <u>Enhancement Center</u>	\$	1,000,000 300,000	29411
C315F6	Community Heritage Art Gallery - Lima	\$	100,000	29412
C315F8	Nanotechnology Molecular Assembly	\$	437,296	29413
C315F9	Networking and Communication	\$	478,761	29414
C315G0	Planetary Gear	\$	125,000	29415
C315G1	X-Ray Fluorescence Spectrometer	\$	2,283	29416
C315G2	Precision Navigation	\$	85,000	29417
C315G3	Welding & Metal Working	\$	200,000	29418
C315G5	Inductively Coupled Plasma Etching	\$	126,492	29419
C315G6	Accelerated Metals	\$	1,020,331	29420
C315G7	Mathematical Biosciences Institute	\$	9,819	29421
C315G9	Mershon Auditorium HVAC System	\$	3,379	29422

	Improvements			
C315H0	Molecular Microdevices	\$	2,066	29423
C315H1	Research Center HVAC System Improvements	\$	38,052	29424
C315H2	Infrared Absorption Measurements	\$	3,423	29425
C315H3	Dark Fiber	\$	2,532,628	29426
C315H4	Shared Data Backup System	\$	96,876	29427
C315H6	Third Frontier Network Testbed	\$	202,763	29428
C315H7	Distributed Learning Workshop	\$	2,500	29429
C315H8	Accelerated Maturation of Materials	\$	42,279	29430
C315H9	Nanoscale Polymers Manufacturing	\$	358,802	29431
C315J0	Hydrogen Production and Storage	\$	217	29432
C315J1	Ohio Organic Semiconductor	\$	226,422	29433
C315J4	Comprehensive Cancer - Chiller	\$	19,187	29434
	Replacement			
C315J5	Kottman Hall - 103 Central Classroom	\$	20,893	29435
C315J7	Low Cost Nanocomposite Foams	\$	101,705	29436
C315J8	West Campus Chilled Water & Scott Hall	\$	20,093	29437
C315J9	McCracken Power Plant Spill Control	\$	120,251	29438
C315K0	Glacial Assessment	\$	22,764	29439
C315K2	Center for Advanced Propulsion and Power	\$	1,313,076	29440
C315K3	Parks Hall Chiller Replacement	\$	134,678	29441
C315K4	Hybrid Electric Vehicle Modeling	\$	363,452	29442
C315K5	Computational Nanotechnology	\$	500,000	29443
C315K6	Townshend Hall - Roof Replacement	\$	328,772	29444
C315K8	Veterinary Hospital Roof Replacement	\$	174,815	29445
	Phase II			
C315K9	Hopkins Hall Phase II Priorities I, II	\$	41,756	29446
C315L0	Bioscience 6th Floor Renovation - Priority	\$	140,937	29447
C315L1	Ohio Commons For Digital Education	\$	14,594	29448
C315L2	Postle Hall Fire Alarm Replacement	\$	116,441	29449
C315L3	NonCredit Job Education & Training	\$	14,201	29450
C315L4	Campus South Dorms	\$	3,767	29451

	Renovation/Improvements			
C315L5	Bricker Hall Roof Replacement	\$	23,608	29452
C315L8	Cooperative Control Testbed	\$	3,000	29453
C315M0	Neuroscience Center Core	\$	576	29454
C315M2	Campus Grounds-Exterior Lighting - Phase	\$	31,523	29455
	VIII			
C315M3	930 Kinnear Road Renovations	\$	181,402	29456
C315M4	Waterman Lab & Don Scott Field	\$	23,528	29457
C315M5	Lincoln Tower Renovations - Phase I	\$	254,767	29458
C315M6	Coe Corrosion Coop	\$	56,781	29459
C315M7	OSU Cancer Program Expansion	\$	2,000,000	29460
C315M8	Smith Laboratory Rehabilitation	\$	2,799,448	29461
C315M9	Warner Library and Student Center	\$	1,618,275	29462
C315N0	Hopewell Hall Science Suite	\$	508,408	29463
C315N1	Atomic Force Microscopy	\$	180,000	29464
C315N2	Interactive Applications	\$	344,865	29465
C315N3	Platform Lab	\$	76,685	29466
C315N4	Integrated Biomass to Electricity	\$	392,680	29467
C315N8	Center for Polymer Nanomaterials	\$	9,801,899	29468
C315N9	Ohio Bioproducts Innovation Center	\$	7,765,250	29469
C315P1	Specialized Planetary Gears	\$	40,920	29470
C315P2	OSU Agricultural Building	\$	295,409	29471
C315P3	Automated AFM System	\$	618	29472
C315P4	Integrated Wireless Communication	\$	3,454	29473
C315P5	Newton Hall-Roof Replacement	\$	140,646	29474
C315P6	Chirped-Pulse Amplifier	\$	258,732	29475
C315P7	Central Classroom Building Renovation	\$	55,686	29476
C315P9	Airport Hangers 1 2 & 3 Roof Replacement	\$	485,250	29477
C315Q0	Veterinary Hospital Holding Replacement	\$	1,902,970	29478
C315Q1	Aeronautical and Astronautical Research Lab-Roof Replacement	\$	676,482	29479
C315Q2	Superconductivity Technology Center	\$	324,136	29480
C315Q3	Periodic Materials Assemblies	\$	60,239	29481

C315Q4	Biological Sciences Building Supply Fan Replacement	\$	628,573	29482
C315Q5	Biological Sciences Building-Fume Hood Repairs	\$	968,531	29483
C315Q6	Kottman Hall Fume Hood Repairs	\$	1,476,940	29484
C315Q7	Photonic Force Microscope	\$	4,887	29485
C315Q9	Brown Hall Renovation/Replacement	\$	3,500,000	29486
C315R0	Hughes Hall Renovation	\$	1,500,000	29487
C315R1	COMPH Academic Center	\$	5,000,000	29488
C315R2	Murray Hall Renovation	\$	1,000,000	29489
C315R3	New Student Life Building	\$	1,000,000	29490
C315R4	Founders/Hopewell Hall Renovation	\$	1,960,080	29491
C315R5	Agricultural and Biological Engineering Building Renovation	\$	4,000,000	29492
C315R6	Selby Hall Phytotron Facility Renovation	\$	2,000,000	29493
C315R7	Stone Laboratory Resource Facility Improvements	\$	500,000	29494
C315R8	OSU Extension Safety Improvements in Madison County	\$	94,000	29495
C315R9	Camp Clifton Improvements	\$	90,000	29496
C315S0	Delaware Speech & Hearing with OSU Medical College	\$	75,000	29497
C315S1	Kottman Hall-Windows/Masonry Renovation	\$	1,065,280	29498
C315S2	Postle Hall Partial Window Replacement	\$	630,000	29499
C315S3	Celeste Lab Fume Hood Repairs	\$	1,000,300	29500
C315S4	Utility Upgrade/East Campus Area	\$	45,969	29501
Total Ohio State University		\$	200,348,786	29502
			<u>199,648,786</u>	
WOOD COUNTY CENTER FOR AGRICULTURE OSU EXTENSION				29503
OFFICE/AGRICULTURE BUSINESS ENHANCEMENT CENTER				29504
Of the The foregoing appropriation item C315F5, Wood County				29505
Center for Agriculture OSU Extension Office/Agriculture Business				29506
Enhancement Center, up to \$300,000 shall be used for building				29507

renovations to the ~~OSU Extension Office/Ag Business Enhancement~~ 29508
Center. 29509

Sec. 401.11. RIVERFRONT IMPROVEMENTS 29510

Of the foregoing reappropriation item C725D0, Riverfront 29511
Improvements, \$1,000,000 shall be used for the Riverfront West 29512
Park Development - Cincinnati Park Board, Hamilton County. 29513

LOCAL PARKS PROJECTS 29514

Of the foregoing appropriation item C725E2, Local Parks 29515
Projects, \$2,000,000 shall be used for the Center City Park in 29516
Springfield; \$1,200,000 shall be used for the Cincinnati Zoo; 29517
\$1,000,000 shall be used for the East Bank/Flats Project; 29518
\$1,000,000 shall be used by the Warren County Park District for 29519
Land Acquisition or Improvements; \$540,000 shall be used for Tar 29520
Hollow State Park Improvements; \$300,000 shall be used by the City 29521
of Mason for Handicap Accessible Park Improvements; \$250,000 shall 29522
be used for Van Buren State Park ~~Land Acquisitions~~ Camp Ground 29523
Electrification and Restroom Facilities Improvements; \$200,000 29524
shall be used for Harrison Village Historical Society-Phoenix Park 29525
Museum; \$200,000 shall be used for Indian Lake State Park Dredging 29526
Improvements; \$191,000 shall be used for Deerfield Township 29527
Simpson Creek Erosion Mitigation and Bank Control; \$185,000 shall 29528
be used for the City of Wilmington Park Upgrades/Tennis Courts; 29529
\$175,700 shall be used for the Georgetown Community Tennis Park; 29530
\$150,000 shall be used for Kelleys Island Park Improvements; 29531
\$150,000 shall be used for Perry Township Camp Improvements; 29532
\$100,000 shall be used for Mountain Bike Park/Midtown Cleveland; 29533
\$100,000 shall be used for the Chester Township Park; \$69,000 29534
shall be used for Miami Erie Canal Repairs in Spencerville; 29535
\$60,000 shall be used for Marseilles Reservoir Bulk Head Project; 29536
\$50,000 shall be used for Beaver creek/John Aekeney Soccer Field 29537
and Park; \$50,000 shall be used for the Beaver creek Community 29538

Athletic Association Facility and Park Upgrade; \$50,000 shall be 29539
used for the Columbus Zoo Education Center; \$50,000 shall be used 29540
for Dillon State Park Upgrades; \$50,000 shall be used for Indian 29541
Lake State Park Shoreline Improvements; \$25,000 shall be used for 29542
the Cleveland Police and Firefighters Memorial Park; \$25,000 shall 29543
be used for Grand Lake St. Mary's Improvements; \$25,000 shall be 29544
used for Geauga Veterans Monument Park Improvements; \$19,000 shall 29545
be used for East Fork State Park-Harsha Lake Dock Improvements; 29546
\$10,000 shall be used for the Marine Corps League Park/Monument; 29547
\$10,000 shall be used for Huntington Township Park Improvements; 29548
and \$5,000 shall be used for Morrow County Bicentennial Park. 29549

29550

STATEWIDE TRAILS PROGRAM

29551

Of the foregoing reappropriation item C725L8, Statewide 29552
Trails Program, \$2,000,000 shall be used for the Ohio to Erie 29553
Trail by Franklin County Metro Parks; \$1,900,000 shall be used for 29554
the Cuyahoga Towpath Trail; and \$210,000 shall be used for the 29555
Trumbull Bike Trail. 29556

FEDERAL REIMBURSEMENT

29557

All reimbursements received from the federal government for 29558
any expenditures made pursuant to Sections 401.10 and 401.11 of 29559
this act shall be deposited in the state treasury to the credit of 29560
the Parks and Recreation Improvement Fund. 29561

Sec. 401.71. The Ohio Public Facilities Commission is hereby 29562
authorized to issue and sell, in accordance with Section ~~2m~~ 2p of 29563
Article VIII, Ohio Constitution, and pursuant to sections 151.01 29564
and 151.08 of the Revised Code, original obligations of the state, 29565
in an aggregate principal amount not to exceed \$120,000,000, in 29566
addition to the original obligations heretofore authorized by 29567
prior acts of the General Assembly. These authorized obligations 29568
shall be issued and sold from time to time, subject to applicable 29569

constitutional and statutory limitations, as needed to ensure 29570
sufficient moneys to the credit of the State Capital Improvements 29571
Fund (Fund 7038) to pay costs of the state in financing or 29572
assisting in the financing of local subdivision capital 29573
improvement projects. 29574

Section 610.51. That existing Sections 101.10, 103.80.50, 29575
201.30, 201.50, 301.20.20, 301.20.80, 401.11, and 401.71 of H.B. 29576
496 of the 127th General Assembly are hereby repealed. 29577

Section 620.10. That Section 375.80.10 of Am. Sub. H.B. 119 29578
of the 127th General Assembly is hereby repealed. 29579

Section 620.20. That Section 5 of Am. Sub. H.B. 24 of the 29580
127th General Assembly is hereby repealed. 29581

Section 701.10. (A) As used in this section, "employer" has 29582
the same meaning as in division (D) of section 145.01 of the 29583
Revised Code. 29584

(B) Notwithstanding the penalty provided for in section 29585
145.47 of the Revised Code as it existed immediately prior to its 29586
amendment by this act, the Public Employees Retirement System 29587
shall recalculate, as described in this section, any penalty 29588
incurred under that section by an employer during the period 29589
beginning April 1, 2006, and ending the day before the effective 29590
date of this section, if the retirement system receives the 29591
recalculated amount not later than thirty days after the effective 29592
date of this section. The penalty shall be recalculated in 29593
accordance with section 145.47 of the Revised Code, as amended by 29594
this act. 29595

(C) If an employer fails to pay the recalculated amount in 29596
accordance with division (B) of this section, the retirement 29597

system shall reinstate to the original amount any penalty that was 29598
recalculated under division (B) of this section. If an employer 29599
fails to pay the reinstated penalty, that amount shall be withheld 29600
from the employer on certification by the Public Employees 29601
Retirement Board to the Director of Budget and Management or the 29602
county auditor, as appropriate. 29603

(D) If, prior to the effective date of this section, an 29604
employer described in division (B) of this section paid the 29605
penalty in accordance with section 145.47 of the Revised Code, as 29606
it existed immediately prior to its amendment by this act, the 29607
retirement system shall credit to the employer's account the 29608
difference between the amount of the penalty that was paid and the 29609
recalculated penalty to reduce any amounts due from the employer 29610
under Chapter 145. of the Revised Code. The credit shall be 29611
completed not later than six months after the effective date of 29612
this section. 29613

Section 701.20. (A) The Ohio Commission on Local Government 29614
Reform and Collaboration shall develop recommendations on 29615
reforming and restructuring local government in this state to 29616
increase the efficiency and effectiveness of local government 29617
operations and to achieve cost savings for taxpayers. In 29618
developing the recommendations, the commission shall consider, but 29619
is not limited to, the following: 29620

(1) Restructuring and streamlining local government offices 29621
to achieve efficiencies and cost savings for taxpayers and to 29622
facilitate local economic development; 29623

(2) Restructuring local government authorities authorized by 29624
the constitution or the laws of this state to levy a tax of any 29625
kind or to have a tax of any kind levied on its behalf, and of 29626
local government units, including schools and libraries, to reduce 29627
overhead and administrative expenses; 29628

(3) Restructuring or streamlining services, functions, or authorities of local government to achieve cost savings for taxpayers; and

(4) Reforming or restructuring constitutional, statutory, and administrative laws to increase the efficiency and effectiveness of local government operations, to avoid duplication of services, and to achieve costs savings for taxpayers.

(B)(1) There is hereby created the Ohio Commission on Local Government Reform and Collaboration, consisting of nine voting members. The President of the Senate and the Speaker of the House of Representatives each shall appoint three members and the Governor shall appoint three members. The initial appointments shall be made not later than sixty days after the effective date of this section. Vacancies shall be filled in the manner provided for original appointments. Members are not entitled to compensation for their services.

(2) The initial meeting of the commission shall be called by the Governor within forty-five days after the initial appointments to the commission are complete. The commission shall elect two of its members to serve as co-chairpersons of the commission.

(C) The commission shall create an advisory council consisting of interested parties representing taxing authorities and political subdivisions that are not taxing authorities. The appointment of members to the advisory council is a matter of the commission's discretion. The commission may direct the advisory council to provide relevant information to the commission. Advisory council members are not members of the commission, and may not vote on commission business.

(D) The commission may consult with and obtain assistance from state institutions of higher education (as defined in section 3345.011 of the Revised Code) and from business organizations for

research and data gathering related to its mission. State 29660
institutions of higher education and business organizations shall 29661
cooperate with the commission. 29662

(E) The commission shall issue a report of its findings and 29663
recommendations to the President of the Senate, the Speaker of the 29664
House of Representatives, and the Governor not later than July 1, 29665
2010. The commission ceases to exist upon submitting its report. 29666

Section 703.10. Notwithstanding the enactment of sections 29667
353.01 to 353.063 of the Revised Code by this act, the elected 29668
officeholders for the offices of county clerk of courts, county 29669
auditor, county recorder, county treasurer, county coroner, county 29670
engineer, and county sheriff shall not be eliminated or replaced 29671
until the termination of their current elected offices. Similarly, 29672
if an election for any of those offices occurs at the same time as 29673
the question of restructuring a county government is presented to 29674
the electors on the ballot, the elected officeholder shall 29675
continue to serve in the office as an elected officeholder until 29676
the termination of the term of office. At the termination of any 29677
such term following the approval of the electors of the 29678
restructured form of county government, appointments shall be made 29679
not sooner than sixty nor later than ninety days after the date of 29680
the end of that term of office. The formerly elected officeholder 29681
shall continue to serve and hold office until the successor is 29682
appointed and qualified. 29683

Section 705.10. Notwithstanding section 5709.73 of the 29684
Revised Code, a board of township trustees of a township with a 29685
population exceeding fifty-five thousand according to the most 29686
recent federal decennial census may adopt a resolution under 29687
division (B) of that section on or before December 31, 2008, by 29688
majority vote. Such a board may adopt a resolution under division 29689
(C) of that section on or before December 31, 2008, by majority 29690

vote, if the other requirements of that division are satisfied. 29691

Section 707.10. (A) As used in this section: 29692

(1) "Active business operations" means all business 29693
operations that are not inactive business operations. 29694

(2) "Business operations" means engaging in commerce in any 29695
form in Sudan or Iran, including by maintaining, selling, 29696
acquiring, developing, owning, possessing, operating, or leasing 29697
equipment, facilities, personnel, products, services, personal or 29698
real property, or any other apparatus of business or commerce. 29699

(3) "Company" means a sole proprietorship, organization, 29700
association, corporation, partnership, joint venture, limited 29701
partnership, limited liability partnership, limited liability 29702
company, business association, or other entity, including any 29703
wholly-owned subsidiary, majority-owned subsidiary, parent 29704
company, or affiliate of any of those types of entities, that 29705
exists for the purpose of making a profit. 29706

(4) "Complicit" means taking actions during any preceding 29707
twenty-month period that directly support or promote the genocidal 29708
campaign in the Darfur region of Sudan, including, but not limited 29709
to, preventing members of the population of the Darfur region of 29710
Sudan negatively affected by genocide from communicating with each 29711
other; encouraging Sudanese citizens to speak against the 29712
internationally approved security force that provides aide to the 29713
Darfur region; actively working to deny, cover up, or alter the 29714
record on human rights abuses in Darfur; or other similar actions. 29715

(5) "Direct holdings" means all stocks or bonds of a company 29716
held directly by the Ohio Police and Fire Pension Fund or held in 29717
an account or fund of which the Fund owns all of the shares or 29718
interests. 29719

(6) "Government of Iran" means the Islamic Republic of Iran, 29720

its instrumentalities, and companies owned or controlled by the government of Iran.

(7) "Government of Sudan" means the government in Khartoum, Sudan, that is led by the National Congress Party, formerly known as the National Islamic Front, or any successor government formed on or after October 13, 2006, including the coalition national unity government agreed upon in the "2005 Comprehensive Peace Agreement," and does not include the regional government of southern Sudan.

(8) "Inactive business operations" means those business operations conducted by a company that involve only the continued holding or renewal of rights to property that, at one time, was used for the purpose of generating revenue for the company but is not presently used for such purpose.

(9) "Indirect holdings" means all stocks and bonds of a company that are not direct holdings and are held in an account or fund in which the Ohio Police and Fire Pension Fund owns shares or interests together with other investors not subject to the provisions of this chapter, as well as any private equity fund, private equity fund-of-funds, venture capital fund, hedge fund, hedge fund-of-funds, real estate fund or other investment vehicle that is not publicly traded, mutual funds, and pooled or securitized investment vehicles.

(10) "Iran" means the Islamic Republic of Iran.

(11) "Marginalized populations of Sudan" includes, but is not limited to, all of the following:

(a) The portion of the population in the Darfur region that has been negatively affected by genocide;

(b) The portion of the population of southern Sudan negatively affected by the civil war that occurred between the north and south regions of Sudan;

(c) The Beja, Rashidiya, and other similarly underserved groups of eastern Sudan;	29752 29753
(d) The Nubian and other similarly underserved groups in the Abyei, southern blue Nile, and Nuba mountain regions of Sudan;	29754 29755
(e) The Amri, Hamadab, Manasir, and other similarly underserved groups of northern Sudan.	29756 29757
(12) "Military equipment" means weapons, arms, military supplies, and equipment including, but not limited to, radar systems, or military-grade transport vehicles, that readily may be used for military purposes; or supplies or services sold or directly or indirectly provided to any force actively participating in armed conflict in Sudan.	29758 29759 29760 29761 29762 29763
(13) "Mineral extraction activities" include exploring, extracting, processing, transporting, or wholesale selling or trading of elemental minerals or associated metal alloys or oxides, also known as ore, including gold, copper, chromium, chromite, diamonds, iron, iron ore, silver, tungsten, uranium, and zinc; and includes facilitating such activities, including by providing supplies or services in support of such activities.	29764 29765 29766 29767 29768 29769 29770
(14) "Oil-related activities" includes, but is not limited to, owning rights to oil blocks; exporting, extracting, producing, refining, processing, exploring for, transporting, selling, or trading of oil; constructing, maintaining, or operating a pipeline, refinery, or other oil-field infrastructure; or facilitating such activities, including by providing supplies or services in support of such activities. "Oil-related activities" does not mean engaging in only the retail sale of gasoline and related consumer products.	29771 29772 29773 29774 29775 29776 29777 29778 29779
(15) "Petroleum resource" means petroleum, petroleum byproducts, or natural gas.	29780 29781
(16) "Power production activities" means any business	29782

operation that involves a project commissioned by the national 29783
electricity corporation of Sudan or other similar entity of the 29784
government of Sudan whose purpose is to facilitate power 29785
generation and delivery, including, but not limited to, 29786
establishing power-generating plants or hydroelectric dams, 29787
selling or installing components for a project, providing service 29788
contracts related to the installation or maintenance of a project, 29789
or facilitating any of these activities, including by providing 29790
supplies or services in support of such activities. 29791

(17) "Public fund" means the assets included in any fund 29792
portfolio that is under the control of, or controlled on behalf 29793
of, the Ohio Police and Fire Pension Fund. 29794

(18) "Scrutinized active business operation" means active 29795
business operations that have resulted in a company becoming a 29796
scrutinized company. 29797

(19) "Scrutinized business operations" means business 29798
operations that have resulted in a company that meets any of the 29799
following criteria: 29800

(a) The company has business operations that involve 29801
contracts with or provision of supplies or services to the 29802
government of Sudan, companies in which the government of Sudan 29803
has any direct or indirect equity share, consortiums or projects 29804
commissioned by the government of Sudan, or companies involved in 29805
consortiums or projects commissioned by the government of Sudan, 29806
and more than ten per cent of the company's revenues or assets 29807
linked to Sudan involve oil-related activities or 29808
mineral-extraction activities; less than seventy-five per cent of 29809
the company's revenues or assets linked to Sudan involve contracts 29810
with or provision of oil-related or mineral-extracting products or 29811
services to the regional government of southern Sudan or a project 29812
or consortium created exclusively by that regional government; and 29813
the company has failed to take substantial action specific to 29814

Sudan; or more than ten per cent of the company's revenues or 29815
assets linked to Sudan involve power-production activities; less 29816
than seventy-five per cent of the company's power-production 29817
activities include projects whose intent is to provide power or 29818
electricity to the marginalized populations of Sudan; and the 29819
company has failed to take substantial action specific to Sudan. 29820

(b) The company is complicit in the Darfur genocide. 29821

(c) The company supplies military equipment within Sudan, 29822
unless it clearly shows that the military equipment cannot be used 29823
to facilitate offensive military actions in Sudan or the company 29824
implements rigorous and verifiable safeguards to prevent use of 29825
that equipment by forces actively participating in armed conflict. 29826
Examples of safeguards include post-sale tracking of such 29827
equipment by the company, certification from a reputable and 29828
objective third party that such equipment is not being used by a 29829
party participating in armed conflict in Sudan, or sale of such 29830
equipment solely to the regional government of southern Sudan or 29831
any internationally recognized peacekeeping force or humanitarian 29832
organization. 29833

(d)(i) The company has business operations that involve 29834
contracts with or provision of supplies or services to the 29835
government of Iran, companies in which the government of Iran has 29836
any direct or indirect equity share, consortiums, or projects 29837
commissioned by the government of Iran, or companies involved in 29838
consortiums or projects commissioned by the government of Iran, 29839
and one of the following apply: more than ten per cent of the 29840
company's total revenues or assets are linked to Iran and involve 29841
oil-related activities, mineral-extraction activities, or 29842
petroleum resources; the company has, with actual knowledge, on or 29843
after August 5, 1996, made an investment of twenty million dollars 29844
or more, or any combination of investments of at least ten million 29845
dollars each, which in the aggregate equals or exceeds twenty 29846

million dollars in any twelve-month period, and which directly or 29847
significantly contributes to the enhancement of Iran's ability to 29848
develop the petroleum resources of Iran; the company is engaged in 29849
business with an Iranian organization labeled as a terrorist 29850
organization by the United States government. 29851
29852

(ii) Any company that takes substantial action specific to 29853
Iran shall not meet the criteria to be deemed a company involved 29854
in scrutinized business operations. 29855

(20) "Social development company" means a company whose 29856
primary purpose in Sudan is to provide only the following 29857
humanitarian goods or services to the people of Sudan: 29858

(a) Medicine or medical equipment; 29859

(b) Agricultural supplies or infrastructure; 29860

(c) Educational opportunities; 29861

(d) Journalistic activities; 29862

(e) Information or information materials; 29863

(f) Spiritual-related activities; 29864

(g) Services of a purely clerical or reporting nature; 29865

(h) Food, clothing, or general consumer goods that are 29866
unrelated to oil-related activities, mineral extraction 29867
activities, or power production activities. 29868

(21) "Substantial action specific to Iran" means adopting, 29869
publicizing, and implementing a formal plan to cease scrutinized 29870
business operations within one year and to refrain from any such 29871
new business operations. 29872

(22) "Substantial action specific to Sudan" means adopting, 29873
publicizing, and implementing a formal plan to cease scrutinized 29874
business operations within one year and to refrain from any such 29875

new business operations; undertaking humanitarian efforts in 29876
conjunction with an international organization, the government of 29877
Sudan, the regional government of southern Sudan, or a nonprofit 29878
entity evaluated and certified by an independent third party to be 29879
substantially in a relationship to the company's Sudan business 29880
operations and of benefit to one or more marginalized populations 29881
of Sudan; or, through engagement with the government of Sudan, 29882
materially improving conditions for the genocidally victimized 29883
population in Darfur. 29884

(23) "Sudan" means the Republic of the Sudan. 29885

(B)(1) Within ninety days after the effective date of this 29886
section, the Ohio Police and Fire Pension Fund shall make its best 29887
efforts to identify all publicly traded companies involved in 29888
scrutinized business operations in which the Fund has direct or 29889
indirect holdings or could possibly have such holdings in the 29890
future. The efforts shall include: 29891

(a) Reviewing and relying, as appropriate in the Fund's 29892
judgment, on publicly available information regarding companies 29893
having business operations in Iran or Sudan, including information 29894
provided by nonprofit organizations, research firms, international 29895
organizations, and government entities; 29896

(b) Contacting asset managers contracted by the Fund that 29897
invest in companies having business operations in Iran or Sudan; 29898

(c) Contacting other institutional investors that have 29899
divested from or engaged with companies that have business 29900
operations in Iran or Sudan; 29901

(d) Reviewing the laws of the United States regarding the 29902
levels of business activity that would cause application of 29903
sanctions for companies conducting business or investing in 29904
countries that are designated state sponsors of terror. 29905

(2) Within ninety days after the effective date of this 29906

section, the Fund shall create a "scrutinized companies with 29907
activities in Sudan list" and a "scrutinized companies with 29908
activities in Iran list," consisting of all publicly traded 29909
companies identified in division (B)(1) of this section, shall 29910
make the lists publicly available, and shall update the lists 29911
annually. 29912

(3) Notwithstanding the provisions of this chapter, a 29913
social-development company that is not complicit in the Darfur 29914
genocide is not considered a scrutinized company. 29915

(4) The Fund shall engage the companies on the scrutinized 29916
companies with activities in Sudan list and the scrutinized 29917
companies with activities in Iran list, in which the Fund owns 29918
direct or indirect holdings, according to the following: 29919

(a) For each company identified in this paragraph that has 29920
only inactive business operations, the Fund shall send a written 29921
notice informing the company of the requirements of this chapter 29922
and encouraging it to continue to refrain from initiating active 29923
business operations in Iran or Sudan until it is able to avoid 29924
scrutinized business operations. The Fund shall continue such 29925
correspondence semiannually. 29926

(b) For each company newly identified under this section that 29927
has active business operations, the Fund shall send a written 29928
notice informing the company of its scrutinized company status and 29929
that it may become subject to divestment by the Fund. The notice 29930
shall inform the company of the opportunity to clarify its 29931
Iran-related or Sudan-related activities and encourage the 29932
company, within ninety days, to cease its scrutinized business 29933
operations or convert such operations to inactive business 29934
operations in order to avoid qualifying for divestment by the 29935
Fund. 29936

(c) If, within ninety days after the Fund creates the lists 29937

pursuant to division (B)(2) of this section, a company on either 29938
list ceases scrutinized business operations, the Fund shall remove 29939
the company from the scrutinized companies with activities in 29940
Sudan list and the scrutinized companies with activities in Iran 29941
list, and the provisions of this chapter shall cease to apply to 29942
that company unless that company resumes scrutinized business 29943
operations. If, within ninety days after the Fund creates the 29944
list, the company converts its scrutinized active business 29945
operations to inactive business operations, the company is subject 29946
to all provisions of this chapter relating to inactive business 29947
operations. A company may be on both the scrutinized companies 29948
with activities in Sudan list and the scrutinized companies with 29949
activities in Iran list. A company may be removed from one list 29950
but remain on the other list, in which case the company is subject 29951
to the provisions of this chapter applicable to the list on which 29952
the company remains. 29953

(d) The Fund shall submit letters to the managers of actively 29954
managed investment funds containing indirect holdings in companies 29955
identified in division (B)(1) of this section that have 29956
scrutinized active business operations requesting that they 29957
consider removing such companies from the Fund or create a similar 29958
actively managed fund having indirect holdings devoid of such 29959
companies. 29960

(C) The Ohio Police and Fire Pension Fund Board shall adopt a 29961
policy to address divestiture of holdings in companies identified 29962
and engaged pursuant to division (B) of this section. The goal of 29963
the policy shall be to achieve complete divestiture from such 29964
holdings when divestiture would be prudent and consistent with the 29965
Board's fiduciary duty. The policy shall be developed within 29966
thirty days after the effective date of this section. 29967

(D)(1) The Ohio Police and Fire Pension Fund shall file a 29968
report with the President of the Senate, the Speaker of the House 29969

of Representatives, the Minority Leader of the Senate, the 29970
Minority Leader of the House of Representatives, and the Ohio 29971
Retirement Study Council that includes the scrutinized companies 29972
with activities in Sudan list and the scrutinized companies with 29973
activities in Iran list within thirty days after the list is 29974
created and within thirty days after the list is updated. The Fund 29975
shall make the report available to the public. 29976

(2) The Fund shall file a report annually, which shall be 29977
made available to the public, to the President of the Senate, the 29978
Speaker of the House of Representatives, the Minority Leader of 29979
the Senate, the Minority Leader of the House of Representatives, 29980
the Ohio Retirement Study Council, and the Workers Compensation 29981
Council, and send a copy of that report to the United States 29982
Presidential Special Envoy to Sudan and the United States 29983
Presidential Special Envoy to Iran, or an appropriate designee or 29984
successor, which includes: 29985

(a) A summary of correspondence with companies engaged by the 29986
Fund pursuant to this section; 29987

(b) All investments sold, redeemed, divested, or withdrawn 29988
pursuant to this section; 29989

(c) Any progress made under division (B)(4)(d) of this 29990
section; 29991

(d) A list of all publicly traded securities held directly by 29992
the Fund. 29993

(E) If any of the following occur, the Ohio Police and Fire 29994
Pension Fund shall no longer assemble the scrutinized companies 29995
with activities in Sudan list, shall cease engagement and 29996
divestment of such companies, and may reinvest in such companies 29997
as long as such companies do not satisfy the criteria for 29998
inclusion in the scrutinized companies with activities in Iran 29999
list: 30000

(1) Congress or the President of the United States determines that the government of Sudan has sufficiently halted the genocide in the Darfur region for at least twelve months.	30001 30002 30003
(2) The federal government revokes all sanctions imposed against the government of Sudan.	30004 30005
(3) Congress or the President of the United States, through legislation or executive order, declares that mandatory divestment of the type provided for in this chapter interferes with the conduct of United States foreign policy.	30006 30007 30008 30009
(4) Congress or the President of the United States declares that the government of Sudan has honored its commitments to cease attacks on civilians, demobilize and demilitarize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance, and allow for the safe and voluntary return of refugees and internally displaced persons.	30010 30011 30012 30013 30014 30015
(F) If any of the following occur, the Fund shall no longer assemble the scrutinized companies with activities in Iran list and shall cease engagement, investment prohibitions, and divestment. The Fund may reinvest in such companies as long as such companies do not satisfy the criteria for inclusion in the scrutinized companies with activities in Sudan list:	30016 30017 30018 30019 30020 30021
(1) Congress or the President of the United States determines that the government of Iran has ceased to acquire weapons of mass destruction and support international terrorism.	30022 30023 30024
(2) The federal government revokes all sanctions imposed against the government of Iran.	30025 30026
(3) Congress or the President of the United States declares that mandatory divestment of the type provided for in this act interferes with the conduct of United States foreign policy.	30027 30028 30029
(G) The Ohio Police and Fire Pension Fund is not liable for	30030

breach of the Fund's fiduciary duty if the Fund complies in good 30031
faith with the requirements of this section. If the Fund made 30032
determinations in good faith regarding the status of a company as 30033
required under this section, the members are not liable in an 30034
action for libel or slander. All former, present, or future 30035
members of the Ohio Police and Fire Pension Fund Board of Trustees 30036
and all officers, employees, and agents of the Fund shall be 30037
indemnified, whether jointly or severally, for all claims, 30038
demands, suits, actions, damages, judgments, costs, charges, and 30039
expenses, including court costs and attorney's fees, and against 30040
all liability, losses, and damages of any nature that such board 30041
members, officers, employees, or agents may incur by reason of any 30042
decision to restrict, reduce, or eliminate investments in 30043
companies doing business in Iran or Sudan. A Board member, 30044
officer, employee, or agent of the Fund shall be indemnified 30045
through the Fund. In any action pursuant to this chapter, the 30046
Board has any rights granted in section 109.98 of the Revised 30047
Code. 30048

Section 711.10. (A) As used in this section, "Community 30049
development bank" has the meaning as set forth in the "Federal 30050
Deposit Insurance Corporation Improvement Act of 1991," 105 Stat. 30051
2317, 12 U.S.C. 1834b(e)(1). 30052

(B) Notwithstanding any contrary provision of section 135.33 30053
of the Revised Code, a community development bank, pursuant to 30054
that section, may apply to, and be designated by, a county as a 30055
depository of active moneys during the county's period of 30056
designation in effect on the effective date of this section if all 30057
of the following apply: 30058

(1) The bank is located in a county with a population of over 30059
one million three hundred thousand people based on the most recent 30060
decennial census figures from the United States Department of 30061

Commerce, Division of Census;	30062
(2) The bank has previously served the county described in division (B)(1) of this section as a depository;	30063 30064
(3) The bank applies to the county described in division (B)(1) of this section to be a depository; and	30065 30066
(4) The bank is an eligible institution under section 135.32 of the Revised Code.	30067 30068
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.	30069 30070 30071 30072 30073
Section 715.20. The General Assembly hereby declares that a loan that is currently outstanding and that was granted prior to 1995 by the Ohio Water Development Authority to a regional water and sewer district concerning which the district originally owed less than \$5,000 is hereby void and shall not be collected by the Authority.	30074 30075 30076 30077 30078 30079
Section 715.30. (A) There is hereby created the State Park and Recreational Area Study Committee consisting of the following members:	30080 30081 30082
(1) The Director of Natural Resources or the Director's designee;	30083 30084
(2) Two members representing the public appointed by the Governor who have general knowledge of the operation of a park or recreational area;	30085 30086 30087
(3) Three members appointed by the Speaker of the House of Representatives who may be members of the House of Representatives	30088 30089

or individuals representing the public. A member representing the public shall have general knowledge of the operation of a park or recreational area.

(4) Three members appointed by the President of the Senate who may be members of the Senate or individuals representing the public. A member representing the public shall have general knowledge of the operation of a park or recreational area.

(B) All appointments to the Committee shall be made not later than thirty days after the effective date of this section. The Director of Natural Resources shall serve as the chairperson of the Committee.

(C) Members of the Committee shall serve without compensation and shall not be reimbursed for expenses.

(D) The Department of Natural Resources shall provide administrative support if requested by the Committee.

(E) The Committee shall study and assess the current and future operating budgets of the state parks and of recreational areas under the control of the Department of Natural Resources and the condition of the current infrastructure and future needs of the state parks and those recreational areas.

(F) Not later than December 31, 2008, the Committee shall submit a report of its findings to the Governor, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate. Upon the submission of the report, the Committee shall cease to exist.

Section 715.40. It is the intent of the General Assembly that the authorization of a transfer of a portion of the interest money in the Coal-Workers Pneumoconiosis Fund created in section 4131.03 of the Revised Code, by the amendment of that section by this act,

to the Mine Safety Fund created in section 1561.24 of the Revised Code, as enacted by this act, is not to be a long-term funding source for the Mine Safety Fund. In addition, the General Assembly's authorization of such a transfer by this act does not establish a precedent for the transfer of money from other Bureau of Workers' Compensation funds to other funds. Finally, the Department of Natural Resources shall examine sources other than the Coal-Workers Pneumoconiosis Fund to provide money for the Mine Safety Fund and report its findings to the Bureau of Workers' Compensation Board of Directors immediately prior to the five-year review of the rules adopted under division (B)(2) of section 4131.03 of the Revised Code, as amended by this act.

Section 733.10. (A) As used in this section:

(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 Revised Code for fiscal year 2007 and for fiscal year 2008 erroneously included at least ten million dollars in assessed value of tax-exempt public utility property.

(2) "Tax-exempt public utility property" means real or tangible personal property used in the provision of a public utility service that was exempted from taxation for tax years 2005 and 2006 under section 5709.62 or 5709.63 of the Revised Code.

(3) "State education aid" has the same meaning as in section 5751.20 of the Revised Code, except that for fiscal year 2007, state education aid includes both of the following:

(a) The transportation payment calculated under Section 206.09.21 of Am. Sub. H.B. 66 of the 126th General Assembly, as amended, instead of division (D) of section 3317.022 of the Revised Code;

(b) Transitional aid calculated under Section 206.09.39 of 30151
that act, as amended. 30152

(4) "2005 valuation adjustment" means the assessed value of 30153
tax-exempt public utility property that was included in the 30154
certification made under division (A) of section 3317.021 of the 30155
Revised Code for fiscal year 2007. 30156

(5) "2006 valuation adjustment" means the assessed value of 30157
tax-exempt public utility property that was included in the 30158
certification made under division (A) of section 3317.021 of the 30159
Revised Code for fiscal year 2008. 30160

(B)(1) The Department of Education shall recompute an 30161
eligible school district's state education aid for fiscal year 30162
2007 by reducing the total taxable value certified for the 30163
district under division (A) of section 3317.021 of the Revised 30164
Code for that fiscal year by an amount equal to the 2005 valuation 30165
adjustment, and pay the district the increase in state education 30166
aid resulting from the recomputation. Each component of state 30167
education aid affected by the valuation adjustment shall be 30168
recomputed. Within forty-five days after the effective date of 30169
this section, the payment shall be made from money appropriated 30170
for fiscal year 2008 under the appropriation line items 30171
corresponding with the components of state education aid required 30172
to be recomputed under this division. 30173

(2) The Department of Education shall recompute an eligible 30174
school district's state education aid for fiscal year 2008 by 30175
reducing the total taxable value certified for the district under 30176
division (A) of section 3317.021 of the Revised Code for that 30177
fiscal year by an amount equal to the 2006 valuation adjustment, 30178
and pay the district the increase in state education aid resulting 30179
from the recomputation. Each component of state education aid 30180
affected by the valuation adjustment shall be recomputed. The 30181
payment shall be made from money appropriated for fiscal year 2008 30182

under the appropriation line items corresponding with the 30183
components of state education aid required to be recomputed under 30184
this division. The amount of the payment shall be divided in equal 30185
amounts among the remaining payments of state education aid 30186
required to be made during fiscal year 2008 that have not been 30187
paid before the effective date of this section, and paid at the 30188
same time as those payments. 30189

(3) The recomputed total taxable value and state education 30190
aid recomputed under divisions (B)(1) and (2) of this section 30191
shall be regarded as the district's total taxable value and state 30192
education aid for fiscal year 2007 and 2008, respectively, for all 30193
purposes of Chapter 3317. of the Revised Code; Am. Sub. H.B. 66 of 30194
the 126th General Assembly, including the computation of 30195
transitional aid under Section 206.09.39 of that act, as amended; 30196
and Am. Sub. H.B. 119 of the 127th General Assembly, including 30197
under Section 269.30.80 of that act. 30198

(4) Any amounts payable under division (B)(1) or (2) of this 30199
section shall be reduced by any amount paid under section 3317.026 30200
of the Revised Code if the amount paid under that section was paid 30201
on account of refunded taxes charged against tax-exempt public 30202
utility property for tax year 2005 or 2006 and for which 30203
recomputation is made under division (B) of this section. 30204

(C) The Department of Education shall recompute an eligible 30205
school district's adjusted valuation per pupil and average taxable 30206
value for the purposes of ranking the district under section 30207
3318.011 of the Revised Code, and determining the district's 30208
portion of the basic project cost under section 3318.032 of the 30209
Revised Code, for any such computation that includes the taxable 30210
values certified for the district for tax year 2005 or 2006 under 30211
division (A) of section 3317.021 of the Revised Code. For 30212
computations of valuation per pupil or average taxable value that 30213
include the taxable value certified for tax year 2005, the 30214

recomputation shall incorporate the taxable values so certified 30215
reduced by the 2005 valuation adjustment. For computations of 30216
valuation per pupil or average taxable value that include the 30217
taxable value certified for tax year 2006, the recomputation shall 30218
incorporate the taxable values so certified reduced by the 2006 30219
valuation adjustment. Within forty-five days after the effective 30220
date of this act, the Department shall adjust the percentile 30221
ranking of the district and perform the Department's other duties 30222
under section 3318.011 of the Revised Code to reflect the 30223
recomputations, and shall certify the recomputations and other 30224
information required by that section to the Ohio School Facilities 30225
Commission. The Commission shall adjust the portion of basic 30226
project cost to be supplied by the district on the basis of the 30227
department's certification. 30228

Section 733.13. (A) As used in this section, "equity list" 30229
means the school district percentile rankings calculated under 30230
section 3318.011 of the Revised Code. 30231

(B) Not later than thirty days after the effective date of 30232
this section, the Department of Education shall create an 30233
alternate equity list for fiscal year 2008 by recalculating each 30234
school district's percentile ranking under section 3318.011 of the 30235
Revised Code and shall certify the alternate equity list to the 30236
Ohio School Facilities Commission. For this purpose, the 30237
Department shall recalculate every school district's percentile 30238
ranking using the district's "valuation per pupil" as that term is 30239
defined in the version of section 3318.011 of the Revised Code in 30240
effect on and after September 29, 2007. When recalculating the 30241
percentile rankings, the Department shall use the same values for 30242
"average taxable value," "formula ADM," and "income factor," as 30243
those terms are defined in section 3318.011 of the Revised Code, 30244
that it used in calculating the original equity list for fiscal 30245
year 2008 certified to the Commission on September 5, 2007, and 30246

shall not use any updated values for those variables. 30247

(C) The Commission shall use the alternate equity list 30248
certified under division (B) of this section to determine the 30249
priority for assistance under sections 3318.01 to 3318.20 of the 30250
Revised Code in fiscal year 2009 for each school district that has 30251
not previously been offered funding under those sections. The 30252
alternate equity list shall not affect any school district's 30253
eligibility for the Exceptional Needs School Facilities Assistance 30254
Program under section 3318.37 of the Revised Code. 30255

(D) Notwithstanding any provision of Chapter 3318. of the 30256
Revised Code to the contrary, for each school district that 30257
receives the Commission's conditional approval of the district's 30258
project under sections 3318.01 to 3318.20 or section 3318.37 of 30259
the Revised Code in fiscal year 2009, the district's portion of 30260
the basic project cost shall be the lesser of the following: 30261

(1) The amount required under section 3318.032 of the Revised 30262
Code calculated using the percentile in which the district ranks 30263
on the alternate equity list certified under division (B) of this 30264
section; 30265

(2) The amount required under section 3318.032 of the Revised 30266
Code calculated using the percentile in which the district ranks 30267
on the original equity list for fiscal year 2008. 30268

Section 733.14. (A) As used in this section: 30269

(1) "Alternative equity list" means a rank order of all city, 30270
exempted village, and local school districts into percentiles 30271
according to the one-year adjusted valuation per pupil of each 30272
district from lowest to higher adjusted valuation per pupil, 30273
computed as follows: 30274

(The district's total taxable value for tax year 2006 / the 30275
district's formula ADM for fiscal year 2007) - [\$30,000 x (1 -the 30276

district's income factor for fiscal year 2007)] 30277

(2) "Original equity list" means the school district 30278
percentile ranking according to the three-year average adjusted 30279
valuation per pupil of all city, exempted village, and local 30280
school districts calculated under section 3318.011 of the Revised 30281
Code and certified to the Ohio School Facilities Commission on 30282
September 5, 2007. 30283

(3) "Project" has the same meaning as in section 3318.01 of 30284
the Revised Code. 30285

(4) "School district's portion of the basic project cost" 30286
means the portion of the basic project cost computed under section 30287
3318.032 of the Revised Code. 30288

(5) "Total taxable value," "formula ADM," and "income factor" 30289
have the same meanings as in section 3317.02 of the Revised Code. 30290

(B) Not later than thirty days after the effective date of 30291
this section, the Department of Education shall create the 30292
alternative equity list defined in this section and shall certify 30293
that list to the Ohio School Facilities Commission for its use in 30294
determining funding of school district projects for fiscal year 30295
2009, in the manner prescribed in division (C) of this section. 30296

(C) Notwithstanding any provision to the contrary in Chapter 30297
3318. of the Revised Code, for fiscal year 2009 only, in the case 30298
of any school district that has not received funding under 30299
sections 3318.01 to 3318.20 of the Revised Code in any fiscal year 30300
prior to fiscal year 2009 and for which the district's rank on the 30301
alternative equity list is at least fifteen percentiles lower than 30302
the district's rank on the original equity list: 30303

(1) The Commission shall use the district's percentile on the 30304
alternative equity list to determine the district's priority for 30305
assistance and the school district's portion of the basic project 30306
cost for a project under sections 3318.01 to 3318.20 of the 30307

Revised Code, rather than the district's percentile on the 30308
original equity list as otherwise provided under those sections; 30309

(2) The Commission shall use the district's percentile on the 30310
alternative equity list to determine the school district's portion 30311
of the basic project cost for a project under section 3318.37 of 30312
the Revised Code, rather than the district's percentile on the 30313
original equity list as otherwise provided under that section. The 30314
alternative equity list shall not affect any school district's 30315
eligibility and priority for assistance under that section. 30316

The Commission shall not use the alternative equity list to 30317
determine the priority for funding or a school district's portion 30318
of the basic project cost for any other school district or for any 30319
other program administered by the Commission. 30320

(D) If a school district is offered funding under sections 30321
3318.01 to 3318.20 or section 3318.37 of the Revised Code for 30322
fiscal year 2009 based on this section, the district's project 30323
shall proceed as specified in those sections, except as otherwise 30324
provided in this section. 30325

Section 733.15. Notwithstanding division (B) of section 30326
3318.40 of the Revised Code, the Ohio School Facilities Commission 30327
may set aside up to three per cent of the aggregate amount 30328
appropriated to it in fiscal year 2008 for classroom facilities 30329
assistance projects in the Education Facilities Trust Fund 30330
established under section 183.26 of the Revised Code, the Public 30331
School Building Fund established under section 3318.15 of the 30332
Revised Code, and the School Building Program Assistance Fund 30333
established under section 3318.25 of the Revised Code to provide 30334
assistance to joint vocational school districts for the 30335
acquisition of classroom facilities in accordance with sections 30336
3318.40 to 3318.45 of the Revised Code. 30337

Section 733.20. Notwithstanding any provision to the contrary 30338
in Chapter 3314. of the Revised Code, with respect to the 30339
calculation of full-time equivalency under division (L)(3) of 30340
section 3314.08 of the Revised Code, the Superintendent of Public 30341
Instruction shall waive the number of hours or days of learning 30342
opportunities not offered to a student because a community school 30343
was closed during the 2007-2008 school year due to disease 30344
epidemic, hazardous weather conditions, inoperability of school 30345
buses or other equipment necessary to the school's operation, 30346
damage to a school building, or other temporary circumstances due 30347
to utility failure rendering the school building unfit for school 30348
use, so long as the school was actually open for instruction with 30349
pupils in attendance during that school year for not less than 30350
nine hundred twenty hours. For purposes of determining funding for 30351
the community school under Chapter 3314. of the Revised Code for 30352
the 2007-2008 school year, the Department of Education shall treat 30353
the school as if it were open for instruction with pupils in 30354
attendance during the hours or days waived under this section. 30355

Section 733.21. (A) Notwithstanding sections 3313.48, 30356
3313.481, and 3317.01 of the Revised Code, no school district to 30357
which the following conditions apply shall be required to make up 30358
any days or hours a school was closed during the 2007-2008 school 30359
year due to flooding from a burst water pipe: 30360

(1) The flooding caused the school to be closed for only one 30361
day in excess of the number permitted by sections 3313.48, 30362
3313.481, and 3317.01 of the Revised Code and the other schools of 30363
the district were not closed for any days in excess of the number 30364
permitted by those sections. 30365

(2) The length of the school day for the school closed due to 30366
flooding exceeds the minimum number of hours required by the State 30367
Board of Education under section 3313.48 of the Revised Code by at 30368

least one-half hour. 30369

(B) A school district described in division (A) of this 30370
section shall not be considered to have failed to comply with 30371
division (B) of section 3317.01 of the Revised Code during the 30372
2007-2008 school year for purposes of receiving state payments 30373
under Chapter 3317. of the Revised Code in fiscal year 2009. 30374

Section 733.30. (A)(1) The clearinghouse of distance learning 30375
courses established under former sections 3353.20 to 3353.30 of 30376
the Revised Code is hereby moved from the eTech Ohio Commission to 30377
the Chancellor of the Ohio Board of Regents. On and after the 30378
effective date of this section, that clearinghouse shall be 30379
administered by the Chancellor in the manner prescribed by 30380
sections 3353.20 (3333.81), 3353.21 (3333.82), 3353.22 (3333.83), 30381
3353.26 (3333.85), 3353.27 (3333.86), 3353.28 (3333.87), and 30382
3353.29 (3333.88) of the Revised Code, as amended and renumbered 30383
by this act, new section numbers indicated in parentheses, and 30384
section 3333.84 of the Revised Code as enacted by this act. 30385

(2) The Chancellor is thereupon and thereafter successor to 30386
and assumes the obligations of the Commission as they relate to 30387
the distance learning clearinghouse. 30388

(3) Any business commenced but not completed by the 30389
Commission related to the distance learning clearinghouse shall be 30390
completed by the Chancellor in the same manner, and with the same 30391
effect, as if completed by the Commission. No validation, cure, 30392
right, privilege, remedy, obligation, or liability is lost or 30393
impaired by reason of moving the clearinghouse from the Commission 30394
to the Chancellor. 30395

(4) All of the rules of the Commission related to the 30396
distance learning clearinghouse continue in effect as rules of the 30397
Chancellor, until amended or rescinded by the Chancellor. 30398

(B) No judicial or administrative action or proceeding 30399
related to the distance learning clearinghouse, in which the 30400
Commission is a party, that is pending on the effective date of 30401
this section is affected by reason of moving the clearinghouse 30402
from the Commission to the Chancellor. Such action or proceeding 30403
shall be prosecuted or defended in the name of the Chancellor. On 30404
application to the court or other tribunal, the Chancellor of the 30405
Ohio Board of Regents shall be substituted for the eTech Ohio 30406
Commission as a party to such action or proceeding. 30407

(C) On the effective date of this section, all books, 30408
records, documents, files, transcripts, equipment, furniture, 30409
supplies, and other materials related to the distance learning 30410
clearinghouse assigned to or in the possession of the Commission 30411
shall be transferred to the Chancellor. 30412

Section 737.10. HOME MEDICAL EQUIPMENT SERVICE PROVIDERS 30413

If a provider of home medical equipment services holds a 30414
license or certificate of registration scheduled to expire in an 30415
odd-numbered year pursuant to sections 4752.05 and 4752.12 of the 30416
Revised Code, as those sections existed prior to being amended by 30417
this act, the next renewal of the license or certificate that 30418
occurs after the effective date of this section shall be processed 30419
by the Ohio Respiratory Care Board in accordance with the 30420
even-numbered year licensing and registration periods specified in 30421
sections 4752.05 and 4752.12 of the Revised Code, as amended by 30422
this act. The Board shall provide for a proportionate reduction in 30423
the renewal fee that otherwise would apply for renewing the 30424
license or certificate. 30425

Section 751.10. ICF/MR CONVERSION 30426

(A) As used in this section, "home and community-based 30427
services" has the same meaning as in section 5123.01 of the 30428

Revised Code. 30429

(B) For each quarter of fiscal year 2009, the Director of 30430
Mental Retardation and Developmental Disabilities shall certify to 30431
the Director of Budget and Management the estimated amount to be 30432
transferred from the Department of Job and Family Services to the 30433
Department of Mental Retardation and Developmental Disabilities 30434
for the provision of home and community-based services made 30435
available by the slots sought under section 5111.877 of the 30436
Revised Code. On receipt of the certification from the Director of 30437
Mental Retardation and Developmental Disabilities, the Director of 30438
Budget and Management may do one or more of the following: 30439

(1) Reduce GRF appropriation item 600-525, Health 30441
Care/Medicaid, in the Department of Job and Family Services, by 30442
the estimated amount for providing the home and community-based 30443
services and increase GRF appropriation item 322-416, Medicaid 30444
Waiver - State Match, in the Department of Mental Retardation and 30445
Developmental Disabilities, by the state share of the estimated 30446
amount for the provision of the home and community-based services; 30447

(2) Increase appropriation item 322-639, Medicaid Waiver - 30449
Federal, in the Department of Mental Retardation and Developmental 30450
Disabilities, by the federal share amount of the estimated amount 30451
for the provision of the home and community-based services; 30452

(3) Increase appropriation item 600-655, Interagency 30453
Reimbursement, in the Department of Job and Family Services, by 30454
the federal share of the estimated amount for the provision of the 30455
home and community-based services. 30456

Section 751.20. MONEY FOLLOWS THE PERSON ENHANCED 30457
REIMBURSEMENT FUND 30458

The Money Follows the Person Enhanced Reimbursement Fund is hereby created in the state treasury. The federal payments made to the state under subsection (e) of section 6071 of the "Deficit Reduction Act of 2005," Pub. L. No. 109-171, shall be deposited into the Fund. The Department of Job and Family Services shall use money deposited into the Fund for system reform activities related to the Money Follows the Person demonstration project.

Section 751.30. MORATORIUM ON CLOSURE OF STATE MENTAL HEALTH FACILITIES

(A) As used in this section, "state mental health facility" means an institution for the care and treatment of individuals with mental illness that is maintained, operated, managed, and governed by the Department of Mental Health pursuant to Chapter 5119. of the Revised Code.

(B) Until six months after the effective date of this section, neither the Governor nor the Department of Mental Health shall close a state mental health facility, notwithstanding the provisions of Chapter 5119. of the Revised Code or any other provision of the Revised Code under which the Department has jurisdiction over state mental health facilities.

Section 757.10. The purpose of the amendment by this act of section 5709.121 of the Revised Code is to clarify the intent of the General Assembly that institutions of the kind described in the amendment are charitable institutions for the purposes of that section as it existed before the effective date of the amendment. Therefore, the amendment applies to any application for exemption, or the property that is the subject of such application, pending before the Tax Commissioner on the effective date of this act or filed thereafter.

Section 803.03. Notwithstanding division (E)(3) of section

5721.37 of the Revised Code, the holder of a certificate for which 30489
a notice of intent to foreclose has been filed with the county 30490
treasurer before the effective date of this section shall have 30491
ninety days from the effective date of this section to file 30492
foreclosure proceedings in a court of competent jurisdiction. 30493

Section 803.06. The amendment by this act of section 5739.02 30494
of the Revised Code, adding divisions (B)(49) and (50), applies to 30495
sales described in those divisions on or after August 1, 2008. 30496
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Section 803.10. That the amendment of section 5747.01 of the 30498
Revised Code by this act applies to taxable years beginning on or 30499
after January 1, 2008. 30500

Section 803.20. The amendment by this act to section 6117.012 30501
of the Revised Code applies to any proceedings, covenant, 30502
stipulation, obligation, resolution, trust agreement, indenture, 30503
loan agreement, lease agreement, agreement, act, or action, or 30504
part of it, pending on the effective date of this act. 30505

Section 803.30. Sections 4117.01 and 4117.09 of the Revised 30506
Code, as amended by this act, apply only to collective bargaining 30507
agreements and extensions and renewals of those agreements entered 30508
into on or after the effective date of those sections as amended 30509
by this act. 30510

Section 803.31. Sections 4117.14 and 4117.15 of the Revised 30511
Code, as amended by this act, apply only to collective bargaining 30512
agreements and extensions and renewals of those agreements entered 30513
into on or after the effective date of those sections as amended 30514
by this act. 30515

Section 803.40. Sections 4123.26, 4123.32, 4123.37, and 30516
4123.54 of the Revised Code, as amended by this act, apply to all 30517
claims pursuant to Chapters 4121., 4123., and 4131. of the Revised 30518
Code arising on and after the effective date of those sections as 30519
amended by this act. 30520

Section 803.50. BOARDS OF ALCOHOL, DRUG ADDICTION, AND MENTAL 30521
HEALTH SERVICES 30522

The amendments made by this act to section 340.02 of the 30523
Revised Code specifying the areas of interest to be reflected in 30524
the composition of a board of alcohol, drug addiction, and mental 30525
health service do not affect the terms of the members holding 30526
office on the effective date of this section. 30527

Section 806.10. The items of law contained in this act, and 30528
their applications, are severable. If any item of law contained in 30529
this act, or if any application of any item of law contained in 30530
this act, is held invalid, the invalidity does not affect other 30531
items of law contained in this act and their applications that can 30532
be given effect without the invalid item or application. 30533

Section 812.10. Except as otherwise provided in this act, the 30534
amendment, enactment, or repeal by this act of a section is 30535
subject to the referendum under Ohio Constitution, Article II, 30536
Section 1c and section 1.471 of the Revised Code. Such an 30537
amendment, enactment, or repeal takes effect on the date specified 30538
below for the amendment, enactment or repeal or, if a date is not 30539
specified below for the amendment, enactment or repeal, on the 30540
ninety-first day after this act is filed with the Secretary of 30541
State. 30542

Sections 9.835, 109.71, 113.061, 120.08, 122.171, 124.821, 30543
125.021, 125.04, 125.09, 125.18, 125.25, 133.08, 133.52, 135.101, 30544

135.102, 135.103, 135.104, 135.105, 135.106, 135.61, 135.63, 30545
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6117.06, 6117.25, 6117.251, 6117.28, 6117.30, 6117.34, 6117.38, 30575
6117.41, 6117.42, 6117.43, 6117.44, 6117.45, 6117.49, 6121.045, 30576
and 6123.042 of the Revised Code. New sections 3323.31 and 3323.32 30577

of the Revised Code that replace sections bearing the same numbers 30578
that have been renumbered. 30579

Section 5 of Am. Sub. H.B. 24 of the 127th General Assembly, 30580
Section 203.10 of Am. Sub. H.B. 67 of the 127th General Assembly, 30581
and Sections 103.80.50, 201.30, 201.50, 301.20.20, 301.20.80, 30582
401.11, and 401.71 of H.B. 496 of the 127th General Assembly, all 30583
as amended by this act. 30584

All sections of this act prefixed with a section number in 30585
the 200s. 30586

Sections 620.20, 701.10, 701.20, 705.10, 711.10, 715.10, 30587
715.30, 715.40, 733.30, 737.10, 757.10, 803.03, 803.10, 803.20, 30588
803.30, 803.31, 803.40, 803.50, 812.10, and 815.10 of this act. 30589

Section 812.20. The amendment, enactment, or repeal by this 30590
act of the following sections is exempt from the referendum under 30591
Ohio Constitution, Article II, Section 1d and section 1.471 of the 30592
Revised Code and takes effect on the date specified below for the 30593
amendment, enactment or repeal or, if a date is not specified 30594
below for the amendment, enactment or repeal, immediately when 30595
this act becomes law. 30596

Sections 105.41, 113.40, 117.13, 117.38, 124.152, 149.30, 30597
353.01, 353.02, 353.03, 353.04, 353.05, 353.06, 353.061, 353.062, 30598
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5111.8810, 5111.8811, 5111.8812, 5111.8813, 5111.8814, 5111.8815, 30606
5111.8816, 5111.8817, 5112.311, 5123.196, 5703.82, 5727.85, 30607
5739.21, 5745.05, 5751.20, and 5751.21 of the Revised Code. 30608

The enactment of sections 3323.36 and 5112.371 of the Revised Code takes effect July 1, 2008. 30609
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The amendment of section 5112.37 of the Revised Code takes effect July 1, 2008. 30611
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Except as otherwise provided in this paragraph, the amendment of section 5112.31 of the Revised Code takes effect July 1, 2008. 30613
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The amendment striking ", except as adjusted under section 5112.311 of the Revised Code," takes effect immediately when this act becomes law. 30615
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The repeal of section 5739.213 of the Revised Code takes effect July 1, 2008. 30618
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Sections 203.50, 315.10, and 555.19 of Am. Sub. H.B. 67 of the 127th General Assembly, Sections 201.10 and 512.70 of Am. Sub. H.B. 100 of the 127th General Assembly, Sections 207.20.50, 207.20.70, 207.30.10, 207.30.20, 207.30.30, 235.10, 261.10, 263.10, 263.20.10, 263.30.10, 269.30.30, 269.30.70, 269.40.50, 269.50.30, 275.10, 293.10, 299.10, 309.10, 309.30.13, 309.30.30, 309.30.40, 309.30.41, 309.30.42, 309.40.33, 337.30, 337.30.43, 337.40, 337.40.15, 369.10, 375.10, 375.80.10, 379.10, 393.10, 405.10, 407.10, 512.03, 512.35, and 518.03 of Am. Sub. H.B. 119 of the 127th General Assembly, and Section 101.10 of H.B. 496 of the 127th General Assembly, all as amended by this act. 30620
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Sections 503.10, 503.20, 503.30, 515.10, 515.20, 515.21, 515.30, 515.40, 620.10, 703.10, 707.10, 715.20, 733.10, 733.13, 733.14, 733.15, 733.20, 733.21, 751.10, 751.20, 751.30, 812.20, and 812.40 of this act. 30631
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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 30635
30636
30637
30638

date specified below for the amendment, enactment, or repeal or, 30639
if a date is not specified below for the amendment, enactment, or 30640
repeal, immediately when this act becomes law. 30641

Sections 1346.03, 2921.13, 4301.432, 4301.441, 4301.47, 30642
4303.03, 4303.233, 4303.33, 4303.333, and 5739.02 of the Revised 30643
Code. 30644

Sections 4303.071 and 4303.232 of the Revised Code take 30645
effect July 1, 2008. 30646

Sections 803.06 and 812.30 of this act. 30647

Section 812.40. The amendment by this act of the sections of 30648
law that are listed in the left-hand column of the following table 30649
combine amendments that are and are not exempt from the referendum 30650
under Ohio Constitution, Article II, Sections 1c and 1d and 30651
section 1.471 of the Revised Code. 30652

The middle column identifies the amendments that are subject 30653
to the referendum under Ohio Constitution, Article II, Section 1c 30654
and section 1.471 of the Revised Code and take effect on the 30655
ninety-first day after this act is filed with the Secretary of 30656
State. 30657

The right-hand column identifies the amendments that are 30658
exempt from the referendum under Ohio Constitution, Article II, 30659
Section 1d and section 1.471 of the Revised Code and take effect 30660
immediately when this act becomes law. 30661

Section of law	Amendments subject to referendum	Amendments exempt from referendum	
5703.21	Division (C)(12)	Division (C)(11)	30662

Section 815.10. Section 109.71 of the Revised Code is 30664
presented in this act as a composite of the section as amended by 30665
both Sub. H.B. 347 and Sub. H.B. 454 of the 126th General 30666
Assembly. Section 2935.01 of the Revised Code is presented in this 30667

act as a composite of the section as amended by both Sub. H.B. 545 30668
and H.B. 675 of the 124th General Assembly. Section 4301.421 of 30669
the Revised Code is presented in this act as a composite of the 30670
section as amended by both Sub. H.B. 239 and Am. Sub. S.B. 188 of 30671
the 121st General Assembly. The General Assembly, applying the 30672
principle stated in division (B) of section 1.52 of the Revised 30673
Code that amendments are to be harmonized if reasonably capable of 30674
simultaneous operation, finds that the composite is the resulting 30675
version of the section in effect prior to the effective date of 30676
the section as presented in this act. 30677
30678